

SUBSTITUTE FOR  
SENATE BILL NO. 702

A bill to amend 2017 PA 98, entitled  
"Educational instruction access act,"  
by amending section 5 (MCL 123.1045); and to repeal acts and parts  
of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5. (1) Except as otherwise provided in this subsection, a  
2   local governmental body shall not adopt, enforce, **IMPOSE**, or  
3   administer an ordinance, local policy, or local resolution that  
4   prohibits property sold, leased, or transferred by the local  
5   governmental body from being used for any lawful educational  
6   purpose by an educational institution or private school. This  
7   subsection does not apply to either of the following:

8       (a) A zoning ordinance adopted by the local governmental body  
9   under the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101

1 to 125.3702.

2 (b) The administrative review of a site plan as provided in  
3 section 1263(4) of the revised school code, 1976 PA 451, MCL  
4 380.1263.

5 (2) A local governmental body shall not impose, **ENFORCE, OR**  
6 **APPLY** any deed restriction that **EXPRESSLY, OR BY ITS OPERATION,**  
7 prohibits property sold, leased, or transferred by the local  
8 governmental body from being used for any lawful educational  
9 purpose by an educational institution or private school. **ANY DEED**  
10 **RESTRICTION OR AFFIRMATIVE USE DEED RESTRICTION THAT AFFIRMATIVELY**  
11 **ALLOWS FOR ONLY 1 OR MORE SPECIFIED USES OR PURPOSES THAT DO NOT**  
12 **INCLUDE AN EDUCATIONAL USE OR PURPOSE IS PROHIBITED UNDER THIS**  
13 **SUBSECTION.** Any ~~such deed restriction~~ **OR AFFIRMATIVE USE DEED**  
14 **RESTRICTION** in effect on the effective date of ~~this subsection~~ **THE**  
15 **AMENDATORY ACT THAT AMENDED THIS SECTION THAT PROHIBITS OR DOES NOT**  
16 **PERMIT PROPERTY PREVIOUSLY USED FOR AN EDUCATIONAL PURPOSE FROM**  
17 **BEING USED FOR ANY FUTURE EDUCATIONAL PURPOSE** is void.

18 (3) If a local governmental body offers property of the local  
19 governmental body for sale, lease, or rent, the local governmental  
20 body shall not refuse to sell, lease, or rent the property to an  
21 educational institution or private school solely because the  
22 educational institution or private school intends to use the  
23 property for an educational purpose, if the intent of the  
24 educational institution or private school is to use the property  
25 for a lawful educational purpose. If a local governmental body  
26 offers property of the local governmental body for sale, lease, or  
27 rent, the local governmental body is not required to sell, lease,

1 or rent the property to an educational institution or private  
2 school solely because the educational institution or private school  
3 intends to use the property for an educational purpose. This  
4 subsection does not require a local governmental body to do either  
5 of the following:

6 (a) Provide special notice of property offers to an  
7 educational institution or a private school.

8 (b) Provide a right of first refusal to an educational  
9 institution or a private school.

10 Enacting section 1. Section 1260 of the revised school code,  
11 1976 PA 451, MCL 380.1260, is repealed.