

HOUSE BILL No. 4641

May 12, 2011, Introduced by Reps. Womack, Howze, Talabi, Nathan, Santana, Stapleton, Bledsoe, Durhal, Stanley, Hobbs and Stallworth and referred to the Committee on Commerce.

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 2 (MCL 207.772), as amended by 2010 PA 9.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Commission" means the state tax commission created by
3 1927 PA 360, MCL 209.101 to 209.107.

4 (b) "Condominium unit" means that portion of a structure
5 intended for separate ownership, intended for residential use, and
6 established pursuant to the condominium act, 1978 PA 59, MCL
7 559.101 to 559.276. Condominium units within a qualified historic
8 building may be held under common ownership.

9 (c) "Developer" means a person who is the owner of a new
10 facility at the time of construction or of a rehabilitated facility

1 at the time of rehabilitation for which a neighborhood enterprise
2 zone certificate is applied for or issued.

3 (d) "Facility" means a homestead facility, a new facility, or
4 a rehabilitated facility.

5 (e) "Homestead facility" means 1 of the following:

6 (i) An existing structure, purchased by or transferred to an
7 owner after December 31, 1996, that has as its primary purpose
8 residential housing consisting of 1 or 2 units, 1 of which is
9 occupied by an owner as his or her principal residence and that is
10 located within a subdivision platted pursuant to state law before
11 January 1, 1968 other than an existing structure for which a
12 certificate will or has been issued after December 31, 2006 in a
13 city with a population of ~~750,000~~ 500,000 or more, is located
14 within a subdivision platted pursuant to state law before January
15 1, 1968.

16 (ii) An existing structure that has as its primary purpose
17 residential housing consisting of 1 or 2 units, 1 of which is
18 occupied by an owner as his or her principal residence that is
19 located in a subdivision platted after January 1, 1999 and is
20 located in a county with a population of more than 400,000 and less
21 than 500,000 according to the most recent decennial census and is
22 located in a city with a population of more than 100,000 and less
23 than 125,000 according to the most recent decennial census.

24 (f) "Local governmental unit" means a qualified local
25 governmental unit as that term is defined under section 2 of the
26 obsolete property rehabilitation act, 2000 PA 146, MCL 125.2782, or
27 a county seat.

1 (g) "New facility" means 1 or both of the following:

2 (i) A new structure or a portion of a new structure that has as
3 its primary purpose residential housing consisting of 1 or 2 units,
4 1 of which is or will be occupied by an owner as his or her
5 principal residence. New facility includes a model home or a model
6 condominium unit. New facility includes a new individual
7 condominium unit, in a structure with 1 or more condominium units,
8 that has as its primary purpose residential housing and that is or
9 will be occupied by an owner as his or her principal residence.
10 Except as provided in subparagraph (ii), new facility does not
11 include apartments.

12 (ii) A new structure or a portion of a new structure that meets
13 all of the following:

14 (A) Is rented or leased or is available for rent or lease.

15 (B) Is a mixed use building or located in a mixed use building
16 that contains retail business space on the street level floor.

17 (C) Is located in a qualified downtown revitalization
18 district.

19 (h) "Neighborhood enterprise zone certificate" or
20 "certificate" means a certificate issued pursuant to sections 4, 5,
21 and 6.

22 (i) "Owner" means the record title holder of, or the vendee of
23 the original land contract pertaining to, a new facility, a
24 homestead facility, or a rehabilitated facility for which a
25 neighborhood enterprise zone certificate is applied for or issued.

26 (j) "Qualified assessing authority" means 1 of the following:

27 (i) For a facility other than a homestead facility, the

1 commission.

2 (ii) For a homestead facility, the assessor of the local
3 governmental unit in which the homestead facility is located.

4 (k) "Qualified downtown revitalization district" means an area
5 located within 1 or more of the following:

6 (i) The boundaries of a downtown district as defined in section
7 1 of 1975 PA 197, MCL 125.1651.

8 (ii) The boundaries of a principal shopping district or a
9 business improvement district as defined in section 1 of 1961 PA
10 120, MCL 125.981.

11 (iii) The boundaries of the local governmental unit in an area
12 that is zoned and primarily used for business as determined by the
13 local governmental unit.

14 (l) "Qualified historic building" means a property within a
15 neighborhood enterprise zone that has been designated a historic
16 resource as defined under section 266 of the income tax act of
17 1967, 1967 PA 281, MCL 206.266.

18 (m) "Rehabilitated facility" means an existing structure or a
19 portion of an existing structure with a current true cash value of
20 \$80,000.00 or less per unit that has or will have as its primary
21 purpose residential housing, consisting of 1 to 8 units, the owner
22 of which proposes improvements that if done by a licensed
23 contractor would cost in excess of \$5,000.00 per owner-occupied
24 unit or 50% of the true cash value, whichever is less, or \$7,500.00
25 per nonowner-occupied unit or 50% of the true cash value, whichever
26 is less, or the owner proposes improvements that would be done by
27 the owner and not a licensed contractor and the cost of the

1 materials would be in excess of \$3,000.00 per owner-occupied unit
2 or \$4,500.00 per nonowner-occupied unit and will bring the
3 structure into conformance with minimum local building code
4 standards for occupancy or improve the livability of the units
5 while meeting minimum local building code standards. Rehabilitated
6 facility also includes an individual condominium unit, in a
7 structure with 1 or more condominium units that has as its primary
8 purpose residential housing, the owner of which proposes the above
9 described improvements. Rehabilitated facility also includes
10 existing or proposed condominium units in a qualified historic
11 building with 1 or more existing or proposed condominium units.
12 Rehabilitated facility does not include a facility rehabilitated
13 with the proceeds of an insurance policy for property or casualty
14 loss. A qualified historic building may contain multiple
15 rehabilitated facilities.