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Senate Bill 446 (as introduced 5-13-21)  
Sponsor: Senator Aric Nesbitt  
Committee: Regulatory Reform

Date Completed: 5-18-21

### **CONTENT**

**The bill would amend Article II (Zoning Authorization and Initiation) of the Michigan Zoning Enabling Act to do the following:**

- **Specify that, for the purposes of zoning related to the rental of a dwelling, including a short-term rental, that use would be a residential use permitted in all residential zones and would not be subject to a special use or conditional use permit or procedure.**
- **Specify that the bill would not prohibit regulation applied on a consistent basis to rental and owner-occupied residences for the prevention of nuisances, occupancy, inspections, and taxes.**

The bill would take effect 90 days after its enactment.

Under the Act, a local unit of government may provide by zoning ordinance for the regulation of land development and the establishment of one or more districts within its jurisdiction that regulate the use of land and structures to meet the needs of residents for natural resources, places of residence, various land uses, and for other purposes listed in the Act. Generally, these regulations must be uniform for each class of land or buildings, dwellings, and structures within a district.

Under the bill, for the purposes of zoning, all of the following would apply to the rental of a dwelling, including short-term rental:

- It would be a residential use of property and a permitted use in all residential zones.
- It would not be subject to a special use or conditional use permit or procedure different from those required for other dwellings in the same zone.
- It would not be a commercial use of property.

"Short-term rental" would mean the rental of a single-family residence, a dwelling unit in a one-to-four-family house, or any unit or group of units in a condominium, for terms of not more than 30 consecutive days.

The bill would not prohibit regulation applied on a consistent basis to rental and owner-occupied residences for any of the following: a) noise, advertising, traffic, or other conditions, for the prevention of nuisances; b) the number of individuals who could occupy a dwelling; c) inspections and inspection fees; or d) taxes otherwise permitted by law.

Proposed MCL 125.3206b

Legislative Analyst: Jeff Mann

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ryan Bergan

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