



**House
Legislative
Analysis
Section**

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CONDOS: SCHOOL DISTRICT SHIFT

House Bill 5657 (Substitute H-2)
First Analysis (11-10-88)

Sponsor: Rep. Susan Munsell
Committee: Education

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THE APPARENT PROBLEM:

The School Code allows an intermediate school district to detach territory from one school district and attach it to another if requested to do so by resolution of a school board of a district whose boundaries would be changed as a result or if petitioned by at least two-thirds of the people who own and reside on the land to be transferred. These procedures are not useful for a condominium development that lies in two school districts, it is argued, because the residents do not own the land on which they live and because school districts are not likely to make the transfer request. An additional procedure is necessary to allow residents in a condominium development split between districts to be able to initiate territory transfer proceedings.

THE CONTENT OF THE BILL:

The bill would amend the School Code to allow an intermediate school board to detach territory from one school district and attach it to another if requested to do so by a resolution of the board of a condominium association pursuant to a petition signed by at least two-thirds of the co-owners of the the condominium association residing on the land to be transferred.

MCL 380.951

FISCAL IMPLICATIONS:

The Department of Education points out that the bill could lead to more property transfer appeals to the State Board of Education, which may require increases in funding and staffing. Local and intermediate school districts would also face costs associated with increased property transfer litigation, the department notes. (9-27-88)

ARGUMENTS:

For:

The bill would establish a procedure for condominium residents to request a transfer of property from one school district to another similar to that which exists for owners of single family homes. It makes sense for a condominium project to lie in one district rather than in two districts with different levels of educational services and tax rates. It would lead to a greater sense of unity in the development. Two-thirds of the resident co-owners of the association would have to petition in order for the transfer to be considered. The decision would remain with the intermediate school board.

POSITIONS:

The Michigan Education Association supports the bill. (11-7-88)

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