

HOUSE BILL No. 6638

November 14, 2006, Introduced by Reps. Lemmons, III, Tobocman and Drolet and referred to the Committee on Commerce.

A bill to amend 1949 PA 208, entitled

"An act to authorize cities, villages and townships of this state to designate neighborhood areas for the purpose of planning and carrying out local public improvements for the prevention of blight within such areas; to authorize assistance in carrying out plans for local improvements by the acquisition and disposal of real property in such areas; to provide for the combining of neighborhood improvements that benefit the entire neighborhood into 1 improvement project; to provide for the establishment of local assessment districts coterminous with the neighborhood boundaries; to prescribe the methods of financing the exercise of these powers, and to declare the effect of this act,"

by amending sections 2 and 4 (MCL 125.942 and 125.944).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. ~~The following terms whenever used or referred to AS~~
2 **USED** in this act: ~~shall have the following respective meanings,~~
3 ~~unless a different meaning clearly appears from the context:~~
4 ~~Wherever appropriate the singular includes the plural and~~

1 ~~plural includes the singular,~~

2 (A) "Neighborhood area" ~~shall mean~~ **MEANS** a portion of a
3 municipality ~~which~~ **THAT** has been delimited as a neighborhood unit
4 in a plan of neighborhoods adopted by the legislative body, which
5 plan ~~shall have~~ **HAS** the function of designating the service area
6 of elementary schools, playgrounds, or other local improvements. →

7 (B) "Real property" ~~shall include~~ **INCLUDES** land, building
8 improvements, land under water, waterfront property, and any and
9 all easements, franchises, and hereditaments, corporeal or
10 incorporeal, and every estate, interest, privilege, easement,
11 franchise, and right ~~therein~~ **TO THAT PROPERTY**, or appurtenant
12 ~~thereto~~ **TO THAT PROPERTY**, legal or equitable, including rights-of-
13 way, terms for years, and liens, charges, or incumbrances by
14 mortgage, judgment, or otherwise. →

15 (C) "Municipality" ~~shall mean any duly incorporated~~ **MEANS A**
16 city, village, or township. →

17 (D) "Legislative body" ~~shall mean~~ **MEANS** the city council,
18 city commission, ~~board of aldermen,~~ township board, or other
19 **LEGISLATIVE** body ~~having the power to pass ordinances or measures~~
20 ~~and to otherwise legislate concerning~~ **OF A** city, village, or
21 township. ~~affairs,~~

22 (E) "Public use", when used with reference to land reserved
23 for ~~such~~ **THAT** purpose, ~~shall mean~~ **MEANS** and ~~be deemed to~~
24 ~~relate~~ **RELATES** to ~~such~~ uses ~~as are~~ for the general benefit of
25 the public, such as schools, libraries, public institutions,
26 administration buildings, parks, boulevards, playgrounds, streets,
27 alleys, easements or sewers, public lighting, water, gas, or other

1 similar utilities, or improvements. →

2 (F) "Privately owned lands" ~~shall mean~~ **MEANS** all land not
3 held by the municipal body, county, state, or federal government
4 for public purposes. →

5 (G) "Owner" ~~shall mean~~ **MEANS** any person — or persons,
6 natural or corporate, owning a legal or equitable title to the
7 land. →

8 (H) "Project" ~~shall mean~~ **MEANS** all of the undertakings
9 ~~herein~~ authorized **IN THIS ACT** for the improvement of a
10 neighborhood area.

11 (I) "BLIGHTED PROPERTY" **MEANS** PROPERTY THAT MEETS ANY OF THE
12 FOLLOWING CRITERIA:

13 (i) THE PROPERTY HAS BEEN DECLARED A PUBLIC NUISANCE IN
14 ACCORDANCE WITH A LOCAL HOUSING, BUILDING, PLUMBING, FIRE, OR OTHER
15 RELATED CODE OR ORDINANCE.

16 (ii) THE PROPERTY IS AN ATTRACTIVE NUISANCE BECAUSE OF PHYSICAL
17 CONDITION OR USE.

18 (iii) THE PROPERTY IS A FIRE HAZARD OR IS OTHERWISE DANGEROUS TO
19 THE SAFETY OF PERSONS OR PROPERTY.

20 (iv) THE PROPERTY HAS HAD THE UTILITIES, PLUMBING, HEATING, OR
21 SEWERAGE DISCONNECTED, DESTROYED, REMOVED, OR RENDERED INEFFECTIVE
22 FOR A PERIOD OF 1 YEAR OR MORE SO THAT THE PROPERTY IS UNFIT FOR
23 ITS INTENDED USE.

24 (v) THE PROPERTY IS TAX REVERTED PROPERTY OWNED BY A QUALIFIED
25 LOCAL GOVERNMENTAL UNIT, BY A COUNTY, OR BY THIS STATE. THE SALE,
26 LEASE, OR TRANSFER OF TAX REVERTED PROPERTY BY A QUALIFIED LOCAL
27 GOVERNMENTAL UNIT, COUNTY, OR THIS STATE SHALL NOT RESULT IN THE

1 LOSS TO THE PROPERTY OF THE STATUS AS BLIGHTED FOR PURPOSES OF THIS
2 ACT.

3 (vi) THE PROPERTY IS OWNED OR IS UNDER THE CONTROL OF A LAND
4 BANK FAST TRACK AUTHORITY UNDER THE LAND BANK FAST TRACK ACT, 2003
5 PA 258, MCL 124.751 TO 124.774, WHETHER OR NOT LOCATED WITHIN A
6 QUALIFIED LOCAL GOVERNMENTAL UNIT, AS THAT TERM IS DEFINED IN
7 SECTION 2 OF THE BROWNFIELD REDEVELOPMENT FINANCING ACT, 1996 PA
8 381, MCL 125.2652. THE SALE, LEASE, OR TRANSFER OF THE PROPERTY BY
9 A LAND BANK FAST TRACK AUTHORITY SHALL NOT RESULT IN THE LOSS TO
10 THE PROPERTY OF THE STATUS AS BLIGHTED PROPERTY FOR PURPOSES OF
11 THIS ACT.

12 (vii) THE PROPERTY IS IMPROVED REAL PROPERTY THAT HAS REMAINED
13 VACANT FOR 5 CONSECUTIVE YEARS AND THAT IS NOT MAINTAINED IN
14 ACCORDANCE WITH APPLICABLE LOCAL HOUSING OR PROPERTY MAINTENANCE
15 CODES OR ORDINANCES.

16 (viii) THE PROPERTY HAS CODE VIOLATIONS POSING A SEVERE AND
17 IMMEDIATE HEALTH OR SAFETY THREAT AND HAS NOT BEEN SUBSTANTIALLY
18 REHABILITATED WITHIN 1 YEAR AFTER THE RECEIPT OF NOTICE TO
19 REHABILITATE FROM THE APPROPRIATE CODE ENFORCEMENT AGENCY OR FINAL
20 DETERMINATION OF ANY APPEAL, WHICHEVER IS LATER.

21 Sec. 4. (1) For the ~~accomplishment of the~~ purposes of this
22 act, the municipality may acquire fee simple title in real property
23 by purchase, gift, OR exchange ~~—~~ **AND MAY ACQUIRE FEE SIMPLE TITLE**
24 **TO BLIGHTED PROPERTY BY** condemnation. ~~or otherwise, and~~ **THE**
25 **MUNICIPALITY** shall **THEN** apply ~~such~~ **THAT BLIGHTED PROPERTY OR**
26 **OTHER** real property ~~thereafter~~ to the expressed purposes of this
27 act.

1 (2) ~~The~~ **WITH REGARD TO BLIGHTED PROPERTY, THE** local
2 legislative body may institute and prosecute proceedings under the
3 power of eminent domain in accordance with **THE STATE CONSTITUTION**
4 **OF 1963 AND THE** laws of the state or provisions of any local
5 charter relative to condemnation. ~~The purposes contemplated by~~
6 ~~this act are hereby declared to be public purposes within the~~
7 ~~meaning of the constitution, state laws and charters relative to~~
8 ~~the power of eminent domain.~~