

HOUSE BILL No. 4142

February 4, 2009, Introduced by Rep. Jackson and referred to the Committee on Urban Policy.

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending the title and sections 2a, 123, 125, 132, 134, 141, and 141a (MCL 125.402a, 125.523, 125.525, 125.532, 125.534, 125.541, and 125.541a), the title as amended by 1992 PA 144, section 132 as amended by 2000 PA 479, section 134 as amended by 2003 PA 80, section 141 as amended by 2003 PA 55, and section 141a as added by 1992 PA 109.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to promote the health, safety and welfare of the people by regulating the maintenance, alteration, health, safety, and improvement of dwellings; to define the classes of dwellings affected by the act, and to establish administrative requirements; to prescribe procedures for the maintenance, improvement, or

1 demolition of certain commercial buildings; to establish remedies;
2 to provide for enforcement; **TO PROVIDE FOR CERTAIN DUTIES OF**
3 **CERTAIN STATE AGENCIES AND AUTHORITIES;** to provide for the
4 demolition of certain dwellings; and to fix penalties for the
5 violation of this act.

6 Sec. 2a. As used in this act, ÷

7 ~~— "Enforcing"~~ **"ENFORCING"** agency" means the designated officer or
8 agency charged with responsibility for administration and
9 enforcement of this act. **IN THE CASE OF A DANGEROUS BUILDING UNDER**
10 **SECTION 139(I) OR (J) THAT IS LOCATED IN AN URBAN CORE CITY, THE**
11 **ENFORCING AGENCY INCLUDES THE STATE HOUSING DEVELOPMENT AUTHORITY.**

12 Sec. 123. The governing body of a municipality to which this
13 act by its terms applies, or the governing body of a municipality
14 which adopts the provisions of this act by reference, shall
15 designate a local officer or agency which shall administer the
16 provisions of the act, and if no such officer or agency is
17 designated then the local governing body shall be responsible for
18 administration of the act. Municipalities may provide, by
19 agreement, for the joint administration and enforcement of this act
20 where such joint enforcement is practicable. **IN THE CASE OF A**
21 **DANGEROUS BUILDING UNDER SECTION 139(I) OR (J) THAT IS LOCATED IN**
22 **AN URBAN CORE CITY, THE DESIGNATED OFFICER OR AGENCY CHARGED WITH**
23 **RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT**
24 **INCLUDES THE STATE HOUSING DEVELOPMENT AUTHORITY.**

25 Sec. 125. (1) A registry of owners and premises shall be
26 maintained by the enforcing agency.

27 (2) The owners of a multiple dwelling or rooming house

1 containing units which will be offered to let, or to hire, for more
2 than 6 months of a calendar year, shall register their names and
3 places of residence or usual places of business and the location of
4 the premises regulated by this act with the enforcing agency. The
5 owners shall register within 60 days following the day on which any
6 part of the premises is offered for occupancy. ~~Owners of multiple~~
7 ~~dwellings or rooming houses containing units which are occupied or~~
8 ~~offered for occupancy at the time this act becomes effective shall~~
9 ~~register within 90 days after the effective date of this article.~~

10 (3) If the premises are managed or operated by an agent, the
11 agent's name and place of business shall be placed with the name of
12 the owner in the registry.

13 (4) IF THE PREMISES ARE LOCATED IN AN URBAN CORE CITY, THE
14 STATE HOUSING DEVELOPMENT AUTHORITY SHALL MAINTAIN A SEPARATE
15 REGISTRY FOR ABANDONED AND VACANT PREMISES. BEGINNING ON THE
16 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION,
17 THE OWNER OF A PREMISES THAT HAS REMAINED VACANT FOR LONGER THAN 30
18 DAYS SHALL REGISTER THE PROPERTY AS A VACANT BUILDING WITH THE
19 STATE HOUSING DEVELOPMENT AUTHORITY ON A FORM PROVIDED BY THE STATE
20 HOUSING DEVELOPMENT AUTHORITY. THE OWNER SHALL PAY THE STATE
21 HOUSING DEVELOPMENT AUTHORITY A VACANT HOUSING REGISTRY FEE OF
22 \$100.00 FOR EACH BUILDING REGISTERED. FAILURE TO REGISTER SHALL
23 MEAN THAT THE PROPERTY OWNER IS RESPONSIBLE FOR A STATE CIVIL
24 INFRACTION AND A \$1,000.00 FINE.

25 Sec. 132. (1) If, upon inspection, the premises or any part of
26 the premises are found to be in violation of any provision of this
27 act, the enforcing agency shall record the violation in the

1 registry of owners and premises.

2 (2) The owner, and, in the enforcing agency's discretion, the
3 occupant, shall be notified in writing of the violation. The notice
4 shall state the date of the inspection, the name of the inspector,
5 the nature of the violation, and the time within which the
6 correction shall be completed.

7 (3) If an inspector determines that a violation constitutes a
8 hazard to the occupant's health or safety, under circumstances
9 where the premises cannot be vacated, the enforcing agency shall
10 order the violation corrected within the shortest reasonable time.
11 The owner shall notify the enforcing agency of having begun
12 compliance within 3 days. All other violations shall be corrected
13 within a reasonable time.

14 (4) The enforcing agency shall reinspect after a reasonable
15 time to ascertain whether the violation has been corrected.

16 (5) If an inspector determines that a violation constitutes a
17 hazard to the health or safety of the occupants, the enforcing
18 agency shall notify the family independence agency within 48 hours.
19 The notice shall state the date of the inspection, the name of the
20 inspector, the nature of the violation, and the time within which
21 the correction shall be completed. The family independence agency
22 shall check the address of the premises against the list of rent-
23 vendored family independence program recipients.

24 (6) IN URBAN CORE CITIES, THE STATE HOUSING DEVELOPMENT
25 AUTHORITY SHALL ESTABLISH A STATEWIDE TOLL-FREE HOTLINE TO ACCEPT
26 CITIZEN INFORMATION CONCERNING DANGEROUS BUILDINGS THAT CONSTITUTE
27 A SAFETY HAZARD UNDER SECTION 139(I) OR (J) TO NEIGHBORHOOD

1 RESIDENTS. IF INFORMATION IS RECEIVED, THE STATE HOUSING
2 DEVELOPMENT AUTHORITY SHALL DETERMINE WHETHER THE PROPERTY HAS BEEN
3 INSPECTED BY THE ENFORCING AGENCY UNDER THIS ACT AND IS THE SUBJECT
4 OF PROCEEDINGS UNDER SECTION 140. IF THE PROPERTY HAS NOT BEEN
5 INSPECTED OR IS NOT THE SUBJECT OF PROCEEDINGS UNDER SECTION 140,
6 THE STATE HOUSING DEVELOPMENT AUTHORITY SHALL CONDUCT AN INSPECTION
7 UNDER THIS ACT TO DETERMINE WHETHER THE PROPERTY IS DANGEROUS UNDER
8 SECTION 139(I) OR (J). IF THE AUTHORITY DETERMINES THAT THE
9 PROPERTY IS DANGEROUS UNDER SECTION 139(I) OR (J), THE AUTHORITY
10 MAY PRESENT THE ENFORCING AGENCY IN THE URBAN CORE CITY WITH THE
11 OPPORTUNITY TO PROCEED TO A HEARING UNDER SECTION 140. IF THE
12 ENFORCING AGENCY IN THE URBAN CORE CITY DOES NOT PROCEED WITH THE
13 ISSUANCE OF A NOTICE OF VIOLATION AND A SECTION 140 HEARING WITHIN
14 30 DAYS AFTER THE STATE HOUSING DEVELOPMENT AUTHORITY'S INSPECTION,
15 THE STATE HOUSING DEVELOPMENT AUTHORITY SHALL PROCEED AS THE
16 ENFORCING AGENCY UNDER THIS ACT, WITH RESPECT TO THE PROPERTY
17 INSPECTED, AND SHALL PROCEED TO A SECTION 140 HEARING AND SHALL
18 PURSUE REMEDIAL ACTION FROM THE PROPERTY OWNERS. IF THE PROPERTY
19 OWNERS FAIL TO PROVIDE REMEDIAL ACTION, THE STATE HOUSING
20 DEVELOPMENT AUTHORITY SHALL SECURE AND REMEDIATE THE PROPERTY.

21 (7) IF THE STATE HOUSING DEVELOPMENT AUTHORITY REQUIRES THE
22 OWNERS TO PERFORM REMEDIAL ACTION OR SECURES AND REMEDIATES THE
23 PROPERTY, THE PROPERTY SHALL BE SECURED AND REMEDIATED IN
24 ACCORDANCE WITH ALL OF THE FOLLOWING STANDARDS:

25 (A) THE PROPERTY SHALL BE CLEARED SO THAT THERE IS NO
26 ACCUMULATION OF JUNK, TRASH, DEBRIS, BOXES, LUMBER, SCRAP METAL,
27 JUNK VEHICLES, OR ANY OTHER MATERIALS THAT MAY PROMOTE THE THREAT

1 OF FIRE, CONSTITUTE A SAFETY HAZARD, OR PROVIDE HARBORAGE FOR
2 RODENTS OR OTHER ANIMALS ON THE PREMISES.

3 (B) THE STATE HOUSING DEVELOPMENT AUTHORITY SHALL DETERMINE
4 THAT EVERY FOUNDATION, ROOF, FLOOR, WALL, STAIR, CEILING, AND OTHER
5 STRUCTURAL SUPPORT IS SAFE AND CAPABLE OF SUPPORTING THE LOADS THAT
6 NORMAL USE MAY PLACE UPON THEM. IF ANY STRUCTURAL SUPPORT IS NOT
7 SAFE, THE STATE HOUSING DEVELOPMENT AUTHORITY SHALL CARRY OUT THE
8 NECESSARY REMEDIATION MEASURES.

9 (C) PLUMBING FIXTURES SHALL BE MAINTAINED WITH NO LEAKING
10 PIPES.

11 (D) EVERY EXIT DOOR SHALL BE SECURED WITH AN INTERNAL DEADBOLT
12 LOCK AND SHALL BE CAPABLE OF BEING OPENED FROM THE INSIDE EASILY
13 AND WITHOUT A KEY OR SPECIAL KNOWLEDGE.

14 (E) INTERIOR STAIRS SHALL HAVE TREADS AND RISERS THAT HAVE
15 UNIFORM DIMENSIONS, ARE SECURELY FASTENED, AND HAVE NO ROTTING,
16 LOOSE, OR DETERIORATING SUPPORTS.

17 (F) INSECTS, RODENTS, AND OTHER VERMIN SHALL BE EXTERMINATED.

18 (G) ALL ASBESTOS-CONTAINING MATERIALS ON THE PREMISES SHALL BE
19 MAINTAINED IN GOOD REPAIR AND REMAIN FREE FROM DEFECTS, SUCH AS
20 HOLES, CRACKS, OR TEARS THAT MAY ALLOW THE RELEASE OF ASBESTOS
21 FIBERS.

22 (H) ALL BUILDING OPENINGS SHALL BE CLOSED AND SECURED, USING
23 SECURE DOORS, GLAZED WINDOWS, COMMERCIAL-QUALITY STEEL SECURITY
24 PANELS, FILLED WITH LIKE-KIND MATERIAL AS THE SURROUNDING WALL, AS
25 APPLICABLE, TO PREVENT ENTRY BY UNAUTHORIZED PERSONS, EXCEPT AS
26 SPECIFICALLY AUTHORIZED IN THIS SUBDIVISION OR IN SUBDIVISION (I).
27 USE OF PLYWOOD IS PROHIBITED.

1 (I) OPENINGS LESS THAN 1 SQUARE FOOT IN AREA MAY BE BOARDED
2 WITH PLYWOOD IF THE BOARDING IS MADE WEATHER-TIGHT AND FINISHED
3 WITH VARNISH OR PAINT OF A SIMILAR COLOR TO THE EXTERIOR WALL AND
4 CUT TO THE INSIDE DIMENSIONS OF THE EXTERIOR OF THE OPENING.
5 OPENINGS GREATER THAN 1 SQUARE FOOT IN AREA THAT ARE LOCATED LESS
6 THAN 20 FEET ABOVE THE GROUND, WHICH ARE OTHERWISE ACCESSIBLE FROM
7 GROUND LEVEL, OR WHICH ARE WITHIN 8 FEET IN ANY DIRECTION OF AN
8 EXTERIOR STAIRWAY, FIRE ESCAPE, OR OTHER MEANS OF ACCESS SHALL BE
9 SEALED WITH COMMERCIAL-QUALITY, 14-GAUGE RUST-PROOF STEEL SECURITY
10 PANELS AND DOORS.

11 (J) ALL WINDOWS SHALL HAVE COMMERCIAL-GRADE LOCKING DEVICES
12 THAT ENABLE THEM TO BE SECURELY LOCKED FROM THE INSIDE, SHALL BE
13 WEATHER-TIGHT AND WATERTIGHT, AND SHALL BE GLAZED.

14 Sec. 134. (1) If the owner or occupant fails to comply with
15 the order contained in the notice of violation, the enforcing
16 agency may bring an action to enforce this act and to abate or
17 enjoin the violation.

18 (2) An owner or occupant of the premises upon which a
19 violation exists may bring an action to enforce this act in his or
20 her own name. Upon application by the enforcing agency, or upon
21 motion of the party filing the complaint, the local enforcing
22 agency may be substituted for, or joined with, the complainant in
23 the discretion of the court. **IF THE SUBJECT OF THE COMPLAINT IS**
24 **THAT THE PROPERTY IS LOCATED IN AN URBAN CORE CITY AND IS A**
25 **DANGEROUS BUILDING UNDER SECTION 139(I) OR (J), THEN THE ENFORCING**
26 **AGENCY MAY INCLUDE THE STATE HOUSING DEVELOPMENT AUTHORITY.**

27 (3) If the violation is uncorrected and creates an imminent

1 danger to the health and safety of the occupants of the premises,
2 or if there are no occupants and the violation creates an imminent
3 danger to the health and safety of the public, the enforcing agency
4 shall file a motion for a preliminary injunction or other temporary
5 relief appropriate to remove the danger during the pendency of the
6 action.

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

13 (5) The court of jurisdiction shall make orders and
14 determinations consistent with the objectives of this act. The
15 court may enjoin the maintenance of unsafe, unhealthy, or
16 unsanitary conditions, or violations of this act, and may order the
17 defendant to make repairs or corrections necessary to abate the
18 conditions. The court may authorize the enforcing agency to repair
19 or to remove the building or structure. **IF THE PROPERTY IS LOCATED**
20 **IN AN URBAN CORE CITY AND IS A DANGEROUS PROPERTY UNDER SECTION**
21 **139(I) OR (J), AND THE OWNER OF THE PROPERTY DOES NOT REMEDY THE**
22 **CONDITION OF THE PROPERTY, THE COURT SHALL ORDER THE ENFORCING**
23 **AGENCY TO REPAIR OR REMOVE THE BUILDING OR STRUCTURE.** If an
24 occupant is not the cause of an unsafe, unhealthy, or unsanitary
25 condition, or a violation of this act, and is the complainant, the
26 court may authorize the occupant to correct the violation and
27 deduct the cost from the rent upon terms the court determines just.

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

5 (6) A building or structure shall not be removed unless the
6 cost of repair of the building or structure will be greater than
7 the state equalized value of the building or structure except in
8 urban core cities or local units of government that are adjacent to
9 or contiguous to an urban core city that have adopted stricter
10 standards to expedite the rehabilitation or removal of a boarded or
11 abandoned building or structure that remains either vacant or
12 boarded, or both, and a significant attempt has not been made to
13 rehabilitate the building or structure for a period of 24
14 consecutive months.

15 (7) If the expense of repair or removal is not provided for,
16 the court may enter an order approving the expense and placing a
17 lien on the real property for the payment of the expense. The order
18 may establish and provide for the priority of the lien as a senior
19 lien, except as to tax and assessment liens, and except as to a
20 recorded mortgage of first priority, recorded prior to all other
21 liens of record if, at the time of recording of that mortgage or at
22 a time subsequent, a certificate of compliance as provided for in
23 this act is in effect on the subject property. The order may also
24 specify the time and manner for foreclosure of the lien if the lien
25 is not satisfied. A true copy of the order shall be filed with the
26 appropriate county register of deeds office where the real property
27 is located within 10 days after entry of the order to perfect the

1 lien granted in the order.

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

6 (9) As used in this section, "urban core cities" means
7 qualified local governmental units as that term is defined in
8 section 2 of the obsolete property rehabilitation act, 2000 PA 146,
9 MCL 125.2782.

10 Sec. 141. (1) At a hearing prescribed by section 140, the
11 hearing officer shall take testimony of the enforcing agency, the
12 owner of the property, and any interested party. Not more than 5
13 days after completion of the hearing, the hearing officer shall
14 render a decision either closing the proceedings or ordering the
15 building or structure demolished, otherwise made safe, or properly
16 maintained.

17 (2) If the hearing officer determines that the building or
18 structure should be demolished, otherwise made safe, or properly
19 maintained, the hearing officer shall enter an order that specifies
20 what action the owner, agent, or lessee shall take and sets a date
21 by which the owner, agent, or lessee shall comply with the order.
22 If the building is a dangerous building under section 139(j), the
23 order may require the owner or agent to maintain the exterior of
24 the building and adjoining grounds owned by the owner of the
25 building including, but not limited to, the maintenance of lawns,
26 trees, and shrubs.

27 (3) If the owner, agent, or lessee fails to appear or neglects

1 or refuses to comply with the order issued under subsection (2),
2 the hearing officer shall file a report of the findings and a copy
3 of the order with the legislative body of the city, village, or
4 township not more than 5 days after the date for compliance set in
5 the order and request that necessary action be taken to enforce the
6 order. If the legislative body of the city, village, or township
7 has established a board of appeals under section 141c, the hearing
8 officer shall file the report of the findings and a copy of the
9 order with the board of appeals and request that necessary action
10 be taken to enforce the order. A copy of the findings and order of
11 the hearing officer shall be served on the owner, agent, or lessee
12 in the manner prescribed in section 140. **IF THE PROPERTY THAT IS**
13 **THE SUBJECT OF THE ORDER ISSUED UNDER SUBSECTION (2) IS LOCATED IN**
14 **AN URBAN CORE CITY AND IS A DANGEROUS BUILDING UNDER SECTION 139(I)**
15 **OR (J), THE HEARING OFFICER SHALL FILE AN ADDITIONAL REPORT OF THE**
16 **FINDINGS AND A COPY OF THE ORDER WITH THE STATE HOUSING DEVELOPMENT**
17 **AUTHORITY NOT MORE THAN 5 DAYS AFTER THE DATE FOR COMPLIANCE SET IN**
18 **THE ORDER AND THE STATE HOUSING DEVELOPMENT AUTHORITY SHALL TAKE**
19 **NECESSARY ACTION TO ENFORCE AND IMPLEMENT THE ORDER IF THE**
20 **LEGISLATIVE BODY OF THE CITY, VILLAGE, OR TOWNSHIP DOES NOT ENFORCE**
21 **OR IMPLEMENT THE ORDER WITHIN 5 DAYS OF RECEIVING THE REQUEST UNDER**
22 **THIS SECTION.**

23 (4) The legislative body or the board of appeals of the city,
24 village, or township, as applicable, shall set a date not less than
25 30 days after the hearing prescribed in section 140 for a hearing
26 on the findings and order of the hearing officer. The legislative
27 body or the board of appeals shall give notice to the owner, agent,

1 or lessee in the manner prescribed in section 140 of the time and
2 place of the hearing. At the hearing, the owner, agent, or lessee
3 shall be given the opportunity to show cause why the order should
4 not be enforced. The legislative body or the board of appeals of
5 the city, village, or township shall either approve, disapprove, or
6 modify the order. If the legislative body or board of appeals
7 approves or modifies the order, the legislative body shall take all
8 necessary action to enforce the order. If the order is approved or
9 modified, the owner, agent, or lessee shall comply with the order
10 within 60 days after the date of the hearing under this subsection.
11 For an order of demolition, if the legislative body or the board of
12 appeals of the city, village, or township determines that the
13 building or structure has been substantially destroyed by fire,
14 wind, flood, deterioration, neglect, abandonment, vandalism, or
15 other cause, and the cost of repair of the building or structure
16 will be greater than the state equalized value of the building or
17 structure, the owner, agent, or lessee shall comply with the order
18 of demolition within 21 days after the date of the hearing under
19 this subsection. If the estimated cost of repair exceeds the state
20 equalized value of the building or structure to be repaired, a
21 rebuttable presumption that the building or structure requires
22 immediate demolition exists.

23 (5) The cost of demolition includes, but is not limited to,
24 fees paid to hearing officers, costs of title searches or
25 commitments used to determine the parties in interest, recording
26 fees for notices and liens filed with the county register of deeds,
27 demolition and dumping charges, court reporter attendance fees, and

1 costs of the collection of the charges authorized under this act.
2 The cost of the demolition, of making the building safe, or of
3 maintaining the exterior of the building or structure or grounds
4 adjoining the building or structure incurred by the city, village,
5 or township to bring the property into conformance with this act
6 shall be reimbursed to the **ENFORCING AGENCY**, city, village, or
7 township by the owner or party in interest in whose name the
8 property appears.

9 (6) The owner or party in interest in whose name the property
10 appears upon the last local tax assessment records shall be
11 notified by the assessor of the amount of the cost of the
12 demolition, of making the building safe, or of maintaining the
13 exterior of the building or structure or grounds adjoining the
14 building or structure by first class mail at the address shown on
15 the records. If the owner or party in interest fails to pay the
16 cost within 30 days after mailing by the assessor of the notice of
17 the amount of the cost, the city, village, or township shall have a
18 lien for the cost incurred by the **ENFORCING AGENCY**, city, village,
19 or township to bring the property into conformance with this act.
20 The lien shall not take effect until notice of the lien has been
21 filed or recorded as provided by law. A lien provided for in this
22 subsection does not have priority over previously filed or recorded
23 liens and encumbrances. The lien for the cost shall be collected
24 and treated in the same manner as provided for property tax liens
25 under the general property tax act, 1893 PA 206, MCL 211.1 to
26 211.157.

27 (7) In addition to other remedies under this act, the city,

1 village, or township may bring an action against the owner of the
2 building or structure for the full cost of the demolition, of
3 making the building safe, or of maintaining the exterior of the
4 building or structure or grounds adjoining the building or
5 structure. ~~A~~**AN ENFORCING AGENCY**, city, village, or township shall
6 have a lien on the property for the amount of a judgment obtained
7 under this subsection. The lien provided for in this subsection
8 shall not take effect until notice of the lien is filed or recorded
9 as provided by law. The lien does not have priority over prior
10 filed or recorded liens and encumbrances.

11 Sec. 141a. (1) A judgment in an action brought pursuant to
12 section 141(7) may be enforced against assets of the owner other
13 than the building or structure.

14 (2) ~~A~~**AN ENFORCING AGENCY**, city, village, or township shall
15 have a lien for the amount of a judgment obtained pursuant to
16 section 141(7) against the owner's interest in all real property
17 located in this state that is owned in whole or in part by the
18 owner of the building or structure against whom the judgment is
19 obtained. A lien provided for in this section does not take effect
20 until notice of the lien is filed or recorded as provided by law,
21 and the lien does not have priority over prior filed or recorded
22 liens and encumbrances.