



Connecting Lawyers and Communities

# Legal Lines

Legal Issues for Nonprofits

## **New State Laws Authorize City Administrative Hearing Boards to Enforce Anti-Blight Ordinances**

A package of bills designed to improve the enforcement of blight violations was signed by Gov. Jennifer Granholm on January 8, 2004.<sup>1</sup> The new laws will give most Michigan cities the option of streamlining their blight enforcement system. Under the laws, "blight violations" are defined as violations of the municipal code pertaining to zoning, building or property maintenance, solid waste and illegal dumping, noxious weeds, and vehicle abandonment, among other things.

### **Creation of Administrative Hearing Boards**

The new laws authorize the creation of administrative hearing boards in all cities of more than 7,500 (and in Wayne County, cities of more than 3,300). Cities will be able to appoint hearing officers (experienced attorneys who have undertaken a specified training) to issue judgments, much like a court judgment, that would allow the city to take garnishment or liens on property if violators fail to pay. Property owners' due process rights will be retained and they will be able to appeal rulings by the hearing officers to the circuit court.

### **City Responsibilities**

A city that chooses to establish an administrative hearings board will be responsible for the cost of establishing and maintaining such a board. The return to the city is anticipated to be increased collection of civil fines and a decrease in blight within the city. Under the existing system, municipal ordinance violations are bogged down in an overloaded court system.

### **Process**

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. Civil fines of up to \$10,000 may be imposed. The law allows the city to obtain a lien against land, a building, or a structure involved in a blight violation, if a defendant does not pay the civil fine within 30 days after it was due.

### **Chicago as a Model**

The City of Chicago established a Department of Administrative Hearings on January 1, 1997. The Department hears cases involving some form of public disorder, blight or nuisance that may directly impact the public health, safety, welfare and quality-of-life in Chicago communities. Outside attorneys serve as administrative law officers and preside over 400,000 cases per year, including tens of thousands of cases previously prosecuted in an overburdened state court system. Information on Chicago's system is available at: [www.ci.chi.il.us/AdminHearings/Information](http://www.ci.chi.il.us/AdminHearings/Information).

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### **Detroit's Future**

Detroit has said that it plans to set up a Department of Administrative Hearings by Summer 2004 to hear cases involving property maintenance, vehicle abandonment, illegal dumping and overgrown weeds, among other blight violations. The Detroit City Council has been working with the Mayor's Office and the Department of Environmental Affairs to "decriminalize" a number of Detroit ordinances relating to blight. The first such ordinances were made into civil violations in late 2002.

*For more information on this and other policy issues, visit Community Legal Resources' website at [www.clronline.org](http://www.clronline.org) or contact CLR at 313-964-4130.*

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<sup>1</sup> House Bill 5216 (Public Act 316), HB 5217/PA 317, HB 5218/PA 318, HB 5219/PA 319, HB 5220/PA 320, and HB 5224/PA 321.