

HOUSE BILL No. 5770

May 16, 1990, Introduced by Reps. Profit, DeMars, Stabenow, Murphy, Joe Young, Sr., Harrison, Weeks, Niederstadt, Bennett, Kosteva, Hertel, Hollister, DeLange, Trim, Pitoniak, Saunders and Clack and referred to the Committee on Mental Health.

A bill to amend sections 16 and 32 of Act No. 218 of the Public Acts of 1979, entitled
"Adult foster care facility licensing act,"
being sections 400.716 and 400.732 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 16 and 32 of Act No. 218 of the Public
2 Acts of 1979, being sections 400.716 and 400.732 of the Michigan
3 Compiled Laws, are amended to read as follows:

4 Sec. 16. (1) ~~Unless the city, village, or township~~
5 ~~approves a temporary license, a temporary license shall not be~~
6 ~~granted under this act if the issuance of the license would sub-~~
7 ~~stantially contribute to an excessive concentration of community~~
8 ~~residential facilities within a city, village, or township of~~
9 ~~this state.~~ THE DEPARTMENT SHALL DENY A TEMPORARY LICENSE TO AN

1 APPLICANT IF THE DEPARTMENT DETERMINES THAT LICENSING THE
2 FACILITY AT THE PARTICULAR LOCATION WOULD DO 1 OR MORE OF THE
3 FOLLOWING:

4 (A) CREATE OR PERPETUATE SEGREGATED HOUSING PATTERNS FOR
5 PERSONS WITH HANDICAPS, AS PROHIBITED BY RULES ISSUED UNDER THE
6 FEDERAL FAIR HOUSING ACT, TITLE VIII OF PUBLIC LAW 90-284, 42
7 U.S.C. 3601 TO 3619.

8 (B) PREVENT RESIDENTS FROM ENJOYING A NORMAL LIVING
9 EXPERIENCE AND PARTICIPATING FULLY IN THE MAINSTREAM OF COMMUNITY
10 LIFE.

11 (2) A temporary license shall not be granted under this act
12 FOR AN ADULT FOSTER CARE FACILITY FOR MORE THAN 6 ADULTS if the
13 proposed adult foster care facility ~~for more than 6 adults~~ has
14 not obtained zoning approval or obtained a special or conditional
15 use permit THAT IS CONSISTENT WITH FEDERAL LAW if required by an
16 ordinance of the city, village, or township in which the proposed
17 facility is located.

18 ~~(3) The department shall not issue a temporary license to~~
19 ~~an adult foster care facility which does not comply with section~~
20 ~~16a of Act No. 183 of the Public Acts of 1943, as amended, being~~
21 ~~section 125.216a of the Michigan Compiled Laws, section 16a of~~
22 ~~Act No. 184 of the Public Acts of 1943, as amended, being sec-~~
23 ~~tion 125.286a of the Michigan Compiled Laws, and section 3b of~~
24 ~~Act No. 207 of the Public Acts of 1921, as amended, being sec-~~
25 ~~tion 125.583b of the Michigan Compiled Laws.~~

26 ~~(4) This section shall not apply to an applicant who has~~
27 ~~purchased a facility and the facility, at the time of the~~

~~1 purchase, or for 1 year preceding the application, was licensed~~
~~2 under this act or an act repealed by this act.~~

3 Sec. 32. ~~(1) The department shall notify the clerk of the~~
~~4 city, village, or township where a proposed adult foster care~~
~~5 facility is to be located at least 45 days before the issuance of~~
~~6 a license.~~

7 (1) ~~(2)~~ The department shall notify the clerk of the city,
8 village, or township of all newly licensed adult foster care
9 facilities within 30 days after the issuance of a license.

10 (2) ~~(3) The~~ UPON REQUEST OF A CITY, VILLAGE, OR TOWNSHIP,
11 THE department shall notify the clerk of the city, village, or
12 township of the location of all licensed adult foster care facil-
13 ities within the boundaries of that city, village, or township
14 within 30 days after receipt of the request.

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

18 (a) Senate Bill No. ____ or House Bill No. 5768 (request
19 no. 05529'90).

20 (b) Senate Bill No. ____ or House Bill No. 5769 (request
21 no. 05530'90).

22 (c) Senate Bill No. ____ or House Bill No. 5766 (request
23 no. 05531'90).

24 (d) Senate Bill No. ____ or House Bill No. 5767 (request
25 no. 05532'90).

26 (e) Senate Bill No. ____ or House Bill No. 5771 (request
27 no. 05533'90).