

SENATE BILL NO. 1239

December 03, 2020, Introduced by Senator IRWIN and referred to the Committee on Local Government.

A bill to allow inclusionary zoning; to provide for exceptions; to provide for the powers and duties of certain local governmental officers and entities; and to provide certain restrictions for affordable dwelling units built within an 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:

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

6 (i) Sale to any person or family whose income is below the area
7 median income but does not exceed the median family income for the
8 local area, with adjustments for family size, according to the
9 latest figures available from the United States Department of
10 Housing and Urban Development.

11 (ii) Rent to any person or family whose income is below the
12 area median income but does not exceed the median family income for
13 the local area, with adjustments for family size, according to the
14 latest figures available from the United States Department of
15 Housing and Urban Development.

16 (b) "Inclusionary zoning" means a zoning regulation,
17 requirement, or condition of development, imposed by ordinance or
18 regulation, or pursuant to any special permit, special exception,
19 or subdivision plan, that requires the development of affordable
20 dwelling units.

21 Sec. 3. (1) Except as otherwise provided in subsection (3), a
22 local unit of government may use inclusionary zoning to increase
23 the availability of affordable dwelling units within its
24 jurisdiction.

25 (2) Except as otherwise provided in subsection (3), a local
26 unit of government may enter into agreements with developers to
27 restrict rent or sale prices for properties designated as
28 affordable dwelling units. An agreement under this subsection must
29 contain the terms of the agreement, including, but not limited to,

1 both of the following:

2 (a) Methods of enforcing the agreement.

3 (b) Penalties for noncompliance with the agreement.

4 (3) This section does not apply to any of the following:

5 (a) Nursing homes.

6 (b) Assisted living facilities.

7 (c) College residence halls and housing units.

8 Sec. 4. To qualify for inclusionary zoning, an affordable
9 dwelling unit must remain affordable for at least 15 years, but not
10 more than 90 years, after development.