

SENATE BILL No. 702

December 5, 2017, Introduced by Senator PAVLOV and referred to the Committee on Education.

A bill to amend 2017 PA 98, entitled "Educational instruction access act," by amending section 5 (MCL 123.1045).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) Except as otherwise provided in this subsection, a
2 local governmental body shall not adopt, enforce, **IMPOSE**, or
3 administer an ordinance, local policy, or local resolution that
4 prohibits property sold, leased, or transferred by the local
5 governmental body from being used for any lawful educational
6 purpose by an educational institution or private school. This
7 subsection does not apply to either of the following:

8 (a) A zoning ordinance adopted by the local governmental body
9 under the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101

1 to 125.3702.

2 (b) The administrative review of a site plan as provided in
3 section 1263(4) of the revised school code, 1976 PA 451, MCL
4 380.1263.

5 (2) A local governmental body shall not impose, **ENFORCE, OR**
6 **APPLY** any deed restriction that **EXPRESSLY, OR BY ITS OPERATION,**
7 prohibits property sold, leased, or transferred by the local
8 governmental body from being used for any lawful educational
9 purpose by an educational institution or private school. **ANY DEED**
10 **RESTRICTION OR AFFIRMATIVE USE RESTRICTION THAT AFFIRMATIVELY**
11 **ALLOWS FOR ONLY 1 OR MORE SPECIFIED USES OR PURPOSES THAT DO NOT**
12 **INCLUDE AN EDUCATIONAL USE OR PURPOSE IS PROHIBITED UNDER THIS**
13 **SUBSECTION. Any ~~such~~ deed restriction OR AFFIRMATIVE USE**
14 **RESTRICTION in effect on ~~the effective date of this subsection~~ JULY**
15 **13, 2017 THAT PROHIBITS OR DOES NOT PERMIT PROPERTY PREVIOUSLY USED**
16 **FOR AN EDUCATIONAL PURPOSE FROM BEING USED FOR ANY FUTURE**
17 **EDUCATIONAL PURPOSE** is void.

18 (3) If a local governmental body offers property of the local
19 governmental body for sale, lease, or rent, the local governmental
20 body shall not refuse to sell, lease, or rent the property to an
21 educational institution or private school solely because the
22 educational institution or private school intends to use the
23 property for an educational purpose, if the intent of the
24 educational institution or private school is to use the property
25 for a lawful educational purpose. If a local governmental body
26 offers property of the local governmental body for sale, lease, or
27 rent, the local governmental body is not required to sell, lease,

1 or rent the property to an educational institution or private
2 school solely because the educational institution or private school
3 intends to use the property for an educational purpose. This
4 subsection does not require a local governmental body to do either
5 of the following:

6 (a) Provide special notice of property offers to an
7 educational institution or a private school.

8 (b) Provide a right of first refusal to an educational
9 institution or a private school.