

SENATE BILL No. 1100

April 26, 2012, Introduced by Senators HUNTER, JONES, SMITH, HUNE, JOHNSON, GREGORY, GLEASON and WHITMER and referred to the Committee on Judiciary.

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending section 4r (MCL 117.4r), as amended by 2008 PA 51.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4r. (1) If a defendant does not pay a civil fine or costs
2 or an installment payment ordered by a hearing officer under
3 section 4q within 30 days after the date on which payment is due
4 for a blight violation involving the use or occupation of land or a
5 building or other structure, the city may obtain a lien against the
6 land, building, or structure involved in the violation by recording
7 a copy of the final decision and order requiring payment of the
8 fines ~~and~~ OR costs with the register of deeds for the county in
9 which the land, building, or structure is located. The order shall
10 not be recorded unless a legal description of the property is
11 incorporated in or attached to the order. The lien is effective

1 immediately upon recording of the order with the register of deeds.

2 (2) ~~The AN order recorded under subsection (1) with the A~~
3 register of deeds ~~shall constitute~~ **UNDER SUBSECTION (1) CONSTITUTES**
4 notice of the pendency of the lien. In addition, **THE CITY SHALL**
5 **SEND** a written notice of the lien ~~shall be sent by the city by~~
6 first-class mail to the owner of record of the land, building, or
7 structure at the owner's last known address.

8 (3) ~~The A~~ lien **UNDER THIS SECTION** may be enforced and
9 discharged by the city in the manner prescribed by its charter, by
10 the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, ~~or~~
11 by an ordinance duly passed by the governing body of the city, **OR**
12 **AS PROVIDED IN SUBSECTION (4)**. However, property is not subject to
13 forfeiture, foreclosure, and sale under sections 78 to 79a of the
14 general property tax act, 1893 PA 206, MCL 211.78 to 211.79a, for
15 nonpayment of a civil fine or costs or an installment ordered under
16 section 4q unless the property is also subject to forfeiture,
17 foreclosure, and sale under sections 78 to 79a of the general
18 property tax act, 1893 PA 206, MCL 211.78 to 211.79a, for
19 delinquent property taxes.

20 (4) **IN ADDITION TO THE METHODS FOR ENFORCEMENT OF A LIEN UNDER**
21 **SUBSECTION (3), A LIEN UNDER THIS SECTION MAY BE FORECLOSED IN THE**
22 **ADMINISTRATIVE HEARINGS BUREAU OF THE CITY IN THE SAME MANNER AS A**
23 **MORTGAGE IS FORECLOSED UNDER CHAPTER 31 OF THE REVISED JUDICATURE**
24 **ACT OF 1961, 1961 PA 236, MCL 600.3101 TO 600.3185. IN FORECLOSING**
25 **A LIEN UNDER THIS SECTION, A REFERENCE IN THAT CHAPTER TO THE COURT**
26 **SHALL BE APPLIED AS IF IT WAS A REFERENCE TO THE ADMINISTRATIVE**
27 **HEARINGS BUREAU AND A REFERENCE TO THE JUDGE SHALL BE APPLIED AS IF**

1 IT WAS A REFERENCE TO THE HEARING OFFICER. A DECISION OR ORDER OF A
2 HEARING OFFICER UNDER THIS SUBSECTION IS APPEALABLE TO THE CIRCUIT
3 COURT.

4 (5) ~~(4)~~ A lien created under this section has priority over
5 any other lien unless 1 or more of the following apply:

6 (a) The other lien is a lien for taxes or special assessments.

7 (b) The other lien is created before May 1, 1994.

8 (c) Federal law provides that the other lien has priority.

9 (d) The other lien is recorded before the lien under this
10 section is recorded.

11 (6) ~~(5)~~ ~~The A~~ city may institute an action in circuit court
12 for the collection of ~~the A~~ judgment imposed by an order under
13 section 4q for a blight violation. However, an attempt by the city
14 to collect the judgment by any process does not invalidate or waive
15 the lien upon the land, building, or structure.

16 (7) ~~(6)~~ A lien ~~provided for by~~ **UNDER** this section ~~shall not~~
17 ~~continue for a period longer than~~ **EXPIRES** 10 years after a copy of
18 the order imposing a fine or costs, or both, is recorded, unless
19 within that time an action to enforce the lien is commenced.

20 (8) ~~(7)~~ A default in the payment of a civil fine or costs
21 under section 4q or an installment of the fine or costs may be
22 collected by a means authorized for the enforcement of a court
23 judgment under chapter 40 or 60 of the revised judicature act of
24 1961, 1961 PA 236, MCL 600.4001 to 600.4065, and MCL 600.6001 to
25 600.6098.