

HOUSE BILL No. 4055

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

A bill to amend the title and section 16a of Act No. 183 of the Public Acts of 1943, entitled as amended "The county rural zoning enabling act," being section 125.216a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 16a of Act No. 183 of the
2 Public Acts of 1943, being section 125.216a of the Michigan
3 Compiled Laws, are amended to read as follows:

4 TITLE

5 An act to provide for the establishment in portions of coun-
6 ties lying outside the limits of incorporated cities and villages
7 of zoning districts within which the proper use of land and natu-
8 ral resources may be encouraged or regulated by ordinance, and
9 within which districts provisions may also be adopted designating
10 the location of, the size of, the uses that may be made of, the

1 minimum open spaces, sanitary, safety, and protective measures
 2 that shall be required for, and the maximum number of families
 3 that may be housed in dwellings, buildings, and structures that
 4 may be erected or altered after the effective date of this act;
 5 to designate the use of certain state licensed residential facil-
 6 ities AND PRESCRIBE THE POWERS OF CERTAIN STATE LICENSING
 7 AGENCIES; to provide for a method for the adoption of ordinances
 8 and amendments thereto; to provide for emergency interim ordi-
 9 nances; to provide by ordinance for the acquisition by purchase,
 10 condemnation, or otherwise, of property which does not conform to
 11 the requirements of the zoning districts so provided; to provide
 12 for the administering of ordinances adopted; to provide for con-
 13 flicts with other acts, ordinances, or regulations; to provide
 14 penalties for violations; to provide for the assessment, levy,
 15 and collection of taxes; to provide for referenda; to provide for
 16 appeals; and to provide for the repeal of acts in conflict with
 17 this act.

18 Sec. 16a. (1) As used in this section, "state licensed res-
 19 idential facility" means a structure constructed for residential
 20 purposes that is licensed by the state pursuant to ~~Act No. 287~~
 21 ~~of the Public Acts of 1972, as amended, being sections 331.681 to~~
 22 ~~331.694~~ THE ADULT FOSTER CARE FACILITY LICENSING ACT, ACT
 23 NO. 218 OF THE PUBLIC ACTS OF 1979, BEING SECTIONS 400.701 TO
 24 400.737 of the Michigan Compiled Laws, or Act No. 116 of the
 25 Public Acts of 1973, as amended, being sections 722.111 to
 26 722.128 of the Michigan Compiled Laws, which provides ~~resident~~

1 ~~services for 6 or less persons under~~ 24-hour supervision or care
2 for persons in need of that supervision or care.

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

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

18 (4) ~~At least 45 days before licensing a residential facil-~~
19 ~~ity described in subsection (1), the state licensing agency shall~~
20 ~~notify the county board of commissioners or its designated agency~~
21 ~~of the county where the proposed facility is to be located to~~
22 ~~review the number of existing or proposed similar state licensed~~
23 ~~residential facilities whose property lines are within a 1,500~~
24 ~~foot radius of the property lines of the location of the~~
25 ~~applicant. The county board of commissioners of a county or an~~
26 ~~agency of the county to which the authority is delegated may,~~
27 ~~when a proposed facility is to be located within the county, give~~

~~1 appropriate notification of the proposal to license the facility~~
~~2 to those residents whose property lines are within a 1,500 foot~~
~~3 radius of the property lines of the proposed facility. A state~~
~~4 licensing agency shall not license a proposed residential facil-~~
~~5 ity when another state licensed residential facility exists~~
~~6 within the 1,500 foot radius, unless permitted by local zoning~~
~~7 ordinances, of the proposed location or when the issuance of the~~
~~8 license would substantially contribute to an excessive concentra-~~
~~9 tion of state licensed residential facilities within the county.~~
10 This subsection shall not apply to state licensed residential
11 facilities caring for 4 or less minors. A STATE LICENSING AGENCY
12 SHALL NOT LICENSE A PROPOSED STATE LICENSED RESIDENTIAL FACILITY
13 IF THE ISSUANCE OF THE LICENSE WOULD PREVENT RESIDENTS FROM
14 ENJOYING A NORMAL LIVING EXPERIENCE AND PARTICIPATING FULLY IN
15 THE MAINSTREAM OF COMMUNITY LIFE, OR WOULD CREATE OR PERPETUATE
16 SEGREGATED HOUSING PATTERNS FOR PERSONS WITH HANDICAPS, AS PRO-
17 HIBITED BY RULES ISSUED UNDER THE FEDERAL FAIR HOUSING ACT, TITLE
18 VIII OF PUBLIC LAW 90-284, 42 U.S.C. 3601 TO 3619.

19 ~~(5) This section shall not apply to a state licensed resi-~~
~~20 dential facility licensed before March 31, 1977, or to a residen-~~
~~21 tial facility which was in the process of being developed and~~
~~22 licensed before March 31, 1977, if approval had been granted by~~
~~23 the appropriate local governing body.~~

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

1 (a) Senate Bill No. _____ or House Bill No. 4052 (request
2 no. 00728'91).

3 (b) Senate Bill No. _____ or House Bill No. 4054 (request
4 no. 00730'91).

5 (c) Senate Bill No. _____ or House Bill No. 4056 (request
6 no. 00731'91).

7 (d) Senate Bill No. _____ or House Bill No. 4053 (request
8 no. 00732'91).

9 (e) Senate Bill No. _____ or House Bill No. 4057 (request
10 no. 00733'91).