

1973 Bill 42

Second Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 42

The Senior Citizens Housing Statutes Amendment Act, 1973

THE MINISTER OF HEALTH AND SOCIAL DEVELOPMENT

First Reading

Second Reading

Third Reading

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BILL 42

1973

THE SENIOR CITIZENS HOUSING STATUTES AMENDMENT ACT, 1973

(Assented to _____, 1973)

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

PART 1

THE HOMES FOR THE AGED ACT

1. *The Homes for the Aged Act is amended by this Part.*
2. *The title of the Act is struck out and the following is substituted:*

THE SENIOR CITIZENS HOUSING ACT

3. *Section 1 is struck out.*
4. *Section 2 is amended.*
 - (a) *by striking out clauses (a), (a1) and (b) and by substituting the following:*
 - (a) "contracting municipality" means a municipality that has entered into a master agreement under this Act;
 - (b) "Corporation" means the Alberta Housing Corporation under *The Alberta Housing Act*;
 - (b) *as to clause (e) by striking out the words "elderly persons" and by substituting the words "senior citizens",*
 - (c) *by striking out clause (g) and by substituting the following:*
 - (g) "Minister" means the member of the Executive Council charged with the administration of *The Alberta Housing Act*;
 - (d) *as to clause (j) by striking out the words "low rental housing",*

Explanatory Notes

General. The Bill will provide the means by which the Government will be able to carry forward its "Senior Citizens Housing Policy". In general, the new policy will enable the Government to provide a senior citizens housing program that will be flexible enough to allow for a full range of housing — whether large or small lodges or otherwise, new or renovated. The Alberta Housing Corporation will play the major role in designing and financing arrangements.

1. This Part will amend chapter 171 of the Revised Statutes of Alberta 1970.

2. The title of The Homes for the Aged Act is amended.

3. The short title is struck out as unnecessary.

4. Section 2, clauses (a), (a1), (b), (e), (g), (j) and (k) presently read:

- (a) "Commission" means The Alberta Hospital Services Commission;
- (a1) "contracting municipality" means a municipality that has entered into a master agreement under this Act;
- (b) "elderly person" means a person of advanced years who is not suffering from any chronic disease that incapacitates him;
- (e) "home" means a home for the use of elderly persons not capable of maintaining or not desiring to maintain their own housing accommodation;
- (g) "Minister" means the member of the Executive Council charged with the administration of The Hospital Services Commission Act;
- (j) "project" means the acquisition of land for, and the construction of, a low rental housing unit or home in a municipality pursuant to this Act;
- (k) "unit" means a low rental housing unit for the use of elderly persons capable of maintaining their own housing accommodation.

(e) *by striking out clause (k) and by substituting the following:*

- (k) "senior citizen" means a person of advanced years who is not suffering from any chronic disease that incapacitates him;
- (l) "unit" means a self-contained housing unit for the use of senior citizens capable of maintaining their own housing accommodation.

5. *The word "Commission" is struck out wherever it occurs in the following provisions and the word "Corporation" is substituted therefor:*

section 4, subsection (1) and subsection (2), clause (f);
section 9, clause (a), subclause (i);
section 11, subsection (1), clause (c1).

6. *Section 3 is struck out.*

7. *Section 4 is amended*

- (a) *as to subsection (1), by striking out the words "elderly residents" and by substituting the words "senior citizens",*
- (b) *as to subsection (2), by adding the word "and" at the end of clause (f) and by striking out clause (g),*
- (c) *by adding the following subsection after subsection (2):*

(3) Any master agreement entered into before the commencement of this subsection and in effect at that time shall be deemed to be amended so that the Corporation is a party to the agreement in the place of the Minister of Public Welfare, the Minister of Social Development or The Alberta Hospital Services Commission, as the case may be, and any reference in the agreement to the Minister of Public Welfare, the Minister of Social Development or The Alberta Hospital Services Commission shall be read as a reference to the Corporation.

8. *The following section is added after section 4:*

4.1 Where the Corporation and a majority of the contracting municipalities under a master agreement have executed an agreement to amend the master agreement to provide for the undertaking of a new project or the alteration, extension or replacement of existing homes or units, the amending agreement is binding on all parties to the master agreement and the foundation notwithstanding that the other contracting municipalities neglect or refuse to execute the amending agreement.

5. The effect of the amendment is to transfer the administration of the Act from the Minister of Health and Social Development and The Alberta Hospital Services Commission to the Minister of Municipal Affairs, who also administers The Alberta Housing Act.

6. Section 3 reads:

3. The purpose of this Act is to provide a means whereby low rental housing units and homes for the elderly persons of the Province may be made available in or to the municipalities of the Province, and for the accomplishment of this purpose to provide

- (a) for the execution of agreements between the Minister and municipalities,
- (b) for the acquisition and development of land for homes and low rental housing units,
- (c) for the construction, maintenance and operation of homes and low rental housing units, and
- (d) for the creation and constitution of local bodies to operate homes and units on behalf of the parties to a master agreement.

In view of the expanded housing policy contemplated by this Bill, section 3 would be obsolete. The section, in any event, is removed as being legally unnecessary to the legislative scheme of the Act.

7. Section 4(2)(g) presently reads:

- (2) The master agreement may provide for
- (g) the fixing of rentals for units or rates for accommodation in homes operated by the foundation, and

Rentals for all types of senior citizens housing under this Act will be fixed by regulations of the Lieutenant Governor in Council. See the amendment to section 11 of the Act in this Bill.

The new subsection (3) will result in The Alberta Housing Corporation becoming a party to existing master agreements in place of the original parties acting for the Crown. See also the amendment to section 29 of The Hospital Services Commission Act in section 16 of this Bill.

8. Self-explanatory.

9. *Section 11 is amended*

(a) *as to subsection (1) by adding the following clause after clause (c1):*

(c2) *fixing the maximum rentals of units and maximum rates of accommodation in homes that may be charged by foundations or the persons who operate homes or units pursuant to section 15;*

(b) *as to subsection (2), by striking out the word "Commission" wherever it occurs and by substituting the word "Minister".*

10. *Section 12, subsection (2) is amended by striking out the words "elderly persons" wherever they occur and by substituting the words "senior citizens".*

11. *The following section is added after section 14:*

15. (1) The Alberta Housing Corporation may, in accordance with this section, undertake and carry to completion projects for

- (a) the construction of homes or units for senior citizens other than single-family detached dwellings, or
- (b) the renovation of buildings or premises for use as homes or units for senior citizens other than single-family detached dwellings.

(2) For the purposes of this section, the Corporation may

- (a) acquire, lease, develop and assemble land;
- (b) design homes or units to be constructed or renovated;
- (c) acquire, lease, improve or convert existing buildings;
- (d) borrow money required by it for a project;
- (e) grant a lease of the project to a non-profit organization;
- (f) enter into an operating agreement in respect of the project with a non-profit organization;
- (g) do any act for the purpose of carrying out its obligations under a lease or operating agreement under this section;
- (h) sell, lease or dispose of any land acquired by it under this section if an operating agreement under this section is not entered into or is no longer in effect;

9. Section 11 (1) empowers the Lieutenant Governor in Council to make regulations. The new clause (c2) will result in regulations fixing rentals and rates in all senior citizens homes and units operated under this Act.

Subsection (2) provides for regulations for the licensing of homes and units. The amendment will transfer responsibility for the licensing administration to the Minister of Municipal Affairs. No regulations are yet in force under this subsection.

10. Consequential upon the enactment of the new definitions in section 2: see section 4 of this Bill.

11. The new section 15 enables the Alberta Housing Corporation to undertake projects to provide housing of any kind for senior citizens except for single-family detached dwellings.

- (i) administer, manage and maintain a project constructed or renovated under this section if there is no lease or operating agreement under this section in effect in respect of that project.
- (3) An operating agreement referred to in subsection (2), clause (f)
- (a) shall, in the case of units, be for a term that is sufficiently long to enable the Corporation to recover all of its costs (less the amounts of any grants made by the Corporation in respect of the units) from the moneys payable under the agreement to it;
 - (b) shall, in the case of units, provide for the monthly annual or other periodic payment of amounts which, over the term of the operating agreement, will be sufficient in the aggregate
 - (i) to enable the Corporation to recover at least all of its costs incurred in connection with projects less the amounts of any grants made by the Corporation in respect of the units,
and
 - (ii) to enable the Corporation to replace depreciated furnishings and equipment originally supplied by it;
 - (c) shall be conditional upon the completion of the construction or renovation of the project by the Corporation;
 - (d) in the case of a home, shall require that the payment to the Corporation of all payments under the agreement defined as or attributable to operating costs be guaranteed by the municipality in which the project is located or by any other guarantor acceptable to the Corporation;
 - (e) in the case of a unit, shall require that the payment of all amounts payable under the agreement to the Corporation be guaranteed by the municipality in which the project is located or by any other guarantor acceptable to the Corporation;
 - (f) shall provide for the obligations of the operator under the agreement in connection with the operation, management and maintenance of the project so constructed or renovated and for the supplying by the operator of additional furnishings and equipment.
- (4) Where the Corporation grants a lease pursuant to subsection (2), clause (e), the operating agreement
- (a) shall be entered into with the lessee under that lease, and

(b) the operating agreement may be incorporated into the lease, in which case the amounts referred to in subsection (3), clause (b) may be expressed to be payable and recoverable as rent.

(5) In this section "non-profit organization" means a municipality, a foundation or an organization constituted exclusively for charitable or benevolent purposes, no part of the income of which is payable to or otherwise available for the personal benefit of any member of the organization.

PART 2

THE ALBERTA HOUSING ACT

12. The Alberta Housing Act is amended by this Part.

13. Section 20 is amended by adding the following subsections after subsection (2):

(3) Subject to subsections (4) and (5), the Corporation or any other person who operates a public housing project undertaken by the Corporation after the commencement of this subsection shall operate that project in such a manner that at least 10 per cent of the space intended for living accommodation in that project is made available for leasing to senior citizens.

(4) The Minister may waive or reduce the requirements of subsection (3) in respect of any public housing project for such period of time as he may prescribe where he is satisfied that the Corporation or person operating the project has complied with that subsection but no senior citizens are then applying to rent accommodation in that project.

(5) The Minister may waive the requirements of subsection (3) in respect of any proposed public housing project before it is undertaken for such period of time as he may prescribe but the waiver may only be given if

- (a) a survey satisfactory to the Minister has been taken to determine the potential number of senior citizens who might reasonably be expected to apply for accommodation in the project when it opens, and
- (b) on the basis of that survey, the Minister is satisfied that no senior citizens or relatively few senior citizens are likely to apply to rent accommodation in that project before such accommodation is available.

14. Section 24, subsection (4), clause (b) is amended by striking out the words "The Homes for the Aged Act" and

12. This Part will amend chapter 175 of the Revised Statutes of Alberta 1970.

13. Section 20 presently reads:

20. (1) The Corporation or a municipality with the approval of the Corporation may undertake, carry to completion, maintain, operate, and lease or sell a public housing project.

(2) For the purposes of this section, the Corporation or a municipality with the approval of the Corporation may

(a) acquire and develop land for public housing projects,

(b) construct public housing projects,

(c) acquire, improve and convert existing buildings for a public housing project, and

(d) enter into agreements for the development or management of public housing projects,

and may exercise any other power to do any other thing that may be required to be exercised or done for the purpose of a project.

14. Consequential. See section 2 of this Bill.

by substituting the words “The Senior Citizens Housing Act”.

PART 3

RELATED AMENDMENTS TO OTHER ACTS

The Department of Health and Social Development Act

15. *The Department of Health and Social Development Act is amended as to section 12, subsection (1) by striking out the words “The Homes for the Aged Act” wherever they occur and by substituting the words “The Senior Citizens Housing Act”.*

The Hospital Services Commission Act

16. *The Hospital Services Commission Act is amended*

- (a) *as to section 1, subsection (1), clause (c) by striking out the words “The Homes for the Aged Act” and by substituting the words “The Senior Citizens Housing Act”,*
- (b) *as to section 29, subsection (1), clause (a) by striking out the words “The Homes for the Aged Act”.*

The Municipal Government Act

17. *The Municipal Government Act is amended as to section 128.1 by renumbering the section as subsection (1) and by adding the following subsections:*

(2) Subject to subsections (3) and (4), the council or any housing authority or municipal officer operating and maintaining a public housing project under this section shall operate and maintain that project in such a manner that at least 10 per cent of the space intended for living accommodation in that project is made available for leasing to senior citizens (as defined in *The Senior Citizens Housing Act*).

(3) The Minister may waive or reduce the requirements of subsection (2) in respect of any public housing project under this section for such period of time as he may prescribe where he is satisfied that the council or the housing authority of municipal officer operating and maintaining the project has complied with that subsection but no senior citizens are then applying to rent accommodation in that project.

(4) The Minister may waive the requirements of subsection (2) in respect of any proposed public housing pro-

15. This section will amend chapter 25 of the Statutes of Alberta, 1971. See section 2 of this Bill.

16. This section amends chapter 45 of the Statutes of Alberta, 1971. The amendment to section 1 is a consequence of the name change in section 2 of this Bill. Section 29 was a transitional provision which resulted in the transfer of the administration of The Homes for the Aged Act among others to The Alberta Hospital Services Commission. The amendment to section 29 is a consequence of the transfer of administration under this Bill: see sections 4, 5 and 7 of this Bill.

17. This section amends chapter 246 of the Revised Statutes of Alberta 1970. Section 128.1 presently reads:

128.1 A council may operate and maintain a public housing project and may delegate

(a) to a housing authority established under section 41 of The Alberta Housing Act, or

(b) where no housing authority is established, to a municipal officer the power to operate and maintain a public housing project including the power to enter into leases.

ject before it has been undertaken for such period of time as he may prescribe but the waiver may only be given if

- (a) a survey satisfactory to the Minister has been taken to determine the potential number of senior citizens who might reasonably be expected to apply for accommodation in the project when it opens, and
- (b) on the basis of that survey, the Minister is satisfied that no senior citizens or relatively few senior citizens are likely to apply to rent accommodation in that project before such accommodation is available.

PART 4

COMMENCEMENT

18. This Act comes into force on the day upon which it is assented to.