

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 1267

(SENATE AUTHORS: BENSON, Osmek and Hall)

DATE
02/22/2017

D-PG
699 Introduction and first reading
Referred to Local Government

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to the Metropolitan Council; requiring approval before implementation
1.3 of the Thrive MSP 2040 metropolitan development guide; requiring revision after
1.4 local government input; providing for legislative approval of housing-related plans
1.5 and goals; allowing local governments to reject population and demographic
1.6 assumptions; amending Minnesota Statutes 2016, sections 473.145; 473.254,
1.7 subdivisions 2, 3a; 473.857, subdivision 1.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2016, section 473.145, is amended to read:

1.10 **473.145 DEVELOPMENT GUIDE.**

1.11 The Metropolitan Council shall prepare and adopt, after appropriate study and such
1.12 public hearings as may be necessary, a comprehensive development guide for the
1.13 metropolitan area. It shall consist of a compilation of policy statements, goals, standards,
1.14 programs, and maps prescribing guides for the orderly and economical development, public
1.15 and private, of the metropolitan area. The comprehensive development guide shall recognize
1.16 and encompass physical, social, or economic needs of the metropolitan area and those future
1.17 developments which will have an impact on the entire area including but not limited to such
1.18 matters as land use, parks and open space land needs, the necessity for and location of
1.19 airports, highways, transit facilities, public hospitals, libraries, schools, and other public
1.20 buildings. Notwithstanding any council action to adopt it, a plan or plan element relating
1.21 to housing does not take effect until a law is enacted approving the plan.

1.22 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
1.23 final enactment and applies to plans adopted before, on, or after that date. This section
1.24 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

2.1 Sec. 2. Minnesota Statutes 2016, section 473.254, subdivision 2, is amended to read:

2.2 Subd. 2. **Affordable, life-cycle goals.** The council shall negotiate with each municipality
2.3 to establish affordable and life-cycle housing goals for that municipality that are consistent
2.4 with and promote the policies of the Metropolitan Council as provided in the adopted
2.5 Metropolitan Development Guide. The council shall adopt, by resolution after a public
2.6 hearing, the negotiated affordable and life-cycle housing goals for each municipality by
2.7 January 15, 1996, and by January 15 in each succeeding year for each municipality newly
2.8 electing to participate in the program or for each municipality with which new housing
2.9 goals have been negotiated. By June 30, 1996, and by June 30 in each succeeding year for
2.10 each municipality newly electing to participate in the program or for each municipality with
2.11 which new housing goals have been negotiated, each municipality shall identify to the
2.12 council the actions it plans to take to meet the established housing goals.

2.13 Beginning in 2018, the negotiated affordable and life-cycle housing goals for each
2.14 municipality must be submitted by January 15 each year to the chairs and ranking minority
2.15 members of the legislative committees with jurisdiction over the Metropolitan Council and
2.16 housing policy and finance, and may be adopted by the council only after a law is enacted
2.17 approving them or the legislature has adjourned its regular session for that calendar year
2.18 without taking any action on the matter.

2.19 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
2.20 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
2.21 Scott, and Washington.

2.22 Sec. 3. Minnesota Statutes 2016, section 473.254, subdivision 3a, is amended to read:

2.23 Subd. 3a. **Affordable, life-cycle housing opportunities amount.** (a) Each municipality's
2.24 "affordable and life-cycle housing opportunities amount" for that year must be determined
2.25 annually by the council using the method in this subdivision. The affordable and life-cycle
2.26 housing opportunities amount must be determined for each calendar year for all municipalities
2.27 in the metropolitan area.

2.28 (b) The council must allocate to each municipality its portion of the \$1,000,000 of the
2.29 revenue generated by the levy authorized in section 473.249 which is credited to the local
2.30 housing incentives account pursuant to subdivision 5, paragraph (b). The allocation must
2.31 be made by determining the amount levied for and payable in each municipality in the
2.32 previous calendar year pursuant to the council levy in section 473.249 divided by the total
2.33 amount levied for and payable in the metropolitan area in the previous calendar year pursuant
2.34 to such levy and multiplying that result by \$1,000,000.

3.1 (c) The council must also determine the amount levied for and payable in each
 3.2 municipality in the previous calendar year pursuant to the council levy in section 473.253,
 3.3 subdivision 1.

3.4 (d) A municipality's affordable and life-cycle housing opportunities amount for the
 3.5 calendar year is the sum of the amounts determined under paragraphs (b) and (c).

3.6 (e) The council must report to the chairs and ranking minority members of the legislative
 3.7 committees with jurisdiction over the Metropolitan Council and housing policy and finance
 3.8 by March 15 each year the council's estimated amount under paragraph (d). The legislature
 3.9 may approve, modify, or reject the amounts the council will use in paragraph (f). If no law
 3.10 is enacted to approve, modify, or reject the amounts during the regular legislative session
 3.11 for that calendar year, the council may proceed with its proposed amounts.

3.12 ~~(e)~~ (f) By August 1 of each year, the council must notify each municipality of its
 3.13 affordable and life-cycle housing opportunities amount for the following calendar year
 3.14 determined by the method in this subdivision.

3.15 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
 3.16 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
 3.17 Scott, and Washington.

3.18 Sec. 4. Minnesota Statutes 2016, section 473.857, subdivision 1, is amended to read:

3.19 Subdivision 1. **Population data challenges; request for hearing.** (a) A local government
 3.20 may, by resolution, reject the council's population and demographic assumptions as they
 3.21 apply to the local government and are provided in the system statement. The council must
 3.22 reconsider its population and demographic analysis with regard to that local government,
 3.23 taking into account the basis for the rejection and any data provided by the local government
 3.24 in its resolution, and provide the results to the local government.

3.25 (b) If a local governmental unit and the council are unable to resolve disagreements over
 3.26 the content of a system statement, the unit may by resolution request that a hearing be
 3.27 conducted by the advisory committee or by the state Office of Administrative Hearings for
 3.28 the purpose of considering amendments to the system statement. The request shall be made
 3.29 by the unit within 60 days after receipt of the system statement and shall be accompanied
 3.30 by a description of the disagreement together with specified proposed amendments to the
 3.31 system statement. If no request for a hearing is received by the council within 60 days, the
 3.32 statement shall be final.

4.1 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
4.2 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
4.3 Scott, and Washington.

4.4 Sec. 5. **THRIVE MSP 2040, REVISION REQUIRED.**

4.5 (a) The Metropolitan Council must not implement the policy statements, goals, standards,
4.6 programs, and maps prescribing guides for the orderly and economical development, public
4.7 and private, of the metropolitan area, including specifically the transportation, parks and
4.8 open space, and housing policy plans and programs, in the metropolitan development guide
4.9 adopted by the Metropolitan Council on May 28, 2014, known as Thrive MSP 2040, until
4.10 a law is enacted approving a revised guide prepared as required in paragraph (b).

4.11 (b) The Metropolitan Council must revise the metropolitan development guide so it
4.12 reflects a balance of regional and local goals for the orderly and economical development,
4.13 public and private, of the metropolitan area. The guide must be developed in close, ongoing
4.14 consultation and cooperation with the local governments in the region, and the guide may
4.15 not be submitted to the legislature for approval until at least 50 percent of the counties and
4.16 50 percent of the statutory and home rule charter cities in the region have adopted and
4.17 submitted to the council resolutions in support of the proposed metropolitan development
4.18 guide.

4.19 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
4.20 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
4.21 Scott, and Washington.