

HOUSE BILL No. 4837

May 26, 2005, Introduced by Reps. Huizenga, Ward, Farhat, Vander Veen, Gosselin, Drolet, Stakoe, Farrah, Meisner, Walker, Stahl, Pastor, Baxter, Acciavatti and Brandenburg and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

A bill to require that local units of government prepare certain financial impact statements; to provide for notice regarding certain rules, regulations, and ordinances; and to prescribe the powers and duties of certain governmental officials and agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) Before the governing body of a local unit of
2 government approves or adopts a rule, regulation, or ordinance, the
3 governing body shall prepare, or have prepared on its behalf, an
4 initial housing impact statement of the rule, regulation, or
5 ordinance.

6 (2) The initial housing impact statement required under
7 subsection (1) shall describe the impact of the proposed rule,
8 regulation, or ordinance on the affordability of new housing
9 construction and the rehabilitation of existing housing within the

1 local unit of government.

2 (3) The initial housing impact statement shall be included
3 with the publication of the general notice of the proposed rule,
4 regulation, or ordinance and the local unit of government shall
5 transmit a copy of the initial housing impact statement and general
6 notice to the director of the Michigan state housing development
7 authority.

8 Sec. 2. The director of the Michigan state housing development
9 authority shall make available to the general public upon request a
10 copy of the statement and notice required to be filed under
11 sections 1 and 5 and include a copy of the statement and notice on
12 the authority's internet website as required under section 22d of
13 the state housing development authority act of 1966, 1966 PA 346,
14 MCL 125.1422d.

15 Sec. 3. The initial housing impact statement required under
16 section 1 shall contain all of the following:

17 (a) A description of the reasons why action by the local unit
18 of government is being considered.

19 (b) A statement of the objectives and legal basis of the
20 proposed rule, regulation, or ordinance.

21 (c) A description and estimate of the extent to which the
22 proposed rule, regulation, or ordinance would increase the cost or
23 reduce the supply of housing or land for residential development or
24 the rehabilitation of existing housing.

25 (d) An identification of all relevant federal, state, and
26 local rules, regulations, or ordinances which may duplicate,
27 overlap, or conflict with the proposed rule, regulation, or

1 ordinance.

2 Sec. 4. (1) The governing body of the local unit of
3 government, prior to authorizing a final rule, regulation, or
4 ordinance, shall review all alternatives to the proposed rule,
5 regulation, or ordinance that may have been submitted to the local
6 unit of government. The local unit of government shall make a
7 determination of whether any of the submitted alternatives do any
8 of the following:

9 (a) Accomplishes the stated objectives in a manner comparable
10 to the proposed rule, regulation, or ordinance.

11 (b) Results in costs to the local unit of government equal to
12 or less than the costs resulting from the proposed rule,
13 regulation, or ordinance.

14 (c) Results in the affordability of housing construction and
15 rehabilitation greater than the affordability resulting from the
16 proposed rule, regulation, or ordinance.

17 (2) If the governing body determines that an alternative to
18 the proposed rule, regulation, or ordinance meets or exceeds 1 or
19 more of the factors under subsection (1), the local unit of
20 government shall incorporate the alternative into the final rule,
21 regulation, or ordinance or issue a new proposed rule, regulation,
22 or ordinance that incorporates the alternative.

23 Sec. 5. (1) If a local unit of government authorizes a final
24 rule, regulation, or ordinance, the local unit of government shall
25 prepare a final housing impact statement that shall contain all of
26 the following:

27 (a) A statement of the need and objectives of the rule,

1 regulation, or ordinance.

2 (b) A summary of the significant issues raised during the
3 public comment period in response to the initial housing impact
4 statement, a summary of the assessment of the local unit of
5 government of the issues, and a statement of any changes made in
6 the proposed rule, regulation, or ordinance as a result of the
7 comments.

8 (c) A description and estimate of the extent to which the
9 rule, regulation, or ordinance will impact the affordability of
10 housing construction or rehabilitation or an explanation of why an
11 estimate is not available.

12 (2) The local unit of government shall make copies of the
13 final housing impact statement available to the public and publish
14 the statement in a general circulation newspaper. The local unit of
15 government shall transmit a copy of the final housing impact
16 statement to the director of the Michigan state housing development
17 authority.

18 Sec. 6. In complying with the requirements of section 1 or 5,
19 a local unit of government may provide either a quantifiable or
20 numerical description of the effects of a proposed rule,
21 regulation, or ordinance.

22 Sec. 7. (1) A chief executive of a local unit of government
23 may waive or delay the completion of some or all of the
24 requirements of section 1 by publishing in a general circulation
25 newspaper and providing to the Michigan housing development
26 authority, before the date of publication of the final rule,
27 regulation, or ordinance, a written finding that the final rule,

1 regulation, or ordinance is necessary due to an emergency that
2 makes compliance with section 1 impracticable.

3 (2) The requirements of section 5 shall not be waived. A chief
4 executive of a local unit of government may delay the completion of
5 the requirements of section 5 for a period of not more than 180
6 days after the date of publication in the general circulation
7 newspaper of a final rule, regulation, or ordinance by including in
8 the publication a finding that the final rule, regulation, or
9 ordinance is necessary due to an emergency that makes timely
10 compliance with section 5 impracticable. If the local unit of
11 government has not prepared a final housing impact statement within
12 the required 180 days, the rule, regulation, or ordinance shall be
13 void.

14 Sec. 8. Not later than 1 year after the effective date of this
15 act, the director of the Michigan housing development authority
16 shall develop and publish model initial and final housing impact
17 statements required under this act. Each local unit of government
18 shall adopt and use the model statements developed under this
19 subsection.

20 Sec. 9. As used in this act, "local unit of government" means
21 a city, village, township, or county.

22 Enacting section 1. This act does not take effect unless
23 Senate Bill No.____ or House Bill No. 4836(request no. 02126'05 *)
24 of the 93rd Legislature is enacted into law.