

2021 Bill 78

Second Session, 30th Legislature, 70 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 78

ALBERTA HOUSING AMENDMENT ACT, 2021

THE MINISTER OF SENIORS AND HOUSING

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 78

2021

ALBERTA HOUSING AMENDMENT ACT, 2021

(Assented to _____, 2021)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cA-25

1 The *Alberta Housing Act* is amended by this Act.

2 Section 1 is amended by renumbering clause (a) as clause (a.02) and adding the following before clause (a.02):

(a) “affordable housing accommodation” means a housing accommodation designated by the Minister as an affordable housing accommodation under section 31.1(1);

(a.01) “affordable housing provider” means the owner or operator of an affordable housing accommodation;

3 Section 3(1)(c) is repealed and the following is substituted:

(c) enter into agreements, including agreements with the government of another jurisdiction or any person, society or partnership;

4 Section 5 is amended

Explanatory Notes

1 Amends chapter A-25 of the Revised Statutes of Alberta 2000.

2 Section 1 presently reads in part:

1 In this Act,

(a) “Alberta CPI” means the monthly All-items Consumer Price Index for Alberta, not seasonally adjusted, published by Statistics Canada;

3 Section 3(1)(c) presently reads:

3(1) To carry out the purpose of this Act, the Minister and the Corporation may, subject to this Act and the regulations,

(c) enter into agreements with the government of another jurisdiction or any person;

4 Section 5 presently reads in part:

- (a) in subsection (3)(c) by adding “, subject to the regulations,” after “management body and”;**
- (b) by repealing subsection (4) and substituting the following:**
 - (4) An order under this section may**
 - (a) prescribe the fiscal year of the management body, and
 - (b) in the case of a management body that provides affordable housing, other than a management body referred to in subsection (2),
 - (i) specify the provisions of the regulations made under section 34(1)(c) that apply to the management body in its capacity as an affordable housing provider, and
 - (ii) prescribe any modifications to the provisions referred to in subclause (i) that the Minister considers necessary to enable their application to the management body.
 - (c) in subsection (5) by adding “, subject to the regulations,” after “the board and”.**

5 Sections 7(6) and 8(2) are amended by striking out “in accordance with the regulations” and substituting “at the rate determined by the Minister”.

6 Section 9 is amended

(3) An order under this section shall set out the following:

(c) the number of persons constituting the board of the management body and the method of appointing or electing the members of the board;

(4) An order under this section may prescribe the fiscal year of the management body.

(5) The Minister may not make an order under this section establishing a management body that is to have the power to requisition under section 7 unless a majority of the municipalities that are liable to be requisitioned have agreed to the number of persons constituting the board and the method of appointing or electing the members.

5 Sections 7(6) and 8(2) presently read:

7(6) If after the 90-day period, the amount of the requisition or any portion of it remains unpaid, the municipality shall pay interest in accordance with the regulations to the management body on that unpaid amount, and that unpaid amount and the accrued interest are recoverable as a debt due to the management body.

8(2) If after the 90-day period, the amount of the contribution or any portion of it remains unpaid, the municipality shall pay interest in accordance with the regulations to the management body on that unpaid amount, and that unpaid amount and the accrued interest are recoverable as a debt due to the management body.

6 Section 9 presently reads in part:

9(1) The Minister may appoint a person to inspect

- (a) **by renumbering subsection (1) as subsection (1.1) and adding the following before subsection (1.1):**

Inspectors

9(1) This section does not apply to a management body in its capacity as an affordable housing provider.

- (b) **in subsections (2) and (5) by striking out “subsection (1)” and substituting “subsection (1.1)”.**

7 Section 22(3) is repealed.

8 Section 25 is amended

- (a) **by repealing subsection (2) and substituting the following:**

(2) The Corporation shall not pay remuneration or expenses to the members of the board for services provided by those persons as members.

(2.1) The Corporation may

- (a) directly or indirectly purchase shares, and

- (a) *the financial or administrative condition of a management body, or*
 - (b) *any other matter connected with the management, administration or operation of a management body.*
- (2) *In addition to the inspection under subsection (1), the Minister may order a special inspection of any management body*
- (a) *on the advice of the Deputy Minister,*
 - (b) *on the request of the majority of the persons on the board of the management body, or*
 - (c) *on the request of the majority of the residents of a housing accommodation operated under the authority of the management body.*
- (5) *After the completion of an inspection under subsection (1) or (2), the inspector shall make a report to the Minister and shall provide a copy of the report to the board of the management body.*

7 Section 22(3) presently reads:

(3) A copy of a bylaw of the Corporation certified under the seal of the Corporation as a true copy shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the proper making and of the contents of the bylaw.

8 Section 25 presently reads in part:

- (2) *The Corporation may not*
- (a) *appoint or hire employees, or*
 - (b) *pay remuneration or expenses to members of the board for services provided by those persons as members.*
- (3) *The Corporation may not do any of the following without the prior consent of the Lieutenant Governor in Council:*
- (d) *guarantee the repayment of loans.*

- (b) in a transaction involving the payment of money or the transfer of property, enter into a joint venture or partnership.
- (b) **in subsection (3) by striking out** “may not do any of the following without” **and substituting** “may do any of the following only with”;
- (c) **by adding the following after subsection (4):**
 - (5) In this section, “shares” has the same meaning as in section 42(1)(a) of the *Financial Administration Act*.

9 The following is added after section 31:

Affordable Housing Accommodation

Designation of affordable housing

31.1(1) Subject to subsections (2) and (3), the Minister may designate a housing accommodation as an affordable housing accommodation if the Minister is of the opinion that in the circumstances the housing accommodation is suitable for designation as an affordable housing accommodation.

(2) The Minister may not designate a social housing accommodation as an affordable housing accommodation.

(3) The Minister may designate a housing accommodation that is a unit in a building as an affordable housing accommodation notwithstanding that other units inside the building are social housing accommodation.

Inspections

31.2(1) The Minister may appoint a person as an inspector to inspect any matter connected with the management, administration, ownership or operation of an affordable housing accommodation.

(2) An inspector

(4) The Lieutenant Governor in Council's consent under subsection (3) may be given with respect to a particular transaction or on a general basis with respect to a class of transactions.

9 Affordable Housing Accommodation.

- (a) may require the attendance of a director, officer or employee of the affordable housing provider or any other person whose presence the inspector considers necessary during the course of an inspection, and
- (b) has the same powers, privileges and immunities as a commissioner under the *Public Inquiries Act*.

(3) When required to do so by an inspector, a director, officer or employee of an affordable housing provider or any other person shall produce for examination and inspection all books, records and documents in that person's possession that are relevant to the purposes of the inspection.

(4) After the completion of an inspection, the inspector shall make a report to the Minister and provide a copy of the report to the affordable housing provider.

Revocation and direction to take actions

31.3(1) On receiving a report under section 31.2(4) or on the Minister's own motion, the Minister may revoke a designation made under section 31.1(1) in respect of an affordable housing accommodation if the Minister is of the opinion that in the circumstances the housing accommodation is no longer suitable for designation as an affordable housing accommodation.

(2) On receiving a report under section 31.2(4), the Minister may direct the affordable housing provider to take any actions that the Minister considers necessary to remedy the deficiencies identified in the report.

10 Section 34(1) is amended

(a) by repealing clause (b) and substituting the following:

- (b) respecting the manner or method of appointing or electing the members of a board of a management body, including the knowledge, skills, experience, expertise and qualifications required for the members of a board of a management body;

10 Section 34(1) presently reads in part:

34(1) The Minister may make regulations

- (b) respecting the manner or method of appointing or electing the members of a board of a management body;*
- (c) respecting the management and operation of management bodies and the manner in which they are to exercise their powers and carry out their functions and duties including, without limitation, regulations*

(b) by adding the following after clause (c)(iii):

(iii.1) respecting reserve funds for management bodies that provide lodge accommodation;

(c) by repealing clause (h).

11 This Act comes into force on Proclamation.

- (iii) respecting the manner in which a management body's surplus of revenues over expenditures in a fiscal year is to be treated,*
- (h) prescribing the rate of interest or respecting the manner in which interest is calculated, for the purposes of sections 7(6) and 8(2);*

11 Coming into force.

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