



HOUSE BILL No. 6164

November 28, 2000, Introduced by Rep. Ruth Johnson and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 16a (MCL 125.286a).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16a. (1) As used in this section, "state licensed res-

2 idential facility" means a structure constructed for residential

3 purposes that is licensed by the state ~~pursuant to Act No. 287~~

4 ~~of the Public Acts of 1972, as amended, being sections 331.681 to~~

5 ~~331.694 of the Michigan Compiled Laws, or Act No. 116 of the~~

6 ~~Public Acts of 1973, as amended, being sections 722.111 to~~

7 ~~722.128 of the Michigan Compiled Laws, which~~ UNDER THE ADULT

8 FOSTER CARE FACILITY LICENSING ACT, 1979 PA 218, MCL 400.701 TO

9 400.737, OR 1973 PA 116, MCL 722.111 TO 722.128, AND THAT

10 provides resident services for 6 or ~~less~~ FEWER persons under

1 24-hour supervision or care for persons in need of that
2 supervision or care.

3 (2) In order to implement the policy of this state that per-
4 sons in need of community residential care shall not be excluded
5 by zoning from the benefits of normal residential surroundings, a
6 state licensed residential facility providing supervision or
7 care, or both, to 6 or ~~less~~ FEWER persons shall be considered a
8 residential use of property for the purposes of zoning and a per-
9 mitted use in all residential zones, including those zoned for
10 single family dwellings, and shall not be subject to a special
11 use or conditional use permit or procedure different from those
12 required for other dwellings of similar density in the same
13 zone.

14 (3) This section ~~shall~~ DOES not apply to adult foster care
15 facilities licensed by a state agency for care and treatment of
16 persons released from or assigned to adult correctional
17 institutions.

18 (4) At least 45 days before licensing a residential facility
19 described in subsection (1), the state licensing agency shall
20 notify the TOWNSHIP board ~~of trustees or its designated agency~~
21 of the township where the proposed facility would be located, OR
22 AN AGENCY DESIGNATED BY THE TOWNSHIP BOARD, to review the number
23 of existing or proposed similar state licensed residential facil-
24 ities whose property lines are within a ~~1,500~~ 3,000-foot radius
25 of the property lines of the location of the applicant. The
26 ~~board of trustees or an agency of the township to which the~~
27 ~~authority is delegated~~ TOWNSHIP BOARD, OR DESIGNATED AGENCY,

1 shall, when a proposed facility is to be located within the
2 township, give appropriate notification of the proposal to
3 license the facility to those residents whose property lines are
4 within a ~~1,500~~ 3,000-foot radius of the property lines of the
5 proposed facility. A state licensing agency shall not license a
6 proposed residential facility when another state licensed resi-
7 dential facility exists within the ~~1,500~~ 3,000-foot radius OF
8 THE PROPOSED LOCATION, unless permitted by local zoning ordi-
9 nances, ~~of the proposed location~~ or when the issuance of the
10 license would substantially contribute to an excessive concentra-
11 tion of state licensed residential facilities within the
12 township. This subsection ~~shall~~ DOES not apply to state
13 licensed residential facilities caring for 4 or ~~less~~ FEWER
14 minors.

15 (5) This section ~~shall~~ DOES not apply to a state licensed
16 residential facility licensed before March 31, 1977, or to a res-
17 idential facility ~~which~~ THAT was in the process of being devel-
18 oped and licensed before March 31, 1977, if approval had been
19 granted by the appropriate local governing body.