

# HOUSE BILL No. 6307

December 1, 1998, Introduced by Reps. Jellema, Byl, DeVuyst, Fitzgerald, LeTarte, Jelinek, Hammerstrom, Birkholz, Rocca, Sanborn, Schauer and Scranton and referred to the Committee on Urban Policy and Economic Development.

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending the title and sections 1, 8, 10, 125, 126, 127, 129, 130, 131, 133, and 141 (MCL 125.401, 125.408, 125.410, 125.525, 125.526, 125.527, 125.529, 125.530, 125.531, 125.533, and 125.541), the title and section 141 as amended by 1993 PA 144 and section 126 as amended by 1998 PA 200; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

### TITLE

2

An act to promote the health, safety and welfare of the

3

people by regulating the maintenance, alteration, health, safety,

4

and improvement of dwellings; ~~to define the classes of dwellings~~

5

~~affected by the act, and~~ to establish administrative

6

requirements; to prescribe procedures for the maintenance,

improvement, or demolition of certain commercial buildings; to

2

3 for enforcement; to provide for the demolition of certain dwell-  
4 ings; and to fix penalties for the violation of this act.

5

6 housing MAINTENANCE law of Michigan. \_\_\_\_\_

7 ~~shall apply to every city and organized village in the state~~  
8 ~~which, by the last regular or special federal census, had a popu-~~

9 \_\_\_\_\_

10 ~~population shall reach 100,000 thereafter and also to that terri-~~  
11 ~~tory immediately adjacent and contiguous to the boundaries of~~  
12 ~~such a city or village and extending for a radial distance of~~  
13 ~~2-1/2 miles beyond their boundaries in all directions. This act~~  
14 ~~shall also apply to any city and organized village in this state~~  
15 ~~which, as determined by the last regular or special federal~~  
16 ~~census, has or shall hereafter attain a population of 10,000 or~~  
17 ~~more. However, the provisions of this act relating to private~~  
18 ~~dwellings and 2-family dwellings as hereinafter defined shall not~~  
19 ~~apply to any city or organized village lying outside the 2-1/2~~  
20 ~~mile radius and having a population of less than 100,000 unless~~  
21 ~~the legislative body of the city or village by resolution, passed~~  
22 ~~by a majority vote of the members elect of the legislative body,~~  
23 ~~adopt the provisions. In the case of charter townships and town-~~  
24 ~~ships the provisions of this act relating to private dwellings~~  
25 ~~and 2-family dwellings may be applied to those areas by ordinance~~  
26 ~~of the respective township board adopting the provisions. This~~  
27 ~~act shall apply to all dwellings within the classes defined in~~

1 ~~the following sections, except that in sections where specific~~  
2 ~~reference is made to 1 or more specific classes of dwellings,~~  
3 ~~those provisions shall apply only to those classes to which spe-~~  
4 ~~cific reference is made. All other provisions which relate to~~  
5 ~~dwellings shall apply to all classes of dwellings.~~

6       Sec. 8. (1) ~~Minimum requirements; law not to be modified.~~  
7 The provisions of the act ~~shall be held~~ ARE CONSIDERED to be  
8 the minimum requirements adopted for the protection of health,  
9 welfare and safety of the community. Nothing ~~herein~~ contained  
10 IN THIS ACT shall ~~be deemed to~~ invalidate existing ordinances  
11 or regulations of any city, TOWNSHIP, or organized village ~~or~~  
12 ~~the board of health of any such city or village~~ imposing  
13 requirements higher than the minimum requirements ~~laid down in~~  
14 IMPOSED PURSUANT TO this act relative to light, ventilation, san-  
15 itation, fire prevention, egress, occupancy, maintenance, and  
16 uses for dwellings; ~~nor be deemed to~~ SHALL NOT prevent any  
17 city, TOWNSHIP, or organized village ~~or the board of health of~~  
18 ~~any such city or village~~ from enacting and putting in force from  
19 time to time ordinances and regulations imposing requirements  
20 ~~higher~~ MORE STRINGENT than the minimum requirements laid down  
21 in this act TO ADDRESS LOCAL CONDITIONS THAT ARE FOUND TO AFFECT  
22 THE PUBLIC HEALTH, SAFETY, AND WELFARE; ~~nor shall anything~~  
23 ~~herein contained be deemed to~~ AND SHALL NOT prevent such cities,  
24 TOWNSHIPS, and organized villages ~~or the board of health of any~~  
25 ~~such city or village~~ from prescribing for the enforcement of  
26 such ordinances and regulations, remedies and penalties similar  
27 to those prescribed ~~herein~~ IN THIS ACT. ~~And every such~~ A

1 city, TOWNSHIP, and organized village \_\_\_\_\_  
2 ~~any such city or village~~  
3 and regulations and to prescribe for their enforcement. No ordi-  
4 nance, regulation, ruling, or decision of any ~~municipal~~ \_\_\_\_\_,  
5 \_\_\_\_\_ of any such city,  
6  
7 with any of the \_\_\_\_\_ minimum requirements ~~laid down in~~  
8 IMPOSED PURSUANT TO this act ~~;~~  
9 provisions of this act may be reasonably applied, public health  
10 and safety secured, and substantial justice done in instances  
11  
12 unreasonable hardship result from the application of the strict  
13 letter of the law, the decision of a board of appeals, ~~as here-~~  
14 ~~inafter provided and regulated shall be~~ IS considered as the  
15 reasonable application of the intent of this act.  
16  
17 ADDED THIS SUBSECTION AND UPON THE EXPIRATION OF THE TIME PERIOD  
18 DESCRIBED IN SECTION 10, AN EXISTING DWELLING SHALL COMPLY WITH  
19  
20 TERM IS DEFINED IN THE STATE CONSTRUCTION CODE ACT OF 1972, 1972  
21 PA 230, MCL 125.1501 TO 125.1531.  
22  
23 THROUGHOUT THE STATE, EXCEPT THAT A GOVERNMENTAL SUBDIVISION MAY  
24 ELECT TO SUPPLEMENT CERTAIN PARTS OF THE PROPERTY MAINTENANCE  
25  
26 THOSE CONTAINED IN THE PROPERTY MAINTENANCE CODE TO ADDRESS LOCAL  
CONDITIONS THAT ARE FOUND TO AFFECT THE PUBLIC HEALTH, SAFETY,

1 AND WELFARE. A GOVERNMENTAL SUBDIVISION MAY MAKE THIS ELECTION  
2 BY THE PASSAGE OF AN ORDINANCE ADOPTING THOSE STANDARDS. A GOV-  
3 ERNMENTAL SUBDIVISION ADOPTING MORE STRINGENT STANDARDS SHALL  
4 REVIEW AND UPDATE ITS VARIANCE FROM THE PROPERTY MAINTENANCE CODE  
5 AT LEAST ONCE EVERY 3 YEARS TO ASSURE THAT THOSE STANDARDS ARE  
6 MORE STRINGENT. THE AMENDMENTS SHALL BECOME EFFECTIVE 90 DAYS  
7 AFTER PASSAGE OF THE ORDINANCE. IN ADOPTING THOSE MORE STRINGENT  
8 STANDARDS, THE GOVERNMENTAL SUBDIVISION SHALL MAKE A FINDING THAT  
9 THE LOCAL STANDARD IS NECESSARY TO PROTECT THE PUBLIC HEALTH,  
10 SAFETY, AND WELFARE.

11 Sec. 10. ~~Time for compliance.~~ All improvements specifi-  
12 cally required by this act upon dwellings erected prior to the  
13 date of its passage shall be made within 1 year ~~from said~~ AFTER  
14 THAT date ~~,~~ or at such earlier period as may be fixed by the  
15 ~~health officer or other~~ authorized enforcement official.

16 Sec. 125. ~~(1)~~ A registry of RESIDENTIAL RENTAL PROPERTY  
17 owners and premises shall be COMPILED AND maintained by the  
18 enforcing agency.

19 ~~(2) The owners of a multiple dwelling or rooming house con-~~  
20 ~~taining units which will be offered to let, or to hire, for more~~  
21 ~~than 6 months of a calendar year, shall register their names and~~  
22 ~~places of residence or usual places of business and the location~~  
23 ~~of the premises regulated by this act with the enforcing agency.~~  
24 ~~The owners shall register within 60 days following the day on~~  
25 ~~which any part of the premises is offered for occupancy. Owners~~  
26 ~~of multiple dwellings or rooming houses containing units which~~  
27 ~~are occupied or offered for occupancy at the time this act~~

1 ~~becomes effective shall register within 90 days after the~~  
2 ~~effective date of this article.~~

3 ~~(3) If the premises are managed or operated by an agent, the~~  
4 ~~agent's name and place of business shall be placed with the name~~  
5 ~~of the owner in the registry.~~

6 Sec. 126. (1) The enforcing agency shall inspect, on a  
7 periodic basis, ~~multiple dwellings and rooming houses~~ regu-  
8 lated by this act. Except as provided in subsection (2), the  
9 period between inspections shall not be longer than 2 years.  
10 ~~All other dwellings regulated by this act may be inspected at~~  
11 ~~reasonable intervals.~~

12 (2) A local governmental unit may provide by ordinance for a  
13 maximum period between inspections of a ~~multiple dwelling or~~  
14 ~~rooming house~~ that is not longer than 3 years, if the most  
15 recent inspection of the premises found no violations of the  
16 act.

17 (3) An inspection shall be conducted in the manner best cal-  
18 culated to secure compliance with the act and appropriate to the  
19 needs of the community, including, but not limited to, on 1 or  
20 more of the following bases:

21 (a) An area basis, such that all the regulated premises in a  
22 predetermined geographical area will be inspected simultaneously,  
23 or within a short period of time.

24 (b) A complaint basis, such that complaints of violations  
25 will be inspected within a reasonable time.

1 (c) A recurrent violation basis, such that those premises  
2 that are found to have a high incidence of recurrent or  
3 uncorrected violations will be inspected more frequently.

4 (4) An inspection shall be carried out by the enforcing  
5 agency, or by the enforcing agency and representatives of other  
6 agencies that form a team to undertake an inspection under this  
7 and other applicable acts.

8 (5) Except as provided in subsection (7), an inspector, or  
9 team of inspectors, shall request and receive permission to enter  
10 before entering a leasehold regulated by this act at reasonable  
11 hours to undertake an inspection. In the case of an emergency,  
12 as defined under rules promulgated by the enforcing agency, or  
13 upon presentment of a warrant, the inspector or team of inspec-  
14 tors may enter at any time.

15 (6) Except in an emergency, before entering a leasehold reg-  
16 ulated by this act, the owner of the leasehold shall request and  
17 obtain permission to enter the leasehold. In the case of an  
18 emergency, including, but not limited to, fire, flood, or other  
19 threat of serious injury or death, the owner may enter at any  
20 time.

21 (7) The enforcing agency may require the owner of a lease-  
22 hold to do 1 or more of the following:

23 (a) Provide the enforcing agency access to the leasehold if  
24 the lease provides the owner a right of entry.

25 (b) Provide access to areas other than a leasehold or areas  
26 open to public view, or both.

1 (c) Notify a tenant of the enforcing agency's request to  
2 inspect a leasehold, make a good faith effort to obtain  
3 permission for an inspection, and arrange for the inspection. If  
4 a tenant vacates a leasehold after the enforcing agency has  
5 requested to inspect that leasehold, an owner of the leasehold  
6 shall notify the enforcing agency of that fact within 10 days  
7 after the leasehold is vacated.

8 (d) Provide access to the leasehold if a tenant of that  
9 leasehold has made a complaint to the enforcing agency.

10 (8) A local governmental unit may adopt an ordinance to  
11 implement subsection (7).

12 (9) For multiple lessees in a leasehold, notifying at least  
13 1 lessee and requesting and obtaining the permission of at least  
14 1 lessee satisfies subsections (5) and (7).

15 (10) Neither the enforcing agency nor the owner may discrim-  
16 inate against an occupant on the basis of whether the occupant  
17 requests, permits, or refuses entry to the leasehold.

18 (11) The enforcing agency shall not discriminate against an  
19 owner who has met the requirements of subsection (7) but has been  
20 unable to obtain the permission of the occupant, based on the  
21 owner's inability to obtain that permission.

22 (12) The enforcing agency may establish and charge a reason-  
23 able fee for inspections conducted under this act. The fee shall  
24 not exceed the actual, reasonable cost of providing the inspec-  
25 tion for which the fee is charged.

26 (13) As used in this section, "leasehold" means a private  
27 dwelling or separately occupied apartment, suite, or group of

1 rooms in a 2-family dwelling or in a multiple dwelling if the  
2 private dwelling or separately occupied apartment, suite, or  
3 group of rooms is leased to the occupant under the terms of  
4 either an oral or written lease.

5       Sec. 127. (1) In a nonemergency situation where the owner  
6 or occupant demands a warrant for inspection of the premises, the  
7 enforcing agency shall obtain a warrant from a court of competent  
8 jurisdiction. The enforcing agency shall prepare the warrant,  
9 stating the address of the building to be inspected, the nature  
10 of the inspection, as defined in this or other applicable acts,  
11 and the reasons for the inspection. It shall be appropriate and  
12 sufficient to set forth the basis for inspection ~~(e.g.~~  
13 ~~INCLUDING, BUT NOT LIMITED TO, PERIODIC, complaint, area, or~~  
14 ~~recurrent violation basis, )~~ AS established in this section, in  
15 other applicable acts, or in rules. ~~or regulations.~~ The warrant  
16 shall also state that it is issued pursuant to this section ~~,~~  
17 and that it is for the purposes set forth in this and other acts  
18 ~~which~~ THAT require ~~that~~ THE CONDUCT OF inspections. ~~be~~  
19 ~~conducted.~~

20       (2) If the court finds that the warrant is in proper form  
21 and in ~~accord~~ COMPLIANCE with this section, it shall ~~be~~  
22 ~~issued~~ forthwith ISSUE THE WARRANT.

23       (3) In the event of an emergency, ~~no~~ A warrant ~~shall be~~  
24 IS NOT required.

25       Sec. 129. (1) Units in ~~multiple~~ dwellings ~~or rooming~~  
26 ~~houses~~ shall not be occupied unless a certificate of compliance  
27 has been issued by the enforcing agency. The certificates shall

1 be issued only upon an inspection of the premises by the  
2 enforcing agency, except as provided in section 131. The certif-  
3 icate shall be issued within 15 days after written application  
4 ~~therefor~~ FOR THE CERTIFICATE if the dwelling at the date of the  
5 application is entitled ~~thereto~~ TO SUCH A CERTIFICATE.

6 (2) A violation of this act ~~shall~~ DOES not prevent the  
7 issuance of a certificate ~~, but~~ EXCEPT THAT the enforcing  
8 agency shall not issue a certificate when the existing conditions  
9 constitute a hazard to the health or safety of those who may  
10 occupy the premises.

11 (3) Inspections shall be made prior to first occupancy of  
12 ~~multiple~~ dwellings. ~~and rooming houses, if the construction or~~  
13 ~~alteration is completed and first occupancy will occur after the~~  
14 ~~effective date of this article. Where first occupancy will occur~~  
15 ~~before the effective date of this article, inspection shall be~~  
16 ~~made within 1 year after the effective date of this article.~~  
17 Upon a finding that there is no condition that would constitute a  
18 hazard to the health and safety of the occupants, and that the  
19 premises are otherwise fit for occupancy, the certificate shall  
20 be issued. If the finding is of a condition that would consti-  
21 tute a hazard to health or safety, no certificate shall be  
22 issued, and an order to comply with the act shall be issued imme-  
23 diately and served upon the owner. ~~in accordance with section~~  
24 ~~132.~~ On reinspection and proof of compliance, the order shall be  
25 rescinded and a certificate issued.

26 Sec. 130. (1) When a certificate is withheld pending  
27 compliance, no premises which have not been occupied for dwelling

1 ~~or rooming purposes~~ shall be so occupied ~~,~~ and those premises  
2 ~~which~~ THAT have been or are occupied for dwelling or rooming  
3 purposes may be ordered vacated until reinspection and proof of  
4 compliance in the discretion of the enforcing agency.

5 (2) A certificate of compliance shall be issued on condition  
6 that the premises remain in safe, healthful and fit condition for  
7 occupancy. If upon reinspection the enforcing agency determines  
8 that conditions exist which constitute a hazard to health or  
9 safety, the certificate shall be immediately suspended as to  
10 affected areas ~~,~~ and the areas may be vacated as provided in  
11 subsection (1).

12 (3) The duty to pay rent in accordance with the terms of any  
13 lease or agreement or under the provisions of any statute shall  
14 be suspended and the suspended rentals shall be paid into an  
15 escrow account as provided in subsection (4) ~~,~~ during that  
16 period when the premises have not been issued a certificate of  
17 compliance, or when such certificate, once issued, has been  
18 suspended. This subsection does not apply until the owner has  
19 had a reasonable time ~~after the effective date of this article~~  
20 ~~or~~ after notice of violations to ~~make application~~ APPLY for a  
21 temporary certificate ~~,~~ as provided in section 131. ~~Nor does~~  
22 ~~this~~ THIS subsection DOES NOT apply where the owner establishes  
23 that the conditions which constitute a hazard to health or safety  
24 were caused by the occupant or occupants. The rent, once sus-  
25 pended, shall again become due in accordance with the terms of  
26 the lease or agreement or statute from and after the time of

1 reinstatement of the certificate ~~—~~ or where a temporary  
2 certificate has been issued, as provided in section 131.

3 (4) Rents due for the period during which rent is suspended  
4 shall be paid into an escrow account established by the enforcing  
5 officer or agency, to be paid thereafter to the landlord or any  
6 other party authorized to make repairs ~~—~~ IN ORDER to defray the  
7 cost of correcting the violations. The enforcing agency shall  
8 return any unexpended part of sums paid under this section ~~—~~,  
9 attributable to the unexpired portion of the rental period ~~—~~  
10 where the occupant terminates his OR HER tenancy or right to  
11 occupy prior to the undertaking to repair.

12 (5) When the certificate of compliance has been suspended  
13 ~~—~~ or has not been issued ~~—~~ and the rents thereafter withheld  
14 are not paid into the escrow account, actions for rent and for  
15 possession of the premises for nonpayment of rent may be main-  
16 tained ~~—~~ subject to such defenses as the tenant or occupant may  
17 have upon the lease or contract.

18 Sec. 131. (1) An owner shall apply for a certificate of  
19 compliance. Inspection and issuance of certificates shall be in  
20 accordance with the requirements of this act and with procedures  
21 established by the enforcing agency. The enforcing agency may  
22 authorize the issuance of temporary certificates without inspec-  
23 tion ~~for those premises in which there are no violations of~~  
24 ~~record as of the effective date of this article, and shall issue~~  
25 ~~such temporary certificates~~ upon application in cases where  
26 inspections are not conducted within a reasonable time.  
27 Temporary certificates shall also be issued for premises with

1 violations of record ~~, whether existing before or after the~~  
2 ~~effective date of this article,~~ when the owner can show proof of  
3 having undertaken to correct ~~such~~ THOSE conditions, ~~or~~ when  
4 the municipality has been authorized to make repairs, ~~or~~ when a  
5 receiver has been appointed, or when an owner rehabilitation plan  
6 has been accepted by the court.

7 (2) An application for a certificate shall be made when the  
8 owners, or any of them, enroll in the registry of RESIDENTIAL  
9 RENTAL PROPERTY owners and premises. If the owner fails to reg-  
10 ister, any occupant of unregistered or uncertified premises may  
11 ~~make application~~ APPLY.

12 ~~(3) A fee of \$10.00 shall be paid by the applicant at the~~  
13 ~~time the certificate is issued.~~

14 Sec. 133. (1) The owner of premises regulated by this act  
15 shall comply with all applicable provisions of the act, INCLUDING  
16 THE PROPERTY MAINTENANCE CODE ADOPTED UNDER THE STATE CONSTRUC-  
17 TION CODE ACT OF 1972, 1972 PA 230, MCL 125.1501 TO 125.1531.

18 (2) The occupant of premises regulated by this act shall  
19 comply with provisions of the act specifically applicable to him  
20 OR HER.

21 Sec. 141. (1) At a hearing prescribed by section 140, the  
22 hearing officer shall take testimony of the enforcing agency, the  
23 owner of the property, and any interested party. Not more than 5  
24 days after completion of the hearing, the hearing officer shall  
25 render a decision either closing the proceedings or ordering the  
26 building or structure demolished, otherwise made safe, or  
27 properly maintained.

1 (2) If the hearing officer determines that the building or  
2 structure should be demolished, otherwise made safe, or properly  
3 maintained, the hearing officer shall so order, fixing a time in  
4 the order for the owner, agent, or lessee to comply with the  
5 order. If the building is a dangerous building under  
6 section 139(j), the order may require the owner or agent to main-  
7 tain the exterior of the building and adjoining grounds owned by  
8 the owner of the building including, but not limited to, the  
9 maintenance of lawns, trees, and shrubs.

10 (3) If the owner, agent, or lessee fails to appear or  
11 neglects or refuses to comply with the order issued under subsec-  
12 tion (2), the hearing officer shall file a report of the findings  
13 and a copy of the order with the legislative body of the city,  
14 village, or township not more than 5 days after noncompliance by  
15 the owner and request that necessary action be taken to enforce  
16 the order. ~~If the legislative body of the~~ A city, village, or  
17 township THAT has established a board of appeals pursuant to sec-  
18 tion ~~141c~~ 14 OF THE STATE CONSTRUCTION CODE ACT OF 1972, 1972  
19 PA 230, 125.1514, SHALL PROVIDE THAT the hearing officer ~~shall~~  
20 file the report of the findings and a copy of the order with the  
21 board of appeals and request that necessary action be taken to  
22 enforce the order. A copy of the findings and order of the hear-  
23 ing officer shall be served on the owner, agent, or lessee in the  
24 manner prescribed in section 140.

25 (4) The legislative body or the board of appeals of the  
26 city, village, or township, as applicable, shall fix a date not  
27 less than 30 days after the hearing prescribed in section 140 for

1 a hearing on the findings and order of the hearing officer and  
2 shall give notice to the owner, agent, or lessee in the manner  
3 prescribed in section 140 of the time and place of the hearing.  
4 At the hearing, the owner, agent, or lessee shall be given the  
5 opportunity to show cause why the order should not be enforced.  
6 The legislative body or the board of appeals of the city, vil-  
7 lage, or township shall either approve, disapprove, or modify the  
8 order. If the legislative body or board of appeals approves or  
9 modifies the order, the legislative body shall take all necessary  
10 action to enforce the order. If the order is approved or modi-  
11 fied, the owner, agent, or lessee shall comply with the order  
12 within 60 days after the date of the hearing under this  
13 subsection. In the case of an order of demolition, if the legis-  
14 lative body or the board of appeals of the city, village, or  
15 township determines that the building or structure has been sub-  
16 stantially destroyed by fire, wind, flood, or other natural  
17 disaster, and the cost of repair of the building or structure  
18 will be greater than the state equalized value of the building or  
19 structure, the owner, agent, or lessee shall comply with the  
20 order of demolition within 21 days after the date of the hearing  
21 under this subsection.

22 (5) The cost of the demolition, of making the building safe,  
23 or of maintaining the exterior of the building or structure, or  
24 grounds adjoining the building or structure incurred by the city,  
25 village, or township to bring the property into conformance with  
26 this act shall be reimbursed to the city, village, or township by

1 the owner or party in interest in whose name the property  
2 appears.

3 (6) The owner or party in interest in whose name the prop-  
4 erty appears upon the last local tax assessment records shall be  
5 notified by the assessor of the amount of the cost of the demoli-  
6 tion, of making the building safe, or of maintaining the exterior  
7 of the building or structure or grounds adjoining the building or  
8 structure by first class mail at the address shown on the  
9 records. If the owner or party in interest fails to pay the cost  
10 within 30 days after mailing by the assessor of the notice of the  
11 amount of the cost, the city, village, or township shall have a  
12 lien for the cost incurred by the city, village, or township to  
13 bring the property into conformance with this act. The lien  
14 shall not take effect until notice of the lien has been filed or  
15 recorded as provided by law. A lien provided for in this subsec-  
16 tion does not have priority over previously filed or recorded  
17 liens and encumbrances. The lien for the cost shall be collected  
18 and treated in the same manner as provided for property tax liens  
19 under the general property tax act, ~~Act No. 206 of the Public~~  
20 ~~Acts of 1893, being sections 211.1 to 211.157 of the Michigan~~  
21 ~~Compiled Laws~~ 1893 PA 206, MCL 211.1 TO 211.157.

22 (7) In addition to other remedies under this act, the city,  
23 village, or township may bring an action against the owner of the  
24 building or structure for the full cost of the demolition, of  
25 making the building safe, or of maintaining the exterior of the  
26 building or structure or grounds adjoining the building or  
27 structure. A city, village, or township shall have a lien on the

1 property for the amount of a judgment obtained pursuant to this  
2 subsection. The lien provided for in this subsection shall not  
3 take effect until notice of the lien is filed or recorded as pro-  
4 vided by law. The lien does not have priority over prior filed  
5 or recorded liens and encumbrances.

6 Enacting section 1. Sections 2, 2a, 7, 9, 65, 66, 67, 68,  
7 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84,  
8 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 123, 128,  
9 132, 137, 141b, 141c, and 142 of 1917 PA 167, MCL 125.402,  
10 125.402a, 125.407, 125.409, 125.465, 125.466, 125.467, 125.468,  
11 125.469, 125.470, 125.471, 125.472, 125.473, 125.474, 125.475,  
12 125.476, 125.477, 125.478, 125.479, 125.480, 125.481, 125.482,  
13 125.483, 125.484, 125.485, 125.486, 125.487, 125.488, 125.489,  
14 125.490, 125.491, 125.492, 125.493, 125.494, 125.495, 125.496,  
15 125.497, 125.523, 125.528, 125.532, 125.537, 125.541b, 125.541c,  
16 and 125.542, are repealed.

17 Enacting section 2. This amendatory act does not take  
18 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
19 (request no. 04722'97 a \*) of the 89th Legislature is enacted  
20 into law.