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BILL ANALYSIS

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House Bill 5216 (Substitute S-1 as reported by the Committee of the Whole)

House Bill 5217 (as reported by the Committee of the Whole)

House Bill 5218 (as reported with amendment)

House Bill 5219 (as reported without amendment)

House Bill 5220 (as reported with amendment)

Sponsor: Representative Steve Tobocman (House Bill 5216)

Representative Bill McConico (House Bill 5217)

Representative Ken Daniels (House Bill 5218)

Representative Jim Howell (House Bill 5219)

Representative Edward Gaffney (House Bill 5220)

Representative Morris Hood III (House Bill 5224)

House Committee: Judiciary

Senate Committee: Judiciary

CONTENT

House Bill 5216 (S-1) would amend the Home Rule City Act to allow a city's legislative body, whether or not authorized by the city charter, to adopt an ordinance designating a violation as a "blight violation" and providing a civil fine and other sanctions for a violation. A city could designate only a violation of any the following types of ordinances as a blight violation: zoning; building or property maintenance; solid waste and illegal dumping; disease and sanitation; noxious weeds; and vehicle abandonment, inoperative vehicles, vehicle impoundment, and municipal vehicle licensing. Certain criminal offenses could not be designated as blight violation.

In addition, a city with a population of at least 7,500 that was located in any county, and a city with a population of at least 3,300 that was located in a county with a population of at least 2 million (Wayne County), could establish an administrative hearings bureau to adjudicate and impose sanctions for blight violations. To initiate a proceeding for a blight violation, a city would have to serve on the alleged violator a notice directing him or her to pay a civil fine or appear at the administrative hearings bureau. The person could admit or deny responsibility for the violation. A person who wished to deny responsibility, or admit responsibility with an explanation, could do so at an administrative hearing. The city would have the burden of proving a blight violation by a preponderance of the evidence, and a party could appeal the hearing officer's decision to the circuit court. In addition to imposing fines and costs, a hearing officer would have to impose a \$10 justice system assessment fee for each blight violation determination. A hearing officer would have to be an attorney licensed to practice law in Michigan for at least five years and complete a training program

House Bill 5217 would amend the Home Rule City Act to allow a city to obtain a lien against land, a building, or a structure involved in a blight violation, if a defendant did not pay a civil fine or costs or an installment payment within 30 days after it was due. The lien would be effective immediately when the order imposing the fine and/or costs was recorded with the register of deeds. A lien created under the bill would have priority over any other lien unless the other lien was for taxes or special assessments; was created before May 1, 1994; was given priority under Federal law; or had been recorded before the lien under the bill. A lien obtained under the bill could not continue for more than 10 years after the order was recorded, unless an action to enforce the lien was commenced within that time.

House Bill 5218 would amend the Home Rule City Act to allow a city (pursuant to House Bill 5216) to provide for an administrative hearings bureau to adjudicate ordinance violations and impose sanctions. Under the Act, violations are determined or prosecuted by the district court, municipal court, or circuit court.

House Bill 5219 would amend the Revised Judicature Act to exempt a blight violation in a city that established an administrative hearings bureau from the Act's requirement that an ordinance violation not designated as a civil infraction be prosecuted in the district court by the political subdivision's attorney.

House Bill 5220 would amend the City and Village Zoning Act, which provides that a building erected, altered, razed, or converted, or a use carried on in violation of a local ordinance or regulation adopted under the Act is a nuisance per se. The bill would allow the ordinance to designate the violation as a blight violation and impose a civil fine and other sanctions authorized by law, if the city established an administrative hearings bureau to adjudicate and impose sanctions for blight violations.

MCL 117.4I (H.B. 5216)
Proposed MCL 117.4r (H.B. 5217)
MCL 117.29 (H.B. 5218)
600.8313 (H.B. 5219)
125.587 (H.B. 5220)
247.64 (H.B. 5224)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would increase local unit revenue by an unknown amount as well as change the timing of when some local unit revenue is received. The amount of the increase would depend upon how many local units used administrative hearings bureaus allowed under the bills, as well as the nature and number of the violations processed. At a secondary level, revenues could increase if local units were able to adjudicate ordinance violations more rapidly and such actions resulted in more effectively enforcement of ordinances and/or increased property values.

The bills generally would have no fiscal impact on State revenues, although revenues received by the State Justice System Fund could be increased by an unknown amount, depending on the extent to which local units used administrative hearings bureaus and were able to adjudicate ordinance violations more rapidly and/or more effectively enforce ordinances.

Date Completed: 12-16-03

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.