

HOUSE BILL No. 5466

March 15, 2016, Introduced by Rep. Lucido and referred to the Committee on Local Government.

A bill to amend 1979 PA 218, entitled
"Adult foster care facility licensing act,"
by amending sections 16 and 33 (MCL 400.716 and 400.733).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16. (1) Unless the city, village, or township approves a
2 temporary license, a temporary license shall not be granted under
3 this act if the issuance of the license would substantially
4 contribute to an excessive concentration of community residential
5 facilities within a city, village, or township of this state.

6 (2) A temporary license shall not be granted under this act if
7 the proposed adult foster care facility for more than 6 adults has
8 not obtained zoning approval or obtained a special or conditional
9 use permit, if required by an ordinance of the city, village, or

1 township in which the proposed facility is located, **SUBJECT TO**
 2 **SECTION 206 OF THE MICHIGAN ZONING ENABLING ACT, 2006 PA 110, MCL**
 3 **125.3206.**

4 ~~—— (3) The department shall not issue a temporary license to an~~
 5 ~~adult foster care facility which does not comply with section 16a~~
 6 ~~of Act No. 183 of the Public Acts of 1943, as amended, being~~
 7 ~~section 125.216a of the Michigan Compiled Laws, section 16a of Act~~
 8 ~~No. 184 of the Public Acts of 1943, as amended, being section~~
 9 ~~125.286a of the Michigan Compiled Laws, and section 3b of Act No.~~
 10 ~~207 of the Public Acts of 1921, as amended, being section 125.583b~~
 11 ~~of the Michigan Compiled Laws.~~

12 (3) ~~(4)~~ This section shall ~~shall~~ **DOES** not apply to an applicant who
 13 has purchased a facility ~~and~~ **IF** the facility, at the time of the
 14 purchase, or for 1 year preceding the application, was licensed
 15 under this act or an act repealed by this act.

16 Sec. 33. This act supersedes all local regulations applicable
 17 specifically to adult foster care facilities. ~~Local~~ **SUBJECT TO**
 18 **SECTION 206 OF THE MICHIGAN ZONING ENABLING ACT, 2006 PA 110, MCL**
 19 **126.3206**, ordinances, regulations, or construction codes regulating
 20 institutions shall not be applied to adult foster care large group
 21 homes, adult foster care small group homes, or adult foster care
 22 family homes. This section ~~shall not be construed to~~ **DOES NOT**
 23 exempt adult foster care facilities from local construction codes
 24 ~~which~~ **THAT** are applicable to private residences.

25 Enacting section 1. This amendatory act takes effect 90 days
 26 after the date it is enacted into law.