

AGENDA

Committee on Public Safety AGENDA FOR MARCH 3, 2022 AT 4:00 PM



Lansing City Hall, City Council Conference Room
124 W. Michigan Avenue, 10th Floor

To provide input or ask questions on any item that is listed on the agenda,
members of the public may contact the City Council at city.council@lansingmi.gov or (517) 483-4177 prior to the meeting.

Council Member Wood, Chairperson
Council Member Daniels, Vice Chairperson
Council Member Brown, Member

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - A. February 17, 2022
4. **Public Comment on Agenda Items (Up to 3 Minutes)**
5. **Discussion/Action:**
 - B. DISCUSSION - Demolition Board Process w/Dave Muylle & Joe Vitale
 - C. RESOLUTION - Orders to Make Safe or Demolish to the owners of property located at 2131 Pleasant View
 - D. ORDINANCE - Ordinance to provide requirements for owners of firearms to report the theft thereof and provide penalties for failure to make a report.
6. **Other**
7. **Adjourn**

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TTY 711) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.



MINUTES
Committee on Public Safety
Thursday, February 17, 2022 @ 4:00 p.m.
City Council Conference Room, 10th Floor City Hall

CALL TO ORDER

Council Member Wood called the meeting to order at 4:00 pm

PRESENT

Council Member Carol Wood, Chair
Council Member Brian Daniels, Vice Chair
Council Member Jeffrey Brown, Member

OTHERS PRESENT

Renee Richmond, Council Staff
Lisa Hagen, OCA
Mary Bowen, OCA
Robert Backus, Captain LPD
Luke Snyder, WLNS TV-6
Matthew Schmucker, WILX TV-10
Kyle Kaminski, Lansing City Pulse
Mayor Schor

MINUTES

MOTION BY COUNCIL MEMBER DANIELS TO APPROVE THE MINUTES FEBRUARY 10, 2022, AS PRESENTED.

Mary Bowen informed the Committee that Councilmember Daniels was not on the committee for that meeting, therefore could not make a motion to approve.

COUNCIL MEMBER DANIELS RESCINDED HIS MOTION.

MOTION BY COUNCIL MEMBER BROWN TO APPROVE THE MINUTES FEBRUARY 10, 2022, AS PRESENTED. MOTION CARRIED 3-0.

PUBLIC COMMENT

No public present.

DISCUSSION/ACTION ITEMS

RESOLUTION – Setting a Public Hearing in consideration of amending Chapter 696, Section 696.07, to provide requirements for owners of firearms to report the theft thereof and provide penalties for failure to make a report

Councilmember Wood asked if law or LPD would like to address as it came from the Mayors office. Ms. Hagen confirmed it was from the Administration and OCA did assist in the drafting but is unaware of the background.

Councilmember Wood asked Captain Backus if he would like to comment. Captain Backus stated he is in support of this and will speak to relevant information on a later item on the agenda. He continued that it's important for this ordinance in that by recovering a firearm and then being able to determine where it came from, why that person may have been victimized and geographical patterns of the crime. Councilmember Wood indicated two emails were received in support of the ordinance. Mayor Schor thanked the Committee for taking this on so quickly. He continued that everybody knows we have a gun violence issue in the City and are limited in what we can do. Mayor Schor stated Michigan law pre-empts local government to regulate it, state law requires that stolen firearms are reported, and we would like that for the City as well and ask the Committee to consider it. Councilmember Wood asked if we have a state statute why do we need one for the City. Mayor Schor indicated right now LPD has to reach out to the state for the information, with this we can get the information in a timely manner. Councilmember Daniels asked if the penalty for failure to report is a fine up to \$500 for a civil infraction and no jail time, Ms. Bowen confirmed. Councilmember Wood asked just for reference, if they fail to pay the civil infraction does that revert to a bench warrant and arrest. Ms. Hagen stated that if they don't, court will do a show cause as to why they are unable to pay and then it is up to the judge for a bench warrant. Councilmember Daniels asked if we had a number on how many people reported stolen firearms, Captain Backus responded that 189 were reported to LPD.

MOTION BY COUNCILMEMBER DANIELS TO APPROVE THE RESOLUTION FOR SETTING A PUBLIC HEARING IN CONSIDERATION OF AMENDING CHAPTER 696, SECTION 696.07, TO PROVIDE REQUIREMENTS FOR OWNERS OF FIREARMS TO REPORT THE THEFT THEREOF AND PROVIDE PENALTIES FOR FAILURE TO MAKE A REPORT. MOTION CARRIED 3-0.

UPDATE – OCA; Snow Emergency Plowing for City

Councilmember Wood asked if law had an update, Ms. Hagen replied that as requested she reached out to the resident from the email, and she believes it was a misunderstanding that in the email it stated the vehicle appeared to be abandoned. She continued that in an email from Mark Lawrence the parking office issued 133 parking tickets between 2/02-2/04 and our O&M office worked closely with parking enforcement to respond to resident complaints. Ms. Hagen indicated that the procedure for the plow drivers is to report to dispatch when clearing a road and there is a vehicle in the road, and stated she was not provided information on if any were towed. Councilmember Daniels commented more coordination on a broader scale may be needed so it happens less. Councilmember Wood asked if OCA could find out exactly what the policy is, if it's written you are forbidden to park in the street during a snow emergency and that's what the resident sees, that is what they expect. Ms. Hagen finished that she would reach out and report back.

UPDATE – Chief Sosebee; Statistic Information on violent crimes, gun violence

Captain Backus handed out a report stating it comes from LPD data so anything online might be a little different, it gives a four-year span from 2018 to 2021. Councilmember Wood commented that 2018 was a reality year as we weren't in COVID, and Captain Backus responded that 18/19 years are good, the percent changes in 2021 as we had decrease in property crimes but look at the increase in weapons crimes. Councilmember Wood asked if Captain Backus could explain some assault with intent. The Captain explained it's a broad category as there is assault with intent to murder, maim, inflict harm which can include a knife or gun, if you look at the total from 2018 to 2021 there is a shift to violent crimes. Councilmember Wood asked looking at the weapons offenses from 2018 to 2021 is larceny part of that, and Captain Backus indicated no that it could include someone that is illegally carrying a weapon and does not have a permit. Councilmember Wood asked of the weapons offense arrests did he know how many charges resulted from those. Captain Backus explained if you look half-way down the page the 8.2% isn't overly concerning as it's saying we are getting less felony cases. Councilmember Wood asked if LPD could keep statistics when there is an arrest and the officer is called to testify, Captain Backus replied it is difficult as sometime an officer may not testify because it comes to a plea agreement or something like that. Councilmember Wood then asked if it then would come down to getting information from the prosecutor, Captain Backus confirmed. Councilmember Daniels asked if there is an understanding on where the weapons are coming from. Captain Backus responded that this report is showing legal guns being stolen and then used for crimes, the hope is to keep the guns out of the hands that aren't supposed to have them. Councilmember Brown asked if the stolen/seized guns on the second page is in addition to the first, Captain Backus indicated the second page is pulling from

the first page. Councilmember Brown then asked with the increase in stolen firearms what is the percentage that a crime was committed with that, Captain Backus did not have that information available and would have to go line by line. Statistically stolen guns are recovered from all over not just coming from Lansing area, if you look at the number of seized many were not stolen. Councilmember Daniels commented that people have lost or stolen firearms before this ordinance so is LPD going to push for this. Captain Backus replied yes, we need people to secure their firearms and report when they are stolen. Unfortunately, we do have people that don't notice for a while, and they say it was there the last time they looked. He then referenced the last page which is a heat map showing the most crimes in red which is MLK area, and they would focus and use analyst to look at areas and what type of crimes are being committed and try to turn it around. Councilmember Wood asked if he had the number of violent crimes in Eaton County but part of Lansing, he did not, and the only crimes taken to Eaton is homicides. Councilmember Wood asked to verify that weapons charges are not taken to Eaton County, Captain Backus confirmed. Councilmember Wood asked Ms. Richmond to reach out to the Court Administrator and set up a meeting for the Chief Judge to attend a Committee meeting to discuss their role in the cases that come to them. Councilmember Daniels asked the Captain why is there a decrease in homicide clearance? Captain Backus responded that homicide is a marathon, and they work multiple cases sometimes. Each case is different, in 2018 we only had 9 detectives, we currently have 24 Lansing and 4 MSP. He continued that each Detective might work more than one case and the duration is unknown. Councilmember Wood asked how many Detectives are retiring, he responded with roughly 9 in the next two years. Councilmember Wood finished that once Ms. Richmond follows up, she would like an LPD representative present as well, Captain Backus concurred.

OTHER

Councilmember Wood referenced 1143 Shepard, this is a red tagged property and we've been told there are people there after hours occupying it, and asked Captain Backus if patrol can do a ride by and check on it. Captain Backus said he would pass it on to patrol.

Councilmember Wood then referenced a hoarding issue on Harris from Councilmember Daniels. Ms. Hagen said it was originally brought by former Councilmember Betz and it is moving forward with Amanda O'Boyle. Councilmember Wood asked Ms. Hagen to report back with an update at the next meeting, and Ms. Hagen confirmed. Councilmember Brown asked if it would be appropriate to have the Social Worker involved, and Councilmember Wood agreed and asked to have her come to meet the Committee. Captain Backus said he would get that set up.

ADJOURN

Adjourned at 4:46pm
submitted by Renee Richmond,
Administrative Assistant, Lansing City Council
Approved by the Committee on

**CITY OF LANSING - DEMOLITION BOARD
REPORT FOR CITY COUNCIL
CASE OVERVIEW SHEET**

ADDRESS:	2131 PLEASANT VIEW
PARCEL NUMBER:	33-01-01-32-151-001

SHOW CAUSE HEARING DATE:	
DEMOLITION CASE FILE #:	2021-D011

LISTED TAXPAYER:	SCOTT RATHBUN
INTERESTED PARTIES:	SCOTT RATHBUN
SEV INFORMATION:	\$40,800.00
LAND VALUE:	\$16,356.00
BUILDING VALUE:	\$64,891.00
LOT SIZE:	76.5 X 200

HOUSING CODE VIOLATION LTR:	12/3/2019
ORIGINAL RED TAG DATE:	12/3/2019
ZONING:	"A" RESIDENTIAL
ESTIMATE OF REPAIRS:	\$126,168.00
PICTURES:	YES
OTHER:	

LEGAL DESCRIPTION:	OUTLOT A MID-STATE REPLAT 4 & LOT 37 PLEASANT VIEW
---------------------------	--

ORDER OF DEMOLITION BOARD

DEMOLITION BOARD MEETING DATE:	10/28/2021
ORDER:	MAKE SAFE OR DEMOLISH BY 12/28/201
REASON/CONDITIONS:	UNSAFE
HEARING OFFICER:	JOSEPH VITALE

CURRENT PERMIT ACTIVITY

BUILDING:	REQUIRED NO PERMITS
ELECTRICAL:	REQUIRED NO PERMITS
MECHANICAL:	REQUIRED NO PERMITS
PLUMBING:	REQUIRED NO PERMITS
DEMOLITION:	N/A

CURRENT CITY COUNCIL ACTIVITY

REQUEST FOR SHOW CAUSE SENT:	
SHOW CAUSE HEARING DATE:	
PUBLIC SAFETY COMMITTEE WILL REVIEW:	

CITY OF LANSING DEMOLITION HEARING BOARD	ORDER TO MAKE SAFE, DEMOLISH OR MAINTAIN BUILDING OR STRUCTURE	FILE NO. 2021-D011
---	---	-----------------------

Matter of the building/structure at 2131 PLEASANT VIEW AVE. which is a ☒ dwelling ☐ garage ☐ other

1. Date of hearing: **OCTOBER 28, 2021** Hearing Officers: DAVE MUYLLE, JOSEPH VITALE
2. Scott Sanford, Code Compliance MANAGER of the City of Lansing, has filed a copy of a notice that the subject building/structure is dangerous. The copy of the notice is attached.

THE HEARING OFFICER FINDS THAT:

3. Notice of this hearing was properly served on the
☐ rental registration owner(s)
☒ Owner's or party in interest on City tax assessment record
4. The building/structure ☒ is ☐ is not a dangerous building as defined in MCL 125.539, specifically (see attached)
5. ☒ The building/structure has remained unoccupied for 180 consecutive days or more and is not listed for sale, lease or rent with a licensed real estate broker.
6. ☐ The building/structure has been substantially destroyed by ☐ fire ☐ wind ☐ flood
☐ other:
7. The state equalized value of the building/structure is \$40,800.00
8. The cost to repair the building or structure to make it safe is \$126,168.00
9. The real estate is described as follows:

Parcel Number: 33 01 01 32 151 001

OUTLOT A MID-STATE REPLAT LOT 4 & LOT 37 PLEASANT VIEW, CITY OF LANSING

IT IS ORDERED THAT:

10. ☐ The matter is closed.
- ☒ The building/structure shall be made safe or demolished on or before 12/28/2021
- ☐ The case be tabled until _____.
- ☐ The building or structure shall be demolished on or before _____ if not made safe as ordered herein.
- ☐ (If finding #5 is made) The exterior of the building shall be maintained, including
☐ lawns, trees and shrubs ☐ paint on structure ☐ other _____ on or before _____.

10/28/2021
Date


Hearing Officer

2131 Pleasant View

- Original Red Tag Date

- 12/03/2019

- Submitted Into Make Safe Or Demolish Process

- 9/10/2021

- Property Vacant/Repairs Exceed Building SEV

- Property vacant more than 180 days

- Repairs exceed building SEV

- Title Information

- Scott Rathbun

2131 Pleasant View

Property Value Information

- SEV

- \$40,800.00 (*as of 1/25/2022*)

- Structure

- \$64,891 (*as of 1/25/2022*)

- Land

- \$16,356.00 (*as of 1/25/2022*)

- Estimate of Repairs

- \$126,168.00

2131 Pleasant View.

Housing Code Correction Letters

- Code Compliance Inspection Date

- 12/03/2019

- Code Compliance Letter Written

- 12/03/2019

- Code Compliance Due Date

- 01/03/2020

2131 Pleasant View.

Demolition Board Actions

- Demolition Board Show Cause Hearings

- 10/28/2021

- Order by Demolition Board

- MS or D by 12/28/2021

- Request Sent To City Council for Show Cause Hearing

- 01/13/2022

2131 Pleasant View.

City Council Actions

- Show Cause Hearing Held

- 00/00/00

- Public Safety Committee Meeting

- 00/00/00

- Resolution passed by City Council

- Extension Requested By Owner

2131 Pleasant View.

General Comments

- None of the required permits have been pulled as of 01/13/2022. This property is NOT fire damaged.

RECOMMENDATIONS

● FOR NEW CASES:

- Recommend time frame for MS or D. This requires a resolution be passed by City Council –
 - 60 days for regular demolitions
 - 30 days for fire-damaged demolitions
- Table case – Stays at PS Committee level for future review.

● FOR EXTENSION REQUESTS:

- Grant extension if requested. Requires new resolution be passed by City Council.
- Deny extension requested. Case will proceed in demo process and be sent out to bid for demolition.

● FOR TABLED CASES:

- Recommend time frame for MS or D. This requires a resolution be passed by City Council –
 - 60 days for regular demolitions
 - 30 days for fire-damaged demolitions
- Return case to table – Stays at PS Committee level for future review.





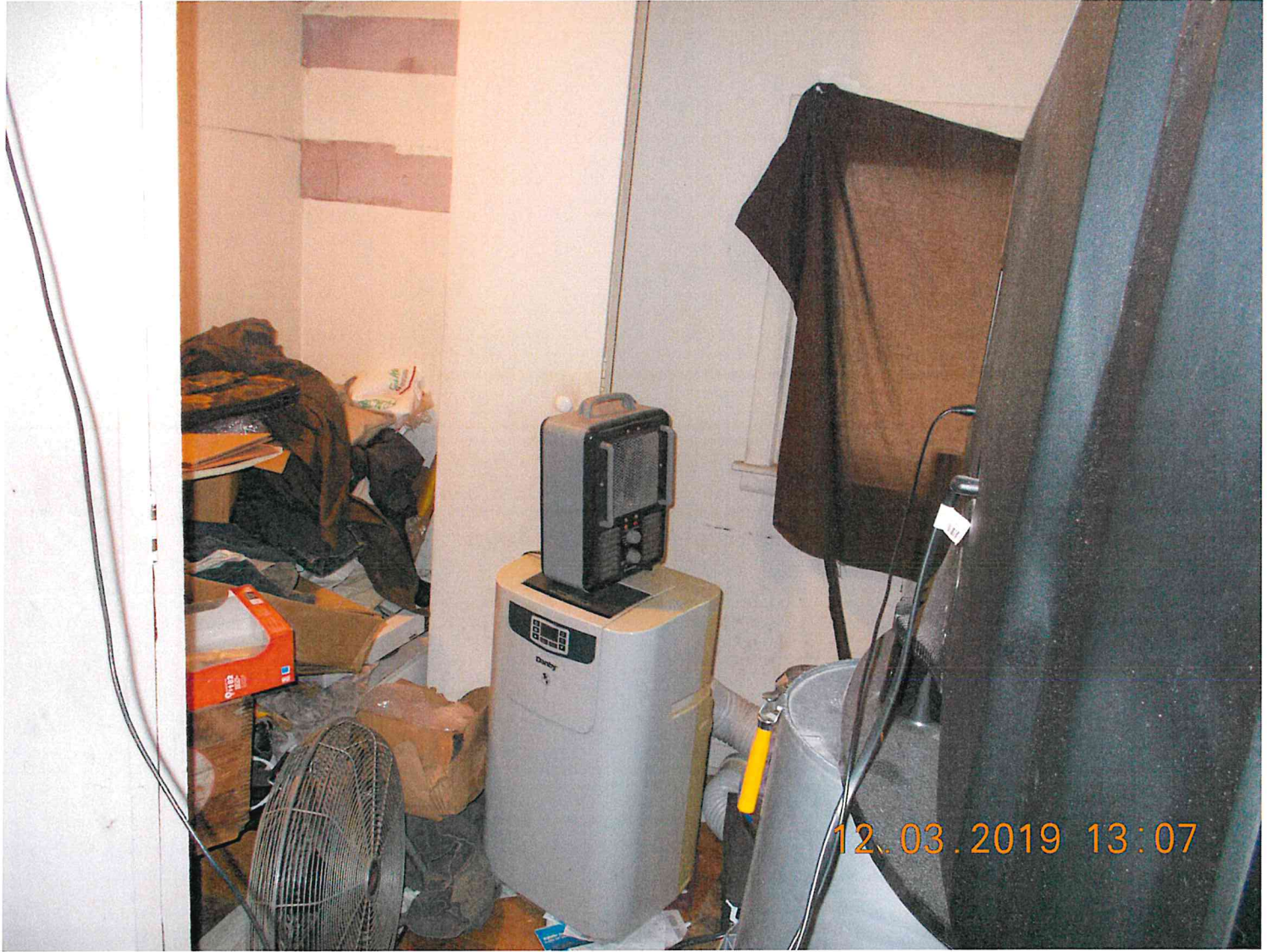














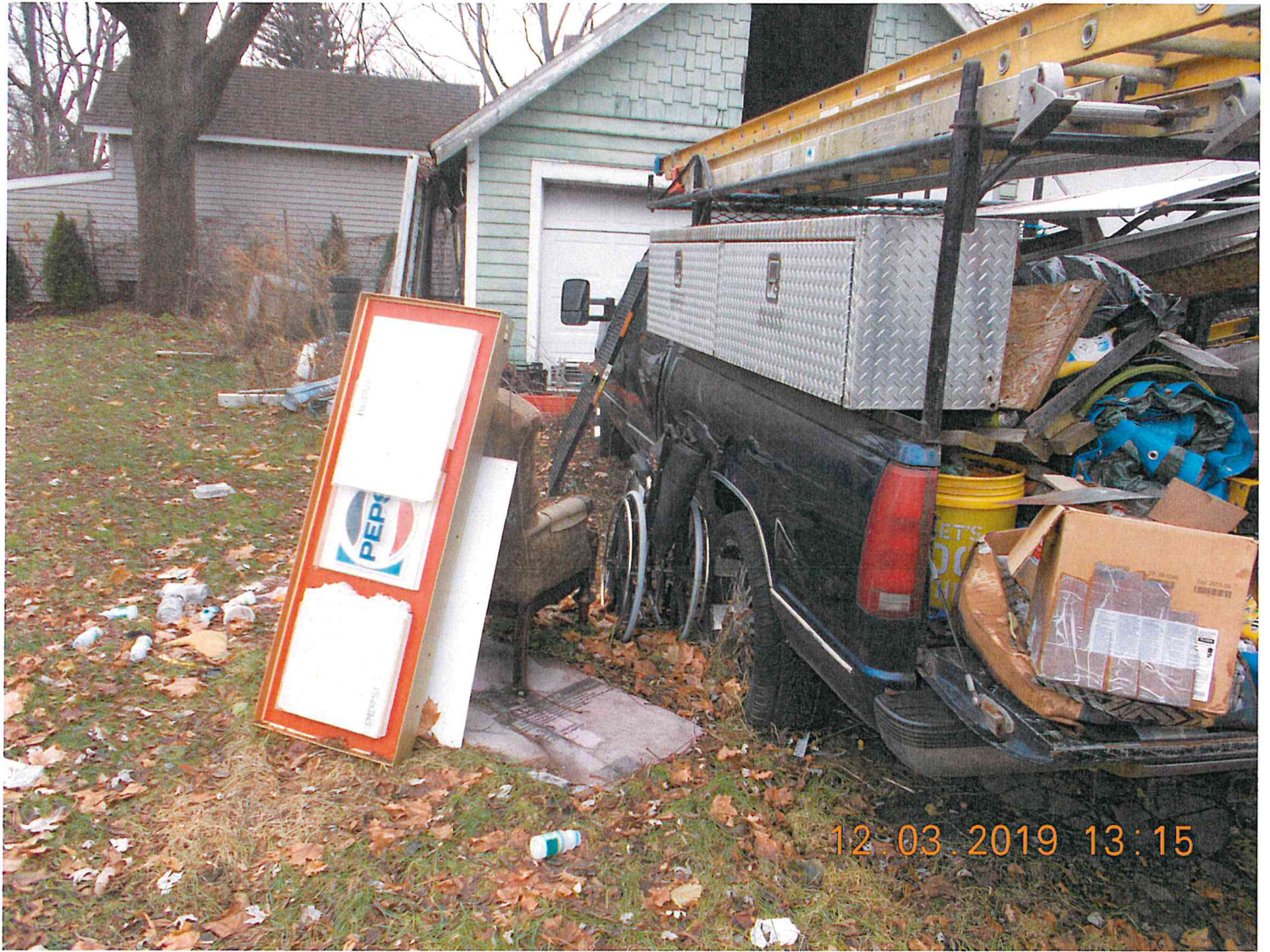














12/03/2019 13:06





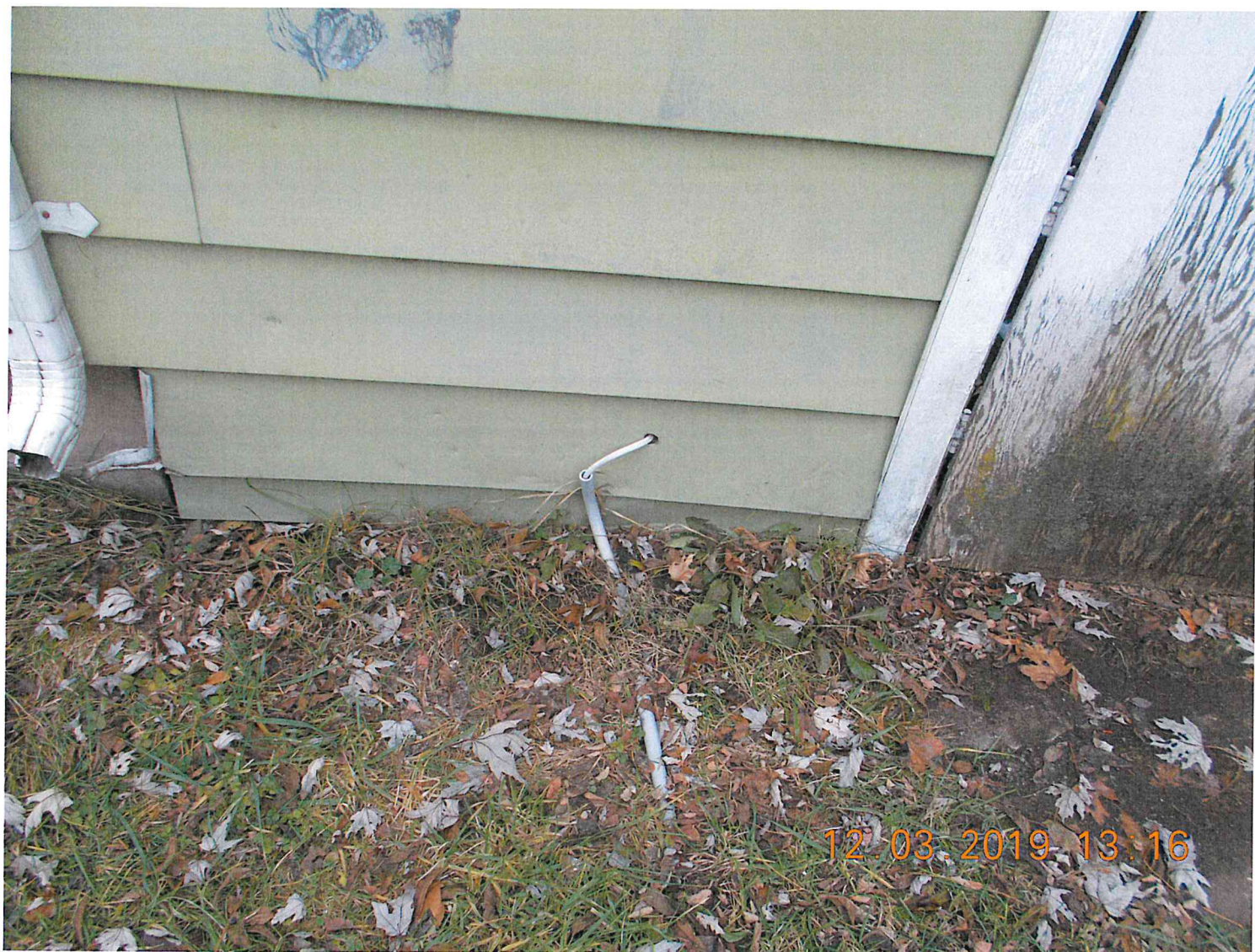








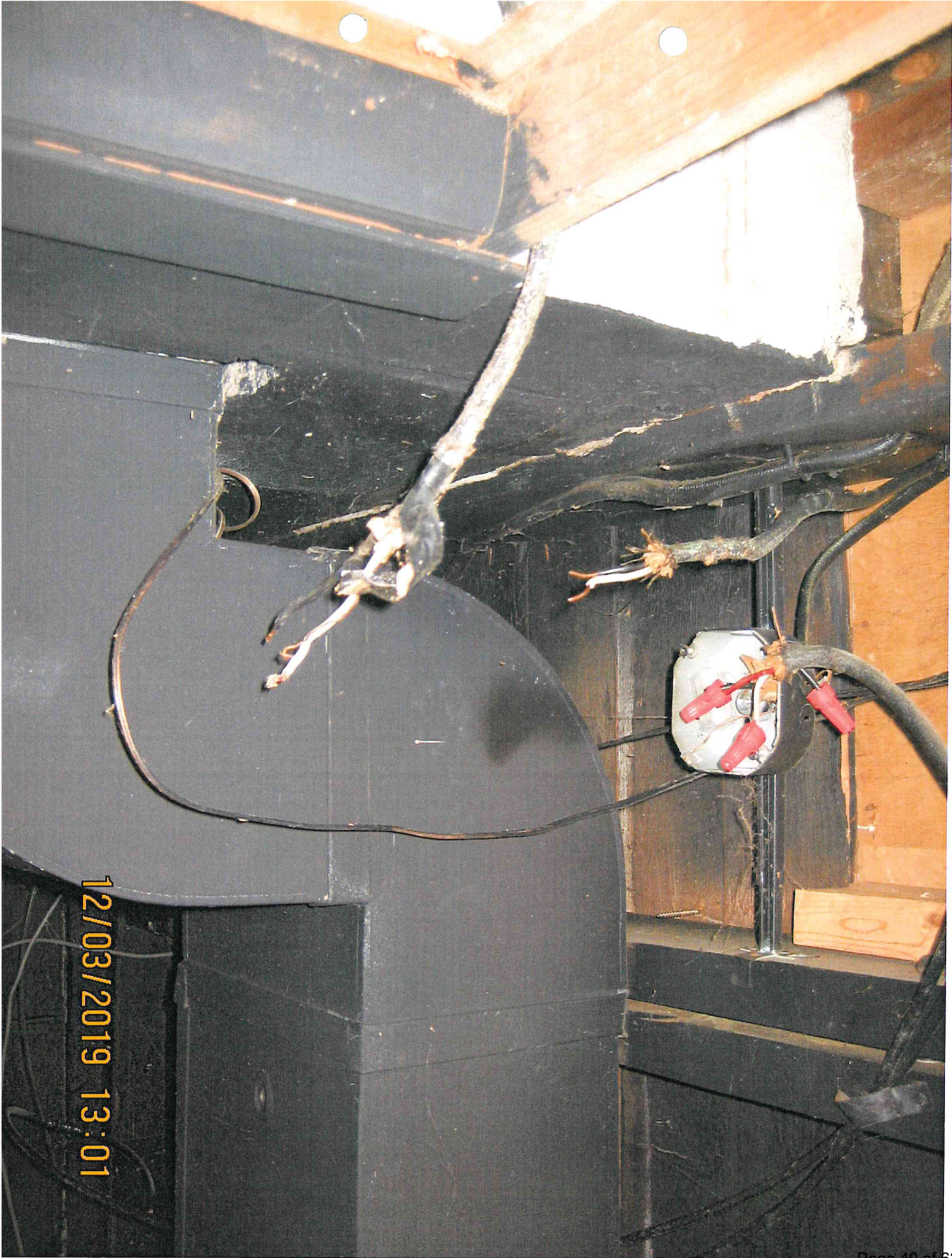








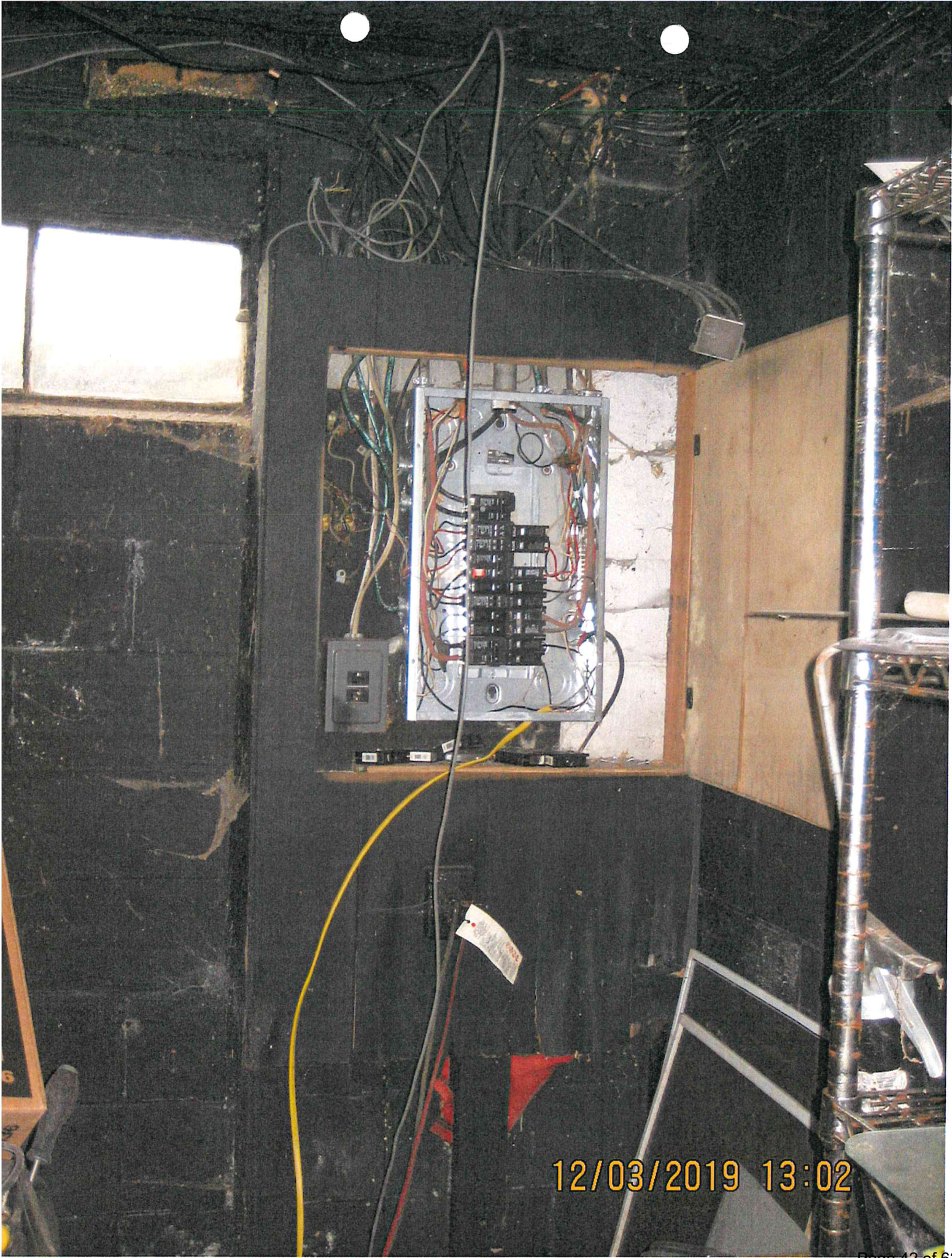
12/03/2019 13:01



12/03/2019 13:01



12/03/2019 13:02



12/03/2019 13:02



12/03/2019 13:04



12/03/2019 13:04



12/03/2019 13:04



12/03/2019 13:05



12/03/2019 13:09



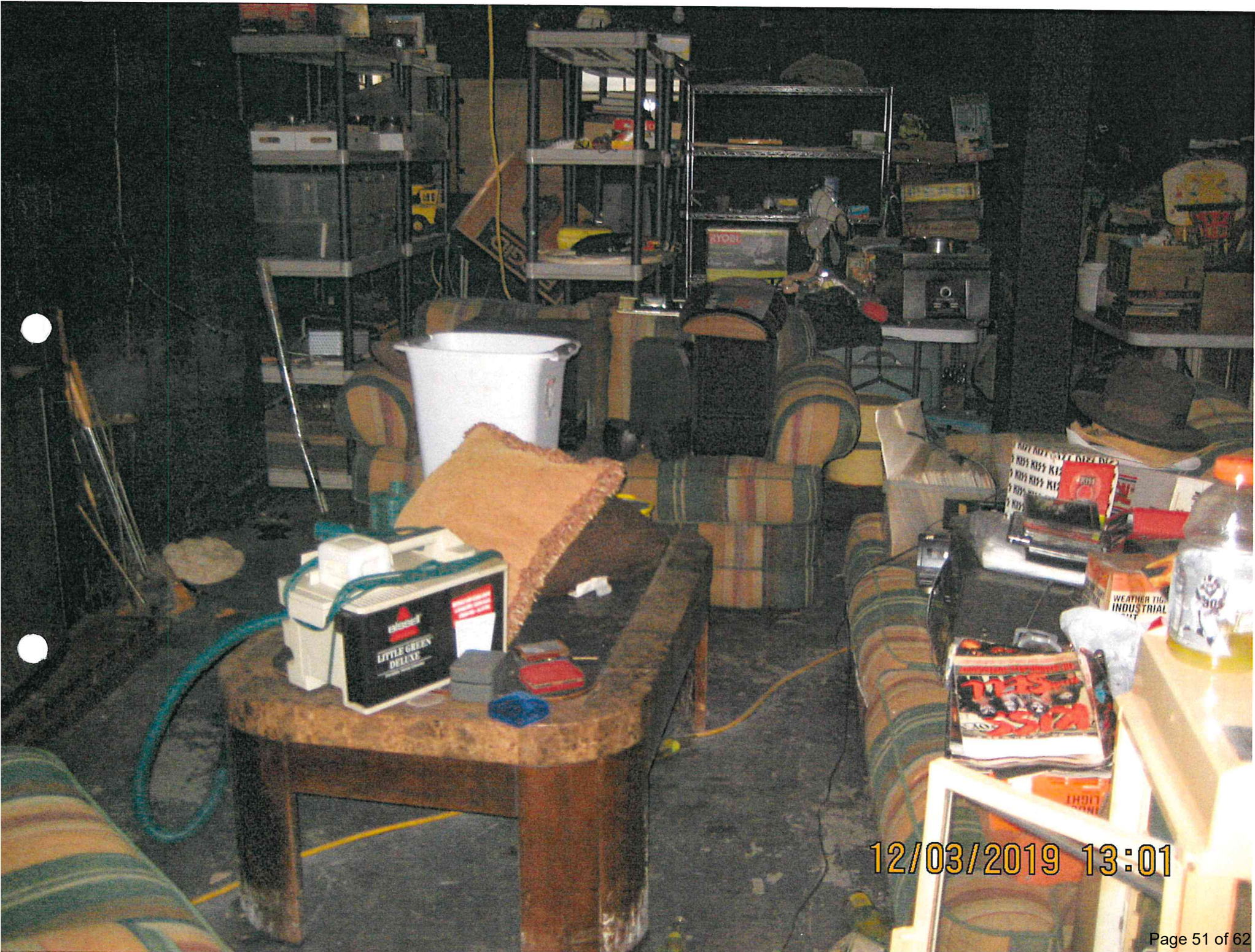
12/11/2019 15:15



12/11/2019 15:15



12/11/2019 15:16



12/03/2019 13:01

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Officer has determined that the building located at 2131 Pleasant View Ave., Parcel # 33-01-01-32-151-001 legally described as OUTLOT A MID-STATE REPLAT LOT 4 & LOT 37 PLEASANT VIEW, CITY OF LANSING, is an unsafe or dangerous building as defined in Section 108.1 of the International Property Maintenance Code as adopted by Lansing Codified Ordinance 1460.01, and the Housing Law of Michigan, and the building was red tagged on December 3, 2019; and

WHEREAS, a hearing was held by the Lansing Demolition Board on October 28, 2021, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by December 28, 2021; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Codified Ordinances and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Lansing Codified Ordinances require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public show cause hearing on February 28, 2022, to review the findings and the order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred.

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of 2131 Pleasant View Avenue, as legally described above, are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within 30 days from the date of this resolution, March 14, 2022.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Code Compliance Officer is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED, whether demolition is accomplished by said property owner or the City, that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that if the demolition is accomplished by the City, the cost

of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owner's failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

INTRODUCTION OF ORDINANCE

Council Member Wood introduced:

An ordinance of the City of Lansing, Michigan, to amend the Lansing Codified Ordinances by amending Chapter 696, Section 696.07, to provide requirements for owners of firearms to report the theft thereof and provide penalties for failure to make a report.

The Ordinance is referred to the Committee on Public Safety

Resolution #2022-###

By the Committee on Public Safety

Resolved by the City Council of the City of Lansing

Resolved by the City Council of the City of Lansing that a public hearing be set for March 14, 2022, at 7 p.m. in Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of amending Chapter 696, Section 696.07, to provide requirements for owners of firearms to report the theft thereof and provide penalties for failure to make a report.

ORDINANCE NO. _____

An ordinance of the City of Lansing, Michigan, to amend the Lansing Codified Ordinances by amending CHAPTER 696, SECTION 696.07, to provide requirements for owners of firearms to report the theft thereof and provide penalties for failure to make a report.

The City of Lansing ordains:

Section 1. That Chapter 696, Section 696.07, of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

696.07. Reporting Stolen Firearms

(a) In the event a firearm is stolen, the owner thereof upon discovery of the theft shall within 5 days of the discovery report the theft to the Lansing Police Department and provide a description of the firearm, including the serial number if any, and any other known identifying information.

(b) Any person who fails to report the theft a firearm, as required under Section (a) is responsible for a municipal civil infraction and subject to a fine not exceeding \$500.00.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions are repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council and pursuant to Section 3-307, of the City Charter, this Chapter shall expire December 31, 2030.

Approved as to form:

City Attorney

Dated: _____



City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

MEMORANDUM

TO: Committee on Public Safety Chair, Carol Wood

FROM: Office of the City Attorney, Lisa K. Hagen – Deputy City Attorney,
City Council Liaison

RE: Summary of Michigan Statute regarding Make Safe or Demolish Process

The following information is an outline regarding Michigan statute that addresses the make safe or demolish process, including notice requirements, general timeline for the make safe or demolish process and what constitutes a dangerous building.

The Housing Law of Michigan (Act 167 of 1917 – MCL 125.521 et. seq) addresses housing/building safety and outlines a process for a municipality to order a property owner to make their building safe, or face demolition performed by the City, with the City recouping its costs by issuing a lien on the property.

Dangerous Buildings - MCL 125.539 (Section 139)

- “It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof which is a dangerous building as defined in section 139” (MCL 125.538)
- Dangerous building defined: *one or more of the following defects or is in 1 ore more of the following conditions*
 - a door, aisle, passageway, stairway, or other means of exit that does not conform to City’s fire code; or
 - portion of the building is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and does not meet the minimum requirements of this act or a building code of the city; or

*Submitted
@ mtey*

- a part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property; or
- a portion of the building or structure has settled to an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by this act or a building code of the city; or
- The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way; or
- The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used; or
- The building or structure is damaged by fire, wind, or flood, is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act; or
- A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or for other reason, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling; or
- A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers; or
- A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under article 25 of the occupational code, 1980 PA 299, MCL 339.2401 to 339.2518. For purposes of this subdivision, "building or structure" includes, but is not limited to, a commercial building or structure. This subdivision does not apply to either of the following:
 - A building or structure if the owner or agent does both of the following:

- Notifies a local law enforcement agency in whose jurisdiction the building or structure is located that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the local law enforcement agency by the owner or agent not more than 30 days after the building or structure becomes unoccupied.
- Maintains the exterior of the building or structure and adjoining grounds in accordance with this act or a building code of the city
- A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies a local law enforcement agency in whose jurisdiction the dwelling is located that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the law enforcement agency not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling, including, but not limited to, a vacation home, hunting cabin, or summer home, that is occupied by the owner or a member of the owner's family during part of a year.
- **Notice requirements – MCL 125.540 (Section 140)**
 - If a building/structure is found to be a dangerous building, the enforcing agency *shall* issue a notice that the building or structure is a dangerous building
 - Notice *shall* be served on the owner, agent, or lessee that is registered with the enforcing agency under section 125. If an owner, agent, or lessee is not registered under section 125, the notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.
 - Section 125 indicates that the enforcing agency may maintain a registry of owners and premises – and specifies the information requested
 - Notice *shall* specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building

or structure to be demolished, otherwise made safe, or properly maintained.

- The hearing officer *shall* be appointed by the mayor to serve at his or her pleasure. The hearing officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency *shall not* be appointed as hearing officer. The enforcing agency shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.
- The notice *shall* be in writing and *shall* be served upon the person to whom the notice is directed ***either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records.*** If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. ***The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.***
- **Hearings – Make Safe or Demolish (Section 141)**
 - At a hearing prescribed by section 140, the hearing officer *shall* take testimony of the enforcing agency, the owner of the property, and any interested party. ***Not more than 5 days after completion of the hearing, the hearing officer shall render a decision*** either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.
 - If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall enter an order that specifies what action the owner, agent, or lessee shall take and sets a date by which the owner, agent, or lessee shall comply with the order. If the building is a dangerous building under section 139(j) [property unoccupied for a period of 180 consecutive days or longer], the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees, and shrubs.
 - If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under subsection (2) [directly above], the hearing officer shall file a report of the findings and a copy of the order with the legislative body of the city more than 5 days after the date for

- compliance set in the order and request that necessary action be taken to enforce the order. If the legislative body of the city has established a board of appeals under section 141c, the hearing officer shall file the report of the findings and a copy of the order with the board of appeals and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in the manner prescribed in section 140.
- The legislative body or the board of appeals of the city, village, or township, as applicable, ***shall set a date not less than 30 days after the hearing prescribed in section 140 for a hearing on the findings and order of the hearing officer.*** The legislative body or the board of appeals shall give notice to the owner, agent, or lessee in the manner prescribed in section 140 of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The legislative body or the board of appeals of the city shall either approve, disapprove, or modify the order. If the legislative body or board of appeals approves or modifies the order, the legislative body shall take all necessary action to enforce the order. ***If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this subsection.*** For an order of demolition, if the legislative body or the board of appeals of the city determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or lessee ***shall comply with the order of demolition within 21 days after the date of the hearing under this subsection.*** If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.
 - The cost of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporter attendance fees, and costs of the collection of the charges authorized under this act. The cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure incurred by the city to bring the property into conformance with this act shall be reimbursed to

the city by the owner or party in interest in whose name the property appears.

- The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the assessor of the notice of the amount of the cost, the city shall have a lien for the cost incurred by the city to bring the property into conformance with this act. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.
- In addition to other remedies under this act, the city may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. A city shall have a lien on the property for the amount of a judgment obtained under this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.