

HOUSE BILL No. 4081

January 29, 2003, Introduced by Rep. Woronchak and referred to the Committee on Regulatory Reform.

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,
7 village, or township in which the building or structure is
8 located.

9 (b) A portion of the building or structure is damaged by
10 fire, wind, flood, **deterioration, neglect, abandonment,**

1 **vandalism**, or other cause so that the structural strength or
2 stability of the building or structure is appreciably less than
3 it was before the ~~catastrophe~~ **damage** and does not meet the
4 minimum requirements of this act or a building code of the city,
5 village, or township in which the building or structure is
6 located for a new building or structure, purpose, or location.

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

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

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

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

26 (g) The building or structure is damaged by fire, wind, or
27 flood, ~~or~~ is dilapidated or deteriorated and becomes an

1 attractive nuisance to children who might play in the building or
2 structure to their danger, ~~or~~ becomes a harbor for vagrants,
3 criminals, or immoral persons, or enables persons to resort to
4 the building or structure for committing a nuisance or an
5 unlawful or immoral act.

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

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

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

27 (i) A building or structure ~~as to which~~ **if** the owner or

1 agent does both of the following:

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

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

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

25 Sec. 141. (1) At a hearing prescribed by section 140, the
26 hearing officer shall take testimony of the enforcing agency, the
27 owner of the property, and any interested party. Not more than 5

1 days after completion of the hearing, the hearing officer shall
2 render a decision either closing the proceedings or ordering the
3 building or structure demolished, otherwise made safe, or
4 properly maintained.

5 (2) If the hearing officer determines that the building or
6 structure should be demolished, otherwise made safe, or properly
7 maintained, the hearing officer shall ~~so order, fixing a time in~~
8 ~~the order for~~ **enter an order that specifies what action the**
9 **owner, agent, or lessee shall take and sets a date by which the**
10 owner, agent, or lessee ~~to~~ **shall** comply with the order. If the
11 building is a dangerous building under section 139(j), the order
12 may require the owner or agent to maintain the exterior of the
13 building and adjoining grounds owned by the owner of the building
14 including, but not limited to, the maintenance of lawns, trees,
15 and shrubs.

16 (3) If the owner, agent, or lessee fails to appear or
17 neglects or refuses to comply with the order issued under
18 subsection (2), the hearing officer shall file a report of the
19 findings and a copy of the order with the legislative body of the
20 city, village, or township not more than 5 days after
21 ~~noncompliance by the owner~~ **the date for compliance set in the**
22 **order** and request that necessary action be taken to enforce the
23 order. If the legislative body of the city, village, or township
24 has established a board of appeals ~~pursuant to~~ **under**
25 section 141c, the hearing officer shall file the report of the
26 findings and a copy of the order with the board of appeals and
27 request that necessary action be taken to enforce the order. A

1 copy of the findings and order of the hearing officer shall be
2 served on the owner, agent, or lessee in the manner prescribed in
3 section 140.

4 (4) The legislative body or the board of appeals of the city,
5 village, or township, as applicable, shall ~~fix~~ **set** a date not
6 less than 30 days after the hearing prescribed in section 140 for
7 a hearing on the findings and order of the hearing officer. ~~and~~
8 **The legislative body or the board of appeals** shall give notice to
9 the owner, agent, or lessee in the manner prescribed in section
10 140 of the time and place of the hearing. At the hearing, the
11 owner, agent, or lessee shall be given the opportunity to show
12 cause why the order should not be enforced. The legislative body
13 or the board of appeals of the city, village, or township shall
14 either approve, disapprove, or modify the order. If the
15 legislative body or board of appeals approves or modifies the
16 order, the legislative body shall take all necessary action to
17 enforce the order. If the order is approved or modified, the
18 owner, agent, or lessee shall comply with the order within 60
19 days after the date of the hearing under this subsection. ~~In~~
20 ~~the case of~~ **For** an order of demolition, if the legislative body
21 or the board of appeals of the city, village, or township
22 determines that the building or structure has been substantially
23 destroyed by fire, wind, flood, **deterioration, neglect,**
24 **abandonment, vandalism,** or other ~~natural disaster~~ **cause,** and
25 the cost of repair of the building or structure will be greater
26 than the state equalized value of the building or structure, the
27 owner, agent, or lessee shall comply with the order of demolition

1 within 21 days after the date of the hearing under this
2 subsection. If the estimated cost of repair exceeds the state
3 equalized value of the building or structure to be repaired, a
4 presumption that the building or structure requires immediate
5 demolition exists.

6 (5) The cost of demolition includes, but is not limited to,
7 fees paid to hearing officers, costs of title searches or
8 commitments used to determine the parties in interest, recording
9 fees for notices and liens filed with the county register of
10 deeds, demolition and dumping charges, court reporter attendance
11 fees, and costs of the collection of the charges authorized under
12 this act. The cost of the demolition, of making the building
13 safe, or of maintaining the exterior of the building or structure
14 — or grounds adjoining the building or structure incurred by
15 the city, village, or township to bring the property into
16 conformance with this act shall be reimbursed to the city,
17 village, or township by the owner or party in interest in whose
18 name the property appears.

19 (6) The owner or party in interest in whose name the property
20 appears upon the last local tax assessment records shall be
21 notified by the assessor of the amount of the cost of the
22 demolition, of making the building safe, or of maintaining the
23 exterior of the building or structure or grounds adjoining the
24 building or structure by first class mail at the address shown on
25 the records. If the owner or party in interest fails to pay the
26 cost within 30 days after mailing by the assessor of the notice
27 of the amount of the cost, the city, village, or township shall

1 have a lien for the cost incurred by the city, village, or
 2 township to bring the property into conformance with this act.
 3 The lien shall not take effect until notice of the lien has been
 4 filed or recorded as provided by law. A lien provided for in
 5 this subsection does not have priority over previously filed or
 6 recorded liens and encumbrances. The lien for the cost shall be
 7 collected and treated in the same manner as provided for property
 8 tax liens under the general property tax act, ~~Act No. 206 of the~~
 9 ~~Public Acts of 1893, being sections 211.1 to 211.157 of the~~
 10 ~~Michigan Compiled Laws— 1893 PA 206, MCL 211.1 to 211.157.~~

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

22 Sec. 142. An owner aggrieved by ~~any~~ a final decision or
 23 order of the legislative body or the board of appeals under
 24 section 141 may appeal the decision or order to the circuit court
 25 by filing a ~~petition for an order of superintending control~~
 26 **claim of appeal as provided by the Michigan court rules** within 20
 27 days from the date of the decision.