

HOUSE BILL No. 5280

November 13, 1989, Introduced by Reps. Bennane, DeMars and Brown and referred to the Committee on Towns and Counties.

A bill to amend sections 139, 140, and 141 of Act No. 167 of the Public Acts of 1917, entitled as amended "Housing law of Michigan," being sections 125.539, 125.540, and 125.541 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 139, 140, and 141 of Act No. 167 of the
2 Public Acts of 1917, being sections 125.539, 125.540, and 125.541
3 of the Michigan Compiled Laws, are amended to read as follows:

4 Sec. 139. As used in sections 138 to 142, "dangerous
5 building" means ~~any~~ A building or structure ~~which~~ THAT has
6 ~~any~~ 1 OR MORE of the following defects or is in ~~any~~ 1 OR MORE
7 of the following conditions:

8 (a) ~~Whenever any~~ A door, aisle, passageway, stairway, or
9 other means of exit does not conform to the approved fire code of

1 the ~~community wherein the property lies, it shall be considered~~
2 ~~that such dwelling does not meet the requirements of this act~~
3 CITY, VILLAGE, OR TOWNSHIP IN WHICH THE BUILDING OR STRUCTURE IS
4 LOCATED.

5 (b) ~~Whenever any~~ A portion ~~has been~~ OF THE BUILDING OR
6 STRUCTURE IS damaged by fire, wind, flood, or ~~by any~~ other
7 cause in ~~such~~ a manner that the structural strength or stabil-
8 ity OF THE BUILDING OR STRUCTURE is appreciably less than it was
9 before ~~such~~ THE catastrophe and ~~is less than~~ DOES NOT MEET
10 the minimum requirements of this act or ~~any~~ A building code of
11 the city, village, or township ~~wherein~~ IN WHICH the building OR
12 STRUCTURE is located for a new building or ~~similar~~ structure,
13 purpose, or location.

14 (c) ~~Whenever any~~ A portion, ~~or~~ member, or appurtenance
15 OF THE BUILDING OR STRUCTURE is likely to fall, ~~or to~~ become
16 detached or dislodged, or to collapse and ~~thereby~~ injure per-
17 sons or damage property.

18 (d) ~~Whenever any~~ A portion OF THE BUILDING OR STRUCTURE
19 has settled to such an extent that walls or other structural por-
20 tions OF THE BUILDING OR STRUCTURE have materially less resis-
21 tance to winds than is required in the case of new construction
22 by this act or ~~the~~ A building code of the city, village, or
23 township ~~where~~ IN WHICH the building OR STRUCTURE is located.

24 (e) ~~Whenever the~~ THE building, ~~or~~ structure, or any part
25 OF THE BUILDING OR STRUCTURE, because of dilapidation, deteriora-
26 tion, decay, faulty construction, or ~~because of~~ the removal or
27 movement of some portion of the ground necessary for the purpose

1 of supporting ~~such~~ THE building, STRUCTURE, or portion
2 ~~thereof~~ OF THE BUILDING OR STRUCTURE, or for other reason, is
3 likely to partially or completely collapse, or some portion of
4 the foundation or underpinning OF THE BUILDING OR STRUCTURE is
5 likely to fall or give way.

6 (f) ~~Whenever, for any reason, whatsoever the~~ THE building,
7 ~~or~~ structure, or ~~any~~ portion OF THE BUILDING OR STRUCTURE is
8 manifestly unsafe for the purpose for which it is used.

9 (g) ~~Whenever the~~ THE building or structure ~~has been so~~
10 IS damaged by fire, wind, or flood, or ~~has become so~~ IS dilapi-
11 dated or deteriorated ~~as to~~ AND MAY become an attractive nui-
12 sance to children who might play ~~therein~~ IN THE BUILDING OR
13 STRUCTURE to their danger, ~~or as to afford~~ MAY BECOME a harbor
14 for vagrants, criminals, or immoral persons, or ~~as to~~ MAY
15 enable persons to resort ~~thereto~~ TO THE BUILDING OR STRUCTURE
16 for ~~the purpose of~~ committing a nuisance or AN unlawful or
17 immoral ~~acts~~ ACT.

18 (h) ~~Whenever a~~ A building or structure used or intended to
19 be used for dwelling purposes, because of dilapidation, decay,
20 damage, ~~or~~ faulty construction or arrangement, or otherwise, is
21 unsanitary or unfit for human habitation, ~~or~~ is in a condition
22 that is likely to cause sickness or disease when so determined by
23 the health officer, or is likely to work injury to the health,
24 safety, or general welfare of ~~those~~ PEOPLE living ~~within~~ IN
25 THE BUILDING OR STRUCTURE.

26 (i) ~~Whenever any~~ A building ~~becomes~~ OR STRUCTURE IS
27 vacant, dilapidated, and open at door or window, leaving the

1 interior of the building exposed to the elements or accessible to
2 entrance by trespassers.

3 (J) A BUILDING OR STRUCTURE USED OR INTENDED TO BE USED FOR
4 DWELLING PURPOSES REMAINS UNOCCUPIED FOR A PERIOD OF
5 180 CONSECUTIVE DAYS OR LONGER, AND IS NOT LISTED AS BEING AVAIL-
6 ABLE FOR SALE, LEASE, OR RENT WITH A REAL ESTATE BROKER LICENSED
7 UNDER ARTICLE 25 OF THE OCCUPATIONAL CODE, ACT NO. 299 OF THE
8 PUBLIC ACTS OF 1980, BEING SECTIONS 339.2501 TO 339.2515 OF THE
9 MICHIGAN COMPILED LAWS. THIS SUBDIVISION DOES NOT APPLY TO
10 OWNERS AND AGENTS WHO ARE REGISTERED WITH THE ENFORCING AGENCY
11 UNDER SECTION 125 AND WHO COMPLY WITH ALL OF THE FOLLOWING
12 REQUIREMENTS:

13 (i) THE OWNER OR AGENT NOTIFIES A LOCAL LAW ENFORCEMENT
14 AGENCY IN WHOSE JURISDICTION THE BUILDING OR STRUCTURE IS LOCATED
15 THAT THE BUILDING OR STRUCTURE WILL REMAIN UNOCCUPIED FOR A
16 PERIOD OF MORE THAN 180 CONSECUTIVE DAYS. THE NOTICE SHALL BE
17 GIVEN TO THE LOCAL LAW ENFORCEMENT AGENCY BY THE OWNER OR AGENT
18 NOT MORE THAN 30 DAYS AFTER THE BUILDING OR STRUCTURE BECOMES
19 UNOCCUPIED.

20 (ii) THE OWNER OR AGENT MAINTAINS THE EXTERIOR OF THE BUILD-
21 ING OR STRUCTURE AND ADJOINING GROUNDS OWNED BY THE OWNER OF THE
22 BUILDING OR STRUCTURE IN A CONDITION THAT REASONABLY GIVES THE
23 APPEARANCE THAT THE BUILDING OR STRUCTURE IS INHABITED DURING THE
24 PERIOD IN WHICH THE BUILDING OR STRUCTURE IS UNOCCUPIED.

25 Sec. 140. (1) Notwithstanding any other provision of this
26 act, ~~when the whole or any part of any~~ IF A building or
27 structure is found to be ~~in a dangerous or unsafe condition~~

1 BUILDING, the enforcing agency shall issue a notice ~~of~~ THAT the
2 BUILDING OR STRUCTURE IS A dangerous ~~and unsafe condition~~
3 BUILDING.

4 (2) ~~Such~~ THE notice shall be ~~directed to~~ SERVED ON the
5 owner, agent, or lessee THAT IS registered with the enforcing
6 agency ~~in accordance with~~ UNDER section 125. If ~~no~~ AN owner,
7 agent, or lessee ~~has been~~ IS NOT registered ~~, then~~ UNDER
8 SECTION 125, the notice shall be ~~directed to~~ SERVED ON each
9 owner of or party in interest in the building OR STRUCTURE in
10 whose name the property appears on the last local tax assessment
11 records.

12 (3) The notice shall specify the time and place of a hearing
13 on WHETHER the ~~condition of the~~ BUILDING OR STRUCTURE IS A
14 DANGEROUS building. ~~or structure at which time and place the~~
15 THE person to whom the notice is directed shall have the opportu-
16 nity to show cause AT THE HEARING why the ~~building or structure~~
17 HEARING OFFICER should not ~~be ordered~~ ORDER THE BUILDING OR
18 STRUCTURE to be demolished, ~~or~~ otherwise made safe, OR PROPERLY
19 MAINTAINED.

20 (4) The hearing officer shall be appointed by the mayor,
21 village president, or township supervisor to serve at his OR HER
22 pleasure. The enforcing agency shall file a copy of the notice
23 ~~of~~ THAT the BUILDING OR STRUCTURE IS A dangerous ~~and unsafe~~
24 ~~condition~~ BUILDING with the hearing officer.

25 (5) ~~All notices~~ THE NOTICE shall be in writing and shall
26 be served upon the person to whom ~~they are~~ THE NOTICE IS
27 directed EITHER personally ~~, or in lieu of personal service~~

1 ~~may be mailed~~ by certified ~~mail return~~ MAIL, RETURN receipt
2 requested, addressed to ~~such~~ THE owner or party in interest at
3 the address shown on the tax records. ~~, at least 10 days before~~
4 ~~the date of the hearing described in the notice. If any person~~
5 ~~to whom a notice is directed is not personally served, in addi-~~
6 ~~tion to mailing the notice, a copy thereof~~ IF A NOTICE IS SERVED
7 ON A PERSON BY CERTIFIED MAIL, A COPY OF THE NOTICE shall ALSO be
8 posted upon a conspicuous part of the building or structure. THE
9 NOTICE SHALL BE SERVED UPON THE OWNER OR PARTY IN INTEREST AT
10 LEAST 10 DAYS BEFORE THE DATE OF THE HEARING INCLUDED IN THE
11 NOTICE.

12 Sec. 141. (1) ~~The~~ AT A HEARING PRESCRIBED BY SECTION 140,
13 THE hearing officer shall take testimony of the enforcing agency,
14 the owner of the property, and any interested party. The hearing
15 officer shall render ~~his~~ A decision either closing the proceed-
16 ings or ordering the building ~~to be~~ OR STRUCTURE demolished,
17 ~~or~~ otherwise made safe, OR PROPERLY MAINTAINED.

18 (2) If ~~it is determined by~~ the hearing officer DETERMINES
19 that the building or structure should be demolished, ~~or~~ other-
20 wise made safe, ~~he~~ OR PROPERLY MAINTAINED, THE HEARING OFFICER
21 shall so order, fixing a time in the order for the owner, agent,
22 or lessee to comply ~~therewith~~ WITH THE ORDER. IF THE BUILDING
23 OR STRUCTURE IS A DANGEROUS BUILDING UNDER SECTION 139(J), THE
24 ORDER MAY REQUIRE THE OWNER OR AGENT TO MAINTAIN THE EXTERIOR OF
25 THE BUILDING OR STRUCTURE AND ADJOINING GROUNDS OWNED BY THE
26 OWNER OF THE BUILDING OR STRUCTURE INCLUDING, BUT NOT LIMITED TO,
27 THE MAINTENANCE OF LAWNS, TREES, AND SHRUBS.

1 (3) If the owner, agent, or lessee fails to appear or
2 neglects or refuses to comply with the order ISSUED UNDER SUBSEC-
3 TION (2), the hearing officer shall file a report of ~~his~~ THE
4 findings and a copy of ~~his~~ THE order with the legislative body
5 of the city, village, or township and request that ~~the~~ neces-
6 sary action be taken to ~~demolish or otherwise make safe the~~
7 ~~building or structure~~ ENFORCE THE ORDER. A copy of the findings
8 and order of the hearing officer shall be served on the owner,
9 agent, or lessee in the manner prescribed in section 140.

10 (4) The legislative body of the city, village, or township
11 shall fix a date for A hearing ~~, reviewing~~ ON the findings and
12 order of the hearing officer and shall give notice to the owner,
13 agent, or lessee in the manner prescribed in section 140 of the
14 time and place of the hearing. At the hearing, the owner, agent,
15 or lessee shall be given the opportunity to show cause why the
16 ~~building should not be demolished or otherwise made safe and~~
17 ~~the~~ ORDER SHOULD NOT BE ENFORCED. THE legislative body of the
18 city, village, or township shall either approve, disapprove, or
19 modify the order. ~~for the demolition or making safe of the~~
20 ~~building or structure.~~ AN ORDER FOR THE DEMOLITION OF A BUILDING
21 OR STRUCTURE SHALL BE ENFORCED WITHIN 60 DAYS AFTER THE DATE OF
22 THE HEARING UNDER THIS SUBSECTION.

23 (5) The cost of the demolition, ~~or~~ OF making the building
24 safe, OR OF MAINTAINING THE EXTERIOR OF THE BUILDING OR STRUC-
25 TURE, OR GROUNDS ADJOINING THE BUILDING OR STRUCTURE, shall be a
26 lien against the real property and shall be reported to the
27 assessing officer of the city, village, or township who shall

1 assess the cost against the property on which the building or
2 structure is located.

3 (6) The owner or party in interest in whose name the prop-
4 erty appears upon the last local tax assessment records shall be
5 notified BY THE ASSESSOR of the amount of ~~such~~ THE cost OF THE
6 DEMOLITION, OF MAKING THE BUILDING SAFE, OR OF MAINTAINING THE
7 EXTERIOR OF THE BUILDING OR STRUCTURE OR GROUNDS ADJOINING THE
8 BUILDING OR STRUCTURE by first class mail at the address shown on
9 the records. If ~~he~~ THE OWNER OR PARTY IN INTEREST fails to pay
10 the ~~same~~ COST within 30 days after mailing by the assessor of
11 the notice of the amount ~~thereof~~ OF THE COST, the assessor
12 shall add the ~~same~~ COST to the next tax roll of ~~such~~ THE
13 city, village, or township and the ~~same~~ COST shall be collected
14 in the same manner in all respects as provided ~~by law~~ UNDER THE
15 GENERAL PROPERTY TAX ACT, ACT NO. 206 OF THE PUBLIC ACTS OF 1893,
16 BEING SECTIONS 211.1 TO 211.157 OF THE MICHIGAN COMPILED LAWS,
17 for the collection of taxes by ~~such~~ THE city, village, or
18 township.

19 (7) IN ADDITION TO THE REMEDIES UNDER SUBSECTIONS (5) AND
20 (6), THE CITY, VILLAGE, OR TOWNSHIP MAY BRING AN ACTION AGAINST
21 THE OWNER OF THE BUILDING OR STRUCTURE FOR THE FULL COST OF THE
22 DEMOLITION, OF MAKING THE BUILDING SAFE, OR OF MAINTAINING THE
23 EXTERIOR OF THE BUILDING OR STRUCTURE OR GROUNDS ADJOINING THE
24 BUILDING OR STRUCTURE. A JUDGMENT IN AN ACTION PURSUANT TO THIS
25 SUBSECTION MAY BE ENFORCED AGAINST ASSETS OF THE OWNER OTHER THAN
26 THE BUILDING OR STRUCTURE.