

HOUSE BILL NO. 6366

November 12, 2020, Introduced by Rep. Steven Johnson and referred to the Committee on Government Operations.

A bill to amend 2018 PA 57, entitled
"Recodified tax increment financing act,"
by amending sections 805 and 818 (MCL 125.4805 and 125.4818).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 805. (1) If the governing body of a municipality
2 determines that it is necessary for the best interests of the
3 public to promote residential growth in a residential district and
4 to promote economic growth, the governing body may, by resolution,

1 declare its intention to create and provide for the operation of an
2 authority.

3 (2) In the resolution of intent, the governing body shall set
4 a date for a public hearing on the adoption of a proposed ordinance
5 creating the authority and designating the boundaries of the
6 development area. ~~Notice—Through December 31, 2021, notice~~ of the
7 public hearing shall be published twice in a newspaper of general
8 circulation in the municipality, not less than 20 or more than 40
9 days before the date of the hearing. **Beginning January 1, 2022, the**
10 **governing body shall post notice as provided in the local**
11 **government public notice act not less than 20 or more than 40 days**
12 **before the date of the hearing.** Not less than 20 days before the
13 hearing, the governing body proposing to create the authority shall
14 also mail notice of the hearing to the property taxpayers of record
15 in the proposed development area and to the governing body of each
16 taxing jurisdiction levying taxes that would be subject to capture
17 if the authority is established and a tax increment financing plan
18 is approved. Failure of a property taxpayer to receive the notice
19 does not invalidate these proceedings. ~~Notice—Through December 31,~~
20 ~~2021, notice~~ of the hearing shall be posted in at least 20
21 conspicuous and public places in the proposed development area not
22 less than 20 days before the hearing. The notice shall state the
23 date, time, and place of the hearing and shall describe the
24 boundaries of the proposed development area. A citizen, taxpayer,
25 or property owner of the municipality or an official from a taxing
26 jurisdiction with millage that would be subject to capture has the
27 right to be heard in regard to the establishment of the authority
28 and the boundaries of the proposed development area. The governing
29 body of the municipality shall not incorporate land into the

development area not included in the description contained in the notice of public hearing, but it may eliminate described lands from the development area in the final determination of the boundaries.

(3) Not less than 60 days after the public hearing, if the governing body of the municipality intends to proceed with the establishment of the authority, it shall adopt, by majority vote of its members, an ordinance establishing the authority and designating the boundaries of the development area within which the authority shall exercise its powers. The adoption of the ordinance is subject to any applicable statutory or charter provisions in respect to the approval or disapproval by the chief executive or other officer of the municipality and the adoption of an ordinance over his or her veto. This ordinance shall be filed with the secretary of state promptly after its adoption and, **through December 31, 2021**, shall be published at least once in a newspaper of general circulation in the municipality. **Beginning January 1, 2022, the governing body shall post notice as provided in the local government public notice act of the adopted ordinance.**

(4) The governing body of the municipality may alter or amend the boundaries of the development area to include or exclude lands from the development area in the same manner as adopting the ordinance creating the authority.

(5) A residential district or development area under this part shall not include an area of a municipality that is part of a residential district or a development area under ~~the historical neighborhood tax increment finance authority act, former 2004 PA 530. , MCL 125.2841 to 125.2866.~~

(6) An authority created under this part shall have a duration of not more than 30 years from the date of the resolution creating

1 the authority. The governing body of a municipality may extend the
2 duration of the authority by resolution if the purposes for which
3 the authority was created still exist.

4 Sec. 818. (1) The governing body, before adoption of an
5 ordinance approving a development plan or tax increment financing
6 plan, shall hold a public hearing on the development plan. ~~Notice~~
7 **Through December 31, 2021, notice** of the time and place of the
8 hearing shall be given by publication twice in a newspaper of
9 general circulation designated by the municipality, the first of
10 which shall be not less than 20 days before the date set for the
11 hearing. ~~Notice~~**Beginning January 1, 2022, the governing body shall**
12 **post notice as provided in the local government public notice act**
13 **of the time and place of the hearing not less than 20 days before**
14 **the date set for the hearing. Through December 31, 2021, notice** of
15 the hearing shall be posted in at least 20 conspicuous and public
16 places in the development area not less than 20 days before the
17 hearing. Notice shall also be mailed to all property taxpayers of
18 record in the development area and to the governing body of each
19 taxing jurisdiction levying taxes that would be subject to capture
20 if the tax increment financing plan is approved not less than 20
21 days before the hearing.

22 (2) Notice of the time and place of hearing on a development
23 plan shall contain all of the following:

24 (a) A description of the proposed development area in relation
25 to highways, streets, streams, or otherwise.

26 (b) A statement that maps, plats, and a description of the
27 development plan, including the method of relocating families and
28 individuals who may be displaced from the area, if any, are
29 available for public inspection at a place designated in the

1 notice.

2 (c) A statement that all aspects of the development plan will
3 be open for discussion at the public hearing.

4 (d) Other information that the governing body considers
5 appropriate.

6 (3) At the time set for the hearing, the governing body shall
7 provide an opportunity for interested persons to speak and shall
8 receive and consider communications in writing. The hearing shall
9 provide the fullest opportunity for expression of opinion, for
10 argument on the merits, and for consideration of documentary
11 evidence pertinent to the development plan. The governing body
12 shall make and preserve a record of the public hearing, including
13 all data presented at the hearing.

14 Enacting section 1. This amendatory act does not take effect
15 unless Senate Bill No. ____ or House Bill No. 6440 (request no.
16 02449'19) of the 100th Legislature is enacted into law.