

HOUSE BILL NO. 6360

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

A bill to amend 1933 (Ex Sess) PA 18, entitled

"An act to authorize any city, village, township, or county to purchase, acquire, construct, maintain, operate, improve, extend, and repair housing facilities; to eliminate housing conditions which are detrimental to the public peace, health, safety, morals, or welfare; and for any such purposes to authorize any such city, village, township, or county to create a commission with power to effectuate said purposes, and to prescribe the powers and duties of such commission and of such city, village, township, or county; and for any such purposes to authorize any such commission, city, village, township, or county to issue notes and revenue bonds; to regulate the issuance, sale, retirement, and refunding of such

notes and bonds; to regulate the rentals of such projects and the use of the revenues of the projects; to prescribe the manner of selecting tenants for such projects; to provide for condemnation of private property for such projects; to confer certain powers upon such commissions, cities, villages, townships, and counties in relation to such projects, including the power to receive aid and cooperation of the federal government; to provide for a referendum thereon; to provide for cooperative financing by 2 or more commissions, cities, villages, townships, or counties or any combination thereof; to provide for the issuance, sale, and retirement of revenue bonds and special obligation notes for such purposes; to provide for financing agreements between cooperating borrowers; to provide for other matters relative to the bonds and notes and methods of cooperative financing; for other purposes; and to prescribe penalties and provide remedies,"

by amending sections 1 and 3 (MCL 125.651 and 125.653), section 1 as amended by 2007 PA 185.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Borrower" means either of the following:

3 (i) The ~~city, village, township, or county~~ **local unit of**
4 **government** operating under this act.

5 (ii) A commission created under this act if ~~empowered~~
6 **authorized** by ordinance of the ~~creating governing body~~
7 **incorporating unit** to act as a borrower for purposes of issuing
8 bonds or notes under this act.

9 (b) "Business activity" means that term as defined in section
10 3(2) of the former single business tax act, 1975 PA 228, ~~or in~~
11 section 105 of the Michigan business tax act, 2007 PA 36, MCL
12 208.1105, **or in section 603 of the income tax act of 1967, 1967 PA**
13 **281, MCL 206.603.**

14 (c) "Commission" means the housing commission created under
15 this act.

(d) "Governing body" means ~~in the case of a city, the council or commission of the~~ **a city, ; in the case of a village, the council , commission, or board of trustees of the** ~~a village, ; in the case of a township, the township board ; and in the case of a county, the board of supervisors or~~ **of a township, or the county board of commissioners of a county.**

(e) "Incorporating unit" means the ~~city, village, township, or county~~ **local unit** that creates a commission.

(f) "Local unit" means **a city, village, township, or county.**

(g) ~~(f)~~ "Ordinance" means either of the following:

(i) An ordinance of a ~~city, village, township, or county~~ **local unit.**

(ii) To the extent the incorporating unit has ~~granted or empowered~~ **authorized** a commission to take those actions otherwise required to be taken by the incorporating unit by ordinance, a resolution of the commission.

(h) ~~(g)~~ "Township" means a township having a population over 100.

Sec. 3. (1) ~~(a) Any city, village, township or county~~ **A local unit** may create by ordinance ~~, a commission with power to accomplish the purposes set forth in section 2. of this act. Any ordinance hereafter enacted~~ **If the ordinance is adopted before January 1, 2022, it shall must not go into take** effect until 15 days after it has been published in a newspaper of general circulation in ~~such city, village, township or county~~ **the local unit** and posted in 3 public places in ~~such city, village, township or county.~~ **the local unit.** If there is no newspaper of general circulation in ~~any such~~ **a city, village, or township** ~~such publication may be had~~ **that adopts the ordinance, the ordinance**

1 **must be published** in any newspaper having general circulation in
2 the county in which the city, village, or township is ~~situated.~~
3 **located. If the ordinance is adopted on or after January 1, 2022,**
4 **the ordinance must not take effect until 15 days after public**
5 **notice, as provided in the local government public notice act, is**
6 **given.** If, before ~~such-the~~ ordinance goes into effect, a petition
7 signed by a number of the qualified electors of ~~such city, village,~~
8 ~~township or county~~ **the local unit** equal to at least 3% of the
9 number of voters registered for the last regular ~~city, village,~~
10 ~~township or county~~ **election in that local unit** is filed with the
11 clerk of the ~~city, village, township or county~~ **local unit**
12 requesting that the question of the creation of ~~such-the~~ commission
13 be submitted to the ~~voters-electors~~ of the ~~city, village, township~~
14 ~~or county,~~ **local unit, the ordinance must not take effect unless**
15 **approved by a majority of the electors voting on the question. If a**
16 **petition described under this subsection is filed,** the clerk of the
17 ~~city, village, township or county~~ **local unit** shall ~~immediately call~~
18 ~~a special election for that purpose, unless a~~ **submit the question**
19 **to the electors of the local unit at the next** general election ~~is~~
20 ~~to be held in such city, village, township or county within 30 days~~
21 ~~from the date of the filing of the petition, in which event the~~
22 ~~question shall be submitted at such general election. In the event~~
23 ~~the question is to be submitted at a special election, such~~
24 ~~election shall be held within 15 days from the date of the filing~~
25 ~~of the petition.~~ **or special election that allows reasonable time**
26 **for proper notices and printing of ballots or at any special**
27 **election called for that purpose, as determined by the governing**
28 **body of the local unit.** The manner of conducting ~~any such-a~~ special
29 election ~~shall-must~~ conform as nearly as may be to the manner of

conducting elections of members of the governing body of the ~~city,~~
~~village, township or county~~ **local unit**, and votes cast on the
question ~~shall~~ **must** be counted, canvassed, and returned as nearly
as may be in the same manner as at such elections. The question ~~,~~
~~whether submitted at a general or special election,~~ ~~shall~~ **must** be
in substantially the following form:

"~~Shall~~ **Must** the ordinance passed by the (name of governing
body) on the day of, ~~19~~ **20**....,
providing for the creation of a housing commission, go into effect?

"~~Yes~~ ()

"~~No~~ ().".

(2) ~~(b)~~ If, at ~~such~~ **the** election, a majority of the ~~voters~~
electors voting on the question do not vote in favor of the
question, the ordinance ~~shall~~ **must** not ~~go into~~ **take** effect and the
governing body ~~of such city, village, township or county~~ shall not
pass any other ordinance providing for the creation of a housing
commission for 1 year ~~from~~ **after** the date of ~~such~~ **the** election.

(3) ~~(c)~~ A commission created by a township, within its
territorial jurisdiction, ~~shall have~~ **has** all the functions, rights,
powers, duties, and liabilities provided ~~in~~ **by** this act for a
commission created by a city or village, and ~~the provisions of this~~
act ~~shall apply to such~~ **applies to a** commission **created by a**
township in the same manner and to the same extent as ~~this act~~
~~applies to a~~ commission created by ~~such a~~ city or village. The
township board shall perform the functions ~~herein~~ required or
permitted **by this act** to be performed by the governing body for a
commission created by a city or village. ~~; and the~~ **The** township
supervisor shall perform ~~such~~ **the** functions ~~as are~~ required or
permitted by this act to be performed by the chief administrative

1 officer of a city or village.

2 **(4)** ~~(d)~~ A commission created by a county, within an
 3 unincorporated area of the county, ~~shall have~~ **has** all the
 4 functions, rights, powers, duties, and liabilities provided ~~in by~~
 5 this act for a commission created by a city or village, and ~~the~~
 6 ~~provisions of this act shall apply to such~~ **applies to a** commission
 7 **created by a county** in the same manner and to the same extent as
 8 ~~this act applies to a commission created by such a~~ city or village.
 9 A commission created by a county, within an incorporated area of
 10 the county, ~~shall have such~~ **has all the** functions, rights, powers,
 11 duties, and liabilities as may be provided by contractual agreement
 12 between the county and ~~such the~~ incorporated area. The ~~county board~~
 13 ~~of supervisors or county~~ **board of** commissioners shall perform the
 14 functions ~~herein~~ required or permitted **by this act** to be performed
 15 by the governing body for a commission created by a city or
 16 village. ~~; and the chairman of the board of supervisors, The~~
 17 **chairperson of the county board of commissioners** or ~~the~~ county
 18 executive ~~, shall perform such the~~ functions ~~as are~~ required or
 19 permitted by this act to be performed by the chief administrative
 20 officer of a city or village.

21 Enacting section 1. This amendatory act does not take effect
 22 unless Senate Bill No. ____ or House Bill No. 6440 (request no.
 23 02449'19) of the 100th Legislature is enacted into law.