



TO: Mayor and City Councilmembers  
FROM: John Fournier, Assistant City Administrator  
RE: Legislative Retrospective for 2018  
DATE: 01/09/2019

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This memo provides a quarterly update on the City's legislative agenda and details key legislation for the City of Ann Arbor that was before the Michigan legislature in 2018. Six specific legislative initiatives received heightened attention from city staff, pursuant to directives contained in the city's legislative policy agenda, or were specifically targeted through action taken by the City Council. Three of them turned out in the city's favor, while three of them did not.

### **SB 110**

*Passed with Ann Arbor's Support*

This bill passed with bi-partisan support from both chambers of the legislature and was signed by Governor Snyder. The bill specifically allows municipalities to enter into voluntary agreements with developers to provide affordable housing for low- and moderate-income families or people.

### **SB 1188**

*Failed as Ann Arbor recommended*

This bill would have barred municipalities from regulating vegetation or landscaping on private developments. Most importantly, an early version of the bill would have barred landscaping to mitigate heat island effects in parking lots, to create permeable surfaces for storm water runoff, to require grading and erosion control, or to require the protection of historic or heritage trees. Working with a coalition of communities and interest groups across the state we were able to amend the bill so it was more favorable for municipalities, but eventually the bill failed in the House of Representatives.

### **HB 6348**

*Passed with Ann Arbor's support*

This bill, the Local Community Stabilization Authority Act, amended the state's formula for fire protection grants so as to provide additional funding for eligible municipalities. The total amount of the funding increase will not be known until the state of Michigan calculates each community's award. However, the bill is ostensibly an attempt to "fully fund" the fire protection grants program, which means a meaningful increase in funding is likely to be experienced.

### **HB 5143 and HB 5680**

*Vetoed over Ann Arbor's objections*

These bills would have provided a tax exemption for residential alternative energy systems that have a capacity of less than 150 kWh and have a real cash value of less than \$80,000, so that if a home owner installed an alternative energy system the value of it would not be calculated as part of their real property value for tax purposes. This bill passed with bi-partisan support but was vetoed by Governor Snyder.

### **SB 637 and SB 894**

*Passed over Ann Arbor's objections*

These two bills made important changes to how telecom companies may operate in the right-of-way in an attempt to stream-line the deployment of "small-cell" technology so as to allow 5G wireless networks to proliferate. The effect of stream-lining these processes, however, was to seriously curtail the ability of local governments to regulate their deployment. For instance, we are limited in how much we can charge for deployment of small-cell nodes, to engage in a zoning or planning review process for their location, to determine locations or to ban co-location, and other important powers. Telecom companies have gained by-right access to the right-of-way for these installations, leaving municipalities with little power to influence their location.

### **SB 1244**

*Passed over Ann Arbor objections*

This bill bars the state from adopting environmental contamination standards for hazardous substances that are stricter than those adopted by the federal Environmental Protection Agency. There was a last minute amendment that allows a department head at the state level to issue standards that are different than the EPA's, but only after an official inquiry and published finding-of-fact that is also reviewable by a court. This will prevent the state of Michigan from becoming more aggressive in terms of regulating the level of PFAS or 1,4 dioxane in drinking water systems, however it will not prevent them from investing resources in contamination clean-up efforts, nor does it prevent court-ordered clean-up efforts, nor does it limit municipalities from voluntarily adopting more stringent standards.

### **100<sup>th</sup> Session of the Michigan Legislature (2019-20)**

HB 5143 and HB 5680 are ripe for additional legislative action since they already enjoy broad bipartisan support and passed both chambers in the last session. Additionally, SB 1244 will likely receive much attention as Governor Whitmer focuses more state attention on water quality issues across the state. These pieces of legislation will continue to be monitored and lobbied by the city of Ann Arbor.

cc: H Lazarus, City Administrator  
Service Area Administrators/Chiefs  
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