

# Legislative Analysis



## ALLOW CITIES TO ESTABLISH SPECIAL ASSESSMENT DISTRICT FOR PRIVATE ROAD MAINTENANCE

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**House Bill 4349 (H-1) as reported from committee**  
**Sponsor: Rep. Jay DeBoyer**  
**Committee: Transportation and Infrastructure**  
**Complete to 8-13-25**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4349 would amend the Home Rule City Act to allow cities to authorize the creation of a special assessment district to fund maintenance<sup>1</sup> and improvements for a private road.

A city could make or contract for maintenance or improvement of the private road if its legislative body passes a resolution to create a special assessment district for that purpose or if the legislative body receives a petition from more than half of the property owners who own frontage along the road.

Road maintenance or improvement, and any related assessment, could not be completed until the city's legislative body has created a special assessment district and assessed the properties in the district. Costs would either be allocated equally or be proportionally allocated against property owners based on their share of the road frontage. The legislative body would have to provide proper notice of public hearings for the assessment to all property owners in the special assessment district that will benefit from the road maintenance or improvement.

The legislative body could authorize the maintenance or improvement as an annual program that is in place for up to five years, and property owners within the special assessment district could not be assessed for longer than five years unless a new district and assessment are created to continue the program.

Proposed MCL 117.5/

### BRIEF DISCUSSION:

According to committee testimony, townships currently have authority under Michigan law to establish a special assessment district for the maintenance and improvement of private roads, but there is no provision of law that specifically authorizes cities to do so. The bill would amend the Home Rule City Act to provide that authority. A special assessment district would allow residents in the district (those who live along the road) to pay the city for road maintenance, improvements, or repairs through an assessment on their tax bills over up to five years.

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<sup>1</sup> **Maintenance** would mean that term as defined in 1951 PA 51. It generally refers to preventive maintenance (planned actions to maintain a road's fundamental condition and delay deterioration, such as sealing and minor treatment projects) and routine maintenance (actions performed on a regular or controllable basis in response to uncontrollable events, such as snow and ice removal, pothole patching, and emergency repairs), but does not include major restoration or construction.

**BACKGROUND:**

The bill is a reintroduction, with changes, of Senate Bill 896 of the 2023-24 legislative session, which was passed by the Senate and reported from the House Local Government and Municipal Finance committee.

**FISCAL IMPACT:**

House Bill 4349 would have no impact on state costs or revenues. The bill is permissive only and would affect only those cities that elect to contract for the maintenance or improvement of private roads in the city and to establish a special assessment district as authorized and defined in the bill.

If city assessments were sufficient to cover the costs of maintenance services provided, there would be no net effect on city finances.

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