Sec. 12-8-2. Definitions.

(1) Planning Director means the Director of the City of Detroit Planning and Development Department, or a member of the Planning Director’s staff, provided that, if a conflict exists, the member of the Planning Director’s staff selected shall be directly impacted by the Tier 1 Project.

(2) Provision or approval by the City of Detroit Planning and Development Project developer entity.

(3) The Community Benefits Report to the Neighborhood Advisory Council may be taken with the consent of the Neighborhood Advisory Council members.

(4) To ensure an expeditious community engagement process, the Planning Director, where possible, shall submit the initial Community Benefits Report within six months from the time the notice is sent of the public meeting.

On November 23, 2021, the City Council passed the following ordinance:

ORDINANCE NO. 2021-4

AN ORDINANCE to amend Chapter 12 of the 2019 Detroit City Code, Community Development, by amending Article VIII, Community Benefits, by amending Section 12-8-2, Definitions, to add a representative from the Detroit Economic Growth Corporation, the Neighborhood Advisory Council to the definition of the Enforcement Committee. 

Section 12-8-3, to read as follows:

People of the City of Detroit

An Ordinance to amend Chapter 12 of the 2019 Detroit City Code, Community Development, by amending Article VIII, Community Benefits, by amending Section 12-8-2, Definitions, to add a representative from the Detroit Economic Growth Corporation, the Neighborhood Advisory Council to the definition of the Enforcement Committee. 

Sec. 12-8-2. Definitions.

(1) Planning Director means the Director of the City of Detroit Planning and Development Department or a member of the Planning Director’s staff, provided that, if a conflict exists, the member of the Planning Director’s staff selected shall be directly impacted by the Tier 1 Project.

(2) Provision or approval by the City of Detroit Planning and Development Project developer entity.

(3) The Community Benefits Report to the Neighborhood Advisory Council may be taken with the consent of the Neighborhood Advisory Council members.

(4) To ensure an expeditious community engagement process, the Planning Director, where possible, shall submit the initial Community Benefits Report within six months from the time the notice is sent of the public meeting.
(5) The Planning Director shall work with City Council to assure that, to the
maximum extent possible, all of the
approvals required of City Council may be
considered simultaneously and subject to
one final vote.
(6) The Planning Director shall work
with City departments to facilitate
that Tier 1 Projects receive expedited City
review.
(7) Development Agreement.
(1) All development agreements made
between the developer and the City related to the land transfers or tax abate-
ments associated with a Tier 1 Project shall include the Community Benefits Pro-
vision, which shall include:
(a) Enforcement mechanisms for failure to adhere to Community Benefits Provi-
sion(s) that may include but are not limited to, clawback of City-provided benefits,
revocation of land transfers or land sales, debarment provisions and proportionate penalties and fees; and
(b) The procedure for community mem-
bers to report violations of the Community Benefits Provision to the Neighborhood Advisory Council;
(c) The length of time that Annual Com-
pliance Reports as outlined in Subsection
(2) of this section, are required to be submitted; and
(d) Continued community engagement or community meeting requirements.
(2) The developer shall not be required to enter into a legally binding agreement with City or individual or organization other than the City for the express purpose of fulfilling the requirements of this ordi-
nance or other City-mandated community engagement processes.
(3) The developer may voluntarily enter into any contract or agreement related to the Tier 1 Project that does not pose a conflict of interest with the City.
(g) Enforcement.
(1) An Enforcement Committee shall be established to monitor Tier 1 Projects.
(a) The Enforcement Committee shall be comprised of, at minimum, the follow-
ing four individuals:
(i) Corporation Council for the City of Detroit; or
their designee;
(ii) A representative from the Planning and Development Department;
(iii) A representative from the Law Department;
(iv) A representative from the Human Rights Department;
(v) A representative from the Legislative Policy Division; and
(vi) A member from the respective Neighborhood Advisory Council as a non-
voting member.
(b) In addition to the members of the Enforcement Committee as identified in Subsection (1)(a) of this section, the Plan-
ing Director may require that other departments participate in the Enforce-
ment Committee as needed.
(2) The Enforcement Committee shall provide a biannual compliance report to the City Council and the Neighborhood Advisory Council for the time period identi-
fied in the Community Benefits Provision.
(c) The Planning Director shall facil-
itate at least one meeting per calendar year between the Neighborhood Advisory Council and the developer to discuss the status of the Tier 1 Project for the time period identified in the Community Benef-
its Provision.
(4) The Neighborhood Advisory Coun-
cil shall review any allegations of viola-
tions of the Community Benefits Provision presented to it by the community, and may report violations to the Enforcement Com-
mittee in writing.
(5) Upon receipt of written notification of allegations of violation from the Neigh-
borhood Advisory Council, the Enforce-
ment Committee shall investigate such allegations and shall present their written findings to the Neighborhood Advisory Council based upon the following:
(a) Whether the developer is in compli-
ance with the Community Benefits Provi-
sion of the ordinance; and
(b) How the Community Benefits Provi-
sion will be enforced or how violations will be remedied.
(6) The findings of the Enforcement Committee shall be presented to the Neighborhood Advisory Council no later than 21 days from the date the violations were reported to the Enforcement Com-
mittee, unless the need for additional time is reported to City Council and the Neigh-
borhood Advisory Council within the origi-
nal 21-day time frame.
(7) If the Neighborhood Advisory Council disagrees with the findings of the Enforcement Committee or determines that the Enforcement Committee is not
diligently pursuing the enforcement or mitigation steps outlined in its findings, the Neighborhood Advisory Council may send notice to the Enforcement Commit-
tee, and the Enforcement Committee shall have 14 days from receipt of notice to respond to the concerns outlined.
(8) If the Neighborhood Advisory Council is not satisfied with the Enforce-
ment Committee’s response, the Neigh-
borhood Advisory Council may petition the City Clerk and request that City Council schedule a hearing with opportu-
nity for both the Enforcement Committee and the Neighborhood Advisory Council to present information related to the alleged violations of the Community Ben-
efits Provision and any enforcement or mitigation efforts that have occurred.
(9) If City Council elects to hold a hear-
ing, or based upon the written information submitted, City Council shall determine
whether the Enforcement Committee has made reasonable efforts to ensure that the developer has complied with the Com-
unity Benefits Provision.
(a) If City Council determines that the Enforcement Committee has made rea-
sonable efforts, City Council shall provide City Council and the Neighborhood Advisory Council and the Enforcement steps that need to be taken to comply with the Community Ben-
efits Provision.
(b) If the Neighborhood Advisory Council provides City Council and the Neigh-
borhood Advisory Council monthly reports on compliance actions until City Council adopts a resolution declaring that the developer is in compliance with the Com-
munity Benefits Provision or has taken adequate steps to mitigate violations.
(ii) The Neighborhood Advisory Council may hold additional hearings related to enforcement of the Community Benefits Provision as needed.
Sec. 12-84. Tier 2 Projects.
(a) Developers shall:
(1) Partner with the City, and when appropriatem, a workforce development agency to promote the hiring, training and employment of Detroit residents consis-
tent with State and Federal Law.
(2) Partner with the Planning Director to address and mitigate negative impact that the Tier 2 Project may have on the community and local residents.
(b) The Developer’s commitment as identified in Subsection (a) of this section shall be included in the development agreements related to any land transfers or tax abatements associated with the Tier 2 Project for which the Developer seeks approval.
Section 12-85. Exemptions.
The requirements of this ordinance may be waived by resolution of the City Council upon submission by either the Planning Director or the Developer iden-
tifying reasons that the requirements of this ordinance are impractical or infeasible and identifying how the Developer will oth-
erwise provide community benefits.
Section 2. This ordinance is declared necessary to preserve the health, peace, safety, and welfare of the People of the City of Detroit.
Section 3. All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.
Section 4. In the event this ordinance is passed by two-thirds major
ty of City Council Members serving, it shall be given immediate effect and become effective upon publication in accordance with Sec.14-4:18 of the 2012 Detroit City Charter. When this ordinance is passed by less than two-thirds majority of City Council Members serving, it shall become effective on the 30th day after enactment, or on the first business day thereafter, in accordance with Section 4:118 of the 2012 Detroit City Charter.
(J.C.C. Page ): October 19, 2021
Passed: November 23, 2021
Approved: November 26, 2021
Effective: December 8, 2021
JANICE M. WINFREY
City Clerk