

**Public Policy Position  
HB 4123 and HB 4699**

The Real Property Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 3,319 members. The Real Property Law Section is not the State Bar of Michigan and the position expressed herein is that of the Real Property Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Real Property Law Section has a public policy decision-making body with 17 members. On July 12, 2019, the Section adopted its position after a discussion and vote at a scheduled meeting. 14 members voted in favor of the Section's position on HB 4123 and HB 4699, 0 members voted against this position, 0 members abstained, 3 members did not vote.

**Oppose**

**Explanation:**

House Bill 4123 would allow municipalities to assert a lien for blight violations not just against the property which is the subject of the enforcement action, but also against any other property owned by the owner of the blighted property anywhere in Michigan, at the cost of filing a notice with the register of deeds of the county in which that property is located.

HB 4699, with many of the same sponsors, contains almost identical provisions but allows the property owner to apply for an installment payment plan.

The basic provision of the Home Rule Cities Act (MCL 117.4q) allows a city to establish a blight violation through an administrative proceeding. In addition to other enforcement, under MCL 117.4r which these bills would amend, a city has the ability to enforce its orders and a civil fine through a lien on the blighted property. The bills would greatly increase the effect of the lien created by those administrative proceedings, which are often a proceeding effectively run by and for the city, and allow it to obtain a lien without any judicial proceeding. In fact, the lien established is superior to that which is available in Michigan under the Judgment Lien Act, having greater priority, and allowing foreclosure. It may be enforced in the same manner as liens for delinquent taxes under the General Property Tax Act or by whatever ordinance the governing body of the city adopts.

While blight is a problem in Michigan cities, this proposal seems out of proportion to the manner in which other litigants, who may also be deserving, can enforce their rights through judicial proceedings. Presumably, the justification is that absentee landlords allow their properties to become so run down

that the property is not worth the fine. As the original provision gave cities a shortcut to a lien, at least in part because it only affected the very property in question, they can still avail themselves of regular judicial process if the money or punishment is worth pursuing. Other remedies, including civil infractions and civil or criminal proceedings are also already available to them.

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