

DEVELOPMENT OF BLIGHTING PROPERTY (EXCERPT)
Act 27 of 2002

***** 125.2806 THIS SECTION IS REPEALED BY ACT 27 OF 2002 EFFECTIVE MARCH 6, 2007 *****

125.2806 Designation of property as blighting; contest; property improvements causing delay of designation; certificate; determination; suspension of proceedings; appeal; costs.

Sec. 6. (1) A person with a legal interest in the property may contest the proposed designation of any property as blighting property at the hearing held by the municipality under section 4 by doing 1 of the following:

(a) Appear at the hearing and show cause why the property should not be designated as blighting property.

(b) If incarcerated, impaired, or otherwise unable to attend a public hearing, submit a written presentation to show cause why the property should not be designated as blighting property.

(2) If a person with a legal interest in the property demonstrates at the hearing that improvements to the property have been made or are actively being made that will cause the property no longer to meet the definition of blighting property, the municipality shall delay the designation of the property as blighting for 91 days. If at the end of that 91 days the municipality finds that the property no longer meets the definition of blighting property, the municipality shall issue a certificate stating that the property is not blighting property.

(3) If after the notice and hearing required by this act the municipality determines that the property is blighting property, the municipality shall designate the property as blighting property and provide public notice of the designation.

(4) A municipality may at any time suspend proceedings leading to the designation of property as blighting property if a person with a legal interest in the property enters into an agreement with the municipality establishing an improvement plan for the property and a schedule for completion of the improvements.

(5) A person with a legal interest in property that a municipality has designated as blighting property may appeal that decision to the circuit court in the jurisdiction within which the property is located within 28 days of the designation. The circuit court shall review the municipal decision using the standard of review for administrative decisions that is set forth in section 28 of article VI of the state constitution of 1963.

(6) If a person with a legal interest in a property that a municipality designates as blighting appeals the municipal decision and the decision is reversed by a court of appropriate jurisdiction and the court determines that the municipality was acting arbitrarily or in bad faith, the court may award the successful appellant the costs, including, but not limited to, attorney fees, actually and reasonably incurred by the person in making the appeal.

History: 2002, Act 27, Imd. Eff. Mar. 6, 2002.