

## INCREASE NUMBER OF CHILDREN ALLOWED IN CERTAIN RESIDENTIAL CARE FACILITIES

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**House Bill 5293 as introduced**  
**Sponsor: Rep. John Reilly**  
**Committee: Families, Children and Seniors**  
**Complete to 9-20-21**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 5293 would amend the Michigan Zoning Enabling Act to increase, from 6 to 10, the maximum number of children that can reside at a residential facility licensed under 1973 PA 116 (known as the child care licensing act) for purposes of being designated a residential use of property under the act. The facility would have to be on a parcel at least 20 acres in size.

Currently, the Michigan Zoning Enabling Act defines a *state licensed residential facility* as a structure built for residential purposes that is licensed by the state under either the Adult Foster Care Facility Act or the child care licensing act and that provides residential services for 6 or fewer individuals under 24-hour supervision or care. Such a facility is designated under the act to be a residential use of property for zoning purposes and a permitted use in all residential zones that is not subject to a special use or conditional use permit or procedure that differs from permits or procedures required for other dwellings of similar density in the same zone.

The bill would amend the definition of *state licensed residential facility* to also include a structure built for residential purposes that is licensed under the child care licensing act, that is providing residential services care to 7 to 10 individuals under 24-hour supervision or care, and that is located on a parcel of at least 20 acres in size. Such a facility would also be a residential use of property under the Michigan Zoning Enabling Act.

The bill would take effect 90 days after its enactment.

MCL 125.3102

### BACKGROUND:

The bill is a reintroduction of House Bill 4095 of the 2019-20 legislative session and is similar to House Bill 6499 of the 2017-18 legislative session. House Bill 6499 was passed by the House and Senate and enrolled, but was vetoed by the governor. In his veto message, Governor Snyder wrote that “the critical needs of fostered youth must be balanced with the ability to effectively provide them with the precious care that they deserve” and that “increasing the capacity and concentration of fostered youths could negatively impact the goals of providing foster youth care.”

## **FISCAL IMPACT:**

House Bill 5293 would have an indeterminate, but likely negligible, fiscal impact on local units of government. The expanded definition of “state licensed residential facility” under the bill would reduce any local government administrative costs and charged fees related to special use or conditional use zoning permits for certain qualifying facilities licensed under the child care licensing act, 1973 PA 116.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.