

HOUSE BILL No. 4052

February 5, 1991, Introduced by Rep. Profit and referred to the Committee on Mental Health.

A bill to amend the title and section 3b of Act No. 207 of the Public Acts of 1921, entitled as amended

"An act to provide for the establishment in cities and villages of districts or zones within which the use of land and structures, the height, the area, the size, and location of buildings may be regulated by ordinance, and within which districts regulations shall be established for the light and ventilation of those buildings, and within which districts or zones the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property which does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for amendments, supplements, or changes hereto; to provide for conflict with the state housing code or other acts, ordinances, or regulations; and to provide penalties for the violation of the terms of this act,"

being section 125.583b of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 3b of Act No. 207 of the
2 Public Acts of 1921, being section 125.583b of the Michigan
3 Compiled Laws, are amended to read as follows:

4 TITLE

5 An act to provide for the establishment in cities and vil-
6 lages of districts or zones within which the use of land and
7 structures, the height, the area, the size, and location of
8 buildings may be regulated by ordinance, and within which dis-
9 tricts regulations shall be established for the light and venti-
10 lation of those buildings, and within which districts or zones
11 the density of population may be regulated by ordinance; to des-
12 ignate the use of certain state licensed residential facilities
13 AND PRESCRIBE CERTAIN POWERS OF STATE LICENSING AGENCIES; to pro-
14 vide by ordinance for the acquisition by purchase, condemnation,
15 or otherwise of private property which does not conform to the
16 regulations and restrictions of the various zones or districts
17 provided; to provide for the administering of this act; to pro-
18 vide for amendments, supplements, or changes hereto; to provide
19 for conflict with the state housing code or other acts, ordi-
20 nances, or regulations; and to provide penalties for the viola-
21 tion of the terms of this act.

22 Sec. 3b. (1) As used in this section, "state licensed resi-
23 dential facility" means a structure constructed for residential
24 purposes that is licensed by the state pursuant to ~~Act No. 287~~
25 ~~of the Public Acts of 1972, as amended, being sections 331.681 to~~
26 ~~331.694~~ THE ADULT FOSTER CARE FACILITY LICENSING ACT, ACT
27 NO. 218 OF THE PUBLIC ACTS OF 1979, BEING SECTIONS 400.701 TO

1 400.737 of the Michigan Compiled Laws, or Act No. 116 of the
2 Public Acts of 1973, as amended, being sections 722.111 to
3 722.128 of the Michigan Compiled Laws, which provides ~~resident~~
4 ~~services for 6 or less persons under~~ 24-hour supervision or care
5 for persons in need of that supervision or care.

6 (2) In order to implement the policy of this state that per-
7 sons in need of community residential care shall not be excluded
8 by zoning from the benefits of normal residential surroundings, a
9 state licensed residential facility ~~providing supervision or~~
10 ~~care, or both, to 6 or less persons~~ shall be considered a resi-
11 dential use of property for the purposes of zoning and a permit-
12 ted use in all residential zones, including those zoned for
13 single family dwellings, and shall not be subject to a special
14 use or conditional use permit or procedure different from those
15 required for other dwellings of similar density in the same
16 zone.

17 (3) This section ~~shall~~ DOES not apply to adult foster care
18 facilities licensed by a state agency for care and treatment of
19 persons released from or assigned to adult correctional
20 institutions.

21 (4) ~~At least 45 days before licensing a residential facil-~~
22 ~~ity described in subsection (1), the state licensing agency shall~~
23 ~~notify the council of the city or village or the designated~~
24 ~~agency of the city or village where the proposed facility is to~~
25 ~~be located to review the number of existing or proposed similar~~
26 ~~state licensed residential facilities whose property lines are~~
27 ~~within a 1,500 foot radius of the property lines of the location~~

~~1 of the applicant. The council of a city or village or an agency
2 of the city or village to which the authority is delegated shall,
3 when a proposed facility is to be located within the city or vil-
4 lage, give appropriate notification of the proposal to license
5 the facility to those residents whose property lines are within a
6 1,500 foot radius of the property lines of the proposed
7 facility. A state licensing agency shall not license a proposed
8 residential facility when another state licensed residential
9 facility exists within the 1,500 foot radius, unless permitted by
10 local zoning ordinances, of the proposed location or when the
11 issuance of the license would substantially contribute to an
12 excessive concentration of state licensed residential facilities
13 within the city or village. In a city with a population of
14 1,000,000 or more a state licensing agency shall not license a
15 proposed residential facility when another state licensed resi-
16 dential facility exists within a 3,000 foot radius of the pro-
17 posed location. This subsection shall not apply to state
18 licensed residential facilities caring for 4 or less minors. A
19 STATE LICENSING AGENCY SHALL NOT LICENSE A PROPOSED STATE
20 LICENSED RESIDENTIAL FACILITY IF THE ISSUANCE OF THE LICENSE
21 WOULD PREVENT RESIDENTS FROM ENJOYING A NORMAL LIVING EXPERIENCE
22 AND PARTICIPATING FULLY IN THE MAINSTREAM OF COMMUNITY LIFE, OR
23 WOULD CREATE OR PERPETUATE SEGREGATED HOUSING PATTERNS FOR PER-
24 SONS WITH HANDICAPS, AS PROHIBITED BY RULES ISSUED UNDER THE FED-
25 ERAL FAIR HOUSING ACT, TITLE VIII OF PUBLIC LAW 90-284, 42 U.S.C.
26 3601 TO 3619.~~

1 ~~(5) This section shall not apply to a state licensed~~
2 ~~residential facility licensed before March 31, 1977, or to a~~
3 ~~residential facility which was in the process of being developed~~
4 ~~and licensed before March 31, 1977, if approval had been granted~~
5 ~~by the appropriate local governing body.~~

6 Section 2. This amendatory act shall not take effect unless
7 all of the following bills of the 86th Legislature are enacted
8 into law:

9 (a) Senate Bill No. ____ or House Bill No. 4055 (request
10 no. 00729'91).

11 (b) Senate Bill No. ____ or House Bill No. 4054 (request
12 no. 00730'91).

13 (c) Senate Bill No. ____ or House Bill No. 4056 (request
14 no. 00731'91).

15 (d) Senate Bill No. ____ or House Bill No. 4053 (request
16 no. 00732'91).

17 (e) Senate Bill No. ____ or House Bill No. 4057 (request
18 no. 00733'91).