

# HOUSE BILL NO. 4675

May 25, 2023, Introduced by Reps. Grant and Breen and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 2003 PA 258, entitled  
"Land bank fast track act,"  
by amending sections 4, 13, and 14 (MCL 124.754, 124.763, and  
124.764).

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

1           Sec. 4. (1) Except as otherwise provided in this act, an  
2 authority may do all things necessary or convenient to implement  
3 the purposes, objectives, and provisions of this act, and the  
4 purposes, objectives, and powers delegated to the board of  
5 directors of an authority by other laws or executive orders,

1 including, but not limited to, all of the following:

2 (a) Adopt, amend, and repeal bylaws for the regulation of its  
3 affairs and the conduct of its business.

4 (b) Sue and be sued in its own name and plead and be  
5 impleaded, including, but not limited to, defending the authority  
6 in an action to clear title to property conveyed by the authority.

7 (c) Borrow money and issue bonds and notes according to the  
8 provisions of this act.

9 (d) Enter into contracts and other instruments necessary,  
10 incidental, or convenient to the performance of its duties and the  
11 exercise of its powers, including, but not limited to, interlocal  
12 agreements under the urban cooperation act of 1967, 1967 (Ex Sess)  
13 PA 7, MCL 124.501 to 124.512, for the joint exercise of powers  
14 under this act.

15 (e) Solicit and accept gifts, grants, labor, loans, and other  
16 aid from any person, or the federal government, this state, or a  
17 political subdivision of this state or any agency of the federal  
18 government, this state, a political subdivision of this state, or  
19 an intergovernmental entity created under the laws of this state or  
20 participate in any other way in a program of the federal  
21 government, this state, a political subdivision of this state, or  
22 an intergovernmental entity created under the laws of this state.

23 (f) Procure insurance against loss in connection with the  
24 property, assets, or activities of the authority.

25 (g) Invest money of the authority, at the discretion of the  
26 board of directors of the authority, in instruments, obligations,  
27 securities, or property determined proper by the board of directors  
28 of the authority, and name and use depositories for its money.

29 (h) Employ legal and technical experts, other officers,

1 agents, or employees, permanent or temporary, paid from the funds  
2 of the authority. The authority shall determine the qualifications,  
3 duties, and compensation of those it employs. The board of  
4 directors of an authority may delegate to 1 or more members,  
5 officers, agents, or employees any powers or duties it considers  
6 proper. Members of the board of directors of an authority shall  
7 serve without compensation but shall be reimbursed for actual and  
8 necessary expenses subject to available appropriations.

9 (i) Contract for goods and services and engage personnel as  
10 necessary and engage the services of private consultants, managers,  
11 legal counsel, engineers, accountants, and auditors for rendering  
12 professional financial assistance and advice payable out of any  
13 money of the authority.

14 (j) Study, develop, and prepare the reports or plans the  
15 authority considers necessary to assist it in the exercise of its  
16 powers under this act and to monitor and evaluate progress under  
17 this act.

18 (k) Enter into contracts for the management of, the collection  
19 of rent from, or the sale of real property held by an authority.

20 (l) Do all other things necessary or convenient to achieve the  
21 objectives and purposes of the authority or other laws that relate  
22 to the purposes and responsibility of the authority.

23 (2) The enumeration of a power in this act shall not be  
24 construed as a limitation ~~upon~~**on** the general powers of an  
25 authority. The powers granted under this act are in addition to  
26 those powers granted by any other statute or charter.

27 (3) An authority, in its discretion, may contract with others,  
28 public or private, for the provision of all or a portion of the  
29 services necessary for the management and operation of the

1 authority.

2 (4) If an authority holds a tax deed to abandoned property,  
3 the authority may quiet title to the property under section 79a of  
4 the general property tax act, 1893 PA 206, MCL 211.79a.

5 (5) The property of an authority and its income and operations  
6 are exempt from all ~~taxation~~ **taxes, special assessments, and user**  
7 **fees imposed** by this state or ~~any of its political subdivisions.~~  
8 **local unit of government of this state as provided in section 13.**

9 (6) An authority shall not assist or expend any funds for, or  
10 related to, the development of a casino.

11 (7) An authority shall not levy any tax or special assessment.

12 (8) An authority shall not exercise the power of eminent  
13 domain or condemn property.

14 (9) An authority shall adopt a code of ethics for its  
15 directors, officers, and employees.

16 (10) An authority shall establish policies and procedures  
17 requiring the disclosure of relationships that may give rise to a  
18 conflict of interest. The governing body of an authority shall  
19 require that any member of the governing body with a direct or  
20 indirect interest in any matter before the authority disclose the  
21 member's interest to the governing body before the board takes any  
22 action on the matter.

23 Sec. 13. **(1)** Property of an authority is public property  
24 devoted to an essential public and governmental function and  
25 purpose. Income of the authority is considered to be for a public  
26 and governmental purpose.

27 **(2)** The property of the authority and its income and operation  
28 are exempt from all taxes and special assessments of this state or  
29 a local unit of government of this state.

1           (3) Beginning January 5, 2004, in addition to the exemptions  
 2 under subsection (2), property of the authority and its income and  
 3 operation are exempt from any user fees imposed by a local unit of  
 4 government of this state. This act does not prevent an authority  
 5 from contracting with a local unit of government of this state for  
 6 services. If an authority, or its tenant, enters into an express  
 7 contract for services with a local unit of government of this  
 8 state, a user fee may be charged for those services.

9           (4) Bonds or notes issued by the authority, and the interest  
 10 on and income from those bonds and notes, are exempt from all  
 11 taxation of this state or a local unit of government.

12           Sec. 14. (1) This act shall be construed liberally to  
 13 effectuate the legislative intent and the purposes as complete and  
 14 independent authorization for the performance of each and every act  
 15 and thing authorized by this act, and all powers granted shall be  
 16 broadly interpreted to effectuate the intent and purposes and not  
 17 as a limitation of powers. In the exercise of its powers and duties  
 18 under this act and its powers relating to property held by the  
 19 authority, the authority ~~shall have~~**has** complete control as fully  
 20 and completely as if it represented a private property owner and  
 21 ~~shall is~~ not ~~be~~ subject to restrictions imposed on the authority by  
 22 the charter, ordinances, or resolutions of a local unit of  
 23 government.

24           (2) Unless permitted by this act or approved by an authority,  
 25 any restrictions, standards, conditions, or prerequisites of a  
 26 city, village, township, or county otherwise applicable to an  
 27 authority and enacted after ~~the effective date of this act shall~~  
 28 **January 5, 2004 do** not apply to an authority. This subsection is  
 29 intended to prohibit special local legislation or ordinances

1 applicable exclusively or primarily to an authority and not to  
 2 exempt an authority from laws generally applicable to other persons  
 3 or entities.

4 (3) The provisions of this act apply notwithstanding any  
 5 resolution, ordinance, or charter provision to the contrary. This  
 6 ~~section-subsection~~ is not intended to exempt an authority from  
 7 local zoning or land use controls, including, but not limited to,  
 8 those controls authorized under the ~~city and village zoning act,~~  
 9 ~~1921 PA 207, MCL 125.581 to 125.600,~~ **Michigan zoning enabling act,**  
 10 **2006 PA 110, MCL 125.3101 to 125.3702,** the local historic districts  
 11 act, 1970 PA 169, MCL 399.201 to 399.215, or 1945 PA 344, MCL  
 12 125.71 to 125.84.

13 (4) The transfer to an authority of tax reverted property, the  
 14 title to which involuntarily vested in this state under **former**  
 15 section 67a of the general property tax act, 1893 PA 206, ~~MCL~~  
 16 ~~211.67a,~~ in a foreclosing governmental unit under section 78m(7) of  
 17 the general property tax act, 1893 PA 206, MCL 211.78m, or in a  
 18 qualified city pursuant to procedures established under the charter  
 19 or ordinances of the qualified city, shall be construed as an  
 20 involuntary transfer of property to the authority. After a transfer  
 21 described in this subsection, the authority ~~shall be deemed~~ **is**  
 22 **considered** to have assumed any governmental immunity or other legal  
 23 defenses of this state, the foreclosing governmental unit, or the  
 24 local unit of government related to the property and the manner in  
 25 which title to the property was held by this state or the local  
 26 unit of government.

27 **(5) This section does not limit the application of section 13.**

28 Enacting section 1. This amendatory act is intended to be  
 29 retroactive and applies retroactively beginning on and after

1 January 5, 2004.