Memorandum

To: Hamburg Board of Trustees
From: Dawn King - Code Enforcement Officer
Date: 11/2/26

SUBJECT: Hearing Officer for Dangerous Buildings

I am writing to inform you of a requirement for our dangerous building ordinance. This requirement does not currently exist. Per our Township Attorney, Jeremey Brown, the Township should address this deficiency as soon as possible.

Since my employment with Hamburg Township in July, three buildings have been condemned and are unsalvageable. They are dangerous to the community that surround them. Some of the main problems that I have noted are:

1.) Three of these abandoned homes were deemed dangerous over the past several years but nothing has been done to mitigate the dangerous aspects.
2.) At a minimum, they violate the blight ordinance, but using the blight ordinance is only addressing the aesthetics of the property but not the fact that they are dangerous.
3.) Since these buildings were deemed dangerous over the past several years, they have fallen into greater disrepair.
4.) Some of the issues with these homes are:
    a.) Unoccupied for years. The State building code says that homes that are vacant for more than 180 days without being for sale; are considered dangerous.

b.) The three homes currently in question have become so dilapidated that roofs that have caved into the structure, some are missing floors within and weed growth is occurring inside the structure, mold and decay is apparent in all of them. They are generally structurally unsound and need to be demolished for public safety reasons.
c.) Rodents and wild creatures have taken residence in these buildings.
d.) Standing water creates a breeding ground for mosquitos.
e.) Most importantly, some of these buildings are unsecure and access could be gained.

ORDINANCE INCOMPATIBILITY:

When the Hamburg Township ordinance was codified, it stated that a Dangerous Building hearing officer **shall** be appointed to hear these cases. At this point we do not have a dangerous building hearing officer. Per the ordinance, this is a prerequisite to any dangerous building enforcement or court action. Per the ordinance, Board of Trustees would need to appoint a hearing officer to address the dangerous structures. The Hearing officer may not be an employee of the Township.

The hearing officer will inspect, hear testimony from the property owner and testimony from the code enforcement officer, zoning official, fire official or County inspectors. A hearing officer will make a determination about the structure within 5 days of the hearing. The hearing officer can find that the structure needs to be demolished, repaired or made safe following the investigation and testimony. After an opinion is rendered, and if the owner fails to comply, the Township may seek a Circuit Court Judgement for remediation.

PROPOSED ACTION:

Please see the Hamburg Township ordinance and the State Law that speaks to dangerous buildings. There are specific credentials needed for the hearing officer. I have reached out a building inspector who is in Washtenaw County and he would be interested in hearing cases on an as needed basis for an hourly rate to be determined.

Per State law, these fees are recoverable from the property owner, estate owners or responsible party if they fail to comply. The Township may also seek a court order for abatement.

Thank you for taking this into consideration for discussion at the next Board of Trustees meeting.

Hamburg Township Ordinance Sec. 20-33. Violation; notice; contents; filing of notice; appeals of determination regarding dangerous buildings.

(a) Notice requirement. Whenever the Township, through its ordinance enforcement officer, determines that the whole or any part of any building or structure is a dangerous building, as defined in section 20-32, the ordinance enforcement officer shall issue a notice that the building or structure is a dangerous building.

(b) Parties entitled to notice. 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 most current tax assessment records of the Township or a title search.

(c) Contents of notice. The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.

(d) Service. The notice shall be in writing and shall be served on 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 ten days before the date of the hearing included in the notice.

(e) Appointment of hearing officer. The hearing officer shall be appointed by the Township Board to serve at its 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 Township should not be appointed as hearing officer. The Township shall file a copy of the notice that the building or structure is dangerous with the hearing officer.

(f) Hearing testimony and decision. At the hearing prescribed by this article, the hearing officer shall take testimony and may receive evidence of the Township, the owner of the property, and any interested party. Not more than five 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.

(g) Order, compliance with order. If the hearing officer determines that that the building or structure should be demolished or otherwise made safe or properly maintained, he or she shall so order, stating what action the owner, agent, or lessee shall take and set a date by which the owner, agent or lessee to comply with the order. If the building is a "dangerous building" as defined of the definition of the term "dangerous building," in section 20-32, 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 laws, trees and

shrubs. 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 20-33(d).

(h) Noncompliance with order; request to enforce order. If the owner or party in interest fails to appear, or neglects or refuses to comply with the order issued under subsection (g) of this section, the hearing officer shall file a report of the findings and a copy of the order with the Township Board not more than five days after noncompliance by the owner and request that necessary action be taken to enforce the order.

(i) Enforcement hearing. The Township Board shall fix a date, not less than 30 days after the hearing prescribed in subsection (f) of this section, for a hearing on the findings and order of the hearing officer and shall give notice to the owner, agent or lessee in the manner prescribed in subsection (d) of this section 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 Township Board shall either approve, disapprove or modify the order. If the Township Board approves or modifies the order, the Township Board 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 section. In the case of an order of demolition, if the Township Board determines that the building or structure has been substantially destroyed 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 section. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttal presumption that the building or structure requires immediate demolition exists.

(j) Reimbursement of costs. The costs of the demolition include, but are 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 report attendance, consultant and attorney fees, and costs of the collection of the charges authorized herein. The cost of demolition, making the building safe or maintaining the exterior of the building or structure, or grounds adjoining the building or structure, incurred by the Township to bring the property into conformance with this article shall be reimbursed to the Township by the owner or party in interest in whose name the property appears upon the last local tax assessment records.

(k) Notice of costs. The owner or party in interest in whose name the property appears upon the last local tax assessment records or title search shall be notified by the assessor of the amount of the costs of the demolition, making the building safe or 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 Township records.

(l) Lien for unpaid costs. If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the costs, the Township shall have a

lien for the costs incurred by the Township to bring the property into conformance with this chapter. Notice of the lien shall be recorded with the Livingston County register of deeds. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, Public Act No. 206 of 1892 (MCL 211.1 et seq.).

(m) Court judgment for unpaid costs. In addition to other remedies, the Township may bring an action against the owner of the building or structure for the full cost of the demolition, making the building safe or maintaining the exterior of the building or structure, or grounds adjoining the building or structure. The Township shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien shall be recorded with the Livingston County register of deeds.

(Ord. of 1-16-2024, § 1)

MCL - Section 125.541

Chapter 125
Act 167 of 1917
167-1917-VII

HOUSING LAW OF MICHIGAN (EXCERPT)

Act 167 of 1917

125.541 Hearing; testimony; determination to close proceedings or order building or structure demolished, made safe, or properly maintained; failure to appear or noncompliance with order; hearing; enforcement; reimbursement and notice of cost; lien; remedies.

Sec. 141.

(1) 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.

(2) 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), 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.

(3) If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under subsection (2), the hearing officer shall file a report of the findings and a copy of the order with the legislative body of the city, village, or township not 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, village, or township 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.

(4) 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, village,

or township 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, village, or township 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.

(5) 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, village, or township to bring the property into conformance with this act shall be reimbursed to the city, village, or township by the owner or party in interest in whose name the property appears.

(6) 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, village, or township shall have a lien for the cost incurred by the city, village, or township 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.

(7) In addition to other remedies under this act, the city, village, or township 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, village, or township 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.

History: Add. 1969, Act 61, Eff. Sept. 1, 1969 ;-- Am. 1992, Act 113, Eff. Mar. 31, 1993 ;-- Am. 1992, Act 144, Eff. Mar. 31, 1993 ;-- Am. 2003, Act 55, Imd. Eff. July 14, 2003