

**SUBSTITUTE FOR  
HOUSE BILL NO. 5817**

A bill to amend 1965 PA 40, entitled

"An act to authorize and require public agencies to pay allowances for the expense of moving personal property from real property acquired for public purposes,"

by amending section 2 (MCL 213.352), as amended by 1991 PA 21.

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

1       Sec. 2. (1) An occupant who vacates real property on or after  
2       May 15, 1965, pursuant to the provisions of a written agreement to  
3       purchase the property or pursuant to the provisions of a written  
4       agreement for possession and use of the property or pursuant to the  
5       transfer of title to the property in condemnation proceedings,  
6       shall be reimbursed by the public agency for the reasonable and  
7       necessary moving expense for moving his or her personal property  
8       not more than 50 miles, subject to the following conditions:

9       (a) The maximum payment to an individual or family shall not

House Bill No. 5817 as amended June 21 and 22, 2006

1 exceed ~~-\$1,000.00~~ **<<\$5,250.00>>**. The maximum payment to a business,  
 2 including the operation of a farm, or a nonprofit organization  
 3 shall not exceed \$15,000.00.

4 (b) An individual or a family may elect to receive a fixed  
 5 moving allowance, in lieu of actual moving expense, based on a  
 6 schedule of payments established by the acquiring agency taking  
 7 into consideration the maximum payment allowed, the number of rooms  
 8 and other factors.

9 (C) **<<INSTEAD OF ANY OTHER PAYMENT UNDER THIS ACT, OTHER STATE LAW,  
 10 OR FEDERAL LAW, AN OCCUPANT OF RESIDENTIAL PROPERTY WHO HAS A LEASEHOLD  
 11 INTEREST OF LESS THAN 6 MONTHS IS ENTITLED TO ELECT A FIXED PAYMENT OF  
 \$3,500.00. IF THE OCCUPANT DOES NOT ELECT THIS FIXED PAYMENT, THE  
 OCCUPANT MAY RECEIVE A MOVING ALLOWANCE AS DETERMINED UNDER SUBDIVISIONS  
 (A) AND (B).>>**

12 (D) ~~-(e) No payment~~ **<<EXCEPT AS PROVIDED IN SECTION 9 OF THE  
 UNIFORM CONDEMNATION PROCEDURES ACT, 1980 PA 87, MCL 213.59,>> PAYMENT  
 shall NOT be made to an occupant**

13 until after the occupant has vacated the real property **UNLESS THE  
 14 PAYMENT IS REQUIRED TO ENABLE THE OCCUPANT TO RELOCATE.**

15 (2) As used in this section, "personal property" does not  
 16 include a fixture, whether removable or not.

17 (3) **THE COURT MAY AWARD REASONABLE ATTORNEY FEES AND COSTS TO  
 18 AN INDIVIDUAL DESCRIBED IN SUBSECTION <<(1) (C)>> WHO BRINGS A  
 19 SUCCESSFUL ACTION TO RECOVER <<A FIXED PAYMENT OR A>> MOVING ALLOWANCE  
 20 <<UNDER SUBSECTION (1).>>**

21 (4) **NOTWITHSTANDING SUBSECTIONS (1) TO (3), IF THE PUBLIC  
 22 AGENCY IS COMPLYING WITH APPLICABLE FEDERAL REGULATIONS AND  
 23 PROCEDURES REGARDING MOVING ALLOWANCES AND RELOCATION REQUIREMENTS,  
 24 THOSE FEDERAL REGULATIONS AND PROCEDURES TAKE PRECEDENCE OVER ANY  
 25 <<CONFLICTING>> PROVISIONS IN THIS SECTION.**

**<<Enacting section 1. This amendatory act takes effect December 23,  
 2006.>>**

26 Enacting section **<<2>>**. This amendatory act does not take effect  
 27 unless all of the following bills of the 93rd Legislature are  
 H05070'05 (H-1)

House Bill No. 5817 as amended June 21, 2006

1 enacted into law:

2 (a) House Bill No. 5818.

3 (b) House Bill No. 5819.

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