



Mrs. Carole Pétrin
Lawyer

A Stronger Framework for Additional Housing in Agricultural Zones

On December 5, 2024, the Minister of Agriculture, Fisheries and Food tabled Bill 86, the *Act to ensure the long-term preservation and vitality of agricultural land*, before the National Assembly. The bill proposes substantial amendments to the *Act respecting the preservation of agricultural land and agricultural activities* (APALAA) in an effort to better protect agricultural land while preventing it from being excessively urbanized. One of the most significant changes for municipalities is the introduction of APALAA section 101.2, which imposes strict restrictions on the addition of dwellings in agricultural zones.

The section stipulates that there are now strict conditions for adding or constructing an additional dwelling, an additional residence, or any other additional building capable of containing a dwelling on land that benefits from an acquired right to residential use in an agricultural zone. Furthermore, even if land in an agricultural zone benefits from an acquired right to residential use, new construction of an additional dwelling will only be authorized if it meets all the stipulated conditions. Among other things, this includes being in compliance with the conditions set out in government regulations or, failing that, obtaining express authorization from the Commission de la protection du territoire agricole du Québec (CPTAQ).

The bill also provides exceptions for certain types of dwellings. For example, multigenerational dwellings, which are designed to encourage families to live together, will still be allowed as additions to an existing residence, but will be subject to strict conditions: the additional dwelling must share the same civic address as the main dwelling, have access to the same essential services, and be connected to the main dwelling in such a way as to allow internal communication.

Apart from this exception, it is best to refer to the general principle that authorization from the CPTAQ is required. Authorization will be granted after the CPTAQ has thoroughly assessed the impact the intended use will have on preserving the vitality of agricultural land and preventing uncontrolled urbanization.

A particularly important measure that the bill introduces is an immediate ban on the construction of additional residences in zones that benefit from residential acquired rights until the bill is assented to. This ban is intended to prevent projects from circumventing the new restrictions. Given that, the CPTAQ has announced that it will suspend the assessment of all new requests to authorize additional dwellings in agricultural zones. However, building permits issued based on a CPTAQ notice of compliance between June 21, 2001, and December 5, 2024, will remain valid and those projects will be able to proceed under the previous conditions.

This bill represents an important turning point for agricultural land management in Québec. Strictly regulating the addition of dwellings in these acquired rights areas is intended to preserve the integrity of the land while meeting specific housing needs. However, it is important to note that the bill is only at the presentation stage, and that specific consultations, followed by public hearings, will take place in the coming weeks. Players in the agricultural sector and concerned citizens should keep abreast of the discussions, as changes could be made to the text before its final assent.

**L'EXCELLENCE,
LA COMPÉTENCE ET
L'ÉCOUTE ENGAGÉE**
D'UN PARTENAIRE AU SERVICE DU
MONDE MUNICIPAL.

418 651-9900 • QUÉBEC | 514 845-3533 • MONTRÉAL

MORENCY
SOCIÉTÉ D'AVOCATS