

HOUSE BILL No. 5771

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

A bill to amend the title and section 16a of Act No. 184 of the Public Acts of 1943, entitled as amended "The township rural zoning act," being section 125.286a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 16a of Act No. 184 of the
2 Public Acts of 1943, being section 125.286a of the Michigan
3 Compiled Laws, are amended to read as follows:

4 TITLE

5 An act to provide for the establishment in townships of
6 zoning districts within which the proper use of land and natural
7 resources may be encouraged or regulated by ordinance, and within
8 which districts provisions may also be adopted designating the
9 location of, the size of, the uses that may be made of, the
10 minimum open spaces, sanitary, safety, and protective measures

1 that shall be required for, and the maximum number of families
2 that may be housed in dwellings, buildings, and structures,
3 including tents and trailer coaches, that may be erected or
4 altered after the effective date of this act; to designate the
5 use of certain state licensed residential facilities AND PRE-
6 SCRIBE THE POWERS OF CERTAIN STATE LICENSING AGENCIES; to provide
7 for a method for the adoption of ordinances and amendments there-
8 to; to provide for emergency interim ordinances; to provide for
9 the acquisition by purchase, condemnation, or otherwise of non-
10 conforming property; to provide for the administering of ordi-
11 nances adopted; to provide for conflicts with other acts, ordi-
12 nances, or regulations; to provide penalties for violations; to
13 provide for the assessment, levy, and collection of taxes; to
14 provide for the collection of fees for building permits; to pro-
15 vide for petitions, public hearings, and referenda; to provide
16 for appeals; and to provide for the repeal of acts in conflict
17 with this act.

18 Sec. 16a. (1) As used in this section, "state licensed res-
19 idential facility" means a structure constructed for residential
20 purposes that is licensed by the state pursuant to ~~Act No. 287~~
21 ~~of the Public Acts of 1972, as amended, being sections 331.681 to~~
22 ~~331.694~~ THE ADULT FOSTER CARE FACILITY LICENSING ACT, ACT
23 NO. 218 OF THE PUBLIC ACTS OF 1979, BEING SECTIONS 400.701 TO
24 400.737 of the Michigan Compiled Laws, or Act No. 116 of the
25 Public Acts of 1973, as amended, being sections 722.111 to
26 722.128 of the Michigan Compiled Laws, which provides ~~resident~~

1 ~~services for 6 or less persons under~~ 24-hour supervision or care
2 for 6 OR FEWER persons in need of that supervision or care.

3 (2) In order to implement the policy of this state that per-
4 sons in need of community residential care shall not be excluded
5 by zoning from the benefits of normal residential surroundings, a
6 state licensed residential facility ~~providing supervision or~~
7 ~~care, or both, to 6 or less persons~~ shall be considered a resi-
8 dential use of property for the purposes of zoning and a permit-
9 ted use in all residential zones, including those zoned for
10 single family dwellings, and shall not be subject to a special
11 use or conditional use permit or procedure different from those
12 required for other dwellings of similar density in the same
13 zone.

14 (3) This section ~~shall~~ DOES not apply to adult foster care
15 facilities licensed by a state agency for care and treatment of
16 persons released from or assigned to adult correctional
17 institutions.

18 (4) ~~At least 45 days before licensing a residential facil-~~
19 ~~ity described in subsection (1), the state licensing agency shall~~
20 ~~notify the board of trustees or its designated agency of the~~
21 ~~township where the proposed facility would be located to review~~
22 ~~the number of existing or proposed similar state licensed resi-~~
23 ~~dential facilities whose property lines are within a 1,500 foot~~
24 ~~radius of the property lines of the location of the applicant.~~
25 ~~The board of trustees or an agency of the township to which the~~
26 ~~authority is delegated shall, when a proposed facility is to be~~
27 ~~located within the township, give appropriate notification of the~~

~~1 proposal to license the facility to those residents whose
2 property lines are within a 1,500 foot radius of the property
3 lines of the proposed facility. A state licensing agency shall
4 not license a proposed residential facility when another state
5 licensed residential facility exists within the 1,500 foot
6 radius, unless permitted by local zoning ordinances, of the pro-
7 posed location or when the issuance of the license would substan-
8 tially contribute to an excessive concentration of state licensed
9 residential facilities within the township. This subsection
10 shall not apply to state licensed residential facilities caring
11 for 4 or less minors. A STATE LICENSING AGENCY SHALL NOT LICENSE
12 A STATE LICENSED RESIDENTIAL FACILITY IF THE ISSUANCE OF THE
13 LICENSE WOULD PREVENT RESIDENTS FROM ENJOYING A NORMAL LIVING
14 EXPERIENCE AND PARTICIPATING FULLY IN THE MAINSTREAM OF COMMUNITY
15 LIFE, OR WOULD CREATE OR PERPETUATE SEGREGATED HOUSING PATTERNS
16 FOR PERSONS WITH HANDICAPS, AS PROHIBITED BY RULES ISSUED UNDER
17 THE FEDERAL FAIR HOUSING ACT, TITLE VIII OF PUBLIC LAW 90-284, 42
18 U.S.C. 3601 TO 3619.~~

~~19 (5) This section shall not apply to a state licensed resi-
20 dential facility licensed before March 31, 1977, or to a residen-
21 tial facility which was in the process of being developed and
22 licensed before March 31, 1977, if approval had been granted by
23 the appropriate local governing body.~~

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

1 (a) Senate Bill No. _____ or House Bill No. 5770 (request
2 no. 05528'90).

3 (b) Senate Bill No. _____ or House Bill No. 5768 (request
4 no. 05529'90).

5 (c) Senate Bill No. _____ or House Bill No. 5769 (request
6 no. 05530'90).

7 (d) Senate Bill No. _____ or House Bill No. 5766 (request
8 no. 05531'90).

9 (e) Senate Bill No. _____ or House Bill No. 5767 (request
10 no. 05532'90).