



**House
Legislative
Analysis
Section**

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HANDICAPPER HOUSING

**House Bills 4048, 4052-4057
Sponsor: Rep. Kirk A. Profit
Committee: Mental Health**

Complete to 2-7-91

A SUMMARY OF HOUSE BILLS 4048 AND 4052-4057 AS INTRODUCED 2-5-91

The bills would amend a number of acts dealing with local zoning and the placement of "state licensed residential facilities" (namely, adult foster care facilities and child care facilities with six or fewer residents) to bring Michigan law into compliance with the federal Fair Housing Act of 1988, which, among other things, prohibits the creation or perpetuation of segregated housing patterns for people with handicaps.

Currently, before licensing a residential facility that provides 24-hour supervision or care to six or fewer adults or children, the Department of Social Services is required to review the number of existing or proposed similar facilities within the vicinity of the proposed facility. The department is generally prohibited from licensing proposed facilities if the proposed facility is within a certain distance of an existing state facility or when the proposed facility would "substantially contribute" to an "excessive concentration" of state licensed residential facilities within the boundaries of the local unit of government.

The bills would strike these distancing requirements and "excessive concentration" prohibitions, and instead would prohibit the licensing of a residential facility if licensure would either (a) violate the federal prohibition against residential segregation of handicappers or (b) prevent residents from "enjoying a normal living experience and participating fully in the mainstream of community life." House Bill 4054 would require the Department of Mental Health to observe those standards when planning and locating residential facilities.

State licensed residential facilities affected by the bill would include adult foster care homes for six or fewer people, foster family group homes for five or six children, and child care facilities with fewer than six children.

The bills would amend state law as follows:

- * House Bills 4048 (MCL 400.710) and 4053 (MCL 400.716 and 400.732): the Adult Foster Care Facility Licensing Act (Public Act 218 of 1979);
- * House Bill 4052 (MCL 125.583b): the city and village zoning act (Public Act 207 of 1921);
- * House Bill 4054 (MCL 330.1244): the Mental Health Code (Public Act 258 of 1974);
- * House Bill 4055 (MCL 125.216a): the County Rural Zoning Act (Public Act 183 of 1943);

- * House Bill 4056 (MCL 722.121): the child care organization act (Public Act 116 of 1973); and
- * House Bill 4057 (MCL 125.286a): the Township Rural Zoning Act (Public Act 184 of 1943).