

HOUSE BILL NO. 6487

November 09, 2022, Introduced by Rep. Steven Johnson and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending section 9 (MCL 117.9), as amended by 2004 PA 137.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) In the event of a conflict between the provisions
2 of this act and 1968 PA 191, MCL 123.1001 to 123.1020, regarding an
3 incorporation or consolidation, the provisions of 1968 PA 191, MCL
4 123.1001 to 123.1020, shall govern. The district to be affected by
5 the proposed incorporation, consolidation, or change of boundaries
6 is considered to include the whole of each city, village, or

1 township from which territory is to be taken or to which territory
 2 is to be annexed. ~~When~~**If** a territory is proposed to be
 3 incorporated as a city, only the residents of the territory to be
 4 incorporated shall vote on the question of incorporation. ~~When~~
 5 **Subject to subsection (13), if** a petition signed by the appropriate
 6 agency designated by the state administrative board ~~which~~**that**
 7 holds legal title to the entire area of the land in the territory
 8 adjacent to the city to be annexed ~~is~~ filed with the governing
 9 body of the city and township in which the territory is situated,
 10 the annexation may be accomplished by the affirmative majority vote
 11 of the governing body of the city and the approval of the township
 12 board of the township.

13 (2) Except as provided in subsections (1) and (8), a petition
 14 or resolution for annexation of territory ~~shall~~**must** be filed with
 15 the state boundary commission created under 1968 PA 191, MCL
 16 123.1001 to 123.1020. The commission, after determining the
 17 validity of the petition or resolution, shall hold a public hearing
 18 in or reasonably near the area proposed for annexation. The
 19 commission in processing and approving, denying, or revising a
 20 petition or resolution for annexation ~~shall have~~**has** the same
 21 powers and duties as provided under 1968 PA 191, MCL 123.1001 to
 22 123.1020, relating to petitions ~~which~~**that** propose incorporations.
 23 In addition to providing notice to property owners located in the
 24 area proposed for annexation, the commission shall also give notice
 25 of each public hearing held under this subsection to property
 26 owners located within 300 feet of the area proposed for annexation
 27 by certified mail not less than 30 days before the date of the
 28 public hearing. Not less than 45 days before the date of the public
 29 hearing, the local unit of government capable of producing the

1 information required under this section shall provide the state
 2 boundary commission with a list of the names and addresses of all
 3 persons the commission is required to provide notice to under this
 4 subsection. The commission is required to provide notice only to
 5 the property owners included on the list provided by the local unit
 6 of government as required under this section.

7 (3) If an annexation is denied by the commission, the
 8 commission shall send a certified copy of its order to the clerk of
 9 each county, city, village, and township affected.

10 (4) ~~If~~ **Except as otherwise provided in subsection (13), if** an
 11 annexation is approved, and if on the date the petition or
 12 resolution was filed 100 persons or less resided in the area
 13 approved for annexation, the commission's order ~~shall~~ **is** not be
 14 subject to a referendum. The commission shall send a certified copy
 15 of its order to the clerk of each county, city, village, and
 16 township affected and to the secretary of state. ~~The~~ **Subject to**
 17 **subsection (13), the** annexation ~~shall be~~ **is** effective on a date set
 18 forth in the commission's order.

19 (5) If an annexation is approved, and if on the date the
 20 petition or resolution was filed more than 100 persons resided in
 21 the area approved for annexation, the commission shall send a
 22 certified copy of its order to the clerk of each county, city,
 23 village, and township affected and to the secretary of state. ~~The~~
 24 **Subject to subsection (13), the** commission's order ~~shall become~~
 25 **becomes** final 30 days after the date of the order unless within
 26 that 30 days a petition is filed with the commission ~~which~~ **that**
 27 contains the signatures of at least 25% of the registered electors
 28 residing in the portion of the territory approved for annexation,
 29 in the annexing city, or in the balance of the township. The

1 commission after verifying the validity of any referendum petition
 2 shall order that a referendum on the question of annexation be
 3 held, **subject to subsection (13)**, in each area from which a valid
 4 petition was filed. If a valid petition is not filed within the 30
 5 days or, **subject to subsection (13)**, if the majority of the
 6 electorate voting on the question in each area in which a
 7 referendum was held, voting separately, approve the annexation, the
 8 annexation ~~shall be~~ **is** effective on a date set by order of the
 9 commission, otherwise the annexation ~~shall~~ **does** not take effect.

10 (6) The commission shall reject a petition or resolution for
 11 annexation of territory that includes all or any part of the
 12 territory ~~which~~ **that** was described in any petition or resolution
 13 for annexation filed within the preceding 2 years and ~~which~~ **that**
 14 was denied by the commission or was defeated in an election under
 15 subsection (5).

16 (7) In addition to the methods for initiating annexation as
 17 provided in this act, a petition or resolution as follows may be
 18 submitted to the state boundary commission in a form and manner
 19 prescribed by the commission:

20 (a) By resolution of the legislative body of the city to which
 21 the area is proposed to be annexed.

22 (b) By petition by the persons, firms, corporations, the
 23 United States government, or ~~the~~ **this** state or any of its
 24 subdivisions ~~who~~ **that** collectively hold equitable title as a vendee
 25 under a recorded land contract or memorandum of land contract, or
 26 record title to 75% or more of the area of the land exclusive of
 27 streets in the territory proposed for annexation at the time of
 28 filing the petition.

29 (c) By petition by 20% of the registered electors who reside

1 in the area proposed for annexation.

2 (8) ~~Where~~ **Except as otherwise provided in subsection (13), if**
3 the territory proposed to be annexed to any city is adjacent to the
4 city and consists of a park or vacant property located in a
5 township and owned by the city annexing the territory, and there is
6 no one residing in the territory, the territory may be annexed to
7 the city solely by resolution of the city council of the city. ~~In~~
8 ~~any case where~~ **Subject to subsection (13), if** the territory
9 proposed to be annexed is adjacent to the city and consists of
10 property owned by the city or consists of fractional parts of
11 platted subdivision lots, located in an adjoining city, village, or
12 township, the annexation may also be accomplished by the majority
13 vote of the legislative body of the city and the approval of the
14 legislative body of the adjoining city, village, or township. ~~As~~
15 **Subject to subsection (13), as** an alternate method, ~~where-if~~ there
16 are no qualified electors residing in the territory proposed to be
17 annexed to the city, other than the person or persons petitioning,
18 a petition signed by a person or persons, firms, corporations, the
19 United States government, or ~~the~~ **this** state or any of its
20 subdivisions ~~who-that~~ collectively hold the equitable title as a
21 vendee under a recorded land contract or memorandum of land
22 contract, or record legal title to more than 1/2 of the area of the
23 land in the territory to be annexed is filed with the city council
24 of the city and with the township board of the township in which
25 the territory is situated, the annexation may be accomplished by
26 the affirmative majority vote of the city council of the city and
27 the approval of the township board of the township. At least 10
28 days ~~prior to~~ **before** the approval by the township board, the
29 township treasurer shall notify, personally or by registered mail

1 with return receipt demanded, the owners of all real property in
 2 the territory to be annexed as shown on the assessment rolls of the
 3 township at the last known address on file with the township
 4 treasurer. Except as otherwise provided, this section ~~shall~~**must**
 5 not be construed to give any city the authority to attach territory
 6 from any other city unless the question relative to the territory
 7 has been voted upon by the voters of the entire cities affected
 8 where the territory proposed to be annexed is adjacent to a city
 9 and consists of property owned by the city or consists of
 10 fractional parts of platted subdivision lots, located in an
 11 adjoining city.

12 (9) ~~The~~**Subject to subsection (13), the** provisions of section
 13 14 ~~shall~~**are** not ~~be~~ applicable to an annexation approved by the
 14 commission of part of a township or village to a city except in the
 15 event of outstanding bonds or other evidences of indebtedness of
 16 the township or village, ~~—In such event,—and~~ the commission shall
 17 determine and order an equitable division of assets and liabilities
 18 ~~which~~**that** relate to the bonds or other indebtedness.

19 (10) ~~The~~**Subject to subsection (13), the** provisions of
 20 sections 8 and 8a ~~shall~~**are** not ~~be~~ applicable to petitions or
 21 resolutions filed with the state boundary commission.

22 (11) After March 31, 1971, and so long as 1968 PA 191, MCL
 23 123.1001 to 123.1020, is in effect, annexation of territory from a
 24 township or village to a home rule city ~~shall~~**must** be as provided
 25 in this section and no other means of annexation ~~shall be~~**is**
 26 effective.

27 (12) The state boundary commission shall mail a copy of any
 28 final order issued under this section to each property owner the
 29 commission is required to provide notice to under subsection (2).

1 (13) Beginning on the effective date of the amendatory act
2 that added this subsection and notwithstanding any provision of law
3 to the contrary, an annexation involving any portion of a township
4 must be approved by a majority of electors voting on the question
5 in that township.