

HOUSE BILL No. 4053

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

A bill to amend sections 16 and 32 of Act No. 218 of the Public Acts of 1979, entitled "Adult foster care facility licensing act," being sections 400.716 and 400.732 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 16 and 32 of Act No. 218 of the Public
2 Acts of 1979, being sections 400.716 and 400.732 of the Michigan
3 Compiled Laws, are amended to read as follows:

4 Sec. 16. (1) ~~Unless the city, village, or township~~
5 ~~approves a temporary license, a temporary license shall not be~~
6 ~~granted under this act if the issuance of the license would sub-~~
7 ~~stantially contribute to an excessive concentration of community~~
8 ~~residential facilities within a city, village, or township of~~
9 ~~this state.~~ THE DEPARTMENT SHALL DENY A TEMPORARY LICENSE TO AN

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1 APPLICANT IF THE DEPARTMENT DETERMINES THAT LICENSING THE
2 FACILITY AT THE PARTICULAR LOCATION WOULD DO 1 OR MORE OF THE
3 FOLLOWING:

4 (A) CREATE OR PERPETUATE SEGREGATED HOUSING PATTERNS FOR
5 PERSONS WITH HANDICAPS, AS PROHIBITED BY RULES ISSUED UNDER THE
6 FEDERAL FAIR HOUSING ACT, TITLE VIII OF PUBLIC LAW 90-284, 42
7 U.S.C. 3601 TO 3619.

8 (B) PREVENT RESIDENTS FROM ENJOYING A NORMAL LIVING
9 EXPERIENCE AND PARTICIPATING FULLY IN THE MAINSTREAM OF COMMUNITY
10 LIFE.

11 (2) A temporary license shall not be granted under this act
12 FOR AN ADULT FOSTER CARE FACILITY if the proposed adult foster
13 care facility ~~for more than 6 adults~~ has not obtained zoning
14 approval or obtained a special or conditional use permit THAT IS
15 CONSISTENT WITH FEDERAL LAW if required by an ordinance of the
16 city, village, or township in which the proposed facility is
17 located.

18 ~~(3) The department shall not issue a temporary license to~~
19 ~~an adult foster care facility which does not comply with section~~
20 ~~16a of Act No. 183 of the Public Acts of 1943, as amended, being~~
21 ~~section 125.216a of the Michigan Compiled Laws, section 16a of~~
22 ~~Act No. 184 of the Public Acts of 1943, as amended, being sec-~~
23 ~~tion 125.286a of the Michigan Compiled Laws, and section 3b of~~
24 ~~Act No. 207 of the Public Acts of 1921, as amended, being sec-~~
25 ~~tion 125.583b of the Michigan Compiled Laws.~~

26 ~~(4) This section shall not apply to an applicant who has~~
27 ~~purchased a facility and the facility, at the time of the~~

1 ~~purchase, or for 1 year preceding the application, was licensed~~
 2 ~~under this act or an act repealed by this act.~~

3 Sec. 32. ~~(1) The department shall notify the clerk of the~~
 4 ~~city, village, or township where a proposed adult foster care~~
 5 ~~facility is to be located at least 45 days before the issuance of~~
 6 ~~a license.~~

7 (1) ~~(2)~~ The department shall notify the clerk of the city,
 8 village, or township of all newly licensed adult foster care
 9 facilities within 30 days after the issuance of a license.

10 (2) ~~(3) The~~ UPON REQUEST OF A CITY, VILLAGE, OR TOWNSHIP,
 11 THE department shall notify the clerk of the city, village, or
 12 township of the location of all licensed adult foster care facil-
 13 ities within the boundaries of that city, village, or township
 14 within 30 days after receipt of the request.

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

18 (a) Senate Bill No. ____ or House Bill No. 4052 (request
 19 no. 00728'91).

20 (b) Senate Bill No. ____ or House Bill No. 4055 (request
 21 no. 00729'91).

22 (c) Senate Bill No. ____ or House Bill No. 4054 (request
 23 no. 00730'91).

24 (d) Senate Bill No. ____ or House Bill No. 4056 (request
 25 no. 00731'91).

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