

Act No. 408
Public Acts of 2016
Approved by the Governor
January 3, 2017
Filed with the Secretary of State
January 4, 2017
EFFECTIVE DATE: April 4, 2017

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Senators Schmidt, Schuitmaker, Horn, MacGregor, Zorn and Knollenberg

ENROLLED SENATE BILL No. 964

AN ACT to amend 1917 PA 167, entitled "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 demolition of certain commercial buildings; to establish remedies; to provide for enforcement; to provide for the demolition of certain dwellings; and to fix penalties for the violation of this act," by amending section 141c (MCL 125.541c), as added by 1992 PA 144.

The People of the State of Michigan enact:

Sec. 141c. (1) The legislative body of a city, village, or township may establish a board of appeals to hear all of the cases and carry out all of the duties of the legislative body described in section 141(3) and (4).

(2) A board of appeals shall consist of the following members, appointed by the legislative body of the city, village, or township:

(a) A building contractor.

(b) An architect or professional engineer who is licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

(c) Two members of the general public.

(d) An individual registered as a building official, plan reviewer, or inspector under article 10 of the skilled trades regulation act, MCL 339.6001 to 339.6023. The individual may be an employee of the enforcing agency.

(3) Board of appeals members shall be appointed for 3 years, except that of the members first appointed, 2 members shall serve for 1 year, 2 members shall serve for 2 years, and 1 member shall serve for 3 years. A vacancy created other than by expiration of a term shall be filled for the balance of the unexpired term in the same manner as the original appointment. A member may be reappointed for additional terms.

(4) A board of appeals annually shall elect a chairperson, vice-chairperson, and other officers that the board considers necessary.

(5) A majority of the members of the board of appeals members who are appointed and serving constitute a quorum. Final action of a board of appeals shall be only by affirmative vote of a majority of the board members who are appointed and serving.

(6) The legislative body of the city, village, or township shall establish the amount of any per diem compensation provided to the members of its board of appeals. The expenses of a member of the board of appeals incurred in the performance of his or her official duties may be reimbursed as provided by law for employees of the legislative body of the city, village, or township.

(7) A meeting of a board of appeals shall comply with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of a meeting of a board of appeals shall be given in the manner required under that act.

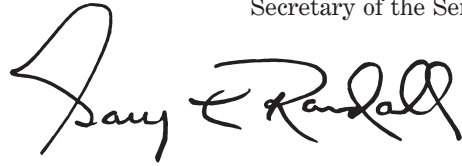
(8) A writing prepared, owned, used, in the possession of, or retained by a board of appeals in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 963 of the 98th Legislature is enacted into law.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor