



michigan municipal league

Better Communities. Better Michigan.



Restoring Michigan Communities

Building by Building



- Burned out houses
- Overgrown weeds
- Abandoned buildings
- Half built houses
- Inoperable cars on private property
- Empty lots full of garbage
- Discarded refrigerators
- Undrained swimming pools
- Neglected building next to outdoor cafe



- Lower property values
- Increase crime
- Detract from the well-being of community
- Hinder the creation of “sense of place”
- Impede goal to create vibrant communities



► Four step approach:

1. Identify problems in your community
2. Assess tools and enforcement procedures
3. Develop goals and action plan
4. Put plan in action



- Public nuisance
- Attractive nuisance
- Fire hazard
- Utilities off for 1 year
- Vacant for 5 years and not maintained
- Severe code violations and not rehabilitated
- Tax reverted
- Land Bank Fast Track Authority



Two basic types of tools used by municipalities

Tools that encourage owner to clean up property

Tools that transfer property to municipality for clean up or transfer to third party for clean up

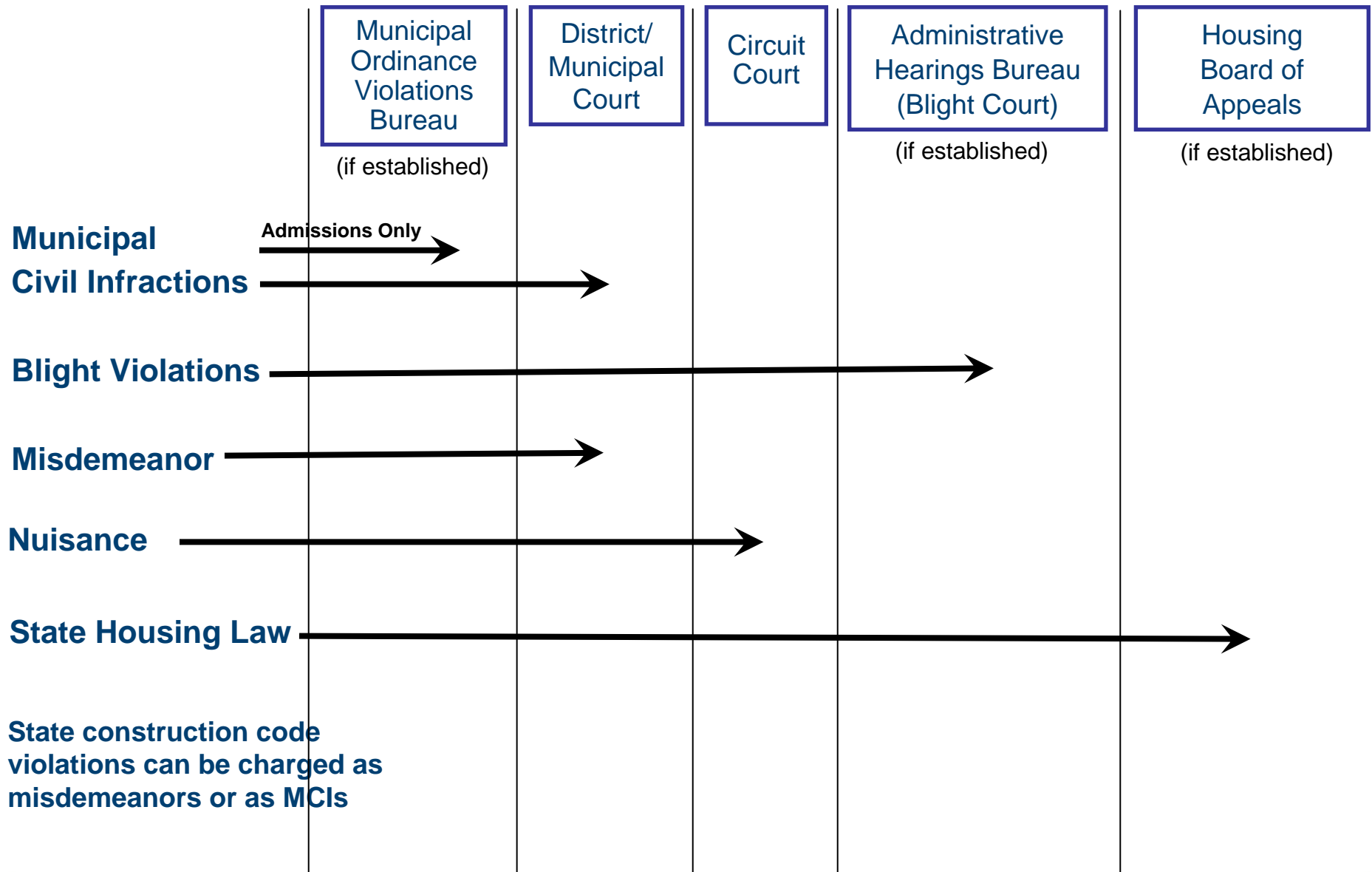


- Most of the tools and enforcement procedures in the *Restoring Michigan Communities—Building by Building* are intended to get property owner to clean up problems.



- Municipal civil infractions
- Blight violations
- Misdemeanor violations
- Nuisances
- State construction code violations (municipal civil infractions, misdemeanors)
- State Housing Law (basis for dangerous buildings)

Property owner retains title





- Eminent Domain
 - Based on public concern—remove unfit housing & advance public health and safety

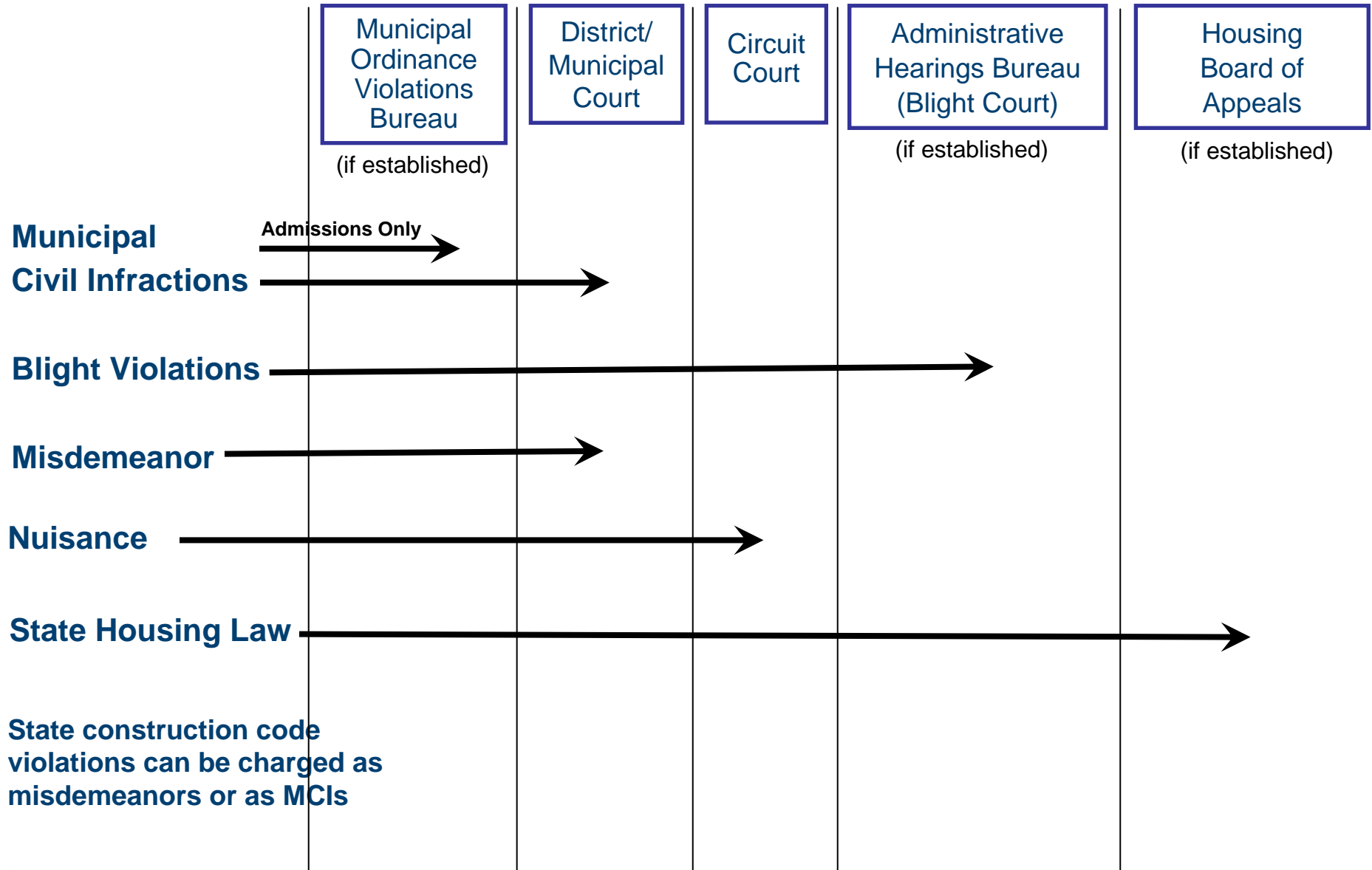
- Nuisance
 - Wayne County Nuisance Abatement Program

- Tax Reversion
 - Unit of government
 - Land Bank Fast Track Authority



- In some situations, owner retains title
 - Municipality demolishes and assesses costs to property owner
- In others, municipality acquires title and demolishes or transfers to third party who demolishes

Tools/Enforcement procedures





➤ Construction Codes

- Enforce as if ordinance (misdemeanor or municipal civil infraction)

➤ State Housing Law

- Preferably, adopt as ordinance (dangerous building provisions and other provisions)



- Abandoned building
- Abandoned possessions
- Dangerous building (may use State Housing Law as basis)
- Fire protection
- Noxious weeds
- Housing
- Inoperable vehicle
- Litter
- Local property maintenance
- Nuisance
- Rental registration/inspection
- Zoning



- District court
- Circuit court



- Municipal Ordinance Violations Bureau (optional)
- Construction Board of Appeals (if enforcing state construction codes)
- Administrative Hearings Bureau/Blight Court (optional)
- Board of Appeals (if utilizing procedures in State Housing Law) (optional)



- 90 or 93 day misdemeanors
- Hearings on municipal civil infractions
- Note: If municipality has established a municipal ordinance violations bureau, admissions of municipal civil infractions will be processed in bureau.



- Hearings for injunctive relief for nuisances
 - e.g., Wayne County Nuisance Abatement Program
- Appeals from district/municipal court



- ▶ Under the State Housing Law, may issue order of demolition



- Established under State Housing Law, MCL 125.541c
- Acts in place of legislative body (council or commission) to carry out provisions of MCL 125.541(3), (4)
- Appeals to circuit court



- Required if municipality enforces state construction code(s)
- Hears denial of application and decisions related to enforcement
- See Bureau of Construction Codes Technical Bulletin, Publication No. 9, updated: July, 2006
- Appeals go to Construction Code Commission



➤ District court (judicial)

OR

➤ Municipal ordinance violations bureau
(administrative) for admission of responsibility—
Denials of responsibility go to district court.
Municipality has option to create (and fund) bureau.



➤ Criminal misdemeanor



- ▶ Adjudication in Administrative Hearings Bureau
 - for example, Jackson



State Housing Law

A judgment obtained pursuant to MCL 125.541(7) for the cost of demolition of, or making safe, an unsafe building or structure can be enforced as a lien on the property. MCL 125.541a provides that the municipality shall have a lien for the amount of such judgment against the owner's interest in all real property located in the state.



Noxious weeds (MCL 247.64)

Statute provides liens against real property for the expense of eradicating noxious weeds. Depending on the method used in the statute or ordinance, a municipality may enforce the lien either in the manner provided for mechanics' liens or in the manner provided for tax liens.



Municipal civil infraction judgments

If a respondent does not pay a civil fine or costs or an installment order under MCL 600.8727 in an action involving the use or occupation of land or a building or other structure, the municipality may obtain a lien against the land, building, or structure by recording a copy of the court order requiring payment with the register of deeds. MCL 600.8731.



Fire loss insurance proceeds (MCL 500.2227)

Under the statute, an insurer shall withhold from payment for loss by fire and other causes, 25% of actual cash value of property or 25% of final settlement whichever is less for retention by a municipality under the circumstances provided by the statute. Municipality must establish that damaged structure violates existing health and safety standards of the municipality and constitutes cause for retention for the repair, replacement or removal of the damaged structure.



Municipality as receiver (MCL 125.535)

A municipality may be appointed as a receiver to enforce the provisions of the State Housing Law. The statute indicates that its purpose is to repair, renovate and rehabilitate the premises as needed to make the building comply with the provisions of the act, “and where ordered by the court, to remove a building.” When expenses are not otherwise provided, the court may order that the expenses be a lien on the property.



Conclusion