

# HOUSE BILL No. 4263

February 25, 2003, Introduced by Reps. Taub, Stakoe, LaJoy, Farhat, Stahl, Emmons, Ruth Johnson, Ward, Rocca, Palsrok, Newell, Caul, Shulman, Meyer, Tabor, Bradstreet, Garfield, Hummel, Voorhees, Robertson, Amos, Brandenburg, Huizenga, Julian, Kooiman, DeRoche, Nitz, Ehardt, Vagnozzi, Gleason, Woronchak, Sheen, Shackleton, Casperson and Acciavatti and referred to the Committee on Commerce.

A bill to amend 1961 PA 120, entitled

"An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; to provide for the creation, operation, and dissolution of business improvement zones; and to authorize the collection of revenue and the bonding of certain cities for the development or redevelopment projects,"

by amending the title and sections 1, 2, 4, 5, and 6 (MCL 125.981, 125.982, 125.984, 125.985, and 125.986), the title as amended by 2001 PA 260, sections 1, 2, and 5 as amended by 2001 PA 261, section 4 as amended by 1999 PA 49, and section 6 as amended by 1992 PA 146.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### TITLE

An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the

1 operation of principal shopping districts and business  
 2 improvement districts; to provide for the creation, operation,  
 3 and dissolution of business improvement zones; and to authorize  
 4 the collection of revenue and the bonding of certain ~~cities~~  
 5 **local governmental units** for the development or redevelopment  
 6 projects.

7 Sec. 1. (1) As used in this chapter:

8 (a) "Assessable property" means real property in a district  
 9 area other than all of the following:

10 (i) Property classified as residential real property under  
 11 section 34c of the general property tax act, 1893 PA 206, MCL  
 12 211.34c.

13 (ii) Property owned by the federal, a state, or a local unit  
 14 of government where property is exempt from the collection of  
 15 taxes under the general property tax act, 1893 PA 206, MCL 211.1  
 16 to 211.157.

17 (iii) One or more classes of property owners whose property  
 18 meets all of the following conditions:

19 (A) Is exempt from the collection of taxes under the general  
 20 property tax act, 1893 PA 206, MCL 211.1 to 211.157, other than  
 21 property identified in subparagraph (ii).

22 (B) As a class has been determined by the legislative body  
 23 of the ~~city~~ **local governmental unit** not to be benefited by a  
 24 project for which special assessments are to be levied.

25 (b) "Business improvement district" means 1 or more portions  
 26 of a ~~city~~ **local governmental unit** or combination of contiguous  
 27 portions of 2 or more ~~cities~~ **local governmental units** that are

1 predominantly commercial or industrial in use.

2 (c) "District" means a business improvement district or a  
3 principal shopping district.

4 (d) "Highways" means public streets, highways, and alleys.

5 **(e) "Local governmental unit" means a city or township.**

6 **(f) —(e)— "Principal shopping district" means a portion of a**  
7 **~~city~~ local governmental unit** designated by the governing body  
8 of the **~~city~~ local governmental unit** that is predominantly  
9 commercial and that contains at least 10 retail businesses.

10 (2) A **~~city~~ local governmental unit** with a master plan for  
11 the physical development of the **~~city~~ local governmental unit**  
12 that includes an urban design plan designating a principal  
13 shopping district or includes the development or redevelopment of  
14 a principal shopping district, or 1 or more **~~cities~~ local**  
15 **governmental units** that establish a business improvement district  
16 by resolution, may do 1 or more of the following:

17 (a) Open, widen, extend, realign, pave, maintain, or  
18 otherwise improve highways and construct, reconstruct, maintain,  
19 or relocate pedestrian walkways.

20 (b) Prohibit or regulate vehicular traffic where necessary to  
21 carry out the purposes of the development or redevelopment  
22 project.

23 (c) Regulate or prohibit vehicular parking on highways.

24 (d) Acquire, own, maintain, demolish, develop, improve, or  
25 operate properties, off-street parking lots, or structures.

26 (e) Contract for the operation or maintenance by others of  
27 **~~city~~ off-street parking lots or structures owned by the local**

1 **governmental unit**, or appoint agents for the operation or  
2 maintenance.

3 (f) Construct, maintain, and operate malls with bus stops,  
4 information centers, and other buildings that will serve the  
5 public interest.

6 (g) Acquire by purchase, gift, or condemnation and own,  
7 maintain, or operate real or personal property necessary to  
8 implement this section.

9 (h) Promote economic activity in the district by undertakings  
10 including, but not limited to, conducting market research and  
11 public relations campaigns, developing, coordinating, and  
12 conducting retail and institutional promotions, and sponsoring  
13 special events and related activities. A business may prohibit  
14 the use of its name or logo in a public relations campaign,  
15 promotion, or special event or related activity for the  
16 district.

17 (i) Provide for or contract with other public or private  
18 entities for the administration, maintenance, security,  
19 operation, and provision of services that the board determines  
20 are a benefit to a district within the ~~city~~ **local governmental**  
21 **unit**.

22 (3) A ~~city~~ **local governmental unit** that provides for  
23 ongoing activities under subsection (2)(h) or (i) shall also  
24 provide for the creation of a board for the management of those  
25 activities.

26 (4) One member of the board of the principal shopping  
27 district shall be from the adjacent residential area, 1 member

1 shall be a representative of ~~city government~~ **the local**  
2 **governmental unit**, and a majority of the members shall be  
3 nominees of individual businesses located within the principal  
4 shopping district. The board shall be appointed by the chief  
5 executive officer of the ~~city~~ **local governmental unit** with the  
6 concurrence of the legislative body of the ~~city~~ **local**  
7 **governmental unit**. However, if all of the following requirements  
8 are met, a business may appoint a member of the board of a  
9 principal shopping district, which member shall be counted toward  
10 the majority of members required to be nominees of businesses  
11 located within the principal shopping district:

12 (a) The business is located within the principal shopping  
13 district.

14 (b) The principal shopping district was designated by the  
15 governing body of a ~~city~~ **local governmental unit** after July 14,  
16 1992.

17 (c) The business is located within a special assessment  
18 district established under section 5.

19 (d) The special assessment district is divided into special  
20 assessment rate zones reflecting varying levels of special  
21 benefits.

22 (e) The business is located in the special assessment rate  
23 zone with the highest special assessment rates.

24 (f) The square footage of the business is greater than 5.0%  
25 of the total square footage of all businesses in that special  
26 assessment rate zone.

27 (5) If the boundaries of the principal shopping district are

1 the same as those of a downtown district designated under 1975 PA  
2 197, MCL 125.1651 to 125.1681, the governing body may provide  
3 that the members of the board of the downtown development  
4 authority, which manages the downtown district, shall compose the  
5 board of the principal shopping district, in which case  
6 subsection (4) does not apply.

7 (6) The members of the board of a business improvement  
8 district shall be determined by the ~~city~~ **local governmental**  
9 **unit** as provided in this subsection. The board of a business  
10 improvement district shall consist of all of the following:

11 (a) One representative of the ~~city~~ **local governmental unit**  
12 appointed by the chief executive officer of the ~~city~~ **local**  
13 **governmental unit** with the concurrence of the legislative body of  
14 the ~~city~~ **local governmental unit** in which the business  
15 improvement district is located. If the business improvement  
16 district is located in more than 1 ~~city~~ **local governmental**  
17 **unit**, then 1 representative from each ~~city~~ **local governmental**  
18 **unit** in which the business improvement district is located shall  
19 serve on the board as provided in this subdivision.

20 (b) Other members of the board shall be nominees of the  
21 businesses and property owners located within the business  
22 improvement district. If a class of business or property owners,  
23 as identified in the resolution described in subsection (8), is  
24 projected to pay more than 50% of the special assessment levied  
25 that benefits property in a business improvement district for the  
26 benefit of the business improvement district, the majority of the  
27 members of the board of the business improvement district shall

1 be nominees of the business or property owners in that class.

2 (7) A ~~city~~ **local governmental unit** may create 1 or more  
3 business improvement districts.

4 (8) If 1 or more ~~cities~~ **local governmental units** establish  
5 a business improvement district by resolution under subsection  
6 (2), the resolution shall identify all of the following:

7 (a) The geographic boundaries of the business improvement  
8 district.

9 (b) The number of board members in that business improvement  
10 district.

11 (c) The different classes of property owners in the business  
12 improvement district.

13 (d) The class of business or property owners, if any, who are  
14 projected to pay more than 50% of the special assessment levied  
15 that benefits property in that business improvement district.

16 Sec. 2. (1) The cost of the whole or any part of a principal  
17 shopping district project or business improvement district  
18 project as authorized in this chapter may be financed by 1 or  
19 more of the following methods:

20 (a) Grants and gifts to the ~~city~~ **local governmental unit** or  
21 district.

22 (b) ~~City~~ **Local governmental unit** funds.

23 (c) The issuance of general obligation bonds of the ~~city~~  
24 **local governmental unit** subject to the revised municipal finance  
25 act, 2001 PA 34, MCL 141.2101 to 141.2821.

26 (d) The issuance of revenue bonds by the ~~city~~ **local**  
27 **governmental unit** under the revenue bond act of 1933, 1933 PA 94,

1 MCL 141.101 to 141.140, or under any other applicable revenue  
2 bond act. The issuance of the bonds shall be limited to the part  
3 or parts of the district project that are public improvements.

4 (e) The levying of special assessments against land or  
5 interests in land, or both.

6 (f) Any other source.

7 (2) Beginning January 1, 2000, the proceeds of a bond, note,  
8 or other obligation issued to finance a project authorized under  
9 this chapter shall be used for capital expenditures, costs of a  
10 reserve fund securing the bonds, notes, or other obligations, and  
11 costs of issuing the bonds, notes, or other obligations. The  
12 proceeds of the bonds, notes, or other obligations shall not be  
13 used for operational expenses of a district.

14 Sec. 4. The development or redevelopment of a district,  
15 including the various phases of the development or redevelopment,  
16 is 1 project and, in the discretion of the governing body of the  
17 ~~city~~ **local governmental unit**, may be financed as a single  
18 improvement.

19 Sec. 5. (1) If a ~~city~~ **local governmental unit** elects to  
20 levy special assessments to defray all or part of the cost of the  
21 district project, then the special assessments shall be levied  
22 pursuant to applicable statutory or charter provisions or, if  
23 there are no applicable statutory or charter provisions, pursuant  
24 to statutory or charter provisions applicable to ~~city~~ **local**  
25 **governmental unit** street improvements. If a ~~city~~ **local**  
26 **governmental unit** charter does not authorize special assessments  
27 for the purposes set forth in this chapter, the charter



1 provisions authorizing special assessments for street  
2 improvements are made applicable to the purposes set forth in  
3 this chapter, without amendment to the charter. The total amount  
4 assessed for district purposes may be made payable in not more  
5 than 20 annual installments as determined by the governing body  
6 of the ~~city~~ **local governmental unit**, the first installment to  
7 be payable in not more than 18 months after the date of the  
8 confirmation of the special assessment roll.

9       (2) A special assessment shall be levied against assessable  
10 property on the basis of the special benefits to that parcel from  
11 the total project. There is a rebuttable presumption that a  
12 district project specially benefits all assessable property  
13 located within the district.

14       (3) This subsection applies to a principal shopping district  
15 only if the principal shopping district is designated by the  
16 governing body of a ~~city~~ **local governmental unit** after July 14,  
17 1992. The special assessments annually levied on a parcel under  
18 this chapter shall not exceed the product of \$10,000.00 and the  
19 number of businesses on that parcel. A business located on a  
20 single parcel shall not be responsible for a special assessment  
21 in excess of \$10,000.00 annually. When the special assessment  
22 district is created, a lessor of a parcel subject to a special  
23 assessment may unilaterally revise an existing lease to a  
24 business located on that parcel to recover from that business all  
25 or part of the special assessment, as is proportionate  
26 considering the portion of the parcel occupied by the business.

27       (4) The \$10,000.00 maximum amounts in subsection (3) shall be

1 adjusted each January 1, beginning January 1, 1994, pursuant to  
2 the annual average percentage increase or decrease in the Detroit  
3 consumer price index for all items as reported by the United  
4 States department of labor. The adjustment for each year shall  
5 be made by comparing the Detroit consumer price index for the  
6 12-month period ending the preceding October 31 with the  
7 corresponding Detroit consumer price index of 1 year earlier.  
8 The percentage increase or decrease shall then be multiplied by  
9 the current amounts under subsection (3) authorized by this  
10 section. The product shall be rounded up to the nearest multiple  
11 of 50 cents and shall be the new amount.

12 (5) The ~~city~~ **local governmental unit** may issue special  
13 assessment bonds in anticipation of the collection of the special  
14 assessments for a district project and, by action of its  
15 governing body, may pledge its full faith and credit for the  
16 prompt payment of the bonds. Special assessment bonds issued  
17 under this section are subject to the revised municipal finance  
18 act, 2001 PA 34, MCL 141.2101 to 141.2821. The last maturity on  
19 the bonds shall be not later than 2 years after the due date of  
20 the last installment on the special assessments. Special  
21 assessment bonds may be issued pursuant to statutory or charter  
22 provisions applicable to the issuance by the ~~city~~ **local**  
23 **governmental unit** of special assessment bonds for the improvement  
24 or, if there are no applicable statutory or charter provisions,  
25 pursuant to statutory or charter provisions applicable to the  
26 issuance by the ~~city~~ **local governmental unit** of special  
27 assessment bonds for street improvements.

1       (6) If a district project in a district designated by the  
2 governing body of a ~~city~~ **local governmental unit** after July 14,  
3 1992 is financed by special assessments, the governing body of  
4 the ~~city~~ **local governmental unit** shall review the special  
5 assessments every 5 years, unless special assessment bonds are  
6 outstanding.

7       (7) Before a ~~city~~ **local governmental unit** levies a special  
8 assessment under this chapter that benefits property within a  
9 business improvement district, the business improvement district  
10 board shall develop a marketing and development plan that details  
11 all of the following:

12       (a) The scope, nature, and duration of the business  
13 improvement district project or projects.

14       (b) The different classes of property owners who are going to  
15 be assessed and the projected amount of the special assessment on  
16 the different classes.

17       (8) A ~~city~~ **local governmental unit** that levies a special  
18 assessment under this chapter that benefits property within a  
19 business improvement district is considered to have approved the  
20 marketing and development plan described in subsection (7).

21       Sec. 6. If off-street parking lots or structures are  
22 essential to the principal shopping district project, if 1 or  
23 more off-street parking lots or structures are already owned by  
24 the ~~city~~ **local governmental unit** and were acquired through the  
25 issuance of revenue bonds, and if the remaining parking lots or  
26 structures are to be financed in whole or in part by special  
27 assessments and special assessment bonds, then the ~~city~~ **local**

1 **governmental unit**, to place all parking lots or structures on the  
2 same basis, may include as a part of the cost of parking lots or  
3 structures for the project the amount necessary to retire all or  
4 any part of the outstanding revenue bonds, inclusive of any  
5 premium not exceeding 5% necessary to be paid upon the redemption  
6 or purchase of those outstanding bonds. From the proceeds of the  
7 special assessments or from the sale of bonds issued in  
8 anticipation of the payment of the special assessments, the  
9 ~~city~~ **local governmental unit** shall retire by redemption or  
10 purchase the outstanding revenue bonds. This section does not  
11 authorize the refunding of noncallable bonds without the consent  
12 of the holders of the bonds.