

HOUSE BILL No. 6484

November 7, 2002, Introduced by Rep. Woronchak and referred to the Committee on Commerce.

A bill to amend 1917 PA 167, entitled
"Housing law of Michigan,"
by amending sections 139, 141, and 142 (MCL 125.539, 125.541, and
125.542), as amended by 1992 PA 144.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 139. As used in sections 138 to 142, "dangerous
2 building" means a building or structure that has 1 or more of the
3 following defects or is in 1 or more of the following
4 conditions:

5 (a) A door, aisle, passageway, stairway, or other means of
6 exit does not conform to the approved fire code of the city, vil-
7 lage, or township in which the building or structure is located.

8 (b) A portion of the building or structure is damaged by
9 fire, wind, flood, DETERIORATION, NEGLECT, ABANDONMENT,
10 VANDALISM, or other cause so that the structural strength or

1 stability of the building or structure is appreciably less than
2 it was before the catastrophe and does not meet the minimum
3 requirements of this act or a building code of the city, village,
4 or township in which the building or structure is located for a
5 new building or structure, purpose, or location.

6 (c) A part of the building or structure is likely to fall,
7 become detached or dislodged, or collapse and injure persons or
8 damage property.

9 (d) A portion of the building or structure has settled to
10 ~~such~~ an extent that walls or other structural portions of the
11 building or structure have materially less resistance to wind
12 than is required in the case of new construction by this act or a
13 building code of the city, village, or township in which the
14 building or structure is located.

15 (e) The building or structure, or a part of the building or
16 structure, because of dilapidation, deterioration, decay, faulty
17 construction, or the removal or movement of some portion of the
18 ground necessary for the support, or for other reason, is likely
19 to partially or completely collapse, or some portion of the foun-
20 dation or underpinning of the building or structure is likely to
21 fall or give way.

22 (f) The building, structure, or a part of the building or
23 structure is manifestly unsafe for the purpose for which it is
24 used.

25 (g) The building or structure is damaged by fire, wind, or
26 flood, or is dilapidated or deteriorated and becomes an
27 attractive nuisance to children who might play in the building or

1 structure to their danger, or becomes a harbor for vagrants,
2 criminals, or immoral persons, or enables persons to resort to
3 the building or structure for committing a nuisance or an unlaw-
4 ful or immoral act.

5 (h) A building or structure used or intended to be used for
6 dwelling purposes, including the adjoining grounds, because of
7 dilapidation, decay, damage, faulty construction or arrangement,
8 or otherwise, is unsanitary or unfit for human habitation, is in
9 a condition that the health officer determines is likely to cause
10 sickness or disease, or is likely to injure the health, safety,
11 or general welfare of people living in the dwelling.

12 (i) A building or structure is vacant, dilapidated, and open
13 at door or window, leaving the interior of the building exposed
14 to the elements or accessible to entrance by trespassers.

15 (j) A building or structure remains unoccupied for a period
16 of 180 consecutive days or longer, and is not listed as being
17 available for sale, lease, or rent with a real estate broker
18 licensed under article 25 of the occupational code, ~~Act No. 299~~
19 ~~of the Public Acts of 1980, being sections 339.2501 to 339.2515~~
20 ~~of the Michigan Compiled Laws~~ 1980 PA 299, MCL 339.2401 TO
21 339.2518. For purposes of this subdivision, "building or
22 structure" includes, but is not limited to, a commercial building
23 or structure. This subdivision does not apply to either of the
24 following:

25 (i) A building or structure as to which the owner or agent
26 does both of the following:

1 (A) Notifies a local law enforcement agency in whose
2 jurisdiction the building or structure is located that the
3 building or structure will remain unoccupied for a period of 180
4 consecutive days. The notice shall be given to the local law
5 enforcement agency by the owner or agent not more than 30 days
6 after the building or structure becomes unoccupied.

7 (B) Maintains the exterior of the building or structure and
8 adjoining grounds in accordance with this act or a building code
9 of the city, village, or township in which the building or struc-
10 ture is located.

11 (ii) A secondary dwelling of the owner that is regularly
12 unoccupied for a period of 180 days or longer each year, if the
13 owner notifies a local law enforcement agency in whose jurisdic-
14 tion the dwelling is located that the dwelling will remain unoc-
15 cupied for a period of 180 consecutive days or more each year.
16 An owner who has given the notice prescribed by this subparagraph
17 shall notify the law enforcement agency not more than 30 days
18 after the dwelling no longer qualifies for this exception. As
19 used in this subparagraph, "secondary dwelling" means a dwelling,
20 ~~such as~~ INCLUDING, BUT NOT LIMITED TO, a vacation home, hunting
21 cabin, or summer home, that is occupied by the owner or a member
22 of the owner's family during part of a year.

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

1 building or structure demolished, otherwise made safe, or
2 properly maintained.

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

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

26 (4) The legislative body or the board of appeals of the
27 city, village, or township, as applicable, shall fix a date not

1 less than 30 days after the hearing prescribed in section 140 for
2 a hearing on the findings and order of the hearing officer and
3 shall give notice to the owner, agent, or lessee in the manner
4 prescribed in section 140 of the time and place of the hearing.
5 At the hearing, the owner, agent, or lessee shall be given the
6 opportunity to show cause why the order should not be enforced.
7 The legislative body or the board of appeals of the city, vil-
8 lage, or township shall either approve, disapprove, or modify the
9 order. If the legislative body or board of appeals approves or
10 modifies the order, the legislative body shall take all necessary
11 action to enforce the order. If the order is approved or modi-
12 fied, the owner, agent, or lessee shall comply with the order
13 within 60 days after the date of the hearing under this
14 subsection. In the case of an order of demolition, if the legis-
15 lative body or the board of appeals of the city, village, or
16 township determines that the building or structure has been sub-
17 stantially destroyed by fire, wind, flood, DETERIORATION,
18 NEGLECT, ABANDONMENT, VANDALISM, or other natural disaster, and
19 the cost of repair of the building or structure will be greater
20 than the state equalized value of the building or structure, the
21 owner, agent, or lessee shall comply with the order of demolition
22 within 21 days after the date of the hearing under this
23 subsection. IF THE ESTIMATED COST OF REPAIR EXCEEDS THE STATE
24 EQUALIZED VALUE OF THE BUILDING OR STRUCTURE TO BE REPAIRED, A
25 PRESUMPTION THAT THE BUILDING OR STRUCTURE REQUIRES IMMEDIATE
26 DEMOLITION EXISTS.

1 (5) THE COST OF DEMOLITION INCLUDES, BUT IS NOT LIMITED TO,
2 FEES PAID TO HEARING OFFICERS, COSTS OF TITLE SEARCHES OR
3 COMMITMENTS USED TO DETERMINE THE PARTIES IN INTEREST, RECORDING
4 FEES FOR NOTICES AND LIENS FILED WITH THE COUNTY REGISTER OF
5 DEEDS, DEMOLITION AND DUMPING CHARGES, COURT REPORTER ATTENDANCE
6 FEES, AND COSTS OF THE COLLECTION OF THE CHARGES AUTHORIZED UNDER
7 THIS ACT. The cost of the demolition, of making the building
8 safe, or of maintaining the exterior of the building or struc-
9 ture, or grounds adjoining the building or structure incurred by
10 the city, village, or township to bring the property into con-
11 formance with this act shall be reimbursed to the city, village,
12 or township by the owner or party in interest in whose name the
13 property appears.

14 (6) The owner or party in interest in whose name the prop-
15 erty appears upon the last local tax assessment records shall be
16 notified by the assessor of the amount of the cost of the demoli-
17 tion, of making the building safe, or of maintaining the exterior
18 of the building or structure or grounds adjoining the building or
19 structure by first class mail at the address shown on the
20 records. If the owner or party in interest fails to pay the cost
21 within 30 days after mailing by the assessor of the notice of the
22 amount of the cost, the city, village, or township shall have a
23 lien for the cost incurred by the city, village, or township to
24 bring the property into conformance with this act. The lien
25 shall not take effect until notice of the lien has been filed or
26 recorded as provided by law. A lien provided for in this
27 subsection does not have priority over previously filed or

1 recorded liens and encumbrances. The lien for the cost shall be
2 collected and treated in the same manner as provided for property
3 tax liens under the general property tax act, ~~Act No. 206 of the~~
4 ~~Public Acts of 1893, being sections 211.1 to 211.157 of the~~
5 ~~Michigan Compiled Laws~~ 1893 PA 206, MCL 211.1 TO 211.157.

6 (7) In addition to other remedies under this act, the city,
7 village, or township may bring an action against the owner of the
8 building or structure for the full cost of the demolition, of
9 making the building safe, or of maintaining the exterior of the
10 building or structure or grounds adjoining the building or
11 structure. A city, village, or township shall have a lien on the
12 property for the amount of a judgment obtained ~~pursuant to~~
13 UNDER this subsection. The lien provided for in this subsection
14 shall not take effect until notice of the lien is filed or
15 recorded as provided by law. The lien does not have priority
16 over prior filed or recorded liens and encumbrances.

17 Sec. 142. An owner aggrieved by any final decision or order
18 of the legislative body or the board of appeals under section 141
19 may appeal the decision or order to the circuit court by filing a
20 ~~petition for an order of superintending control~~ CLAIM OF APPEAL
21 PURSUANT TO THE MICHIGAN COURT RULES within 20 days from the date
22 of the decision.