

1983 BILL 46

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 46

DEPARTMENT OF HOUSING ACT

THE MINISTER OF HOUSING

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 46

1983

DEPARTMENT OF HOUSING ACT

(Assented to , 1983)

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

- Definitions **1** In this Act,
- (a) "Department" means the Department of Housing;
- (b) "housing" means
- (i) buildings or structures suitable and adequate for human habitation and that are or are to be used primarily for that purpose, or
- (ii) any project for the provision, construction or rehabilitation of such buildings or structures,
- and includes the infrastructure of, or the provision or construction of infrastructure for, such buildings, structures or project;
- (c) "Minister" means the Minister of Housing.
- Department **2** There shall be a department of the Government called the Department of Housing over which shall preside the member of the Executive Council appointed by the Lieutenant Governor under the Great Seal of the Province as the Minister of Housing.

Staff	3 In accordance with the <i>Public Service Act</i>, there shall be appointed a Deputy Minister of Housing and any other employees required to conduct the business of the Department.
Services of experts	4(1) The Minister may engage the services of experts or persons having special technical or other knowledge to advise him or to inquire into and report to him on matters under the Minister's administration. (2) A person whose services are engaged under this section may be paid the remuneration and expenses that the Minister prescribes.
Delegation of functions	5(1) The Minister may in writing delegate any power or duty conferred or imposed on him by this Act or any other Act or regulation under his administration to an employee in the Department or an agent of the Government. (2) Subsection (1) does not apply to any power or duty of the Minister to make regulations.
Boards, committees and councils	6(1) The Minister may establish any boards, committees or councils he considers necessary or desirable to act in an advisory or administrative capacity in connection with any of the policies, programs, services or other matters under his administration. (2) The Minister may, with respect to any board, committee or council established under this section (a) appoint or provide for the manner of appointment of its members, (b) prescribe the term of office of any member, (c) designate or provide for the designation of a chairman, vice-chairman and secretary, and (d) authorize, fix and provide for the payment of remuneration and expenses to its members. (3) A board, committee or council established under this section may, with the approval of the Minister, make rules governing the calling of its meetings, the procedure to be used at its meetings, the conduct of business at its meetings, reporting and any other matters as required. (4) A board, committee or council established under this section may exercise the powers and shall perform the duties and functions that the Minister confers or imposes on it.
Grants	7(1) The Minister may make grants if (a) he is authorized to do so by regulations made under subsection (2), and (b) there is authority available in a supply vote for the purpose for which the grant is to be made.

- (2) The Lieutenant Governor in Council may make regulations
- (a) authorizing the Minister to make grants;
 - (b) respecting the purposes for which grants may be made;
 - (c) governing applications for grants;
 - (d) respecting the persons or organizations or classes of persons or organizations eligible for grants;
 - (e) respecting the conditions required to be met by any applicant for a grant to render that person eligible for the grant;
 - (f) respecting the conditions on which a grant is made and requiring the repayment of the grant to the Government if the conditions are not met;
 - (g) providing for the payment of a grant in a lump sum or by instalments and prescribing the time or times at which the grant or the instalments may be paid;
 - (h) limiting the amount of a grant or class of grant;
 - (i) authorizing the Minister to delegate in writing to any employee or agent of the Government any duty or power respecting the payment of a grant;
 - (j) requiring the recipient to account for the way in which the grant is spent in whole or in part;
 - (k) authorizing the Minister to enter into an agreement with respect to any matter relating to the payment of a grant.
- (3) Regulations made under subsection (2) may be specific or general in their application.
- (4) Notwithstanding subsection (2)(f), the Minister may impose further conditions not prescribed in the regulations on the making of a particular grant.

Loans and
guarantees

8(1) The Minister, when authorized by regulations under subsection (2), may make loans for, or authorize the provision of guarantees by the Government of the repayment of principal and the payment of interest in respect of loans made for,

- (a) the cost of acquiring land for housing;
- (b) the cost of clearing or breaking land for housing;
- (c) the cost of sloping, levelling or otherwise preparing land for housing;
- (d) the cost of improving or developing land for housing;
- (e) the cost of designing, constructing, maintaining or improving housing;

- (f) the cost of providing sewer, water and other utilities in respect of housing;
 - (g) the cost of landscaping or otherwise improving the appearance of housing;
 - (h) any other purpose that the Minister considers incidental to or proper, necessary or desirable in connection with housing.
- (2) The Lieutenant Governor in Council may make regulations
- (a) authorizing the Minister to make loans or to authorize the provision of guarantees in accordance with and for the purposes mentioned in subsection (1);
 - (b) respecting the purposes for which loans may be made or guarantees given;
 - (c) governing applications for loans or guarantees;
 - (d) respecting the persons or organizations or classes of persons or organizations eligible for loans or guarantees;
 - (e) respecting the conditions required to be met by any applicant for a loan or guarantee to render that person eligible for it;
 - (f) respecting the conditions on which a loan is made or a guarantee is given and the obligations of a person to whom a loan is made or whose loan is guaranteed;
 - (g) respecting the class of security which the Minister may require to be given by applicants respecting a loan or guarantee;
 - (h) limiting the amount of a loan or guarantee or class of loan or guarantee;
 - (i) authorizing the Minister to delegate in writing to any employee or agent of the Government any duty or power respecting the making of a loan or the giving of a guarantee;
 - (j) requiring a recipient to account for the way in which a loan made or guaranteed by the Government is spent in whole or in part;
 - (k) authorizing the Minister to enter into an agreement with respect to any matter relating to the making of a loan or giving of a guarantee.
- (3) Regulations made under subsection (2) may be specific or general in their application.
- (4) Notwithstanding subsection (2)(f), the Minister may impose further conditions not prescribed in the regulations on the making of a particular loan or the giving of a particular guarantee.
- (5) A guarantee under this section must
- (a) be in the form approved by the Provincial Treasurer, and

(b) be executed on behalf of the Government by the Provincial Treasurer, the Deputy Provincial Treasurer or another person designated by an order of the Provincial Treasurer,

and the signature of a person referred to in clause (b) on the guarantee is conclusive proof that this section has been complied with.

Agreements **9(1)** The Minister may enter into agreements on or in connection with any policies, programs, services or other matters under his administration.

(2) Without limiting subsection (1), agreements may be made under that subsection with the Government of Canada or of a province or any agency of the Government of Canada or of a province.

Acquisition of property **10** The Minister may acquire any estate or interest in land and any personal property in conjunction with that land for the purpose of implementing any of the policies, programs or services under his administration.

Disposition of property **11** The Minister may sell, lease or otherwise dispose of any estate or interest in land under his administration and any personal property acquired by him under this Act.

Agreements for municipal public works **12(1)** In this section, "local authority" means a municipality or, in the case of an improvement district or special area, the Minister of Municipal Affairs.

(2) Without limiting section 9(1), the Minister may enter into and carry out an agreement with a local authority or another person providing for the laying out, construction or improvement of parks, public places, local infrastructure and other municipal public works that in the opinion of the Minister and of the local authority or other person are necessary or desirable.

(3) Every local authority, notwithstanding the *Municipal Government Act*, the *Municipal Taxation Act* or any other Act, may enter into and carry out an agreement under subsection (2).

(4) The agreement shall fix

(a) the total cost of construction,

(b) the period of construction,

(c) the proportions of the cost to be provided by the Government and the local authority or other person, and

(d) the terms on which and the times when payments are to be made by the Government for its part of the cost.

Consequential **13(1)** *The following enactments are amended by striking out "and Public Works" wherever it occurs:*

Act	Section number
Alberta Corporate Income Tax Act	26.5
Alberta Home Mortgage Corporation Act	1(g)
Alberta Housing Act	34(2)

(2) *The Alberta Home Mortgage Corporation Act is amended*

(a) *in section 1 by repealing clause (c) and substituting the following:*

(c) “Deputy Minister” means the Deputy Minister of Housing;

(b) *in section 26 by striking out “Department of Housing and Public Works Act” and substituting “Department of Housing Act”.*

(3) *Section 1(1)(u)(iii) of the Financial Administration Act is repealed.*

Repeal

14 *The Department of Housing and Public Works Act, except for Part 3 and section 23, is repealed.*

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.