

Act No. 369
Public Acts of 2006
Approved by the Governor
September 20, 2006
Filed with the Secretary of State
September 21, 2006
EFFECTIVE DATE: December 23, 2006

STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006

Introduced by Reps. Tobocman, Drolet, Jones, Gosselin, Stahl, Brandenburg, Baxter, Elsenheimer, Mortimer, Rocca, Lipsey, Acciavatti, Waters, Plakas, Anderson, Stewart, Zelenko, Kolb, Kooiman, Meyer, Hummel, Hunter, Farrah, Pastor, Bieda, Wojno, Condino, Vagnozzi, Amos, Garfield, Gleason, Caswell, Shaffer, Hoogendyk, Nofs, Ward, Byrum, Steil, Sak, Moolenaar, Palsrok, Gillard, Casperson, Ball, Cheeks, Espinoza, Gonzales, Hildenbrand, Kahn, Leland, Lemmons, III, Lemmons, Jr., Marleau, Mayes, McDowell, Moore, Palmer, Pearce, Polidori, Proos, Schuitmaker, Sheltrown, Alma Smith and Spade

ENROLLED HOUSE BILL No. 5817

AN ACT 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:

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

(a) The maximum payment to an individual or family shall not exceed \$5,250.00. The maximum payment to a business, including the operation of a farm, or a nonprofit organization shall not exceed \$15,000.00.

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

(c) Instead of any other payment under this act, other state law, or federal law, an occupant of residential property who has a leasehold 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).

(d) 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 until after the occupant has vacated the real property unless the payment is required to enable the occupant to relocate.

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

(3) The court may award reasonable attorney fees and costs to an individual described in subsection (1)(c) who brings a successful action to recover a fixed payment or a moving allowance under subsection (1).

(4) Notwithstanding subsections (1) to (3), if the public agency is complying with applicable federal regulations and procedures regarding moving allowances and relocation requirements, those federal regulations and procedures take precedence over any conflicting provisions in this section.

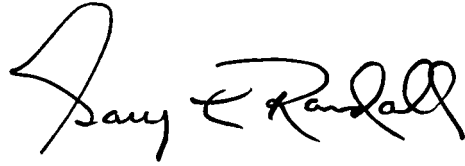
Enacting section 1. This amendatory act takes effect December 23, 2006.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:


(a) House Bill No. 5818.

(b) House Bill No. 5819.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor