

1974 Bill 15

Third Session, 17th Legislature, 23 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 15

The Alberta Housing Amendment Act, 1974

MR. KING

First Reading

Second Reading

Third Reading

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Bill 15
Mr. King

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THE ALBERTA HOUSING AMENDMENT ACT, 1974

(Assented to , 1974)

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

1. *The Alberta Housing Act is hereby amended.*
2. *Section 2 is amended by adding the following clause after clause (g):*
 - (h) "rehabilitation program" means a program designed to improve the environmental, housing or living conditions of or in a blighted or substandard area.
3. *Section 5 is struck out and the following section is substituted:*
 5. (1) The affairs of the Corporation shall be conducted by a Board of Directors which shall consist of the following members:
 - (a) the Minister, who shall also be chairman;
 - (b) the Deputy Provincial Treasurer;
 - (c) the President of the Corporation;
 - (d) such other members as may be appointed by the Lieutenant Governor in Council during pleasure.
 - (2) The Lieutenant Governor in Council may appoint during pleasure a person as President of the Corporation and shall fix the rate of remuneration to be paid to him by the Corporation.
 - (3) The President shall be the chief executive officer of the Corporation and vice-chairman of the Board.
 - (4) In the event of the Minister's absence or inability to act as chairman the vice-chairman shall be acting chairman and in the further event of the vice-chairman's absence or inability to act the Board of Directors may, by resolution, appoint any member to be the acting chairman.

Explanatory Notes

1. This Bill will amend chapter 175 of the Revised Statutes of Alberta 1970.

2. Consequential to recent amendments to the National Housing Act (Canada) and related amendments in this Bill with respect to the federal neighbourhood improvement program.

3. Section 5 presently reads:

5. (1) The affairs of the Corporation shall be conducted by a Board of Directors which shall consist of

- (a) the Minister as chairman,
- (b) the Deputy Provincial Treasurer and the Executive Director of the Corporation as members, and
- (c) other members to be appointed by the Lieutenant Governor in Council and to hold office during his pleasure.

(2) In the case of the Minister's inability to act, the Board of Directors may, by resolution, appoint any member to be the acting chairman in the absence of the Minister.

(3) A majority of the Board constitutes a quorum.

(4) At its meetings, the Board of Directors may exercise any of its powers by resolution except where some other mode of exercising any power is prescribed in this Act.

(5) A member of the Board of Directors, except the Executive Director, Deputy Provincial Treasurer and the Minister, shall receive such remuneration for their services as directors as is prescribed by the Lieutenant Governor in Council.

(5) A majority of the Board constitutes a quorum.

(6) At its meetings, the Board may exercise any of its powers by resolution except where some other mode of exercising any power is prescribed in this or any other Act.

(7) A member of the Board appointed pursuant to subsection (1), clause (d) shall be paid by the Corporation such remuneration as is prescribed by the Lieutenant Governor in Council.

4. Section 7 is amended by striking out subsection (1) and by substituting the following subsection:

7. (1) The Board of Directors may make by-laws in respect of the general conduct and operation of the Corporation.

5. Section 12, subsection (3) is amended by striking out the words "section 44 of".

6. (1) Section 17 is amended

(a) as to subsection (2) by adding after the word "each" the word "fiscal",

(b) by striking out subsection (4) and by substituting the following subsection:

(4) The fiscal year of the Corporation shall be April 1 to March 31.

(2) Notwithstanding subsection (1), clause (b), the 1974 fiscal year of the Corporation shall be the period from January 1, 1974 to March 31, 1975.

7. Section 18 is amended by adding after the word "every" the word "fiscal".

8. Section 20.1 is struck out.

9. Section 33 is struck out.

10. The heading "Urban Renewal Schemes" preceding section 34 is struck out and the heading "Rehabilitation Programs" is substituted.

4. Section 7, subsection (1) presently reads:

7. (1) The Lieutenant Governor in Council may make rules in respect of the general conduct and operation of the Corporation.

5. Section 12, subsection (3) presently reads:

(3) The Corporation and a municipality, with the approval of the Corporation, may receive contributions available under section 44 of the federal Act.

6. Section 17, subsections (2) and (4) presently read:

(2) The total of the sums advanced in each year under subsection (1), clause (a) shall be repaid to the Provincial Treasurer on such terms and conditions as may be agreed upon by the Corporation and the Provincial Treasurer.

(4) The fiscal year of the Corporation shall be January 1 to December 31.

7. Section 18 presently reads:

18. The Provincial Auditor or his nominee shall audit the books of the Corporation from time to time and at least once every year audit the receipts and expenditures of the Corporation.

8. This section will be covered by new section 40.2 of the Act. Section 20.1 presently reads:

20.1 A municipality may, by by-law, borrow such moneys as are necessary to enable it to develop and implement an approved project under section 20, and to secure the moneys borrowed

- (a) the municipality may issue debentures as provided in The Municipal Government Act, except that the by-law authorizing the borrowing does not require the assent of the proprietary electors, or
- (b) the municipality may mortgage the land held for the project, in which case it need not issue debentures notwithstanding anything contained in its governing municipal Act.

9. This section will be covered by new section 40.2 of the Act. Section 33 presently reads:

33. A municipality may, by by-law, borrow such moneys as are necessary to enable it to develop and implement an approved project under section 31, and to secure the moneys borrowed

- (a) the municipality may issue debentures as provided in The Municipal Government Act, except that the by-law authorizing the borrowing does not require the assent of the proprietary electors, or
- (b) the municipality may mortgage the land held for the project, in which case it need not issue debentures notwithstanding anything contained in its governing municipal Act.

10. Consequential to new federal neighbourhood improvement program.

11. Section 34 is amended

- (a) as to subsection (1) by striking out the words “urban renewal schemes” and by substituting the words “rehabilitation programs”,*
- (b) by striking out subsections (2), (3), (4) and (5).*

12. Section 35 is amended

- (a) as to subsection (1) by striking out the word “an urban renewal scheme” and by substituting the words “a rehabilitation program”,*
- (b) as to subsection (2)*
 - (i) by striking out the words “urban renewal scheme” and by substituting the words “rehabilitation program”,*
 - (ii) in clauses (a), (b), (c) and (d) by striking out the words “urban renewal” and by substituting the words “rehabilitation program”,*
 - (iii) in clause (e) by striking out the word “scheme” and by substituting the word “program”.*

13. Section 36 is struck out and the following section is substituted:

36. An agreement entered into under section 34 shall specify the respective share of the costs to be borne by each of the parties thereto.

14. Section 37 is amended

- (a) by striking out subsection (1),*
- (b) as to subsection (2), by striking out the words “an urban renewal scheme” and by substituting the words “a rehabilitation program”.*

11. Consequential to new federal neighbourhood improvement program. Section 34, subsections (2), (3), (4) and (5) presently read:

(2) Before entering into any agreement for the carrying out of an urban renewal scheme, a municipality shall cause notice to be published once a week for two consecutive weeks preceding the presentation of the agreement to the council in a newspaper having a general circulation in the municipality and the notice shall state

- (a) the purpose of the proposed agreement and a general description of the area affected,
- (b) that a copy of the proposed agreement is on file in the office of the secretary of the municipality and may be inspected by the public during business hours,
- (c) the time and place at which the council will hold a public hearing on the proposed urban renewal scheme, which shall not be less than 10 days after the last publication of the official notice, and
- (d) the procedure to be followed by persons who wish to submit representations concerning the proposed urban renewal scheme.

(3) The council may, by resolution passed before the first publication of the notice, prescribe the procedure to be followed by persons who wish to submit representations concerning the proposed urban renewal scheme and, without restricting the generality of the foregoing, may

- (a) require the submission of written representations to the council prior to the hearing, and
- (b) regulate the presentation of oral submissions at the hearing.

(4) The council shall hold a public hearing at the time and place stated in the notice and at that hearing shall, subject to subsection (3), hear any person who wishes to make representations concerning the manner in which any provision of the proposed agreement may affect him or any owner of land whom he represents or the public at large or any local group of residents or property owners.

(5) The council shall give due consideration to the recommendations, if any, of its departments or of consultants retained by it and representations made at the public hearing or submitted in writing pursuant to subsection (3), clause (a) and make a ruling thereon.

12. Consequential to new federal neighbourhood improvement program.

13. Consequential to new federal neighbourhood improvement program and to allow more flexibility. Section 36 presently reads:

36. (1) Where the Corporation enters into an agreement with a municipality or the Canada corporation, the Corporation may pay up to 50 per cent and may require the municipality to pay the remainder of the share that is not paid by the Canada corporation of

- (a) the cost of the preparation of an urban renewal scheme, including the cost of all economic, social and engineering research and planning necessary therefor, and
- (b) the costs of implementing an urban renewal scheme, including the acquisition, clearing, demolition and disposition of lands and buildings and the installation of municipal services and works, other than public buildings, in the urban renewal area.

(2) Every agreement entered into with a municipality under this section shall provide that the municipality will pay the Corporation in the same proportion as provided for in subsection (1) of the share that is not paid to the Canada corporation of

- (a) any moneys received by the municipality from the sale, lease or other disposition of land in the urban renewal area, and
- (b) the value, as determined in the manner provided in the agreement, of land in the urban renewal area retained by the municipality for public purposes.

14. This section will be covered by new section 40.2 of the Act. Section 37, subsection (1) presently reads:

37. (1) A municipality may, by by-law, borrow such moneys as are necessary to enable it to prepare and implement an urban renewal scheme, and to secure the moneys borrowed

- (a) the municipality may issue debentures as provided in The Municipal Government Act, except that the by-law authorizing the borrowing does not require the assent of the proprietary electors, or
- (b) the municipality may mortgage the lands in the urban renewal area that are held by it for the purposes of the scheme, in which case it need not issue debentures notwithstanding anything contained in its governing municipal Act.

15. *Section 38, subsection (1) is amended by striking out the word “scheme” and by substituting the word “program”.*

16. *Section 39 is amended*

- (a) *as to subsection (1) by striking out the word “scheme” and by substituting the word “program”,*
- (b) *as to subsection (3) by striking out the words “urban renewal” and by substituting the words “rehabilitation program”.*

17. *Section 40 is amended by striking out the words “an urban renewal scheme” and by substituting the words “a rehabilitation program”.*

18. *The following section is added after section 40.1:*

40.2 (1) A municipality may, by by-law, borrow such moneys as are necessary to enable it to develop and implement an approved project or program under this Act and, to secure the moneys borrowed,

- (a) the municipality may issue debentures as provided in *The Municipal Government Act*, or
- (b) the municipality may mortgage the lands held for the project or scheme.

(2) A by-law under subsection (1) is subject to the provisions of the governing municipal Act respecting money by-laws and the issuing of debentures including those relating to

- (a) the approval of the Local Authorities Board, and
- (b) the assent if necessary of the proprietary electors of the municipality.

Consequential Amendments To Other Acts

19. *The Local Authorities Board Act is amended as to section 70 by striking out subsection (2).*

20. *The Municipal Government Act is amended as to section 130, subsection (2) by striking out the words “an urban renewal scheme” and by substituting the words “a rehabilitation program”.*

15. Consequential to new federal neighbourhood improvement program.

16. Consequential to new federal neighbourhood improvement program.

17. Consequential to new federal neighbourhood improvement program.

18. Subsection (1) replaces sections 20.1, 33 and 37, subsection (1) of the Act.

19. Section 70, subsection (2) of The Local Authorities Board Act presently reads:

(2) Subsection (1) does not apply to any project undertaken or commenced pursuant to The Alberta Housing Act.

20. Section 130, subsection (2) of The Municipal Government Act presently reads:

(2) In this Act "plan of development" means a development scheme pursuant to The Planning Act but does not include an urban renewal scheme under The Alberta Housing Act.

21. The Municipal Land Loans Act is amended

(a) as to section 2 by striking out clause (d) and by substituting the following clause:

(d) "rehabilitation program" means a program designed to improve the environmental, housing or living conditions of or in a blighted or sub-standard area.

(b) as to section 4

(i) in subsection (1), clause (a) by striking out the words "urban renewal scheme" and by substituting the words "rehabilitation program",

(ii) in subsection (2), clause (a) by striking out the words "urban renewal scheme" and by substituting the words "rehabilitation program".

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

21. Section 2, clause (d) and section 4 of The Municipal Land Loans Act presently read:

2. In this Act,

(d) "urban renewal scheme" means an urban renewal scheme within the meaning of The Alberta Housing Act.

4. (1) Subject to this Act, any municipality may, by by-law, borrow money from the Provincial Treasurer to be applied to the acquisition of land which the municipality anticipates would be required

(a) for a contemplated urban renewal scheme, or

(b) for a contemplated controlled street.

(2) A loan may be made and any land may be acquired

(a) before the urban renewal scheme is approved, or

(b) before the construction of the controlled street has been authorized,

as the case may be.