

SENATE BILL No. 906

May 26, 1988, Introduced by Senators DILLINGHAM, CRUCE, SHINKLE, GEAKE, BINSFELD, CHERRY, DI NELLO, EHLERS, CROPSEY, BARCIA, KELLY, SEDERBURG, POLLACK, IRWIN, CONROY and CARL and referred to the Committee on Human Resources and Senior Citizens.

A bill to create an office of housing within the department of commerce; to create a housing commission; to prescribe the powers and duties of the office of housing, the director of the office of housing, and the housing commission; and to provide for the promulgation of rules.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "housing commission act".

3 Sec. 2. As used in this act:

4 (a) "Commission" means the housing commission created in
5 section 3.

6 (b) "Department" means the department of commerce.

7 (c) "Director" means the director of housing appointed in
8 section 5.

1 (d) "Office" means the office of housing created in
2 section 5.

3 Sec. 3. (1) A housing commission is created within the
4 executive office of the governor. The commission shall consist
5 of 7 members. All members shall be appointed by the governor
6 with the advice and consent of the senate and of the 7 members, 5
7 shall be appointed as follows:

8 (a) Three members shall be appointed from a list of candi-
9 dates provided by the senate majority leader.

10 (b) Two members shall be appointed from a list of candidates
11 provided by the speaker of the house of representatives.

12 (2) Members of the commission shall serve for terms of 3
13 years, except of the members originally appointed, 4 shall serve
14 for 3 years and 3 shall serve for 2 years.

15 (3) The commission annually shall elect a chairperson from
16 its appointed members.

17 (4) A vacancy on the commission shall be filled in the same
18 manner as the original appointment.

19 (5) A member of the commission may be removed from office by
20 the governor in accordance with section 10 of article V of the
21 state constitution of 1963. Each appointed member of the commis-
22 sion shall be entitled to per diem compensation as established
23 annually by the legislature and to actual and necessary traveling
24 and other expenses incurred in the performance of official duties
25 in accordance with standard travel regulations of the department
26 of management and budget.

1 (6) The commission shall hold regularly scheduled meetings.
2 Special meetings may be held at the call of the chairperson or 4
3 members of the commission. Written notice of a special meeting
4 shall be mailed to each member not less than 10 days before the
5 date of the special meeting.

6 (7) Four members of the commission shall constitute a quorum
7 for the transaction of business.

8 (8) The business which the commission performs shall be con-
9 ducted at a public meeting of the commission held in compliance
10 with the open meetings act, Act No. 267 of the Public Acts of
11 1976, being sections 15.261 to 15.275 of the Michigan Compiled
12 Laws. Public notice of the time, date, and place of the meeting
13 shall be given in the manner required by Act No. 267 of the
14 Public Acts of 1976.

15 (9) A writing prepared, owned, used, in the possession of,
16 or retained by the commission in the performance of an official
17 function shall be made available to the public in compliance with
18 the freedom of information act, Act No. 442 of the Public Acts of
19 1976, being sections 15.231 to 15.246 of the Michigan Compiled
20 Laws.

21 Sec. 4. (1) The commission shall do all of the following:

22 (a) Advise the governor, the legislature, and the office of
23 housing concerning the coordination and administration of state
24 housing programs.

25 (b) Make recommendations to the governor and the legislature
26 regarding changes in federal and state housing programs,
27 statutes, and policies.

1 (c) Participate in preparing, approving, and reviewing the
2 state housing plan required under section 6(j).

3 (d) Review and approve grants to be made from state, feder-
4 al, or other funds administered by the office.

5 (e) Review and advise the governor and the legislature on
6 the state's policies concerning housing.

7 (f) Participate in the development of and approve the state-
8 ments and reports required in section 6(j).

9 (g) Convene public meetings or hearings to identify and dis-
10 cuss issues or concerns relating to housing.

11 (h) Establish additional specialized advisory committees, as
12 needed, which shall be under the direction of the commission.

13 (i) Provide adequate and effective opportunities for inter-
14 ested persons and advocates to express their views on housing
15 policy development and housing program implementation.

16 (j) Establish policies pertaining to implementation of fed-
17 eral and state statutes involving funds administered by the
18 office.

19 (2) The commission may make and enter into contracts and
20 agreements necessary or incidental to the performance of its
21 duties and the execution of its powers under this act, subject to
22 all of the following limitations:

23 (a) A commission member shall not participate in the selec-
24 tion, award, administration, or approval of a contract or grant
25 if, to his or her knowledge, any of the following persons or
26 organizations has a financial interest in that contract:

1 (i) A commission member.

2 (ii) A member of a commission member's immediate family.

3 (iii) A commission member's partner.

4 (iv) An organization in which any of the persons listed in
5 subparagraphs (i) to (iii) is an officer, director, or employee.

6 (v) A person or organization with whom any of the persons
7 listed in subparagraphs (i) to (iii) is negotiating or has any
8 arrangement concerning prospective employment.

9 (b) A commission member shall make known a potential con-
10 flict of interest under subdivision (a) before a vote regarding a
11 contract or before a vote regarding approval of a grant by the
12 office.

13 (c) A commission member shall abstain from discussing a rel-
14 evant motion, making a recommendation, or voting in regard to a
15 contract, grant, or policy if his or her personal or business
16 interest is involved as described in subdivision (a).

17 Sec. 5. (1) The office of housing is created within the
18 department of commerce. The office shall exercise its powers and
19 functions, including the functions of budgeting and procurement
20 and management-related functions, as an autonomous entity, inde-
21 pendent of the director of the department.

22 (2) The governor shall appoint a director of the office with
23 the advice and consent of the senate. The director shall be
24 exempt from the state classified civil service. The director
25 shall receive compensation as provided by the legislature. The
26 director shall serve as a special assistant to the governor on

1 the problems of housing in the state. The director or a designee
2 of the director shall serve as office liaison to the commission.

3 Sec. 6. The office of housing shall do all of the
4 following:

5 (a) Function as the single state agency within this state to
6 supervise and administer the state housing plan required by sub-
7 division (j).

8 (b) Be primarily responsible for the coordination of all
9 state activities related to housing.

10 (c) Cooperate with agencies of the state and federal govern-
11 ment and receive funds for any purpose related to housing.

12 (d) Make necessary contracts incidental to the performance
13 of its duties and the execution of its policies.

14 (e) Provide technical assistance to state and local agencies
15 for the purposes of planning, program development, administra-
16 tion, and evaluation; and encourage, promote, and aid in the cre-
17 ation of safe, affordable, quality housing.

18 (f) Establish an educational and public information program
19 to foster public understanding of housing problems; provide
20 information on housing programs available to assist persons in
21 this state; and encourage the development of private and public
22 community programs to improve the quality of housing in this
23 state.

24 (g) Evaluate the effect of federal and state statutes on
25 housing and recommend to the governor and the legislature appro-
26 priate changes.

1 (h) Evaluate, in cooperation with appropriate state
2 departments and agencies, the effectiveness of public and private
3 policies which affect housing in the state and which are funded
4 by federal, state, local, and private resources.

5 (i) Make recommendations to the governor and the legislature
6 on budget and grant requests for housing programs.

7 (j) Develop a comprehensive annual state housing plan with
8 yearly updates regarding the housing priority needs of this
9 state, as well as recommendations for future action. The office
10 shall prepare an annual report to be submitted to the governor
11 and the legislature by January 31 of each year. The annual
12 report shall detail the progress of the office and the commission
13 in implementing the annual state housing plan.

14 (k) Establish an appeals procedure, subject to approval by
15 the commission, the applicability of which shall not be limited
16 to denials of funding.

17 (l) Serve as a clearinghouse for the collection and distri-
18 bution of information on housing.

19 (m) Establish demonstration housing programs in selected
20 communities in the state. The programs shall be established to
21 demonstrate and test the effectiveness of the programs, to stimu-
22 late continued support for the programs, and to create new hous-
23 ing services, using federal, state, local, or private funds and
24 resources.

25 (n) Pursue and receive on behalf of the state any grant or
26 gift made for the purpose of improving housing in the state, and
27 accept any grant or gift so that the title passes to the state.

1 All grants and gifts shall be deposited with the state treasurer
2 and used for the purposes set forth in the grant or the gift if
3 the purposes are within the powers conferred on the office and
4 the use is approved by the legislature. If the use is not
5 approved, the grant or gift shall revert to the donor, or the
6 donor's administrator or assigns.

7 Sec. 7. The office, in consultation with the commission,
8 may promulgate rules to implement this act pursuant to the admin-
9 istrative procedures act of 1969, Act No. 306 of the Public Acts
10 of 1969, being sections 24.201 to 24.328 of the Michigan Compiled
11 Laws.