

HOUSE BILL No. 4148

February 7, 1991, Introduced by Reps. Leland, Saunders, Stallworth, Murphy, Varga, Gubow, Pitoniak, Joe Young, Jr., Gilmer, Jaye, Munsell, Martin, Owen, Ciaramitaro, Robertson, Berman, DeMars, Wallace, McNutt and Law and referred to the Committee on Housing and Urban Affairs.

A bill to amend sections 139, 140, and 141 of Act No. 167 of the Public Acts of 1917, entitled as amended "Housing law of Michigan," being sections 125.539, 125.540, and 125.541 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 139, 140, and 141 of Act No. 167 of the
2 Public Acts of 1917, being sections 125.539, 125.540, and 125.541
3 of the Michigan Compiled Laws, are amended to read as follows:

4 Sec. 139. As used in sections 138 to 142, "dangerous
5 building" means ~~any~~ A building or structure ~~which~~ THAT has
6 ~~any~~ 1 OR MORE of the following defects or is in ~~any~~ 1 OR MORE
7 of the following conditions:

8 (a) ~~Whenever any~~ A door, aisle, passageway, stairway, or
9 other means of exit does not conform to the approved fire code of

1 the ~~community wherein the property lies, it shall be considered~~
2 ~~that such dwelling does not meet the requirements of this act~~
3 CITY, VILLAGE, OR TOWNSHIP IN WHICH THE BUILDING OR STRUCTURE IS
4 LOCATED.

5 (b) ~~Whenever any~~ A portion ~~has been~~ OF THE BUILDING OR
6 STRUCTURE IS damaged by fire, wind, flood, or ~~by any~~ other
7 cause ~~in such a manner~~ SO that the structural strength or sta-
8 bility OF THE BUILDING OR STRUCTURE is appreciably less than it
9 was before ~~such~~ THE catastrophe and ~~is less than~~ DOES NOT
10 MEET the minimum requirements of this act or ~~any~~ A building
11 code of the city, village, or township ~~wherein~~ IN WHICH the
12 building OR STRUCTURE is located. ~~for a new building or similar~~
13 ~~structure, purpose or location.~~

14 (c) ~~Whenever any portion or member or appurtenance~~ A PART
15 OF THE BUILDING OR STRUCTURE is likely to fall, ~~or to~~ become
16 detached or dislodged, or ~~to~~ collapse and ~~thereby~~ injure per-
17 sons or damage property.

18 (d) ~~Whenever any~~ A portion OF THE BUILDING OR STRUCTURE
19 has settled to such an extent that walls or other structural por-
20 tions OF THE BUILDING OR STRUCTURE have materially less resis-
21 tance to winds than is required in the case of new construction
22 by this act or ~~the~~ A building code of the city, village, or
23 township ~~where~~ IN WHICH the building OR STRUCTURE is located.

24 (e) ~~Whenever the building or structure or any part~~ THE
25 BUILDING OR STRUCTURE OR A PART OF THE BUILDING OR STRUCTURE,
26 because of dilapidation, deterioration, decay, faulty
27 construction, or ~~because of~~ the removal or movement of some

1 portion of the ground necessary for ~~the purpose of supporting~~
2 ~~such building or portion thereof~~ SUPPORT, or for other reason,
3 is likely to ~~partially or completely~~ collapse PARTIALLY OR
4 COMPLETELY, or some portion of the foundation or underpinning OF
5 THE BUILDING OR STRUCTURE is likely to fall or give way.

6 (f) ~~Whenever for any reason whatsoever the~~ THE building or
7 structure, or ~~any~~ A portion OF THE BUILDING OR STRUCTURE is
8 manifestly unsafe for the purpose for which it is used.

9 (g) ~~Whenever the~~ THE building or structure ~~has been so~~
10 IS damaged by fire, wind, or flood, or ~~has become so~~ IS dilapi-
11 dated or deteriorated ~~as to~~ AND MAY become an attractive nui-
12 sance to children who might play ~~therein~~ IN THE BUILDING OR
13 STRUCTURE to their danger, ~~or as to afford~~ MAY BECOME a harbor
14 for vagrants, criminals, or immoral persons, or ~~as to~~ MAY
15 enable persons to resort ~~thereto~~ TO THE BUILDING OR STRUCTURE
16 for ~~the purpose of~~ committing a nuisance or AN unlawful or
17 immoral ~~acts~~ ACT.

18 (h) ~~Whenever a building or structure used or intended to be~~
19 ~~used for dwelling purposes~~ A DWELLING, because of dilapidation,
20 decay, damage, ~~or~~ faulty construction or arrangement, or other-
21 wise, is unsanitary or unfit for human habitation, ~~or~~ is in a
22 condition ~~that is~~ DETERMINED BY THE HEALTH OFFICER TO BE likely
23 to cause sickness or disease, ~~when so determined by the health~~
24 ~~officer,~~ or is likely to ~~work injury to~~ INJURE the health,
25 safety, or general welfare of ~~those~~ PEOPLE living ~~within~~ IN
26 THE DWELLING.

1 (i) ~~Whenever any~~ A building ~~becomes~~ OR STRUCTURE IS
2 vacant, dilapidated, and open, ~~at door or window,~~ leaving the
3 interior of the building exposed to the elements or accessible to
4 entrance by trespassers.

5 (J) A DWELLING REMAINS UNOCCUPIED FOR A PERIOD OF
6 180 CONSECUTIVE DAYS OR LONGER, AND IS NOT LISTED AS BEING AVAIL-
7 ABLE FOR SALE, LEASE, OR RENT WITH A REAL ESTATE BROKER LICENSED
8 UNDER ARTICLE 25 OF THE OCCUPATIONAL CODE, ACT NO. 299 OF THE
9 PUBLIC ACTS OF 1980, BEING SECTIONS 339.2501 TO 339.2515 OF THE
10 MICHIGAN COMPILED LAWS. THIS SUBDIVISION DOES NOT APPLY TO
11 OWNERS AND AGENTS WHO ARE REGISTERED WITH THE ENFORCING AGENCY
12 UNDER SECTION 125 AND WHO COMPLY WITH ALL OF THE FOLLOWING
13 REQUIREMENTS:

14 (i) THE OWNER OR AGENT NOTIFIES A LOCAL LAW ENFORCEMENT
15 AGENCY IN WHOSE JURISDICTION THE DWELLING IS LOCATED THAT THE
16 DWELLING WILL REMAIN UNOCCUPIED FOR A PERIOD OF MORE THAN 180
17 CONSECUTIVE DAYS. THE NOTICE SHALL BE GIVEN TO THE LOCAL LAW
18 ENFORCEMENT AGENCY BY THE OWNER OR AGENT NOT MORE THAN 30 DAYS
19 AFTER THE DWELLING BECOMES UNOCCUPIED.

20 (ii) THE OWNER OR AGENT MAINTAINS THE EXTERIOR OF THE DWELL-
21 ING AND ADJOINING GROUNDS OWNED BY THE OWNER OF THE DWELLING IN
22 ACCORDANCE WITH THIS ACT OR A BUILDING CODE OF THE CITY, VILLAGE,
23 OR TOWNSHIP IN WHICH THE DWELLING IS LOCATED.

24 Sec. 140. (1) Notwithstanding any other provision of this
25 act, ~~when the whole or any part of any~~ IF A building or struc-
26 ture is found to be ~~in a dangerous or unsafe condition~~
27 BUILDING, the enforcing agency shall issue a notice ~~of~~ THAT the

1 BUILDING OR STRUCTURE IS A dangerous ~~and unsafe condition~~
2 BUILDING.

3 (2) ~~Such~~ THE notice shall be ~~directed to~~ SERVED ON the
4 owner, agent, or lessee THAT IS registered with the enforcing
5 agency ~~in accordance with~~ UNDER section 125. If ~~no~~ AN owner,
6 agent, or lessee ~~has been~~ IS NOT registered ~~, then~~ UNDER
7 SECTION 125, the notice shall be ~~directed to~~ SERVED ON each
8 owner of or party in interest in the building OR STRUCTURE in
9 whose name the property appears on the last local tax assessment
10 records.

11 (3) The notice shall specify the time and place of a hearing
12 on WHETHER the ~~condition of the~~ BUILDING OR STRUCTURE IS A
13 DANGEROUS building. ~~or structure at which time and place the~~
14 THE person to whom the notice is directed shall have the opportu-
15 nity to show cause AT THE HEARING why the ~~building or structure~~
16 HEARING OFFICER should not ~~be ordered~~ ORDER THE BUILDING OR
17 STRUCTURE to be demolished, ~~or~~ otherwise made safe, OR PROPERLY
18 MAINTAINED.

19 (4) The hearing officer shall be appointed by the mayor,
20 village president, or township supervisor to serve at his OR HER
21 pleasure. The enforcing agency shall file a copy of the notice
22 ~~of~~ THAT the BUILDING OR STRUCTURE IS A dangerous ~~and unsafe~~
23 ~~condition~~ BUILDING with the hearing officer.

24 (5) ~~All notices~~ THE NOTICE shall be in writing and shall
25 be served upon the person to whom ~~they are~~ THE NOTICE IS
26 directed EITHER personally ~~, or in lieu of personal service~~
27 ~~may be mailed~~ by certified ~~mail return~~ MAIL, RETURN receipt

1 requested, addressed to ~~such~~ THE owner or party in interest at
2 the address shown on the tax records. ~~, at least 10 days before~~
3 ~~the date of the hearing described in the notice. If any person~~
4 ~~to whom a notice is directed is not personally served, in addi-~~
5 ~~tion to mailing the notice, a copy thereof~~ IF A NOTICE IS SERVED
6 ON A PERSON BY CERTIFIED MAIL, A COPY OF THE NOTICE shall ALSO be
7 posted upon a conspicuous part of the building or structure. THE
8 NOTICE SHALL BE SERVED UPON THE OWNER OR PARTY IN INTEREST AT
9 LEAST 10 DAYS BEFORE THE DATE OF THE HEARING INCLUDED IN THE
10 NOTICE.

11 Sec. 141. (1) ~~The~~ AT A HEARING PRESCRIBED BY SECTION 140,
12 THE hearing officer shall take testimony of the enforcing agency,
13 the owner of the property, and any interested party. The hearing
14 officer shall render ~~his~~ A decision either closing the proceed-
15 ings or ordering the building ~~to be~~ OR STRUCTURE demolished,
16 ~~or~~ otherwise made safe, OR PROPERLY MAINTAINED.

17 (2) If ~~it is determined by~~ the hearing officer DETERMINES
18 that the building or structure should be demolished, ~~or~~ other-
19 wise made safe, ~~he~~ OR PROPERLY MAINTAINED, THE HEARING OFFICER
20 shall so order, fixing a time in the order for the owner, agent,
21 or lessee to comply ~~therewith~~ WITH THE ORDER. IF THE BUILDING
22 OR STRUCTURE IS A DANGEROUS BUILDING UNDER SECTION 139(J), THE
23 ORDER MAY REQUIRE THE OWNER OR AGENT TO MAINTAIN THE EXTERIOR OF
24 THE BUILDING OR STRUCTURE AND ADJOINING GROUNDS OWNED BY THE
25 OWNER OF THE BUILDING OR STRUCTURE, INCLUDING, BUT NOT LIMITED
26 TO, THE MAINTENANCE OF LAWNS, TREES, AND SHRUBS.

1 (3) If the owner, agent, or lessee fails to appear or
2 neglects or refuses to comply with the order ISSUED UNDER
3 SUBSECTION (2), the hearing officer shall file a report of ~~his~~
4 THE findings and a copy of ~~his~~ THE order with the legislative
5 body of the city, village, or township and request that ~~the~~
6 necessary action be taken to ~~demolish or otherwise make safe the~~
7 ~~building or structure~~ ENFORCE THE ORDER. A copy of the findings
8 and order of the hearing officer shall be served on the owner,
9 agent, or lessee in the manner prescribed in section 140.

10 (4) The legislative body of the city, village, or township
11 shall fix a date for A hearing ~~, reviewing~~ ON the findings and
12 order of the hearing officer and shall give notice to the owner,
13 agent, or lessee in the manner prescribed in section 140 of the
14 time and place of the hearing. At the hearing, the owner, agent,
15 or lessee shall be given the opportunity to show cause why the
16 ~~building should not be demolished or otherwise made safe and~~
17 ~~the~~ ORDER SHOULD NOT BE ENFORCED. THE legislative body of the
18 city, village, or township shall either approve, disapprove, or
19 modify the order. ~~for the demolition or making safe of the~~
20 ~~building or structure.~~ AN ORDER FOR THE DEMOLITION OF A BUILDING
21 OR STRUCTURE SHALL BE ENFORCED WITHIN 90 DAYS AFTER THE DATE OF
22 THE HEARING UNDER THIS SUBSECTION.

23 (5) The cost of the demolition, ~~or~~ OF making the building
24 safe, OR OF MAINTAINING THE EXTERIOR OF THE BUILDING OR STRUC-
25 TURE, OR GROUNDS ADJOINING THE BUILDING OR STRUCTURE INCURRED BY
26 THE CITY, VILLAGE, OR TOWNSHIP TO BRING THE PROPERTY INTO
27 CONFORMANCE WITH THIS ACT shall be ~~a lien against the real~~

~~1 property and shall be reported to the assessing officer of the~~
~~2 city, village or township who shall assess the cost against the~~
~~3 property on which the building or structure is located~~

4 REIMBURSED TO THE CITY, VILLAGE, OR TOWNSHIP BY THE OWNER OR
5 PARTY IN INTEREST IN WHOSE NAME THE PROPERTY APPEARS.

6 (6) The owner or party in interest in whose name the prop-
7 erty appears upon the last local tax assessment records shall be
8 notified BY THE ASSESSOR of the amount of ~~such~~ THE cost OF THE
9 DEMOLITION, OF MAKING THE BUILDING SAFE, OR OF MAINTAINING THE
10 EXTERIOR OF THE BUILDING OR STRUCTURE OR GROUNDS ADJOINING THE
11 BUILDING OR STRUCTURE by first class mail at the address shown on
12 the records. If ~~he~~ THE OWNER OR PARTY IN INTEREST fails to pay
13 the ~~same~~ COST within 30 days after mailing by the assessor of
14 the notice of the amount ~~thereof~~ OF THE COST, the ~~assessor~~
15 ~~shall add the same to the next tax roll of such city, village or~~
16 ~~township and the same~~ CITY, VILLAGE, OR TOWNSHIP SHALL HAVE A
17 LIEN FOR THE COST INCURRED BY THE CITY, VILLAGE, OR TOWNSHIP TO
18 BRING THE PROPERTY INTO CONFORMANCE WITH THIS ACT. HOWEVER, WITH
19 RESPECT TO DWELLINGS, THE LIEN FOR THE COST SHALL NOT HAVE PRIOR-
20 ITY OVER ALL LIENS AND ENCUMBRANCES FILED OR RECORDED BEFORE THE
21 DATE ON WHICH THE COST WAS INCURRED. WITH RESPECT TO ALL OTHER
22 PROPERTY, THE LIEN FOR THE COST shall be collected AND TREATED in
23 the same manner ~~in all respects~~ as provided ~~by law for the~~
24 ~~collection of taxes by such city, village or township~~ FOR PROP-
25 ERTY TAX LIENS UNDER THE GENERAL PROPERTY TAX ACT, ACT NO. 206 OF
26 THE PUBLIC ACTS OF 1893, BEING SECTIONS 211.1 TO 211.157 OF THE
27 MICHIGAN COMPILED LAWS.

1 (7) IN ADDITION TO OTHER REMEDIES UNDER THIS ACT, THE CITY,
2 VILLAGE, OR TOWNSHIP MAY BRING AN ACTION AGAINST THE OWNER OF THE
3 BUILDING OR STRUCTURE FOR THE FULL COST OF THE DEMOLITION, OF
4 MAKING THE BUILDING SAFE, OR OF MAINTAINING THE EXTERIOR OF THE
5 BUILDING OR STRUCTURE OR GROUNDS ADJOINING THE BUILDING OR
6 STRUCTURE. A JUDGMENT IN AN ACTION PURSUANT TO THIS SUBSECTION
7 MAY BE ENFORCED AGAINST ASSETS OF THE OWNER OTHER THAN THE BUILD-
8 ING OR STRUCTURE.

9 (8) A CITY, VILLAGE, OR TOWNSHIP THAT OBTAINS A JUDGMENT
10 PURSUANT TO SUBSECTION (7) SHALL HAVE A LIEN FOR THE AMOUNT OF
11 THE JUDGMENT AGAINST ALL REAL PROPERTY LOCATED IN THIS STATE THAT
12 IS OWNED IN WHOLE OR IN PART BY THE OWNER OF THE BUILDING OR
13 STRUCTURE AGAINST WHOM THE JUDGMENT IS OBTAINED. A LIEN PROVIDED
14 FOR IN THIS SUBSECTION SHALL NOT TAKE EFFECT UNTIL NOTICE OF THE
15 LIEN IS FILED OR RECORDED AS REQUIRED BY LAW. A LIEN PROVIDED
16 FOR IN THIS SUBSECTION DOES NOT HAVE PRIORITY OVER PRIOR FILED OR
17 RECORDED LIENS AND ENCUMBRANCES.

18 Section 2. This amendatory act shall not take effect unless
19 Senate Bill No. _____ or House Bill No. _____ (request
20 no. 00905'91) of the 86th Legislature is enacted into law.