



Fruitland Township
White River Light Station Museum

Fruitland Township E-News

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May 25, 2021

MTA LEGISLATIVE ACTION ALERT

ACTION NEEDED – May 24, 2021

Bills Preempt Local Zoning Authority on Short-Term Commercial Activity

Local governments count on zoning to shape their communities and preserve the quality of life so important to their residents. [Senate Bill 446](#) and [House Bill 4722](#) eliminate your township's ability to do so by preempting local zoning authority to regulate short-term rentals.

MTA needs you to contact your [state senator and state representative](#) to share your opposition to SB 446 and HB 4722 preempting your township's ability to zone short-term rental properties in residential zones.

Many times, commercial interests purchase multiple homes in a community for the sole purpose of renting them on a short-term basis—daily, weekly or monthly—for investment purposes with no intent for the owner to ever occupy the residential property. Local units across the state have enacted regulations to ensure there are no detrimental impacts from short-term rentals on safety and quality of life in neighborhoods. Each community has accomplished this in a manner that best meets the needs of residents and short-term rentals. These local efforts should not be undermined and replaced with a one-size-fits-all approach from the state.

SB 446 and HB 4722 undermine local control, upsetting the delicate balance between property rights and the established, transparent process for local decision-making.

The bills create a state top-down requirement—eliminating a township's ability to regulate any issues with nonowner-occupied residences rented on a short-term basis **UNLESS** the same regulations are applied equally to all owner-occupied residences. Thus, these **unregulated commercial lodging rentals would not be subject to the same tax and inspection requirements** as other commercial lodging facilities and they would be uncapped in single-family residential zones **without** any local regulation.

This is not a property rights issue as proponents argue. When you purchase property in a zoned area, you have the same right as any other owner to use the property for the purpose for which it was zoned. If enacted, it will negatively impact the property rights of others in the zoned area. Residents do not purchase property in a residentially zoned area anticipating a future commercial or industrial business next door.

Proponents also argue local governments can regulate short-term rentals under the Housing Code—that is not true. The Housing Code regulates building standards and NOT the use of the property.

Locally elected township boards are best positioned to balance the unique needs of their community when addressing zoning issues and to protect the health, safety and welfare of residents, vacation visitors and renters.

MTA needs you to engage and voice opposition to this attack on local decision-making. The bills do not include any compromises local government groups have proposed to address concerns raised by proponents of the bills.

Please contact your [state legislators](#) today to **oppose Senate Bill 446 and House Bill 4722**.