

HOUSE BILL No. 4193

February 8, 2011, Introduced by Reps. Dillon, Melton, Lane, Darany, Slavens, Haugh, Townsend, Kandrevas, Smiley, Ananich, McCann, Liss, Rutledge, Constan, Barnett, Bauer, Segal, Stapleton, Hovey-Wright, Hobbs, Bledsoe, Geiss, Switalski, Cavanagh, Stallworth, Byrum, Lipton, Durhal, Howze, Lindberg, Santana, Talabi, Brunner, Oakes, Brown and Womack and referred to the Committee on Commerce.

A bill to amend 2000 PA 146, entitled
 "Obsolete property rehabilitation act,"
 by amending section 8 (MCL 125.2788), as amended by 2008 PA 504.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) If the taxable value of the property proposed to
 2 be exempt pursuant to an application under consideration,
 3 considered together with the aggregate taxable value of property
 4 exempt under certificates previously granted and currently in force
 5 under this act or under 1974 PA 198, MCL 207.551 to 207.572,
 6 exceeds 5% of the taxable value of the qualified local governmental
 7 unit, the legislative body of the qualified local governmental unit
 8 shall make a separate finding and shall include a statement in its
 9 resolution approving the application that exceeding that amount
 10 shall not have the effect of substantially impeding the operation

1 of the qualified local governmental unit or impairing the financial
2 soundness of an affected taxing unit.

3 (2) The legislative body of the qualified local governmental
4 unit shall not approve an application for an obsolete property
5 exemption certificate unless the applicant complies with all of the
6 following requirements:

7 (a) Except as otherwise provided in subsection (3), the
8 commencement of the rehabilitation of the facility does not occur
9 before the establishment of the obsolete property rehabilitation
10 district.

11 (b) The application relates to a rehabilitation program that
12 when completed constitutes a rehabilitated facility within the
13 meaning of this act and that shall be situated within an obsolete
14 property rehabilitation district established in a qualified local
15 governmental unit eligible under this act to establish such a
16 district.

17 (c) Completion of the rehabilitated facility is calculated to,
18 and will at the time of issuance of the certificate have the
19 reasonable likelihood to, increase commercial activity, create
20 employment, retain employment, prevent a loss of employment,
21 revitalize urban areas, or increase the number of residents in the
22 community in which the facility is situated.

23 (d) The applicant states, in writing, that the rehabilitation
24 of the facility would not be undertaken without the applicant's
25 receipt of the exemption certificate.

26 (e) The applicant is not delinquent in the payment of any
27 taxes related to the facility.

1 (3) The legislative body of a qualified local governmental
2 unit may approve an application for an obsolete property exemption
3 certificate if the commencement of the rehabilitation of the
4 facility occurs before the establishment of the obsolete property
5 rehabilitation district and if 1 or more of the following are met:

6 (a) All of the following are met:

7 (i) The building permit for the rehabilitation of the facility
8 was obtained in October 2002.

9 (ii) The obsolete property rehabilitation district was created
10 in April 2002.

11 (iii) The rehabilitation of the facility included adding
12 additional stories to the facility.

13 (b) All of the following are met:

14 (i) Emergency or temporary repairs or improvements were made
15 before the establishment of the obsolete property rehabilitation
16 district.

17 (ii) The obsolete property rehabilitation district was created
18 in January 2006.

19 (iii) The facility is located in a city with a population of
20 more than 20,500 and less than 27,000 and is located in a county
21 with a population of more than 95,000 and less than 105,000.

22 (c) All of the following are met:

23 (i) Roof repairs or improvements were completed in March 2006
24 before the establishment of the obsolete property rehabilitation
25 district.

26 (ii) The obsolete property rehabilitation district was created
27 in April 2006.

1 (iii) The application was submitted to the qualified local
2 governmental unit in April 2006.

3 (iv) The facility is located in a city with a population of
4 more than 10,800 and less than 11,100 and is located in a county
5 with a population of more than 39,000 and less than 42,000.

6 (4) Notwithstanding any other provisions of this act, for any
7 certificate issued as a result of the enactment of the amendatory
8 act that added subsection (3)(a) and (b), the effective date of the
9 certificate shall be December 31, 2006.

10 (5) Notwithstanding any other provisions of this act, for any
11 certificate issued as a result of the enactment of the amendatory
12 act that added subsection (3)(c), the effective date of the
13 certificate shall be December 31, 2006.

14 (6) BEGINNING JULY 1, 2011, THE LEGISLATIVE BODY OF THE LOCAL
15 GOVERNMENTAL UNIT SHALL NOT APPROVE AN APPLICATION FOR AN OBSOLETE
16 PROPERTY EXEMPTION CERTIFICATE UNLESS THE APPLICANT STATES, IN
17 WRITING, THAT THE APPLICANT WILL NOT KNOWINGLY HIRE OR CONTRACT
18 WITH ANY BUSINESS ENTITY THAT KNOWINGLY HIRES AN INDIVIDUAL WHO IS
19 NOT AUTHORIZED UNDER FEDERAL LAW TO WORK IN THE UNITED STATES.

20 (7) BEGINNING JULY 1, 2011, THE LEGISLATIVE BODY OF THE LOCAL
21 GOVERNMENTAL UNIT SHALL NOT APPROVE AN APPLICATION FOR AN OBSOLETE
22 PROPERTY EXEMPTION CERTIFICATE UNLESS THE APPLICANT STATES, IN
23 WRITING, THAT THE APPLICANT WILL DO ALL OF THE FOLLOWING:

24 (A) MAKE A GOOD FAITH EFFORT TO EMPLOY, IF QUALIFIED, MICHIGAN
25 RESIDENTS AT THE FACILITY.

26 (B) MAKE A GOOD FAITH EFFORT TO EMPLOY OR CONTRACT WITH
27 MICHIGAN RESIDENTS AND FIRMS TO CONSTRUCT, REHABILITATE, DEVELOP,

1 OR RENOVATE THE FACILITY.

2 (C) MAKE A GOOD FAITH EFFORT TO UTILIZE MICHIGAN-BASED
3 SUPPLIERS AND VENDORS WHEN PURCHASING GOODS AND SERVICES.

4 (8) BEGINNING JULY 1, 2011, THE WRITTEN AGREEMENT DESCRIBED IN
5 SUBSECTION (6) SHALL ALSO CONTAIN A REMEDY PROVISION THAT PROVIDES
6 FOR ALL OF, BUT NOT LIMITED TO, THE FOLLOWING:

7 (A) A REQUIREMENT THAT THE APPLICANT'S OBSOLETE PROPERTY
8 EXEMPTION CERTIFICATE IS REVOKED UNDER THIS ACT IF THE APPLICANT IS
9 DETERMINED TO BE IN VIOLATION OF SUBSECTION (6), AS DETERMINED BY
10 THE LEGISLATIVE BODY OF THE LOCAL GOVERNMENTAL UNIT.

11 (B) A REQUIREMENT THAT THE APPLICANT MAY BE REQUIRED TO REPAY
12 SOME OR ALL OF THE BENEFITS RECEIVED UNDER THIS ACT IF THE
13 APPLICANT IS DETERMINED TO BE IN VIOLATION OF THE PROVISIONS OF
14 SUBSECTION (6), AS DETERMINED BY THE LEGISLATIVE BODY OF THE LOCAL
15 GOVERNMENTAL UNIT.

16 (9) NOT LATER THAN FEBRUARY 1 EACH YEAR, THE APPLICANT SHALL
17 REPORT TO THE BOARD OF THE MICHIGAN STRATEGIC FUND ON THE
18 ACTIVITIES FOR THE IMMEDIATELY PRECEDING FISCAL YEAR. THE REPORT
19 SHALL CONTAIN ALL OF THE FOLLOWING:

20 (A) THE NUMBER OF MICHIGAN RESIDENTS EMPLOYED IN NEW JOBS BY
21 THE APPLICANT FROM THE RENOVATION, RESTORATION, OR CONSTRUCTION OF
22 A FACILITY FOR WHICH AN OBSOLETE PROPERTY EXEMPTION CERTIFICATE WAS
23 GRANTED IN THE IMMEDIATELY PRECEDING YEAR.

24 (B) THE NUMBER OF NEW JOBS CREATED BY THE APPLICANT FROM THE
25 RENOVATION, RESTORATION, OR CONSTRUCTION OF A FACILITY FOR WHICH AN
26 OBSOLETE PROPERTY EXEMPTION CERTIFICATE WAS GRANTED IN THE
27 IMMEDIATELY PRECEDING YEAR.

1 (C) THE DETAILS OF THE GOOD FAITH EFFORTS REQUIRED OF THE
2 APPLICANT DESCRIBED IN SUBSECTION (7) (A), (B), AND (C).

3 (10) THE ATTORNEY GENERAL OR APPROPRIATE AGENCY OF THIS STATE
4 SHALL BE RESPONSIBLE FOR ANY ENFORCEMENT NECESSARY TO ENSURE
5 COMPLIANCE AFTER THE APPLICANT HAS SIGNED THE AGREEMENT UNDER THE
6 PROVISIONS DESCRIBED IN SUBSECTIONS (6), (7), AND (8).