

**SUBSTITUTE FOR  
HOUSE BILL NO. 5910**

A bill to establish procedures for certain municipalities to designate school safety immediate demolition zones; to designate as blighted certain lots or structures that pose a direct threat to the health, safety, or welfare of schoolchildren; to demolish certain blighted structures located within school safety immediate demolition zones; to impose certain duties on certain municipalities; and to provide remedies and penalties.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "emergency schoolchildren protection enforcement act".

3       Sec. 3. As used in this act:

4       (a) "Blighted property" means any of the following struc-  
5 tures or lots, whether improved or unimproved, that pose a direct  
6 threat to the health, safety, or welfare of schoolchildren:

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1       (i) A structure or lot that, because of physical condition  
2 or use, is regarded as a public nuisance at common law or has  
3 been declared a public nuisance under the eligible municipality's  
4 housing, building, plumbing, or fire codes.

5       (ii) A structure or lot that, because of physical condition,  
6 use, or occupancy, is considered an attractive nuisance to chil-  
7 dren, including, but not limited to, abandoned wells, shafts,  
8 basements, and excavations, and unsafe fences or structures.

9       (iii) A structure that, because it is dilapidated, unsani-  
10 tary, unsafe, vermin infested, or lacking in facilities and  
11 equipment required by the housing code of the eligible municipal-  
12 ity, has been designated by the agency of the eligible municipal-  
13 ity responsible for enforcement of the code as unfit for usage.

14       (iv) A structure or lot that is a fire hazard or is other-  
15 wise dangerous to the safety of persons or property.

16       (v) A structure from which the utilities, plumbing, heating,  
17 sewerage, or other facilities have been disconnected, destroyed,  
18 removed, or rendered ineffective so that the property is unfit  
19 for its intended use.

20       (vi) A structure or lot that, by reason of neglect or lack  
21 of maintenance, has become a place for accumulation of trash or  
22 debris, or a haven for rodents or other vermin.

23       (vii) A residential structure that is vacant and has not  
24 been rehabilitated within 180 days of the receipt of a notice to  
25 rehabilitate from the eligible municipality's appropriate code  
26 enforcement agency.

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1 (viii) A nonresidential structure that has not been  
2 rehabilitated within 180 days of the receipt of a notice to  
3 rehabilitate from the eligible municipality's appropriate code  
4 enforcement agency.

5 (b) "Eligible municipality" means a city, village, or  
6 township.

7 (c) "Owner" means a person identified in the records of the  
8 appropriate assessing officer for an eligible municipality as a  
9 person with an ownership interest in blighted property.

10 (d) "School safety immediate demolition zone" means the area  
11 within a 750-foot radius of school property on which educational  
12 activities are conducted [as designated by resolution of the  
legislative body of an eligible municipality].

13 Sec. 5. The legislature finds that there exists in this  
14 state a continuing need to immediately protect the schoolchildren  
15 of this state from blighted property that is a direct threat to  
16 their health, safety, or welfare. Therefore, the emergency  
17 powers granted in this act relating to the demolition of blighted  
18 property within a school safety immediate demolition zone consti-  
19 tute the performance by this state or by an eligible municipality  
20 of essential public purposes and functions to protect the health,  
21 safety, or welfare of this state's schoolchildren.

22 Sec. 7. (1) [Upon the designation of 1 or more school safety  
immediate demolition zones by resolution of the legislative body of  
an eligible municipality, an] eligible municipality's appropriate  
code  
23 enforcement agency shall notify the legislative body of the eli-  
24 gible municipality of any parcel of blighted property in the eli-  
25 gible municipality that is located within [the designated] school  
safety immedi-  
26 ate demolition zone.

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1           (2) The legislative body of the eligible municipality shall  
2 determine if property identified under subsection (1) is blighted  
3 property [,] is located within a school safety immediate demoli-  
4 tion zone [, and poses a danger to schoolchildren].

5           (3) If the legislative body of the eligible municipality  
6 concurs that a parcel of property identified under subsection (1)  
7 is blighted property, is located within a school safety immediate  
8 demolition zone, and poses a danger to schoolchildren, the legis-  
9 lative body of the eligible municipality shall immediately do all  
10 of the following:

11           (a) Send notice to the owner of the blighted property, by  
12 certified mail return receipt requested, of all of the  
13 following:

14           (i) That the owner is responsible for blighted property  
15 located within a school safety immediate demolition zone that is  
16 a direct threat to the health, safety, or welfare of  
17 schoolchildren.

18           (ii) That, if the blighted property is not brought into com-  
19 pliance with all applicable housing, building, plumbing, or fire  
20 codes within 30 days of the date of the notice, the blighted  
21 property shall be demolished at the owner's expense.

22           (iii) The code violations or other conditions that must be  
23 corrected on the blighted property to avoid its demolition.

24           (b) Publish a notice in a newspaper of general circulation  
25 in the eligible municipality, identifying the blighted property  
26 and providing the information set forth in subdivision (a). Each  
27 published notice shall include the street address of each parcel

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1 of blighted property, if available. If a published notice  
2 includes a list of the property identification numbers of the  
3 blighted property, that list may provide either the individual  
4 property identification number for each parcel of blighted prop-  
5 erty or 1 or more sequential sets of property identification num-  
6 bers, which include each parcel of blighted property. If a pub-  
7 lished notice includes a list of the property identification num-  
8 bers of the blighted property, that published notice shall also  
9 include either a map depicting the location of the blighted prop-  
10 erty or a written description of the blighted property's  
11 location.

12       Sec. 9. If property identified as blighted property under  
13 section 7 is property that has been returned as delinquent for  
14 the nonpayment of taxes under the general property tax act, 1893  
15 PA 206, MCL 211.1 to 211.157, and a person claims ownership of  
16 that blighted property, the person claiming ownership shall cor-  
17 rect all code violations or other conditions to avoid the  
18 blighted property's demolition within 30 days of claiming  
19 ownership.

20       Sec. 11. (1) If the code violations or other conditions  
21 that must be corrected on the blighted property are not corrected  
22 within 30 days of the notice provided under section 7 or of the  
23 claim of ownership under section 9, whichever is later, the eli-  
24 gible municipality shall demolish the blighted property or, if  
25 the blighted property is a lot, otherwise correct conditions on  
26 the blighted property to remove the blighted property's direct  
27 threat to the health, safety, or welfare of schoolchildren.

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1           (2) The eligible municipality shall remove all debris from  
2 the location where the blighted property was demolished within 30  
3 days of the commencement of demolition.

4           (3) Subject to subsection (4), the owner of the blighted  
5 property is liable for all costs of the demolition and debris  
6 removal. The eligible municipality shall bill all costs of the  
7 demolition and debris removal to the blighted property's owner,  
8 which amount shall become a lien on the lot that constituted the  
9 blighted property or on which the blighted property was located.

10          (4) The blighted property's owner is not liable for the cost  
11 of the blighted property's demolition and debris removal if the  
12 debris from the blighted property's demolition is not removed  
13 within 30 days of the commencement of demolition.

[Sec. 13. The provisions of this act are in addition to any other power provided to an eligible municipality by any law, charter, or ordinance.]