



BILL NO. 222

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
1 Charles III, 2022*

An Act Respecting Housing Supply and Services

CHAPTER 36
ACTS OF 2022

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 9, 2022**

The Honourable John Lohr
Minister of Municipal Affairs and Housing

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act Respecting Housing Supply and Services

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Housing Supply and Services Act*.

2 The purpose of this Act is to improve and increase the housing stock of the Province and, without limiting the generality of the foregoing, includes

- (a) increasing and preserving the supply of housing;
- (b) promoting more adequate and affordable housing for vulnerable persons and groups;
- (c) promoting more adequate and affordable care facilities for vulnerable persons and groups;
- (d) developing, delivering and supporting programs related to housing;
- (e) advancing Government housing priorities;
- (f) developing, engaging and supporting strategic housing policy, priorities and partnerships; and
- (g) providing strategic direction and oversight of the Agency.

3 In this Act,

- (a) “Advisory Board” means the Advisory Board of the Agency;
- (b) “Agency” means the Nova Scotia Provincial Housing Agency;
- (c) “Department” means the Department of Municipal Affairs and Housing;
- (d) “Deputy Minister” means the Deputy Minister of Municipal Affairs and Housing;
- (e) “Fund” means the Housing Development Fund;
- (f) “government entity” includes a federal, provincial or municipal government body or department;
- (g) “housing” means any building or structure suitable for human habitation that is primarily used for that purpose;
- (h) “Minister” means the Minister of Municipal Affairs and Housing;
- (i) “municipality” means a regional municipality, town or municipality of a county or district;
- (j) “regional housing authorities” means
 - (i) the Metropolitan Regional Housing Authority created by Order in Council 1995-24 dated January 3, 1995,

(ii) the Cape Breton Island Housing Authority created by Order in Council 1997-153 dated March 4, 1997,

(iii) the Cobequid Housing Authority created by Order in Council 1997-154 dated March 4, 1997,

(iv) the Eastern Mainland Housing Authority created by Order in Council 1997-183 dated March 11, 1997, and

(v) the Western Regional Housing Authority created by Order in Council 2010-276 dated July 6, 2010.

4 The Minister has the general supervision and management of this Act.

PART I

DEPARTMENT OF MUNICIPAL AFFAIRS AND HOUSING

5 All rights and privileges vested in the Minister under Section 10 of the *Housing Act* continue to be vested in the Minister and all obligations of the Nova Scotia Housing Commission that became obligations of the Minister under that Section continue to be obligations of the Minister.

6 The Minister shall assume all obligations, rights and duties under any agreement with Housing Nova Scotia, on behalf of Housing Nova Scotia, as if the agreement were originally entered into with the Minister under this Part.

7 (1) The Minister may, to carry out the purpose of this Act,

(a) enter into agreements with any person or body, including a government entity;

(b) construct, establish, hold, maintain and manage housing projects or other housing accommodation or units of any type, including commercial, recreational or care facilities, for sale or for rent;

(c) subject to subsection (2), acquire or dispose of any estate or interest in real property and, without restricting the generality of the foregoing, purchase, take on lease or exchange, hire or otherwise acquire any real or personal property of any and every description and sell, lease, mortgage, hypothecate, dispose of, deal with or invest the same and hold such lands or tenements or interest therein as the Minister may deem necessary or convenient for the purpose of this Part and for such consideration as the Minister considers appropriate;

(d) borrow on the security of the real and personal property of the Minister administered under this Part, or any part thereof, or on any other security or without security, such money as the Minister considers necessary and mortgage, pledge or otherwise charge such real and personal property or either of them or any part thereof for the purpose of securing money borrowed, subject to the *Finance Act*;

(e) guarantee payment of any mortgage, pledge or charge made by any person or of any loan made to any person;

(f) invest and deal with the funds received by the Minister under this Part not immediately required in such securities and in such manner as the Minister may determine, subject to the *Finance Act*;

(g) make such payments as are required for good management and operation;

(h) lend money and take security on any loans given;

(i) make such grants and contributions as the Minister deems necessary;

(j) provide financial assistance to persons requiring such assistance in order to obtain or maintain housing; and

(k) levy fees for the purpose of this Part.

(2) An acquisition or disposal of any estate or interest in real property that exceeds 25 acres in a single transaction must be approved by the Governor in Council.

(3) The Minister may, by letter,

(a) accept the transfer of the administration and control of land administered by another Provincial government department; and

(b) transfer the administration and control of land administered by the Department to another Provincial government department.

(4) Any estate or interest in real and personal property acquired by or vested in the Minister under this Part is under the Minister's administration.

8 The Minister may expropriate any land or any estate or interest in land that the Governor in Council deems necessary for the purpose of this Part.

9 Documents required to be executed with respect to

(a) the acquisition, vesting, sale, lease or disposition of estates or interests in real or personal property;

(b) loans, grants, contributions or financial assistance; or

(c) services and other matters authorized,

under this Part may be executed by the Minister, the Deputy Minister or such other person as designated by either the Minister or the Deputy Minister in writing.

10 (1) The Minister may establish any committee or council the Minister considers necessary or advisable to act in an advisory capacity with respect to any of the policies, programs, services or other matters under the administration of the Minister.

(2) The Minister may, with respect to any 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 a chair, vice-chair and secretary; and

(d) authorize, fix and provide for payment of remuneration and expenses to its members.

(3) The Minister may make rules of procedure governing the calling of meetings and the conduct of business at meetings of a committee or council established under this Section.

(4) A committee or council established under this Section may exercise the powers and shall perform the duties and functions that the Minister approves for or confers or imposes on it.

11 (1) Subject to subsection (2), an agreement entered into by a member of the Executive Council or by the Province with respect to municipal contributions to public housing losses as set out in public housing project agreements continues to have legal force and effect.

(2) The Minister may terminate an agreement referred to in subsection (1) by providing notice to the municipalities.

12 A municipality may enter into an agreement with the Minister under this Part or the regulations.

13 (1) Subject to the regulations, a municipality may

(a) limit the municipal taxes levied with respect to the property owned by a company or corporation established for the purpose of this Part for such period as the municipality may determine; and

(b) exempt from municipal taxation or limit the municipal taxes levied with respect to the property owned by a charitable corporation eligible for loans under Section 88 of the *National Housing Act* (Canada).

(2) For greater certainty, a decision to limit or exempt municipal taxes under Section 19 of the *Housing Act* continues to have legal force and effect, subject to the regulations.

14 (1) For the purpose of this Part, the special account known as the Housing Development Fund, continued by the *Housing Act*, is continued in the Department and all assets and liabilities of the Fund are vested in the Minister.

(2) The Governor in Council may authorize the Minister of Finance and Treasury Board to make available such sums of money from the General Revenue Fund as the Governor in Council considers necessary for the purpose of the Fund.

(3) All disbursements with respect to capital costs of acquiring and developing property structured as repayable loans under this Part must be made out of the Fund.

(4) All repayments and recoveries with respect to a loan or other transaction out of the Fund must be paid or credited to the Fund.

(5) Subject to this Part, all money credited to the Fund may be re-employed for the purpose of this Part.

(6) Accounting with respect to the Fund is based on the fiscal year of the Province, and the Minister shall ensure that a financial report is prepared no later than June 30th each year for the previous fiscal year respecting the assets, liabilities and continuity of the Fund.

15 (1) The Minister may make regulations

(a) governing the application, conditions, management, supervision and any other matter necessary for the provision of a grant or contribution by the Minister under this Part;

(b) governing the application, conditions, management, supervision and any other matter necessary for the provision of financial assistance by the Minister under this Part;

(c) prescribing fees levied for the purpose of this Part;

(d) respecting the establishment of a mortgage insurance fund to permit the Minister to insure loans for the purpose of this Part;

(e) respecting the authority for a municipality to enter into an agreement for the purpose of this Part, including respecting the limiting of or exempting from municipal taxes on real property;

(f) respecting a program established for the purpose of this Part;

(g) respecting the supervision, direction and management of the Agency;

(h) prescribing forms for the purpose of this Part.

(2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

16 (1) The Governor in Council may make regulations

(a) prescribing the thresholds and parameters for loans by the Minister under this Part;

(b) governing the application, conditions, management, supervision and any other matter necessary for the provision of a loan by the Minister under this Part;

(c) respecting program-specific conditions for a loan by the Minister under this Part;

(d) defining any word or expression used but not defined in this Part;

(e) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Part.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

PART II

NOVA SCOTIA PROVINCIAL HOUSING AGENCY

17 On the coming into force of this Section,

- (a) the regional housing authorities are amalgamated as a body corporate to be known as the Nova Scotia Provincial Housing Agency;
- (b) the terms of each board member of the regional housing authorities end;
- (c) all committees that existed under the regional housing authorities are dissolved;
- (d) all assets of the regional housing authorities, including all right, title and interest of the regional housing authorities, are vested in the Agency;
- (e) subject to clause (f), all obligations and liabilities of the regional housing authorities are the obligations and liabilities of the Agency;
- (f) the agreements between each of the regional housing authorities and His Majesty in right of the Province, known as the management agreements, are terminated;
- (g) the vesting of any asset of the regional housing authorities in the Agency does not void any policy of insurance with respect to the asset, including any public liability insurance, and the Agency is deemed to be the insured party for the purpose of any such policy; and
- (h) a reference to any of the regional housing authorities in any enactment other than this Act or in any agreement or other document is to be read and construed as a reference to the Agency, unless a contrary intention appears.

18 The capital stock of the Agency is one share with a par value of one dollar, to be issued and registered in the name of the Minister on behalf of His Majesty in right of the Province.

19 The Agency is a crown corporation within the meaning of the *Finance Act*.

20 The Agency is an agent of His Majesty in right of the Province.

21 The objects of the Agency are to

- (a) maintain, manage and operate safe and suitable subsidized housing accommodations for low-income households in the Province;
- (b) attain acceptable levels of tenant service;
- (c) manage applications and tenancies for subsidized housing; and
- (d) deliver in whole or in part, on behalf of the Minister, such programs undertaken by the Minister as the Minister may direct.

22 (1) Subject to this Act and the regulations, the Agency may do such things necessary for or incidental to the effective attainment of its objects and exercise of its powers, including

- (a) entering into agreements with any person or body, including government entities;
- (b) employing and contracting, in accordance with the *Personal Contract Service Regulations* made under the *Public Service Act*, with such persons as it may require for the purpose of carrying out its objects;

(c) subject to subsection (2), acquiring or disposing of any estate or interest in real property and, without restricting the generality of the foregoing, purchasing, taking on lease or exchanging, hiring or otherwise acquiring any real or personal property of any and every description and selling, leasing, mortgaging, hypothecating, disposing of, dealing with or investing the same and holding such lands or tenements or interest therein as the Minister may deem necessary or convenient for the purpose of this Part and for such consideration as the Minister considers appropriate;

(d) investing and dealing with the funds of the Agency not immediately required in such securities and in such manner as the Minister may determine, subject to the *Finance Act*;

(e) lending money and taking security on any loans given;

(f) making such payments as are required for its good management and operation;

(g) delivering public housing programs consistent with the housing priorities and policies of the Province;

(h) delivering such programs undertaken by the Minister as the Minister may direct;

(i) levying fees for the purpose of this Act;

(j) assessing eligibility, managing applications, determining rent levels, collecting rent and managing tenant matters;

(k) setting and executing strategic plans to advance Ministerial direction; and

(l) setting and executing multi-year infrastructure renewal plans.

(2) An acquisition or disposal of any estate or interest in real property that exceeds 25 acres in a single transaction must be approved by the Governor in Council.

(3) Except as otherwise provided in this Act or by order of the Governor in Council, the Agency has all the powers of a company incorporated under the *Companies Act*.

23 (1) The management and control of the affairs of the Agency are vested in the Minister.

(2) The Minister may exercise the powers of the Agency subject to this Act and the regulations.

24 (1) The Governor in Council shall appoint a Chief Executive Officer of the Agency.

(2) The Chief Executive Officer reports to the Deputy Minister.

(3) The Chief Executive Officer shall perform such duties as the Minister may determine.

25 (1) The Agency has an interim board consisting of the Deputy Minister and such other deputy ministers as may be required to fulfil the objects of the Agency.

(2) The interim board performs the function of the Advisory Board and remains in place until, and ceases to exist upon, the appointment of the Advisory Board by the Governor in Council.

26 The Agency has an Advisory Board that provides advice and recommendations to further the Agency's objects.

27 (1) The Advisory Board consists of not more than 10 members appointed by the Governor in Council.

(2) Advisory Board members hold office for such period of time as determined by the Governor in Council and may be reappointed.

28 The Governor in Council shall appoint a Chair and a Vice-chair of the Advisory Board, who hold office for such period of time as determined by the Governor in Council.

29 A vacancy on the Advisory Board does not impair the right of the remaining members to act.

30 Each Advisory Board member is entitled to such remuneration and reimbursement of expenses as is determined by the Governor in Council.

31 Subject to the approval of the Deputy Minister, the Advisory Board may

- (a) avail itself of the services of the employees of the Agency; and
- (b) appoint an employee of the Agency to act as the Secretary of the Advisory Board.

32 A majority of the Advisory Board members constitutes a quorum.

33 The Deputy Minister and the Chief Executive Officer of the Agency may attend meetings of the Advisory Board, but the Deputy Minister and the Chief Executive Officer

- (a) are not members of the Advisory Board; and
- (b) may not vote at meetings of the Advisory Board.

34 A member of the Advisory Board shall, when exercising the powers or performing the duties of the member's position,

- (a) act honestly and in good faith with a view to the best interests of the Agency;
- (b) exercise the care, diligence and skill that a reasonably prudent individual would exercise in comparable circumstances; and
- (c) act in accordance with this Act and the regulations.

35 The Advisory Board shall

- (a) report to the Minister through the Chief Executive Officer;

(b) advise the Minister on matters related to major operational initiatives, programs, policies and services of the Agency; and

(c) bring to the attention of the Minister matters that are of interest and concern to the public or other stakeholders respecting subsidized housing or that are related to the objects of the Agency.

36 The Advisory Board may pass resolutions to document its recommendations to the Minister but, for greater certainty, the Minister is not bound by any recommendations or resolution of the Board.

37 The Minister may make by-laws, not inconsistent with this Act, respecting the internal organization and procedures of the Advisory Board, subject to the approval of the Governor in Council.

38 (1) The Minister may issue such policy directions to the Advisory Board as are consistent with this Act if, in the opinion of the Minister, it is in the public interest to do so.

(2) The Advisory Board shall comply with a direction issued under subsection (1).

39 The fiscal year of the Agency is the same as the fiscal year of the Province.

40 The Agency's system of accounting is subject to the approval of the Minister of Finance and Treasury Board.

41 (1) Annually as required by the Minister, the Agency shall submit to the Minister for approval a detailed business plan for the Agency for the following fiscal year.

(2) The business plan must contain such information as required by the Minister.

42 When required by the Minister, the Agency shall submit to the Minister for approval a multi-year strategic plan for the operation of the Agency.

43 The Advisory Board is a department for the purpose of the definition of "department" in the *Conflict of Interest Act* and, for greater certainty, Section 22 of that Act applies to Advisory Board members.

44 The Agency is a public body as defined in the *Freedom of Information and Protection of Privacy Act* and, for greater certainty, that Act applies to the Agency.

45 Section 44A of the *Civil Service Act* applies with necessary changes to the Agency and the Advisory Board members.

46 (1) The *Proceedings against the Crown Act* applies to actions and proceedings against the Agency.

(2) For the purpose of this Section, a reference in the *Proceedings against the Crown Act* to

- (a) the Crown is to be read and construed as a reference to the Agency; and
- (b) the General Revenue Fund of the Province is to be read and construed as a reference to the funds of the Agency.

(3) In proceedings under this Section, an action must be brought against the Agency in the name of the Agency.

(4) Where a document or notice is to be served upon or given to the Agency under this Section or the *Proceedings against the Crown Act*, it may be served by delivering a copy to the office of the Attorney General or the Deputy Attorney General or any other lawyer employed in the Department of the Attorney General or by delivering a copy to a lawyer designated for that purpose by the Attorney General and such service is deemed to be service on the Agency.

47 (1) The Governor in Council may make regulations

- (a) respecting the supervision, direction and management of the Agency;
- (b) respecting the lending of money by the Agency including the criteria, eligibility, terms and conditions upon which the loans may be provided or amended;
- (c) respecting the taking of security by the Agency on loans;
- (d) prescribing the powers of the Agency to acquire, sell or otherwise dispose of assets, including real and personal property;
- (e) defining any word or expression used but not defined in this Part;
- (f) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Part.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

48 In this Section and Sections 49 to 52,

- (a) “civil servant” means an employee of the Province who was appointed in accordance with the *Civil Service Act*;
- (b) “Civil Service” has the same meaning as in the *Civil Service Act*;
- (c) “designated Agency employee” means a civil servant or an employee of a regional housing authority who is determined by the Minister to become an employee of the Agency;
- (d) “designated civil servant” means an employee of a regional housing authority who is determined by the Minister to become an employee of the Department;
- (e) “designated person” means either a designated civil servant or a designated Agency employee.

49 (1) The Minister may determine who becomes a designated person by communicating that decision to the person in writing.

(2) On designation, a designated person ceases to be an employee of the person's former employer and becomes an employee of the employer determined by the Minister.

(3) A designated person is deemed to have been employed with the person's new employer for the same period of employment that the person was credited with as an employee of the former employer.

(4) The continuity of employment of a designated person is not broken by the effect of this Section.

(5) For greater certainty, the operation of this Section is deemed not to

(a) constitute a termination, constructive dismissal or layoff of any employee;

(b) constitute a breach, termination, repudiation or frustration of any contract;

(c) constitute an event of default or *force majeure* under any contract; or

(d) give rise to a breach, termination, repudiation or frustration of any licence, permit or other right, or to any right to terminate or repudiate a contract, licence, permit or other right, or to any estoppel.

50 (1) For the purpose of this Section, where a civil servant becomes a designated Agency employee, the words "the same or equal terms and conditions of employment as those under which the employee was employed by the former employer" include, with necessary changes, any terms and conditions that applied by virtue of the regulations made under the *Civil Service Act*.

(2) A designated Agency employee is employed by the Agency on the same or equal terms and conditions of employment as those under which the employee was employed by the former employer, until changed by collective agreement or contract of employment.

(3) The creation of the Agency is a transfer of business and the Agency is a transferee for the purpose of Section 31 of the *Trade Union Act*.

(4) A designated Agency employee is entitled as an employee of the Agency to all vacation leave accumulated, less any vacation arrears that accrued, while the designated person was an employee of the former employer.

51 (1) A civil servant, on designation as a designated Agency employee, ceases to be a person appointed in accordance with the *Civil Service Act*.

(2) The *Civil Service Act* and the regulations made under that Act and the *Civil Service Collective Bargaining Act* no longer apply to a civil servant who becomes a designated Agency employee.

(3) The Agency is bound by a collective agreement concluded under the *Civil Service Collective Bargaining Act* in relation to a civil servant who becomes a designated Agency

employee as if it were a party to the collective agreement as the employer and as if the collective agreement were concluded under the *Trade Union Act*.

(4) Each civil servant who becomes a designated Agency employee who, before being designated, was an employee within the meaning of the *Public Service Superannuation Act* or was included in a bargaining unit whose collective agreement provided for participation in the Public Service Superannuation Plan is deemed to continue to be an employee for the purpose of that Act, and service in the employment of the Agency is deemed to be employment for the purpose of that Act.

(5) Subject to any applicable collective agreement or contract of employment, each civil servant who becomes a designated Agency employee who, before being designated, was covered by the Nova Scotia Public Service Long Term Disability Plan or was included in a bargaining unit whose collective agreement provided for long-term disability benefits under the Plan is deemed to continue to be a person to whom the Plan applies.

(6) Where, at retirement from the Agency, a civil servant who becomes a designated Agency employee would have been eligible for a public service award under the *General Civil Service Regulations* made under the *Civil Service Act* if the person had remained as an employee of the Province, His Majesty in right of the Province shall pay to the person, upon retirement, an amount equivalent to the amount of the public service award that it would have paid to the person for the person's years of employment as an employee of the Province.

(7) The obligations and liabilities of His Majesty in right of the Province in respect of a civil servant who becomes a designated Agency employee are the obligations and liabilities of the Agency, including all employee benefits and entitlements.

52 (1) On designation, a designated civil servant is deemed to be an employee of the Province in accordance with the *Civil Service Act*, and any enactment applicable to employees of the Civil Service applies to a designated civil servant.

(2) Subsection (1) operates notwithstanding the *Civil Service Act* with respect to appointments to or promotions and vacancies within the Civil Service.

53 (1) Chapter 211 of the Revised Statutes, 1989, the *Housing Act*, except Section 20, is repealed.

(2) Section 20 of Chapter 211 is repealed.

54 Chapter 213 of the Revised Statutes, 1989, the *Housing Nova Scotia Act*, is repealed.

55 (1) Sections 1 to 5, 7 to 13 and 15 to 52 and subsection 53(1) have effect on and after December 1, 2022.

(2) Sections 6 and 14 and subsection 53(2) have effect on and after April 1, 2023.

(3) Effective April 1, 2023,

(a) all right, title and interest of Housing Nova Scotia in any real and personal property is vested in the Minister; and

(b) a reference to Housing Nova Scotia in any enactment other than this Act or in any agreement, deed or other document is to be read and construed as a reference to the Minister.

(4) Section 54 comes into force on such day as the Governor in Council orders and declares by proclamation.

(5) On the coming into force of Section 54, all remaining assets and liabilities of Housing Nova Scotia are vested in the Minister.
