

# HOUSE BILL No. 4325

February 13, 1997, Introduced by Reps. LaForge, Mans, Martinez, Willard, Leland and Callahan and referred to the Committee on Urban Policy and Economic Development.

A bill to provide for the regulation of certain vacant buildings; to authorize certain local ordinances; to prescribe powers and duties of certain state and local agencies; and to provide remedies and prescribe penalties.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. For purposes of this act:

2       (a) "Local governmental unit" means a county, city, town-  
3 ship, or village.

4       (b) "Municipal civil infraction" means that term as defined  
5 in section 113 of the revised judicature act of 1961, 1961  
6 PA 236, MCL 600.113.

7       (c) "Person" means an individual, partnership, corporation,  
8 limited liability corporation, association, or other legal  
9 entity. Person does not include a governmental entity.

1 (d) "State civil infraction" means that term as defined in  
2 section 113 of the revised judicature act of 1961, 1961 PA 236,  
3 MCL 600.113.

4 Sec. 2. (1) A local governmental unit may by ordinance  
5 require that a person who owns a building that is located within  
6 the boundaries of the local governmental unit and that is vacant  
7 for more than 12 consecutive months shall obtain a permit from  
8 the local governmental unit for each such vacant building until  
9 the vacancy ceases or the building is sold, whichever occurs  
10 first.

11 (2) An ordinance adopted under subsection (1) may require  
12 that a person who obtains a permit under subsection (1) do 1 or  
13 both of the following:

14 (a) Perform certain acts on or concerning the vacant build-  
15 ing, the real property surrounding the vacant building, or both,  
16 as conditions of the permit.

17 (b) Pay annually to the local governmental unit a fee that  
18 reasonably reflects the cost to the local governmental unit of  
19 public safety monitoring and community risk management arising  
20 from the vacancy of the building.

21 (3) An ordinance adopted under subsection (1) may provide  
22 that a person who violates the ordinance is responsible for a  
23 municipal civil infraction and liable for a civil fine of  
24 \$1,000.00.

25 (4) Proceedings under this section shall be conducted under  
26 chapter 87 of the revised judicature act of 1961, 1961 PA 236,

1 MCL 600.8701 to 600.8735, and fines and costs collected under  
2 this section shall be disbursed as provided by that chapter.

3       Sec. 3. (1) A person who owns a building that is vacant for  
4 more than 12 consecutive months shall deposit with the treasurer  
5 of the county in which the building is located a security deposit  
6 equal to the sum that is 10% of the state equalized value of the  
7 building. This security deposit shall be retained by the county  
8 treasurer until the vacancy ceases, the building is sold, or the  
9 deposit is disbursed upon execution of judgment against the owner  
10 of the property awarded for an injury arising from the failure to  
11 maintain the property, whichever occurs first. If the building  
12 is sold or its vacancy ceases, the deposit or what remains of the  
13 deposit shall be returned to the depositor. This subsection does  
14 not apply if the vacant building is located within the boundaries  
15 of a local governmental unit that has adopted an ordinance under  
16 section 2.

17       (2) A person who violates subsection (1) is responsible for  
18 a state civil infraction and is liable for a civil fine of  
19 \$1,000.00 for each violation.

20       (3) Proceedings under this section shall be conducted under  
21 chapter 88 of the revised judicature act of 1961, 1961 PA 236,  
22 MCL 600.8801 to 600.8835, and fines and costs collected under  
23 this section shall be disbursed as provided by that chapter.