

**CHARTER TOWNSHIP OF LANSING**  
**BROWNFIELD REDEVELOPMENT AUTHORITY**

**Policy and Procedures Manual**



Approved by Authority Board on:  
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### EXHIBITS

#### **Exhibit A: Part 1 - Project Concept Application Form**

**(THIS FORM IS OFFERED IN BOTH FILLABLE AND NON-FILLABLE PDF FORMATS ON  
AUTHORITY'S WEBSITE, [ACCESSIBLE HERE](#))**

## **1.0 Introduction**

The Charter Township of Lansing Brownfield Redevelopment Authority (Authority) may recommend for approval or disapproval any Brownfield Tax Increment Financing (Brownfield TIF) requests as it deems appropriate. Approval or disapproval of any Brownfield TIF request by the Authority does not establish precedent obligating the Charter Township of Lansing Board of Trustees (Township Board) to approve or disapprove any future Brownfield TIF requests.

Brownfield TIF is a financing tool where local units of government throughout the State of Michigan can use the increased property tax revenue from new development or redevelopment of a specifically identified parcel or set of parcels that are identified as eligible property pursuant to the Michigan Public Act 381 of 1996, as amended (Act 381). The primary purpose of Act 381 is to promote the revitalization, redevelopment, and reuse of eligible properties that are blighted, functionally obsolete, tax reverted, an historic resource, contaminated (also known as a “facility”), or housing property by providing economic incentives through tax increment financing to pay for certain approved eligible activities costs. Brownfield TIF works by temporarily capturing a portion of property’s tax increment revenues collected on the eligible property to pay for eligible activity costs as described in an adopted Brownfield Plan by the Township Board. When state tax increment revenues are involved in the Brownfield Plan, approval by appropriate state agencies is required through a state approved Act 381 Work Plan. When a project’s eligible activity costs have been repaid through tax increments, the Brownfield Plan is terminated and the total value of eligible properties in the Brownfield Plan are added to the tax base of the township, county, and state. Brownfield TIF is the main economic development tool available to Michigan local units of government.

Financial assistance from the Charter Township of Lansing’s (Township) Brownfield TIF program for development or redevelopment projects shall be evaluated according to Act 381, and this manual. Variations from this manual may be considered for projects that provide extraordinary benefits to the community in terms of tax base, job creation or retention, improvements to public infrastructure, housing or other advantages to the Township’s economy.

### **1.1 Purpose**

To establish guidelines for the administration of Brownfield eligible projects located within the Township to include Brownfield TIF tools and other related economic development opportunities available under Statute. This Policy and Procedures Manual (Manual) will help with the transparency of the Brownfield TIF tool. The Brownfield TIF tool will provide support for qualified development and redevelopment projects located in the Township which would not occur without assistance of Act 381. Projects are considered for recommendation based on the extent to which a Brownfield project meets the goals of the Township as described in adopted Township plans and policies.

### **1.2 Background**

In 1996, the State of Michigan Legislature approved Public Act 381, MCL 125.265 et seq. (Act 381) to authorize municipalities to create Brownfield Redevelopment Authorities to promote the reuse and revitalization of properties. The Township established an Authority to process Brownfield Plans at the request of applicants for the utilization of certain tax increment revenues to pay for or reimburse the costs of eligible activities as defined in Act 381. This Manual guides the administration of the Brownfield TIF tool under Act 381 for Brownfield projects within the Township.

### 1.3 Objectives

- Grow tax base.
- Job creation and retention.
- Redevelop contaminated, blighted and obsolete property.
- Develop workforce housing options.
- Fund public improvements that improve the Township’s infrastructure.

### 2.0 Evaluation Criteria

- All Brownfield TIF considerations shall be consistent with Act 381.
- If Township provides Brownfield TIF assistance to applicants, it will do so primarily through applicant-financed methods, to minimize the risk of public participation wherever possible.
- Township will consider Brownfield TIF requests only after determining that “but for” Brownfield TIF, the development would not be viable.
- Township may require a certain amount of newly created local TIF revenue to remain at the Township to cover current and future costs within the Township.
- Township will work with other local units of government in its shared vision to redevelop the region during its consideration of all Brownfield TIF requests.
- Township may provide Brownfield TIF for job creation or retention.
- Township may use Brownfield TIF to assist in expansion for employers currently in the region who have outgrown their current space.
- For development projects that will include competitive funding resources allocated by any county, state or federal agency, Township may evaluate Brownfield TIF assistance with the standards of county, state or federal funding source and seek to design the Brownfield TIF incentive that increases the chances of securing county, state or federal funding.

### 3.0 Brownfield TIF Project Types and Project Costs

#### 3.1 Project Types that May be Eligible to Receive Brownfield TIF Support

The following project types may be Brownfield TIF eligible if they meet the Township’s Brownfield TIF Objectives (Section 1.3):

- Housing
  - Workforce Housing (at or below 120% AMI) Rental
  - Workforce Housing (at or below 120% AMI) Owner Occupied
- Mixed-use Commercial and Residential
- Commercial and Retail
- Industrial

#### 3.2 Project Costs that Are Brownfield TIF Eligible

As per state guidance, the Act 381 Work Plan Guidance (Guidance) document, the Authority will consider potential allowable Brownfield eligible activities under the Brownfield Redevelopment Financing Act (PA 381, as amended). The Guidance document, located [HERE](#), as prepared and updated periodically by the state is a supplement to this Manual. The costs associated with eligible activities identified in the Guidance document can only be provided for Brownfield projects that have eligible property that meet one (1) or more qualifying criteria as defined in Act 381, see Section 4.0

below. Depending on how a Brownfield project's property qualifies determines which eligible activities may be afforded to a particular Brownfield project.

It is important to note that the Charter Township of Lansing is not what is defined as a Qualified Local Governmental Unit (QLGU) and as such certain eligible activities are dependent upon what type of eligible property a Brownfield project is qualifying under.

### **3.3 Project Costs that May be Brownfield TIF Eligible**

On a case-by-case basis the Authority and Township Board will consider costs that fall outside of the state's Guidance document that could be reimbursed with local-only tax increment revenues. Costs that the state may not cover could become eligible for use with local-only tax increment revenues only if identified in an adopted Brownfield Plan.

Interest may be allowed as an eligible reimbursable cost on a case-by-case basis. The interest rate must be provided and should conform to the Michigan Economic Development Corporation's (MEDC's) Interest Guidance.

## **4.0 Eligible Property**

Eligible property is specifically defined in Act 381 as amended. For the purposes of this Manual the Authority is referring to Traditional Brownfield Eligible Property as eligible property identified in Act 381 prior to the July 19, 2023 amendments and Housing Property as eligible property identified in Act 381 amendments effective July 19, 2023.

By facilitating development of Brownfield properties, Authority and Township Board supported Brownfield Plans are intended to promote economic growth for the benefit of the Township and all taxing units located within the community.

### **4.1 Traditional Brownfield Eligible Property**

To promote the development of and investment in certain traditional "Brownfield" properties within the Township, the Authority will consider requests to help facilitate financing of eligible activities at eligible properties, that will also provide tax incentives to eligible taxpayers willing to invest in revitalization of eligible sites, commonly referred to as "Brownfields". For purposes of this Manual and the Township, Traditional Brownfield eligible property types prior to Act 381 amendments effective July 19, 2023, included either:

- "blighted"
- "functionally obsolete"
- "tax reverted" property owned by or under the control of a land bank fast track authority
- "historic resource"
- contaminated (also known as a "facility" as defined in Part 201, or "site" or "property" as those terms are defined in Part 213)
- Other eligible property as defined under Act 381 may be considered by the Authority

If any of the qualifying criteria are met, eligible property may include parcels that are adjacent or contiguous to that property if the development of the adjacent and contiguous parcels is estimated to increase the captured taxable value of that property.

## 4.2 Housing Property as Eligible Property

Amendments to Act 381 effective on July 19, 2023, added Housing Property as eligible property, Workforce Housing (at or below 120% Area Median Income {AMI}) Rental and Owner Occupied.

The Guidance document identifies potentially allowable eligible activities for Housing Property at or below 120% AMI Sold or Rented to an Income Qualified Household for the following housing projects:

- Rehabilitation of Existing Housing Structure
- Rehabilitation of Existing Non-Housing Structure
- New Construction

## 5.0 Application Process

The Authority understands that each Brownfield project is unique and will be judged on its own merits. The evaluation will not necessarily be limited to the above Evaluation Criteria (Section 2.0) but will consider all appropriate criteria put forth by the applicant or any other criteria that the Authority and Township Board may deem relevant.

The applicant is requested to provide a clear, concise description of how the proposed Brownfield project meets the statutory requirements of Act 381.

The approval of an application does not necessarily guarantee future approval of a Brownfield Plan or Act 381 Work Plan. Individual Brownfield projects are not considered approved until they have received formal notification of such approval from the Township Board by Resolution adopting the Brownfield Plan and appropriate state agency approval of an Act 381 Work Plan. Approval of an application and subsequent approvals of Brownfield Plans, Act 381 Work Plans, or any other determination of eligibility in no way guarantees or establishes a right to reimbursement of expenditures through tax increment financing. Reimbursement shall only occur pursuant to the terms and conditions of an executed Development and Reimbursement Agreement between applicant and Authority. Expenditures must be documented to be reasonable for eligible activities and subject to the Authority approval process.

The Authority's Brownfield Program TIF project application process is a three-part process:

- Part 1 – Project Concept Application and Meeting
- Part 2 – Brownfield Plan Application and Meeting
- Part 3 – Act 381 Work Plan Application and Meeting

Part 1 and 2 application process was created to streamline the Brownfield Plan recommendation process. The approval of a Part 1 Application does not necessarily guarantee future approval of a Brownfield Plan. The Part 2 Application process will determine if a Brownfield project shall be recommended to the Township Board for approval of a Brownfield Plan.

### 5.1 Part 1 – Project Concept Application and Meeting

After the applicant submits Part 1 - Project Concept Application Form (see Exhibit A), and all required attachments and fee are received, staff will be assigned to review the Project and meet with the applicant, which will require a project scoping meeting and site visit. See attached Brownfield Program Part 1 - Project Concept Application Form for all required information to be provided. Additional information may be requested after this initial review. Depending on the complexity of

the Brownfield project the applicant may be invited to additional meetings with the Authority's staff and hired consultants. The goal of this process is to ensure that sufficient information and timely feedback are provided. Submission of complete and accurate information by the applicant for Part 1 of the application will expedite the turnaround time.

Additionally, a Brownfield project Proforma will be required as a part of the Part 1 Application. Two Proforma's will be allowed for submission depending upon the financing structure of the Brownfield project as follows:

- MEDC Proforma for market rate financing transactions that do not include any MSHDA Low-Income Housing Tax Credit (LIHTC) financing.
- MSHDA LIHTC Proforma shall be used if the project is seeking MSHDA LIHTC financing.

The applicant is responsible for contacting MEDC or MSHDA to obtain the appropriate and current Proforma template.

Once the Brownfield project has been reviewed internally, staff will contact the applicant to indicate whether a recommendation to the Authority will be made to invite the applicant to submit a Part 2 - Brownfield Plan Application. As a part of the staff's recommendation, if the recommendation is to approve the Part 1 Application and proceed with Part 2 - Brownfield Plan Application, staff will prepare a Brownfield Plan term sheet outlining the key terms of a recommended Brownfield Plan structure including the type and amount of Brownfield TIF assistance, eligible activities and costs, percentage of TIF increment to be applied to the Brownfield project, and other key terms for the Brownfield Plan. The Brownfield Plan term sheet will be provided to the applicant and the Authority Board.

During the Part 1 Application process, if any of the proposed Brownfield project properties are:

- Identified as environmentally contaminated under Part 201 or Part 213, an attempt to determine if there is a liable party will be made. However, often in Brownfield projects that determination is not made until the time a Brownfield Plan is written. A liable party cannot benefit from Act 381 and that full environmental disclosure is a requirement of the Brownfield Plan submittal. Disclosure shall include copies of all available environmental data, reports and pertinent correspondence including documentation relating to liable or potentially liable parties and the environmental condition of the proposed Brownfield project properties. If a liable party is identified, the Part 1 Application process with the Authority will stop in order to evaluate and determine next steps with the applicant.
- Identified to have back taxes owed to any government jurisdictions or are in violation of past due fees placed upon the Brownfield properties, the Part 1 Application process with the Authority will stop until the applicant resolves the back taxes and fees along with accrued interest, and penalties.

## **5.2 Part 2 – Brownfield Plan Application and Meeting**

Staff will review the Brownfield project's Part 2 - Brownfield Plan Application and meet with the applicant upon receipt of a Brownfield Plan that meets the current statutory requirements of Act 381 and appropriate state agency guidance for preparing Brownfield Plans. Brownfield Plan templates can be obtained directly from the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Michigan Economic Development Corporation (MEDC), or Michigan State Housing Development Authority (MSHDA).

Additional information may be requested after staff reviews the Part 2 Application materials. Submission of complete and accurate information by the applicant for Part 2 of the application will expedite the turnaround time. Once the Brownfield project's Part 2 Application has been reviewed internally, staff will meet with the applicant and indicate the staff's recommendation to the Authority Board and Township Board to approve or deny the Brownfield Plan. Staff's recommendations trigger the Brownfield Plan Consideration Process.

Part 1 and Part 2 of the application as well as required attachments in those applications make up a full, administratively complete application. Once Part 1 and Part 2 applications are deemed administratively complete, and staff has made its recommendation, the Authority Board will consider either approval or denying the two-part application. If the two-part application is approved by the Authority Board, they will make a recommendation to the Township Board for their consideration to either adopt or deny the Brownfield Plan. An approved Brownfield Plan by resolution of the Township Board will allow the Brownfield project to submit and Act 381 Work Plan to the appropriate state agency. If a Brownfield Plan is adopted by the Township Board, Authority staff will work with the applicant to prepare a Development and Reimbursement Agreement between applicant and Authority.

### **5.3 Part 3 – Act 381 Work Plan Application and Meeting**

Staff will review the Brownfield project's Part 3 – Act 381 Work Plan Application and meet with the applicant upon receipt of a Act 381 Work Plan that meets the current statutory requirements of Act 381 and appropriate state agency guidance for preparing Act 381 Work Plans. Act 381 Work Plan templates can be obtained directly from the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Michigan Economic Development Corporation (MEDC), or Michigan State Housing Development Authority (MSHDA).

Additional information may be requested after staff review the Part 3 Application materials. Submission of complete and accurate information by the applicant for Part 3 of the application will expedite the turnaround time. Once the Brownfield project's Part 3 Application has been reviewed internally, staff will meet with the applicant and indicate the staff's recommendation to the Authority Board to approve or deny the Act 381 Work Plan. If the Authority Board approves of the Act 381 Work Plan, Authority staff will prepare the required Transmittal Letter to the appropriate state agency initiating the state's review and consideration process. Additionally, the Chair of the Authority and applicant will enter into the Development and Reimbursement Agreement.

### **5.4 Schedule**

The approval process for an applicant that requests Brownfield TIF with local and state tax increment revenue capture described in this Manual is typically five to seven months (Part 1, 2 and 3 application process), depending on the timing of applications and submittals, completeness of the information provided, and the complexity of the impacts, and specific state agency involved.

In general, the Township will make every attempt to complete the Township review and if it supports a Brownfield Plan request, adopt a Brownfield Plan within five (5) months of receipt of administratively complete Part 1 and 2 applications. Please note that Part 3 Application review by other agencies is beyond the control of the Township.

## **6.0 Associated Costs**

All Brownfield TIF requests shall submit a Part 1 - Project Concept Application on the form established by the Authority and shall be accompanied by fees established by resolution of the Township Board after recommendation by the Authority Board, to assist with administrative expense in its consideration of any Brownfield projects under Act 381.

The application fee will include a deposit toward the costs of any consultants retained by the Authority for reviewing the application. The application fee and deposit shall be paid before the review process begins.

Any deposit toward the cost of any consultants shall be credited against the expense to the Authority of such consultants, which shall be fully charged to the applicant. Any portion of the deposit not needed to pay such an expense shall be refunded without interest to the applicant.

Please note that applicants may be required to pay other application fees from the applicable state agency as a part of their review and approval process of an Act 381 Work Plan.

### **6.1 Part 1 - Project Concept Application Fee**

Upon submitting a Part 1 - Project Concept Application: (1) a non-refundable fee of \$2,500 is required, and; (2) a Review Deposit of \$5,000 is required. If the Review Deposit is diminished to less than \$500 then the Review Deposit will be increased depending upon the applicant's project, their specific request, and if revisions to the Part 1 Application are needed. The Authority will allow for this fee to be reimbursed to the Applicant as an eligible local-only eligible activity expense if a Brownfield Plan is adopted by the Township Board.

### **6.2 Part 2 - Brownfield Plan Application Fee**

Part 2 Brownfield Plan Application fee will only be required if a Brownfield Plan is requested of the Authority. An Administrative Fee of one percent (1.0%) of the Eligible Activity expense amount will be payable prior to the Township Board passing its resolution to adopt the Brownfield Plan. Projects with eligible activity expenses greater than \$4,000,000 will be capped at an Administrative Fee of \$40,000. The Authority will allow for this fee to be reimbursed to the Applicant as an eligible local-only eligible activity expense if a Brownfield Plan is adopted by the Township Board.

### **6.3 Part 3 - Act 381 Work Plan Fee**

To ensure consistency with the approved Brownfield Plan by the Township Board, a \$2,500 Act 381 Work Plan review fee is required of the applicant that is payable to the Authority when the Part 3 Application materials have been submitted to the Authority Board staff. The Authority will allow for this fee to be reimbursed to the Applicant as an eligible local-only eligible activity expense if a Brownfield Plan is adopted by the Township Board.

### **6.4 Legal and Consulting Fees**

The applicant will be required to acknowledge the requirement under Township ordinances to pay all consultants and legal fees incurred by the Township in connection with Part 1, 2 and 3 application process. The Authority will allow these fees to be reimbursed to the Applicant as an eligible local-only eligible activity expense if a Brownfield Plan is adopted by the Township Board.

## **6.5 Fees for Assignments**

If the original Part 1 and 2 applicant (Assignor) desires to assign its application to another potential applicant (Assignee), additional fees will be charged to the Assignee to review a new Part 1 - Project Concept Application completed by the Assignee. The new Assignee applicant will be charged a non-refundable Part 1 - Project Concept Application fee of \$2,500 that is payable upon application submittal. Additionally, a Review Deposit of \$5,000 is required and if the Review Deposit is diminished to less than \$500 then the Review Deposit will be increased depending upon the new Assignee applicant project, their specific request, and if revisions to the Part 1 Application are needed. The Authority will allow for this fee to be reimbursed to the Applicant as an eligible local-only eligible activity expense if a Brownfield Plan is adopted by the Township Board.

## **7.0 Opportunity for Public Involvement and Comment Process**

Prior to Township Board considering the adoption of a Brownfield Plan, the Township Board shall hold a public hearing, notice of which shall be in the manner established in MCL 125.2664. After receiving the recommendation of the Authority on any Part 1 and 2 Application, the Township Board shall schedule, and then conduct a public hearing, in accordance with PA 381, as amended.

## **8.0 Act 381 Work Plans and State Agency Involvement**

The Authority, to ensure consistency with the approved and adopted Brownfield Plan by the Township Board, will review the prepared Act 381 Work Plan prior to submission to any state agency for their review and approval. Additionally, Authority staff may require meetings with any of the governing state agencies to discuss the proposed Brownfield project and eligible activities being requested for the use of state tax increment revenues.

## **9.0 Amendments to Policy and Procedures Manual**

This Manual is intended to be a living document, which may be modified or amended in accordance with the requirements of Act 381, as necessary to achieve the purposes of Act 381, or as needed to address the positive and successful growth of the Township.

## **10.0 Contact Information**

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## **EXHIBITS**

## **Exhibit A**

### **Part 1 - Project Concept Application Form**

**(THIS FORM IS A FILLABLE FORM IN WORD AND IS  
PROVIDED ON THE AUTHORITY WEBSITE  
LOCATED [HERE](#))**