

PA 33 Police and Fire Protection Act—2022 Changes

Introduction

Cities of all sizes now have the ability to fund police and fire operations through the creation of a special assessment district (SAD). Public Act 228 of 2022, which took effect on March 29, 2023, eliminated population limits on cities allowed to create SADs to fund police and fire operations, which includes costs such as personnel, housing, vehicles, apparatus, and equipment.

What has changed?

Prior to the adoption of Act 228, only “qualified cities” could utilize a SAD to provide funding for police and fire protection services. A “qualified city” used to be defined as:

- (1) a city with a population less than 15,500;
- (2) a city with a population between 15,500 and 70,000 and in a county with a population less than 180,000 if the special assessment district is approved by a majority of the electors within the special assessment district; or
- (3) a city located in a county with a population of more than 1,500,000 and the city contained an airport (other than a military airport) that saw 10,000,000 or more passengers board an aircraft in any 12-month period and the special assessment district was approved by a majority of the electors in the special assessment district.

Public Act 228 amends the definition of “qualified city” to now be:

- (1) a city with a population less than 15,500; or
- (2) a city with a population in excess of 15,500 if the question of raising money by special assessment and the amount of the assessment to be levied annually is approved by a majority of electors in the special assessment district.

Subject to the requirement that cities with a population over 15,500 must obtain voter approval, all Michigan cities may now create a SAD to fund police and fire operations.

Which municipalities must seek voter approval for a police or fire protection SAD?

Incorporated villages and cities with a population under 15,500 are not required to seek voter approval prior to creating a SAD, but they may do so.

Cities with a population in excess of 15,500 are required to submit to electors within a proposed SAD the question of creation of a SAD and the amount of the assessment.

Are there any additional limitations?

The time period of a SAD, as well as the procedural requirements for creating one, vary based on whether the city or village will sell bonds in anticipation of collection of special assessments.

Contact your city or village attorney for more information about your community’s specific requirements.

Fact Sheet provided by the law firm of Rosati, Shultz, Joppich, and Amtsbuechler.