



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 596

**An Act amending mainly the Act
respecting land use planning and
development so that municipalities
may adopt a differentiated zoning
by-law aimed at increasing and
sustaining the supply of social
housing or affordable housing**

Introduction

**Introduced by
Madam Virginie Dufour
Member for Mille-Îles**

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EXPLANATORY NOTES

This bill amends mainly the Act respecting land use planning and development to favour the development of sustainable social housing or affordable housing. Various mechanisms are established to implement that objective.

Firstly, the bill establishes that developing a supply of sustainable social housing or affordable housing is to be among the purposes of territorial planning. Certain aspects of that purpose must be considered in metropolitan land use and development plans, land use and development plans of a regional county municipality, planning programs and special planning programs.

Secondly, the bill allows a council of a municipality that has an advisory planning committee to adopt a differentiated zoning by-law. Under such a by-law, municipalities may adopt differentiated zoning standards, including as regards land occupation density, for sustainable social housing or affordable housing construction projects. To be eligible, the projects must be managed by a housing bureau, a housing cooperative or a social economy enterprise.

Furthermore, as a transitional measure, the bill provides that a council of a municipality that fails to adopt a differentiated zoning by-law within two years after the date of assent to this bill may exempt itself from its planning by-laws in order to favour sustainable social housing or affordable housing construction projects.

Lastly, the Companies Act and the Cooperatives Act are amended to impose obligations on certain persons having benefited from differentiated zoning or an exemption.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting land use planning and development (chapter A-19.1);
- Companies Act (chapter C-38);
- Cooperatives Act (chapter C-67.2).

Bill 596

AN ACT AMENDING MAINLY THE ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT SO THAT MUNICIPALITIES MAY ADOPT A DIFFERENTIATED ZONING BY-LAW AIMED AT INCREASING AND SUSTAINING THE SUPPLY OF SOCIAL HOUSING OR AFFORDABLE HOUSING

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 2.2.1 of the Act respecting land use planning and development (chapter A-19.1) is amended by inserting “, including as regards sustainable social housing or affordable housing” at the end of paragraph 3.

2. Section 2.24 of the Act is amended by inserting the following paragraph after subparagraph 6 of the second paragraph:

“(6.0.1) the planning of sustainable social housing or affordable housing development;”.

3. Section 5 of the Act is amended by inserting “, including as regards sustainable social housing or affordable housing” at the end of subparagraph 6 of the second paragraph.

4. Section 83 of the Act is amended by inserting “, including as regards sustainable social housing or affordable housing” at the end of subparagraph 5 of the second paragraph.

5. Section 84 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

“(4) determine sectors specific to the development of sustainable social housing or affordable housing.”

6. Section 110.10.1 of the Act is amended by replacing “or incentive zoning by-law” in the first paragraph by “, incentive zoning by-law or differentiated zoning by-law”.

7. The Act is amended by inserting the following division after section 145.35.4:

“DIVISION X.2

“DIFFERENTIATED ZONING

“145.35.5. The council of a municipality that has an advisory planning committee may adopt a differentiated zoning by-law aimed at increasing and sustaining the supply of sustainable social housing or affordable housing.

“145.35.6. The by-law may contain any standard that complies with section 113, excluding a standard relating to uses, and that is intended to apply in a differentiated manner to projects in which all the newly constructed or converted dwellings are intended for sustainable social housing or affordable housing and whose management is entrusted to a municipal or regional housing bureau, to a housing cooperative other than a cooperative whose principal object is to assist its members in acquiring ownership of a house or dwelling, or to a social economy enterprise constituted as a non-profit legal person under Part III of the Companies Act (chapter C-38).

“145.35.7. The by-law must in particular provide, in addition to any elements the municipality may prescribe, that each dwelling must keep its initial destination for a minimum period of 30 years following completion of the work. A dwelling remains affordable within the meaning of the by-law if available for a price at least 20 percent less than the price at mark-to-market value.

“145.35.8. Anyone who contravenes any provision of the by-law, section 227.7 of the Companies Act (chapter C-38) or section 221.2.3 of the Cooperatives Act (chapter C-67.2) is liable to a fine, the minimum and maximum amounts of which are prescribed by the municipality, provided the maximum amount per dwelling does not exceed \$10,000.

“145.35.9. The by-law is deemed not to contain provisions making it a by-law subject to approval by way of referendum.”

8. Section 227 of the Act is amended, in subparagraph 1 of the first paragraph,

(1) by replacing “and 145.35.1” in subparagraph *b* by “, 145.35.1 and 145.35.5”;

(2) by inserting “or referred to in section 14 of the Act amending mainly the Act respecting land use planning and development so that municipalities may adopt a differentiated zoning by-law aimed at increasing and sustaining the supply of social housing or affordable housing (*insert the year and chapter number of that Act*)” at the end of subparagraph *f*.

9. Section 264.0.9 of the Act is amended by replacing “or incentive zoning by-law” in the second paragraph by “, incentive zoning by-law or differentiated zoning by-law”.

COMPANIES ACT

10. Section 227.7 of the Companies Act (chapter C-38) is replaced by the following section:

“227.7. This division applies to any legal person

(1) that is the owner of an immovable with a social or community destination that was built or acquired or has been restored or renovated with the help of housing assistance granted by the Government, the federal government or one of their departments, agencies or bodies;

(2) that has benefited from differentiated zoning under Division X.2 of Chapter IV of Title I of the Act respecting land use planning and development (chapter A-19.1); or

(3) that has benefited from an exemption under section 14 of the Act amending mainly the Act respecting land use planning and development so that municipalities may adopt a differentiated zoning by-law aimed at increasing and sustaining the supply of social housing or affordable housing (*insert the year and chapter number of that Act*).”

COOPERATIVES ACT

11. The heading of subdivision 2 of Division I of Chapter IV of Title II of the Cooperatives Act (chapter C-67.2) is amended by adding “*or an exemption or differentiated zoning with a view to favouring sustainable social housing or affordable housing*” at the end.

12. Section 221.2.3 of the Act is amended by inserting “or has benefited from an exemption under section 14 of the Act amending mainly the Act respecting land use planning and development so that municipalities may adopt a differentiated zoning by-law aimed at increasing and sustaining the supply of social housing or affordable housing (*insert the year and chapter number of that Act*) or from differentiated zoning under Division X.2 of Chapter IV of Title I of the Act respecting land use planning and development (chapter A-19.1),” after “bodies,” in the introductory clause.

MISCELLANEOUS AND FINAL PROVISIONS

13. The council of the responsible body within the meaning of the Act respecting land use planning and development (chapter A-19.1) must, not later than (*insert the date that is six months after the date of assent to this Act*), adopt a by-law amending its metropolitan land use and development plan or, in the case of a regional county municipality, its RCM plan for land use and

development in order to comply with the policy directions, objectives, targets and criteria arising from the elements added by this Act to subparagraph 6.0.1 of the second paragraph of section 2.24 or to subparagraph 6 of the second paragraph of section 5 of the Act respecting land use planning and development.

14. The council of a municipality that has an advisory planning committee may, before (*insert the date that is three years after the date of assent to this Act*) and if it has not adopted a differentiated zoning by-law, exempt itself by resolution from its planning by-law, including from the provisions respecting land occupation densities, in order to favour projects that would otherwise be eligible for differentiated zoning.

The by-law concerning minor exemptions passed under section 145.1 of the Act respecting land use planning and development and Division VI of Chapter IV of Title I, except the second and third paragraphs of section 145.4 of that Act, apply, with the necessary modifications, to an application for an exemption made under the first paragraph of this section.

Each dwelling must keep its destination for a minimum period of 30 years following completion of the work. A dwelling remains affordable within the meaning of this section if available for a price at least 20 percent less than the price at mark-to-market value.

Anyone having benefited from an exemption referred to in the first paragraph and who contravenes the third paragraph of this section, section 227.7 of the Companies Act (chapter C-38) or section 221.2.3 of the Cooperatives Act (chapter C-67.2) is liable to a fine, the minimum and maximum amounts of which are prescribed by the municipality by by-law, provided the maximum amount per dwelling does not exceed \$10,000.

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

