

# HOUSE BILL No. 6019

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1933 (Ex Sess) PA 18, entitled

"An act to authorize any city, village, township, or county to purchase, acquire, construct, maintain, operate, improve, extend, and repair housing facilities; to eliminate housing conditions which are detrimental to the public peace, health, safety, morals, or welfare; and for any such purposes to authorize any such city, village, township, or county to create a commission with power to effectuate said purposes, and to prescribe the powers and duties of such commission and of such city, village, township, or county; and for any such purposes to authorize any such commission, city, village, township, or county to issue notes and revenue bonds; to regulate the issuance, sale, retirement, and refunding of such notes and bonds; to regulate the rentals of such projects and the use of the revenues of the projects; to prescribe the manner of selecting tenants for such projects; to provide for condemnation of private property for such projects; to confer certain powers upon such commissions, cities, villages, townships, and counties in relation to such projects, including the power to receive aid and cooperation of the federal government; to provide for a referendum thereon; to provide for cooperative financing by 2 or more commissions, cities, villages, townships, or counties or any combination thereof; to provide for the issuance, sale, and retirement of revenue bonds and special obligation notes for such purposes; to provide for financing agreements between cooperating borrowers; to provide for other matters relative to the bonds and notes and methods of cooperative financing; for other purposes; and to prescribe penalties and provide remedies,"

by amending sections 1 and 3 (MCL 125.651 and 125.653), section 1 as amended by 2007 PA 185.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Sec. 1. As used in this act:

(a) "Borrower" means either of the following:

(i) ~~The city, village, township, or county~~ **LOCAL UNIT OF GOVERNMENT** operating under this act.

(ii) A commission created under this act if ~~empowered~~ **AUTHORIZED** by ordinance of the ~~creating governing body~~ **INCORPORATING UNIT** to act as a borrower for purposes of issuing bonds or notes under this act.

(b) "Business activity" means that term as defined in section 3(2) of the former single business tax act, 1975 PA 228, ~~or in~~ section 105 of the Michigan business tax act, 2007 PA 36, MCL 208.1105, **OR IN SECTION 603 OF THE INCOME TAX ACT OF 1967, 1967 PA 281, MCL 206.603.**

(c) "Commission" means the housing commission created under this act.

(d) "Governing body" means ~~in the case of a city,~~ the council or commission of ~~the~~ **A** city, ~~; in the case of a village,~~ the council ~~; commission, or board of trustees of the~~ **A** village, ~~; in the case of a township,~~ the township board ~~; and in the case of a county,~~ the board of supervisors ~~or~~ **OF A TOWNSHIP, OR THE** county **BOARD OF** commissioners **OF A COUNTY.**

(e) "Incorporating unit" means the ~~city, village, township, or county~~ **LOCAL UNIT** that creates a commission.

**(F) "LOCAL UNIT" MEANS A CITY, VILLAGE, TOWNSHIP, OR COUNTY.**

(G) ~~(f)~~ "Ordinance" means either of the following:

(i) An ordinance of a ~~city, village, township, or county~~. **LOCAL UNIT.**

(ii) To the extent the incorporating unit has ~~granted or empowered~~ **AUTHORIZED** a commission to take those actions otherwise required to be taken by the incorporating unit by ordinance, a resolution of the commission.

(H) ~~(g)~~ "Township" means a township having a population over 100.

Sec. 3. (1) ~~(a) Any city, village, township or county~~ **A LOCAL UNIT** may create by ordinance ~~, a commission with power to accomplish the purposes set forth in section 2. of this act. Any ordinance hereafter enacted~~ **IF THE ORDINANCE IS ADOPTED BEFORE JANUARY 1, 2015, IT** shall not ~~go into~~ **TAKE** effect until 15 days after it has been published in a newspaper of general circulation in ~~such city, village, township or county~~ **THE LOCAL UNIT** and posted in 3 public places in ~~such city, village, township or county~~. **THE LOCAL UNIT.** If there is no newspaper of general circulation in ~~any such~~ **A** city, village, or township ~~such publication may be had~~ **THAT ADOPTS SUCH AN ORDINANCE, THE ORDINANCE SHALL BE PUBLISHED** in any newspaper having general circulation in the county in which the city, village, or township is ~~situated~~. **LOCATED. IF THE ORDINANCE IS ADOPTED AFTER DECEMBER 31, 2014, THE ORDINANCE SHALL NOT TAKE EFFECT UNTIL 15 DAYS AFTER TIER B PUBLIC NOTICE WITH A LINK, AS SET FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT, IS GIVEN.** If, before ~~such~~ **THE** ordinance goes into effect, a petition signed by a number of the qualified electors of ~~such city, village, township or~~

~~county~~ **THE LOCAL UNIT** equal to at least 3% of the number of voters  
 registered for the last regular ~~city, village, township or county~~  
 election **IN THAT LOCAL UNIT** is filed with the clerk of the ~~city,~~  
~~village, township or county~~ **LOCAL UNIT** requesting that the question  
 of the creation of ~~such~~ **THE** commission be submitted to the ~~voters~~  
**ELECTORS** of the ~~city, village, township or county,~~ **LOCAL UNIT, THE**  
**ORDINANCE SHALL NOT TAKE EFFECT UNLESS APPROVED BY A MAJORITY OF**  
**THE ELECTORS VOTING ON THE QUESTION. IF SUCH A PETITION IS FILED,**  
 the clerk of the ~~city, village, township or county~~ **LOCAL UNIT** shall  
~~immediately call a special election for that purpose, unless a~~  
**SUBMIT THE QUESTION TO THE ELECTORS OF THE LOCAL UNIT AT THE NEXT**  
~~general election is to be held in such city, village, township or~~  
~~county within 30 days from the date of the filing of the petition,~~  
~~in which event the question shall be submitted at such general~~  
~~election. In the event the question is to be submitted at a special~~  
~~election, such election shall be held within 15 days from the date~~  
~~of the filing of the petition.~~ **OR SPECIAL ELECTION THAT ALLOWS**  
**REASONABLE TIME FOR PROPER NOTICES AND PRINTING OF BALLOTS OR AT**  
**ANY SPECIAL ELECTION CALLED FOR THAT PURPOSE, AS DETERMINED BY THE**  
**GOVERNING BODY OF THE LOCAL UNIT.** The manner of conducting ~~any such~~  
**A** special election shall conform as nearly as may be to the manner  
 of conducting elections of members of the governing body of the  
~~city, village, township or county~~ **LOCAL UNIT,** and votes cast on the  
 question shall be counted, canvassed, and returned as nearly as may  
 be in the same manner as at such elections. The question ~~, whether~~  
~~submitted at a general or special election,~~ shall be in  
 substantially the following form:

1 "Shall the ordinance passed by the (name of governing body) on  
 2 the ..... day of ....., ~~19-20~~...., providing for  
 3 the creation of a housing commission, go into effect?

4 ~~"Yes ( )~~

5 ~~"No ( )."~~

6 (2) ~~(b)-If, at such-**THE** election, a majority of the voters~~  
 7 **ELECTORS** voting on the question do not vote in favor of the  
 8 question, the ordinance shall not ~~go into~~-**TAKE** effect and the  
 9 governing body ~~of such city, village, township or county~~ shall not  
 10 pass any other ordinance providing for the creation of a housing  
 11 commission for 1 year ~~from~~-**AFTER** the date of ~~such-**THE**~~ election.

12 (3) ~~(c)-A commission created by a township, within its~~  
 13 territorial jurisdiction, ~~shall have~~-**HAS** all the functions, rights,  
 14 powers, duties, and liabilities provided ~~in~~-**BY** this act for a  
 15 commission created by a city or village, and ~~the provisions of this~~  
 16 act ~~shall apply to such~~-**APPLIES TO A** commission **CREATED BY A**  
 17 **TOWNSHIP** in the same manner and to the same extent as ~~this act~~  
 18 ~~applies to a commission created by such-A~~ city or village. The  
 19 township board shall perform the functions ~~herein~~-required or  
 20 permitted **BY THIS ACT** to be performed by the governing body for a  
 21 commission created by a city or village. ~~and the-**THE**~~ township  
 22 supervisor shall perform ~~such-**THE**~~ functions ~~as are~~-required or  
 23 permitted by this act to be performed by the chief administrative  
 24 officer of a city or village.

25 (4) ~~(d)-A commission created by a county, within an~~  
 26 unincorporated area of the county, ~~shall have~~-**HAS** all the  
 27 functions, rights, powers, duties, and liabilities provided ~~in~~-**BY**

1 this act for a commission created by a city or village, and ~~the~~  
2 ~~provisions of this act shall apply to such~~ **APPLIES TO A** commission  
3 **CREATED BY A COUNTY** in the same manner and to the same extent as  
4 ~~this act applies to a commission created by such~~ **A** city or village.  
5 A commission created by a county, within an incorporated area of  
6 the county, ~~shall have such~~ **HAS ALL THE** functions, rights, powers,  
7 duties, and liabilities as may be provided by contractual agreement  
8 between the county and such incorporated area. The ~~county board of~~  
9 ~~supervisors or county~~ **BOARD OF** commissioners shall perform the  
10 functions ~~herein~~ required or permitted **BY THIS ACT** to be performed  
11 by the governing body for a commission created by a city or  
12 village. ~~; and the chairman of the board of supervisors, THE~~  
13 **CHAIRPERSON OF THE COUNTY BOARD OF COMMISSIONERS** or **THE** county  
14 executive ~~, shall perform such~~ **THE** functions ~~as are~~ required or  
15 permitted by this act to be performed by the chief administrative  
16 officer of a city or village.

17 Enacting section 1. This amendatory act does not take effect  
18 unless House Bill No. 5560 of the 97th Legislature is enacted into  
19 law.