



# SEVEN QUESTIONS CONCERNING THE SPECIAL PLANNING ZONE (SPZ)<sup>1</sup>

## 1. WHY IS MY PROPERTY INCLUDED IN A FLOOD-PRONE AREA?

First, it should be noted that the territory of application of the special planning zone (SPZ) is not a new map of flood-prone areas in Québec.

Indeed, the SPZ is a temporary measure that the government has taken to delimit a territory in which special rules replace local and regional land-use planning and urban planning regulations. The Government can resort to this measure to resolve a planning problem whose urgency or seriousness warrants prompt intervention.

The 2017 and 2019 spring freshets did in fact reveal that it was necessary to act quickly so as to better manage land-use planning in flood-prone areas, in a context of climate change

At present, certain municipalities have urban planning bylaws that contain provisions that do not conform to the *Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains*, one of whose objectives is to ensure the safety of individuals and the protection of property in flood-prone areas.

The Government's objectives are to ensure the safety of individuals and the protection of property in flood-prone areas and to reduce the impact of future flooding on individuals and Quebecers overall who assume the costs of these disasters.

In short, the SPZ allows the government to prohibit the construction of new buildings and the reconstruction of buildings destroyed by flooding until it elaborates and implements a land-use planning action plan governing flood-prone areas.

Among other things, the plan will review the standards respecting the management of flood-prone areas in force for Québec overall and pursue the updating of mapping of flood-prone areas in order to better protect individuals during flooding.

## 2. WHY WEREN'T THE MUNICIPALITIES CONSULTED BEFORE THE SPZ WAS ESTABLISHED?

Given the significance and urgency of the situation, the Government acted rapidly and responsibly by imposing a moratorium on the construction and reconstruction of flooded buildings in order to reflect on how land-use planning in flood-prone areas should be dealt with in Québec.

The SPZ covers nearly 800 municipalities. It would have taken months to consult all the municipalities beforehand, during which time individuals could have built or rebuilt in flood hazard zones.

The Government is aware that the establishment of the SPZ is of concern to the municipalities and to individuals. For this reason, it conducted public consultations on July 4, 2019 in the 16 regions affected. More than 5 600 individuals participated in the public consultation meetings.

## 3. HOW WAS THE TERRITORY OF APPLICATION OF THE SPZ DETERMINED AND WHY DOES THE MAP CONTAIN INACCURACIES?

First, the SPZ applies to the zero-to-20-year flood-prone areas that were already integrated prior to June 10, 2019 into the municipalities' planning tools.<sup>2</sup>

Second, it applies to the territory flooded by the 2017 and 2019 spring freshets delimited by the Government.

Accordingly, a property can lie within the SPZ and not have been flooded in 2017 or in 2019, nor even in previous years, if it is part of a zero-to-20-year flood-prone area integrated into municipal planning tools.

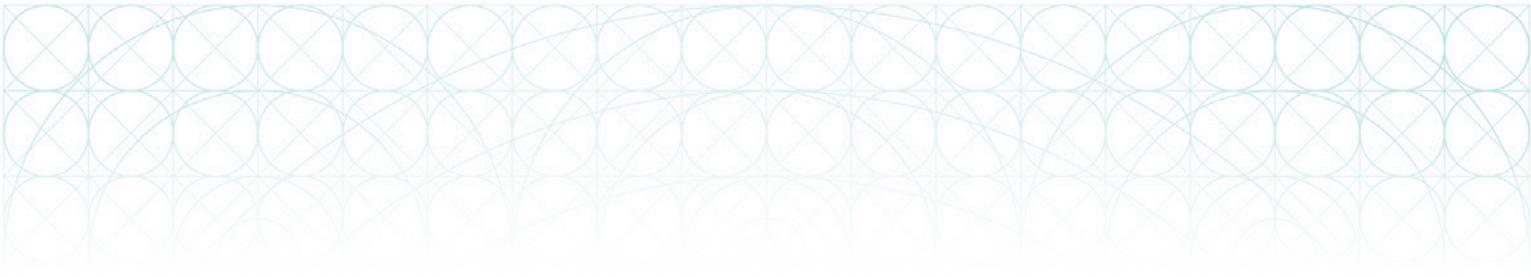
As for the delimitation of the territory flooded in 2017 and in 2019, the data available when the SPZ was established were drawn from aerial photographs, land surveys, satellite images, and claims submitted to the ministère de la Sécurité publique. Satellite imagery technologies are usually less accurate than aerial photography.

The Government wants this territory to correspond as accurately as possible to the zero-to-20-year flood-prone areas already included in the planning tools and to the territories flooded by the 2017 and 2019 spring freshets.

That is why the Government held public consultation sessions on July 4, 2019 and why it continues to adjust the territory of application of the SPZ.

1. This document facilitates an understanding of the Order respecting the declaration of a special planning zone to promote better management of flood zones. To find out about the legal provisions pertaining to the special planning zone, please consult [Order 817-2019](#) published in the *Gazette officielle du Québec* on July 15, 2019.

2. These planning tools are: land use planning and development plans and interim control bylaws.



## **4. MY PROPERTY IS LOCATED IN THE SPZ. HAVE YOU CONSIDERED THE CONSEQUENCES FOR ME, MY INSURANCE PREMIUMS AND THE VALUE OF MY PROPERTY?**

### **POSSIBLE WORKS**

Despite what has been reported, it should be emphasized that most renovation work is possible. Your municipality will be able to issue a permit for work intended to maintain in good condition your land and to maintain, repair, modernize or demolish existing buildings and structures.

For example, subject to its other bylaws, your municipality could authorize the renovation of a bathroom, the replacement of a roof, repairs to a balcony, the replacement of an existing shed, or the reconstruction of a building following a fire.

However, you cannot, for the duration of application of the SPZ, erect new buildings, install a new swimming pool or expand your residence on the portion of your property that is covered by the SPZ. Moreover, you cannot rebuild your house if it was flooded and the damage exceeds 50% of the new construction cost.

### **INSURANCE**

Regarding insurance, the cost of premiums varies according to several factors. If your property was flooded in the past, this may affect your premium. Such impact is not linked to the SPZ but to the disaster that occurred. The insurance premiums of many people who are not located in the SPZ will rise in the coming years.

According to the Insurance Bureau of Canada, inclusion in an SPZ or a flood-prone area does not prevent a homeowner from taking out a home insurance policy that covers wind, fire, theft or vandalism. Insurers evaluate risk and establish rates considering past history. No case of insurance coverage being refused related to the SPZ has been reported.

### **PROPERTY VALUE**

An array of factors determines the value of your property. What is more, an SPZ has been in force since 2011 in the municipalité régionale de comté (MRC) de la Vallée-du-Richelieu and the municipalité régionale de comté (MRC) du Haut-Richelieu. Overall, the assessed value of properties located in this territory has continued to rise at a pace like that in neighbouring municipalities. To date, no study has established that the implementation of an SPZ affects property values.

## **5. I BELIEVE THAT MY PROPERTY HAS BEEN LOCATED IN THE SPZ BY MISTAKE. WHAT CAN I DO?**

First, you must contact your municipality to verify if your property is included in a zero-to-20-year flood-prone area. If so, it will be covered by the SPZ whether it was flooded or not by the 2017 or 2019 spring freshets.

If your property is not located in a zero-to-20-year flood-prone area and you note that it is included within the territory of application of the SPZ although it is not in an area that was flooded, you can notify your municipality accordingly. The municipality is responsible for submitting to the ministère des Affaires municipales et de l'Habitation (MAMH) all requests to adjust the delimitation of the territory flooded in 2017 and in 2019 that it deems admissible.

All the municipalities have until August 19, 2019 to submit their requests for adjustment and comments. The MAMH and the ministère de l'Environnement et de la Lutte contre les changements climatiques will conduct the necessary analyses. The SPZ will be adjusted as soon as possible, where applicable. Lastly, the Government will promptly inform the public of its decisions.

## **6. WHAT INFORMATION MUST I SUBMIT TO MY MUNICIPALITY IF I BELIEVE THAT MY PROPERTY HAS BEEN LOCATED IN THE SPZ BY MISTAKE?**

To fill out the requisite form, your municipality may, by way of an example, ask you to:

- indicate the address and lot number of your property;
- submit dated photographs of your property that show that it was not affected by the spring freshets;
- indicate the highest water level that affected your property, if such information is available;
- indicate the difference between the level of your lot and the level of a nearby watercourse.

## **7. WHEN WILL THE SPZ END?**

There is no specific end date for the SPZ. The regulations established by the SPZ may be lifted gradually, RCM by RCM, when all the municipalities in each RCM have integrated the new normative framework governing land-use planning pertaining to flooding, and when municipal accountability reflects the sound administration of the SPZ.