

HOUSE BILL No. 6306

December 5, 1990, Introduced by Rep. Jaye and referred to the Committee on Social Services and Youth.

A bill to amend section 16a of Act No. 183 of the Public Acts of 1943, entitled as amended
"The county rural zoning enabling act,"
being section 125.216a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 16a of Act No. 183 of the Public Acts of
2 1943, being section 125.216a of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 16a. (1) As used in this section, "state licensed res-
5 idential facility" OR "RESIDENTIAL FACILITY" means a structure
6 constructed for residential purposes that is licensed by the
7 state pursuant to THE ADULT FOSTER CARE FACILITY LICENSING ACT,
8 Act No. ~~287~~ 218 of the Public Acts of ~~1972~~ 1979, as amended,
9 being sections ~~331.681 to 331.694~~ 400.701 TO 400.737 of the
0 Michigan Compiled Laws, or Act No. 116 of the Public Acts of

1 1973, as amended, being sections 722.111 to 722.128 of the
2 Michigan Compiled Laws, ~~which~~ THAT provides ~~resident services~~
3 ~~for 6 or less persons under~~ 24-hour supervision or care for 6 OR
4 FEWER persons in need of ~~that~~ supervision or care.

5 (2) In order to implement the policy of this state that
6 ~~persons~~ A PERSON in need of community residential care shall
7 not be excluded by zoning from the benefits of normal residential
8 surroundings, a state licensed residential facility ~~providing~~
9 ~~supervision or care, or both, to 6 or less persons~~ shall be con-
10 sidered a MULTIPLE FAMILY residential use of property for the
11 purposes of zoning and a permitted use ONLY in ~~all~~ MULTIPLE
12 FAMILY residential zones, ~~including those zoned for single~~
13 ~~family dwellings,~~ and ~~shall~~ IS not ~~be~~ subject to a special
14 use or conditional use permit or procedure different from those
15 required for other dwellings of similar density in the same
16 zone.

17 (3) This section ~~shall~~ DOES not apply to adult foster care
18 facilities licensed by a state agency for care and treatment of
19 ~~persons~~ A PERSON released from or assigned to AN adult correc-
20 tional ~~institutions~~ INSTITUTION.

21 (4) At least 45 days before licensing a residential
22 facility, ~~described in subsection (1),~~ the state licensing
23 agency shall notify the county board of commissioners or its des-
24 ignated agency of the county where the proposed RESIDENTIAL
25 facility is to be located to review the number of existing or
26 proposed ~~similar~~ state licensed residential facilities whose
27 property lines are within a 1,500 foot radius of the property

1 lines of the location of the ~~applicant~~ PROPOSED RESIDENTIAL
 2 FACILITY. The county board of commissioners of a county or an
 3 agency of the county to which the authority is delegated may,
 4 when a proposed RESIDENTIAL facility is to be located within the
 5 county, give appropriate notification of the proposal to license
 6 the RESIDENTIAL facility to ~~those~~ residents whose property
 7 lines are within a 1,500 foot radius of the property lines of the
 8 proposed RESIDENTIAL facility. A state licensing agency shall
 9 not license a proposed residential facility when another state
 0 licensed residential facility exists within the 1,500 foot
 1 radius, unless permitted by local zoning ordinances, of the pro-
 2 posed location or when the issuance of the license would substan-
 3 tially contribute to an excessive concentration of state licensed
 4 residential facilities within the county. This subsection
 5 ~~shall~~ DOES not apply to state licensed residential facilities
 6 caring for 4 or ~~less~~ FEWER minors.

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

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

5 (a) Senate Bill No. _____ or House Bill No. _____ (request
 6 no. 05977'90 a).

1 (b) Senate Bill No. _____ or House Bill No. _____ (request
2 no. 05977'90 b).