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## PLACEMENT OF RES. CARE HOMES

House Bill 4950 as introduced  
First Analysis (9-23-93)

Sponsor: Rep. Nelson Saunders  
First Committee: Local Government  
Second Committee: Housing and  
Urban Affairs

### *THE APPARENT PROBLEM:*

In order to avoid an over-concentration of state licensed residential care facilities (such as adult foster care facilities) in residential areas, the act that governs city and village zoning was amended in 1976 to establish a minimum 1,200 foot distance between those facilities that are licensed by the Department of Social Services, unless exceptions are permitted by local zoning ordinances. (The provision was amended again in 1977 to extend the minimum distance between facilities to 1,500 feet.) The provision applies to facilities that are licensed to care for six or fewer persons, but does not apply to adult foster care facilities for those who have been released from or assigned to correctional institutions. During the years preceding passage of this requirement, as new approaches in the care of the handicapped, the elderly, and others stressed the development of community-based services as an alternative to institutionalization, many of Detroit's larger, older, homes were bought up by residential care facility owners. Reportedly, nearly all the beautiful old homes on East Grand Boulevard leading to Belle Isle were residential care facilities by the year 1970. In addition, many facility owners connected the converted homes with breezeways. The effect was to create a "ghetto" situation, rather than the family residential atmosphere that was desired. The 1976 act, therefore, contained a provision that applied only to Detroit's unique circumstances: in a city with a population of one million or more, the act prohibits the placement of state licensed facilities that are within 3,000 feet of each other. Furthermore, the act does not allow an exception for local ordinances that permit closer location. However, the city has now requested that it be treated in the same manner as the rest of the state. Legislation has been proposed to grant Detroit the right to pass a zoning ordinance that would permit closer location of some residential care facilities.

### *THE CONTENT OF THE BILL:*

Public Act 207 of 1921, the act that governs city and village zoning, prohibits the placement of a residential facility licensed under the Adult Foster Care Facility Licensing Act or the child care licensing act within a city or village at a location that is within 1,500 feet of another state licensed residential facility, unless the placement is permitted by local zoning ordinances. For a city with a population of 1 million or more (Detroit), the act prohibits the placement of a state licensed residential facility within 3,000 feet of another state licensed residential facility, but does not allow an exception for local ordinances which permit closer location. House Bill 4950 would amend this provision to allow a local zoning ordinance to provide an exception to the 3,000-foot rule in the city of Detroit.

MCL 125.583b

### *FISCAL IMPLICATIONS:*

Fiscal information is not available.

### *ARGUMENTS:*

#### *For:*

At present the city of Detroit is prevented from granting a variance to the current restriction that prohibits one state licensed residential facility from locating within 3,000 feet of another such facility. Recently, the owner of a proposed facility for victims of closed head injuries, whose building is situated 2,800 feet from the nearest licensed residential facility, applied to have a variance granted by the city. Neither the city nor the Department of Social Services could grant the property owner's request, since state law prohibits any exception for local ordinances. The bill would permit the city to grant a variance to zoning

restrictions that might prohibit the development of such important enterprises.

***POSITIONS:***

The City of Detroit supports the bill. (9-22-93)

The Department of Social Services has no position on the bill. (9-22-93)