

SENATE BILL No. 49

February 5, 1991, Introduced by Senator BARCIA and referred to the Committee on Finance.

A bill to amend section 3 of Act No. 197 of the Public Acts of 1975, entitled as amended

"An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; and to prescribe the powers and duties of certain state officials,"

being section 125.1653 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 197 of the Public Acts of
2 1975, being section 125.1653 of the Michigan Compiled Laws, is
3 amended to read as follows:

1 Sec. 3. (1) ~~When~~ IF the governing body of a municipality
2 determines that it is necessary for the best interests of the
3 public to ~~halt property value deterioration and~~ increase prop-
4 erty tax valuation where possible in its business district, to
5 eliminate ~~the causes of~~ CONDITIONS that MAY CAUSE BLIGHT OR
6 PROPERTY VALUE deterioration, ~~and~~ OR to promote economic
7 growth, the governing body of that municipality, ~~may,~~ by reso-
8 lution, MAY declare its intention to create and provide for the
9 operation of an authority.

10 (2) In the resolution of intent, the governing body shall
11 set a date for the holding of a public hearing on the adoption of
12 a proposed ordinance creating the authority and designating the
13 boundaries of the downtown district. Notice of the public hear-
14 ing shall be published twice in a newspaper of general circula-
15 tion in the municipality, not less than 20 ~~nor~~ OR more than 40
16 days before the date of the hearing. Notice shall also be mailed
17 to the property taxpayers of record in the proposed district not
18 less than 20 days before the hearing. Failure to receive the
19 notice shall not invalidate these proceedings. Notice of the
20 hearing shall be posted in at least 20 conspicuous and public
21 places in the proposed downtown district not less than 20 days
22 before the hearing. The notice shall state the date, time, and
23 place of the hearing, and shall describe the boundaries of the
24 proposed downtown district. A citizen, taxpayer, or property
25 owner of the municipality has the right to be heard in regard to
26 the establishment of the authority and the boundaries of the
27 proposed downtown district. The governing body of the

1 municipality shall not incorporate land into the downtown
2 district not included in the description contained in notice of
3 public hearing, but it may eliminate described lands from the
4 downtown district in the final determination of the boundaries.

5 (3) After the public hearing, if the governing body of the
6 municipality intends to proceed with the establishment of the
7 authority, it shall adopt, by majority vote of its members, an
8 ordinance establishing the authority and designating the bounda-
9 ries of the downtown district within which the authority shall
10 exercise its powers. The adoption of the ordinance is subject to
11 any applicable statutory or charter provisions in respect to the
12 approval or disapproval by the chief executive or other officer
13 of the municipality and the adoption of an ordinance over his OR
14 HER veto. This ordinance shall be filed with the secretary of
15 state promptly after its adoption and shall be published at least
16 once in a newspaper of general circulation in the municipality.

17 (4) The governing body of the municipality may alter or
18 amend the boundaries of the downtown district to include or
19 exclude lands from the downtown district in accordance with the
20 same requirements prescribed for adopting the ordinance creating
21 the authority.

22 (5) A DOWNTOWN DEVELOPMENT AUTHORITY CREATED BEFORE THE
23 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION
24 SHALL NOT BE INVALIDATED BECAUSE OF A FACTUAL DETERMINATION THAT
25 THE PROPERTY VALUES WITHIN THE DOWNTOWN DISTRICT WERE NOT DETERI-
26 ORATING AT THE TIME THE AUTHORITY WAS CREATED.