

HOUSE BILL No. 6059

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

A bill to amend 2007 PA 61, entitled
"Neighborhood improvement authority act,"
by amending sections 5 and 18 (MCL 125.2915 and 125.2928).

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
3 promote residential growth in a residential district and to promote
4 economic growth, the governing body may, by resolution, declare its
5 intention to create and provide for the operation of an authority.

6 (2) In the resolution of intent, the governing body shall set
7 a date for a public hearing on the adoption of a proposed ordinance
8 creating the authority and designating the boundaries of the

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

1 area in the final determination of the boundaries.

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

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

22 (5) A residential district or development area under this act
23 shall not include an area of a municipality that is part of a
24 residential district or a development area under the historical
25 neighborhood tax increment finance authority act, 2004 PA 530, MCL
26 125.2841 to 125.2866.

27 (6) An authority created under this act shall have a duration

1 of not more than 30 years from the date of the resolution creating
2 the authority. The governing body of a municipality may extend the
3 duration of the authority by resolution if the purposes for which
4 the authority was created still exist.

5 Sec. 18. (1) The governing body, before adoption of an
6 ordinance approving a development plan or tax increment financing
7 plan, shall hold a public hearing on the development plan. ~~Notice~~
8 **THROUGH DECEMBER 31, 2014, NOTICE** of the time and place of the
9 hearing shall be given by publication twice in a newspaper of
10 general circulation designated by the municipality, the first of
11 which shall be not less than 20 days before the date set for the
12 hearing. ~~Notice~~**BEGINNING JANUARY 1, 2015, THE GOVERNING BODY SHALL**
13 **PROVIDE TIER A PUBLIC NOTICE WITH A LINK AS PROVIDED IN THE LOCAL**
14 **GOVERNMENT PUBLIC NOTICE ACT OF THE TIME AND PLACE OF THE HEARING**
15 **NOT LESS THAN 20 DAYS BEFORE THE DATE SET FOR THE HEARING. THROUGH**
16 **DECEMBER 31, 2014, NOTICE** of the hearing shall be posted in at
17 least 20 conspicuous and public places in the development area not
18 less than 20 days before the hearing. Notice shall also be mailed
19 to all property taxpayers of record in the development area and to
20 the governing body of each taxing jurisdiction levying taxes that
21 would be subject to capture if the tax increment financing plan is
22 approved not less than 20 days before the hearing.

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

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

27 (b) A statement that maps, plats, and a description of the

1 development plan, including the method of relocating families and
2 individuals who may be displaced from the area, if any, are
3 available for public inspection at a place designated in the
4 notice.

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

7 (d) Other information that the governing body considers
8 appropriate.

9 (3) At the time set for the hearing, the governing body shall
10 provide an opportunity for interested persons to speak and shall
11 receive and consider communications in writing. The hearing shall
12 provide the fullest opportunity for expression of opinion, for
13 argument on the merits, and for consideration of documentary
14 evidence pertinent to the development plan. The governing body
15 shall make and preserve a record of the public hearing, including
16 all data presented at the hearing.

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