

SENATE BILL No. 964

May 18, 2016, Introduced by Senators SCHMIDT, SCHUITMAKER, HORN, MACGREGOR, ZORN and KNOLLENBERG and referred to the Committee on Regulatory Reform.

A bill to amend 1917 PA 167, entitled
"Housing law of Michigan,"
by amending section 141c (MCL 125.541c), as added by 1992 PA 144.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 141c. (1) The legislative body of a city, village, or
2 township may establish a board of appeals to hear all of the cases
3 and carry out all of the duties of the legislative body described
4 in section 141(3) and (4).

5 (2) ~~The~~ **A** board of appeals shall ~~be~~ **CONSIST OF THE FOLLOWING**
6 **MEMBERS**, appointed by the legislative body of the city, village, or
7 township: ~~and shall consist of the following members:~~

8 (a) A building contractor.

9 (b) ~~A registered~~ **AN** architect or **PROFESSIONAL** engineer **WHO IS**
10 **LICENSED UNDER ARTICLE 20 OF THE OCCUPATIONAL CODE, 1980 PA 299,**

1 MCL 339.2001 TO 339.2014.

2 (c) Two members of the general public.

3 (d) An individual registered as a building official, plan
4 reviewer, or inspector under ~~the building officials and inspectors~~
5 ~~registration act, Act No. 54 of the Public Acts of 1986, being~~
6 ~~sections 338.2301 to 338.2313 of the Michigan Compiled Laws.~~

7 **ARTICLE 10 OF THE SKILLED TRADES REGULATION ACT, MCL 339.6001 TO**
8 **339.6023.** The individual may be an employee of the enforcing
9 agency.

10 (3) Board of appeals members shall be appointed for 3 years,
11 except that of the members first appointed, 2 members shall serve
12 for 1 year, 2 members shall serve for 2 years, and 1 member shall
13 serve for 3 years. A vacancy created other than by expiration of a
14 term shall be filled for the balance of the unexpired term in the
15 same manner as the original appointment. A member may be
16 reappointed for additional terms.

17 (4) ~~The-A~~ board of appeals annually shall elect a chairperson,
18 vice-chairperson, and other officers that the board considers
19 necessary.

20 (5) A majority of the **MEMBERS OF THE** board of appeals members
21 **WHO ARE** appointed and serving ~~constitutes~~ **CONSTITUTE** a quorum.
22 Final action of ~~the-A~~ board of appeals shall be only by affirmative
23 vote of a majority of the board members **WHO ARE** appointed and
24 serving.

25 (6) The legislative body of the city, village, or township
26 shall ~~fix~~ **ESTABLISH** the amount of any per diem compensation
27 provided to the members of ~~the-ITS~~ board of appeals. ~~Expenses of~~

1 **THE EXPENSES OF A MEMBER OF** the board of appeals incurred in the
2 performance of **HIS OR HER** official duties may be reimbursed as
3 provided by law for employees of the legislative body of the city,
4 village, or township.

5 (7) A meeting of ~~the A~~ board of appeals shall ~~be held pursuant~~
6 ~~to~~ **COMPLY WITH** the open meetings act, ~~Act No. 267 of the Public~~
7 ~~Acts of 1976, being sections 15.261 to 15.275 of the Michigan~~
8 ~~Compiled Laws. 1976 PA 267, MCL 15.261 TO 15.275.~~ Public notice of
9 the time, date, and place of ~~the A~~ meeting **OF A BOARD OF APPEALS**
10 shall be given in the manner required ~~by Act No. 267 of the Public~~
11 ~~Acts of 1976.~~ **UNDER THAT ACT.**

12 (8) A writing prepared, owned, used, in the possession of, or
13 retained by ~~the A~~ board of appeals in the performance of an
14 official function ~~shall be made available to the public pursuant to~~
15 ~~the freedom of information act, Act No. 442 of the Public Acts of~~
16 ~~1976, being sections 15.231 to 15.246 of the Michigan Compiled~~
17 ~~Laws.~~ **IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL**
18 **15.231 TO 15.246.**

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.

21 Enacting section 2. This amendatory act does not take effect
22 unless Senate Bill No. 963

23 of the 98th Legislature is enacted into law.