

HOUSE BILL No. 6267

November 13, 1990, Introduced by Rep. Law and referred to the Committee on Social Services and Youth.

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"~~

5 (A) "COMMUNITY" MEANS A SINGLE 5-DIGIT ZIP CODE AREA AS
6 DETERMINED BY THE UNITED STATES POSTAL SERVICE AND EXISTING ON
7 THE EFFECTIVE DATE OF THIS ACT.

8 (B) "STATE AGENCY" MEANS AN AGENCY AS DEFINED IN THE ADMIN-
9 ISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS
10 OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED
11 LAWS.

12 (C) "STATE FACILITY" MEANS A STRUCTURE CONTAINING MORE THAN
13 1,000 SQUARE FEET OF FLOOR SPACE THAT IS OWNED AND OPERATED BY A
14 STATE AGENCY.

15 (D) "STATE licensed residential facility" OR "RESIDENTIAL
16 FACILITY" means a structure constructed for residential purposes
17 that is licensed by the state pursuant to ~~Act No. 287 of the~~
18 ~~Public Acts of 1972, as amended, being sections 331.681 to~~
19 ~~331.694~~ THE ADULT FOSTER CARE FACILITY LICENSING ACT, ACT
20 NO. 218 OF THE PUBLIC ACTS OF 1979, BEING SECTIONS 400.701 TO
21 400.737 of the Michigan Compiled Laws, or Act No. 116 of the
22 Public Acts of 1973, as amended, being sections 722.111 to
23 722.128 of the Michigan Compiled Laws, which provides ~~resident~~
24 ~~services for 6 or less persons under~~ 24-hour supervision or care
25 for 6 OR FEWER persons in need of that supervision or care.

26 (2) In order to implement the policy of this state that
27 persons in need of community residential care shall not be

1 excluded by zoning from the benefits of normal residential
2 surroundings, a state licensed residential facility ~~providing~~
3 ~~supervision or care, or both, to 6 or less persons~~ shall be con-
4 sidered a residential use of property for the purposes of zoning
5 and a permitted use in all residential zones, including those
6 zoned for single family dwellings, and shall not be subject to a
7 special use or conditional use permit or procedure different from
8 those required for other dwellings of similar density in the same
9 zone.

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

14 (4) At least 45 days before licensing a residential facility
15 described in subsection (1), the state licensing agency shall
16 notify the council of the city or village or the designated
17 agency of the city or village where the proposed RESIDENTIAL
18 facility is to be located to review the number of existing or
19 proposed similar state licensed residential facilities whose
20 property lines are within a 1,500 foot radius of the property
21 lines of the location of the ~~applicant~~ PROPOSED RESIDENTIAL
22 FACILITY. The council of a city or village or an agency of the
23 city or village to which the authority is delegated shall, when a
24 proposed RESIDENTIAL facility is to be located within the city or
25 village, give appropriate notification of the proposal to license
26 the RESIDENTIAL facility to those residents whose property lines
27 are within a 1,500 foot radius of the property lines of the

1 proposed RESIDENTIAL facility. A state licensing agency shall
2 not license a proposed residential facility when another state
3 licensed residential facility exists within the 1,500 foot
4 radius, unless permitted by local zoning ordinances, of the pro-
5 posed location, WHEN A STATE FACILITY IS LOCATED WITHIN THE SAME
6 COMMUNITY AS THE PROPOSED RESIDENTIAL FACILITY, or when the issu-
7 ance of the license would substantially contribute to an exces-
8 sive concentration of state licensed residential facilities
9 within the city or village. In a city with a population of
10 1,000,000 or more a state licensing agency shall not license a
11 proposed residential facility when another state licensed resi-
12 dential facility exists within a 3,000 foot radius of the pro-
13 posed location. This subsection ~~shall~~ DOES not apply to state
14 licensed residential facilities caring for 4 or ~~less~~ FEWER
15 minors.

16 (5) This section ~~shall~~ DOES not apply to a state licensed
17 residential facility licensed before March 31, 1977, or to a res-
18 idential facility ~~which~~ THAT was in the process of being devel-
19 oped and licensed before March 31, 1977, if approval had been
20 granted by the appropriate local governing body.

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

24 (a) Senate Bill No. ____ or House Bill No. 6269 (request
25 no. 02656'89).

26 (b) Senate Bill No. ____ or House Bill No. 6268 (request
27 no. 02656'89 a).