

HOUSE BILL NO. 4949

June 01, 2021, Introduced by Reps. Griffin and Farrington and referred to the Committee on Financial Services.

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 21 (MCL 125.1421), as amended by 2000 PA 257.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21. (1) There is created a public body corporate and
2 politic to be known as the "Michigan state housing development
3 authority". The authority shall consist of 3 heads of principal
4 departments of the executive branch of the state government and 4
5 ~~persons~~**individuals** appointed by the governor with the advice and

1 consent of the senate. Excluding the 3 heads of principal
2 departments of the executive branch of state government and the
3 designated resident member described in subsection (2), not more
4 than 2 of the ~~persons~~**individuals** appointed shall be members of the
5 same political party. Upon completion of each term, ~~a person~~**an**
6 **individual** shall be appointed for a term of 4 years, except that a
7 vacancy ~~shall~~**must** be filled for the unexpired term. A member of
8 the authority shall not receive compensation for services but is
9 entitled to the necessary expenses, including traveling expenses,
10 incurred in the discharge of the member's duties. Each member shall
11 hold office until a successor ~~has been~~**is** appointed and ~~has~~**is**
12 qualified. A certificate of appointment or reappointment of a
13 member ~~shall~~**must** be filed with the authority and this certificate
14 ~~shall be~~**is** conclusive evidence of the proper appointment of that
15 member.

16 (2) If federal law requires designation of a resident member
17 on the authority, the number of gubernatorially appointed members,
18 in addition to the 3 heads of principal departments, increases from
19 4 to 5. One of the 5 gubernatorially appointed members shall be the
20 designated resident member. The resident member ~~shall~~**must** meet
21 both of the following requirements:

22 (a) The ~~person~~**individual** is an individual directly assisted
23 by a federal housing program administered through the authority. As
24 used in this subdivision, "directly assisted" means residing in
25 federally-supported public housing or receiving section 8 tenant-
26 based assistance. Directly assisted does not include a state-
27 financed housing assistance program, section 8 project-based
28 assistance, or section 8 new construction assistance.

29 (b) The ~~person~~**individual** is an eligible resident. As used in

1 this subdivision, "eligible resident" means ~~a person~~ **an individual**
2 whose name appears on the lease of the assisted housing **and** who is
3 18 years of age or older.

4 (3) ~~A person~~ **An individual** who no longer meets either
5 requirement of subsection (2)(a) or (b) is removed from the
6 authority for cause upon the appointment of another ~~person~~
7 **individual** as the resident member position.

8 (4) The powers of the authority ~~shall be~~ **are** vested in the
9 members in office. A majority of the members of the authority
10 constitutes a quorum for the purpose of conducting the authority's
11 business, for exercising the authority's powers, and for other
12 purposes, notwithstanding the existence of any vacancies. Action
13 may be taken by the authority upon a vote of a majority of the
14 members present, unless the bylaws of the authority require a
15 larger number, except that to the extent required by federal law,
16 the resident member shall only take part in, vote on, and exercise
17 the powers of the authority concerning decisions related to the
18 administration, operation, and management of federal public housing
19 programs and section 8 tenant-based assistance programs. The
20 resident member shall not take part in, vote on, or exercise the
21 powers of the authority in a matter that uniquely applies to the
22 resident member and is not generally applicable to all residents.
23 In the absence of fraud, a determination of the authority with
24 respect to findings of fact made by the authority acting within the
25 scope of its powers is conclusive, except with respect to the
26 approval of the municipal finance commission or its successor
27 agency as required by law.

28 (5) Meetings of the members of the authority may be held
29 anywhere in this state. The business that the authority may perform

1 ~~shall~~**must** be conducted at a public meeting of the authority held
 2 in compliance with the open meetings act, 1976 PA 267, MCL 15.261
 3 to 15.275, **including any meeting that may be held electronically**
 4 **under section 3a of the open meetings act, 1976 PA 267, MCL**
 5 **15.263a.** Public notice of the time, date, and place of the meeting
 6 ~~shall~~**must** be given in the manner required by the open meetings
 7 act, 1976 PA 267, MCL 15.261 to 15.275.

8 (6) The authority shall elect a chairperson and vice-
 9 chairperson. The authority shall employ an executive director,
 10 legal and technical experts, and other officers, agents, and
 11 employees, permanent and temporary, as the authority requires, and
 12 shall determine their qualifications, duties, and compensation. The
 13 authority may delegate to 1 or more agents or employees those
 14 powers or duties as the authority considers proper.

15 (7) The authority shall be within the department of ~~consumer~~
 16 ~~and industry services~~**licensing and regulatory affairs** and shall
 17 exercise the authority's prescribed statutory powers, duties, and
 18 functions independently of the head of that department. However,
 19 the budgeting, procurement, and related functions of the authority
 20 ~~shall~~**must** be performed under the direction and supervision of the
 21 director of ~~consumer and industry services~~**the department of**
 22 **licensing and regulatory affairs.**

23 (8) As used in this section, "section 8" means section 8 of
 24 the United States housing act of 1937, ~~chapter 896, 88 Stat. 662,~~
 25 42 U.S.C. ~~USC~~ 1437f.