

# HOUSE BILL No. 5136

June 23, 2009, Introduced by Reps. Young, Geiss and Dean and referred to the Committee on Intergovernmental and Regional Affairs.

A bill to allow inclusionary zoning; to prescribe the powers and duties of certain local agencies and officials; and to provide certain restrictions for dwelling units built within the inclusionary zone.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "inclusionary zoning act".

3       Sec. 2. As used in this act:

4       (a) "Affordable dwelling unit" means a single-family dwelling  
5 or multiple family dwelling that substantially complies with all  
6 applicable state and local building and housing laws, ordinances,  
7 and codes, and which is appropriately priced for either of the  
8 following:

1           (i) Sale to any person or family whose income does not exceed  
2 80% of the median family income for the local area, with  
3 adjustments for family size, according to the latest figures  
4 available from the United States department of housing and urban  
5 development.

6           (ii) Rent to any person or family whose income does not exceed  
7 60% of the median family income for the local area, with  
8 adjustments for family size, according to the latest figures  
9 available from the United States department of housing and urban  
10 development.

11           (b) "Inclusionary zoning" means a zoning regulation,  
12 requirement, or condition of development, imposed by ordinance or  
13 regulation, or pursuant to any special permit, special exception,  
14 or subdivision plan, that promotes the development of affordable  
15 dwelling units.

16           Sec. 3. (1) A local unit of government may use inclusionary  
17 zoning to increase the availability of affordable dwelling units  
18 within its jurisdiction.

19           (2) If a local unit of government requires a developer to  
20 construct 1 or more affordable dwelling units under this act, the  
21 local unit of government may grant to the developer permission to  
22 construct a total number of units in excess of the number allowed  
23 by applicable density limits.

24           (3) A local unit of government may enter into agreements with  
25 developers to restrict rent or sale prices for properties  
26 designated as affordable dwelling units. An agreement under this  
27 subsection shall contain the terms of the agreement, including, but

1 not limited to, all of the following:

2 (a) Methods of enforcing the agreement.

3 (b) Penalties for noncompliance with the agreement.

4 Sec. 4. To qualify for inclusionary zoning, an affordable  
5 dwelling unit shall remain affordable for at least 10 years, but  
6 not more than 50 years, after development.