

Legislative Analysis



ALLOW PUBLIC MEETINGS OF THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSDHA) TO BE CONDUCTED ELECTRONICALLY

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House Bill 5096 (H-3) as reported from committee

Sponsor: Rep. Diana Farrington

Committee: Financial Services

Complete to 10-15-21

SUMMARY:

House Bill 5096 would amend the Open Meetings Act to allow the Michigan State Housing Development Authority (MSHDA) to hold its public meetings electronically from March 31, 2021, through December 31, 2026.

The Open Meetings Act generally requires all meetings of a public body to be open to the public and held in a place available to the public, and all decisions of a public body must be made at a meeting open to the public. The act defines “public body” as any of the following:

- A state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function.
- A lessee of a body described above that is performing an essential public purpose and function under the lease agreement.
- The board of a nonprofit corporation formed by a city under section 40 of the Home Rule City Act.

The act allows meetings of a public body to be held electronically or with remote participation under certain circumstances. A public body must establish procedures (which can include holding all or part of the meeting electronically) to accommodate the absence of one of its members due to any of the following:

- Military duty.
- A medical condition. (This provision does not apply after December 31, 2021.)
- A statewide or local state of disaster or state of emergency declared by the governor or certain local officials that would risk the personal health or safety of members of the public body or the public if the meeting were held in person. (This provision does not apply after December 31, 2021.)

At a meeting held electronically to accommodate a member absent due to military duty or a medical condition, only that member can participate remotely. During a local state of disaster or emergency, a meeting may be held electronically only to allow the remote attendance of a member who lives in the affected area or to allow for the electronic meeting of a public body that usually holds its meetings in the affected area.

In addition, an agricultural commodity group can hold a meeting electronically due to any circumstances, including those described above.¹

¹See <https://www.legislature.mi.gov/documents/2021-2022/billanalysis/House/pdf/2021-HLA-4603-FA690029.pdf>

Under the bill, beginning March 31, 2021, through December 31, 2026, MSHDA could hold its public meetings electronically due to any circumstances, including those described above.

The bill is reciprocally tie-barred to House Bill 4950, which means that neither bill could take effect unless both bills were enacted. (House Bill 4950 would amend the State Housing Development Authority Act to amend provisions relating to the scope of participation of the designated resident member of MSHDA and the exercise of the authority's budgeting, procurement, and related functions.)

MCL 15.263a

FISCAL IMPACT:

House Bill 5096 would result in marginal cost savings to the extent that electronic meetings were held and MSHDA was not required to compensate board members for necessary expenses and travel incurred in the discharge of the board member's duties.

POSITIONS:

A representative of the Michigan State Housing Development Authority testified in support of the bill. (10-6-21)

The following entities indicated support for the bill (10-6-21):

- Grand Rapids Chamber of Commerce
- Habitat for Humanity Michigan

The Michigan Realtors Association indicated a neutral position on the bill. (10-6-21)

Legislative Analyst: E. Best
Fiscal Analyst: Ben Gielczyk

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.