

HOUSE BILL No. 5452

November 8, 2007, Introduced by Rep. Bennett and referred to the Committee on Appropriations.

A bill to amend 1978 PA 59, entitled
"Condominium act,"
by amending section 71a (MCL 559.171a), as added by 1983 PA 113.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 71a. (1) The rules of the department of ~~public health~~
2 **ENVIRONMENTAL QUALITY** relating to suitability of soils and
3 groundwater supply for subdivisions not served by public water ~~and~~
4 **OR** public sewers shall apply to a condominium project not served by
5 public water ~~and OR~~ public sewers.

6 (2) If public water ~~and OR~~ public sewers are not available and
7 accessible to the land proposed to be included in a project, a
8 developer shall submit 3 copies of the condominium subdivision plan
9 to the department of ~~public health~~. ~~The department of public health~~
10 ~~shall transmit these copies~~ **ENVIRONMENTAL QUALITY OR** to a local

1 health department that elects to maintain jurisdiction over the
2 approval or rejection of the plan pursuant to subsection (3).

3 (3) Not later than 30 days after receipt of the condominium
4 subdivision plan, the ~~state~~ department of ~~public health~~
5 **ENVIRONMENTAL QUALITY** or, if the local health department elects to
6 maintain jurisdiction over approval or rejection of the plan, the
7 local health department shall approve the plan and note its
8 approval on the copy to be returned to the developer or reject all
9 or such portion of the plan that is not suitable. If **THE PLAN IS**
10 rejected, the department rejecting the plan shall notify the
11 developer and the governing body in writing of the reasons for
12 rejection ~~of the plan~~ and the requirements for approval.

13 (4) **THE PLAN SUBMITTAL TO THE DEPARTMENT OF ENVIRONMENTAL**
14 **QUALITY OR TO A LOCAL HEALTH DEPARTMENT UNDER THIS SECTION SHALL BE**
15 **ACCOMPANIED BY A FILING FEE OF \$300.00 PLUS \$20.00 FOR EACH**
16 **CONDOMINIUM UNIT. THE FILING FEE SHALL BE PAYABLE TO THE LOCAL**
17 **HEALTH DEPARTMENT IF THE PLAN IS SUBMITTED TO THE LOCAL HEALTH**
18 **DEPARTMENT OR TO THE STATE OF MICHIGAN IF THE PLAN IS SUBMITTED TO**
19 **THE DEPARTMENT OF ENVIRONMENTAL QUALITY. FILING FEES RECEIVED BY A**
20 **LOCAL HEALTH DEPARTMENT SHALL BE FORWARDED TO THE DEPARTMENT OF**
21 **ENVIRONMENTAL QUALITY NOT MORE THAN 90 DAYS FOLLOWING THE DATE OF**
22 **PLAN SUBMITTAL TO THE LOCAL HEALTH DEPARTMENT.**

23 (5) **THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL FORWARD**
24 **FILING FEES COLLECTED UNDER THIS SECTION TO THE STATE TREASURER FOR**
25 **DEPOSIT INTO THE ON-SITE WASTEWATER TREATMENT PROGRAM FUND CREATED**
26 **IN SECTION 5003 OF THE NATURAL RESOURCES AND ENVIRONMENTAL**
27 **PROTECTION ACT, 1994 PA 451, MCL 324.5003.**

1 (6) THE DEPARTMENT SHALL ANNUALLY ADJUST THE FEES UNDER
2 SUBSECTION (4) BY AN AMOUNT DETERMINED BY THE STATE TREASURER TO
3 REFLECT THE CUMULATIVE ANNUAL PERCENTAGE CHANGE IN THE DETROIT
4 CONSUMER PRICE INDEX, ROUNDED TO THE NEAREST DOLLAR.

5 (7) AS USED IN THIS SECTION, "DETROIT CONSUMER PRICE INDEX"
6 MEANS THE MOST COMPREHENSIVE INDEX OF CONSUMER PRICES AVAILABLE FOR
7 THE DETROIT AREA FROM THE UNITED STATES DEPARTMENT OF LABOR, BUREAU
8 OF LABOR STATISTICS.

9 Enacting section 1. This amendatory act does not take effect
10 unless Senate Bill No.____ or House Bill No. 5450(request no.
11 02661'07) of the 94th Legislature is enacted into law.