

HOUSE BILL No. 6047

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

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 sections 4 and 10 (MCL 125.74 and 125.80), section 4 as amended by 1986 PA 320.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

2 (a) "District area" means a portion of a municipality
3 consisting of 1 or more adjacent or nearby development areas and
4 any surrounding territory that will be significantly affected by
5 the plan for the development area or areas, where a majority of

1 residents in the district area reside in the development area or
2 areas.

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

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

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

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

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

18 (a) A master plan of the municipality or a master plan ~~which~~
19 **THAT** is sufficiently advanced to designate areas in need of
20 rehabilitation or in need of measures to prevent blight.

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

1 development.

2 (4) District areas shall be designated for all development
3 areas that have been approved by a local legislative body and
4 subject to the terms of this act as of January 1, 1968, and all
5 subsequent development areas that are so approved. A district area
6 shall not be designated unless the local legislative body first
7 holds a public hearing on the designation. ~~The~~**BEFORE JANUARY 1,**
8 **2015, THE** legislative body shall give notice of the public hearing
9 not less than 20 ~~nor~~**OR** more than 30 days before the date for the
10 public hearing. **BEGINNING JANUARY 1, 2015, NOT LESS THAN 20 OR MORE**
11 **THAN 30 DAYS BEFORE THE DATE FOR THE PUBLIC HEARING, TIER A PUBLIC**
12 **NOTICE OF THE PUBLIC HEARING SHALL BE PROVIDED BY THE LEGISLATIVE**
13 **BODY AS SET FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.**

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

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

23 (b) The term of office on the councils shall be 3 years. If
24 terms of council members are not staggered, then, upon the
25 expiration of the terms of the members of the citizens' district
26 council, 1/3 shall be elected or appointed for 3 years, 1/3 for 2
27 years, and 1/3 for 1 year.

1 (c) Members of the council may be selected by direct election
2 by the residents of the area and other persons with a demonstrable
3 and substantial interest in the area, or may be appointed by the
4 chief executive officer of the municipality after consultation with
5 local community groups and residents of the area, or by a
6 combination of appointment and election. The method of selection of
7 the citizens' district council, and any appointments to the council
8 by the chief executive officer, shall be determined with the
9 approval of the local legislative body after a public hearing has
10 been held. ~~with public~~ **BEFORE JANUARY 1, 2015, PUBLIC** notice of
11 ~~such~~ **THE** hearing **SHALL BE** distributed throughout the district area
12 at least 20 days before the date of the hearing. **BEGINNING JANUARY**
13 **1, 2015, AT LEAST 20 DAYS BEFORE THE DATE OF THE HEARING, TIER A**
14 **PUBLIC NOTICE OF THE HEARING SHALL BE PROVIDED AS SET FORTH IN THE**
15 **LOCAL GOVERNMENT PUBLIC NOTICE ACT.** Citizens' district councils
16 shall be established within 45 days of any initial designation of a
17 development area by any local planning agency or local legislative
18 body.

19 (d) In a city of over ~~1,000,000,~~ **600,000,** the local
20 legislative body shall adopt an ordinance governing the composition
21 and method of selecting the members of the citizens' district
22 councils, with the limitation that ~~such an~~ **THE** ordinance ~~shall~~
23 ~~provide~~ **PROVIDES** for a majority of the citizens' district council
24 to be composed of citizens living in a development area or areas.

25 (6) The local official responsible for preparation of the
26 development plan within the district area shall periodically
27 consult with and advise the citizens' district council regarding

1 all aspects of the plan, including the development of new housing
2 for relocation purposes located either inside or outside of the
3 development area. The consultation shall begin before any final
4 decisions by any local planning agency or local legislative body
5 regarding the development plan other than the designation of the
6 development area. The consultation shall continue throughout the
7 various stages of the development plan, including the final
8 implementation of the plan. The local officials responsible for the
9 development of the plan shall incorporate into the development plan
10 the desires and suggestions of the citizens' district council to
11 the extent feasible. A local commission, public agency, or local
12 legislative body of any municipality shall not approve any
13 development plan for a development area unless there has previously
14 been consultation between the citizens' district council and the
15 local officials responsible for the development plan. A record of
16 the meetings, including information and data presented, shall be
17 maintained and included in official presentation of the proposed
18 development plan to the local legislative body.

19 (7) The chief executive officer of the municipality shall give
20 the citizens' district council written notice of any contemplated
21 zoning change, hearing, or condemnation proceedings within the
22 district area. The notice shall be given at least 20 days before
23 the effective date of the change or the date of the hearing or
24 proceedings. Upon receiving a request from the citizens' district
25 council, the local legislative body shall hold a public hearing on
26 the proposed zoning change or condemnation proceedings. **BEGINNING**
27 **JANUARY 1, 2015, TIER A PUBLIC NOTICE OF THE HEARING SHALL BE**

1 **PROVIDED AS SET FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.**

2 Each citizens' district council may call upon any city department
3 for information.

4 (8) In a municipality with 2 or more district areas, each
5 citizens' district council shall elect 4 of its members who shall
6 compose the entire membership of the coordinating council on
7 community redevelopment. The committee shall advise local units of
8 government on proposed policy on urban renewal, make
9 recommendations for new projects, and promote better relations
10 between local units of government and residents of urban renewal
11 areas. Notwithstanding any other provisions of this act, the
12 formation of a coordinating council on community redevelopment
13 shall not be a requisite for or condition of the exercise of the
14 powers granted by this act for the acquisition, sale, or lease of
15 real property, or the carrying out of a development plan in a
16 development area.

17 (9) The local legislative body shall adopt a development plan
18 after consultation with a citizens' district council, if required,
19 and a public hearing on the development plan as provided in
20 subsection (11), for the development area in which the land
21 proposed to be acquired is located or for the effectuation or
22 protection of which development the proposed land acquisition is
23 ~~deemed~~ **CONSIDERED** necessary. A development plan shall comply with
24 the following:

25 (a) The plan shall designate the location and extent of
26 streets and other public facilities within the area and shall
27 designate the location, character, and extent of the categories of

1 public and private land uses proposed for and within the area, such
2 as residential, recreation, business, industry, schools, open
3 spaces, and others, and shall also include a feasible method for
4 the relocation of families who will be displaced from the area in
5 decent, safe, and sanitary dwelling accommodations and without
6 undue hardship to those families, and such other general features
7 of the proposed rehabilitation as may be determined by the local
8 legislative body. A feasible method for relocation of displaced
9 families shall demonstrate that standard housing units are or will
10 be available to the displaced families and individuals at rents or
11 prices within their financial means, in reasonably convenient
12 locations not less desirable than the development area with respect
13 to utilities and facilities.

14 (b) The plan shall designate the location, extent, character,
15 and estimated cost of the improvements contemplated for the area
16 and may include any or all of the following improvements:

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

18 (ii) Opening, widening, straightening, extending, vacating, or
19 closing streets, alleys, or walkways.

20 (iii) Locating or relocating water mains, sewers, or other
21 public or private utilities.

22 (iv) Paving of streets, alleys, or sidewalks in special
23 situations.

24 (v) Acquiring parks, playgrounds, or other recreational areas
25 or facilities.

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

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

1 (viii) Parking facilities.

2 (ix) Commercial area promotion.

3 (x) Economic restructuring of commercial areas.

4 (xi) Recruiting of new businesses.

5 (xii) Other appropriate public improvements and activities
6 ~~which~~**THAT** address rehabilitation or blight prevention in
7 accordance with this act.

8 (c) The plan shall include estimates of the number of persons
9 residing in the development area and the number of families and
10 individuals to be displaced; a survey of their income and racial
11 composition; a statistical description of the housing supply in the
12 community, including the number of private and public units in
13 existence or under construction, the annual rate of turnover of the
14 various types of housing, and the range of rents and sale prices;
15 an estimate of the total demand for housing in the community; and
16 the estimated capacity of private and public housing available to
17 displaced families and individuals.

18 (10) A local administrative agency shall be designated to
19 provide information concerning private and public housing available
20 to displaced families and individuals and to advise and assist in
21 their relocation.

22 (11) Before the determination of a blighted area and a
23 determination that there is a feasible method for relocation of
24 families and individuals who will be displaced from the area, and
25 before adoption of a development plan, the local legislative body
26 shall hold a public hearing, which hearing shall comply with **ALL OF**
27 the following:

1 (a) ~~Notice~~ **BEFORE JANUARY 1, 2015, NOTICE** of the time and
2 place of the hearing shall be given by publication in a newspaper
3 of general circulation not less than 30 days before the date set
4 for the hearing. **BEGINNING JANUARY 1, 2015, NOT LESS THAN 30 DAYS**
5 **BEFORE THE DATE SET FOR THE HEARING, TIER A PUBLIC NOTICE OF THE**
6 **TIME AND PLACE OF THE HEARING SHALL BE PROVIDED AS SET FORTH IN THE**
7 **LOCAL GOVERNMENT PUBLIC NOTICE ACT.** Notice of the hearing shall be
8 distributed in the blighted area at least 25 days before the
9 hearing. Notice of the hearing shall be mailed at least 25 days
10 before the hearing to the last known owner of each parcel of land
11 in the blighted area at the last known address of that owner as
12 shown by the records of the assessor. The notice shall contain a
13 description of the development area. For purposes of this notice,
14 it ~~shall be~~ **IS** sufficient to describe the boundaries of the
15 development area by its location in relation to highways, streets,
16 streams, or otherwise. The notice shall further contain a statement
17 that maps, plats, and a particular description of the development
18 plan, including the method of relocating families and individuals
19 who will be displaced from the area, are available for public
20 inspection at a place to be designated in the notice, and that all
21 aspects of the development plan will be open for discussion at the
22 public hearing.

23 (b) At the time set for hearing the local legislative body
24 shall provide an opportunity for all persons interested to be heard
25 and shall receive and consider communications in writing with
26 reference to the development plan. The hearing shall provide the
27 fullest opportunity for expression of opinion, for argument on the

1 merits of the development plan, and for introduction of documentary
2 evidence pertinent to the development plan.

3 (c) The local legislative body shall make and preserve a
4 record of the public hearing, including specific findings of fact
5 with respect to its determination of the blighted area and its
6 determination that there is a feasible method for relocation of
7 families and individuals who will be displaced from the area, all
8 data presented at the public hearing, and all other data which the
9 legislative body considered in making its determinations. If no
10 individuals reside in the development area, the legislative body is
11 not required to determine a feasible method for relocating
12 residents.

13 (12) Within 10 days after the completion of the public hearing
14 as provided in subsection (11), the citizens' district council for
15 the district within which the proposed development area is located
16 shall notify the local legislative body in writing of its approval
17 or disapproval of the development plan. If the citizens' district
18 council approves the plan or fails to notify the local legislative
19 body of its approval or disapproval of the plan, the local
20 legislative body is free to act on the plan. If the citizens'
21 district council disapproves the plan and so notifies in writing
22 the local legislative body, the local legislative body shall not
23 adopt the plan for at least 30 days after receipt of the notice and
24 during that period shall consult with the citizens' district
25 council concerning its objections.

26 Sec. 10. On and after the date ~~when~~ a plan has been approved
27 for the rehabilitation of an area by the local legislative body, ~~no~~

1 A permit shall **NOT** be issued for work or work done in the area
 2 ~~which~~**THAT** is not in accordance with the plan officially adopted
 3 and made effective by the local legislative body. ~~±Provided,~~
 4 ~~however, That~~**HOWEVER**, the local legislative body shall provide by
 5 ordinance that the zoning board of appeals, if the municipality has
 6 ~~such a~~ **ZONING board OF APPEALS**, or if not, then a board of appeals
 7 created for the purpose, ~~shall have~~**HAS** the power on appeal filed
 8 with it by the owner of real property in the area to approve a
 9 minor deviation from the plan for the area in any case in which
 10 ~~such~~**THE** board finds, upon the evidence presented to it, that the
 11 application of the plan results in unnecessary hardship or
 12 practical difficulties and a minor deviation from the development
 13 plan is required by considerations of justice and equity. Before
 14 taking any such action, the board shall hold a public hearing
 15 ~~thereon,~~**ON THE ACTION. BEFORE JANUARY 1, 2015**, at least 10 days'
 16 notice of the time and place of ~~which shall be given~~**THE HEARING**
 17 **SHALL BE PROVIDED BY THE BOARD** by ~~public~~**PUBLISHING** notice in a
 18 newspaper published or circulated generally in the municipality.
 19 ~~and by notice~~**BEGINNING JANUARY 1, 2015, TIER A PUBLIC NOTICE OF**
 20 **THE TIME AND PLACE OF THE HEARING SHALL BE PROVIDED BY THE BOARD AS**
 21 **SET FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT. IN ADDITION,**
 22 **AT LEAST 10 DAYS' NOTICE OF THE TIME AND PLACE OF THE HEARING SHALL**
 23 **BE PROVIDED** to all property owners within 200 feet of the property
 24 in question, ~~such~~**THE** notice to be by mail addressed to the
 25 respective owners at the address given in the last assessment roll.

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

1 law.