

# HOUSE BILL NO. 6356

November 12, 2020, Introduced by Reps. Coleman and Steven Johnson and referred to the Committee on Government Operations.

A bill to amend 1961 PA 120, entitled

"An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; to provide for the creation, operation, and dissolution of business improvement zones; and to authorize the collection of revenue and the bonding of certain local governmental units for the development or redevelopment projects,"

by amending section 10e (MCL 125.990e), as amended by 2020 PA 91.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 10e. (1) If a petition is delivered to the clerk of the  
2 city or village in accordance with section 10c, the governing body  
3 of the city or village shall within 28 days schedule a public  
4 hearing of the governing body to review the zone plan and any  
5 proposed assessment and to receive public comment. The clerk shall  
6 notify all owners of parcels within the zone area of the public  
7 hearing by first-class mail.

8       (2) At the public hearing required under subsection (1), or at  
9 the next regularly scheduled meeting of the governing body of the  
10 city or village, the governing body shall approve or reject the  
11 establishment of the business improvement zone and the zone plan  
12 attached to the petition under section 10c. If the governing body  
13 rejects the establishment of the business improvement zone and the  
14 zone plan, the clerk shall notify all property owners within the  
15 proposed zone of a meeting of the property owners within the  
16 proposed zone, which shall be held not sooner than 7 days or later  
17 than 21 days after the date of the rejection by the governing body.  
18 The notice shall be sent by first-class mail to the property owners  
19 not less than 7 days prior to the scheduled date of the meeting and  
20 shall include the specific location and the scheduled date and time  
21 of the meeting, as determined by the person initiating the  
22 establishment of the business improvement zone under section  
23 10c(1). Any notice required as part of the assessment process shall  
24 include a statement that a property owner of residential real  
25 property within a business improvement zone may seek a homestead  
26 deferment for an assessment under this act in the same manner as  
27 provided in section 4 of 1976 PA 225, MCL 211.764.

28       (3) At the meeting, the property owners may amend the zone  
29 plan if approved by a majority of the property owners voting at the

1 meeting. The amended zone plan may be resubmitted to the clerk of  
2 the city or village without the requirement of a new petition under  
3 section 10c for approval or rejection at a meeting of the governing  
4 body of the city or village not later than 28 days after the  
5 amended zone plan is resubmitted to the clerk. If a zone plan is  
6 not rejected within 56 days of the date the amended zone plan is  
7 resubmitted to the clerk, the amended zone plan is considered  
8 approved by the governing body of the city or village. If the  
9 amended zone plan is rejected by the governing body, then the  
10 amended zone plan may not be resubmitted without the delivery of a  
11 new petition under section 10c.

12 (4) A governing body of a city or village shall consider the  
13 establishment of a business improvement zone and a zone plan for  
14 the business improvement zone under this section if all of the  
15 following apply:

16 (a) The zone plan complies with the requirements of section  
17 10c.

18 (b) The zone plan for the business improvement zone provides  
19 that the services to be provided by the business improvement zone  
20 and the projects under the zone plan would be supplemental to the  
21 services, projects, and functions of the city or village.

22 (c) The zone plan provides a basis for allocating assessments  
23 that complies with this chapter.

24 (5) Approval of the business improvement zone and zone plan  
25 shall serve as a determination by the city or village that any  
26 assessment set forth in the zone plan, including the basis for  
27 allocating the assessment, is appropriate, subject only to the  
28 approval of the business improvement zone and the zone plan by the  
29 property owners in accordance with section 10f.

1           (6) If the governing body of the city or village approves the  
2 business improvement zone and zone plan or if the amended zone plan  
3 is considered approved under subsection (3), the clerk of the city  
4 or village shall set an election pursuant to section 10f not more  
5 than 49 days following the approval.

6           (7) The clerk of the city or village shall send to the  
7 property owners notice by first-class mail of the election not less  
8 than 28 days before the election and, **through December 31, 2021,**  
9 publish the notice at least once in a newspaper of general  
10 circulation in the city or village in which the zone area is  
11 located not less than 7 days or more than 21 days prior to the date  
12 scheduled for the election. Any notice required as part of the  
13 assessment process shall include a statement that a property owner  
14 of residential real property within a business improvement zone may  
15 seek a homestead deferment for an assessment under this act in the  
16 same manner as provided in section 4 of 1976 PA 225, MCL 211.764.  
17 **Beginning January 1, 2022, the clerk of the city or village shall**  
18 **post notice as provided in the local government public notice act**  
19 **not less than 7 days or more than 21 days prior to the date**  
20 **scheduled for the election.**

21           (8) The election described in this section and section 10f is  
22 not an election subject to the Michigan election law, 1954 PA 116,  
23 MCL 168.1 to 168.992.

24           (9) The person who filed the petition under section 10c, the  
25 proposed board members, and the property owners may, at the option  
26 and under the direction of the clerk, assist the clerk of the city  
27 or village in conducting the election to keep the expenses of the  
28 election at a minimum.

29           **Enacting section 1. This amendatory act does not take effect**

1 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 6440 (request no.  
2 02449'19) of the 100th Legislature is enacted into law.