



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 155

**An Act to amend various legislative
provisions concerning municipal affairs
and the Société d'habitation du Québec**

Introduction

**Introduced by
Mr. Martin Coiteux
Minister of Municipal Affairs and Land Occupancy**

**Québec Official Publisher
2017**

EXPLANATORY NOTES

This bill makes various amendments concerning municipal affairs and the Société d'habitation du Québec.

As regards contracts, the bill provides that, on certain conditions, a municipality may enter into a contract by mutual agreement with a solidarity cooperative for the supply of computer services.

The bill amends provisions concerning municipal by-law adoption procedures and makes non-compliance with those procedures result in the nullity of the by-laws concerned.

As regards urbanism, the bill provides that by-law amendments aimed at allowing a cemetery, mausoleum or columbarium to be established do not require approval by way of referendum.

The bill makes the payment of severance allowances of elected municipal officers subject to the rules enacted in 2016 that concern transition allowances and that apply, in particular, to elected officers whose term ends because they resign or are absent for a prolonged period, because they are disqualified or ousted from office, or because of the nullity of their election. The bill also provides for the suspension of payment of severance and transition allowances until the outcome of judicial proceedings is known and the rights of appeal have expired, in cases where the person whose term ends is the subject of an application for his or her disqualification or of proceedings which could bring about his or her disqualification.

Under the bill, the codes of ethics that apply to municipal employees will be required to include, in the case of employees specified in the bill and those the municipal council may determine, post-term rules that currently apply to elected municipal officers.

The bill makes amendments to the Act respecting the Autorité régionale de transport métropolitain and the Act respecting the Réseau de transport métropolitain that concern the financial administration of those bodies and aim to ensure better consistency with municipal legislation.

The bill amends certain rules concerning the management of the Capitale-Nationale Region Fund.

The bill also amends rules on the composition of the boards of directors of housing bureaus, in particular by requiring such a board to consist of 15 persons, including at least two lessees and two representatives of socioeconomic groups representative of the region. It allows the Société d'habitation du Québec to set up programs aimed at improving the accessibility of various establishments for handicapped persons.

Lastly, the bill makes certain technical amendments.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting land use planning and development (chapter A-19.1);
- Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3);
- Charter of Ville de Longueuil (chapter C-11.3);
- Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);
- Charter of Ville de Québec, national capital of Québec (chapter C-11.5);
- Cities and Towns Act (chapter C-19);
- Municipal Code of Québec (chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);
- Municipal Powers Act (chapter C-47.1);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting the Ministère du Conseil exécutif (chapter M-30);

- Act respecting the Réseau de transport métropolitain (chapter R-25.01);
- Act respecting the Société d’habitation du Québec (chapter S-8);
- Act respecting the remuneration of elected municipal officers (chapter T-11.001).

Bill 155

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS AND THE SOCIÉTÉ D'HABITATION DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 123.1 of the Act respecting land use planning and development (chapter A-19.1) is amended by adding the following subparagraph at the end of the first paragraph:

“(3) a cemetery, mausoleum or columbarium.”

ACT RESPECTING THE AUTORITÉ RÉGIONALE DE TRANSPORT MÉTROPOLITAIN

2. Section 85 of the Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3) is amended by replacing the second paragraph by the following paragraph:

“However, the Authority may contract temporary loans without the authorizations required under the first paragraph.”

3. Section 89 of the Act is repealed.

4. Section 91 of the Act is replaced by the following section:

“**91.** The Authority may adopt by-laws relating to the administration of its finances.

However, to ensure the sound administration of those finances, it must adopt a budget control and monitoring by-law that provides in particular for a means to guarantee the availability of funds before any decision authorizing an expenditure is made; the means may vary depending on the authority authorizing the expenditures or on the type of expenditures proposed.”

5. The Act is amended by inserting the following section after section 91:

“91.1. A decision of the Authority authorizing an expenditure has no effect unless, in accordance with a by-law adopted under the second paragraph of section 91, funds are available for the purposes for which the expenditure is proposed.”

6. Section 99 of the Act is amended by replacing the second sentence of the first paragraph by the following sentence: “The auditor must send his or her report to the treasurer.”

7. Section 100 of the Act is replaced by the following section:

“100. The treasurer must, at a board meeting of the Authority, table the financial report, the auditor’s report sent under section 99 and any other document whose tabling is prescribed by the Minister of Municipal Affairs, Regions and Land Occupancy.”

8. The Act is amended by inserting the following sections after section 100:

“100.1. After the tabling referred to in section 100 and not later than 15 April, the Authority must send the financial report and the auditor’s report to the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy and the Communauté métropolitaine de Montréal.

The Authority must also send the documents and information referred to in the second paragraph of section 98 to the Minister of Municipal Affairs, Regions and Land Occupancy within the time the latter determines.

“100.2. If, after the sending referred to in section 100.1, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister of Municipal Affairs, Regions and Land Occupancy, the treasurer must make the correction as soon as possible. The treasurer must table any corrected report before the Authority’s board of directors and the Authority must send it to the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy and the Communauté métropolitaine de Montréal.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 98.”

9. Section 101 of the Act is amended by striking out subparagraph 5 of the second paragraph.

10. Section 101.1 of the Act, enacted by section 20 of chapter 13 of the statutes of 2017, is repealed.

CHARTER OF VILLE DE LONGUEUIL

11. Section 58.3.2 of the Charter of Ville de Longueuil (chapter C-11.3) is amended by inserting “or under a provision of this Charter referring to the provisions of that Act” after “under that Act” in the second paragraph.

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

12. Section 89.1.2 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended by inserting “or under a provision of this Charter referring to the provisions of that Act” after “under that Act” in the second paragraph.

13. Section 151.5 of Schedule C to the Charter, enacted by section 19 of chapter 16 of the statutes of 2017, is amended by replacing “comes into effect” in the fourth paragraph by “occurs”.

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

14. Section 74.5.2 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended by inserting “or under a provision of this Charter referring to the provisions of that Act” after “under that Act” in the second paragraph.

15. Section 63 of Schedule C to the Charter is repealed.

16. Section 84.3 of Schedule C to the Charter is amended by inserting “, which may be increased to take into account any reasonable incidental expenditures incurred by the city and made necessary because of an intervention carried out under the first paragraph,” after “The expense” in the second paragraph.

17. Section 105.1 of Schedule C to the Charter is amended by replacing “If a building’s dilapidated state is likely to endanger the health or safety of persons” in the first paragraph by “If a building is decrepit or dilapidated”.

CITIES AND TOWNS ACT

18. Section 28 of the Cities and Towns Act (chapter C-19) is amended by inserting “, despite the Municipal Aid Prohibition Act (chapter I-15),” after “A municipality may also” in the first paragraph of subsection 3.

19. Section 105.2.2 of the Act, enacted by section 48 of chapter 13 of the statutes of 2017, is amended by replacing “in” in the first paragraph by “not later than”.

20. Section 345.1 of the Act is amended by replacing “second” in the first paragraph by “third”.

21. Section 356 of the Act is replaced by the following section:

“356. The passing of every by-law must be preceded by a notice of motion given at a sitting by a council member.

The passing of a by-law must also, subject to the provisions of a special Act governing the filing, passing or tabling of a draft by-law, be preceded by the filing of a draft by-law by a council member at the same sitting as the one at which the notice of motion was given or at a different sitting.

As soon as possible after the draft by-law is filed, copies of it must be made available to the public.

The council must pass the by-law, with or without changes, at a different sitting than the one at which the notice of motion was given and the one at which the draft by-law was filed, and not earlier than the second day following the date on which the latter of those sittings was held.

At the beginning of the sitting at which the passing of the by-law will be considered, copies of the draft by-law must be made available to the public.

The clerk or a council member must, before the by-law is passed, mention its object and any differences between the draft by-law that was filed and the by-law being submitted for passing.

In addition, if the by-law involves an expenditure, the clerk or a council member must mention that fact as well as any mode of financing, payment or repayment of the expenditure.

Changes made to the by-law submitted for passing must not be such as to change the object of the by-law as specified in the draft by-law that was filed.

Any contravention of the first, second, fourth or eighth paragraph entails the nullity of the by-law.”

22. Section 573.3 of the Act is amended by inserting the following subparagraph after subparagraph 2.1 of the first paragraph:

“(2.2) whose object is the supply of computer services and that is entered into with a solidarity cooperative designated by the Minister under subparagraph 5 of the first paragraph of section 573.3.5;”.

MUNICIPAL CODE OF QUÉBEC

23. Article 9 of the Municipal Code of Québec (chapter C-27.1) is amended by inserting “, despite the Municipal Aid Prohibition Act (chapter I-15),” after “A municipality may also” in the first paragraph.

24. Article 176.2.2 of the Code, enacted by section 89 of chapter 13 of the statutes of 2017, is amended by replacing “in” in the first paragraph by “not later than”.

25. Article 433.1 of the Code is amended by replacing “second” in the first paragraph by “third”.

26. Article 445 of the Code is replaced by the following article:

“445. The passing of every by-law must be preceded by a notice of motion given at a sitting by a council member.

The passing of a by-law must also, subject to the provisions of a special Act governing the filing, passing or tabling of a draft by-law, be preceded by the filing of a draft by-law by a council member at the same sitting as the one at which the notice of motion was given or at a different sitting.

As soon as possible after the draft by-law is filed, copies of it must be made available to the public.

The council must pass the by-law, with or without changes, at a different sitting than the one at which the notice of motion was given and the one at which the draft by-law was filed, and not earlier than the second day following the date on which the latter of those sittings was held.

At the beginning of the sitting at which the passing of the by-law will be considered, copies of the draft by-law must be made available to the public.

The clerk or a council member must, before the by-law is passed, mention its object and any differences between the draft by-law that was filed and the by-law being submitted for passing.

In addition, if the by-law involves an expenditure, the clerk or a council member must mention that fact as well as any mode of financing, payment or repayment of the expenditure.

Changes made to the by-law submitted for passing must not be such as to change the object of the by-law as specified in the draft by-law that was filed.

Subject to the tenth and eleventh paragraphs, any contravention of the first, second, fourth or eighth paragraph entails the nullity of the by-law.

In the case of a by-law passed by the council of a regional county municipality, the notice of motion and draft by-law may be replaced by a notice given by registered mail to the members of that council. The secretary-treasurer of the regional county municipality must send the notice to the council members at least 10 days before the date of the sitting at which the passing of the by-law mentioned in the notice will be considered, and must post the notice, within the same time, at the office of the regional county municipality. In such a case, the third paragraph does not apply.

The preceding paragraph applies, with the necessary modifications, to by-laws passed by a board of delegates.”

27. Article 938 of the Code is amended by inserting the following subparagraph after subparagraph 2.1 of the first paragraph:

“(2.2) whose object is the supply of computer services and that is entered into with a solidarity cooperative designated by the Minister under subparagraph 5 of the first paragraph of section 573.3.5 of the Cities and Towns Act (chapter C-19);”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

28. Section 210.1 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), enacted by section 128 of chapter 13 of the statutes of 2017, is amended, in the first paragraph,

- (1) by replacing “in” by “not later than”;
- (2) by inserting “highlights of the” after “on the”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

29. Section 197.1 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), enacted by section 141 of chapter 13 of the statutes of 2017, is amended, in the first paragraph,

- (1) by replacing “in” by “not later than”;
- (2) by inserting “highlights of the” after “on the”.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

30. Section 312.6 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by striking out the second sentence of the first paragraph.

31. Section 580.1 of the Act is amended by inserting “, with regard to the returning officer, clerk or secretary-treasurer or treasurer,” after “580”.

MUNICIPAL ETHICS AND GOOD CONDUCT ACT

32. Section 16.1 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) is amended by adding the following paragraph at the end:

“It must also include the prohibition set out in subparagraph 7 of the first paragraph of section 6 and provide that the prohibition applies, with the necessary modifications, to the following employees of the municipality:

- (1) the director general and the assistant director general;
- (2) the secretary-treasurer and the assistant secretary-treasurer;
- (3) the treasurer and the assistant treasurer;
- (4) the clerk and the assistant clerk; and
- (5) any other employee designated by the council of the municipality.”

ACT RESPECTING MUNICIPAL TAXATION

33. Section 244.64.7 of the Act respecting municipal taxation (chapter F-2.1) is amended by replacing the third and fourth paragraphs by the following paragraphs:

“However, for the purposes of sections 244.50 to 244.58, if a unit of assessment belongs to two or more subcategories, a reference to the rate specific to the category of non-residential immovables is deemed to be a reference to the rate specific to the subcategory corresponding to the predominant portion of the value of the unit or part of the unit associated with those subcategories.

Despite the third paragraph, if the value of the unit or part of the unit associated with those subcategories is equal to or greater than 25 million dollars, and each of at least two subcategories represents 30% or more of that value, a reference to the rate specific to the category of non-residential immovables is deemed to be a reference to the rate obtained by combining part of the rate specific to each subcategory representing 30% or more of that value, such part being determined on the basis of the proportion that the value of the subcategory concerned is of the total value of the subcategories so retained.”

34. Section 253.54 of the Act is amended by replacing “244.64.4, 244.64.8” in the third paragraph by “244.64.1, 244.64.9”.

ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

35. Section 3.41.5 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) is amended by replacing the first two paragraphs by the following paragraphs:

“The Minister may, as the person responsible for the Fund and in order to support the development of the Capitale-Nationale region and help further its influence, grant any financial assistance.

The Minister may, to the extent provided by the Minister, allow the recipient of such assistance to use it despite the Municipal Aid Prohibition Act (chapter I-15).”

36. The Act is amended by inserting the following section after section 3.41.5:

“3.41.5.1. The Minister may, by means of an agreement setting out the role and responsibilities of each of the parties, delegate the administration of a part of the Fund to the Communauté métropolitaine de Québec, a municipality, any municipal or supramunicipal body under a municipality, or the band council of a Native community. The delegatee may, if applicable and with the necessary modifications, entrust that administration to its executive committee or a member of that committee or to its director general or general manager.

Such an agreement may, to the extent it stipulates, allow a departure from the Municipal Aid Prohibition Act (chapter I-15).”

37. Section 3.41.6 of the Act is amended by replacing “recipient bodies” in the first paragraph by “recipients”.

ACT RESPECTING THE RÉSEAU DE TRANSPORT MÉTROPOLITAIN

38. Section 53 of the Act respecting the Réseau de transport métropolitain (chapter R-25.01) is amended by replacing the second paragraph by the following paragraph:

“The Network may, however, contract temporary loans without the authorizations required under the first paragraph.”

39. Section 57 of the Act is repealed.

40. Section 59 of the Act is replaced by the following section:

“59. The Network may adopt by-laws relating to the administration of its finances.

However, to ensure the sound administration of those finances, it must adopt a budget control and monitoring by-law that provides in particular for a means to guarantee the availability of funds before any decision authorizing an expenditure is made; the means may vary depending on the authority authorizing the expenditures or on the type of expenditures proposed.”

41. The Act is amended by inserting the following section after section 59:

“59.1. A decision of the Network authorizing an expenditure has no effect unless, in accordance with a by-law adopted under the second paragraph of section 59, funds are available for the purposes for which the expenditure is proposed.”

42. Section 66 of the Act is amended by replacing the second sentence by the following sentence: “The auditor must send his or her report to the treasurer.”

43. Section 67 of the Act is replaced by the following section:

“67. The treasurer must, at a board meeting of the Network, table the financial report, the auditor’s report sent under section 66 and any other document whose tabling is prescribed by the Minister of Municipal Affairs, Regions and Land Occupancy.”

44. The Act is amended by inserting the following sections after section 67:

“67.1. After the tabling referred to in section 67 and not later than 15 April, the Network must send the financial report and the auditor’s report to the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy and the Communauté métropolitaine de Montréal.

The Network must also send the documents and information referred to in the second paragraph of section 65 to the Minister of Municipal Affairs, Regions and Land Occupancy within the time prescribed by the latter.

“67.2. If, after the sending referred to in section 67.1, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister of Municipal Affairs, Regions and Land Occupancy, the treasurer must make the correction as soon as possible. The treasurer must table any corrected report before the Network’s board of directors and the Network must send it to the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy and the Communauté métropolitaine de Montréal.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 65.”

45. Section 68 of the Act is amended by striking out subparagraph 5 of the second paragraph.

46. Section 68.1 of the Act, enacted by section 198 of chapter 13 of the statutes of 2017, is repealed.

ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

47. Section 3 of the Act respecting the Société d'habitation du Québec (chapter S-8) is amended by adding the following subparagraph at the end of the first paragraph:

“(7) to allow or improve the accessibility of an establishment for handicapped persons.”

48. Section 57 of the Act is amended by replacing the second paragraph of subsection 1 by the following paragraph:

“The petition shall mention the name of the bureau, the location of its head office, the powers, rights and privileges it shall enjoy, the rules governing the exercise of its powers and the appointment of its directors and officers; the name of the bureau shall include the terms “bureau” and “housing”.”

49. Section 57.1 of the Act is replaced by the following section:

“57.1. The board of directors of a bureau shall consist of a fixed number of directors, varying between five and fifteen, designated in accordance with the provisions of the letters patent of the bureau applicable in that respect. Such letters patent shall provide that at least two of the directors are to be appointed by the Société from among the socioeconomic groups representative of the region. Such an appointment by the Société is deemed to be made by the Minister if the letters patent and the constituting orders of a bureau provide for appointment by the Minister.

The letters patent shall also provide that at least two of the directors are to be elected from among all the lessees of the bureau during a meeting of lessees held for that purpose according to the procedure determined by the lessees. However, if the bureau's board of directors consists of eleven directors or more, the letters patent shall provide that at least three of them are to be elected in that manner.”

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

50. Section 30.1 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) is amended by replacing “A” in the first paragraph by “Subject to sections 31.0.1 to 31.0.4, 31.1.0.1 and 31.1.1, a”.

51. Section 31.0.1 of the Act is amended

(1) by inserting “to the severance allowance provided for in section 30.1 or” after “entitled” in the first paragraph;

(2) by replacing “lui-même” in the first paragraph in the French text by “elle-même”;

(3) by adding the following paragraphs at the end:

“Despite the fifth paragraph, payment of the allowance is suspended if the resigning person is the subject of an application to have him declared disqualified or of proceedings which, under section 301 or 302 of the Act respecting elections and referendums in municipalities (chapter E-2.2), could bring about his disqualification.

The payment may be made, if applicable, on the first of the following dates:

(1) the date on which the applicant withdraws the application for declaration of disqualification, or on which the prosecutor stays all charges in the proceedings; and

(2) the date of a judgment acquitting the person or dismissing the application for declaration of disqualification becomes final.

In such a case, section 31.0.2 applies, with the necessary modifications.”

52. Section 31.0.2 of the Act is amended

(1) by inserting “reference” before the first occurrence of “period” in the first paragraph;

(2) by striking out “and equal to the period corresponding to the number of months of salary to which he is entitled as a transition allowance” in the first paragraph;

(3) by inserting the following paragraph after the first paragraph:

“For the purposes of the first paragraph, the reference period is the number of months obtained,

(1) in the case of the severance allowance, by dividing the amount of the allowance computed in accordance with section 30.1 by the result obtained by multiplying the by-weekly value established in accordance with that section by two; or

(2) in the case of the transition allowance, by dividing the amount of the allowance computed in accordance with section 31 by the result obtained by dividing the quarterly value established in accordance with that section by three.”;

- (4) by inserting “severance or” after “as a” in the second paragraph;
- (5) by inserting “severance or” after “of the” in the third paragraph.

53. Section 31.0.3 of the Act is amended by inserting “severance or” after “entitled to a”.

54. The Act is amended by inserting the following section after section 31.1:

“31.1.0.1. Payment of a severance or transition allowance must be suspended if the person whose term ends is the subject of an application to have him declared disqualified or of proceedings which, under section 301 or 302 of the Act respecting elections and referendums in municipalities (chapter E-2.2), could bring about his disqualification.

The payment may be made, if applicable, on the first of the following dates:

- (1) the date on which the applicant withdraws the application for declaration of disqualification or the date on which the prosecutor stays all charges in the proceedings; and
- (2) the date of a judgment acquitting the person or dismissing the application for declaration of disqualification becomes final.

In such a case, section 31.0.2 applies, with the necessary modifications.”

55. Section 31.1.1 of the Act is amended by inserting “severance or” before “transition”.

56. Section 31.1.2 of the Act is amended by inserting “severance or” before “transition”.

OTHER AMENDING PROVISION

57. Any reference to the fourth paragraph of article 445 of the Municipal Code of Québec is replaced, in the following provisions, by a reference to the tenth paragraph of that section:

- (1) the third paragraph of section 64 and the second paragraph of section 79.19.1 of the Act respecting land use planning and development (chapter A-19.1);
- (2) the first paragraph of section 112 of the Municipal Powers Act (chapter C-47.1);
- (3) the second paragraph of section 11 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1); and

(4) the fourth paragraph of section 8 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001).

TRANSITIONAL AND FINAL PROVISIONS

58. Sections 33 and 34 have effect from 16 June 2017.

59. Any housing bureau the composition of whose board of directors does not, on (*insert the date of coming into force of this Act*), comply with section 57.1 of the Act respecting the Société d'habitation du Québec (chapter S-8), as enacted by section 49, must make the necessary amendments by supplementary letters patent before 31 December 2019.

60. This Act comes into force on (*insert the date of assent to this Act*).

