

**SUBSTITUTE FOR
HOUSE BILL NO. 4950**

A bill to amend 1966 PA 346, entitled
"State housing development authority act of 1966,"
by amending section 21 (MCL 125.1421), as amended by 2000 PA 257.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21. (1) There is created a public body corporate and
2 politic to be known as the "Michigan state housing development
3 authority". The authority shall consist of 3 heads of principal
4 departments of the executive branch of the state government and 4
5 ~~persons~~**individuals** appointed by the governor with the advice and
6 consent of the senate. Excluding the 3 heads of principal
7 departments of the executive branch of state government and the
8 designated resident member described in subsection (2), not more
9 than 2 of the ~~persons~~**individuals** appointed shall be members of the

1 same political party. Upon completion of each term, ~~a person~~**an**
2 **individual** shall be appointed for a term of 4 years, except that a
3 vacancy ~~shall~~**must** be filled for the unexpired term. A member of
4 the authority shall not receive compensation for services but is
5 entitled to the necessary expenses, including traveling expenses,
6 incurred in the discharge of the member's duties. Each member shall
7 hold office until a successor has been appointed and has qualified.
8 A certificate of appointment or reappointment of a member ~~shall~~
9 **must** be filed with the authority and this certificate ~~shall be~~**is**
10 conclusive evidence of the proper appointment of that member.

11 (2) If federal law requires designation of a resident member
12 on the authority, the number of gubernatorially appointed members,
13 in addition to the 3 heads of principal departments, increases from
14 4 to 5. One of the 5 gubernatorially appointed members shall be the
15 designated resident member. The resident member shall meet both of
16 the following requirements:

17 (a) The ~~person~~**individual** is an individual **that is** directly
18 assisted by a federal housing program administered through the
19 authority. As used in this subdivision, "directly assisted" means
20 residing in federally-supported public housing or receiving section
21 8 tenant-based assistance. Directly assisted does not include a
22 state-financed housing assistance program, section 8 project-based
23 assistance, or section 8 new construction assistance.

24 (b) The ~~person~~**individual** is an eligible resident. As used in
25 this subdivision, "eligible resident" means ~~a person~~**an individual**
26 whose name appears on the lease of the assisted housing **and** who is
27 18 years of age or older.

28 (3) ~~A person~~**An individual** who no longer meets either
29 requirement of subsection (2) (a) or (b) is removed from the

1 authority for cause upon the appointment of another ~~person as~~
2 **individual to** the resident member position.

3 (4) The powers of the authority ~~shall be~~ **are** vested in the
4 members in office. A majority of the members of the authority
5 constitutes a quorum for the purpose of conducting the authority's
6 business, for exercising the authority's powers, and for other
7 purposes, notwithstanding the existence of any vacancies. Action
8 may be taken by the authority upon a vote of a majority of the
9 members present, unless the bylaws of the authority require a
10 larger number. ~~, except that to the extent required by federal law,~~
11 ~~the resident member shall only take part in, vote on, and exercise~~
12 ~~the powers of the authority concerning decisions related to the~~
13 ~~administration, operation, and management of federal public housing~~
14 ~~programs and section 8 tenant-based assistance programs.~~ The
15 resident member shall not take part in, vote on, or exercise the
16 powers of the authority in a matter that uniquely applies to the
17 resident member and is not generally applicable to all residents.
18 In the absence of fraud, a determination of the authority with
19 respect to findings of fact made by the authority acting within the
20 scope of its powers is conclusive, except with respect to the
21 approval of the municipal finance commission or its successor
22 agency as required by law.

23 (5) Meetings of the members of the authority may be held
24 anywhere in this state. The business that the authority may perform
25 ~~shall~~ **must** be conducted at a public meeting of the authority held
26 in compliance with the open meetings act, 1976 PA 267, MCL 15.261
27 to 15.275, **including any meeting that may be held electronically**
28 **under section 3a of the open meetings act, 1976 PA 267, MCL**
29 **15.263a.** Public notice of the time, date, and place of the meeting

1 ~~shall~~**must** be given in the manner required by the open meetings
2 act, 1976 PA 267, MCL 15.261 to 15.275.

3 (6) The authority shall elect a chairperson and vice-
4 chairperson. The authority shall employ an executive director,
5 legal and technical experts, and other officers, agents, and
6 employees, permanent and temporary, as the authority requires, and
7 shall determine their qualifications, duties, and compensation. The
8 authority may delegate to 1 or more agents or employees those
9 powers or duties as the authority considers proper.

10 (7) The authority shall be within the department of ~~consumer~~
11 ~~and industry services~~**labor and economic opportunity** and shall
12 exercise the authority's prescribed statutory powers, duties, and
13 functions independently of the head of that department. ~~However,~~
14 ~~the budgeting, procurement, and related functions of the authority~~
15 ~~shall be performed under the direction and supervision of the~~
16 ~~director of consumer and industry services.~~

17 (8) As used in this section, "section 8" means section 8 of
18 the United States housing act of 1937, ~~chapter 896, 88 Stat. 662,~~
19 ~~42 U.S.C. USC~~ 1437f.

20 Enacting section 1. This amendatory act does not take effect
21 unless House Bill No. 5096 of the 101st Legislature is enacted into
22 law.