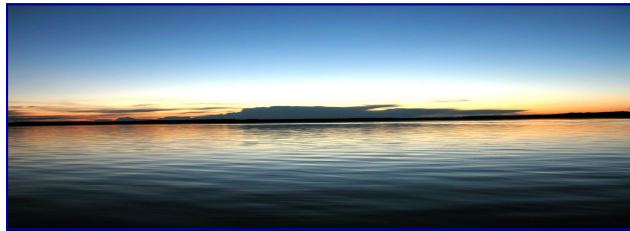


## Michigan Public Act 188 Special Assessment Districts: General Guidance for Planning and Preparation

- Use the QR code on the back of this pamphlet to download a copy of **MI Public Act 188**.
- Hire an independent and reputable engineering or inland lake management consulting firm to assist you with the technical aspects of your proposed improvement project.
- You and your lake association board should understand every detail of the proposed lake improvement project. Those opposed to the project will be asking tough questions — be prepared to answer them!
- Educate your lake community and township government about why the proposed lake improvement project is necessary to ensure the future quality and viability of your inland lake.
- Utilize your lake association newsletter to keep your lake community informed as you move through the process.
- Hold informal meetings to educate and inform those who will be directly impacted by the project.
- Develop a good working relationship with your township Board — the Supervisor and Clerk will play particularly important roles in this process.
- Get to know your township tax assessor — you or your association may be asked to help develop the special assessment apportionment plan.
- Appoint a well-versed and articulate member of your team to speak on your behalf at the two legally mandated public hearings.

Michigan Lakes and Streams Association, Inc. is a non-profit, primarily volunteer organization dedicated to preserving, protecting, and effectively managing Michigan's vast treasure of inland lakes and streams as well as advocating for the protection of riparian property rights. Our members include lake and stream associations, individuals, corporations and various non-profit advocacy groups that share our concern for the future of our freshwater heritage and associated natural resources.



Scan this QR code with the picture app on your phone to be taken to more information on this topic on the MLSA website!



**SCAN ME**



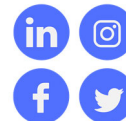
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## Michigan Lakes & Streams Association

Funding Inland Lake  
Improvement Projects  
with  
Michigan Public Act 188  
Special Assessment Districts



## Michigan Public Act 188 Public Improvements

### Introduction

Since 1954, Michigan's 1,242 township governments have maintained the authority to levy special assessments in order to generate revenue to fund local projects through the use of Public Act 188: Public Improvements.

Amended in 1994 to allow funding for a wider range of inland lake management related projects, Public Act 188 has been invoked by hundreds of townships throughout the state of Michigan who have deployed this mechanism to foster the implementation of critical inland lake improvements as well as aquatic nuisance or aquatic invasive species control projects.

Use this document for general information on which to base further research and planning in preparation for working with township governments and inland lake communities in implementing a **Public Act 188 Special Assessment District**.



### MI Public Act 188 Limitations

For inland lakes that lie within the legal boundaries of multiple government jurisdictions, coordinating and implementing the requirements of Act 188 may not be practical. In these more complex situations, funding for inland lake improvement projects may be best achieved by the establishment of a Lake Improvement Board in accordance with Part 309 of Public Act 451.

## Basic Provisions of the Law for Inland Lake Improvement Projects

- MI Public Act 188 based Special Assessment Districts are administered by the township.
- Special Assessments may only be imposed on property owners that receive a benefit from a township administered improvement project.
- Township Boards may initiate a Special Assessment by resolution or they may require a petition of land owners constituting more than 50% of the land area in the proposed Special Assessment District; for lake improvement projects, the land area will include lake-front properties but may also include properties near the lake .
- Petition of land owners within the proposed Special Assessment District will be required in cases where the owners of more than 20% of the land in the proposed district file timely written objections to the proposed project with the township.
- Once the township Board has determined the validity of the landowner petitions or has otherwise determined that significant enough support for the project exists among affected riparian property owners, the township Board will schedule the first of two required public hearings as required by P.A. 188.
- Your township must hold two public hearings before implementing a Special Assessment District:
  - ◇ The first is held to explore the technical details and cost of the proposed lake improvement project, allows interested citizens to raise objections or ask questions regarding the proposed project or special assessment. If the board decides to proceed with the special assessment, a resolution will be passed creating the district.
  - ◇ The second is held to consider the assessment roll and to allow objections to the assessments to be heard. The township must send a notice to each property owner within the proposed Special Assessment District as well as publish a notice of the hearings in a locally circulated newspaper at least ten days prior to the date of each of the two public hearings.
- At the close of the second public hearing, the township Board will confirm the creation of a Special Assessment District by passing a resolution.



## Michigan Public Act 188 Doing Your Homework...

Michigan Public Act 188 is an equitable means of providing local funding for inland lake improvement projects. However, P.A. 188 is a very procedure driven law — your township must follow the procedure exactly as defined by the act. Procedural errors could exact a high cost in time and money as well as delay the implementation of your lake improvement project. If your inland lake community is within an affluent township, your township may have substantive legal counsel who can help guide the efforts of your lake association as well as advise the township Board on the legally intricate law. Less affluent townships and/or townships with little or no experience in initiating or administering Public Act 188 Special Assessment Districts will inevitably require the lake association to assume a more active role in the initial process and in providing overall support in accomplishing the timely implementation of your inland lake improvement project. Many inland lakes in Michigan lie within the boundaries of two townships — be prepared to work with both township governments simultaneously in developing and implementing your plan, including circulation of required petitions in each of the respective townships. It is imperative that your lake association and/or your riparian community take a pro-active role in the entire process. As the primary stakeholders and principal beneficiaries of your lake improvement project, it is your planning, preparation, hard work and tenacity that will ultimately carry your project to special assessment funding, implementation and overall success.