

HOUSE BILL No. 4516

March 5, 2009, Introduced by Reps. Slezak, Haugh, Liss, Roy Schmidt, McMillin, Huckleberry, Durhal, Barnett, Leland, Womack, Spade, Simpson and Rogers and referred to the Committee on Commerce.

A bill to amend 2005 PA 210, entitled
"Commercial rehabilitation act,"
by amending section 3 (MCL 207.843).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) A qualified local governmental unit, by resolution
2 of its legislative body, may establish 1 or more qualified
3 rehabilitation districts that may consist of 1 or more parcels or
4 tracts of land or a portion of a parcel or tract of land, if at the
5 time the resolution is adopted, the parcel or tract of land or
6 portion of a parcel or tract of land within the district is a
7 qualified facility.

8 (2) The legislative body of a qualified local governmental
9 unit may establish a commercial rehabilitation district on its own

1 initiative or upon a written request filed by the owner or owners
2 of property comprising at least 50% of all taxable value of the
3 property located within a proposed commercial rehabilitation
4 district. The written request must be filed with the clerk of the
5 qualified local governmental unit.

6 (3) Before adopting a resolution establishing a commercial
7 rehabilitation district, the legislative body shall give written
8 notice by certified mail to the county in which the proposed
9 district is to be located and the owners of all real property
10 within the proposed commercial rehabilitation district and shall
11 afford an opportunity for a hearing on the establishment of the
12 commercial rehabilitation district at which any of those owners and
13 any other resident or taxpayer of the qualified local governmental
14 unit may appear and be heard. The legislative body shall give
15 public notice of the hearing not less than 10 days or more than 30
16 days before the date of the hearing.

17 (4) The legislative body of the qualified local governmental
18 unit, in its resolution establishing a commercial rehabilitation
19 district, shall set forth a finding and determination that the
20 district meets the requirements set forth in subsection (1) and
21 shall provide a copy of the resolution by certified mail to the
22 county in which the district is located.

23 (5) Within 28 days after receiving a copy of the resolution
24 establishing a commercial rehabilitation district, the county may
25 reject the establishment of the district by 1 of the following
26 methods:

27 (a) If the county has an elected county executive, by written

1 notification to the qualified local governmental unit.

2 (b) If the county does not have an elected county executive,
3 by a resolution of the county board of commissioners provided to
4 the qualified local governmental unit.

5 (6) BEGINNING JANUARY 1, 2010, THE OWNER OR LESSEE OF A
6 QUALIFIED FACILITY WHO FAILS TO COMPLY WITH SECTION 3 OF THE
7 MICHIGAN CORPORATE RESPONSIBILITY ACT OR FAILS TO DISCLOSE A CIVIL
8 OR CRIMINAL OFFENSE AS REQUIRED BY SECTION 3 OF THE MICHIGAN
9 CORPORATE RESPONSIBILITY ACT IS NOT ELIGIBLE FOR A COMMERCIAL
10 REHABILITATION EXEMPTION CERTIFICATE UNDER THIS ACT.

11 (7) BEGINNING WITH COMMERCIAL REHABILITATION EXEMPTION
12 CERTIFICATES THAT TAKE EFFECT ON OR AFTER JANUARY 1, 2010, IF THE
13 OWNER OF THE QUALIFIED FACILITY TO WHOM THE CERTIFICATE IS ISSUED
14 FAILS TO COMPLY WITH SECTION 3 OF THE MICHIGAN CORPORATE
15 RESPONSIBILITY ACT OR FAILS TO DISCLOSE A CIVIL OR CRIMINAL OFFENSE
16 AS REQUIRED BY SECTION 3 OF THE MICHIGAN CORPORATE RESPONSIBILITY
17 ACT ON OR AFTER JANUARY 1, 2010, THEN THAT PERSON IS RESPONSIBLE
18 FOR THE PAYMENT OF A PENALTY DESCRIBED IN THIS SUBSECTION. THE
19 PENALTY IS EQUAL TO THE DIFFERENCE BETWEEN THE COMMERCIAL
20 REHABILITATION TAX AND THE GENERAL AD VALOREM TAXES THAT WOULD HAVE
21 BEEN LEVIED IF THE CERTIFICATE HAD NOT BEEN GRANTED FOR EACH YEAR
22 THE CERTIFICATE WAS IN EFFECT.