

# Soon to be Back in Session, the Michigan State Legislature Will Ponder the Status of Legislation that, if Passed, Would Act to Severely Limit the Authority of Local Units of Government

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If passed by both the Michigan House of Representatives and the Michigan Senate, Michigan [House Bill 4722](#) would serve to amend [Public Act 110, the Michigan Zoning Enabling Act](#), to prevent local units of government from passing ordinances that would prohibit short term rentals in areas that are zoned residential. In areas such as northern Lower Michigan that are blanketed with inland lakes possessing lakefront homes that serve as high demand short term vacation rental properties, the ability to rent to

vacationers on a short term basis during the summer months usually plays an important role in allowing property owners to be capable of affording the considerable mortgages that are often associated with lakefront properties in Michigan.

The Michigan House of Representatives will also be tasked this fall with considering Senate Bill 429 that would add Part 639 (Sand and Gravel Mining) to the Natural Resources and Environmental Protection Act (NREPA), that, if passed would:

- Specify that mining would be considered authorized under Part 639 if it had received a local permit for mining, zoning approval, or other governmental authorization, or was not required to have obtained an authorization because of nonregulation or because the mining was a legal nonconforming use.

- Specify that Part 639 would preempt an ordinance, regulation, resolution, policy, or practice of a governmental authority created by statute, municipality, or county that prohibited or regulated certain aspects of a mine.

- Prohibit, except for minimal extraction activities or for certain exempt activities, a person from engaging in mining except as authorized by a mining permit, which would have to be obtained from the Department of Environment, Great Lakes, and Energy (DEGLE).

Passage of Senate Bill 429 into law would effectively strip local units of government of the authority to deny or approve gravel mining permits. It is important to note that the Michigan Senate has already acted to overwhelmingly pass bills to strip local governments of authority to issue gravel mine permits.

The bills would also act to give gravel mining permitting authority to the Michigan Department of Environment, Great Lakes, and Energy. In the vast majority of cases, EGLE would be required to issue the permits even if local governments and residents oppose new mines.

The bills currently set no limits on hours of operation for gravel mines, and they would also be allowed to operate within a block of schools, churches, or areas zoned residential. Opponents of the legislation suggest that the bills would destroy the quality of life for many people across the state who live in quiet, rural areas.

[Senate Bill 429](#) (S-3) would add Part 639 (Sand and Gravel Mining) to the Natural Resources and Environmental Protection Act (NREPA) to do the following:

- Specify that mining would be considered authorized under Part 639 if it had received a local permit for mining, zoning approval, or other governmental authorization, or was not required to have obtained an authorization because of nonregulation or because the mining was a legal nonconforming use.
- Specify that Part 639 would preempt an ordinance, regulation, resolution, policy, or practice of a governmental authority created by statute, municipality, or county that prohibited or regulated certain aspects of a mine.
- Prohibit, except for minimal extraction activities or for certain exempt activities, a person from engaging in mining except as authorized by a mining permit, which would have to be obtained from the Department of Environment, Great Lakes, and Energy (EGLE).