

DEVELOPMENT OF BLIGHTING PROPERTY (EXCERPT)
Act 27 of 2002

***** 125.2804 THIS SECTION IS REPEALED BY ACT 27 OF 2002 EFFECTIVE MARCH 6, 2007 *****

125.2804 Designation of property as blighting; hearing; notice.

Sec. 4. (1) A municipality that proposes to designate a property as blighting property under section 3 shall hold a hearing on the designation. The hearing shall take place not less than 42 days, and not more than 119 days, after the municipality provides written notice of the hearing and the proposed designation as required by this section. A municipality may hold the hearing more than 119 days after it provides written notice only if an extension is requested by a person with a legal interest in the property that is contesting the blighting designation.

(2) The written notice provided under this section shall explain, in plain English, that the property is subject to designation as blighting property, and shall include all of the following:

- (a) The time, date, and location of the hearing.
- (b) A description, including the street address, of the property subject to designation as blighting property.
- (c) An explanation of the reasons the municipality considers the property to be blighting property.
- (d) The name, address, and telephone number of the person to whom communications about the hearing may be addressed.

(e) Names, addresses, and telephone numbers of public and private agencies or other resources that may be available to assist an occupant of the property to avoid the designation of the property as blighting property or to obtain comparable safe, decent, and quality affordable housing.

(f) A description of the improvements that should be made to the property before the hearing to avoid designation of the property as blighting.

(3) The municipality shall perform a thorough title search to identify all persons with a legal interest in the property. The municipality shall take the following steps to provide notice to any person with a legal interest in the property:

(a) Determine the address reasonably calculated to apprise those persons with a legal interest in the property of the pendency of the hearing under this section and send notice of the hearing to each person with a legal interest in the property by certified mail, return receipt requested, not less than 42 days before the hearing.

(b) Send a representative to the property to ascertain personally whether or not the property is occupied. If the property appears to be occupied, the municipality shall do all of the following not less than 42 days before the hearing:

(i) Make reasonable efforts in good faith personally to serve upon a person occupying the property a copy of the written notice described in subsection (2).

(ii) If a person occupying the property is personally served, orally inform the occupant of both of the following:

(A) That the property may be designated as blighting property.

(B) Public and private agencies or other resources that may be available to assist the occupant to avoid the designation of the property as blighting property or to obtain comparable safe, decent, and quality affordable housing.

(iii) If the occupant indicates that he or she has a health problem that affects his or her ability to make improvements that will cause the property no longer to meet the definition of blighting property or if it should be apparent to the representative of the municipality that the occupant has such a health problem, place the occupant with an appropriate public or private agency to assist the occupant to avoid the designation of the property as blighting property.

(iv) If the occupant appears to lack the ability to understand the advice given or is unwilling to cooperate, provide the occupant with the names and telephone numbers of public and private agencies that may be able to assist the occupant.

(v) If an authorized representative of the municipality is not able personally to meet with the occupant, place the written notice at a conspicuous location on the property.

(c) Correct any deficiency that the municipality may know of in the provision of the notice required by this section as soon as practicable before designating the property as blighting property.

(d) If the municipality is unable to ascertain the address reasonably calculated to apprise all persons with a legal interest in the property of the pendency of the hearing, or is unable to deliver notice to any occupant of the property, service of the notice shall be made by publication. The notice shall be published for 3 successive weeks, once each week, in a newspaper published and circulated in the county in which the property is

located, if there is one. If no paper is published in that county, publication shall be made in a newspaper published and circulated in an adjoining county.

(4) Any notice provided under this section shall include an explanation of any tax benefits or other incentives offered by the municipality that may encourage the transfer of the blighting property.

History: 2002, Act 27, Imd. Eff. Mar. 6, 2002.