



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 249 (Substitute S-1 as reported)
Sponsor: Senator Mike Shirkey
Committee: Education

CONTENT

The bill would create the "Educational Instruction Access Act" to limit the powers of local government bodies regarding the sale, transfer, lease, or rental of property for educational purposes.

Specifically, a local governmental body offering property for sale, lease, or rent would be prohibited from refusing to sell, lease, or rent that property to an educational institution or private school solely because it intended to use the property for a lawful educational purpose.

A local government body offering property for sale, lease, or rent would not be required to sell, lease, or rent the property to an educational institution or private school solely because it intended to use the property for a lawful educational purpose. A local governmental body would not be required to provide an educational institution or private school with special notice of property offers or a right of first refusal.

The proposed Act also would prohibit local governmental bodies from adopting, enforcing, or administering an ordinance, local policy, or local resolution, or imposing any deed restriction that would prohibit property sold, leased, or transferred by that local governmental body to an educational institution or private school from being used for a lawful educational purpose. Any such deed restriction in effect on the effective date of the Act would be void.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would have an unknown fiscal impact on local government. Similar language already in the Revised School Code prohibits a local school district or intermediate school district (ISD) from applying deed restrictions that would prevent property sold by the district from being used for a lawful educational purpose, unless a district obtains permission from the State Board of Education. By including local and intermediate school districts in the proposed Educational Instruction Access Act, the bill would eliminate the option for a local school district or ISD to seek approval from the State Board of Education for a deed restriction that limits educational use. In addition, other types of local governments would become subject to a prohibition on deed restrictions that would limit educational use. The fiscal impact of the bill would depend on local policies, the specific characteristics of property that might be for sale, and the market for similar property for sale in an area. A local government that violated the proposed law could incur increased costs for legal fees and court costs.

Date Completed: 5-10-17

Fiscal Analyst: Elizabeth Pratt