

HAMPTON CHARTER TOWNSHIP  
BAY COUNTY, MICHIGAN

ORDINANCE NO. 49

AN ORDINANCE TO PROVIDE A SERVICE CHARGE IN LIEU OF  
AD VALOREM TAX FOR LOW AND MODERATE INCOME HOUSING UNITS

Adopted: May 28, 1991

Effective: June 29, 1991

THE CHARTER TOWNSHIP OF HAMPTON  
BAY COUNTY, MICHIGAN  
ORDAINS:

SECTION 1. - Title. This Ordinance shall hereafter be known and cited as "The Hampton Charter Township Service Charge in Lieu of Ad Valorem Tax for Low and Moderate Income Housing Units Ordinance".

SECTION 2. - Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 [1966 PA 346, as amended, MCLA 125.1401 et seq; MSA 16.114(1) et seq]. The Township is authorized by said Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under the Act at any amount it chooses not to exceed the taxes that would be paid but for the Act. It is further acknowledged that such housing for

persons of low income is a public necessity, and as the Township will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption therefore is a valid public purpose.

Following the effective date of this Ordinance, the Hampton Charter Township Board shall by specific resolution identify each non-profit housing corporation, consumer-housing cooperative, or limited dividend housing corporation financed with a federally-aided or authority-aided mortgage or advance or grant from the authority which shall be exempt from ad valorem tax and which shall be subject to the annual service charge payment in lieu of tax provided for in this Ordinance.

SECTION 3. - Definitions.

A. Authority means the Michigan State Housing Development Authority.

B. Act means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

C. Housing Project means residential real property developed or receiving benefits under the Act.

D. Utilities means fuel, water, sanitary sewer service and/or electrical service which are paid by the Development.

E. Annual Shelter Rent means the total collections during an agreed annual period from all occupants of a housing project representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.

F. HUD means the U. S. Department of Housing and Urban Development.

SECTION 4. - Establishment of Annual Service Charge.

A. The owner of a housing project exempt from taxation under the Act shall pay to Hampton Charter Township an annual service charge for public services in lieu of all taxes. The amount to be paid as a service charge in lieu of taxes shall be 10% of the annual shelter rents obtained from the project.

B. Notwithstanding Subsection A, the service charge to be paid each year in lieu of taxes for that part of a housing project which is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the project if the project were not tax exempt.

C. The benefits of the exemption granted under this section shall be allocated by the owner of the housing project exclusively to low income persons or families in the form of reduced housing charges.

SECTION 5. - Payment of Service Charges.

The service charge in lieu of taxes as determined hereunder shall be payable in the same manner as general property taxes are payable to the Township except that the annual payment shall be paid on or before July 1 of each year for the preceding year.

SECTION 6. - Supporting Documentation.

The annual service charge payment shall be accompanied by the housing project's audited financial statement or other documentation which provides the following applicable information:

- A. Apartment or member carrying charges.
- B. Tenant assistance payments.
- C. Furniture and equipment rental payments.
- D. Store and commercial enterprise payments.
- E. Garage and parking space payments.
- F. Subsidy income.
- G. Excess rents/tenant recovery.
- H. Total vacancies for the period.

In addition, the payment shall be accompanied by an explanation specifically identifying those portions of the payment which are attributed to the following:

1. Total collections during the preceding year from all occupants representing rent or occupancy charges exclusive of charges for utilities.

2. That portion of the service charge, if any, imposed upon that part of the housing project which is occupied by other than low income persons or families computed pursuant to Section 4.B. of this Ordinance; and

3. A statement from the auditor certifying that the benefits of the exemption granted under this Ordinance have resulted in reduced housing charges allocated by the owner of the housing project exclusively to low income persons or families. [See Section 4.C.]

SECTION 7. - Severability.

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction

to be unconstitutional or invalid, the same shall not affect the validity of this Ordinance as a whole or any section or provision hereof other than the section or provision so declared to be unconstitutional or invalid.

SECTION 8. - Effective Date.

This Ordinance shall take effect: June 29, \_\_\_\_\_, 1991. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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Sally Shepardson  
Hampton Charter Township Clerk

Hampton Charter Township  
801 West Center Avenue Road  
P. O. Box 187  
Bay City, MI 48707  
Telephone: (517)893-7541

**RESOLUTION DESIGNATING CENTER RIDGE ARMS  
AS A DESIGNATED HOUSING PROJECT UNDER  
HAMPTON CHARTER TOWNSHIP ORDINANCE NO. 49  
ENTITLED, "THE HAMPTON CHARTER TOWNSHIP SERVICE CHARGE  
IN LIEU OF AD VALOREM TAX FOR LOW AND MODERATE  
INCOME HOUSING UNITS ORDINANCE"**

WHEREAS, Hampton Charter Township adopted Ordinance No. 49 entitled, "The Hampton Charter Township Service Charge in Lieu of Ad Valorem Tax for Low and Moderate Income Housing Units Ordinance" on May 28, 1991, to be effective June 29, 1991; and

WHEREAS, Center Ridge Arms of 798 North Pine, Bay City, Michigan, is a housing project which is either owned by a non-profit housing corporation, consumer-housing cooperative or limited dividend housing corporation financed with a federally-aided or authority-aided mortgage or advance or grant from the authority so as to qualify for ad valorem tax exemption and payment in lieu of tax as provided in 1966 PA 346, as amended.

NOW, THEREFORE, BE IT RESOLVED that Center Ridge Arms of 798 North Pine, Bay City, Michigan, is designated as a housing project entitled to ad valorem tax exemption and payment in lieu of tax as is more particularly set forth in the Hampton Charter Township Ordinance No. 49 entitled, "The Hampton Charter Township Service Charge in Lieu of Ad Valorem Tax for Low and Moderate Income Housing Units Ordinance".

All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.

The foregoing Resolution was offered by Member DeWyse, supported by Member Savage, to adopt the foregoing Resolution.

Upon roll call vote, the following voted "Aye":

DeWyse, Savage, Foret, Spegel, Shepardson & Hart

The following voted "Nay":

None

The Supervisor declared the Motion carried, and the Resolution duly adopted.

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SALLY SHEPARDSON, Township Clerk  
HAMPTON CHARTER TOWNSHIP

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CERTIFICATE

SALLY SHEPARDSON, the duly elected and acting Clerk of the Charter Township of Hampton, Bay County, Michigan, hereby certifies that the foregoing is a true and correct copy of an Excerpt of the Minutes of a regular meeting of the Hampton Charter Township Board held May 28, 1991, at which a quorum was present.

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SALLY SHEPARDSON, Township Clerk  
HAMPTON CHARTER TOWNSHIP

RESOLUTION DESIGNATING PINEVIEW ASSOCIATES  
AS A DESIGNATED HOUSING PROJECT UNDER  
HAMPTON CHARTER TOWNSHIP ORDINANCE NO. 49  
ENTITLED, "THE HAMPTON CHARTER TOWNSHIP SERVICE CHARGE  
IN LIEU OF AD VALOREM TAX FOR LOW AND MODERATE  
INCOME HOUSING UNITS ORDINANCE"

WHEREAS, Hampton Charter Township adopted Ordinance No. 49 entitled, "The Hampton Charter Township Service Charge in Lieu of Ad Valorem Tax for Low and Moderate Income Housing Units Ordinance" on May 28, 1991, to be effective June 29, 1991; and

WHEREAS, Pineview Associates of 854 North Pine, Bay City, Michigan, is a housing project which is either owned by a non-profit housing corporation, consumer-housing cooperative or limited dividend housing corporation financed with a federally-aided or authority-aided mortgage or advance or grant from the authority so as to qualify for ad valorem tax exemption and payment in lieu of tax as provided in 1966 PA 346, as amended.

NOW, THEREFORE, BE IT RESOLVED that Pineview Associates of 854 North Pine, Bay City, Michigan, is designated as a housing project entitled to ad valorem tax exemption and payment in lieu of tax as is more particularly set forth in the Hampton Charter Township Ordinance No. 49 entitled, "The Hampton Charter Township Service Charge in Lieu of Ad Valorem Tax for Low and Moderate Income Housing Units Ordinance".

All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.



The foregoing Resolution was offered by Member DeWyse, supported by Member Savage, to adopt the foregoing Resolution.

Upon roll call vote, the following voted "Aye":

DeWyse, Savage, Foret, Spegel, Shepardson & Hart

The following voted "Nay":

None

The Supervisor declared the Motion carried, and the Resolution duly adopted.

\_\_\_\_\_  
SALLY SHEPARDSON, Township Clerk  
HAMPTON CHARTER TOWNSHIP

\*\*\*\*\*

CERTIFICATE

SALLY SHEPARDSON, the duly elected and acting Clerk of the Charter Township of Hampton, Bay County, Michigan, hereby certifies that the foregoing is a true and correct copy of an Excerpt of the Minutes of a regular meeting of the Hampton Charter Township Board held May 28, 1991, at which a quorum was present.

\_\_\_\_\_  
SALLY SHEPARDSON, Township Clerk  
HAMPTON CHARTER TOWNSHIP

RESOLUTION DESIGNATING TRADEWINDS EAST ASSOCIATES  
AS A DESIGNATED HOUSING PROJECT UNDER  
HAMPTON CHARTER TOWNSHIP ORDINANCE NO. 49  
ENTITLED, "THE HAMPTON CHARTER TOWNSHIP SERVICE CHARGE  
IN LIEU OF AD VALOREM TAX FOR LOW AND MODERATE  
INCOME HOUSING UNITS ORDINANCE"

WHEREAS, Hampton Charter Township adopted Ordinance No. 49 entitled, "The Hampton Charter Township Service Charge in Lieu of Ad Valorem Tax for Low and Moderate Income Housing Units Ordinance" on May 28, 1991, to be effective June 29, 1991; and

WHEREAS, Tradewinds East Associates Limited Dividend Housing Association of 501 South Tradewinds Drive, Essexville, Michigan, 48732, is a housing project which is either owned by a non-profit housing corporation, consumer-housing cooperative or limited dividend housing corporation financed with a federally-aided or authority-aided mortgage or advance or grant from the authority so as to qualify for ad valorem tax exemption and payment in lieu of tax as provided in 1966 PA 346, as amended.

NOW, THEREFORE, BE IT RESOLVED that Tradewinds East Associates Limited Dividend Housing Association of 501 South Tradewinds Drive, Essexville, Michigan, 48732, is designated as a housing project entitled to ad valorem tax exemption and payment in lieu of tax as is more particularly set forth in the Hampton Charter Township Ordinance No. 49 entitled, "The Hampton Charter Township Service Charge in Lieu of Ad Valorem Tax for Low and Moderate Income Housing Units Ordinance".

All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.