

Legislative Analysis



REVISE SUPPORTIVE HOUSING ACT

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House Bill 4758 as introduced
Sponsor: Rep. Marie Donigan
Committee: Intergovernmental and Regional Affairs

Revised First Analysis (5-5-09)

BRIEF SUMMARY: The bill would remove an improperly drafted enacting section, and allow Public Act 456 of 2008--one of three laws to create a supportive housing program for needy residents--to go into effect.

FISCAL IMPACT: This bill would have no state or local fiscal impact.

THE APPARENT PROBLEM:

In Michigan, the Supportive Housing Program helps needy residents—especially those who receive mental health services—find housing in the community. The program, administered by the Michigan State Housing Development Authority, is focused solely on non-profit housing of not more than six individual living units occupied by people with low and moderate incomes.

During the 2008 legislative session, House Bill 6493 was enacted into law as Public Act 456 of 2008. This legislation was one of three tie-barred bills enacted in order to revise and update the Supportive Housing Program. Together, the bills exempt "supportive housing property" from the 18-mill local school operating levy, and create a certification process for "supportive housing property" at MSHDA, while capping the program at 250 individual living units each year. See [Background Information](#).

In an oversight, the tie-bar section (customarily called an "enacting section") of House Bill 6493 was not amended to reflect a decision made to drop one tie-barred House bill and substitute another—a change negotiated near the end of the 2007-2008 session to ensure bicameral support for the package of bills.

Since all bills tie-barred to each other must be enacted into law before any of them can go into effect, House Bill 6493, despite being enacted into law as Public Act 456 of 2008, has not gone into effect.

THE CONTENT OF THE BILL:

The bill would amend the Housing Development Authority Act (MCL 125.1401) to repeal the enacting section of Public Act 456 of 2008 (formerly House Bill 6493 of 2008).

The enacting section of Public Act 456/House Bill 6493 that would be removed is a tie-bar; it reads:

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 94th Legislature are enacted into law:

(a) House Bill No. 5437.

(b) House Bill No. 5438.

This act is ordered to take immediate effect.

When bills are tie-barred none of them can go into effect unless all of them are enacted into law.

House Bill 5437 was enacted into law; House Bill 5438 was not. Instead House Bill 6492 was enacted. However, the enacting section of House Bill 6493 was not revised to reflect the change before the bill passed the Legislature. Consequently, Public Act 456 of 2008 has not been able to go into effect. House Bill 4758 would remove the enacting section, and allow Public Act 456 of 2008 to go into effect.

BACKGROUND INFORMATION:

For a more detailed explanation of the Supportive Housing Program enabling laws, see the HFA-Legislative Analysis Section analysis for House Bill 6493 of 2008 located at <http://www.michiganlegislature.gov>

ARGUMENTS:

For:

As noted earlier, House Bill 6493 was not amended near the end of the 2007-08 legislative session to reflect its sponsor's decision to drop one tie-barred House bill for another--a move undertaken in part to ensure bicameral support for the legislative package. As a result, House Bill 6493, now Public Act 456, has not been able to go into effect. This bill resolves the problem created by this oversight, by repealing the law's inaccurate enacting section.

POSITIONS:

The Michigan State Housing Development Authority supports the bill. (4-28-09)

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■ 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.