

Legislative Analysis



REPEAL EDUCATIONAL INSTRUCTION ACCESS ACT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5025 as introduced
Sponsor: Rep. Noah Arbit
Committee: Education
Complete to 2-26-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5025 would repeal the Educational Instruction Access Act.¹ The act prohibits a **local governmental body** from adopting, enforcing, imposing, or administering an ordinance, local policy, or local resolution that prohibits property sold, leased, or transferred by the local governmental body from being used for any lawful educational purpose by an **educational institution** or private school. This does not apply to zoning ordinances or administrative review of site plans done in accordance with applicable state law.

Local governmental body means any local government or its subdivision, including a city, village, township, county, or educational institution; a local public authority, agency, board, commission, or other local governmental, quasi-governmental, or quasi-public body; or a public body that acts or purports to act in a commercial, business, economic development, or similar capacity for a local government or its subdivision.

Educational institution means a school district, intermediate school district (ISD), or public school academy (PSA) or a community college.

MCL 123.1041 et seq. (repealed)

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on the state and on local units of government. The fiscal impact of allowing restrictions on educational use when selling, leasing, or renting property would depend on the real estate market for comparable property. The bill could reduce costs for state and local prosecutors and reduce litigation costs for local units of government that would have not been in compliance with the statute.

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

¹ <https://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-0249-8F0F91A8.pdf>