

Angie Lake

From: Horse Country <4horsecountry@gmail.com>
Sent: Tuesday, March 12, 2019 5:13 PM
To: Rep. James Lower (District 70); Angie Lake
Cc: Horse Country
Subject: Testimony HB 4095 for 3/13/2019 Committee Meeting
Attachments: Testimony 3 13 2019 Things to Consider.pdf

Chairman Lower,

Please consider the following information when considering your vote on HB 4095. In addition, **Township Supervisors will be attending the meeting** and wish to provide some brief testimony. I sincerely hope that they are allowed to give their valuable input. We understand that additional testimony from those who have already spoke may not be allowed and we do not wish to take up additional time of the committee and will not be asking to do so, we are only asking that these public officials be allowed to provide their testimony and answer any questions you may have.

This is my testimony that I would like have included in the record if possible. It is attached to this email as well.

Thank you for your consideration of this request.

**House Bill 4095 Testimony 3/13/2019
Local Government and Municipal Finance**

Testimony - HB 4095 – POINTS TO CONSIDER

Please do not make a decision about this bill without knowing its ramifications. This bill drastically changes the spirit and intent of the Michigan Zoning Enabling Act and allows large-scale institutional compounds (with multiple housing units) to be created in single-family residential neighborhoods and creates incompatible land uses that would be an excessive burden for many communities. Its impact is far reaching and has consequences which must be considered

- This bill enables institutions to buy property in a single family residential or agricultural districts, split the property up, and create unlimited numbers of housing units on the same campus
- This bill defies case law (*Larkin v. State*, 883 F. Supp. 172 (E.D. Mich. 1995)). The courts have determined that regulating residential household occupancy to parcel size is not legal
 - If a township allows a residential home, they cannot regulate the number of occupants that live within the home as a family unit or functional family
 - Larkin has determined that distance separation between facilities is not enforceable and therefore you cannot rely on amendments for distance separation to protect a neighborhood or to prevent oversaturation and loss of neighborhood character
 - The preemption of local zoning for residential facilities of 6 or fewer residents has been thoroughly evaluated and universally accepted nationwide, increasing the number 10 occupants improperly classifies the increased density as equivalent to a residential use with no foundational evidence to support it

- There is no evidence submitted to establish that increasing the residential density on parcels of 20 acres or larger has less of an impact than on other parcel sizes, it is arbitrary and with no foundation
- If this bill is adopted the number of residents in any state licensed facility, including adult uses, would be increased to 10 if this were challenged in court because no legal foundation for increasing the number allowed has been established. Legislation makes no differentiation between child and adult foster care
- No need for increasing the number of residents in state licensed institutional facilities has been demonstrated; existing child caring facilities are not at capacity, residential facilities of 6 or fewer occupants are already allowed, Federal and State standards for foster care state that increasing occupants in these setting to more than 6 is detrimental, communities can currently increase the number of residents allowed, therefore there is no basis to enact legislation for a problem that does not exist
- This bill fails to specify net or gross acreage
- This bill fails to address the infrastructure and suitability of the site
- This bill fails to provide protection from creating multiple facilities on the same campus

Testimony was given that stated that Oxford Township was in full support of this bill and with the House of Providence plan to increase the number of residents in the facility. This is an untrue statement. On February 13, 2019, after the committee meeting on that date, the Township Board corrected this statement. It can be seen here starting at 1:20:55 - <https://www.youtube.com/watch?v=SrcDqQFb6v4>

Use should correlate to the characteristics of the surrounding land use and the infrastructure to support it – not parcel size. If this use is acceptable on a 20 acre parcel it should be acceptable in every other size parcel and the local municipality is best equipped to make such a decision

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Preservation of Hunt Country Neighbors
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