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CONTINGENT SALES AGREEMENTS

House Bills 5775-5777

Sponsor: Rep. Ruth Jamnick

Committee: Local Government and Urban
Policy

Complete to 6-19-00

A SUMMARY OF HOUSE BILLS 5775 - 5777 AS INTRODUCED 5-11-00

House Bills 5775, 5776, and 5777 would amend various acts to specify that contingent sales agreements would not be a basis for standing in judicial proceedings that challenged an order, determination, decision, or an ordinance. The bills also would update and clarify the language of the acts.

House Bill 5775 would amend the Township Zoning Act (MCL 125.293a) to specify that an agreement to purchase property contingent on an order, determination or decision of an officer, agency, board, or commission, the board of appeals, or the township board, under the act or an ordinance adopted under the act would not be a basis for standing in a judicial proceeding that challenged such an order, determination, or decision. Further, the bill specifies that an agreement to purchase property contingent on an amendment to an ordinance adopted under the act would not be a basis for standing in a judicial proceeding that challenged an ordinance adopted under the act.

House Bill 5776 would amend the City and Village Zoning Act (MCL 125.585 and 125.590) to specify that an agreement to purchase property contingent on an order, determination or decision of an officer, agency, board, or commission, the board of appeals, or the legislative body of a city or village under the act or an ordinance adopted under the act would not be a basis for standing in a judicial proceeding including but not limited to a proceeding that challenged such an order, determination, or decision. Further, the bill specifies that an agreement to purchase property contingent on an amendment to an ordinance adopted under the act would not be a basis for standing in a judicial proceeding, including but not limited to a proceeding that challenged an ordinance adopted under the act.

Further, under the law, in a city or village having a population of less than 1,000,000, the concurring vote of a majority of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the board is required to pass under an ordinance, or to effect a variation in an ordinance. House Bill 5776 would retain this provision but specify that the provision would apply to cities or villages having a population less than 900,000.

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Similarly, in a city having a population of 1,000,000 or more, the concurring vote of two-thirds of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the board is required to pass under an ordinance, or to grant a variance in an ordinance. House Bill 5776 would retain this provision but specify that the provision would apply to cities or villages having a population of more than 900,000.

Finally, the bill would eliminate a provision specifying that a board of rules or board of building appeals of a city or village may be enlarged to consist of not less than five members, and these may be appointed as the board of appeals.

House Bill 5777 would amend the County Zoning Act (MCL 125.223) to specify that an agreement to purchase property contingent on an order, determination or decision of an officer, agency, board, or commission, the county board of zoning appeals, or the county board of commissioners under the act or an ordinance adopted under the act would not be a basis for standing in a judicial proceeding that challenged such an order, determination, or decision. Further, the bill specifies that an agreement to purchase property contingent on an amendment to an ordinance adopted under the act would not be a basis for standing in a judicial proceeding that challenged an ordinance adopted under the act.

Analyst: J. Hunault

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