

HOUSE BILL NO. 5031

September 20, 2023, Introduced by Reps. Puri, Coffia, Rheingans, Brabec, Wilson, Bruck, Scott, Morgan, Liberati, Brixie, O'Neal, Skaggs, Edwards, Young, Hope, Martus, Hill, Roth, Schmaltz and Aiyash and referred to the Committee on Economic Development and Small Business.

A bill to amend 1966 PA 346, entitled
"State housing development authority act of 1966,"
by amending section 21 (MCL 125.1421), as amended by 2000 PA 257.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21. (1) There is created a public body corporate and
2 politic to be known as the "Michigan state housing development
3 authority". The authority shall consist of 3 heads of principal
4 departments of the executive branch of the state government and 4
5 persons appointed by the governor with the advice and consent of
6 the senate. Excluding the 3 heads of principal departments of the

1 executive branch of state government and the designated resident
2 member described in subsection (2), not more than 2 of the ~~persons~~
3 **individuals** appointed shall be members of the same political party.
4 Upon completion of each term, ~~a person~~**an individual** shall be
5 appointed for a term of 4 years, except that a vacancy ~~shall~~**must**
6 be filled for the unexpired term. A member of the authority shall
7 not receive compensation for services but is entitled to the
8 necessary expenses, including traveling expenses, incurred in the
9 discharge of the member's duties. Each member shall hold office
10 until a successor has been appointed and has qualified. A
11 certificate of appointment or reappointment of a member ~~shall~~**must**
12 be filed with the authority and this certificate ~~shall be~~**is**
13 conclusive evidence of the proper appointment of that member.

14 (2) If federal law requires designation of a resident member
15 on the authority, the number of gubernatorially appointed members,
16 in addition to the 3 heads of principal departments, increases from
17 4 to 5. One of the 5 gubernatorially appointed members shall be the
18 designated resident member. The resident member shall meet both of
19 the following requirements:

20 (a) The ~~person~~**individual** is an individual **that is** directly
21 assisted by a federal housing program administered through the
22 authority. As used in this subdivision, "directly assisted" means
23 residing in ~~federally-supported~~**federally supported** public housing
24 or receiving section 8 tenant-based assistance. Directly assisted
25 does not include a state-financed housing assistance program,
26 section 8 project-based assistance, or section 8 new construction
27 assistance.

28 (b) The ~~person~~**individual** is an eligible resident. As used in
29 this subdivision, "eligible resident" means ~~a person~~**an individual**

1 whose name appears on the lease of the assisted housing **and** who is
2 18 years of age or older.

3 (3) ~~A person~~ **An individual** who no longer meets either
4 requirement of subsection (2)(a) or (b) is removed from the
5 authority for cause upon the appointment of another ~~person as~~
6 **individual to** the resident member position.

7 (4) The powers of the authority ~~shall be~~ **are** vested in the
8 members in office. A majority of the members of the authority
9 constitutes a quorum for the purpose of conducting the authority's
10 business, for exercising the authority's powers, and for other
11 purposes, notwithstanding the existence of any vacancies. Action
12 may be taken by the authority upon a vote of a majority of the
13 members present, unless the bylaws of the authority require a
14 larger number, except that to the extent required by federal law,
15 the resident member shall only take part in, vote on, and exercise
16 the powers of the authority concerning decisions related to the
17 administration, operation, and management of federal public housing
18 programs and section 8 tenant-based assistance programs. ~~The~~
19 ~~resident member shall not take part in, vote on, or exercise the~~
20 ~~powers of the authority in a matter that uniquely applies to the~~
21 ~~resident member and is not generally applicable to all residents.~~
22 In the absence of fraud, a determination of the authority with
23 respect to findings of fact made by the authority acting within the
24 scope of its powers is conclusive, except with respect to the
25 approval of the municipal finance commission or its successor
26 agency as required by law.

27 (5) Meetings of the members of the authority may be held
28 anywhere in this state. The business that the authority may perform
29 ~~shall~~ **must** be conducted at a public meeting of the authority held

1 in compliance with the open meetings act, 1976 PA 267, MCL 15.261
2 to 15.275. Public notice of the time, date, and place of the
3 meeting ~~shall~~**must** be given in the manner required by the open
4 meetings act, 1976 PA 267, MCL 15.261 to 15.275.

5 (6) The authority shall elect a chairperson and vice-
6 chairperson. The authority shall employ an executive director,
7 legal and technical experts, and other officers, agents, and
8 employees, permanent and temporary, as the authority requires, and
9 shall determine their qualifications, duties, and compensation. The
10 authority may delegate to 1 or more agents or employees those
11 powers or duties as the authority considers proper.

12 (7) The authority shall be within the department of ~~consumer~~
13 ~~and industry services~~**licensing and regulatory affairs** and shall
14 exercise the authority's prescribed statutory powers, duties, and
15 functions independently of the head of that department. However,
16 the budgeting, procurement, and related functions of the authority
17 ~~shall~~**must** be performed under the direction and supervision of the
18 director of ~~consumer and industry services~~**the department of**
19 **licensing and regulatory affairs**.

20 (8) As used in this section, "section 8" means section 8 of
21 the United States housing act of 1937, ~~chapter 896, 88 Stat. 662,~~
22 42 U.S.C.~~USC~~ 1437f.