



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 1096 and 1097 (as reported without amendment)
Senate Bill 1098 (Substitute S-1 as reported)
Senate Bill 1099 (as reported without amendment)
Senate Bill 1100 (Substitute S-1 as reported)
Sponsor: Senator Virgil Smith (S.B. 1096)
 Senator Bert Johnson (S.B. 1097)
 Senator Tonya Schuitmaker (S.B. 1098)
 Senator Rick Jones (S.B. 1099)
 Senator Tupac A. Hunter (S.B. 1100)
Committee: Judiciary

CONTENT

Senate Bill 1096 would amend the Home Rule City Act to establish additional civil and criminal penalties that could be imposed on a person who committed a blight violation and failed to pay a fine and costs of \$1,000 or more.

The Act allows a city with a population of 7,500 or more in any county, and a city with a population of 3,300 or more in a county with a population of 2.0 million or more, to establish an administrative hearings bureau to adjudicate and impose sanctions for a blight violation. The bill would refer to a county with a population of 1.5 million or more.

A hearing officer may impose reasonable and proportionate sanctions consistent with applicable ordinance provisions and assess costs against a person found responsible for a violation, and must impose a justice system assessment of \$10 for each blight violation determination.

Under the bill, if the civil fine and costs imposed against a person were \$1,000 or more and the person did not pay them within 30 days, the person would be subject to the following:

- For a first violation, the person would be responsible for a State civil infraction and could be ordered to pay a maximum civil fine of \$500.
- For a second violation, the person would be guilty of a misdemeanor punishable by imprisonment for up to 93 days and a maximum fine of \$500, or both.
- For a third or subsequent violation, the person would be guilty of a misdemeanor punishable by imprisonment for up to one year and a mandatory fine of \$500.

Senate Bill 1097 would amend the Michigan Zoning Enabling Act to allow a city zoning ordinance to provide that a person would be ineligible for rezoning, site plan approval, variance, or other zoning authorization if the person were delinquent in paying a fine or costs for a blight violation.

Senate Bill 1098 (S-1) would amend the Single State Construction Code Act to allow a city to provide by ordinance that a person would be ineligible for a building permit, a certificate of use and occupancy, or a variance if the person were delinquent in paying a fine or costs for a blight violation.

Senate Bill 1099 would amend the Revised Judicature Act to allow a city to file a garnishment action if a fine or costs were ordered for a blight violation.

Senate Bill 1100 (S-1) would amend the Home Rule City Act to allow a lien against property involved in a blight violation to be enforced and discharged by the city in the same manner as liens for delinquent taxes.

MCL 117.4q (S.B. 1096)
MCL 125.3406 (S.B. 1097)
Proposed MCL 125.1509c (S.B. 1098)
Proposed MCL 600.4027 (S.B. 1099)
MCL 117.4r (S.B. 1100)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 1096 would have an indeterminate fiscal impact on State and local government. Cities could see increased revenue from the collection of fines and costs for blight violations, and the State could see increased revenue resulting from the \$10-per-citation justice system assessment. Although there are no data to indicate how many offenders would be charged with the proposed misdemeanors, those convicted could be incarcerated and/or placed under community supervision, increasing costs for local units. Increased civil infraction and penal fine revenue associated with the proposed State civil infraction and the proposed misdemeanors would benefit public libraries.

Senate Bills 1097, 1098 (S-1), and 1100 (S-1) would have no impact on State revenue and a likely negligible effect on local unit revenue. Cities' revenue could be increased slightly under the assumption that the changes would either make it more likely that certain fines or costs would be paid, or paid in a timely manner, or provide alternative options for cities to more effectively or efficiently collect a payment relating to a lien.

Senate Bill 1099 would have a negligible fiscal impact on the local court system. Courts could see a marginal increase in caseload associated with enforcing garnishments against those who neglect payment of civil fines and costs ordered for blight violations. Cities would receive increased revenue from the collection of the fines and costs.

Date Completed: 5-30-12

Fiscal Analyst: Dan O'Connor
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.