

# HOUSE BILL NO. 6367

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 606 and 622 (MCL 125.4606 and 125.4622).

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

1           Sec. 606. (1) If the governing body of a municipality  
2 determines that it is necessary for the best interests of the  
3 public to redevelop its commercial corridors and to promote  
4 economic growth, the governing body may, by resolution, do 1 of the  
5 following:

1 (a) Declare its intention to create and provide for the  
2 operation of an authority.

3 (b) Declare its intention to jointly create and provide for  
4 the operation of a joint authority created under section 604(2).

5 (2) In the resolution of intent, the governing body shall  
6 state that the proposed development area meets the criteria in  
7 section 605, set a date for a public hearing on the adoption of a  
8 proposed resolution creating the authority, and designate the  
9 boundaries of the development area. ~~Notice—Through December 31,~~  
10 **2021, notice** of the public hearing shall be published twice in a  
11 newspaper of general circulation in the municipality, not less than  
12 20 or more than 40 days before the date of the hearing. **Beginning**  
13 **January 1, 2022, the governing body shall post notice as provided**  
14 **in the local government public notice act not less than 20 or more**  
15 **than 40 days before the date of the hearing.** Not less than 20 days  
16 before the hearing, the governing body proposing to create the  
17 authority shall also mail notice of the hearing to the property  
18 taxpayers of record in the proposed development area, to the  
19 governing body of each taxing jurisdiction levying taxes that would  
20 be subject to capture if the authority is established and a tax  
21 increment financing plan is approved, and to the state tax  
22 commission. Failure of a property taxpayer to receive the notice  
23 does not invalidate these proceedings. ~~Notice—Through December 31,~~  
24 **2021, notice** of the hearing shall be posted in at least 20  
25 conspicuous and public places in the proposed development area not  
26 less than 20 days before the hearing. The notice shall state the  
27 date, time, and place of the hearing and shall describe the  
28 boundaries of the proposed development area. A citizen, taxpayer,  
29 or property owner of the municipality or an official from a taxing

1 jurisdiction with millage that would be subject to capture has the  
2 right to be heard in regard to the establishment of the authority  
3 and the boundaries of the proposed development area. The governing  
4 body of the municipality shall not incorporate land into the  
5 development area not included in the description contained in the  
6 notice of public hearing, but it may eliminate described lands from  
7 the development area in the final determination of the boundaries.

8 (3) Not less than 60 days after the public hearing, if the  
9 governing body of the municipality intends to proceed with the  
10 establishment of the authority it shall adopt, by majority vote of  
11 its members, a resolution establishing the authority and  
12 designating the boundaries of the development area within which the  
13 authority shall exercise its powers. The adoption of the resolution  
14 is subject to any applicable statutory or charter provisions in  
15 respect to the approval or disapproval by the chief executive or  
16 other officer of the municipality and the adoption of a resolution  
17 over his or her veto. This resolution shall be filed with the  
18 secretary of state promptly after its adoption and **through December**  
19 **31, 2021,** shall be published at least once in a newspaper of  
20 general circulation in the municipality. **Beginning January 1, 2022,**  
21 **the governing body shall post notice as provided in the local**  
22 **government public notice act of the adopted resolution.**

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

27 (5) A municipality that has created an authority may enter  
28 into an agreement with an adjoining municipality that has created  
29 an authority to jointly operate and administer those authorities

1 under an interlocal agreement under the urban cooperation act of  
2 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512. The interlocal  
3 agreement shall include, but is not limited to, a plan to  
4 coordinate and expedite local inspections and permit approvals, a  
5 plan to address contradictory zoning requirements, and a date  
6 certain to implement all provisions of these plans. If a  
7 municipality enters into an interlocal agreement under this  
8 subsection, the municipality shall provide a copy of that  
9 interlocal agreement to the state tax commission within 60 days of  
10 entering into the interlocal agreement.

11       Sec. 622. (1) The governing body, before adoption of a  
12 resolution approving a development plan or tax increment financing  
13 plan, shall hold a public hearing on the development plan. ~~Notice~~  
14 **Through December 31, 2021, notice** of the time and place of the  
15 hearing shall be given by publication twice in a newspaper of  
16 general circulation designated by the municipality, the first of  
17 which shall be not less than 20 days before the date set for the  
18 hearing. ~~Notice~~**Beginning January 1, 2022, the governing body shall**  
19 **post notice as provided in the local government public notice act**  
20 **of the time and place of the hearing not less than 20 days before**  
21 **the date set for the hearing. Through December 31, 2021, notice** of  
22 the hearing shall be posted in at least 20 conspicuous and public  
23 places in the development area not less than 20 days before the  
24 hearing. Notice shall also be mailed to all property taxpayers of  
25 record in the development area and to the governing body of each  
26 taxing jurisdiction levying taxes that would be subject to capture  
27 if the tax increment financing plan is approved not less than 20  
28 days before the hearing. The notice of hearing within the time  
29 frame described in this subsection shall be mailed by certified

1 mail to the governing body of each taxing jurisdiction levying  
2 taxes that would be subject to capture if the tax increment  
3 financing plan is approved.

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

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

8 (b) A statement that maps, plats, and a description of the  
9 development plan, including the method of relocating families and  
10 individuals who may be displaced from the area, are available for  
11 public inspection at a place designated in the notice.

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

14 (d) Other information that the governing body considers  
15 appropriate.

16 (3) At the time set for the hearing, the governing body shall  
17 provide an opportunity for interested persons to speak and shall  
18 receive and consider communications in writing. The hearing shall  
19 provide the fullest opportunity for expression of opinion, for  
20 argument on the merits, and for consideration of documentary  
21 evidence pertinent to the development plan. The governing body  
22 shall make and preserve a record of the public hearing, including  
23 all data presented at the hearing.

24 Enacting section 1. This amendatory act does not take effect  
25 unless Senate Bill No. \_\_\_\_ or House Bill No. 6440 (request no.  
26 02449'19) of the 100th Legislature is enacted into law.