

SENATE BILL No. 230

February 27, 2003, Introduced by Senators BERNERO, GOSCHKA, OLSHOVE, TOY, GEORGE, CLARK-COLEMAN, HARDIMAN, SCOTT, JACOBS and SWITALSKI and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1917 PA 167, entitled
"Housing law of Michigan,"
by amending section 134 (MCL 125.534).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 134. (1) If the owner or occupant fails to comply with
2 the order contained in the notice of violation, the enforcing
3 agency may bring an action to enforce ~~the provisions of~~ this
4 act and to abate or enjoin the violation.

5 (2) An owner or occupant of the premises upon which ~~any~~ a
6 violation exists may bring an action to enforce ~~the provisions~~
7 ~~of~~ this act in his **or her** own name. Upon application by the
8 enforcing agency, or upon motion of the party filing the
9 complaint, the local enforcing agency may be substituted for, or
10 joined with, the complainant in the discretion of the court.

11 (3) ~~When~~ **If** the violation is uncorrected and creates an

1 imminent danger to the health and safety of the occupants of the
 2 premises, or if there are ~~not any~~ **no** occupants and the
 3 violation creates ~~in~~ **an** imminent danger to the health and
 4 safety of the public, the enforcing agency shall file a motion
 5 for a preliminary injunction or other temporary relief
 6 appropriate to remove the danger during the pendency of the
 7 action.

8 (4) Owners and lienholders of record or ~~who are found~~
 9 **owners and lienholders ascertained** by the complainant ~~upon~~ **with**
 10 the exercise of reasonable diligence shall be served with a copy
 11 of the complaint and a summons. The complainant shall also file
 12 a notice of the pendency of the action ~~in the office of the~~
 13 **with the appropriate county** register of deeds ~~for the county in~~
 14 ~~which~~ **office where** the premises are located.

15 (5) The court ~~, having obtained~~ **of** jurisdiction ~~, shall~~
 16 make ~~such~~ orders and determinations ~~as are~~ consistent with
 17 the objectives of this act. The court may enjoin the maintenance
 18 of ~~any~~ unsafe, unhealthy, or unsanitary ~~condition~~ **conditions**,
 19 or ~~any~~ violations of this act, and may order the defendant to
 20 make repairs or corrections necessary to abate the conditions.
 21 The court may authorize the enforcing agency to ~~make repairs~~
 22 **repair** or to remove the **building or** structure. ~~When~~ **If** an
 23 occupant is not the cause of ~~any~~ **an** unsafe, unhealthy, or
 24 unsanitary condition, or ~~any~~ **a** violation of this act, and is
 25 the complainant, the court may authorize the occupant to correct
 26 the violation and deduct the cost ~~thereof~~ from the rent upon
 27 ~~such~~ terms ~~as~~ the court determines ~~to be~~ just. ~~Whenever~~

1 If the court ~~shall find~~ **finds** that the occupant is the cause of
2 ~~any~~ **an** unsafe, unhealthy, or unsanitary condition, or ~~any~~ **a**
3 violation of this act, ~~then~~ the court may authorize the owner
4 to correct the violation and assess the cost ~~thereof~~ against
5 the occupant or ~~his~~ **the occupant's** security deposit.

6 (6) ~~No~~ **A building or structure** shall **not** be removed unless
7 the cost of repair of the building **or structure** will be greater
8 than the state equalized value of the building **or structure**.
9 However, a building or structure may be removed if the building
10 or structure remains either vacant or boarded, or both, and a
11 significant attempt has not been made to rehabilitate the
12 building or structure for a period of 24 months.

13 (7) ~~When~~ **If** the ~~expenses~~ **expense** of repair or removal
14 ~~are~~ **is** not ~~otherwise~~ provided for, the court may enter an
15 order approving the ~~expenses~~ **expense** and ~~providing that there~~
16 ~~shall be~~ **placing** a lien on the real property for the payment
17 ~~thereof~~ **of the expense**. The order may establish **and provide**
18 **for** the priority of the lien ~~and may provide that it shall be a~~
19 ~~lien as a senior to all other liens~~ **lien**, except ~~taxes and~~
20 ~~assessments;~~ **as to tax and assessment liens, and** except ~~that a~~
21 **as to a recorded** mortgage of ~~record having a recording date~~
22 **first priority, recorded** prior to all other liens of record
23 ~~shall retain its first priority~~ if, at the time of recording of
24 that mortgage or at ~~any~~ **a** time subsequent, ~~thereto,~~ a
25 certificate of compliance as provided for in this ~~article~~ **act**
26 is in effect on the subject property. The order may also specify
27 the time and manner for foreclosure of the lien if **the lien is**

1 not satisfied. A true copy of the order shall be filed ~~in the~~
2 ~~office of the~~ **with the appropriate county** register of deeds ~~for~~
3 ~~the county~~ **office** where the real property is located within 10
4 days after entry ~~thereof in~~ **of the** order to perfect the lien
5 granted in the order.

6 (8) This act does not preempt, preclude, or interfere with
7 the authority of a municipality to protect the health, safety,
8 and general welfare of the public through ordinance, charter, or
9 other means.