

# HOUSE BILL NO. 6361

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

A bill to amend 1949 PA 208, entitled

"An act to authorize cities, villages and townships of this state to designate neighborhood areas for the purpose of planning and carrying out local public improvements for the prevention of blight within such areas; to authorize assistance in carrying out plans for local improvements by the acquisition and disposal of real property in such areas; to provide for the combining of neighborhood improvements that benefit the entire neighborhood into 1 improvement project; to provide for the establishment of local assessment districts coterminous with the neighborhood boundaries; to prescribe the methods of financing the exercise of these powers,

and to declare the effect of this act,"

by amending sections 3 and 10 (MCL 125.943 and 125.950).

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

1       Sec. 3. **(1)** The following plans, statements, and actions are  
2 hereby made requisite for, and a condition of, the exercise of the  
3 powers ~~herein~~ granted **under this act** for the acquisition, disposal,  
4 or lease of real property for the carrying out of a neighborhood  
5 betterment plan in a neighborhood area: †

6       (a) A master plan of the municipality approved by the planning  
7 commission and adopted by the legislative body, or a master plan  
8 sufficiently advanced to permit the designation of neighborhood  
9 areas and so approved and adopted. †

10       (b) A plan of neighborhoods that sets forth precisely, the  
11 location of neighborhood areas within the municipality, approved by  
12 the planning commission, and which has been adopted by the  
13 legislative body. ~~Such a~~ **The plan described in this subdivision**  
14 must conform with the master plan of the municipality. †

15       (c) A neighborhood betterment plan approved by the planning  
16 commission and adopted by the legislative body after a public  
17 hearing ~~thereon as hereinafter~~ provided ~~of~~ **in this act** for the  
18 neighborhood area in which is located the land proposed to be  
19 acquired for improvement purposes.

20       **(2)** ~~Such~~ **The plan described in subsection (1)** shall designate  
21 the location, extent, character, and estimated cost of the  
22 improvements contemplated for the area, ~~†~~ and may include ~~any or~~  
23 ~~all~~ **1 or more** of the following improvements:

24       **(a)** Partial or total vacation of plats. ~~†~~ ~~or replatting,~~

25       **(b)** **Replatting**, opening, widening, straightening, extending,  
26 vacating, or closing streets, alleys, or walkways. ~~†~~ ~~locating~~

1           **(c) Locating** or relocating water mains, sewers, or other  
2 public utilities. ~~; paving~~

3           **(d) Paving** of streets, alleys, or sidewalks in special  
4 situations. ~~; acquiring~~

5           **(e) Acquiring** parks, playgrounds, or other recreational areas  
6 or facilities. ~~; elimination~~

7           **(f) Elimination** of nonconforming uses. ~~; rehabilitation~~

8           **(g) Rehabilitation** of blighted areas. ~~; street~~

9           **(h) Street** tree planting. ~~; green~~

10          **(i) Green** belts ~~; or~~ buffer strips. ~~and other~~

11          **(j) Other** appropriate public improvements.

12          **(3)** The plan shall also include a feasible method for the  
13 relocation of families who will be displaced from the area in  
14 decent, safe and sanitary dwelling accommodations within their  
15 means and without undue hardship to ~~such~~**those** families.

16          **(4)** The local legislative body, prior to adopting a  
17 neighborhood betterment plan, shall hold a public hearing. ~~thereon.~~

18 ~~Notice~~**Through December 31, 2021, notice** of time and place of such  
19 hearing shall be given by publication in a newspaper of general  
20 circulation not less than 30 days prior to the date set for such

21 hearing. **Beginning January 1, 2022, the local legislative body**  
22 **shall post notice as provided in the local government public notice**  
23 **act not less than 30 days prior to the date set for the hearing.**

24 Notice of ~~such~~**the** hearing shall be mailed at least 15 days before  
25 ~~such~~**the** hearing to the last known owner of each parcel of land in  
26 ~~such~~**the** area at the last known address of ~~such~~**the** owner as shown  
27 by the records of the assessor. ~~Such~~**The** notice shall contain a  
28 description of the neighborhood area. For purposes of this notice  
29 it shall be sufficient to describe the neighborhood area by its

1 location in relation to highways, streets, streams, or otherwise.  
 2 ~~Such~~**The** notice shall further contain a statement that maps, plats,  
 3 and a particular description of the betterment plan are available  
 4 for public inspection at a suitable place to be designated in ~~such~~  
 5 **the** notice. At the time set for hearing, the local legislative body  
 6 shall provide an opportunity for all persons interested to be heard  
 7 and shall receive and consider communications in writing. ~~with~~  
 8 ~~reference thereto.~~

9 Sec. 10. On and after the date when a plan has been approved  
 10 for the betterment of a neighborhood area by the legislative body,  
 11 no permit shall be issued for building construction, sidewalks,  
 12 drainage systems, or other major improvements done on properties  
 13 indicated for public improvements which are not in accordance with  
 14 the plans officially adopted and made effective by the legislative  
 15 body. ~~: Provided, however, That~~**However**, the legislative body shall  
 16 provide by ordinance that the zoning board of appeals, if the  
 17 municipality has ~~such~~**a zoning board of appeals**, or, if not, then a  
 18 board of appeals created for ~~such~~**that** purpose, shall have the  
 19 power on appeal filed with it by the owner of real property in the  
 20 area to approve a minor deviation from the plan for the area in any  
 21 case in which ~~such~~**the** board finds upon the evidence presented to  
 22 it that the application of the plan results in unnecessary hardship  
 23 or practical difficulties and a minor deviation from the betterment  
 24 plan is required by consideration of justice and equity. Before  
 25 taking any such action, the board shall hold a public hearing  
 26 ~~thereon, on that issue, and, through December 31, 2021, provide~~ at  
 27 least 10 days' notice of time and place of ~~which shall be given the~~  
 28 **hearing** by public notice in a newspaper published or circulated  
 29 generally in the municipality. ~~and by~~**Beginning January 1, 2022,**

1 the legislative body shall post notice as provided in the local  
2 government public notice act at least 10 days prior to the public  
3 hearing. In addition, the legislative body shall also provide  
4 notice to all property owners within the neighborhood area, such  
5 notice to be by mail addressed to the respective owners at the  
6 address given in the last assessment roll.

7 Enacting section 1. This amendatory act does not take effect  
8 unless Senate Bill No. \_\_\_\_ or House Bill No. 6440 (request no.  
9 02449'19) of the 100th Legislature is enacted into law.