

SENATE BILL No. 39

January 16, 2013, Introduced by Senators HUNTER, SMITH and BIEDA and referred to the Committee on Judiciary.

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending section 4r (MCL 117.4r), as amended by 2008 PA 51.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4r. (1) If a defendant does not pay a civil fine or costs
2 or an installment payment ordered by a hearing officer under
3 section 4q within 30 days after the date on which payment is due
4 for a blight violation involving the use or occupation of land or a
5 building or other structure, the city may obtain a lien against the
6 land, building, or structure involved in the violation by recording
7 a copy of the final decision and order requiring payment of the
8 fines ~~and~~ OR costs with the register of deeds for the county in
9 which the land, building, or structure is located. The order shall
10 not be recorded unless a legal description of the property is

1 incorporated in or attached to the order. The lien is effective
2 immediately upon recording of the order with the register of deeds.

3 (2) ~~The AN order recorded under subsection (1) with the A~~
4 register of deeds ~~shall constitute~~ **UNDER SUBSECTION (1) CONSTITUTES**
5 notice of the pendency of the lien. In addition, **THE CITY SHALL**
6 **SEND** a written notice of the lien ~~shall be sent by the city by~~
7 first-class mail to the owner of record of the land, building, or
8 structure at the owner's last known address.

9 (3) ~~The A lien~~ **UNDER THIS SECTION** may be enforced and
10 discharged by the city in the manner prescribed by its charter, ~~by~~
11 **IN THE SAME MANNER AS ARE LIENS FOR DELINQUENT TAXES UNDER** the
12 general property tax act, 1893 PA 206, MCL 211.1 to 211.155, or by
13 an ordinance duly passed by the governing body of the city.
14 ~~However, property is not subject to forfeiture, foreclosure, and~~
15 ~~sale under sections 78 to 79a of the general property tax act, 1893~~
16 ~~PA 206, MCL 211.78 to 211.79a, for nonpayment of a civil fine or~~
17 ~~costs or an installment ordered under section 4q unless the~~
18 ~~property is also subject to forfeiture, foreclosure, and sale under~~
19 ~~sections 78 to 79a of the general property tax act, 1893 PA 206,~~
20 ~~MCL 211.78 to 211.79a, for delinquent property taxes.~~

21 (4) A lien created under this section has priority over any
22 other lien unless 1 or more of the following apply:

23 (a) The other lien is a lien for taxes or special assessments.

24 (b) The other lien is created before May 1, 1994.

25 (c) Federal law provides that the other lien has priority.

26 (d) The other lien is recorded before the lien under this
27 section is recorded.

1 (5) ~~The~~**A** city may institute an action in circuit court for
2 the collection of ~~the~~**A** judgment imposed by an order under section
3 4q for a blight violation. However, an attempt by the city to
4 collect the judgment by any process does not invalidate or waive
5 the lien upon the land, building, or structure.

6 (6) A lien ~~provided for by~~**UNDER** this section ~~shall not~~
7 ~~continue for a period longer than~~**EXPIRES** 10 years after a copy of
8 the order imposing a fine or costs, or both, is recorded, unless
9 within that time an action to enforce the lien is commenced.

10 (7) A default in the payment of a civil fine or costs under
11 section 4q or an installment of the fine or costs may be collected
12 by a means authorized for the enforcement of a court judgment under
13 chapter 40 or 60 of the revised judicature act of 1961, 1961 PA
14 236, MCL 600.4001 to 600.4065, and MCL 600.6001 to 600.6098.

15 (8) **A CITY SHALL NOT COMMENCE AN ACTION TO ENFORCE A LIEN**
16 **UNDER THIS SECTION IF THE CITY HAS COMMENCED AN ACTION FOR A WRIT**
17 **OF GARNISHMENT WITH RESPECT TO THE UNPAID FINE, COSTS, OR**
18 **PAYMENT UNDER SECTION 4027 OF THE REVISED JUDICATURE ACT OF 1961,**
19 **1961 PA 236, MCL 600.4027.**

20 Enacting section 1. This amendatory act does not take effect
21 unless Senate Bill No. 38

22 of the 97th Legislature is enacted into law.