

**FINANCIAL ASSISTANCE PROGRAM
REGARDING IMMINENT EARTH MOVEMENTS**

CHAPTER I PURPOSE AND PROCEDURE

1. The purpose of this program is to provide financial assistance to individuals whose principal residence is threatened by imminent earth movements. Principal residence means the place where an individual carries on all of his everyday activities all year round, such as a single-family home, a duplex, a row house or a condominium.

This program allows individuals, at their option, to use the financial assistance for slope or land stabilization work, for the moving of their residence to a safe site or for departure allowance purposes. They may also be granted financial assistance for the shelter expenses they had to or will have to incur during the work.

The purpose of this program is also to provide financial assistance to the authorities responsible for civil protection, hereinafter referred to as the municipalities, which have incurred excess expenses for the deployment of emergency response measures attributable to the imminence of these earth movements.

Finally, in the event that the residence is moved to another site or demolished, the program sets out the conditions of acquisition of the threatened land by the municipality, and the measures that the municipality must take to guarantee its future safe use.

To be eligible for government financial assistance, the individual whose residence is threatened and the municipality that has deployed emergency response measures must have been designated by the Minister of Public Security upon the implementation of this program.

This financial assistance program is administered by the Minister of Public Security.

2. As provided in section 112 of the Civil Protection Act (R.S.Q., c. S-2.3), entitlement to financial assistance under this program is prescribed one (1) year after the date of publication in the *Gazette officielle du Québec* of the Minister's decision to implement this program.

However, any application for financial assistance submitted more than three (3) months after the date of publication in the *Gazette officielle du Québec* of the Minister's decision to implement this program, must, on pain of refusal, have been preceded by a notice filed by the applicant within those three (3) months specifying the nature of the application to be filed, unless the applicant or the municipality shows that it was impossible to act sooner.

3. To benefit from the program, the individual and the municipality must file an application for financial assistance, using the form provided for this purpose and transmitting it to the ministère de la Sécurité publique, within the time limits determined in section 2.

Moreover, to be granted financial assistance, the individual must:

- 1) prove that he is the owner of the residence in jeopardy and that it is his principal residence;
- 2) give the Minister notice in writing, within thirty (30) days of the date of sending his form, of the option he has chosen for the use of the financial assistance, namely slope or land stabilization, moving of his residence or the departure allowance. This time limit may only be extended if the individual proves, to the Minister's satisfaction, that it was impossible to act sooner;

- 3) inform his mortgage creditor of the terms of the program, and obtain the creditor's consent in writing regarding the option chosen, if this involves moving the residence to another site or the departure allowance.

CHAPTER II SHELTER EXPENSES

4. Financial assistance may be granted to an individual who had to or will have to evacuate his residence for public security purposes. The amount of financial assistance is equal to \$20/day for the first person evacuated and \$10/day per additional family member, from the fourth (4th) day to the one hundredth (100th) day of evacuation. Exceptionally, if public security so requires, the Minister may modify the eligibility period.

The aforementioned amounts are increased by thirty percent (30%) for the territory located between the 49th and 50th parallels, except in the case of the city of Baie-Comeau and all the municipalities of the Gaspé Peninsula, and by fifty percent (50%) for the territory located north of the 50th parallel, excluding the cities of Port-Cartier and Sept-Îles.

CHAPTER III ASSISTANCE FOR THE INDIVIDUAL'S RESIDENCE

SECTION I SLOPE OR LAND STABILIZATION

5. This option involves stabilizing the slope or the land threatening the residence to guarantee its long-term safety.
6. The individual who chooses this option undertakes to:
 - 1) obtain a geotechnical report to guarantee that the work that will be performed will assure the long-term safety of the residence;
 - 2) have the Minister approve the plans and specifications of the work before any contract is awarded;
 - 3) obtain at least two bids for the performance of the work from contractors in the field;
 - 4) obtain all the permits and all the approvals necessary for the performance of the work before it begins;
 - 5) have the Minister approve any draft contract relating to a purpose contemplated under the financial assistance before it is granted;
 - 6) sign the contracts with the engineering firm and the various contractors;
 - 7) ensure supervision of the work by an engineering firm.
7. The expenditures eligible for financial assistance are those directly related to the performance of slope or land stabilization work located on the individual's property. Also eligible are expenses relating to the geotechnical report and the necessary plans and specifications, as well as the inherent costs of supervision of the work by an engineering firm. To be eligible, these expenditures shall be approved in advance by the Minister and shall not be part of the exclusions enumerated in Appendix B.
8. The amount of financial assistance granted to the individual is equal to the costs of the eligible expenditures enumerated in section 7, without exceeding the sum of the value of the standardized municipal assessment of the land and the depreciated cost before economic obsolescence of the building, excluding appurtenances, determined from the property record established for municipal assessment purposes, in force at the time that the imminence of earth movements was determined by the Minister, and without exceeding \$100,000.

SECTION II MOVING THE RESIDENCE

9. This option involves moving the residence on the same site or to another site so that it is henceforth installed on a safe site.
10. The individual who chooses this option undertakes to:
 - 1) obtain a geotechnical report if his residence is moved on the same site, to ensure that the chosen relocation site will guarantee the long-term safety of his residence;
 - 2) obtain a certificate from the municipality where his residence will be installed, if it is moved to another site, confirming that the host site is safe;
 - 3) acquire the host site, if necessary;
 - 4) assign his entire site to the municipality for the nominal sum of \$1, in consideration of the financial assistance granted by the gouvernement, if the residence is moved to another site;
 - 5) demolish or move the appurtenances and other property located on his land, unless his residence is moved on the same site and these appurtenances and other property are not in jeopardy;
 - 6) eliminate the residual foundations in accordance with the laws and regulations in force and render the site safe;
 - 7) obtain all the permits and all the approvals necessary for the performance of the work before it begins;
 - 8) have the Minister approve any draft contract relating to a purpose contemplated under the financial assistance before it is granted;
 - 9) sign the contracts with the engineering firm and the various contractors.
11. In the event that the residence is moved to another site, the municipality shall:
 - 1) send the Minister, no later than thirty (30) days after the sending of a written notice informing the municipality of the option chosen by the individual, a resolution whereby it undertakes to acquire the land from the individual for the nominal sum of \$1;
 - 2) furnish the Minister with a copy of the promise to acquire the land, including the provisions for taking possession entered into between the municipality and the individual, a promise whereby the individual undertakes to assign this land in consideration of the granting of the government financial assistance;
 - 3) acquire the land from the individual;
 - 4) amend its zoning by-law so as to prohibit any construction or infrastructure on this land as long as a danger subsists to human life or safety.
12. The expenditures and work eligible for financial assistance and the exclusions are enumerated in Appendices A and B.
13. The amount of the financial assistance granted to the individual is equal to the costs of the eligible expenditures and work, without exceeding the sum of the value of the standardized municipal assessment of the land and the depreciated cost before economic obsolescence of the building, excluding the appurtenances, determined from the property record established for municipal assessment purposes, in force at the time that the imminence of earth movements was determined by the Minister, and without exceeding \$100,000.

Financial assistance is also granted to the individual for the demolition of the foundations of his residence and for disposal of the rubble. This assistance is equal to the actual expenses disbursed by the individual, to the extent that they are approved by the Minister, up to a limit of \$5,000. However, this assistance will not be included in the maximum amount of financial assistance.

SECTION III DEPARTURE ALLOWANCE

14. Under this option, the individual relocates permanently and demolishes his residence or sells it to a third party to move it to a safe site.
15. The individual who chooses this option undertakes to:
 - 1) demolish his residence and recover the rubble, eliminate the residual foundations in accordance with the laws and regulations and render the site safe;
 - 2) demolish or move the appurtenances and other property located on his land to another site;
 - 3) assign his entire site to the municipality for the nominal sum of \$1, in consideration of the financial assistance granted by the gouvernement.
16. If the individual opts for a departure allowance, the municipality shall:
 - 1) send the Minister, no later than thirty (30) days after the sending of a written notice informing the municipality of the option chosen by the individual, a resolution whereby it undertakes to acquire the land from the individual for the nominal sum of \$1;
 - 2) furnish the Minister with a copy of the promise to acquire the land, including the provisions for taking possession entered into between the municipality and the individual, a promise whereby the individual undertakes to assign this land in consideration of the granting of the government financial assistance;
 - 3) acquire the land from the individual;
 - 4) amend its zoning by-law so as to prohibit any construction or infrastructure on this land as long as a danger subsists to human life or safety.
17. The amount of the financial assistance granted to the individual is equal to the standardized municipal assessment of the land and the residence, excluding the appurtenances, in force at the time when the imminence of earth movements was determined by the Minister, without exceeding \$100,000.

Financial assistance is also granted to the individual for the demolition of his residence and for the disposal of the rubble. This assistance is equal to the actual costs disbursed by the individual, to the extent that they are approved by the Minister, up to a limit of \$5,000. However, this assistance will not be included in the maximum amount of the financial assistance.

18. Instead of demolishing his residence, the individual, if he wishes, may alienate it to a third party who will have to move it to another safe site. This alienation does not exempt the individual from compliance with the conditions stipulated in sections 3 and 15, adapted as needed.
19. In the event of alienation of the residence by the individual, any proceeds resulting from this alienation in excess of ten percent (10%) of the standardized municipal assessment of the residence at the time of the imminence of earth movements was determined by the Minister, are deducted from the financial assistance.

SECTION IV DISBURSEMENT OF FINANCIAL ASSISTANCE TO THE INDIVIDUAL

FIRST DISBURSEMENT OF FINANCIAL ASSISTANCE

20. Over and above the amount granted for shelter expenses, a first disbursement, which may amount to fifty percent (50%) of the estimated total financial assistance that can be granted, may be paid directly to the individual after receipt of the form mentioned in section 3, and when the individual has notified the Minister of his option.

The Minister may determine any other condition for this first disbursement of financial assistance. Moreover, the financial assistance granted as a departure allowance is paid jointly to the individual and the creditor who holds a hypothecary claim on the immovable, for the amount corresponding to the balance of this claim, but up to the amount of the assistance. However, the individual may request that the cheque be made payable to the order of his designated notary in trust.

DISBURSEMENT OF THE BALANCE OF THE FINANCIAL ASSISTANCE

21. The balance of the financial assistance will be paid to the individual when the slope or land stabilization work or the moving of the residence has been completed to the Minister's satisfaction and, as the case may be, that the titles of ownership have been transferred.

Moreover, all the vouchers requested by the Minister shall have been received and accepted by the Minister.

CHAPITRE IV AIDE POUR LA MUNICIPALITÉ

SECTION I DÉPENSES ADMISSIBLES ET MAXIMUM DE L'AIDE

22. Sont admissibles à une aide financière les dépenses additionnelles aux dépenses courantes, effectivement déboursées par une municipalité pour le déploiement de mesures d'intervention attribuables à l'imminence des mouvements de sol faisant l'objet de la mise en œuvre de ce programme, si celles-ci sont demandées ou agréées par le ministre. Le montant de l'aide financière est alors égal à cent pour cent (100 %) des sommes déboursées, sans excéder 5 000 \$.

SECTION II VERSEMENT DE L'AIDE FINANCIÈRE À LA MUNICIPALITÉ

23. L'aide financière est versée à la municipalité sur présentation et acceptation des pièces justificatives prouvant que les dépenses ont été effectivement déboursées.

CHAPTER V GENERAL PROVISIONS

ASSISTANCE OBTAINED FROM ANOTHER SOURCE

24. The individual and the municipality shall undertake to reimburse the gouvernement for the financial assistance granted if the losses for which it is granted have been or will be covered by indemnification from an insurance company or from any other source, except in the case of assistance received as a charitable donation following a public fundraising campaign.

BANKRUPTCY

25. A person in bankruptcy or who has assigned his property is not eligible for financial assistance under this program, subject to a proposal homologated by the court. This provision does not apply to shelter expenses.

PERFORMANCE OF THE WORK

26. All the work provided for under this program, up to the limit of the financial assistance that can be disbursed, shall be performed, to the Minister's satisfaction, within six (6) months of the date when the individual gave notice of his option, as stipulated in section 3. This time limit may only be extended if the claimant proves, to the Minister's satisfaction, that it was impossible to comply with it.

RIGHT TO REVIEW

27. As provided in section 121 of the Civil Protection Act, the individual or the municipality directly concerned by a decision regarding eligibility for this program, the amount of assistance granted or a claim for overpayment may, within two (2) months of the date on which this person is notified of the decision, apply in writing for a review. This time limit may only be extended if the individual – or as the case may be the municipality – proves that it was impossible to comply with it.

INFORMATION

28. As provided in section 110 of the Civil Protection Act, the individual and the municipality must supply the Minister with all documents, all copies of documents and all information required by the Minister for the administration of this program. They must also allow the examination of the premises or property affected by the disaster as soon as possible and inform the Minister of any change in their situation that may affect their eligibility or the amount of the assistance granted.

PERSONAL RIGHT TO FINANCIAL ASSISTANCE

29. As provided in section 115 of the Civil Protection Act, entitlement to financial assistance under this program is a personal right, subject to the condition that the right in respect of the principal residence, in the event of the death of the person who was eligible for assistance or his physical incapacity to maintain this domicile, may be exercised by the persons who resided with him at the time that the imminence of earth movements was determined by the Minister, and who inherit this property or maintain this domicile, as the case may be.

FINANCIAL ASSISTANCE MAY NOT BE ASSIGNED OR SEIZED

30. As provided in sections 116 and 117 of the Civil Protection Act, entitlement to financial assistance under this program may not be assigned and the financial assistance granted may not be seized.

OBSERVANCE OF THE LAWS AND REGULATIONS IN FORCE

31. Any action taken by a claimant to implement any of the measures stipulated in the program must be performed in accordance with the laws and regulations in force.

USE OF FINANCIAL ASSISTANCE

32. As provided in section 114 of the Civil Protection Act, the individual must make a formal commitment to use the financial assistance received exclusively for the purposes for which it is granted.

FINANCIAL ASSISTANCE RECEIVED WITHOUT DUE CAUSE

33. As provided in section 119 of the Civil Protection Act, the individual and the municipality must repay to the Minister any amount received without due cause, unless it was paid as a result of an administrative error which the recipient could not reasonably have discovered.

These amounts may be recovered within three (3) years of the disbursement or, in case of bad faith, within three (3) years of the discovery of that fact, but in no case more than fifteen (15) years after the disbursement.

**LIST OF ELIGIBLE EXPENDITURES AND WORK
IN THE CASE OF MOVING THE RESIDENCE**

- purchase of land: financial assistance allocated for the purchase of land may not exceed the standardized municipal assessment of the former site
- the notarial fees related to the purchase of the site
- the certificate of location
- the fees incurred for a geotechnical report when the individual chooses to move his residence on the same site
- the costs of the work necessary to allow minimal safe access to the residence
- the earthworks required for the residence to be in compliance with the municipal by-laws in force, except for landscaping, or, in the absence of such by-laws, to ensure surface water runoff
- the permits required by the by-laws and regulations in force regarding transport of the residence and its installation on the host site
- transport of the residence and its appurtenances when they are an integral part of the initial structure, including disconnections, lifting, loading, signalling and moving of cables (Hydro-Québec, Bell Canada, cable television)
- the demolition and reconstruction of a masonry chimney, if it cannot be moved with the residence
- the new foundations, including excavation, backfilling and disposal of the excavated materials
- installation of the residence on the new foundations, including the connections to the aqueduct and sewer, electricity, plumbing and telephone systems, including the purchase of materials
- removal and reinstallation of the stairways and galleries giving access to the two main entrances
- insulation of the basement and finishing of the essential rooms in the basement, if these rooms were already set up before the residence is moved; essential rooms mean:
 - a living room, a kitchen and a bathroom, if the upper floors of the residence did not contain rooms with the same use
 - the bedrooms, if these rooms were permanently occupied by family members
- reinstallation of the main and auxiliary heating system
- septic installation and artesian well, if the residence cannot be connected to the municipal systems
- repair of the exterior walls to prevent water infiltration and heat loss resulting from breakage caused by moving the residence
- repair of cracks in the interior walls caused directly by moving the residence
- any expenditure or any work deemed eligible by the Minister

LIST OF EXPENDITURES AND WORK EXCLUDED IN THE CASE OF SLOPE OR LAND STABILIZATION WORK OR MOVING THE RESIDENCE

- damage to any movable or immovable property of the individual or the municipality caused directly or indirectly by the work of moving or demolition of the residence, as well as any other loss attributable to this work or to the instability of the slope or the land, except for breaks in the external walls and cracks in the interior walls caused by moving the residence and mentioned in Appendix A of this program
- the loss of land and damage to the land, to its landscaping and to the works designed to protect them
- damage to a stairway giving access to the shore or to a launch ramp
- damage to fences
- damage to a pool
- damage to a carport, a garage and other appurtenances not built into the residence
- transport or demolition of an immovable deemed non-essential, such as a garage, a shed or a swimming pool
- damage to a patio, a greenhouse and other appendages, except if these appendages are an integral part of the structure of the residence
- works pertaining to interior decoration
- finishing of non-essential rooms
- connection to the cable
- development of the former site
- landscaping of the host site, including grass, fences, entrances, swimming pools
- transfer tax (welcome tax)
- architect's fees
- furniture moving and storage
- basic tender expenses
- loss of income
- any expenses resulting from physical or psychological damage directly or indirectly related to evacuation and salvage of the residence
- damage to any municipal infrastructure
- any expenditure or any work deemed ineligible by the Minister