

HOUSE BILL No. 5109

September 28, 1989, Introduced by Reps. Hollister, Wallace, Gubow, Stabenow, DeLange, Ciaramitaro and Leland and referred to the Committee on Towns and Counties.

A bill to amend section 3b of Act No. 207 of the Public Acts of 1921, entitled as amended

"An act to provide for the establishment in cities and villages of districts or zones within which the use of land and structures, the height, the area, the size, and location of buildings may be regulated by ordinance, and within which districts regulations shall be established for the light and ventilation of those buildings, and within which districts or zones the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property which does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for amendments, supplements, or changes hereto; to provide for conflict with the state housing code or other acts, ordinances, or regulations; and to provide penalties for the violation of the terms of this act,"

being section 125.583b of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3b of Act No. 207 of the Public Acts of
2 1921, being section 125.583b of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 3b. (1) As used in this section, "state licensed resi-
5 dential facility" means a structure constructed for residential
6 purposes that is licensed by the state pursuant to ~~Act No. 287~~
7 ~~of the Public Acts of 1972, as amended, being sections 331.681 to~~
8 ~~331.694~~ THE ADULT FOSTER CARE FACILITY LICENSING ACT, ACT
9 NO. 218 OF THE PUBLIC ACTS OF 1979, BEING SECTIONS 400.701 TO
10 400.737 of the Michigan Compiled Laws, or Act No. 116 of the
11 Public Acts of 1973, as amended, being sections 722.111 to
12 722.128 of the Michigan Compiled Laws, which provides ~~resident~~
13 ~~services for 6 or less persons under~~ 24-hour supervision or care
14 for 6 OR FEWER persons in need of that supervision or care.

15 (2) In order to implement the policy of this state that per-
16 sons in need of community residential care shall not be excluded
17 by zoning from the benefits of normal residential surroundings, a
18 state licensed residential facility ~~providing supervision or~~
19 ~~care, or both, to 6 or less persons~~ shall be considered a resi-
20 dential use of property for the purposes of zoning and a permit-
21 ted use in all residential zones, including those zoned for
22 single family dwellings, and shall not be subject to a special
23 use or conditional use permit or procedure different from those
24 required for other dwellings of similar density in the same
25 zone.

26 (3) This section ~~shall~~ DOES not apply to adult foster care
27 facilities licensed by a state agency for care and treatment of

1 persons released from or assigned to adult correctional
2 institutions.

3 ~~(4) At least 45 days before licensing a residential facil-~~
4 ~~ity described in subsection (1), the state licensing agency shall~~
5 ~~notify the council of the city or village or the designated~~
6 ~~agency of the city or village where the proposed facility is to~~
7 ~~be located to review the number of existing or proposed similar~~
8 ~~state-licensed residential facilities whose property lines are~~
9 ~~within a 1,500-foot radius of the property lines of the location~~
10 ~~of the applicant. The council of a city or village or an agency~~
11 ~~of the city or village to which the authority is delegated shall,~~
12 ~~when a proposed facility is to be located within the city or vil-~~
13 ~~lage, give appropriate notification of the proposal to license~~
14 ~~the facility to those residents whose property lines are within a~~
15 ~~1,500-foot radius of the property lines of the proposed~~
16 ~~facility. A state licensing agency shall not license a proposed~~
17 ~~residential facility when another state-licensed residential~~
18 ~~facility exists within the 1,500-foot radius, unless permitted by~~
19 ~~local zoning ordinances, of the proposed location or when the~~
20 ~~issuance of the license would substantially contribute to an~~
21 ~~excessive concentration of state-licensed residential facilities~~
22 ~~within the city or village. In a city with a population of~~
23 ~~1,000,000 or more a state licensing agency shall not license a~~
24 ~~proposed residential facility when another state-licensed resi-~~
25 ~~dential facility exists within a 3,000-foot radius of the pro-~~
26 ~~posed location. This subsection shall not apply to state~~
27 ~~licensed residential facilities caring for 4 or less minors.~~

1 ~~(5) This section shall not apply to a state licensed~~
2 ~~residential facility licensed before March 31, 1977, or to a res-~~
3 ~~idential facility which was in the process of being developed and~~
4 ~~licensed before March 31, 1977, if approval had been granted by~~
5 ~~the appropriate local governing body.~~

6 Section 2. This amendatory act shall not take effect unless
7 all of the following bills of the 85th Legislature are enacted
8 into law:

9 (a) Senate Bill No. ____ or House Bill No. 5111 (request
10 no. 03701'89).

11 (b) Senate Bill No. ____ or House Bill No. 5112 (request
12 no. 03703'89).

13 (c) Senate Bill No. ____ or House Bill No. 5113 (request
14 no. 03704'89).

15 (d) Senate Bill No. ____ or House Bill No. 5114 (request
16 no. 03705'89 *).

17 (e) Senate Bill No. ____ or House Bill No. 5110 (request
18 no. 03706'89).