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## POPULATION THRESHOLDS; DETROIT

House Bill 4989 as introduced  
First Analysis (7-10-01)

Sponsor: Rep. Artina Tinsley Hardman  
Committee: Local Government and  
Urban Policy

### ***THE APPARENT PROBLEM:***

Since 1850, Michigan has taken different approaches in addressing the needs of various locales in the state. Originally, local issues were addressed through the passage of local and special laws. This practice proved to be neither effective nor efficient, and in 1908, the newly adopted Constitution of the State of Michigan provided that the legislature could not pass a local or special act in any case where a general act could be applicable. This provision was later incorporated into the 1963 constitution. However, it still remained that certain areas had unique needs or problems due to differing situations and circumstances, such as size or location. One way to address such needs but still operate within the constitutional provision of keeping legislation general in scope was through the use of population classifications.

One of the population classifications often used in Michigan statutes is "a city with a population of more than 1,000,000". This is generally accepted as a reference to the City of Detroit, since it has been the only city in the state to reach the one million mark in population. In recent years, however, the city has seen a steady decline in population. The U.S. Census Bureau in its Census 2000 data has recently confirmed this population decrease. Detroit, which had 1.85 million people in 1950 and 1.03 million people in 1990, slipped to a population of 951,270 in 2000.

In light of the change in the population numbers for Detroit, it has been suggested that the population classification that has applied to Detroit be changed from 1,000,000 to 750,000. Legislation has been offered to amend some of the statutes with the one million population classification.

### ***THE CONTENT OF THE BILL:***

The Adult Foster Care Facility Licensing Act (MCL 400.711) contains a reference to 'a city having a

population of not less than 1,000,000; this is understood to refer to the City of Detroit. Specifically, the act allows the state fire marshal to contract with the fire marshal of a city with 1,000,000 or more residents to inspect an adult foster care facility, located within the city, that was licensed, or proposed to be licensed, for more than six adults.

The bill would change the population threshold for the city to 750,000. The bill would also change all references to the state fire marshal to the Office of Fire Safety of the Department of Consumer and Industry Services.

MCL 400.711

### ***BACKGROUND INFORMATION:***

According to the 2000 Census data released by the U.S. Census Bureau, Detroit is the largest city in the state with a population of 951,270 (a 7.5 percent decrease from 1,027,974 in 1990). Seven other Michigan cities have a population of over 100,000 people: Grand Rapids with 197,800 (a 4.6 percent increase), Warren with 138,247 (a 4.6 percent decrease), Flint with 124,943 (an 11.2 percent decrease), Sterling Heights with 124,471 (a 5.7 percent increase), Lansing with 119,128 (a 6.4 percent decrease), Ann Arbor with 114,024 (a 4.0 percent increase), and Livonia with 100,545 people (a 0.3 percent decrease). Detroit was the only one of the ten most populous cities in the U. S. to fall below the one million population level.

### ***FISCAL IMPLICATIONS:***

The House Fiscal Agency reports that the bill has no fiscal implications for state or local units of government. (6-29-01)

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**ARGUMENTS:****For:**

It has been a long-standing practice in Michigan and many other states to craft legislation applicable to certain locales based on population classifications. When a law or a provision of law was meant to apply to the City of Detroit, it was often referenced as applying to “a city with a population of more than 1,000,000.” (Of course, if any other city within the state were to reach the one million-population mark, these provisions would apply to that city, also.) Unfortunately, Detroit’s population has been in a fifty-year decline, from a high in 1950 of 1.85 million, to below the one million mark now. Therefore, it is necessary to amend the various statutes with the one million-population reference. House Bill 4989 would not make any substantive changes to current law; it would simply allow the law to continue to apply to the City of Detroit.

**Against:**

Some people question whether the legislature should enact bills that refer specifically to a single city.

**Response:**

In a 1995 report entitled “Population in Statute,” the Legislative Service Bureau states that “Laws based on classification do not have to be universal in scope to be considered a general law. The classifications should, however, be justifiable and reasonable and not arbitrary. The laws should apply to the entire order or class, and if the order or class contains only one local unit of government, it should be prospective so that with the passage of time, other units may come under the operation of the act by population change.” Although Grand Rapids, the second largest city in the state, is still far below the population threshold, nothing in the law would exclude Grand Rapids—or any other city in the state—from the bill’s provisions if it reached the 750,000 population mark. The bill does not address an issue specific to Detroit, but rather it addresses an issue that would apply to any city of Detroit’s size; it just happens that Detroit is the only city of its size in the state.

**Against:**

Some people are concerned that the bill could have an effect on the distribution of revenue sharing funds.

**Response:**

The bill would have no effect on revenue sharing. Public Act 532 of 1998 amended the State Revenue Sharing Act to 1) freeze payments to a city with a population of 750,000 for the period of October 1, 1998 through June 30, 2007, at certain levels; 2) place in statute a new formula, phased in over 8½

years, that weighs equally three components, including unit type and population, taxable property value per capita, and yield equalization; and 3) effectively sunset the statutory revenue sharing formula after June 30, 2007. (For more information, see the House Legislative Analysis Section’s analysis on House Bill 5989 dated 12-15-98.)

**POSITIONS:**

The Michigan Municipal League supports the bill. (6-28-01)

The City of Detroit supports the bill. (7-2-01)

Analyst: J. Caver

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.