

Legislative Analysis



ZONING FOR STATE-LICENSED RESIDENTIAL FACILITIES

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<http://www.house.mi.gov/hfa>

House Bill 5465, 5466, and 5467 as introduced
Sponsor: Rep. Peter J. Lucido
Committee: Local Government
Complete to 5-18-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

This bill package would amend the Michigan Zoning Enabling Act to account for state-licensed residential facilities with six or more residents, and amend the Adult Foster Care Facility Licensing Act and Corrections Code of 1953 to comply with the zoning change.

House Bill 5465 (MCL 125.3206)

Currently, Section 206 of the Michigan Zoning Enabling Act provides that a state-licensed residential facility is considered a residential use for zoning purposes, and is permitted in all residential zones. The bill would amend that provision so that a state licensed residential facility may exist in all multifamily residential zones, and may exist in all single-family residential zones *if it has six or fewer residents*.

[However, note that the definition in the act of "state licensed residential facility" is already limited to structures providing residential services for *6 or fewer individuals under 24-hour supervision or care*. As a result, it is not clear what impact the amendment will have on the zoning act.]

House Bill 5466 (MCL 400.716 and 400.733)

This bill would account for the proposed change in zoning laws, by amending the Adult Foster Care Facility Licensing Act. Now, a temporary license may not be granted under this act if the proposed adult foster care facility for more than six adults has not obtained the applicable zoning approval or permit. The zoning change would mean that the temporary license may not be granted at all if the facility would be located in a single-family residential zone and provide residency to more than six adults.

Section 33 of the act states that the act supersedes all local regulations applicable specifically to adult foster care facilities. House Bill 5466 would add, however, that the act is subject to the zoning change described above.

Finally, the bill would remove references to statutes no longer in effect.

House Bill 5467 (MCL 791.216)

The bill would amend the Corrections Code of 1953 to provide that a correctional facility with more than six residents may not be located in a single-family residential district in violation of a local zoning ordinance, despite Section 4 of the Code, which states that the

Department of Corrections has exclusive jurisdiction over placement of facilities, subject to the executive and judicial branches of state government.

FISCAL IMPACT:

House Bills 5465 and 5466 would have no significant fiscal impact on the Department of Health and Human Services.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.