

# Legislative Analysis



## INCREASE NUMBER OF CHILDREN ALLOWED IN CERTAIN CARE FACILITIES

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 6499 as enrolled**  
**Sponsor: Rep. John Reilly**  
**Committee: Local Government**  
**Complete to 2-7-19**

Analysis available at  
<http://www.legislature.mi.gov>

*(Vetoed by the Governor 12-28-18)*

### SUMMARY:

House Bill 6499 would amend the Michigan Zoning Enabling Act to increase the number of children allowed to live at a state licensed residential facility.

Currently, the Act allows for six or fewer individuals to be provided 24-hour supervision or care at a residential facility. The bill would retain that number for facilities licensed under the Adult Foster Care Facility Licensing Act but allow up to 10 individuals to receive that care if the facility were licensed under the Child Care Licensing Act and located on a parcel of 20 acres or more.

The bill would take effect 90 days after enactment.

MCL 125.3102

### BRIEF DISCUSSION:

Michigan's foster care is intended to provide homes for approximately 13,000 children in need of safe and supportive homes, either temporarily or permanently.<sup>1</sup> The limit of six or fewer children per residential facility under the Act is understood as encouraging a child-to-adult ratio that ensures each child gets the attention and care that they need. As of November 28, 2018, however, over 300 children in Michigan still needed adoption, leading some to dispute the limit under certain circumstances.

Proponents of HB 6499 argued that the bill is necessary to provide children in rural counties with the help and care that they need and that, while the six-child limit works in urban areas such as Detroit, it is burdensome in low-density counties, where fewer foster homes are available.

Opponents expressed concern with the local preemption in the bill; they would have preferred that the bill contain a requirement that a residential home seek a variance with the local unit of government in question to ensure that there is no conflict with local codes or planning. Opponents argued that the bill strips local governmental units of their ability to write their own ordinances regarding residential facilities.

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<sup>1</sup> More about Michigan's foster care system can be found on the Department of Health & Human Services web portal: [https://www.michigan.gov/mdhhs/0,5885,7-339-73971\\_7117---,00.html](https://www.michigan.gov/mdhhs/0,5885,7-339-73971_7117---,00.html)

**FISCAL IMPACT:**

The bill would have no discernible fiscal impact on state or local units of government.

**Vetoed 12-28-18:**

In his veto message, Governor Snyder wrote that the critical needs of fostered youth must be “balanced with the ability to effectively provide them with the precious care that they deserve.” He stated his belief that increasing the cap on foster children in a home from 6 to 10 compromised that balance and would ultimately negatively impact the children that the bill intended to help.

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