



House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

## SCHOOL SAFETY DEMOLITION ZONES

House Bill 5910 as passed by the House  
Second Analysis (10-12-00)

Sponsor: Rep. Andrew Richner  
Committee: Local Government and Urban  
Policy

### ***THE APPARENT PROBLEM:***

Cities throughout Michigan have thousands of vacant and abandoned buildings open to trespass and criminal activity, creating a dangerous and unsafe environment for adults and children. These kinds of properties are especially dangerous for school-age children who make their way through neighborhoods going to and from school.

Customarily cities have programs to identify the worst of the abandoned buildings and place them on lists for expedited demolition. When funds are available, the abandoned buildings are razed. However, absent cooperation from utility companies to strip the buildings of their utilities, and without sufficient funds to undertake demolition, some buildings languish on the lists for years. Indeed, during committee testimony the president of the Detroit City Council said he knew of a building that stayed on the expedited demolition list for more than five years.

The Detroit City Council has passed a resolution calling on the state legislature to help them take immediate action to alleviate this dangerous emergency situation affecting school children. They have called upon the Michigan legislature to enact emergency legislation to create demolition zones of at least a 750-foot radius around schools and to expedite demolition of dangerous buildings within those zones. To that end, legislation has been proposed to allow all cities to authorize a 30-day notice to owners of property considered to be a direct threat to school children. If their property was not repaired to the satisfaction of the city in that period of time, it would be demolished.

### ***THE CONTENT OF THE BILL:***

House Bill 5910 would create a new act to be known as the Emergency Schoolchildren Protection Enforcement Act.

Definitions. The bill defines “eligible municipality” to mean a city, village, or township. “Owner” is defined

to mean a person identified in the records of the appropriate assessing officer for an eligible municipality as a person with an ownership interest in blighted property. “School safety immediate demolition zone” means the area within a 750-foot radius of school property on which educational activities are conducted, as designated by resolution of the legislative body of an eligible municipality.

“Blighted property” would mean any of the following structures or lots, whether improved or unimproved, that pose a direct threat to the health, safety, or welfare of schoolchildren: i) a structure or lot that, because of physical condition or use, is regarded as a public nuisance at common law or has been declared a public nuisance under the local housing, building, plumbing, or fire codes; ii) a structure or lot that, because of physical condition, use, or occupancy, is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, and excavations, and unsafe fences or structures; iii) a structure that, because it is dilapidated, unsanitary, unsafe, vermin infested, or lacking in facilities and equipment required by the housing code of the municipality, has been designated by the municipal agency responsible for enforcement of the code as unfit for usage; iv) a structure or lot that is a fire hazard or is otherwise dangerous to the safety of persons or property; v) a structure from which the utilities, plumbing, heating, sewerage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use; vi) a structure or lot that, by reason of neglect or lack of maintenance, has become a place for accumulation of trash or debris, or a haven for rodents or other vermin; vii) a residential structure that is vacant and has not been rehabilitated within 180 days of the receipt of notice to rehabilitate from the eligible municipality’s appropriate code enforcement agency; and viii) a nonresidential structure that has not been rehabilitated within 180 days of the receipt of a notice to rehabilitate from the eligible municipality’s appropriate code enforcement agency.

House Bill 5910 (10-12-00)

Legislative finding. The bill specifies that the legislature finds that there exists a continuing need to immediately protect the schoolchildren of the state from blighted property that is a direct threat to their health, safety, or welfare. The bill further specifies, therefore, the emergency powers granted relating to the demolition of blighted property within a school safety immediate demolition zone would constitute the performance by the state or by an eligible municipality of essential public purposes and functions to protect the health, safety, or welfare of the state's schoolchildren.

Responsibility of code enforcement agency. Under the bill, upon the designation of one or more school safety immediate demolition zones by resolution of the legislative body, an eligible municipality's appropriate code enforcement agency would be required to notify the legislative body of the municipality of any parcel of blighted property that was located within the designated school safety immediate demolition zone.

Responsibility of legislative body to notify owners; content of notice. House Bill 5910 specifies that the legislative body of the municipality would determine if property identified was blighted, was located within the demolition zone, and posed a threat to schoolchildren. If the legislative body concurred with the code enforcement agency that property was located within the zone and that it posed a danger to school children, then the municipality would be required to do all of the following:

- Send notice to the owner of the blighted property, by certified mail return receipt requested, of all of the following: i) that the owner was responsible for blighted property located within a school safety immediate demolition zone that was a direct threat to the health, safety, or welfare of schoolchildren, ii) that, if the blighted property was not brought into compliance with all applicable housing, building, plumbing, or fire codes within 30 days, the property would be demolished at the owner's expense; and iii) the code violations or other conditions that would have to be corrected to avoid demolition.

- Publish a notice in a newspaper of general circulation in the municipality, identifying the property and providing the information set forth in the definition of blighted property. Each published notice would be required to include the street address of each parcel, if available. If a published notice included a list of the property identification numbers of the property, that list could provide either the individual property identification number for each parcel, or one or more sequential sets of property identification numbers

which include the property. If a published notice included a list of the property identification numbers, that published notice also would be required to include a map depicting the location of the property or a written description of the property's location.

Tax delinquent property. If the property identified as blighted was property that had been returned as delinquent for the nonpayment of taxes under the General Property Tax Act, and a person claimed ownership of the property, the person claiming ownership would be required to correct all code violations or other conditions to avoid the property's demolition within 30 days of claiming ownership.

Demolition within 30 days. If the code violations were not corrected within 30 days of either the notice or of the claim of ownership, whichever was later, the municipality would be required to demolish the property, or if the property were a lot, correct conditions on the property to remove the property's direct threat to the health, safety, or welfare of schoolchildren.

Debris removed within 30 days of demolition. Under the bill, the municipality would be required to remove all debris from the location where the property was demolished within 30 days of the commencement of demolition.

Owner liable for cost of demolition and debris removal. Under the bill, the owner of the blighted property would be liable for all costs of the demolition and debris removal. The municipality would be required to bill all costs to the owner, and that amount would become a lien on the lot that constituted the blighted property, or on which the property was located. However, under the bill the owner would not be liable for the cost of the property's demolition and debris removal if the debris from the demolition was not removed within 30 days of the commencement of demolition.

Effect of bill. Finally, House Bill 5910 specifies that the provisions of the bill would be in addition to any other power provided to an eligible municipality by any law, charter, or ordinance.

### ***FISCAL IMPLICATIONS:***

The House Fiscal Agency notes that if a local unit of government opts to follow the process as defined in the bill, additional administrative costs to the local unit may be realized. However, certain municipalities may already have local laws governing blighted properties,

and this action may put into statute activities currently occurring. The net fiscal effect to local units at this time is indeterminate. The net fiscal impact to the state is indeterminate, as well. (10-12-00)

### **ARGUMENTS:**

#### ***For:***

According to committee testimony, the thousands of abandoned buildings in the City of Detroit are open to trespass and criminal activity. They have often been the sites for heinous crimes, including a number of rapes of young girls walking to school, causing outrage throughout the city. To eliminate these dangerous sites, the community has sought the legal authority and funds to swiftly demolish the abandoned structures. This legislation would help the city accomplish this end.

#### ***For:***

Although the Emergency Schoolchildren Protection Enforcement Act was requested by elected officials serving the City of Detroit, the legislation was amended in committee to make the emergency demolition program apply to all cities in Michigan. Since abandoned buildings in cities and villages throughout the state pose the same health and safety problems as those experienced by citizens in Detroit, the expansion of the bill's purview is timely and appropriate.

#### ***Against:***

This program is a good idea; however, without funding it cannot be realized. According to committee testimony, Detroit and other cities in Michigan already have expedited demolition programs to rid their communities of unsafe and abandoned properties. Further, municipalities can seek injunctive relief from the courts and undertake emergency demolition operations when a particular property poses an immediate threat to the health and safety of residents. Despite demolition policies and extensive police powers, the expedited demolition programs often stall, generally for two reasons: there are inadequate financial resources; and, utility companies are slow to remove heating, plumbing and electrical systems which must be stripped from the buildings before demolition can be safely undertaken. This legislation fails to address either of these key problems. What is more, it may well serve to thwart successful demolition efforts already underway, since it proposes one uniform approach for all cities in the state without regard for their particular programs and needs.

#### ***Against:***

The notice provisions in this legislation are inadequate. Thirty days is not enough time to locate absentee landlords and notify them of their responsibility for their abandoned buildings scheduled for demolition. Further, it is possible, and indeed likely, that some abandoned properties scheduled for demolition under this legislation would already be targeted by the municipality under the delinquent property tax reversion program. It is conceivable, then, that a property could be redeemed by a delinquent taxpayer, despite the fact that it is scheduled for demolition, or even already demolished.

### **POSITIONS:**

The Detroit City Council passed a resolution in support of the concept of the bill, and the president of the city council offered testimony in support of the bill. (10-3-00)

Analyst: J. Hunault

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#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.