

HOUSE BILL No. 4797

June 3, 2003, Introduced by Reps. Murphy, Whitmer, Clack, Anderson, Condino, Williams, Reeves, Sak, Byrum, Bieda, Tobocman, Elkins, Cheeks and Hardman and referred to the Committee on Regulatory Reform.

A bill to amend 1917 PA 167, entitled
"Housing law of Michigan,"
by amending section 134 (MCL 125.534).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 134. (1) If the owner or occupant fails to comply with
2 the order contained in the notice of violation, the enforcing
3 agency may bring an action to enforce ~~the provisions of~~ this
4 act and to abate or enjoin the violation.

5 (2) An owner or occupant of the premises upon which ~~any~~ a
6 violation exists may bring an action to enforce ~~the provisions~~
7 ~~of~~ this act in his **or her** own name. Upon application by the
8 enforcing agency, or upon motion of the party filing the
9 complaint, the local enforcing agency may be substituted for, or
10 joined with, the complainant in the discretion of the court.

11 (3) ~~When~~ **If** the violation is uncorrected and creates an

1 imminent danger to the health and safety of the occupants of the
2 premises, or if there are ~~not any~~ **no** occupants and the
3 violation creates ~~in~~ **an** imminent danger to the health and
4 safety of the public, the enforcing agency shall file a motion
5 for a preliminary injunction or other temporary relief
6 appropriate to remove the danger during the pendency of the
7 action.

8 (4) Owners and lienholders of record or ~~who are found~~
9 **owners and lienholders ascertained** by the complainant ~~upon~~ **with**
10 the exercise of reasonable diligence shall be served with a copy
11 of the complaint and a summons. The complainant shall also file
12 a notice of the pendency of the action ~~in the office of the~~
13 **with the appropriate county** register of deeds ~~for the county in~~
14 ~~which~~ **office where** the premises are located.

15 (5) The court ~~, having obtained~~ **of** jurisdiction ~~,~~ shall
16 make ~~such~~ orders and determinations ~~as are~~ consistent with
17 the objectives of this act. The court may enjoin the maintenance
18 of ~~any~~ unsafe, unhealthy, or unsanitary ~~condition~~ **conditions**,
19 or ~~any~~ violations of this act, and may order the defendant to
20 make repairs or corrections necessary to abate the conditions.
21 The court may authorize the enforcing agency to ~~make repairs~~
22 **repair** or to remove the **building or** structure. ~~When~~ **If** an
23 occupant is not the cause of ~~any~~ **an** unsafe, unhealthy, or
24 unsanitary condition, or ~~any~~ **a** violation of this act, and is
25 the complainant, the court may authorize the occupant to correct
26 the violation and deduct the cost ~~thereof~~ from the rent upon
27 ~~such~~ terms ~~as~~ the court determines ~~to be~~ just. ~~Whenever~~

1 If the court ~~shall find~~ **finds** that the occupant is the cause of
2 ~~any~~ **an** unsafe, unhealthy, or unsanitary condition, or ~~any~~ **a**
3 violation of this act, ~~then~~ the court may authorize the owner
4 to correct the violation and assess the cost ~~thereof~~ against
5 the occupant or ~~his~~ **the occupant's** security deposit.

6 (6) ~~No~~ **A building or structure** shall **not** be removed unless
7 the cost of repair of the building **or structure** will be greater
8 than the state equalized value of the building **or structure**.
9 **However, a building or structure may be removed if the building**
10 **or structure remains either vacant or boarded, or both, and a**
11 **significant attempt has not been made to rehabilitate the**
12 **building or structure for a period of 24 months.**

13 (7) ~~When~~ **If** the ~~expenses~~ **expense** of repair or removal
14 ~~are~~ **is** not ~~otherwise~~ provided for, the court may enter an
15 order approving the ~~expenses~~ **expense** and ~~providing that there~~
16 ~~shall be~~ **placing** a lien on the real property for the payment
17 ~~thereof~~ **of the expense**. The order may establish **and provide**
18 **for** the priority of the lien ~~and may provide that it shall be a~~
19 ~~lien as a senior to all other liens~~ **lien**, except ~~taxes and~~
20 ~~assessments;~~ **as to tax and assessment liens, and except that a**
21 **as to a recorded** mortgage of ~~record having a recording date~~
22 **first priority, recorded** prior to all other liens of record
23 ~~shall retain its first priority~~ if, at the time of recording of
24 that mortgage or at ~~any~~ **a** time subsequent, ~~thereto,~~ a
25 certificate of compliance as provided for in this ~~article~~ **act**
26 is in effect on the subject property. The order may also specify
27 the time and manner for foreclosure of the lien if **the lien is**

1 not satisfied. A true copy of the order shall be filed ~~in the~~
2 ~~office of the~~ **with the appropriate county** register of deeds ~~for~~
3 ~~the county~~ **office** where the real property is located within 10
4 days after entry ~~thereof in~~ **of the** order to perfect the lien
5 granted in the order.

6 (8) This act does not preempt, preclude, or interfere with
7 the authority of a municipality to protect the health, safety,
8 and general welfare of the public through ordinance, charter, or
9 other means.