

HOUSE BILL NO. 4699

June 11, 2019, Introduced by Reps. Whitsett, Byrd, Elder, Hertel, Cambensy, Peterson, Neeley, Brixie, Afendoulis, Cynthia Johnson, Brenda Carter, Paquette, Ellison and Cherry and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending section 4r (MCL 117.4r), as amended by 2013 PA 192.

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



1 land, building, or structure involved in the violation by recording
2 a copy of the final decision and order requiring payment of the
3 fines or costs with the register of deeds for the county in which
4 the land, building, or structure is located. The order shall not be
5 recorded unless a legal description of the property is incorporated
6 in or attached to the order. The lien is effective immediately upon
7 recording of the order with the register of deeds.

8 (2) An order recorded with a register of deeds under
9 subsection (1) constitutes notice of the pendency of the lien. In
10 addition, the city shall send a written notice of the lien, **and any**
11 **subsequent attachments under subsection (9)**, by first-class mail to
12 the owner of record of the land, building, or structure at the
13 owner's last known address.

14 (3) A lien under this section may be enforced and discharged
15 by the city in the manner prescribed by its charter, in the same
16 manner as are liens for delinquent taxes under the general property
17 tax act, 1893 PA 206, MCL 211.1 to 211.155, or by an ordinance duly
18 passed by the governing body of the city. ~~However, property~~
19 **Property** that is exempt as a principal residence under section 7cc
20 of the general property tax act, 1893 PA 206, MCL 211.7cc, is not
21 subject to forfeiture, foreclosure, and sale under sections 78 to
22 79a of the general property tax act, 1893 PA 206, MCL 211.78 to
23 211.79a, for nonpayment of a civil fine or costs or an installment
24 ordered under section 4q unless the property is also subject to
25 forfeiture, foreclosure, and sale under sections 78 to 79a of the
26 general property tax act, 1893 PA 206, MCL 211.78 to 211.79a, for
27 delinquent property taxes.

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



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

2 (b) The other lien ~~is~~**was** created before May 1, 1994.

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

4 (d) The other lien ~~is~~**was** recorded before the lien under this
5 section is recorded.

6 (5) A city may institute an action in circuit court for the
7 collection of a judgment imposed by an order under section 4q for a
8 blight violation. ~~However, an~~**An** attempt by ~~the~~**a** city to collect
9 ~~the~~**a** judgment by any process does not invalidate or waive ~~the~~**a**
10 lien upon the land, building, or structure.

11 (6) A lien under this section expires 10 years after a copy of
12 the order imposing a fine or costs, or both, is recorded, unless
13 within that time an action to enforce the lien is commenced.

14 (7) A default in the payment of a civil fine or costs under
15 section 4q or an installment of the fine or costs may be collected
16 by a means authorized for the enforcement of a court judgment under
17 chapter 40 or 60 of the revised judicature act of 1961, 1961 PA
18 236, MCL 600.4001 to 600.4065, and MCL 600.6001 to 600.6098.

19 (8) A city shall not commence an action to enforce a lien
20 under this section if the city has commenced an action for a writ
21 of garnishment with respect to the unpaid fine, costs, or payment
22 under section 4027 of the revised judicature act of 1961, 1961 PA
23 236, MCL 600.4027.

24 **(9) If a city obtains a lien under subsection (1), the city**
25 **may attach that lien to any other land, building, or structure in**
26 **this state found to be currently owned or subsequently purchased by**
27 **the defendant. All of the following apply to the attachment of a**
28 **lien under this subsection:**

29 (a) **The attachment is effective upon the occurrence of both of**



1 the following:

2 (i) A legal description of the land, building, or structure is
3 attached or subsequently added to, or otherwise incorporated in,
4 the copy of the final decision and order recorded with the register
5 of deeds under subsection (1).

6 (ii) A certified copy of the documents described in
7 subparagraph (i) is deposited in the office of the register of deeds
8 in the county where the land, building, or structure is located.
9 This subparagraph does not apply if the land, building, or
10 structure described in this subsection is located in the same
11 county where the final decision and order described in subsection
12 (1) is recorded.

13 (b) An owner whose land, building, or structure is the subject
14 of an attachment under this subsection may apply to the city for an
15 installment agreement to pay the civil fine or costs for which a
16 lien was obtained under subsection (1).

17 (c) Before attaching a lien under this subsection, the city
18 must notify the owner of the land, building, or structure of its
19 intent to attach the lien and that the owner may avoid that
20 attachment if the owner applies for an installment agreement as
21 described in subdivision (b) not more than 45 days after the date
22 of the notice.

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.

