

HOUSE BILL No. 6057

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 2004 PA 530, entitled
"Historical neighborhood tax increment finance authority act,"
by amending sections 5 and 21 (MCL 125.2845 and 125.2861).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) If the governing body of a municipality determines
2 that it is necessary for the best interests of the public to halt
3 property value deterioration and increase property tax valuation
4 where possible in a residential district, to eliminate the causes
5 of that deterioration, to promote residential growth and to promote
6 economic growth, the governing body may, by resolution, declare its
7 intention to create and provide for the operation of an authority
8 within the boundaries of a historic district.

9 (2) In the resolution of intent, the governing body shall set
10 a date for a public hearing on the adoption of a proposed ordinance

1 creating the authority and designating the boundaries of the
2 development area. ~~Notice~~**THROUGH DECEMBER 31, 2014, NOTICE** of the
3 public hearing shall be published twice in a newspaper of general
4 circulation in the municipality, not less than 20 or more than 40
5 days before the date of the hearing. **BEGINNING JANUARY 1, 2015, THE**
6 **GOVERNING BODY SHALL PROVIDE TIER A PUBLIC NOTICE AS PROVIDED IN**
7 **THE LOCAL GOVERNMENT PUBLIC NOTICE ACT NOT LESS THAN 20 OR MORE**
8 **THAN 40 DAYS BEFORE THE DATE OF THE HEARING.** Not less than 20 days
9 before the hearing, the governing body proposing to create the
10 authority shall also mail notice of the hearing to the property
11 taxpayers of record in the proposed development area and to the
12 governing body of each taxing jurisdiction levying taxes that would
13 be subject to capture if the authority is established and a tax
14 increment financing plan is approved. Failure of a property
15 taxpayer to receive the notice does not invalidate these
16 proceedings. ~~Notice~~**THROUGH DECEMBER 31, 2014, NOTICE** of the
17 hearing shall be posted in at least 20 conspicuous and public
18 places in the proposed development area not less than 20 days
19 before the hearing. The notice shall state the date, time, and
20 place of the hearing and shall describe the boundaries of the
21 proposed development area. A citizen, taxpayer, or property owner
22 of the municipality or an official from a taxing jurisdiction with
23 millage that would be subject to capture has the right to be heard
24 in regard to the establishment of the authority and the boundaries
25 of the proposed development area. The governing body of the
26 municipality shall not incorporate land into the development area
27 not included in the description contained in the notice of public

1 hearing, but it may eliminate described lands from the development
2 area in the final determination of the boundaries.

3 (3) Not less than 60 days after the public hearing, if the
4 governing body of the municipality intends to proceed with the
5 establishment of the authority it shall adopt, by majority vote of
6 its members, an ordinance establishing the authority and
7 designating the boundaries of the development area within which the
8 authority shall exercise its powers. The adoption of the ordinance
9 is subject to any applicable statutory or charter provisions in
10 respect to the approval or disapproval by the chief executive or
11 other officer of the municipality and the adoption of an ordinance
12 over his or her veto. This ordinance shall be filed with the
13 secretary of state promptly after its adoption and, **THROUGH**
14 **DECEMBER 31, 2014**, shall be published at least once in a newspaper
15 of general circulation in the municipality. **BEGINNING JANUARY 1,**
16 **2015, THE GOVERNING BODY SHALL PROVIDE TIER B PUBLIC NOTICE WITH A**
17 **LINK AS PROVIDED IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT OF THE**
18 **ADOPTION OF THE ORDINANCE.**

19 (4) The governing body of the municipality may alter or amend
20 the boundaries of the development area to include or exclude lands
21 from the development area in the same manner as adopting the
22 ordinance creating the authority.

23 Sec. 21. (1) The governing body, before adoption of an
24 ordinance approving a development plan or tax increment financing
25 plan, shall hold a public hearing on the development plan. ~~Notice~~
26 **THROUGH DECEMBER 31, 2014, NOTICE** of the time and place of the
27 hearing shall be given by publication twice in a newspaper of

1 general circulation designated by the municipality, the first of
2 which shall be not less than 20 days before the date set for the
3 hearing. ~~Notice~~**BEGINNING JANUARY 1, 2015, THE GOVERNING BODY SHALL**
4 **PROVIDE TIER A PUBLIC NOTICE AS PROVIDED IN THE LOCAL GOVERNMENT**
5 **PUBLIC NOTICE ACT OF THE TIME AND PLACE OF THE HEARING NOT LESS**
6 **THAN 20 DAYS BEFORE THE DATE SET FOR THE HEARING. THROUGH DECEMBER**
7 **31, 2014, NOTICE** of the hearing shall be posted in at least 20
8 conspicuous and public places in the development area not less than
9 20 days before the hearing. Notice shall also be mailed to all
10 property taxpayers of record in the development area and to the
11 governing body of each taxing jurisdiction levying taxes that would
12 be subject to capture if the tax increment financing plan is
13 approved not less than 20 days before the hearing.

14 (2) Notice of the time and place of hearing on a development
15 plan shall contain all of the following:

16 (a) A description of the proposed development area in relation
17 to highways, streets, streams, or otherwise.

18 (b) A statement that maps, plats, and a description of the
19 development plan, including the method of relocating families and
20 individuals who may be displaced from the area, are available for
21 public inspection at a place designated in the notice.

22 (c) A statement that all aspects of the development plan will
23 be open for discussion at the public hearing.

24 (d) Other information that the governing body considers
25 appropriate.

26 (3) At the time set for the hearing, the governing body shall
27 provide an opportunity for interested persons to speak and shall

1 receive and consider communications in writing. The hearing shall
2 provide the fullest opportunity for expression of opinion, for
3 argument on the merits, and for consideration of documentary
4 evidence pertinent to the development plan. The governing body
5 shall make and preserve a record of the public hearing, including
6 all data presented at the hearing.

7 Enacting section 1. This amendatory act does not take effect
8 unless House Bill No. 5560 of the 97th Legislature is enacted into
9 law.