

HOUSE BILL No. 5217

(As amended December 2, 2003)

October 30, 2003, Introduced by Reps. McConico, Tobocman, Daniels and Gaffney and referred to the Committee on Judiciary.

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 4r.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 order. The lien is effective immediately upon recording of the
2 order with the register of deeds.

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

8 (3) The lien may be enforced and discharged by the city in
9 the manner prescribed by its charter, by the general property tax
10 act, 1893 PA 206, MCL 211.1 to 211.157, or by an ordinance duly
11 passed by the governing body of the city. However, property is
12 not subject to sale under the general property tax act, 1893 PA
13 206, MCL 211.1 to 211.157, for nonpayment of a civil fine or
14 costs or an installment ordered under section 4q unless the
15 property is also subject to sale under the general property tax
16 act, 1893 PA 206, MCL 211.1 to 211.157, for delinquent property
17 taxes.

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

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

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

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

24 (d) The other lien is recorded before the lien under this
25 section is recorded.

26 (5) The city may institute an action in a court of competent
27 jurisdiction for the collection of the judgment imposed by an

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1 order under section 4r for a [blight] violation. However,
2 an attempt by the city to collect the judgment by any process
3 does not invalidate or waive the lien upon the land, building, or
4 structure.

5 (6) A lien provided for by this section shall not continue
6 for a period longer than [10] years after a copy of the order
7 imposing a fine or costs, or both, is recorded, unless within
8 that time an action to enforce the lien is commenced.

9 (7) A default in the payment of a civil fine or costs under
10 section 4q or an installment of the fine or costs may be
11 collected by a means authorized for the enforcement of a court
12 judgment under chapter 40 or 60 of the revised judicature act of
13 1961, 1961 PA 236, MCL 600.4001 to 600.4065, and MCL 600.6001 to
14 600.6098.