

**SUBSTITUTE FOR  
HOUSE BILL NO. 5819**

A bill to amend 1980 PA 87, entitled  
"The uniform condemnation procedures act,"  
by amending section 9 (MCL 213.59), as amended by 1996 PA 474.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 9. (1) If a motion for review under section 6 is not  
2   filed, upon expiration of the time for filing the motion for  
3   review, or, if a motion for review is filed, upon final  
4   determination of the motion, the court shall fix the time and terms  
5   for surrender of possession of the property to the agency and  
6   enforce surrender by appropriate order or other process. The court  
7   also may require surrender of possession of the property after the  
8   motion for review filed under section 6 has been heard, determined  
9   and denied by the circuit court, but before a final determination

1 on appeal, if the agency demonstrates a reasonable need. IF THE  
2 SURRENDER OR POSSESSION OF PROPERTY REQUIRES RELOCATION, PAYMENT  
3 MUST BE MADE TO AN OWNER OR RELOCATED PERSON NOT LATER THAN 30 DAYS  
4 BEFORE PHYSICAL DISPOSSESSION. IF THERE IS A DISPUTE AFTER THE  
5 PAYMENT IS MADE, THE DISPUTE SHALL BE RESOLVED AT AN APPORTIONMENT  
6 HEARING HELD BEFORE PHYSICAL DISPOSSESSION. IF THE SURRENDER OF  
7 POSSESSION OF PROPERTY REQUIRES THE RELOCATION OF ANY INDIVIDUAL  
8 WHO OCCUPIES A RESIDENTIAL DWELLING ON THE PROPERTY, THE INDIVIDUAL  
9 SHALL NOT BE REQUIRED TO MOVE FROM HIS OR HER DWELLING UNLESS HE OR  
10 SHE HAS HAD A REASONABLE OPPORTUNITY TO RELOCATE TO A COMPARABLE  
11 REPLACEMENT DWELLING, NOT TO EXCEED 180 DAYS FROM THE DATE MOVING  
12 EXPENSES ARE PAID, AND HAS BEEN PAID THE MOVING ALLOWANCE PROVIDED  
13 FOR UNDER 1965 PA 40, MCL 213.351 TO 213.355. HOWEVER, IF THE  
14 AGENCY IS COMPLYING WITH APPLICABLE FEDERAL REGULATIONS AND  
15 PROCEDURES REGARDING PAYMENT OF COMPENSATION OR RELOCATION  
16 REQUIREMENTS, THOSE FEDERAL REGULATIONS AND PROCEDURES TAKE  
17 PRECEDENCE OVER ANY CONTRADICTORY PROVISIONS IN THIS SECTION.

18 (2) If interim possession is granted to a private agency, the  
19 court, upon motion of the owner, may order the private agency to  
20 file an indemnity bond in an amount determined by the court as  
21 necessary to adequately secure just compensation to the owner for  
22 the property taken.

23 (3) If an order granting interim possession is entered, an  
24 appeal from the order or any other part of the proceedings shall  
25 not act as a stay of the possession order. An agency is liable for  
26 damages caused by the possession if its right to possession is  
27 denied by the trial court or on appeal.

1       (4) Repayment of all sums advanced shall be a condition  
2 precedent to entry of a final order setting aside a determination  
3 of public necessity.

4       (5) Although the court shall not order possession to be  
5 surrendered to the agency before it orders that the escrow be  
6 distributed under section 8(1) or (4) or retained under section  
7 8(2), the court shall not delay or deny surrender of possession  
8 because of any of the following:

9       (a) A motion filed pursuant to section 6a, challenging the  
10 agency's decision to reserve its rights to bring federal or state  
11 cost recovery actions.

12       (b) A motion challenging the agency's escrow under section 8.

13       (c) An allegation that the agency should have offered a higher  
14 amount for the property.

15       (d) An allegation that the agency should have included  
16 additional property in its good faith written offer.

17       (e) Any other reason except a challenge to the necessity of  
18 the acquisition filed under section 6.

19       Enacting section 1. This amendatory act does not take effect  
20 unless all of the following bills of the 93rd Legislature are  
21 enacted into law:

22       (a) House Bill No. 5817.

23       (b) House Bill No. 5818.

24       (c) House Bill No. 5820.

25       (d) House Bill No. 5821.