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SPECIAL ASSESSMENT HEARING NOTICES

House Bill 5296 with committee amendment First Analysis (5-30-00)

Sponsor: Rep. Patricia Birkholz
**Committee: Local Government and Urban
Policy**

THE APPARENT PROBLEM:

Besides mailing notices to affected homeowners, townships must also publish a notice in a local newspaper announcing a hearing regarding special assessments. Some of these published notices also contain lists of the affected properties by property identification number. Apparently, some township residents would prefer that street addresses be printed along with the property identification numbers. Residents who live nearby, and who are interested in the hearing process because they may also be affected or brought into the assessment at a future time, often miss the hearing, as they do not recognize which area of the township is being notified because they do not know which parcels the identification numbers refer to.

THE CONTENT OF THE BILL:

House Bill 5296 would amend Public Act 188 of 1954, an act that governs how townships issue bonds in the anticipation of collections for special assessments. Current law requires that notice of hearings in special assessment proceedings must be mailed to each property owner 10 days before the hearing. In addition, notice must be published twice before the hearing in a newspaper circulating in the township, and under the law the first publication of notice must be at least 10 days before the date of the hearing. House Bill 5296 would retain these provisions and also require that if the published hearing notice includes a list of the property identification numbers for each parcel of property to be assessed, that the published notice would also have to include the street address of each parcel of property to be assessed, if it is available.

MCL 41.724a

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

Though homeowners are notified by mail about a hearing for a special assessment, those who live nearby may not realize that a township project that could also affect them is imminent. A township is also required to publish a notice in a local newspaper, but since affected properties are identified by a parcel number, a resident may not realize the area in question. Some residents have tried to contact their township offices for more information, only to experience difficulties in reaching anyone due to limited hours of operation. This has left some township residents feeling frustrated or like the township is trying to hide something. If the addresses of affected property were listed in the newspaper, township residents could easily identify if the proposed project would also have an impact on them. Since the bill would only pertain to those notices in which the township includes property identification numbers, the cost to add street addresses should not prove to be prohibitive.

Against:

Advertising space in newspapers is extremely expensive. Even with the committee amendment that would spare a township from having to print all the addresses in the case of a township-wide assessment, the bill's provisions could still be too expensive for many townships. Perhaps a lesser expensive alternative could be explored, such as posting a list of the affected addresses outside the township offices where it could be viewed even if the office were closed.

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POSITIONS:

The Department of Treasury indicated its support for the bill. (5-25-00)

The Michigan Townships Association opposed the bill as introduced, and still has some remaining concerns with the committee-reported version. (5-26-00)

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.