

# HOUSE BILL No. 4869

June 5, 2001, Introduced by Reps. Birkholz, Lipsey, Waters, Kilpatrick, Raczkowski, Thomas, Daniels, Kowall, Toy, Richner, Garza, Stallworth, Hale, Rivet, Clarke, Jamnick and Lemmons and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1945 PA 344, entitled

"An act to authorize counties, cities, villages and townships of this state to adopt plans to prevent blight and to adopt plans for the rehabilitation of blighted areas; to authorize assistance in carrying out such plans by the acquisition of real property, the improvement of such real property and the disposal of real property in such areas; to prescribe the methods of financing the exercise of these powers; and to declare the effect of this act,"

by amending section 4 (MCL 125.74), as amended by 1986 PA 320.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 4. (1) As used in this section:

(a) "District area" means a portion of a municipality consisting of 1 or more adjacent or nearby development areas and any surrounding territory that will be significantly affected by the plan for the development area or areas, where a majority of residents in the district area reside in the development area or areas.

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1 (b) "Development plan" and "development area" mean those  
2 terms as defined in section 2.

3 (c) "Citizens' district council" means a citizens' district  
4 council established under this act.

5 (d) "Coordinating council on community redevelopment" means  
6 any coordinating council on community redevelopment established  
7 under this act.

8 (2) Except as provided in subsection (7), the plans, state-  
9 ments, and actions prescribed in subsections (3) to (11) are  
10 requirements and conditions for the exercise of the powers  
11 granted by this act for the acquisition, sale, or lease of real  
12 property for the carrying out of a development plan in a develop-  
13 ment area.

14 (3) The following plans shall be adopted by the local legis-  
15 lative body of the municipality in which the development area is  
16 located:

17 (a) A master plan of the municipality or a master plan which  
18 is sufficiently advanced to designate areas in need of rehabili-  
19 tation or in need of measures to prevent blight.

20 (b) A plan of the general features of development of the  
21 district within which the development area lies and of other dis-  
22 tricts adjacent to the development area, of such extent, content,  
23 and particularity as is necessary to the coordination of the  
24 development area plan with the future development of the terri-  
25 tory surrounding the development area, or, if no future develop-  
26 ment is planned, then in coordination with the present  
27 development.

1       (4) District areas shall be designated for all development  
2 areas that have been approved by a local legislative body and  
3 subject to the terms of this act as of January 1, 1968, and all  
4 subsequent development areas that are so approved. A district  
5 area shall not be designated unless the local legislative body  
6 first holds a public hearing on the designation. The legislative  
7 body shall give notice of the public hearing not less than 20 nor  
8 more than 30 days before the date for the public hearing.

9       (5) Citizens' district councils are governed by the  
10 following:

11       (a) Except as otherwise provided in this subdivision, for  
12 each district area, a citizens' district council of not less than  
13 12 nor more than 25 members shall be selected in a manner that  
14 ensures that the citizens' district council is to the maximum  
15 extent possible representative of the residents of the area and  
16 of other persons with a demonstrable and substantial interest in  
17 the area. The majority of the citizens' district council shall  
18 be composed of citizens living in the development area.

19       (b) The term of office on the councils shall be 3 years. If  
20 terms of council members are not staggered, then, upon the expi-  
21 ration of the terms of the members of the citizens' district  
22 council, 1/3 shall be elected or appointed for 3 years, 1/3 for 2  
23 years and 1/3 for 1 year.

24       (c) Members of the council may be selected by direct elec-  
25 tion by the residents of the area and other persons with a demon-  
26 strable and substantial interest in the area, or may be appointed  
27 by the chief executive officer of the municipality after

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1 consultation with local community groups and residents of the  
2 area, or by a combination of appointment and election. The  
3 method of selection of the citizens' district council, and any  
4 appointments to the council by the chief executive officer, shall  
5 be determined with the approval of the local legislative body  
6 after a public hearing has been held, with public notice of  
7 ~~such~~ THE hearing distributed throughout the district area at  
8 least 20 days before the date of the hearing. Citizens' district  
9 councils shall be established within 45 days of any initial des-  
10 ignation of a development area by any local planning agency or  
11 local legislative body.

12 (d) In a city of over ~~1,000,000~~ 750,000, the local legis-  
13 lative body shall adopt an ordinance governing the composition  
14 and method of selecting the members of the citizens' district  
15 councils, with the limitation that ~~such an~~ THE ordinance shall  
16 provide for a majority of the citizens' district council to be  
17 composed of citizens living in a development area or areas.

18 (6) The local official responsible for preparation of the  
19 development plan within the district area shall periodically con-  
20 sult with and advise the citizens' district council regarding all  
21 aspects of the plan, including the development of new housing for  
22 relocation purposes located either inside or outside of the  
23 development area. The consultation shall begin before any final  
24 decisions by any local planning agency or local legislative body  
25 regarding the development plan other than the designation of the  
26 development area. The consultation shall continue throughout the  
27 various stages of the development plan, including the final

1 implementation of the plan. The local officials responsible for  
2 the development of the plan shall incorporate into the develop-  
3 ment plan the desires and suggestions of the citizens' district  
4 council to the extent feasible. A local commission, public  
5 agency, or local legislative body of any municipality shall not  
6 approve any development plan for a development area unless there  
7 has previously been consultation between the citizens' district  
8 council and the local officials responsible for the development  
9 plan. A record of the meetings, including information and data  
10 presented, shall be maintained and included in official presenta-  
11 tion of the proposed development plan to the local legislative  
12 body.

13       (7) The chief executive officer of the municipality shall  
14 give the citizens' district council written notice of any contem-  
15 plated zoning change, hearing, or condemnation proceedings within  
16 the district area. The notice shall be given at least 20 days  
17 before the effective date of the change or the date of the hear-  
18 ing or proceedings. Upon receiving a request from the citizens'  
19 district council, the local legislative body shall hold a public  
20 hearing on the proposed zoning change or condemnation  
21 proceedings. Each citizens' district council may call upon any  
22 city department for information.

23       (8) In a municipality with 2 or more district areas, each  
24 citizens' district council shall elect 4 of its members who shall  
25 compose the entire membership of the coordinating council on com-  
26 munity redevelopment. The committee shall advise local units of  
27 government on proposed policy on urban renewal, make

1 recommendations for new projects, and promote better relations  
2 between local units of government and residents of urban renewal  
3 areas. Notwithstanding any other provisions of this act, the  
4 formation of a coordinating council on community redevelopment  
5 shall not be a requisite for or condition of the exercise of the  
6 powers granted by this act for the acquisition, sale, or lease of  
7 real property, or the carrying out of a development plan in a  
8 development area.

9       (9) The local legislative body shall adopt a development  
10 plan after consultation with a citizens' district council, if  
11 required, and a public hearing on the development plan as pro-  
12 vided in subsection (11), for the development area in which the  
13 land proposed to be acquired is located or for the effectuation  
14 or protection of which development the proposed land acquisition  
15 is ~~deemed~~ CONSIDERED necessary. A development plan shall  
16 comply with the following:

17       (a) The plan shall designate the location and extent of  
18 streets and other public facilities within the area and shall  
19 designate the location, character, and extent of the categories  
20 of public and private land uses proposed for and within the area,  
21 such as residential, recreation, business, industry, schools,  
22 open spaces, and others, and shall also include a feasible method  
23 for the relocation of families who will be displaced from the  
24 area in decent, safe, and sanitary dwelling accommodations and  
25 without undue hardship to those families, and ~~such~~ WHATEVER  
26 other general features of the proposed rehabilitation ~~as~~ THAT  
27 may be determined by the local legislative body. A feasible

1 method for relocation of displaced families shall demonstrate  
2 that standard housing units are or will be available to the dis-  
3 placed families and individuals at rents or prices within their  
4 financial means, in reasonably convenient locations not less  
5 desirable than the development area with respect to utilities and  
6 facilities.

7 (b) The plan shall designate the location, extent, charac-  
8 ter, and estimated cost of the improvements contemplated for the  
9 area and may include any or all of the following improvements:

10 (i) Partial or total vacation of plats, or replatting.

11 (ii) Opening, widening, straightening, extending, vacating,  
12 or closing streets, alleys, or walkways.

13 (iii) Locating or relocating water mains, sewers, or other  
14 public or private utilities.

15 (iv) Paving of streets, alleys, or sidewalks in special  
16 situations.

17 (v) Acquiring parks, playgrounds, or other recreational  
18 areas or facilities.

19 (vi) Street tree planting, green belts, or buffer strips.

20 (vii) Property renovation in accordance with this act.

21 (viii) Parking facilities.

22 (ix) Commercial area promotion.

23 (x) Economic restructuring of commercial areas.

24 (xi) Recruiting of new businesses.

25 (xii) Other appropriate public improvements and activities  
26 ~~which~~ THAT address rehabilitation or blight prevention in  
27 accordance with this act.

1       (c) The plan shall include estimates of the number of  
2 persons residing in the development area and the number of fami-  
3 lies and individuals to be displaced; a survey of their income  
4 and racial composition; a statistical description of the housing  
5 supply in the community, including the number of private and  
6 public units in existence or under construction, the annual rate  
7 of turnover of the various types of housing, and the range of  
8 rents and sale prices; an estimate of the total demand for hous-  
9 ing in the community; and the estimated capacity of private and  
10 public housing available to displaced families and individuals.

11       (10) A local administrative agency shall be designated to  
12 provide information concerning private and public housing avail-  
13 able to displaced families and individuals and to advise and  
14 assist in their relocation.

15       (11) Before the determination of a blighted area and a  
16 determination that there is a feasible method for relocation of  
17 families and individuals who will be displaced from the area, and  
18 before adoption of a development plan, the local legislative body  
19 shall hold a public hearing ~~—, which hearing—~~ THAT shall comply  
20 with the following:

21       (a) Notice of the time and place of the hearing shall be  
22 given by publication in a newspaper of general circulation not  
23 less than 30 days before the date set for the hearing. Notice of  
24 the hearing shall be distributed in the blighted area at least 25  
25 days before the hearing. Notice of the hearing shall be mailed  
26 at least 25 days before the hearing to the last known owner of  
27 each parcel of land in the blighted area at the last known



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1 address of that owner as shown by the records of the assessor.  
2 The notice shall contain a description of the development area.  
3 For purposes of this notice it shall be sufficient to describe  
4 the boundaries of the development area by its location in rela-  
5 tion to highways, streets, streams, or otherwise. The notice  
6 shall further contain a statement that maps, plats, and a partic-  
7 ular description of the development plan, including the method of  
8 relocating families and individuals who will be displaced from  
9 the area, are available for public inspection at a place to be  
10 designated in the notice, and that all aspects of the development  
11 plan will be open for discussion at the public hearing.

12       (b) At the time set for hearing the local legislative body  
13 shall provide an opportunity for all persons interested to be  
14 heard and shall receive and consider communications in writing  
15 with reference to the development plan. The hearing shall pro-  
16 vide the fullest opportunity for expression of opinion, for argu-  
17 ment on the merits of the development plan, and for introduction  
18 of documentary evidence pertinent to the development plan.

19       (c) The local legislative body shall make and preserve a  
20 record of the public hearing, including specific findings of fact  
21 with respect to its determination of the blighted area and its  
22 determination that there is a feasible method for relocation of  
23 families and individuals who will be displaced from the area, all  
24 data presented at the public hearing and all other data ~~which~~  
25 THAT the legislative body considered in making its  
26 determinations. If no individuals reside in the development

1 area, the legislative body is not required to determine a  
2 feasible method for relocating residents.

3       (12) Within 10 days after the completion of the public hear-  
4 ing as provided in subsection (11), the citizens' district coun-  
5 cil for the district within which the proposed development area  
6 is located shall notify the local legislative body in writing of  
7 its approval or disapproval of the development plan. If the  
8 citizens' district council approves the plan or fails to notify  
9 the local legislative body of its approval or disapproval of the  
10 plan, the local legislative body is free to act on the plan. If  
11 the citizens' district council disapproves the plan and ~~so~~  
12 notifies ~~in writing~~ the local legislative body IN WRITING OF  
13 THIS DISAPPROVAL, the local legislative body shall not adopt the  
14 plan for at least 30 days after receipt of the notice and during  
15 that period shall consult with the citizens' district council  
16 concerning its objections.