

## EDUCATIONAL INSTRUCTION ACCESS ACT (EXCERPT)

Act 98 of 2017

### **123.1045 Sale, lease, or transfer of property by local governmental body for use by educational institution or private school; imposition, enforcement, or application of deed restriction or affirmative use deed restriction.**

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

(a) A zoning ordinance adopted by the local governmental body under the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702.

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

(2) A local governmental body shall not impose, enforce, or apply any deed restriction that expressly, or by its operation, prohibits property sold, leased, or transferred by the local governmental body from being used for any lawful educational purpose by an educational institution or private school. Any deed restriction or affirmative use deed restriction that affirmatively allows for only 1 or more specified uses or purposes that do not include an educational use or purpose is prohibited under this subsection. Any deed restriction or affirmative use deed restriction in effect on the effective date of the amendatory act that amended this section that prohibits or does not permit property previously used for an educational purpose from being used for any future educational purpose is void.

(3) If a local governmental body offers property of the local governmental body for sale, lease, or rent, the local governmental body shall not refuse to sell, lease, or rent the property to an educational institution or private school solely because the educational institution or private school intends to use the property for an educational purpose, if the intent of the educational institution or private school is to use the property for a lawful educational purpose. If a local governmental body offers property of the local governmental body for sale, lease, or rent, the local governmental body is not required to sell, lease, or rent the property to an educational institution or private school solely because the educational institution or private school intends to use the property for an educational purpose. This subsection does not require a local governmental body to do either of the following:

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

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

**History:** 2017, Act 98, Imd. Eff. July 13, 2017;—Am. 2018, Act 7, Imd. Eff. Jan. 26, 2018.