CONDOMINIUMS, LAND DIVISION, SALES, AND CONSTRUCTION REGULATIONS

STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT
Act 230 of 1972

AN ACT to create a construction code commission and prescribe its functions; to authorize the director to promulgate rules with recommendations from each affected board relating to the construction, alteration, demolition, occupancy, and use of buildings and structures; to prescribe energy conservation standards for the construction of certain buildings; to provide for statewide approval of premanufactured units; to provide for the testing of new devices, materials, and techniques for the construction of buildings and structures; to define the classes of buildings and structures affected by the act; to provide for administration and enforcement of the act; to create a state construction code fund; to prohibit certain conduct; to establish penalties, remedies, and sanctions for violations of the act; to repeal acts and parts of acts; and to provide an appropriation.

History: 1972, Act 230, Eff. Jan. 1, 1973 ;-- Am. 1978, Act 442, Imd. Eff. Oct. 9, 1978 ;-- Am. 1980, Act 371, Imd. Eff. Dec. 30, 1980 ;-- Am. 1989, Act 135, Eff. Oct. 1, 1989 ;-- Am. 1994, Act 22, Eff. May 1, 1994 ;-- Am. 1995, Act 270, Imd. Eff. Jan. 8, 1996 ;-- Am. 1999, Act 245, Imd. Eff. Dec. 28, 1999

Compiler's Notes: Enacting sections 1 and 2 of Act 245 of 1999 provide:“Enacting section 1. The title and sections 2a, 3a, 8a, 8b, and 9b of the state construction code act of 1972, 1972 PA 230, the title as amended and sections 2a, 3a, 8a, 8b, and 9b as added by this amendatory act, are effective upon enactment but apply only to 1 or more of the following codes only upon the effective date of the particular code update promulgated after October 15, 1999:“(a) The plumbing code, R 408.30701 to 408.30796 of the Michigan administrative code. [Effective July 31, 2001]“(b) The electrical code, R 408.30801 to 408.30873 of the Michigan administrative code. [Effective December 7, 1999]“(c) The mechanical code, R 408.30901a to 408.30995a of the Michigan administrative code. [Effective July 31, 2001]“(d) The building code, R 408.30401 to 408.30499 of the Michigan administrative code. [Effective July 31, 2001]“Enacting section 2. The title and sections 2, 3, 8, 9, and 9a of the state construction code act of 1972, 1972 PA 230, MCL 125.1502, 125.1503, 125.1508, 125.1509, and 125.1509a,

the title and sections 2 and 8 as amended by this amendatory act, apply to 1 or more of the following codes until the rules for the code update promulgated after October 15, 1999 for the specific code become effective, at which time each section does not apply to the particular code. Sections 2, 3, 8, 9, and 9a of the state construction code act of 1972, 1972 PA 230, MCL 125.1502, 125.1503, 125.1508, 125.1509, and 125.1509a, are repealed on the effective date of the last of the rules updating the following codes promulgated after October 15, 1999:“(a) The plumbing code, R 408.30701 to 408.30796 of the Michigan administrative code. [Effective July 31, 2001]“(b) The electrical code, R 408.30801 to 408.30873 of the Michigan administrative code. [Effective December 7, 1999]“(c) The mechanical code, R 408.30901a to 408.30995a of the Michigan administrative code. [Effective July 31, 2001]“(d) The building code, R 408.30401 to 408.30499 of the Michigan administrative code.” [Effective July 31, 2001] Rules updating the electrical code (R 408.30801 et seq.) were promulgated November 19, 1999, and became effective December 7, 1999.
Popular Name: Act 230
Popular Name: Uniform Construction Code

The People of the State of Michigan enact:

125.1501 Short title.

Sec. 1. This act shall be known and may be cited as the “Stille-DeRossett-Hale single state construction code act”.

History: 1972, Act 230, Eff. Jan. 1, 1973 ;-- Am. 1999, Act 245, Imd. Eff. Dec. 28, 1999
Compiler's Notes: Former MCL 125.1501 to 125.1512, deriving from Act 304 of 1969 and pertaining to bonds for urban redevelopment, were rejected by the voters at the general election of November 3, 1970.For transfer of powers and duties relating to the promulgation of rules by the state construction code commission from the department of labor to the director of the department of consumer and industry services, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.For transfer of powers and duties of the executive director of the state construction code commission to the director of the department of consumer and industry services, and abolishment of the position, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1502 Repealed. 1999, Act 245, Eff. July 31, 2001.

Compiler's Notes: The repealed section pertained to definitions and references to act and code.

Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1502a Additional definitions.

Sec. 2a. (1) As used in this act:

(a) "Agricultural or agricultural purposes" means of, or pertaining to, or connected with, or engaged in agriculture or tillage which is characterized by the act or business of cultivating or using land and soil for the production of crops for the use of animals or humans, and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

(b) "Application for a building permit" means an application for a building permit submitted to an enforcing agency pursuant to this act and plans, specifications, surveys, statements, and other material submitted to the enforcing agency together or in connection with the application.

(c) "Barrier free design" means design complying with legal requirements for architectural designs which eliminate the type of barriers and hindrances that deter persons with disabilities from having access to and free mobility in and around a building or structure.

(d) "Board of appeals" means the construction board of appeals of a governmental subdivision provided for in section 14.

(e) "Boards" means the state plumbing, board of mechanical rules, and electrical administrative boards and the barrier free design board created in section 5 of 1966 PA 1, MCL 125.1355.

(f) "Building" means a combination of materials, whether portable or fixed, forming a structure affording a facility or shelter for use or occupancy by persons, animals, or property. Building does not include a building, whether temporary or permanent, incidental to the use for agricultural purposes of the land on which the building is located if it is not used in the business of retail trade. Building includes the meaning

"or part or parts of the building and all equipment in the building" unless the context clearly requires a different meaning.

(g) "Building envelope" means the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior.

(h) "Business day" means a day of the year, exclusive of a Saturday, Sunday, or legal holiday.

(i) "Chief elected official" means the chairperson of the county board of commissioners, the city mayor, the village president, or the township supervisor.

(j) "Code" means the state construction code provided for in section 4 or a part of that code of limited application and includes a modification of or amendment to the code.

(k) "Commission" means the state construction code commission created by section 3.

(l) "Construction" means the construction, erection, reconstruction, alteration, conversion, demolition, repair, moving, or equipping of buildings or structures.

(m) "Construction regulation" means a law, act, rule, regulation, or code, general or special, or compilation thereof, enacted or adopted before or after January 1, 1973, by this state including a department, board, bureau, commission, or other agency thereof, relating to the design, construction, or use of buildings and structures and the installation of equipment in the building or structure. Construction regulation does not include a zoning ordinance or rule issued pursuant to a zoning ordinance and related to zoning.

(n) "Cost-effective", in reference to section 4(3)(f) and (g), means, using the existing energy efficiency standards and requirements as the base of comparison, the economic benefits of the proposed energy efficiency

standards and requirements will exceed the economic costs of the requirements of the proposed rules based upon an incremental multiyear analysis. All of the following provisions apply:

(i) The analysis shall take into consideration the perspective of a typical first-time home buyer.

(ii) The analysis shall consider benefits and costs over a 7-year time period.

(iii) The analysis shall not assume fuel price increases in excess of the assumed general rate of inflation.

(iv) The analysis shall assure that the buyer of a home who qualifies to purchase the home before the addition of the energy efficient standards would still qualify to purchase the same home after the additional cost of the energy-saving construction features.

(v) The analysis shall assure that the costs of principal, interest, taxes, insurance, and utilities will not be greater after the inclusion of the proposed cost of the additional energy-saving construction features required by the proposed energy efficiency rules as opposed to the provisions of the existing energy efficiency rules.

(o) “Department” means the department of consumer and industry services.

(p) “Director” means the director of the department or an authorized representative of the director.

(q) “Energy conservation” means the efficient use of energy by providing building envelopes with high thermal resistance and low air leakage, and the selection of energy efficient mechanical, electrical service, and illumination systems, equipment, devices, or apparatus.

(r) “Enforcing agency” means the enforcing agency, in accordance with section 8a or 8b, which is responsible for administration and

enforcement of the code within a governmental subdivision, except for the purposes of section 19 enforcing agency means the agency in a governmental unit principally responsible for the administration and enforcement of applicable construction regulations.

(s) “Equipment” means plumbing, heating, electrical, ventilating, air conditioning, and refrigerating equipment.

(t) “Governmental subdivision” means a county, city, village, or township which in accordance with section 8 has assumed responsibility for administration and enforcement of this act and the code within its jurisdiction.

(u) “Mobile home” means a vehicular, portable structure built on a chassis pursuant to the national manufactured housing construction and safety standards act of 1974, title VI of the housing and community development act of 1974, Public Law 93-383, 42 U.S.C. 5401 to 5426, and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be, attached to the ground, to another structure, or to a utility system on the same premises for more than 30 consecutive days.

(v) “Other laws and ordinances” means other laws and ordinances whether enacted by this state or by a county, city, village, or township and the rules issued under those laws and ordinances.

(w) “Owner” means the owner of the freehold of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property or his or her duly authorized agent.

(x) “Person with disabilities” means an individual whose physical characteristics have a particular relationship to that individual's ability to be self-reliant in the individual's movement throughout and use of the building environment.

(y) “Premanufactured unit” means an assembly of materials or products intended to comprise all or part of a building or structure, and which is assembled at other than the final location of the unit of the building or structures by a repetitive process under circumstances intended to insure uniformity of quality and material content. Premanufactured unit includes a mobile home.

(z) “Structure” means that which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner. Structure does not include a structure incident to the use for agricultural purposes of the land on which the structure is located and does not include works of heavy civil construction including, but not limited to, a highway, bridge, dam, reservoir, lock, mine, harbor, dockside port facility, an airport landing facility and facilities for the generation or transmission, or distribution of electricity. Structure includes the meaning “or part or parts of the structure and all equipment in the structure” unless the context clearly requires a different meaning.

(2) Unless the context clearly indicates otherwise, a reference to this act, or to this act and the code, means this act and rules promulgated pursuant to this act including the code.

History: Add. 1999, Act 245, Imd. Eff. Dec. 28, 1999
Compiler's Notes: Enacting section 1 of Act 245 of 1999 provides:“Enacting section 1. The title and sections 2a, 3a, 8a, 8b, and 9b of the state construction code act of 1972, 1972 PA 230, the title as amended and sections 2a, 3a, 8a, 8b, and 9b as added by this amendatory act, are effective upon enactment but apply only to 1 or more of the following codes only upon the effective date of the particular code update promulgated after October 15, 1999:“(a) The plumbing code, R 408.30701 to 408.30796 of the Michigan administrative code. [Effective July 31, 2001]“(b) The electrical code, R 408.30801 to 408.30873 of the Michigan administrative code. [Effective December 7, 1999]“(c) The mechanical code, R 408.30901a to 408.30995a of the Michigan administrative code. [Effective July 31, 2001]“(d) The building code, R 408.30401 to 408.30499 of the Michigan administrative code.” [Effective July 31, 2001]
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1503 Repealed. 1999, Act 245, Eff. July 31, 2001.

Compiler's Notes: The repealed section pertained to state construction code commission.
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1503a State construction code commission; creation; membership; quorum; meetings; designation of chairperson; exercise of authority; rules; compliance with open meetings act and freedom of information act.

Sec. 3a. (1) The state construction code commission is created and consists of the state fire marshal or an employee of the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, designated by the state fire marshal and a designee of the chairpersons of the barrier free design board, the electrical administrative board, the state plumbing board, and the board of mechanical rules, who shall be permanent members, and 12 residents of the state to be appointed by the governor with the advice and consent of the senate. Appointed members of the commission shall include 1 person from each of the fields of industrial management, architecture, professional engineering, building contracting, organized labor, premanufactured building, and 3 members representing municipal building inspection; 2 persons from the general public; and a licensed residential builder. A member of the commission appointed by the governor before January 1, 2007 shall be appointed for a term of 2 years, except that a vacancy shall be filled for the unexpired portion of the term. A member of the commission appointed by the governor after December 31, 2006 shall be appointed for a term of 4 years, except that a vacancy shall be filled for the unexpired portion of the term. A member of the commission may be removed from office by the governor for inefficiency, neglect of duty, or misconduct or malfeasance in office. A member of the commission who has a pecuniary interest in a matter before the commission shall disclose the interest before the commission takes action in the matter, which disclosures shall be made a matter of record in its official proceedings. Each member of the commission, except the state fire marshal or the state fire marshal's designee, shall receive reimbursement for actual

expenses incurred by the member in the performance of the duties as a member of the commission, subject to available appropriations.

(2) Nine members of the commission constitute a quorum. Except as otherwise provided in the commission's bylaws, action may be taken by the commission by vote of a majority of the members present at a meeting. Meetings of the commission may be called by the chairperson or by 3 members on 10 days' written notice. Not less than 1 meeting shall be held each calendar quarter. A meeting of the commission may be held anywhere in this state.

(3) The commission may elect 1 member as vice-chairperson, and other officers as it determines appropriate, for the terms and with the duties and powers as the commission determines. The vice-chairperson and other officers of the commission shall be elected from those members appointed to the commission by the governor. After December 31, 2006, the governor shall designate a member of the commission to serve as chairperson at the pleasure of the governor.

(4) The commission is within the department but shall exercise its statutory functions independently of the director, except that budgeting, personnel, and procurement functions of the commission shall be performed under the direction and supervision of the director. The director has the sole statutory authority to promulgate rules.

(5) The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(6) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: Add. 1999, Act 245, Imd. Eff. Dec. 28, 1999 ;-- Am. 2006, Act 192, Imd. Eff. June 19, 2006

Compiler's Notes: Enacting section 1 of Act 245 of 1999 provides:"Enacting section 1. The title and sections 2a, 3a, 8a, 8b, and 9b of the state construction code act of 1972, 1972 PA 230, the title as amended and sections 2a, 3a, 8a, 8b, and 9b as added by this amendatory act, are effective upon enactment but apply only to 1 or more of the following codes only upon the effective date of the particular code update promulgated after October 15, 1999:"(a) The plumbing code, R 408.30701 to 408.30796 of the Michigan administrative code. [Effective July 31, 2001]"(b) The electrical code, R 408.30801 to 408.30873 of the Michigan administrative code. [Effective December 7, 1999]"(c) The mechanical code, R 408.30901a to 408.30995a of the Michigan administrative code. [Effective July 31, 2001]"(d) The building code, R 408.30401 to 408.30499 of the Michigan administrative code." [Effective July 31, 2001]For transfer of powers and duties of the office of fire safety and state fire marshal to the director of the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1504 State construction code; rules; promulgation; contents; purposes, objectives, and standards; availability of code to public.
Sec. 4. (1) The director shall prepare and promulgate the state construction code consisting of rules governing the construction, use, and occupation of buildings and structures, including land area incidental to the buildings and structures, the manufacture and installation of building components and equipment, the construction and installation of premanufactured units, the standards and requirements for materials to be used in connection with the units, and other requirements relating to the safety, including safety from fire, and sanitation facilities of the buildings and structures.

(2) The code shall consist of the international residential code, the international building code, the international mechanical code, the international plumbing code published by the international code council, the national electrical code published by the national fire prevention association, and the Michigan uniform energy code with amendments, additions, or deletions as the director determines appropriate.

(3) The code shall be designed to effectuate the general purposes of this act and the following objectives and standards:

(a) To provide standards and requirements for construction and construction materials consistent with nationally recognized standards and requirements.

(b) To formulate standards and requirements, to the extent practicable in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability.

(c) To permit to the fullest extent feasible the use of modern technical methods, devices, and improvements, including premanufactured units, consistent with reasonable requirements for the health, safety, and welfare of the occupants and users of buildings and structures.

(d) To eliminate restrictive, obsolete, conflicting, and unnecessary construction regulations that tend to increase construction costs unnecessarily or restrict the use of new materials, products, or methods of construction, or provide preferential treatment to types or classes of materials or products or methods of construction.

(e) To insure adequate maintenance of buildings and structures throughout this state and to adequately protect the health, safety, and welfare of the people.

(f) To provide standards and requirements for cost-effective energy efficiency that will be effective April 1, 1997.

(g) Upon periodic review, to continue to seek ever-improving, cost-effective energy efficiencies.

(h) The development of a voluntary consumer information system relating to energy efficiencies.

(4) The code shall be divided into sections as the director considers appropriate including, without limitation, building, plumbing, electrical, and mechanical sections. The boards shall participate in and work with the staff of the director in the preparation of parts relating to their functions. Before the promulgation of an amendment to the code, the

boards whose functions relate to that code shall be permitted to draft and recommend to the director proposed language. The director shall give consideration to all submissions by the boards. However, the director has final responsibility for the promulgation of the code.

(5) The code may incorporate the provisions of a code, standard, or other material by reference. The director shall add, amend, and rescind rules to update the code not less than once every 3 years to coincide with the national code change cycle.

(6) Before the Michigan building code, the Michigan residential code, the Michigan plumbing code, the Michigan mechanical code, the Michigan uniform energy code, and the Michigan rehabilitation code may be enforced, the director shall make each Michigan-specific code available to the general public for at least 45 days in printed, electronic, or other form that does not require the user to purchase additional documents or data in any form in order to have an updated complete version of each specific code, excluding other referenced standards within each code. This subsection does not apply to any code effective before April 1, 2005.

History: 1972, Act 230, Eff. Jan. 1, 1973 ;-- Am. 1978, Act 442, Imd. Eff. Oct. 9, 1978 ;-- Am. 1980, Act 371, Imd. Eff. Dec. 30, 1980 ;-- Am. 1995, Act 270, Imd. Eff. Jan. 8, 1996 ;-- Am. 1999, Act 245, Imd. Eff. Dec. 28, 1999 ;-- Am. 2004, Act 584, Imd. Eff. Jan. 4, 2005
Popular Name: Act 230
Popular Name: Uniform Construction Code
Admin Rule: R 408.30101 et seq.; R 408.31070; R 408.31087 et seq. of the Michigan Administrative Code.

125.1504a Repealed. 1985, Act 220, Eff. Jan. 13, 1988.

Compiler's Notes: The report of the advisory committee's actions and recommendations, required by this section, was transmitted by the Director of the Department of Labor to the Clerk of the House of Representatives and the Secretary of the Senate by letters dated January 5, 1988. 1988 Journal of the House 9 (No. 1, January 13, 1988) and 1988 Journal of the Senate 5 (No. 1, January 13, 1988).
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1504b Bed and breakfast.
Sec. 4b. (1) A bed and breakfast is considered under the code to be a single family residential structure and shall not be treated as a hotel or other facility serving transient tenants. This section is effective throughout the state without local modification, notwithstanding the exemption provisions of section 8.

(2) This section does not affect local zoning, fire safety, or housing regulations.

(3) As used in this section, "bed and breakfast" means a single family residential structure that meets all of the following criteria:

(a) Has 10 or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, 1 or more of which are available for rent to transient tenants.

(b) Serves meals at no extra cost to its transient tenants.

(c) Has a smoke detector in proper working order in each sleeping room and a fire extinguisher in proper working order on each floor.

History: Add. 1987, Act 112, Imd. Eff. July 13, 1987 ;-- Am. 1996, Act 292, Imd. Eff. June 19, 1996
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1504c Installation of smoke alarms in existing buildings or structures; promulgation of rules required.
Sec. 4c. (1) Beginning 1 year after the effective date of the rules promulgated under subsection (2), the owner of an existing building or structure constructed before November 6, 1974 shall install 1 or more smoke alarms in that building or structure, as provided in those rules.

(2) The director shall promulgate rules that establish standards and requirements for the installation of smoke alarms in a building or structure described in subsection (1). The rules shall include both of the following:

(a) For a single family dwelling, 1 or 2 family detached dwelling, or multiple family dwelling, a requirement for the installation of at least 1 single-station smoke alarm in each dwelling unit.

(b) For a building or structure that is not a single family dwelling, 1 or 2 family detached dwelling, or multiple family dwelling, a requirement for the installation of smoke alarms as provided in the code.

(3) A building that is renovated, reconstructed, or added to or whose use or occupancy is changed shall meet the requirements contained in the code for installation of smoke alarms.

(4) As used in this section, “smoke alarm” and “single-station smoke alarm” mean those terms as defined in section 82a of the housing law of Michigan, 1917 PA 167, MCL 125.482a.

History: Add. 2004, Act 65, Imd. Eff. Apr. 20, 2004
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1505 Powers of commission.
Sec. 5. (1) The commission has all powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, without limitation, the powers hereinafter set forth.

(2) The commission may sue and be sued; have a seal and alter it; make and execute contracts and other instruments; and adopt, amend and rescind bylaws for its organization and internal management.

(3) The commission may promulgate, amend and rescind rules necessary, desirable or proper to carry out its powers and duties under this act and relating to the administration and enforcement of the code by enforcing agencies and relating to the qualifications and licensing of persons making inspections provided for under this act.

(4) The commission may encourage, support or conduct, either by itself or in cooperation with enforcing agencies, associations of building code

officials, or any other persons, educational and training programs for employees, agents and inspectors of enforcing agencies.

(5) The commission may study the effect of the code, and other related laws, to ascertain their effect on the cost of building construction and maintenance, and the effectiveness of their provisions for insuring the health, safety and welfare of the people of this state.

(6) The commission may determine after testing and evaluation whether a material, product, method of manufacture or method of construction or installation is acceptable under the code; issue certificates of such acceptability; and establish procedures for the testing of such devices, materials, fixtures, methods, systems or processes, including contracting with an existing testing laboratory for such testing.

(7) The commission may take testimony and hold hearings relating to any aspect or matter relative to the administration or enforcement of this act. In the enforcement of this act, it may issue subpoenas to compel the attendance of witnesses and the production of evidence. The commission may designate 1 or more or its members or employees to hold public hearings and report thereon to the commission.

History: 1972, Act 230, Eff. Jan. 1, 1973
Compiler's Notes: In the last sentence of subsection (7), the phrase “1 or more or its members” should evidently read “1 or more of its members.”
Popular Name: Act 230
Popular Name: Uniform Construction Code
Admin Rule: R 408.30101 et seq. of the Michigan Administrative Code.

125.1506 Rules; promulgation; copies; exceptions.

Sec. 6. Rules promulgated by the commission shall be promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws. The commission shall send or deliver a copy of its promulgated rules to each governmental subdivision. This section shall not apply to rules adopted by the commission relating only to its organization or internal management or which fix fees to be established by the commission.

History: 1972, Act 230, Eff. Jan. 1, 1973 ;-- Am. 1980, Act 371, Imd. Eff. Dec. 30, 1980
Popular Name: Act 230
Popular Name: Uniform Construction Code
Admin Rule: R 408.30101 et seq. of the Michigan Administrative Code.

125.1507 Director, subordinate officers, employees, experts, consultants, technical advisers, and advisory committees; appointment; duties; compensation; effectuating objectives of act; federal cooperation, funds, and grants.

Sec. 7. (1) After consultation and with the approval of the commission, the director may do the following:

(a) Subject to civil service requirements, appoint subordinate officers and employees of the commission, including legal counsel, and prescribe their duties and fix their compensation.

(b) Appoint or use experts, consultants, technical advisers, and advisory committees for assistance and recommendations relative to preparation and promulgation of the code and to assist the commission and the director in carrying out this act.

(c) Subject to the advice of the commission, do those things necessary or desirable to effectuate the general purposes and specific objectives of this act.

(2) The director shall cooperate with agencies of the federal government, may enter into contracts to receive funds, and may receive grants from the federal government to carry out the purposes of this act.

History: 1972, Act 230, Eff. Jan. 1, 1973 ;-- Am. 1977, Act 254, Imd. Eff. Dec. 6, 1977 ;-- Am. 1999, Act 245, Imd. Eff. Dec. 28, 1999
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1508 Repealed. 1999, Act 245, Eff. July 31, 2001.

Compiler's Notes: The repealed section pertained to applicability of act and state construction code.

Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1508a Applicability of act and state construction code.
Sec. 8a. (1) This act and the code apply throughout the state.

(2) Within 10 days after the effective date of this subsection, the director shall provide a notice of intent form to all governmental subdivisions administering and enforcing a nationally recognized model code other than the code established by the commission under this act. This form shall set forth the date return receipt is required, which date shall not be less than 60 days after receipt. The chief elected official of the governmental subdivision that receives this notice shall indicate on the form the intention of the governmental subdivision as to whether it shall administer and enforce the code and transmit this notice to the director within the prescribed period. If a governmental subdivision fails to submit a notice of intent to administer and enforce the code within the date set forth in the notice, the director shall send a notice by registered mail to the clerk of that governmental subdivision. The registered notice shall indicate that the governmental subdivision has 15 additional days in which to submit a notice of intent to administer and enforce the code. If the governmental subdivision does not respond by the end of the 15 additional days, it shall be conclusively presumed that the governmental subdivision does not intend to administer and enforce the code, and the director shall assume the responsibility for administering and enforcing this act and the code in that governmental subdivision, unless the county within which that governmental subdivision is located has submitted a notice of intent to continue to administer and enforce this act and the code. Governmental subdivisions may provide by agreement for joint enforcement of the code.

(3) A governmental subdivision that has elected to assume responsibility for the administration and enforcement of this act and the code, and has submitted a notice of intent to continue to administer and enforce the code to the director pursuant to section 8b, after the effective date of this subsection, may reverse that election.

(4) A governmental subdivision that, before the effective date of this subsection, has elected to exempt itself pursuant to section 8(1) may reverse that election, making itself subject to the act and the code. However, that action shall not take effect until 60 days after passage of an ordinance to that effect. A structure commenced under an effective code shall be completed under that code.

(5) A governmental subdivision that, before the effective date of this subsection, has not administered and enforced either this act and the code or another nationally recognized model code may elect to enforce this act and the code pursuant to subsection (1) by the passage of an ordinance to that effect. A governmental subdivision that makes this election after the effective date of this subsection shall submit, in addition to the ordinance, an application to the commission for approval to administer and enforce that code within its jurisdiction. This application shall be made on the proper form to be provided by the commission. The standards for approval shall include, but not be limited to, the certification by the governmental subdivision that the enforcing agency is qualified by experience or training to administer and enforce the code and all related acts and rules, that agency personnel are provided as necessary, administrative services are provided, plan review services are provided, and timely field inspection services shall be provided. The director shall seek additional information if the director considers it necessary. The commission shall render a decision on the application for approval to administer and enforce the code that has been adopted and transmit its findings to that governmental subdivision within 90 days of receipt of the application. The commission shall document its reasons if the commission disapproves an application. A governmental subdivision that receives a disapproval may resubmit its application for approval. Upon receipt of approval from the commission for the administration and enforcement of the code, the governmental subdivision shall administer and enforce the code within its jurisdiction pursuant to the provisions of its approved application.

(6) The code or any of its sections shall take effect 6 months after the code's initial promulgation. The 6-month delay does not apply to rules promulgated to implement sections 13a, 13b, 13c, 19, and 21 and the

requirements of barrier free design and energy conservation of this act and code. The 6-month delay does not apply to amendments to the code or any of the code's sections after the initial promulgation.

(7) The standards for premanufactured housing shall not be less than the standards required for nonpremanufactured housing, except that manufactured homes labeled pursuant to the national manufactured housing construction and safety standards act of 1974, title VI of the housing and community development act of 1974, Public Law 93-383, 42 U.S.C. 5401 to 5426, shall be considered to have complied with this requirement.

(8) The commission may limit the application of a part of the code to include or exclude the following:

(a) Specified classes or types of buildings or structures, according to use, or other distinctions as may make differentiation or separate classification or regulation necessary, proper, or desirable. The commission shall consider the specific problems of the construction or alteration of a single family, owner-occupied recreational dwelling that is located in a sparsely populated area and that is to be occupied on a part-time basis.

(b) Specified areas of the state based on size, population density, special conditions prevailing in the area, or other factors as may make differentiation or separate classification or regulation necessary, proper, or desirable.

(9) A building or structure that has baby changing stations in the women's restrooms shall have baby changing stations in the men's restrooms.

(10) The code shall provide, where appropriate, for standards involving location and construction of ratwalls that are not less than those standards in existence on the effective date of this section.

History: Add. 1999, Act 245, Imd. Eff. Dec. 28, 1999
Compiler's Notes: Enacting section 1 of Act 245 of 1999 provides:“Enacting section 1.

The title and sections 2a, 3a, 8a, 8b, and 9b of the state construction code act of 1972, 1972 PA 230, the title as amended and sections 2a, 3a, 8a, 8b, and 9b as added by this amendatory act, are effective upon enactment but apply only to 1 or more of the following codes only upon the effective date of the particular code update promulgated after October 15, 1999:"(a) The plumbing code, R 408.30701 to 408.30796 of the Michigan administrative code. [Effective July 31, 2001]"(b) The electrical code, R 408.30801 to 408.30873 of the Michigan administrative code. [Effective December 7, 1999]"(c) The mechanical code, R 408.30901a to 408.30995a of the Michigan administrative code. [Effective July 31, 2001]"(d) The building code, R 408.30401 to 408.30499 of the Michigan administrative code." [Effective July 31, 2001]
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1508b Administration and enforcement of act and state construction code.

Sec. 8b. (1) Except as otherwise provided in this section, the director is responsible for administration and enforcement of this act and the code. A governmental subdivision may by ordinance assume responsibility for administration and enforcement of this act within its political boundary. A county ordinance adopted pursuant to this act shall be adopted by the county board of commissioners and shall be signed by the chairperson of the county board of commissioners and certified by the county clerk.

(2) A governmental subdivision that has assumed the responsibility for administering and enforcing this act and the code may, through its chief legal officer, issue a complaint and obtain a warrant for a violation of this act or the code and prosecute the violation with the same power and authority it possesses in prosecuting a local ordinance violation. If pursuant to section 23, a governmental subdivision has by ordinance designated a violation of the act or code as a municipal civil infraction, the governmental subdivision may issue a citation or municipal ordinance violation notice pursuant to chapter 87 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8701 to 600.8735, for a violation of the act or code. Unless otherwise provided by local law or ordinance, the legislative body of a governmental subdivision responsible for administration and enforcement of this act and the code shall designate an enforcing agency that shall discharge the responsibilities of the governmental subdivision under this act.

Governmental subdivisions may provide by agreement for joint enforcement of this act.

(3) Subject to the other provisions of this act, an enforcing agency is any official or agent of a governmental subdivision that is registered under the building officials and inspectors registration act, 1986 PA 54, MCL 338.2301 to 338.2313, qualified by experience or training to perform the duties associated with construction code administration and enforcement.

(4) Before December 28, 1999, the director shall provide each governmental subdivision administering and enforcing this act and the code with a notice of intent form. This form shall set forth the date return receipt is required, which date shall not be less than 60 days. The chief elected official of the governmental subdivision that receives this notice shall indicate on the form the intention of the governmental subdivision as to whether it shall continue to administer and enforce this act and the code and transmit this notice to the director within the prescribed period. If a governmental subdivision fails to submit a notice of intent to continue to administer and enforce this act and the code within the date set forth in the notice, the director shall send a notice by registered mail to the clerk of that governmental subdivision. This notice shall indicate that the governmental subdivision has 15 additional days in which to submit a notice of intent to continue to administer and enforce this act and the code. If the governmental subdivision does not respond by the end of the 15 additional days, it shall be conclusively presumed that the governmental subdivision does not intend to continue to administer and enforce this act and the code and the director shall assume the responsibility for administering and enforcing this act and the code in that governmental subdivision, unless the county within which the governmental subdivision is located submits a notice of intent to continue to administer and enforce this act and the code.

(5) A county that is administering and enforcing this act and the code on December 28, 1999 and that submits a notice of intent to continue to administer and enforce this act and the code pursuant to subsection (4) is responsible for the administration and enforcement of this act and the code for each governmental subdivision within the county that does not

submit a notice of intent to continue to administer and enforce this act and the code. The director shall notify the county of those governmental subdivisions that do not submit a notice of intent.

(6) A governmental subdivision that, before December 28, 1999, did not administer and enforce this act and the code may elect to assume the responsibility for the administration and enforcement of this act and the code pursuant to subsection (1) by the passage of an ordinance to that effect. A governmental subdivision that makes this election after December 28, 1999 shall submit, in addition to the ordinance, an application to the commission for approval to administer and enforce this act and the code within its jurisdiction. This application shall be made on the proper form to be provided by the commission. The standards for approval shall include, but not be limited to, the certification by the governmental subdivision that the enforcing agency is qualified by experience or training to administer and enforce this act and the code and all related acts and rules, that agency personnel are provided as necessary, that administrative services are provided, that plan review services are provided, and that timely field inspection services will be provided. The director shall seek additional information if the director considers it necessary. The commission shall render a decision on the application for approval to administer and enforce this act and the code and transmit its findings to the governmental subdivision within 90 days of receipt of the application. The commission shall document its reasons, if the commission disapproves an application. A governmental subdivision that receives a disapproval may resubmit its application for approval. Upon receipt of approval from the commission for the administration and enforcement of this act and the code, the governmental subdivision shall administer and enforce this act and the code within its jurisdiction pursuant to the provisions of this act and the application.

(7) A governmental subdivision that elects to administer and enforce this act and the code within its jurisdiction by the adoption of an ordinance may rescind that ordinance and transfer the responsibility for the administration and enforcement of this act and the code to the director. The director shall assume the responsibility for administering and

enforcing this act and the code in that governmental subdivision, unless the county within which that governmental subdivision is located has submitted a notice of intent to continue to administer and enforce the code. However, that action shall not take effect until 12 months after the passage of an ordinance to that effect. A structure commenced under an effective code shall be completed under that code.

(8) The director is responsible for administration and enforcement of this act and the code for buildings and structures that are not under the responsibility of an enforcing agency in those governmental subdivisions that elect to administer and enforce this act and the code. A building or structure owned by the state shall not be erected, remodeled, or reconstructed in the state, except school buildings or facilities or institutions of higher education as described in section 4 of article VIII of the state constitution of 1963, until written approval of the plans and specifications has been obtained from the bureau of construction codes and safety located within the department indicating that the state owned facilities shall be designed and constructed in conformance with the state construction code. The bureau of construction codes and safety shall be the lead agency in the coordination and implementation of this subsection. The bureau of construction codes and safety shall perform required plan reviews and inspections as required by the state construction code. Each department shall secure required plan approvals and permits from the bureau. Fees charged by the bureau for permits shall be in accordance with the commission's approved schedule of fees. State departments and institutions may allow local inspectors to inspect the construction of state owned facilities. However, an inspection conducted by a local inspector shall be of an advisory nature only.

(9) This section does not affect the responsibilities of the commission for administration and enforcement of this act under other sections of this act, or responsibilities under the fire prevention code, 1941 PA 207, MCL 29.1 to 29.33; 1937 PA 306, MCL 388.851 to 388.855a; the firefighters training council act of 1966, 1966 PA 291, MCL 29.361 to 29.377; 1942 (1st Ex Sess) PA 9, MCL 419.201 to 419.205; parts 215 and 217 of the public health code, 1978 PA 368, MCL 333.21501 to

333.21799e; and section 58 of the social welfare act, 1939 PA 280, MCL 400.58.

(10) Pursuant to parts 215 and 217 of the public health code, 1978 PA 368, MCL 333.21501 to 333.21799e, the director shall develop consistent construction standards for hospitals and nursing homes. These standards shall ensure that consistent, uniform, and equitable construction requirements and state supervision of the requirements are achieved. This subsection does not preclude a state agency or a governmental subdivision from conducting plan reviews or inspections necessary to ensure compliance with approved construction plans.

(11) Except as otherwise provided in this act, this act does not limit or restrict existing powers or authority of governmental subdivisions, and this act shall be enforced by governmental subdivisions in the manner prescribed by local law or ordinance. To the extent not inconsistent with this act, local laws and ordinances relating to administration and enforcement of construction regulations enacted before the effective date of the code by or for a governmental subdivision are applicable to administration and enforcement of the code in that governmental subdivision.

History: Add. 1999, Act 245, Imd. Eff. Dec. 28, 1999 ;-- Am. 2006, Act 192, Imd. Eff. June 19, 2006
Compiler's Notes: Enacting section 1 of Act 245 of 1999 provides:“Enacting section 1. The title and sections 2a, 3a, 8a, 8b, and 9b of the state construction code act of 1972, 1972 PA 230, the title as amended and sections 2a, 3a, 8a, 8b, and 9b as added by this amendatory act, are effective upon enactment but apply only to 1 or more of the following codes only upon the effective date of the particular code update promulgated after October 15, 1999:“(a) The plumbing code, R 408.30701 to 408.30796 of the Michigan administrative code. [Effective July 31, 2001]“(b) The electrical code, R 408.30801 to 408.30873 of the Michigan administrative code. [Effective December 7, 1999]“(c) The mechanical code, R 408.30901a to 408.30995a of the Michigan administrative code. [Effective July 31, 2001]“(d) The building code, R 408.30401 to 408.30499 of the Michigan administrative code.” [Effective July 31, 2001]
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1509, 125.1509a Repealed. 1999, Act 245, Eff. July 31, 2001.

Compiler's Notes: The repealed sections pertained to administration and enforcement of act and state construction code, and performance evaluation of enforcement agency.
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1509b Performance evaluation of enforcing agency.
Sec. 9b. (1) The director, as prescribed in this section, may conduct a performance evaluation of an enforcing agency to assure that the administration and enforcement of this act and the code is being done pursuant to either section 8a or 8b. A performance evaluation may only be conducted either at the request of the local enforcing agency or upon the receipt of a written complaint. If a performance evaluation is to be conducted upon the receipt of a written complaint, the director shall first refer the written complaint to the affected enforcing agency requesting a written response within 10 days. If the local enforcing agency fails to provide a written response, or if the response is considered inadequate, the director shall consult with the commission and request approval to conduct the performance evaluation. The director shall submit a written recommendation to the commission and shall send a copy to the affected enforcing agency, along with a reasonable notice of the commission meeting at which the recommendation will be presented. The decision of the commission to proceed with a performance evaluation shall be made at a public meeting. This decision shall be mailed to the enforcing agency 10 days in advance of conducting the performance evaluation.

(2) When conducting a performance evaluation of an enforcing agency, the director may request that the local enforcing agency accompany the director or other state inspectors on inspections. The inspections shall be for the enforcement of this act and the code. The enforcing agency shall maintain all official records and documents relating to applications for permits, inspection records including correction notices, orders to stop construction, and certificates of use and occupancy. The enforcing agency shall make available for review all official records between 8 a.m. and 5 p.m. on business days.

(3) Upon completion of a performance evaluation, the director shall report the findings and any recommendations to the commission and the local enforcing agency. The commission may issue a notice of intent to withdraw the responsibility for the administration and enforcement of this act and the code from a governmental subdivision after receiving the results of a performance evaluation. The notice shall include the right to appeal within 30 business days after receipt of the notice of intent to withdraw the responsibility. The notice shall also include the findings of the director, after completion of a performance evaluation, that the enforcing agency of that governmental subdivision has failed to follow the duties recognized under this act, the code, or its ordinance. Failure by the enforcing agency or the chief elected official of that governmental subdivision to request a hearing within 30 business days after receipt of the notice of intent to withdraw the responsibility shall be considered to exhaust the enforcing agency's administrative remedies and the notice shall be considered a final order of the commission under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The director shall assume responsibility for the administration and enforcement of this act and the code, unless the county within which that governmental subdivision is located has submitted a notice of intent to continue to administer and enforce this act and the code, when the notice is considered a final order of the commission. A structure commenced under an effective code shall be completed under that code.

(4) If an enforcing agency or the chief elected official of the governmental subdivision transmits an appeal of the notice of intent to withdraw the responsibility issued under subsection (3), the commission chairperson shall request appointment of a hearings officer. The hearings officer shall conduct a hearing of the appeal pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and issue a proposed decision which shall be sent to the affected parties. The proposed decision shall become the final order issued by the commission, unless exceptions are filed by a party within 30 days after receipt of the proposed decision. The commission shall review the proposed decision when exceptions are filed.

(5) The commission in reviewing a proposed decision may affirm, modify, reverse, or remand the proposed decision. When the commission affirms, modifies, reverses, or remands a proposed decision, the decision of the commission shall be in writing and contain the findings of fact and conclusions of law upon which its decision is based. Other than in a case of remand, the period for seeking judicial review of the commission's decision under section 104 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.304, shall begin to run upon receipt by the parties of the commission's written decision.

History: Add. 1999, Act 245, Imd. Eff. Dec. 28, 1999
Compiler's Notes: Enacting section 1 of Act 245 of 1999 provides:"Enacting section 1. The title and sections 2a, 3a, 8a, 8b, and 9b of the state construction code act of 1972, 1972 PA 230, the title as amended and sections 2a, 3a, 8a, 8b, and 9b as added by this amendatory act, are effective upon enactment but apply only to 1 or more of the following codes only upon the effective date of the particular code update promulgated after October 15, 1999:"(a) The plumbing code, R 408.30701 to 408.30796 of the Michigan administrative code. [Effective July 31, 2001]"(b) The electrical code, R 408.30801 to 408.30873 of the Michigan administrative code. [Effective December 7, 1999]"(c) The mechanical code, R 408.30901a to 408.30995a of the Michigan administrative code. [Effective July 31, 2001]"(d) The building code, R 408.30401 to 408.30499 of the Michigan administrative code." [Effective July 31, 2001]
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1510 Application for building permit; form; fee; contents; statement; site plan; affidavit; filing written instrument designating agent, attorney, architect, engineer, or builder; additional information required for residential builder or residential maintenance and alteration contractor, master or journeyman plumber, electrical contractor or master or journeyman electrician, or mechanical contractor; statement required in building application form; filing application; availability of application and other writings to public; custody of application; imposition of requirements for additional permits; buildings for which permit not required.

Sec. 10. (1) Except as otherwise provided in the code, before construction of a building or structure, the owner, or the owner's builder, architect, engineer, or agent, shall submit an application in writing to the appropriate enforcing agency for a building permit. The application shall

be on a form prescribed by the commission and shall be accompanied by payment of the fee established by the enforcing agency. The application shall contain a detailed statement in writing, verified by affidavit of the person making it, of the specifications for the building or structure, and full and complete copies of the plans drawn to scale of the proposed work. A site plan showing the dimensions, and the location of the proposed building or structure and other buildings or structures on the same premises, shall be submitted with the application. The application shall state in full the name and residence, by street and number, of the owner in fee of the premises on which the building or structure will be constructed, and the purposes for which it will be used.

(2) If construction is proposed to be undertaken by a person other than the owner of the land in fee, the statement shall contain the full name and residence, by street and number, of the owner and also of the person proposing the construction. The affidavit shall state that the specifications and plans are true and complete and contain a correct description of the building or structure, lot, and proposed work. The statements and affidavits may be made by an owner, or the owner's attorney, agent, engineer, architect, or builder, by the person who proposes to make the construction or alteration, or by that person's agent, engineer, architect, or builder. A person shall not be recognized as the agent, attorney, engineer, architect, or builder of another person unless the person files with the enforcing agency a written instrument, which shall be an architectural, engineering or construction contract, power of attorney, or letter of authorization signed by that other person designating the person as the agent, attorney, architect, engineer, or builder and, in case of a residential builder or maintenance and alteration contractor, architect, or engineer, setting forth the person's license number and the expiration date of the license.

(3) A person licensed or required to be licensed as a residential builder or residential maintenance and alteration contractor under the occupational code, 1980 PA 299, MCL 339.101 to 339.2721, a master or journeyman plumber pursuant to 1929 PA 266, MCL 338.901 to 338.917, an electrical contractor or master or journeyman electrician pursuant to the electrical administrative act, 1956 PA 217, MCL 338.881 to 338.892, or

pursuant to a local ordinance, or as a mechanical contractor pursuant to the forbes mechanical contractors act, 1984 PA 192, MCL 338.971 to 338.988, who applies for a building permit to perform work on a residential building or a residential structure shall, in addition to any other information required pursuant to this act, provide on the building permit application all of the following information:

(a) The occupational license number of the applicant and the expiration date of the occupational license.

(b) One of the following:

(i) The name of each carrier providing worker's disability compensation insurance to the applicant if the applicant is required to be insured pursuant to the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941.

(ii) The reasons for exemption from the requirement to be insured if the applicant is not required to be insured under the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941.

(c) One of the following:

(i) The employer identification number, if the applicant is required to have an employer identification number pursuant to section 6109 of the internal revenue code.

(ii) The reasons for exemption from the requirement to have an employer identification number pursuant to section 6109 of the internal revenue code if the applicant is not required to have an employer identification number pursuant to section 6109 of the internal revenue code.

(d) One of the following:

(i) The Michigan employment security commission employer number, if the applicant is required to make contributions pursuant to the Michigan employment security act, 1936 (Ex Sess) PA 1, MCL 421.1 to 421.75.

(ii) If the applicant is not required to make contributions, the reasons for exemptions from the requirement to make contributions under the Michigan employment security act, 1936 (Ex Sess) PA 1, MCL 421.1 to 421.75.

(4) The building permit application form shall contain the following statement in 8-point boldfaced type immediately above the location for the applicant's signature:

“Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523a, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subjected to civil fines.”

(5) The application for a building permit shall be filed with the enforcing agency and the application and any other writing prepared, owned, used, in the possession of, or retained by the enforcing agency in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. An application shall not be removed from the custody of the enforcing agency after a building permit has been issued.

(6) This section shall be construed to allow the imposition of requirements in the code, or in other laws or ordinances, for additional permits for particular kinds of work, including plumbing and electrical, or in other specified situations. The requirements of the code may provide for issuance of construction permits for certain of the systems of a structure and allow construction to commence on those systems approved under that permit even though the design and approval of all the systems of the structure have not been completed and subsequent construction permits have not been issued.

(7) Notwithstanding this section, a building permit is not required for ordinary repairs of a building and structure.

(8) Notwithstanding this section, a building permit is not required for a building incidental to the use for agricultural purposes of the land on which the building is located if it is not used in the business of retail trade.

History: 1972, Act 230, Eff. Jan. 1, 1973 ;-- Am. 1977, Act 195, Imd. Eff. Nov. 17, 1977 ;-- Am. 1989, Act 135, Eff. Oct. 1, 1989 ;-- Am. 1999, Act 245, Imd. Eff. Dec. 28, 1999
Compiler's Notes: In subsection (3), "forbes mechanical contractors act" evidently should read "Forbes mechanical contractors act."
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1511 Building permit; examination and approval of application; issuance; changes in plans; commencement of construction; compliance with application; suspension, revocation, or cancellation.
Sec. 11. (1) The enforcing agency shall examine an application for a building permit. If the application conforms to this act, the code and the requirements of other applicable laws and ordinances, the enforcing agency shall approve the application and issue a building permit to the applicant. An application shall be granted, in whole or in part, or denied within 10 business days, except that in case of an unusually complicated building or structure, action shall be taken within 15 business days. Failure by an enforcing agency to grant, in whole or in part, or deny an application within these periods of time shall be deemed a denial of the application for purposes of authorizing the institution of an appeal to the appropriate board of appeals. The enforcing agency shall approve changes in plans and specifications previously approved by it, if the changes require approval and if the plans and specifications when so changed remain in conformity with law. Except as otherwise provided in this act or the code, the construction or alteration of a building or structure shall not be commenced until a building permit has been issued. The construction of a building or structure shall comply with the approved application for a building permit, and the enforcing agency shall insure such compliance in the manner provided in section 12 and in any other way it deems appropriate.

(2) The enforcing agency may suspend, revoke or cancel a building permit in case of failure or neglect to comply with the provisions of this

act or the code, or upon a finding by it that a false statement or representation has been made in the application for the building permit.

History: 1972, Act 230, Eff. Jan. 1, 1973
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1512 Inspection of construction; consent; time; inspectors; notice of violation; stop order; injunction.

Sec. 12. (1) An enforcing agency shall periodically inspect all construction undertaken pursuant to a building permit issued by it to insure that the construction is performed in accordance with conditions of the building permit and is consistent with requirements of the code and other applicable laws and ordinances.

(2) The owner of premises on which a building or structure is being constructed is deemed to have consented to inspection by the enforcing agency and the commission of the entire premises and of any construction being performed on it until a certificate of use and occupancy has been issued. An inspector, or team of inspectors, on presentation of proper credentials, may enter and inspect the premises and construction thereon, for purposes of insuring compliance with the building permit, the code and other applicable laws and regulations. An inspection shall be made between 8 a.m. and 6 p.m. on business days, or when construction is actually being undertaken, except if the enforcing agency has probable cause to believe that an immediate danger to life, limb or property exists, or except with permission of an owner, or his agent, architect, engineer or builder. An inspection pursuant to this section shall be solely for purposes of enforcing this act and other laws and ordinances related to construction of buildings and structures. A person other than the owner, his agent, architect, engineer or builder shall not accompany an inspector or team of inspectors on an inspection, unless his presence is necessary for the enforcement of this act, or other laws and ordinances related to construction of the building or structure, or except with the consent of an owner, or his agent, architect, engineer or builder.

(3) If construction is being undertaken contrary to a building permit, this act, or other applicable laws or ordinances, the enforcing agency shall give written notice to the holder of the building permit, or if a permit has not been issued then to the person doing the construction, notifying him of the violation of this act, or other applicable laws and ordinances, and to appear and show cause why the construction should not be stopped. If the person doing the construction is not known, or cannot be located with reasonable effort, the notice may be delivered to the person in charge of, or apparently in charge of, the construction. If the holder of the permit or the person doing the construction fails to appear and show good cause within 1 full working day after notice is delivered, the enforcing agency shall cause a written order to stop construction to be posted on the premises. A person shall not continue, or cause or allow to be continued, construction in violation of a stop construction order, except with permission of the enforcing agency to abate the dangerous condition or remove the violation, or except by court order. If an order to stop construction is not obeyed, the enforcing agency may apply to the circuit court for the county in which the premises are located for an order enjoining the violation of the stop construction order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent criminal prosecution for failure to obey the order.

(4) Without limitation on other available remedies, an interested person may apply for an order, enjoining the continuation of construction undertaken in violation of a building permit, this act, the code or other applicable laws or ordinances, to the circuit court for the county in which the premises are located.

History: 1972, Act 230, Eff. Jan. 1, 1973
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1513 Certificate of use and occupancy; issuance; contents; application; fee; temporary certificate; notice of final inspection.
Sec. 13. A building or structure hereafter constructed shall not be used or occupied in whole or in part until a certificate of use and occupancy has been issued by the appropriate enforcing agency. A building or structure

hereafter altered in whole or in part shall not be used or occupied until such a certificate has been issued, except that a use or occupancy in an already existing building or structure that was not discontinued during its alteration may be continued for 30 days after completion of the alteration without issuance of a certificate of use and occupancy. A certificate of use and occupancy shall be issued by the enforcing agency when the work covered by a building permit has been completed in accordance with the permit, the code and other applicable laws and ordinances. On request of a holder of a building permit the enforcing agency may issue a temporary certificate of use and occupancy for a building or structure, or part thereof, before the entire work covered by the building permit has been completed, if the parts of the building or structure to be covered by the certificate may be occupied before completion of all the work in accordance with the permit, the code and other applicable laws and ordinances, without endangering the health or safety of the occupants or users. When a building or structure is entitled thereto, the enforcing agency shall issue a certificate of use and occupancy within 5 business days after receipt of a written application therefor on a form to be prescribed by the enforcing agency and payment of the fee to be established by it. The certificate of use and occupancy shall certify that the building or structure has been constructed in accordance with the building permit, the code and other applicable laws and ordinances. The application for a certificate of use and occupancy for a new dwelling with a unit or units for rent shall set forth the information required in an application for a certificate of compliance for such a dwelling pursuant to the state housing law, and the certificate of use and occupancy for such a dwelling shall be deemed its initial certificate of compliance. The enforcing agency shall give the owner of the building or structure or his agent at least 12 hours' notice of the time of any final inspection, by the enforcing agency of the work covered by the building permit, pursuant to the application for a certificate of use and occupancy.

History: 1972, Act 230, Eff. Jan. 1, 1973
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1513a Definitions; prohibited appliances; exceptions; promulgation date.

Sec. 13a. (1) As used in this section:

(a) "Central furnace" means a self-contained, gas-burning appliance for heating air by transfer of heat of combustion through metal to the air, and designed to supply heated air through ducts to spaces remote from, or adjacent to, the appliance location.

(b) "Clothes dryer" means a device used to dry wet laundry by means of heat derived from the combustion of fuel gases.

(c) "Household cooking gas appliance" means a gas appliance for domestic food preparation, providing any 1 or combination of the following:

(i) Top or surface cooking.

(ii) Oven cooking.

(iii) Broiling.

(2) The code shall contain, as a part of the energy conservation provisions, 1 or more provisions prohibiting the installation in a building or structure of any of the following new appliances which requires for its operation the use of a continuously burning pilot light:

(a) A central furnace having an input rate of 225,000 BTU per hour or less.

(b) A clothes dryer.

(c) A household cooking gas appliance having an electrical supply cord.

(3) The provisions of the code required by this section shall not apply to the following:

(a) A mobile home or modular home.

(b) An appliance that is designed to burn exclusively liquefied petroleum gas.

(c) An appliance which meets the energy efficiency standards prescribed by the federal regulations promulgated pursuant to the energy policy and conservation act, 42 U.S.C. 6201 to 6422.

(4) The provisions of the code required by this section shall be promulgated not later than 90 days after the effective date of this section.

History: Add. 1980, Act 233, Imd. Eff. July 20, 1980
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1513b "Lead free" defined; pipes, pipe fittings, solder, or flux to be lead free; exception.
Sec. 13b. (1) As used in this section, "lead free" means either of the following:

(a) Solder and flux containing not more than 0.2% lead.

(b) Pipe and pipe fittings containing not more than 8% lead.

(2) Beginning on the effective date of this section, pipes, pipe fittings, solder, or flux which are used in the installation or repair of a plumbing system in a building or structure providing water for human consumption or a public water system shall be lead free.

(3) This section shall not apply to leaded joints necessary for the repair of cast iron pipes.

History: Add. 1988, Act 146, Imd. Eff. June 7, 1988
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1513c Definitions; minimum standards for board and room facilities; inspection; noncompliance; order; penalty; hearing; payment and recovery of civil penalty; applicability of section.
Sec. 13c. (1) As used in this section:

(a) "Board and room facility" means a residential building that does not provide separate cooking facilities for individual occupants and that is arranged for primarily nontransient shelter and sleeping accommodations for 3 or more adults. Board and room facility does not include any of the following:

(i) A residential facility for students attending a college or university.

(ii) A facility operated, licensed, or regulated by the state or the federal government.

(iii) A bed and breakfast regulated under section 4b.

(iv) A hotel or motel.

(v) A private dwelling as that term is defined in section 2 of the housing law of Michigan, Act No. 167 of the Public Acts of 1917, being section 125.402 of the Michigan Compiled Laws.

(b) "Operator" means a person who has charge, care, control, or management of a board and room facility.

(c) "Owner" means a person who knows that a residential building in which that person has a legal or equitable interest is being used as a board and room facility, regardless of whether the person has possession of the facility. Owner includes an executor, administrator, trustee, or guardian of the estate of an owner of a residential building if the executor, administrator, trustee, or guardian knows that the residential building is being used as a board and room facility.

(d) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(2) A board and room facility shall comply with the minimum property maintenance standards set forth in this act and in the BOCA national property maintenance code, 1993 edition, as published by the building officials and code administrators international, inc., or the uniform housing code, 1991 edition, as published by the international conference of building officials, which codes are adopted by reference and made a part of this section as if fully set out in this section. In addition, a board and room facility shall comply with all of the following:

(a) Interior stairways shall be enclosed by fire separation assemblies having a 1-hour fire resistance rating with all openings protected with smoke-actuated automatic-closing or self-closing doors having a fire resistance comparable to that required for the enclosure.

(b) Vertical openings shall be protected so that no primary exit route is exposed to an unprotected vertical opening. The vertical opening is protected if the opening is cut off and enclosed in a manner that provides a smoke and fire resisting capability of not less than 1 hour. Any doors or openings shall have fire and smoke resisting capability equivalent to that of the enclosure and shall be automatic-closing on detection of smoke or shall be self-closing.

(c) A fire alarm system shall be installed in accordance with the building code, except in buildings that have a smoke detection system meeting or exceeding the requirements of subdivision (f) if that detection system includes at least 1 manual fire alarm station per floor arranged to initiate the smoke detection alarm.

(d) Initiation of the required fire protective signaling system shall be by manual means as provided by the building code, except in buildings protected throughout with an approved fire suppression system installed in accordance with the building code, with initiation upon actuation of the extinguishing system operation.

(e) Occupant notification of a fire shall be provided automatically, without delay by internal audible alarm in accordance with the building code. Presignal systems are prohibited.

(f) Approved single station or multiple station smoke detectors powered by the building electrical service shall be installed in accordance with the building code on every level. In addition, approved single station smoke detectors powered by the building electrical service shall be provided in each sleeping room, except that existing battery powered detectors shall be accepted if, in the opinion of the code official, they are in operating condition.

(g) Portable fire extinguishers shall bear the label of an approved agency, be of an approved type, and be installed in a visible and accessible location on each occupied floor and basement.

(h) Fire exit drills shall be conducted at least once every 2 months in each facility. Each occupant shall be provided with a written evacuation plan filed with the local authority having jurisdiction. An egress plan shall be posted in each sleeping room showing the building diagram, the room location, and the location of exits.

(i) The interior finish on wall and ceilings and trim materials shall be a minimum class III, tested in accordance with ASTM E-84.

(3) An enforcing agency shall inspect a board and room facility after receiving a complaint alleging a violation by that board and room facility of the minimum standards described in subsection (2), and shall determine whether the board and room facility is in compliance with this act.

(4) If, following an inspection described in subsection (3), an enforcing agency determines that a board and room facility is not in compliance with this act, the enforcing agency shall issue an order to remedy the noncompliance and may issue an order to vacate the premises. The enforcing agency shall serve the order or orders upon the operator of the board and room facility and, if known, the owner of the residential building in which the board and room facility is situated.

(5) This section prescribes minimum standards for board and room facilities. It does not invalidate ordinances or regulations that impose higher standards or stricter requirements.

(6) The enforcing agency may adopt a schedule of monetary civil penalties, not to exceed $500.00 for each violation or day that a violation continues, which may be assessed for a violation of this section. If the enforcing agency believes that an owner or operator has violated this section, it may issue a citation after discovery of the alleged violation. The citation shall be written and shall state with particularity the nature of the violation, the civil penalty established for the violation, and the right to appeal the citation pursuant to subsection (7). The citation shall be delivered or sent by registered mail to the alleged violator.

(7) Not later than 20 days after receipt of the citation, the alleged violator may petition the enforcing agency for an administrative hearing, which shall be held within 60 days after the enforcing agency receives the petition. The administrative hearing may be conducted by a hearing officer, who may affirm, dismiss, or modify the citation. The decision of the hearing officer is final and is not subject to appeal.

(8) A civil penalty assessed by the issuance of a citation under subsection (6) becomes final if a petition is not received within the time specified in subsection (7). A civil penalty imposed shall be paid to the governmental subdivision that has the responsibility of enforcing this section. A civil penalty may be recovered in a civil action brought by the governmental subdivision in the county in which the violation occurred or the defendant resides.

(9) This section applies to a board and room facility constructed or converted for use as a board and room facility after the effective date of this section. Beginning 6 months after the effective date of this section, this section also applies to a board and room facility constructed or converted for use as a board and room facility before the effective date of this section.

History: Add. 1994, Act 106, Imd. Eff. Apr. 18, 1994
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1513d Requirements for stairwell geometry.

Sec. 13d. (1) Notwithstanding any provision in this act and until the promulgation of the complete building code update after October 15, 1999, a governmental subdivision shall not enforce a requirement for stairwell geometry in occupancies in use group R-3 structures and within dwelling units in occupancies in use group R-2 structures that differs from the stairwell geometry described in this section.

(2) As used in this section:

(a) "Stairwell geometry" refers to the configuration of a stairwell of a building in which the maximum riser height is 8-1/4 inches (210 mm), the minimum tread depth is 9 inches (229 mm), and a 1-inch (25 mm) nosing on stairwells with solid risers.

(b) "Use group R-2 structures" means all multiple-family dwellings having more than 2 dwelling units including, but not limited to, boarding houses and similar buildings arranged for shelter and sleeping accommodations in which the occupants are primarily not transient in nature and dormitory facilities that accommodate more than 5 persons over 2-1/2 years of age.

(c) "Use group R-3 structures" means all buildings arranged for occupancy as 1-family or 2-family dwelling units including, but not limited to, not more than 5 lodgers or boarders per family; multiple single-family dwellings where each unit has an independent means of egress and is separated by a 2-hour fire separation assembly; and a child care facility that accommodates 5 or less children of any age.

History: Add. 1999, Act 245, Imd. Eff. Dec. 28, 1999
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1513e Sharing elevator between 2 buildings.
Sec. 13e. This act does not prohibit the sharing of an elevator between 2 buildings as long as the buildings are in compliance with this act, the code, and the following acts and rules promulgated under those acts:

(a) The fire prevention code, 1941 PA 207, MCL 29.1 to 29.34.

(b) 1976 PA 333, MCL 338.2151 to 338.2160.

(c) 1967 PA 227, MCL 408.801 to 408.824.

(d) Any other act or rules regulating elevators in buildings.

History: Add. 2005, Act 50, Imd. Eff. June 23, 2005

125.1514 Construction board of appeals; creation; appointment, qualifications, and terms of members; appeal to board; hearing; decision; statement of reasons for decision; appeal to commission; copy of decision; additional powers or duties; procedures; conducting business at public meeting; notice; availability of certain writings to public.
Sec. 14. (1) A construction board of appeals for each governmental subdivision enforcing the code shall be created consisting of not less than 3 nor more than 7 members, as determined by the governing body of the governmental subdivision. Unless otherwise provided by local law or ordinance, the members of the board of appeals shall be appointed for 2-year terms by the chief executive officer of a city, village, or township and the chairperson of the county board of commissioners of a county. A member of the board of appeals shall be qualified by experience or training to perform the duties of members of the board of appeals. A person may serve on the board of appeals of more than 1 governmental subdivision. If an enforcing agency refuses to grant an application for a building permit, or if the enforcing agency makes any other decision pursuant or related to this act, or the code, an interested person, or the person's authorized agent, may appeal in writing to the board of appeals. The board of appeals shall hear the appeal and render and file its decision with a statement of reasons for the decision with the enforcing

agency from whom the appeal was taken not more than 30 days after submission of the appeal. Failure by the board of appeals to hear an appeal and file a decision within the time limit is a denial of the appeal for purposes of authorizing the institution of an appeal to the commission. A copy of the decision and statement of the reasons for the decision shall be delivered or mailed, before filing, to the party taking the appeal.

(2) This act does not prevent a governmental subdivision from granting its board of appeals additional powers or duties not inconsistent with this act, or from establishing procedures to be followed by its board of appeals insofar as the procedures do not conflict with this act. Except as otherwise provided by this act, or by other laws or ordinances, a board of appeals may by rules establish its own procedures.

(3) The business which the board of appeals may perform shall be conducted at a public meeting of the board of appeals held in compliance with Act No. 267 of the Public Acts of 1976. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(4) A record of decisions made by the board of appeals, properly indexed, and any other writing prepared, owned, used, in the possession of, or retained by the board of appeals in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976.

History: 1972, Act 230, Eff. Jan. 1, 1973 ;-- Am. 1977, Act 195, Imd. Eff. Nov. 17, 1977 ;-- Am. 1978, Act 442, Imd. Eff. Oct. 9, 1978
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1515 Specific variance from code; requirements; breach of condition; permissible variance.

Sec. 15. (1) After a public hearing a board of appeals may grant a specific variance to a substantive requirement of the code if the literal application of the substantive requirement would result in an exceptional,

practical difficulty to the applicant, and if both of the following requirements are satisfied:

(a) The performance of the particular item or part of the building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from performance required by the code of that particular item or part for the health, safety and welfare of the people of this state.

(b) The specific condition justifying the variance shall be neither so general nor recurrent in nature as to make an amendment of the code with respect to the condition reasonably practical or desirable.

(2) A board of appeals may attach in writing any condition in connection with the granting of a variance that in its judgment is necessary to protect the health, safety and welfare of the people of this state. The breach of a condition shall automatically invalidate the variance and any permit, license and certificate granted on the basis of it. In no case shall more than minimum variance from the code be granted than is necessary to alleviate the exceptional, practical difficulty.

History: 1972, Act 230, Eff. Jan. 1, 1973
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1516 Appeal to commission; time; hearing; quorum; effect of decision; copy of decision and statement of reasons; record of decisions; public inspection; referral of certain appeals to appropriate board; review of board's decision; petition.
Sec. 16. (1) An interested person, or the interested person's authorized agent, may appeal a decision of a board of appeals to the commission within 10 business days after filing of the decision with the enforcing agency or, in case of an appeal because of failure of a board of appeals to act within the prescribed time, at any time before filing of the decision. The hearing of an appeal based on the denial of a request for a variance by a board of appeals is within the sole discretion of the commission. If deciding an appeal, the commission may act either as a whole or by a panel of 3 or more of the commission members designated by the

commission's chairperson to hear and decide the appeal. A majority of a panel constitutes a quorum and a decision by a panel requires concurrence of at least a majority of the panel's members. If an appeal has been presented to the commission within the time prescribed, the appeal shall be heard de novo by the commission. The commission may affirm, modify, or reverse a decision of the board of appeals or the enforcing agency. Except if modified or reversed by a court of competent jurisdiction, a decision of the commission made under this section is binding on the applicant and the affected board of appeals and enforcing agency. An appeal to the commission shall be decided within 30 days after receipt of the appeal by the commission. A copy of the decision and a statement of reasons for the decision shall be sent to the applicant and filed with the affected board of appeals and enforcing agency within 5 business days after the making of the decision. A record of decisions made by the commission under this section, properly indexed, shall be kept in the office of the commission, and be open to public inspection during business hours in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(2) Notwithstanding subsection (1), the executive director of the commission shall refer an appeal to the commission under subsection (1) which in the executive director's judgment relates principally to a mechanical, plumbing, electrical, or barrier free design matter to the appropriate board. The board shall hear and decide the appeal in the same manner as an appeal is heard and decided by the commission under this section, except that a board shall meet as a whole and not in a panel. A person aggrieved by a decision of a board on any appeal under this subsection may petition the commission to review the decision. The commission shall act on the petition within 5 business days after receipt, and may grant the petition at the commission's discretion except that the commission shall grant the petition if it appears that the appeal involves a question of major significance to the people of this state and that the case of the appellant has substantial merit. If the commission grants the petition, the commission acting as a whole shall review the decision in accordance with a procedure established by the commission's rules.

History: 1972, Act 230, Eff. Jan. 1, 1973 ;-- Am. 1974, Act 180, Imd. Eff. June 27, 1974 ;-- Am. 1978, Act 442, Imd. Eff. Oct. 9, 1978 ;-- Am. 2001, Act 164, Imd. Eff.

Nov. 7, 2001
Popular Name: Act 230
Popular Name: Uniform Construction Code
Admin Rule: R 408.30101 et seq. of the Michigan Administrative Code.

125.1517 Effect of appeal on orders, determinations, decisions, and actions.

Sec. 17. An appeal to a board of appeals or the commission pursuant to this act, or to a court of competent jurisdiction pursuant to Act No. 306 of the Public Acts of 1969, as amended, does not stay a stop construction order issued by an enforcing agency or prevent an enforcing agency from seeking an order in a court of competent jurisdiction enjoining the violation of a stop construction order. In other cases, an appeal to a board of appeals, or to the commission pursuant to this act, or to a court of competent jurisdiction pursuant to Act No. 306 of the Public Acts of 1969, as amended, shall act as a stay upon an order, determination, decision or action appealed from, unless the enforcing agency establishes that immediate enforcement of the order, determination, decision or action is necessary to avoid substantial peril to life or property.

History: 1972, Act 230, Eff. Jan. 1, 1973
Compiler's Notes: For provisions of Act 306 of 1969, referred to in this section, see MCL 24.201 et seq.
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1518 Filing claim of appeal or petition to review.

Sec. 18. An appeal pursuant to Act No. 306 of the Public Acts of 1969, as amended, from a decision of the commission or a board, following an appeal from a decision of a board of appeals or enforcing agency shall be made by a claim of appeal filed with the court of appeals. An appeal pursuant to that act from any other decision of the commission or of a board shall be by petition to review filed with the Ingham county circuit court.

History: 1972, Act 230, Eff. Jan. 1, 1973
Compiler's Notes: For provisions of Act 306 of 1969, referred to in this section, see MCL 24.201 et seq.
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1519 Premanufactured units; certificate of acceptability; rules; building permit; fee; objections; hearing.

Sec. 19. (1) The department shall promulgate rules establishing a procedure by which a premanufactured unit intended for use in this state may be issued a certificate of acceptability by the department at its place of manufacture.

(2) The procedure shall require that the manufacturer submit to the department detailed plans and specifications for the premanufactured unit for approval as in compliance with the code. The department may require that the manufacturer submit test results on the premanufactured unit or its components, any material or information the department considers relevant, or 1 or more of the premanufactured units for testing and evaluation by the department.

(3) Each premanufactured unit shall be inspected by the department, or a qualified person approved by the department, to determine that the premanufactured unit has been manufactured in accordance with plans and specifications submitted under subsection (2). The department may issue a certificate of acceptability for a premanufactured unit that bears the approved label of an independent, nationally recognized body having follow-up inspection service satisfactory to the commission, certifying that the premanufactured unit complies with plans and specifications submitted under subsection (2).

(4) Plans and specifications for 1- and 2-family dwelling premanufactured units may be reviewed by the department or by an independent entity approved by the commission under rules promulgated by the department. The department shall establish submission procedures for plans and specifications reviewed by an independent entity approved by the commission.

(5) A local enforcing agency may also inspect a premanufactured unit at its place of manufacture to determine that it has been manufactured in accordance with plans and specifications submitted under subsection (2) and shall advise the state inspector and the commission in writing of any deviations found.

(6) An approved independent entity shall not conduct in-plant inspections of units for which it performed plan reviews. However, the manufacturer may request a variance from the commission if the literal application of the requirements of this section would result in an exceptional, practical difficulty relating to inspection of specific units. For purposes of this subsection, "exceptional, practical difficulty" includes, but is not limited to, a geographic distance between the manufacturing facility where the units are manufactured and the primary business location of the independent entity that conducts in-plant inspections on behalf of the manufacturer of more than 250 miles and is located in another state.

(7) If an application for a building permit specifying use of a premanufactured unit with a certificate of acceptability is submitted to an enforcing agency, and if the application, except for the part calling for use of a premanufactured unit with a certificate of acceptability, complies with applicable construction regulations, zoning laws, and local ordinances, the enforcing agency shall issue the building permit within the time specified in this act.

(8) At the time of installation, a premanufactured unit with a certificate of acceptability is subject only to the nondestructive tests approved by the department necessary to determine that it has not been damaged in transit or installation, and that it has been installed in accordance with the building permit and construction regulations.

(9) The fees established for a building permit when the application specifies use of a premanufactured unit with a certificate of acceptability, or for inspection of the installation of the premanufactured unit shall bear a reasonable relation to the costs incurred by the enforcing agency in issuing a permit or performing an inspection.

(10) Notwithstanding any other provision of this section, an enforcing agency may object to use of a premanufactured unit with a certificate of acceptability on the basis that the premanufactured unit does not comply with the code. If an enforcing agency on receipt of an application for a building permit specifying the use of a premanufactured unit does object,

it may set forth its objections in writing to the department before issuance of a building permit and within 10 business days after receipt of the application. Within 10 business days after receipt of the objections, the commission, or a panel of 3 or more members designated for that purpose by its chairman, shall hold a hearing on the objections in accordance with rules promulgated by the department. After the hearing, the commission, or its panel, within 3 business days shall determine 1 of the following:

(a) The premanufactured unit does not comply with the code and order that the certificate of acceptability be voided.

(b) The premanufactured unit requires additional testing and evaluation in which case the testing and evaluation shall be conducted in accordance with this section.

(c) The objections are not valid and order the enforcing agency to issue the building permit within 3 business days.

(11) A certificate of acceptability issued by the department shall not be used for advertising purposes.

History: 1972, Act 230, Eff. Jan. 1, 1973 ;-- Am. 2002, Act 721, Imd. Eff. Dec. 30, 2002
Popular Name: Act 230
Popular Name: Uniform Construction Code
Admin Rule: R 408.30101 et seq. of the Michigan Administrative Code.

125.1520 Examination of plans and specifications; assistance in inspection of construction or performance of duties.
Sec. 20. At the request of an enforcing agency or the governmental subdivision, the commission may agree to examine any plans and specifications submitted to the enforcing agency or the governmental subdivision, in connection with an application for a building permit to determine whether they comply with the code. At the request of an enforcing agency or the governmental subdivision, the commission may agree to assist the agency or the governmental subdivision, in the inspection of any construction of buildings or structures, or in the

performance of any other duty related to the administration and enforcement of the code.

History: 1972, Act 230, Eff. Jan. 1, 1973 ;-- Am. 1980, Act 371, Imd. Eff. Dec. 30, 1980
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1521 Petition for approval of materials, products and methods; testing and evaluation; certificate of acceptability.

Sec. 21. A person may petition the commission to approve the use of a particular material, product, method of manufacture or method or manner of construction or installation. The petition shall be in writing on a form to be prescribed by the commission accompanied by such information and material as the commission may by rule require and by an initial fee. On receipt of the petition, the commission shall cause to be conducted testing and evaluation it deems desirable for the particular material, product, method of manufacture or method or manner of construction or installation. After the testing and evaluation, and after a hearing open to the public in which the results of the testing and evaluation are made part of the record, and the petitioner or any other interested party is allowed to present evidence in support of or against the petition, the commission may reject the petition in whole or in part, may in accordance with procedures established in this act amend the code in such manner as the commission deems appropriate, or may grant a certificate of acceptability for the particular material, product, method of manufacture, or method or manner of construction or installation. A petition shall not be rejected if the application is in proper form and the fees are paid, and if performance of the particular material, product, method of manufacture, or method or manner of construction or installation is adequate for its intended use and consistent with reasonable requirements for the health, safety and welfare of the people of this state. The commission may attach any condition it deems appropriate to a certificate of acceptability. A material, product, method of manufacture, or method or manner of construction or installation shall be acceptable for use throughout this state in accordance with the terms of a certificate of acceptability issued with respect to it. A copy of each certificate of acceptability shall be sent or delivered by the commission

to each governmental subdivision, however, failure of the commission to comply with this requirement does not prevent or delay effectiveness of a certificate of acceptability. A certificate of acceptability issued by the commission pursuant to this section shall not be used for advertising purposes.

History: 1972, Act 230, Eff. Jan. 1, 1973
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1521a Installation or use of heating cable; application for approval; "heating cable" defined; construction of section.
Sec. 21a. (1) Beginning 1 year after the effective date of the amendatory act that added this section, heating cable shall not be installed or used in a building or structure in this state until approved by the commission pursuant to section 21. As provided in section 8, this section is effective throughout the state without local modification.

(2) An application for approval of heating cable submitted to the commission, which includes listing by a nationally recognized testing laboratory found to comply with established standards, shall be approved unless the commission finds it would endanger the public safety.

(3) For purposes of this section, "heating cable" means heating cable as defined in section 2 of the heating cable safety act, that is, cable designed to be secured to pipes and vessels to reduce their likelihood of freezing or to facilitate the flow of viscous liquids. Heating cable also includes products used for deicing on roofs and in gutters and downspouts. Heating cable intended for industrial and commercial use is connected to the supply system by a permanent wiring method or by an attachment plug for connection to a receptacle outlet. Heating cable intended for residential and mobile home use has an attachment plug for connection to a receptacle outlet. Heating cable is commonly known as heat tape.

(4) This section shall not be construed to limit the powers and duties granted pursuant to any other law to a state agency or official.

History: Add. 1994, Act 128, Imd. Eff. May 17, 1994
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1522 Fees; state construction code fund; fund for purchase and sale of codes and standards.

Sec. 22. (1) The legislative body of a governmental subdivision shall establish reasonable fees to be charged by the governmental subdivision for acts and services performed by the enforcing agency or construction board of appeals under this act, which fees shall be intended to bear a reasonable relation to the cost, including overhead, to the governmental subdivision of the acts and services, including, without limitation, those services and acts as, in case of an enforcing agency, issuance of building permits, examination of plans and specifications, inspection of construction undertaken pursuant to a building permit, and the issuance of certificates of use and occupancy, and, in case of a board of appeals, hearing appeals in accordance with this act. The enforcing agency shall collect the fees established under this subsection. The legislative body of a governmental subdivision shall only use fees generated under this section for the operation of the enforcing agency or the construction board of appeals, or both, and shall not use the fees for any other purpose.

(2) To accomplish the objectives of this section and this act, a state construction code fund is created. The director, after approval by the commission and following a public hearing held by the commission, shall establish reasonable fees to be charged by the commission for acts and services performed by the commission including, without limitation, inspection of plans and specifications, issuance of certificates of acceptability, testing and evaluation of new products, methods and processes of construction or alteration, issuance of building permits, inspection of construction undertaken pursuant to a building permit, the issuance of certificates of use and occupancy, and hearing of appeals. Fees established by the department shall be intended to bear a reasonable relation to the cost, including overhead, of the service or act. Until the director establishes fees pursuant to this act, the fees established pursuant to this subsection shall remain in effect. The state treasurer shall be the custodian of the fund and may invest the surplus of the fund in

investments as in the state treasurer's judgment are in the best interest of the fund. Earnings from those investments shall be credited to the fund. The state treasurer shall notify the director and the legislature of interest credited and the balance of the fund as of September 30 of each year. The director shall supervise and administer the fund. Fees received by the department and money collected under this act shall be deposited in the state construction code fund and shall be appropriated by the legislature for the operation of the bureau of construction codes, and indirect overhead expenses in the department. Funds that are unexpended at the end of each fiscal year shall be returned to the state construction code fund. A self-supporting fund shall be established within the commission to provide for the purchase and sale of codes and standards to the general public.

History: 1972, Act 230, Eff. Jan. 1, 1973 ;-- Am. 1978, Act 442, Imd. Eff. Oct. 9, 1978 ;-- Am. 1980, Act 371, Imd. Eff. Dec. 30, 1980 ;-- Am. 1999, Act 245, Imd. Eff. Dec. 28, 1999
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1523 Unlawful conduct; penalty; separate offenses; retention of fine by governmental subdivision; designation of violation as municipal civil infraction.

Sec. 23. (1) Except as provided in subsection (3), a person or corporation, including an officer, director, or employee of a corporation, or a governmental official or agent charged with the responsibility of issuing permits or inspecting buildings or structures, who does any of the following is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 90 days, or both:

(a) Knowingly violates this act or the code or a rule for the enforcement of this act or code.

(b) Knowingly constructs or builds a structure or building in violation of a condition of a building permit.

(c) Knowingly fails to comply with an order issued by an enforcing agency, a construction board of appeals, a board, or the commission pursuant to this act.

(d) Knowingly makes a false or misleading written statement, or knowingly omits required information or a statement in an inspection report, application, petition, request for approval, or appeal to an enforcing agency, a construction board of appeals, a board, or the commission.

(e) Knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building, or structure pursuant to this act.

(f) Unreasonably interferes with an authorized inspection.

(g) Knowingly issues, fails to issue, causes to be issued, or assists in the issuance of a certificate, permit, or license in violation of this act or a rule promulgated under this act or other applicable laws.

(h) Having a duty to report violations of this act or a rule promulgated under this act or other applicable laws, knowingly conceals a violation.

(2) With respect to subsection (1)(c), a person is guilty of a separate offense for each day that the person fails to comply with a stop construction order validly issued by an enforcing agency and for each week that the person fails to comply with any other order validly issued by an enforcing agency. With respect to subsection (1)(a) or (d), a person is guilty of a separate offense for each knowing violation of this act or a rule promulgated under this act and for each false or misleading written statement or omission of required information or statement knowingly made in an application, petition, request for approval, or appeal to an enforcing agency, a construction board of appeals, a board, or the commission. With respect to subsection (1)(b), a person is guilty of a separate offense for each knowing violation of a condition of a building permit.

(3) If a governmental subdivision has the responsibility of administering and enforcing this act and prosecutes a violation of this act, the governmental subdivision may retain a fine imposed upon conviction. If a governmental subdivision has the responsibility of administering and enforcing this act, the governmental subdivision may by ordinance designate a violation described in subsection (1) or (2) as a municipal civil infraction and provide a civil fine for the violation. The governmental subdivision may retain the civil fine imposed upon judgment.

History: 1972, Act 230, Eff. Jan. 1, 1973 ;-- Am. 1978, Act 442, Imd. Eff. Oct. 9, 1978 ;-- Am. 1980, Act 371, Imd. Eff. Dec. 30, 1980 ;-- Am. 1994, Act 22, Eff. May 1, 1994
Popular Name: Act 230
Popular Name: Uniform Construction Code
Admin Rule: R 408.30101 et seq. of the Michigan Administrative Code.

125.1523a Civil violation; penalty; enforcement.

Sec. 23a. (1) In addition to any other penalties or remedies provided by law, a person who is required to be licensed as a residential builder or residential maintenance and alteration contractor, or as a master or journeyman plumber, an electrical contractor or master or journeyman electrician, or a mechanical contractor shall not perform work on a residential building or a residential structure without first obtaining a license. A person who violates this section is responsible for a civil violation, and shall be fined not less than $100.00 or more than $500.00.

(2) The prosecuting attorney of the county in which the residential building or residential structure is located or the attorney general may enforce this section.

History: Add. 1989, Act 135, Eff. Oct. 1, 1989
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1524 Effect of existing construction regulations and permits.

Sec. 24. Until 6 months after promulgation of the code, construction regulations heretofore or hereafter adopted by a governmental subdivision continue in effect unless repealed by local law or ordinance. Six months after the promulgation of the code and thereafter,

construction regulations adopted by a governmental subdivision shall be considered repealed and invalid, except as provided in section 8. A building permit validly issued under local construction regulations within 6 months before promulgation of the code is valid, and the construction of a building or structure may be completed pursuant to that building permit. The construction of a building or structure started before promulgation of the code in an area of the state that did not as of the date of beginning of construction require a building permit may be completed without a building permit. Except as provided in section 28, construction regulations incorporated in any act of this state in effect or validly promulgated by any board, department, commission, or agency continue in effect until promulgation of the code at which time they shall be considered to be superseded.

History: 1972, Act 230, Eff. Jan. 1, 1973 ;-- Am. 1980, Act 371, Imd. Eff. Dec. 30, 1980
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1525 Effect of act on functions of state plumbing and electrical administrative boards.

Sec. 25. This act does not affect the functions of the state plumbing board with respect to the licensing of master or journeyman plumbers and the registration of plumbers' apprentices, and of the electrical administrative board with respect to the issuance of class 1, electrical contractor's licenses, class 2, master electricians' licenses and class 3, journeyman's licenses.

History: 1972, Act 230, Eff. Jan. 1, 1973
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1526 Transfer of state plumbing and electrical administrative boards to commission.

Sec. 26. Subject to other provisions of this act concerned with the relationship between the commission and the boards, the state plumbing and electrical administrative boards are transferred to the commission without alteration of their functions.

History: 1972, Act 230, Eff. Jan. 1, 1973
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1528 Inconsistent or conflicting provisions; construction of act.
Sec. 28. (1) Any provision of section 34 of Act No. 18 of the Public Acts of the Extra Session of 1933, being section 125.684 of the Michigan Compiled Laws; Act No. 266 of the Public Acts of 1929, being sections 338.901 to 338.917 of the Michigan Compiled Laws; Act No. 222 of the Public Acts of 1901, being sections 338.951 to 338.965 of the Michigan Compiled Laws; the electrical administrative act, Act No. 217 of the Public Acts of 1956, being sections 338.881 to 338.892 of the Michigan Compiled Laws; and any other public act of this state which is inconsistent or in conflict with this act is superseded to the extent of the inconsistency or conflict.

(2) This act shall not be construed to repeal, amend, supersede, or otherwise affect the powers and duties presently exercised under part 55 (air pollution) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.5501 to 324.5542 of the Michigan Compiled Laws; part 124 of Act No. 368 of the Public Acts of 1978, being sections 333.12401 to 333.12434 of the Michigan Compiled Laws; the Michigan occupational safety and health act, Act No. 154 of the Public Acts of 1974, being sections 408.1001 to 408.1094 of the Michigan Compiled Laws; the boiler act of 1965, Act No. 290 of the Public Acts of 1965, being sections 408.751 to 408.776 of the Michigan Compiled Laws; or Act No. 227 of the Public Acts of 1967, being sections 408.801 to 408.824 of the Michigan Compiled Laws. This act shall not be construed to repeal, amend, or otherwise affect Act No. 306 of the Public Acts of 1937, being sections 388.851 to 388.855a of the Michigan Compiled Laws.

History: 1972, Act 230, Eff. Jan. 1, 1973 ;-- Am. 1980, Act 371, Imd. Eff. Dec. 30, 1980 ;-- Am. 1996, Act 48, Imd. Eff. Feb. 26, 1996
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1529 Enforcement of code or construction regulations by governmental subdivision or enforcing agency.

Sec. 29. Except as otherwise provided in this act, this act does not abrogate or impair the power of a governmental subdivision or enforcing agency to enforce the provisions of the code or any other applicable construction regulations, or to prevent violations or impose sanctions on violators.

History: 1972, Act 230, Eff. Jan. 1, 1973 ;-- Am. 1994, Act 22, Eff. May 1, 1994
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1530 Saving clause; pending or subsequent prosecutions.

Sec. 30. Proceedings pending and rights and liabilities existing, acquired or incurred under existing construction regulations as long as they remain in effect are saved. The proceedings may be consummated according to the law in force when the proceedings were commenced. Neither this act nor the code shall be construed to alter, affect or abate a pending prosecution, or prevent prosecution hereafter instituted under such repealed construction regulations for offenses committed as long as the construction regulations remain in effect. Prosecutions instituted after the repeal of existing construction regulations for offenses committed before the effective date of the repeal may be continued or instituted in accordance with construction regulations in effect at the time of the commission of the offenses.

History: 1972, Act 230, Eff. Jan. 1, 1973
Popular Name: Act 230
Popular Name: Uniform Construction Code

125.1531 Effective date.

Sec. 31. This act shall take effect January 1, 1973.

History: 1972, Act 230, Eff. Jan. 1, 1973
Popular Name: Act 230
Popular Name: Uniform Construction Code

CONTRACTS FOR IMPROVMENT TO REAL PROPERTY
Act 57 of 1998

AN ACT to require contractors to provide certain notices to governmental entities concerning improvements on real property; to allow for the modification of contracts for improvement to real property; to provide for remedies; and to repeal acts and parts of acts.

History: 1998, Act 57, Eff. Oct. 6, 1998

The People of the State of Michigan enact:

125.1591 Definitions.
Sec. 1. As used in this act:

(a) "Contractor" means a person who contracts with a governmental entity to improve real property or perform or manage construction services. Contractor does not include a person licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

(b) "Governmental entity" means the state, a county, city, township, village, public educational institution, or any political subdivision thereof.

(c) "Improve" means to build, alter, repair, or demolish an improvement upon, connected with, or beneath the surface of any real property, to excavate, clear, grade, fill, or landscape any real property, to construct driveways and roadways, or to perform labor upon improvements.

(d) "Improvement" includes, but is not limited to, all or any part of any building, structure, erection, alteration, demolition, excavation, clearing, grading, filling, landscaping, trees, shrubbery, driveways, and roadways on real property.

(e) "Person" means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

(f) “Real property” means the real estate that is improved, including, but not limited to, lands, leaseholds, tenements, hereditaments, and improvements placed on the real property.

History: 1998, Act 57, Eff. Oct. 6, 1998

125.1592 Improvement contract exceeding $75,000; provisions.
Sec. 2. A contract between a contractor and a governmental entity for an improvement that exceeds $75,000.00 shall contain all of the following provisions:

(a) That if a contractor discovers 1 or both of the following physical conditions of the surface or subsurface at the improvement site, before disturbing the physical condition, the contractor shall promptly notify the governmental entity of the physical condition in writing:

(i) A subsurface or a latent physical condition at the site is differing materially from those indicated in the improvement contract.

(ii) An unknown physical condition at the site is of an unusual nature differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in the improvement contract.

(b) That if the governmental entity receives a notice under subdivision (a), the governmental entity shall promptly investigate the physical condition.

(c) That if the governmental entity determines that the physical conditions do materially differ and will cause an increase or decrease in costs or additional time needed to perform the contract, the governmental entity's determination shall be made in writing and an equitable adjustment shall be made and the contract modified in writing accordingly.

(d) That the contractor cannot make a claim for additional costs or time because of a physical condition unless the contractor has complied with

the notice requirements of subdivision (a). The governmental entity may extend the time required for notice under subdivision (a).

(e) That the contractor cannot make a claim for an adjustment under the contract after the contractor has received the final payment under the contract.

History: 1998, Act 57, Eff. Oct. 6, 1998

125.1593 Contract completion; performance; consent of governmental entity; arbitration; judgment rendered.
Sec. 3. (1) If the contractor does not agree with the governmental entity's determination, with the governmental entity's consent the contractor may complete performance on the contract.

(2) At the option of the governmental entity, the contractor and the governmental entity shall arbitrate the contractor's entitlement to recover the actual increase in contract time and costs incurred because of the physical condition of the improvement site. The arbitration shall be conducted in accordance with the rules of the American arbitration association and judgment rendered may be entered in any court having jurisdiction.

History: 1998, Act 57, Eff. Oct. 6, 1998

125.1594 Incorporation of additional provisions.
Sec. 4. If an improvement contract does not contain the provisions required under section 2, the provisions shall be incorporated into and considered part of the improvement contract.

History: 1998, Act 57, Eff. Oct. 6, 1998

125.1595 Rights or remedies.
Sec. 5. This act does not limit the rights or remedies otherwise available to a contractor or the governmental entity under any other law or statute.

History: 1998, Act 57, Eff. Oct. 6, 1998

125.1596 Repealed. 2001, Act 28, Imd. Eff. June 22, 2001.

Compiler's Notes: The repealed section pertained to repeal of act.

CONDOMINIUM ACT
Act 59 of 1978
(EXCERPTS)

AN ACT relative to condominiums and condominium projects; to prescribe powers and duties of the administrator; to provide certain protections for certain tenants, senior citizens, and persons with disabilities relating to conversion condominium projects; to provide for escrow arrangements; to provide an exemption from certain property tax increases; to impose duties on certain state departments; to prescribe remedies and penalties; and to repeal acts and parts of acts.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1980, Act 283, Imd. Eff. Oct. 10, 1980 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 1998, Act 36, Imd. Eff. Mar. 18,

The People of the State of Michigan enact:

559.101 Short title.
Sec. 1. This act shall be known and may be cited as the “condominium act”.

History: 1978, Act 59, Eff. July 1, 1978

559.102 Meanings of words and phrases.
Sec. 2. For the purposes of this act, the words and phrases defined in sections 3 to 10 shall have the meanings respectively ascribed to them in those sections.

History: 1978, Act 59, Eff. July 1, 1978

559.103 Definitions; A to C.
Sec. 3. (1) “Administrator” means the department of consumer and industry services or an authorized designee.

(2) “Affiliate of developer” means any person who controls, is controlled by, or is under common control with a developer. A person is controlled by another person if the person is a general partner, officer, member, director, or employee of the person, directly or indirectly, individually or with 1 or more persons or subsidiaries owns, controls, or holds power to vote more than 20% of the person, controls in any manner the election of a majority of the directors of the person, or has contributed more than 20% of the capital of the person.

(3) “Arbitration association” means the American arbitration association or its successor.

(4) “Association of co-owners” means the person designated in the condominium documents to administer the condominium project.

(5) “Business condominium unit” means a condominium unit within any condominium project, which unit has a sales price of more than $250,000.00 and is offered, used, or intended to be used for other than residential or recreational purposes.

(6) “Business day” means a day of the year excluding a Saturday, Sunday, or legal holiday.

(7) “Common elements” means the portions of the condominium project other than the condominium units.

(8) “Condominium buyer's handbook” means the informational pamphlet created by the administrator.

(9) “Condominium bylaws” or “bylaws” means the required set of bylaws for the condominium project attached to the master deed.

(10) “Condominium documents” means the master deed, recorded pursuant to this act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001

559.104 Definitions; C.

Sec. 4. (1) "Condominium project" or "project" means a plan or project consisting of not less than 2 condominium units established in conformance with this act.

(2) "Condominium subdivision plan" means the drawings and information prepared pursuant to section 66.

(3) "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

(4) "Consolidating master deed" means the final amended master deed for a contractable condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.105 Definitions; C.

Sec. 5. (1) "Contractable condominium" means a condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this act.

(2) "Conversion condominium" means a condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under section 71.

(3) "Convertible area" means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created in accordance with this act.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.106 Definitions; C to G.

Sec. 6. (1) "Co-owner" means a person, firm, corporation, partnership, association, trust, or other legal entity or any combination of those entities, who owns a condominium unit within the condominium project. Co-owner includes land contract vendees and land contract vendors, who are considered jointly and severally liable under this act and the condominium documents, except as the recorded condominium documents provide otherwise.

(2) "Developer" means a person engaged in the business of developing a condominium project as provided in this act. Developer does not include any of the following:

(a) A real estate broker acting as agent for the developer in selling condominium units.

(b) A residential builder who acquires title to 1 or more condominium units for the purpose of residential construction on those condominium units and subsequent resale.

(c) Other persons exempted from this definition by rule or order of the administrator.

(3) "Escrow agent" means a bank, savings and loan association, or title insurance company, licensed or authorized to do business in this state or a representative designated to administer escrow funds in the name, and on behalf, of the escrow agent.

(4) "Expandable condominium" means a condominium project to which additional land may be added in accordance with this act.

(5) "General common elements" means the common elements other than the limited common elements.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 1983, Act 113, Imd. Eff. July 12, 1983 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001

559.107 Definitions; L to M.

Sec. 7. (1) "Leasehold condominium" means a condominium project in which each co-owner owns an estate for years in all or any part of the condominium project if the leasehold interests will expire naturally at the same time.

(2) "Limited common elements" means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

(3) "Mobile home condominium project" means a condominium project in which mobile homes as defined in section 30a of Act No. 300 of the Public Acts of 1949, being section 257.30a of the Michigan Compiled Laws, are intended to be located upon separate sites which constitute individual condominium units.

History: 1978, Act 59, Eff. July 1, 1978

559.108 "Master deed" defined.

Sec. 8. "Master deed" means the condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project. The master deed shall include all of the following:

(a) An accurate legal description of the land involved in the project.

(b) A statement designating the condominium units served by the limited common elements and clearly defining the rights in the limited common elements.

(c) A statement showing the total percentage of value for the condominium project and the separate percentages of values assigned to each individual condominium unit identifying the condominium units by the numbers assigned in the condominium subdivision plan.

(d) Identification of the local unit of government with which the detailed architectural plans and specifications for the project have been filed.

(e) Any other matter which is appropriate for the project.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.109 Definitions; P.

Sec. 9. (1) "Percentage of value" means the percentage assigned to each condominium unit in the condominium master deed. The percentage shall total 100% in the project. Percentages of value shall be determinative only with respect to those matters to which they are specifically deemed to relate either in this act or in the condominium documents. Percentages of value for each condominium unit shall be determined with reference to reasonable comparative characteristics. A master deed shall state the method or formula used by the developer in the determination of percentage of value. Factors which may be considered in determining percentage of value are any of the following comparative characteristics, as determined by the developer:

(a) Market value.

(b) Size.

(c) Duration of a time-share estate, if applicable.

(d) Location.

(e) Allocable expenses of maintenance.

(2) "Person" means an individual, firm, corporation, partnership, association, trust, the state or an agency of the state, or other legal entity, or any combination thereof.

(3) "Phase of a condominium project" means either of the following:

(a) The land and condominium units of the condominium project which may be developed under the initially recorded master deed without amendment to the master deed.

(b) Each additional parcel of land and condominium unit added to the condominium project as provided in section 32.

(4) “Preliminary reservation agreement” means an agreement to afford a prospective purchaser an opportunity to purchase a particular condominium unit for a limited period of time upon sale terms to be later determined.

(5) “Purchase agreement” means an agreement under which a developer agrees to sell and a person agrees to purchase a condominium unit as provided in section 84.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 4, Imd. Eff. Feb. 4, 1982 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.110 Definitions; R to T.

Sec. 10. (1) “Record” means to record pursuant to the laws of this state relating to the recording of deeds except that the provisions of the land division act, 1967 PA 288, MCL 560.101 to 560.293, do not control divisions made for any condominium project.

(2) “Residential builder” is a person licensed as a residential builder under article 24 of the occupational code, 1980 PA 299, MCL 339.2401 to 339.2412.

(3) “Size” means the number of cubic feet, or the number of square feet of ground or floor space, within each condominium unit as computed by reference to the condominium subdivision plan and rounded off to a whole number. Certain spaces within the condominium units including, without limitation, attic, basement, and garage space may be omitted from the calculation or partially discounted by the use of a ratio, if the same basis of calculation is employed for all condominium units in the condominium project, that basis is used for each condominium unit in

the condominium project, and that basis is disclosed in appropriate condominium documents furnished to each co-owner.

(4) “Time-share unit” means a condominium unit in which a time-share estate or a time-share license exists.

(5) “Time-share estate” means a right to occupy a condominium unit or any of several condominium units during 5 or more separated time periods over a period of at least 5 years, including renewal options, coupled with a freehold estate or an estate for years.

(6) “Time-share license” means a right to occupy a condominium unit or any of several condominium units during 5 or more separated time periods over a period of at least 5 years, including renewal options, not coupled with a freehold estate or an estate for years.

(7) “Transitional control date” means the date on which a board of directors for an association of co-owners takes office pursuant to an election in which the votes that may be cast by eligible co-owners unaffiliated with the developer exceed the votes which may be cast by the developer.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001

559.111 Offering residential condominium for sale; compliance with occupational code required.

Sec. 11. A residential condominium in this state shall not be offered for sale unless in compliance with article 24 or article 25 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2401 to 339.2412 and 339.2501 to 339.2516 of the Michigan Compiled Laws.

History: Add. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.115 Construction or interpretation of act.

Sec. 15. This act shall not be construed or interpreted as to authorize or permit the incurring of indebtedness of the state contrary to the provisions of the state constitution of 1963.

History: Add. 1982, Act 4, Imd. Eff. Feb. 4, 1982

559.121 Offering condominium unit or project for sale; liabilities and penalties; duties of developer; compliance by association of co-owners.

Sec. 21. (1) A condominium unit located within this state shall not be offered for its initial sale in this state unless the offering is made in accordance with this act or the offering is exempt by rule of the administrator. An interest in a condominium unit located outside of this state which is offered for sale in this state is not subject to this act.

(2) In addition to other liabilities and penalties, a developer who violates this section is subject to section 115.

(3) Except as provided in subsections (4) and (5), a condominium project or condominium unit which was approved under former Act No. 229 of the Public Acts of 1963, may be offered for sale without further compliance with this act.

(4) A developer of a condominium project which was approved under former Act No. 229 of the Public Acts of 1963 shall do all of the following:

(a) Provide documents as provided in section 84a.

(b) Establish an escrow account pursuant to section 103b or 173(1)(a)(ii).

(c) Provide notice of conversion pursuant to section 104(2) if the condominium project is a conversion condominium project.

(5) An association of co-owners of a condominium project approved under former Act No. 229 of the Public Acts of 1963 shall comply with section 68.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 1983, Act 113, Imd. Eff. July 12, 1983

Compiler's Notes: Act 229 of 1963, referred to in this section, was repealed by Act 59 of 1978.

559.131 Condominium project containing convertible area; contents of master deed.
Sec. 31. If the condominium project contains any convertible area, the master deed shall contain the following:

(a) A reasonably specific reference to the convertible area within the condominium project.

(b) A statement of the maximum number of condominium units that may be created within the convertible area.

(c) A general statement describing what types of condominium units may be created on the convertible area.

(d) A statement of the extent to which a structure erected on the convertible area will be compatible with structures on other portions of the condominium project.

(e) A general description of improvements that may be made on the convertible area within the condominium project.

(f) A description of the developer's reserved right, if any, to create limited common elements within any convertible area, and to designate common elements therein which may subsequently be assigned as limited common elements.

(g) A time limit of not more than 6 years after initial recording of the master deed, by which the election to use this option expires.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.132 Expandable condominium project; contents of master deed.
Sec. 32. If the condominium project is an expandable condominium project, the master deed shall contain the following:

(a) The explicit reservation of an election on the part of the developer or its successors to expand the condominium project.

(b) A statement of any restrictions on the election in subdivision (a), including, without limitation, a statement as to whether the consent of any co-owners is required, and if so, a statement as to the method whereby the consent is ascertained; or a statement that the limitations do not exist.

(c) A time limit based on size and nature of the project, of not more than 6 years after the initial recording of the master deed, upon which the election to expand the condominium project expires.

(d) A description of the land that may be added to the condominium project. The description shall be a legal description by metes and bounds or by reference to subdivided land unless the land to be added can be otherwise specifically described.

(e) A statement as to whether, if any of the additional land is added to the condominium project, all of it or any particular portion of it must be added, and if not, a statement of any limitations as to what portions may be added.

(f) A statement as to whether portions of the additional land may be added to the condominium project at different times, together with appropriate restrictions fixing the boundaries of those portions by legal descriptions setting forth the metes and bounds of the land and regulating the order in which they may be added to the condominium project. If the order in which portions of the additional land may be added is not restricted, a statement shall be included that the restrictions do not exist.

(g) A statement of the specific restrictions, if any, as to the locations of any improvements that may be made on any portions of the additional land added to the condominium project.

(h) A statement of the maximum number of condominium units that may be created on the additional land. If portions of the additional land may be added to the condominium project and the boundaries of those portions are fixed in accordance with subdivision (f), the master deed

shall state the maximum number of condominium units that may be created on each portion added to the condominium project.

(i) With respect to the additional land and to the portion or portions of the additional land that may be added to the condominium project, a statement of the maximum percentage of the aggregate land and floor area of all condominium units that may be created on the additional land that may be occupied by condominium units not restricted exclusively to residential use.

(j) A statement of the extent to which any structures erected on any portion of the additional land added to the condominium project are compatible with structures on the land included in the original master deed.

(k) A description of improvements that shall be made on any portion of the additional land added to the condominium project or a statement of any restrictions as to what other improvements may be made on the additional land.

(l) A statement of any restrictions as to the types of condominium units that may be created on the additional land.

(m) A description of the developer's reserved right, if any, to create limited common elements within any portion of the original condominium project or additional land added to the condominium project and to designate common elements which may subsequently be assigned as limited common elements.

(n) A statement as to whether the condominium project shall be expanded by a series of successive amendments to the master deed, each adding additional land to the condominium project as then constituted, or whether a series of separate condominium projects shall be created within the additional land area, all or some of which shall then be merged into an expanded condominium project or projects by the ultimate recordation of a consolidating master deed.

(o) A description of the developer's reserved right, if any, to create easements within any portion of the original condominium project for the benefit of land outside the condominium project.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.133 Contractable condominium project; contents of master deed.

Sec. 33. If the condominium project is a contractable condominium project, the master deed shall contain the following:

(a) The explicit reservation of an election on the part of the developer or its successors to contract the condominium project.

(b) A statement of the restrictions on that election, including, without limitation, a statement as to whether the consent of any co-owners are required, and if so, a statement as to the method whereby the consent shall be ascertained.

(c) A time limit of not more than 6 years after the initial recording of the master deed, by which the election to contract the condominium project expires, together with a statement of the circumstances, if any, which terminate that option before the expiration of the specified time limit.

(d) A general description of the land which may be withdrawn from the condominium project.

(e) A statement as to whether portions of the land may be withdrawn from the condominium project at different times, together with the restrictions fixing the boundaries of those portions by general descriptions of the land and regulating the order in which they may be withdrawn from the condominium project.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.134 Leasehold condominium project; lease terms; required contents of master deed; termination of co-owner's leasehold interest by lessor prohibited.

Sec. 34. (1) The terms of a lease in a leasehold condominium project shall not be unconscionable to prospective co-owners as determined at the time of signing the lease.

(2) If the condominium project is a leasehold condominium project, then with respect to any ground lease or other leases the expiration or termination of which shall or may terminate the condominium project, the master deed shall identify precisely the location of the leased property and the master deed shall contain the following:

(a) The date upon which each lease is due to expire.

(b) A statement as to whether any land and improvements will be owned by the co-owners in fee simple, and if so, then all of the following:

(i) A description of the land and improvements which will be owned by the co-owners in fee simple, including without limitation a legal description by metes and bounds of the land.

(ii) A statement of any rights the co-owners shall have to remove the improvements within a reasonable time after the expiration or termination of the lease involved.

(iii) A statement of the rights the co-owners shall have to redeem the reversion or any of the reversions, or a statement that they shall not have those rights.

(3) After the recording of the master deed, a lessor who consented in writing to the master deed or a successor in interest to the lessor shall not terminate any part of the leasehold interest of a co-owner who makes timely payment of the share of the rent to the person or persons designated in the master deed for the receipt of the rent and who otherwise complies with all covenants which, if violated, would entitle the lessor to terminate the lease.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.135 Easements; creation; description; contents.
Sec. 35. Where fulfillment of the purposes of sections 31, 32, 33 or any other sections of this act reasonably requires the creation of easements, then the easements shall be created in the condominium documents or in other appropriate instruments and shall be reasonably described in the condominium documents. The easements shall contain the following:

(a) A description of the permitted use.

(b) If less than all co-owners are entitled to utilize the easement, a statement of the relevant restrictions on the utilization of the easement.

(c) If any persons other than those entitled to the use of the condominium units may utilize an easement, a statement of the rights of others to utilization of the same and a statement of the obligations, if any, of all persons required to contribute to the financial support of the easement.

History: 1978, Act 59, Eff. July 1, 1978

559.136 Addition of undivided interests in land as common elements; tenancy of co-owners; condominium unit on lands prohibited; description in master deed.
Sec. 36. The master deed may provide that undivided interests in land may be added to the condominium project as common elements in which land the co-owners may be tenants in common, joint tenants, or life tenants with other persons. A condominium unit shall not be situated on the lands. The master deed, or any amendment to master deed under which the land is submitted to the condominium project shall include a legal description thereof and shall describe the nature of the co-owners' estate therein.

History: 1978, Act 59, Eff. July 1, 1978

559.137 Allocation to condominium unit of undivided interest in common elements proportionate to percentage of value assigned; statement, table, exhibit, or schedule in master deed; formula; basis of reallocation; allocating percentage of value to convertible space;

alteration of undivided interest in common elements; partition of common elements.

Sec. 37. (1) The master deed may allocate to each condominium unit an undivided interest in the common elements proportionate to its percentage of value assigned as provided in this act.

(2) If an equal percentage of value is allocated to each condominium unit, the master deed may simply state that fact and need not express the fraction or percentage so allocated.

(3) If an equal percentage of value is not assigned, the percentage of value allocated to each condominium unit shall be reflected by a table in the master deed or by an exhibit or schedule accompanying the master deed and recorded simultaneously therewith. The table shall identify the condominium units, listing them serially or grouping them together in the case of condominium units to which identical percentages of value are allocated, and setting forth the respective percentages relative to the several condominium units. The master deed or the exhibit or schedule shall set forth, with reasonable clarity, the formula upon which the percentages were allocated in the original master deed and the basis upon which the same will be reallocated in any modification of the master deed by which condominium units will be added, withdrawn, or modified, which basis may provide for reasonable flexibility if different types of condominium units are introduced into the condominium project in subsequent phases thereof.

(4) A convertible space shall be allocated a percentage of value in accordance with the formula used to derive the original percentage of value.

(5) Except to the extent otherwise expressly provided by this act, the undivided interest in the common elements allocated to any condominium unit shall not be altered, and any purported transfer, encumbrance, or other disposition of that interest without the condominium unit to which it appertains is void.

(6) The common elements shall not be subject to an action for partition unless the condominium project is terminated.

History: 1978, Act 59, Eff. July 1, 1978

559.138 Creation of condominium units within convertible or additional lands; allocation of interests in common elements; amended master deed and condominium subdivision plan; revised schedule.

Sec. 38. Interests in the common elements shall not be allocated to condominium units to be created within convertible land or within additional land until the master deed is duly amended and an amended condominium subdivision plan depicting the new condominium units is recorded. The amendment to the master deed shall contain a revised schedule of undivided interests in the common elements so that the condominium units depicted on the amended condominium subdivision plan shall be allocated undivided interests in the common elements in accordance with the formula for allocation of the undivided interests as described in the original master deed.

History: 1978, Act 59, Eff. July 1, 1978

559.139 Assignment and reassignment of limited common elements; application; amendment to master deed.

Sec. 39. (1) Assignments and reassignments of limited common elements shall be reflected by the original master deed or an amendment to the master deed. A limited common element shall not be assigned or reassigned except in accordance with this act and the condominium documents.

(2) Unless expressly prohibited by the condominium documents, a limited common element may be reassigned upon written application of the co-owners concerned to the principal officer of the association of co-owners or to other persons as the condominium documents may specify. The officer or persons to whom the application is duly made shall promptly prepare and execute an amendment to the master deed reassigning all rights and obligations with respect to the limited common element involved. The amendment shall be delivered to the co-owners of

the condominium units concerned upon payment by them of all reasonable costs for the preparation and recording of the amendment to the master deed.

(3) A common element not previously assigned as a limited common element shall be so assigned only in pursuance of the provisions of the condominium documents and of this act. The amendment to the master deed making the assignment shall be prepared and executed by the principal officer of the association of co-owners or by other persons as the condominium documents specify.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.140 Easement for encroachment.

Sec. 40. To the extent that a condominium unit or common element encroaches on any other condominium unit or common element, whether by reason of any deviation from the plans in the construction, repair, renovation, restoration, or replacement of any improvement, or by reason of the settling or shifting of any land or improvement, a valid easement for the encroachment shall exist. This section shall not be construed to allow or permit any encroachment upon, or an easement for an encroachment upon, units described in the master deed as being comprised of land and/or airspace above and/or below said land, without the consent of the co-owner of the unit to be burdened by the encroachment or easement.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001

559.141 Conversion of convertible area into condominium units or common elements; amendment; identifying number; allocating portion of undivided interest; description of limited common elements.

Sec. 41. (1) The developer may convert all or any portion of any convertible area into condominium units or common elements, including, without limitation, limited common elements, subject to the restrictions which the condominium documents may specify.

(2) The developer shall promptly prepare, execute, and record an amendment to the master deed describing the conversion. The amendment shall assign an identifying number to each condominium unit formed out of convertible area and shall allocate to each condominium unit a portion of the undivided interest in the common elements appertaining to that area. The amendment shall describe or delineate any limited common elements formed out of the convertible area, showing or designating the condominium unit or condominium units to which each is assigned.

History: 1978, Act 59, Eff. July 1, 1978

559.143 Expansion, contraction, or conversion of land or space; time of occurrence; consolidating master deed.

Sec. 43. An expansion, contraction, or conversion of land or space in accordance with this act and the condominium documents shall be deemed to have occurred at the time of recording of an amendment to the master deed embodying all essential elements of the expansion, contraction, or conversion. At the conclusion of expansion of a condominium project a consolidating master deed shall be prepared and recorded by the developer in accordance with the provisions of this act and the condominium documents.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.144 Transferable easement as to common elements for purpose of making improvements.

Sec. 44. Subject to any restrictions the condominium documents may specify, the developer has a transferable easement over and on the common elements for the purpose of making improvements on the submitted land and any additional land pursuant to the provisions of those documents and of this act, and for the purpose of doing all things reasonably necessary and proper in connection therewith.

History: 1978, Act 59, Eff. July 1, 1978

559.145 Offices, model units, and other facilities; maintenance; costs; restoration of facilities.

Sec. 45. The developer and its duly authorized agents, representatives, and employees, and residential builders who receive an assignment of rights from the developer, may maintain offices, model units, and other facilities on the submitted land. The developer may include provisions in the condominium documents relative to the facilities as may reasonably facilitate development and sale of the project. The developer shall pay or be responsible to require a residential builder to pay all costs related to the condominium units or common elements while owned by developer and to restore the facilities to habitable status upon termination of use.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001

559.146 Restrictions and covenants.

Sec. 46. The developer or a co-owner may impose reasonable restrictions or covenants running with the land upon a condominium unit in the condominium project, in addition to the reasonable restrictions and covenants as may be contained in the condominium documents, so long as such restrictions and covenants are not otherwise prohibited by law and as long as they are consistent with the condominium documents. The restrictions and covenants may include provisions governing the joint or common ownership of condominium units in the condominium project and the basis upon which the usage of the condominium unit or condominium units may be shared from time to time by the joint or common owners thereof.

History: 1978, Act 59, Eff. July 1, 1978

559.147 Improvements or alterations by co-owners.

Sec. 47. (1) Subject to the prohibitions and restrictions in the condominium documents, a co-owner may make improvements or alterations within a condominium unit that do not impair the structural integrity of a structure or otherwise lessen the support of a portion of the condominium project. Except as provided in section 47a, a co-owner shall not do anything which would change the exterior appearance of a condominium unit or of any other portion of the condominium project except to the extent and subject to the conditions as the condominium documents may specify.

(2) If a co-owner acquires an adjoining condominium unit, or an adjoining part of a condominium unit, then the co-owner may remove all or part of an intervening partition or create doorways or other apertures therein, notwithstanding that the partition may in whole or in part be a common element, so long as a portion of any bearing wall or bearing column is not weakened or removed and a portion of any common element other than that partition is not damaged, destroyed, or endangered. The creation of doorways or other apertures shall not be deemed an alteration of condominium unit boundaries.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1987, Act 31, Imd. Eff. May 27, 1987

559.147a Persons with disabilities; improvements or modifications by co-owner to facilitate access or movement; alleviation of hazardous conditions.

Sec. 47a. (1) A co-owner may make improvements or modifications to the co-owner's condominium unit, including improvements or modifications to common elements and to the route from the public way to the door of the co-owner's condominium unit, at his or her expense, if the purpose of the improvement or modification is to facilitate access to or movement within the unit for persons with disabilities who reside in or regularly visit the unit, or to alleviate conditions that could be hazardous to persons with disabilities who reside in or regularly visit the unit. The improvement or modification shall not impair the structural integrity of a structure or otherwise lessen the support of a portion of the condominium project. The co-owner is liable for the cost of repairing any damage to a common element caused by building or maintaining the improvement or modification, unless the damage could reasonably be expected in the normal course of building or maintaining the improvement or modification. The improvement or modification may be made notwithstanding prohibitions and restrictions in the condominium documents, but shall comply with all applicable state and local building code requirements and health and safety laws and ordinances and shall be made as closely as reasonably possible in conformity with the intent of applicable prohibitions and restrictions regarding safety and aesthetics of the proposed modification.

(2) An improvement or modification allowed by this section that affects the exterior of the condominium unit shall not unreasonably prevent passage by other residents of the condominium project. A co-owner who has made exterior improvements or modifications allowed by this section shall notify the association of co-owners in writing of the co-owner's intention to convey or lease his or her condominium unit to another at least 30 days before the conveyance or lease. Not more than 30 days after receiving a notice from a co-owner under this subsection, the association of co-owners may require the co-owner to remove the improvement or modification at the co-owner's expense. If the co-owner fails to give timely notice of a conveyance or lease, the association of co-owners at any time may remove or require the co-owner to remove the improvement or modification at the co-owner's expense. However, the association of co-owners may not remove or require the removal of an improvement or modification if a co-owner intends to resume residing in the unit within 12 months or a co-owner conveys or leases his or her condominium unit to a person with disabilities who needs the same type of improvement or modification or who has a person residing with him or her who requires the same type of improvement or modification.

(3) If a co-owner makes an exterior improvement or modification allowed under this section, the co-owner shall maintain liability insurance, underwritten by an insurer authorized to do business in this state and naming the association of co-owners as an additional insured, in an amount adequate to compensate for personal injuries caused by the exterior improvement or modification. The co-owner is not liable for acts or omissions of the association of co-owners with respect to the exterior improvement or modification and is not required to maintain liability insurance with respect to any common element. The association of co-owners is responsible for maintenance, repair, and replacement of the improvement or modification only to the extent of the cost currently incurred by the association of co-owners for maintenance, replacement, and repair of the common elements covered or replaced by the improvement or modification. All costs of maintenance, repair, and replacement of the improvement or modification exceeding that currently incurred by the association of co-owners for maintenance, repair, and replacement of the common elements covered or replaced by the

improvement or modification shall be assessed to and paid by the co-owner or the unit serviced by the improvement or modification.

(4) Before an improvement or modification allowed by this section is made, the co-owner shall submit plans and specifications for the improvements or modifications to the association of co-owners for review and approval. The association of co-owners shall determine whether the proposed improvement or modification substantially conforms to the requirements of this section and shall not deny a proposed improvement or modification without good cause. If the association of co-owners denies a proposed improvement or modification, the association of co-owners shall list, in writing, the changes needed to make the proposed improvement or modification conform to the requirements of this section and shall deliver that list to the co-owner. The association of co-owners shall approve or deny the proposed improvement or modification not later than 60 days after the plans and specifications are submitted by the co-owner proposing the improvement or modification to the association of co-owners. If the association of co-owners does not approve or deny submitted plans and specifications within the 60-day period, the co-owner may make the proposed improvement or modification without the approval of the association of co-owners. A co-owner may bring an action against the association of co-owners and the officers and directors to compel those persons to comply with this section if the co-owner disagrees with a denial by the association of co-owners of the co-owner's proposed improvement or modification.

(5) This section applies to condominium units existing on May 27, 1987 and to those built or converted after May 27, 1987.

(6) This section does not apply to a condominium unit that is otherwise required by law to be barrier-free and does not impose on a co-owner the cost of maintaining that barrier-free unit.

(7) As used in this section, “person with disabilities” means that term as defined in section 2 of the state construction code act of 1972, 1972 PA 230, MCL 125.1502.

History: Add. 1987, Act 31, Imd. Eff. May 27, 1987 ;-- Am. 1998, Act 36, Imd. Eff. Mar. 18, 1998 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001

559.148 Relocation of boundaries between adjoining condominium units.

Sec. 48. (1) If the condominium documents expressly permit the relocation of boundaries between adjoining condominium units, then the boundaries between the condominium units may be relocated in accordance with this section and any restrictions not otherwise unlawful which the condominium documents may specify. The boundaries between adjoining condominium units shall not be relocated unless the condominium documents expressly permit it. A relocation of boundaries shall not occur without approval of an affected mortgagee.

(2) If the co-owners of adjoining condominium units whose mutual boundaries may be relocated desire to relocate the boundaries, then the principal officer of the association of co-owners or other persons as the condominium documents may specify, shall, upon written application of the co-owners, forthwith prepare and execute an amendment to the master deed duly relocating the boundaries pursuant to the condominium documents and this act.

(3) An amendment to the master deed shall identify the condominium units involved and shall state that the boundaries between those condominium units are being relocated by agreement of the co-owners thereof, which amendment shall contain conveyancing between those co-owners. If the co-owners of the condominium units involved have specified in their written application a reasonable reallocation as between the condominium units involved of the aggregate undivided interest in the common elements appertaining to those condominium units, the amendment to the master deed shall reflect that reallocation.

(4) If the co-owners of the condominium units involved have specified in their written application a reasonable reallocation as between the condominium units involved of the aggregate number of votes in the association of co-owners allocated to those condominium units, an amendment to the bylaws shall reflect that reallocation and a

proportionate reallocation of liability for expenses of administration and rights to receipts of administration as between those condominium units.

History: 1978, Act 59, Eff. July 1, 1978

559.149 Subdivision of condominium units.

Sec. 49. (1) If the condominium documents expressly permit the subdivision of any condominium units, then the condominium units may be subdivided in accordance with this section and any restrictions not otherwise unlawful which the condominium documents may specify. A condominium unit shall not be subdivided unless the condominium documents expressly permit it.

(2) If the co-owner of a condominium unit which may be subdivided desires to subdivide the condominium unit, then the principal officer of the association of co-owners or other persons as the condominium documents specify, shall, upon written application of the co-owner, prepare and execute an amendment to the master deed duly subdividing the condominium unit pursuant to the condominium documents and this act.

(3) An amendment to the master deed shall assign new identifying numbers to the new condominium units created by the subdivision of a condominium unit and shall allocate to those condominium units, on a reasonable basis, all of the undivided interest in the common elements appertaining to the subdivided condominium unit. The new condominium units shall jointly share all rights, and shall be equally liable, jointly and severally for all obligations, with regard to any limited common elements assigned to the subdivided condominium unit except to the extent that an amendment shall provide that portions of any limited common element assigned to the subdivided condominium unit exclusively should be assigned to any, but less than all, of the new condominium units.

(4) An amendment to the bylaws shall allocate to the new condominium units, on a reasonable basis, the votes in the association of co-owners allocated to the subdivided condominium unit, and shall reflect a

proportionate allocation to the new condominium units of the liability for expenses of administration and rights to receipts of administration formerly appertaining to the subdivided condominium unit.

History: 1978, Act 59, Eff. July 1, 1978

559.150 Termination of condominium project or amendment of master deed by developer.

Sec. 50. If there is no co-owner other than the developer, the developer, with the consent of any interested mortgagee, may unilaterally terminate the condominium project or amend the master deed. A termination or amendment under this section shall become effective upon the recordation thereof if executed by the developer.

History: 1978, Act 59, Eff. July 1, 1978

559.151 Termination of condominium project by agreement of developer and unaffiliated co-owners.

Sec. 51. (1) If there is a co-owner other than the developer, then the condominium project shall be terminated only by the agreement of the developer and unaffiliated co-owners of condominium units to which 4/5 of the votes in the association of co-owners appertain, or a larger majority as the condominium documents may specify.

(2) If none of the condominium units in the condominium project are restricted exclusively to residential use, then the condominium documents may specify voting majorities less than the minimums specified by subsection (1).

(3) Agreement of the required majority of co-owners to termination of the condominium shall be evidenced by their execution of the termination agreement or of ratifications thereof, and the termination shall become effective only when the agreement is so evidenced of record.

(4) Upon recordation of an instrument terminating a condominium project the property constituting the condominium project shall be owned by the co-owners as tenants in common in proportion to their

respective undivided interests in the common elements immediately before recordation. As long as the tenancy in common lasts, each co-owner or the heirs, successors, or assigns thereof shall have an exclusive right of occupancy of that portion of the property which formerly constituted the condominium unit.

(5) Upon recordation of an instrument terminating a condominium project, any rights the co-owners may have to the assets of the association of co-owners shall be in proportion to their respective undivided interests in the common elements immediately before recordation, except that common profits shall be distributed in accordance with the condominium documents and this act.

History: 1978, Act 59, Eff. July 1, 1978

559.152 Advisory committee of nondeveloper co-owners; establishment; meeting with condominium project board of directors; cessation; right to elect directors; formula; recording consolidating master deed; copy; "units that may be created" defined; time of sale to nondeveloper co-owner.

Sec. 52. (1) An advisory committee of nondeveloper co-owners shall be established either 120 days after conveyance of legal or equitable title to nondeveloper co-owners of 1/3 of the units that may be created or 1 year after the initial conveyance of legal or equitable title to a nondeveloper co-owner of a unit in the project, whichever occurs first. The advisory committee shall meet with the condominium project board of directors for the purpose of facilitating communication and aiding the transition of control to the association of co-owners. The advisory committee shall cease to exist when a majority of the board of directors of the association of co-owners is elected by the nondeveloper co-owners.

(2) Not later than 120 days after conveyance of legal or equitable title to nondeveloper co-owners of 25% of the units that may be created, at least 1 director and not less than 25% of the board of directors of the association of co-owners shall be elected by nondeveloper co-owners. Not later than 120 days after conveyance of legal or equitable title to nondeveloper co-owners of 50% of the units that may be created, not less

than 33-1/3% of the board of directors shall be elected by nondeveloper co-owners. Not later than 120 days after conveyance of legal or equitable title to nondeveloper co-owners of 75% of the units that may be created, and before conveyance of 90% of such units, the nondeveloper co-owners shall elect all directors on the board, except that the developer shall have the right to designate at least 1 director as long as the developer owns and offers for sale at least 10% of the units in the project or as long as 10% of the units remain that may be created.

(3) Notwithstanding the formula provided in subsection (2), 54 months after the first conveyance of legal or equitable title to a nondeveloper co-owner of a unit in the project, if title to not less than 75% of the units that may be created has not been conveyed, the nondeveloper co-owners have the right to elect, as provided in the condominium documents, a number of members of the board of directors of the association of co-owners equal to the percentage of units they hold and the developer has the right to elect, as provided in the condominium documents, a number of members of the board equal to the percentage of units which are owned by the developer and for which all assessments are payable by the developer. This election may increase, but does not reduce, the minimum election and designation rights otherwise established in subsection (2). Application of this subsection does not require a change in the size of the board as determined in the condominium documents.

(4) If the calculation of the percentage of members of the board that the nondeveloper co-owners have the right to elect under subsection (2), or if the product of the number of members of the board multiplied by the percentage of units held by the nondeveloper co-owners under subsection (3) results in a right of nondeveloper co-owners to elect a fractional number of members of the board, then a fractional election right of 0.5 or greater shall be rounded up to the nearest whole number, which number shall be the number of members of the board that the nondeveloper co-owners have the right to elect. After application of the formula contained in this subsection, the developer has the right to elect the remaining members of the board. Application of this subsection does not eliminate the right of the developer to designate 1 member as provided in subsection (2).

(5) A consolidating master deed and plans showing the condominium as built shall be recorded not later than 1 year after completion of construction in order to consolidate all phases or amendments of a condominium project. A copy of the recorded consolidating master deed shall be provided to the association of co-owners.

(6) As used in this section, "units that may be created" means the maximum number of units in all phases of the condominium project as stated in the master deed.

(7) For purposes of calculating the timing of events described in this section, conveyance by a developer to a residential builder, even though not an affiliate of the developer, is not considered a sale to a nondeveloper co-owner until such time as the residential builder conveys that unit with a completed residence on it or until it contains a completed residence which is occupied.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001

559.153 Bylaws governing administration of condominium project; amendments; recording.

Sec. 53. The administration of a condominium project shall be governed by bylaws recorded as part of the master deed, or as provided in the master deed. An amendment to the bylaws of any condominium project shall not eliminate the mandatory provisions required by section 54. An amendment shall be inoperative until recorded.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.154 Bylaws; mandatory provisions; allocation of votes; dispute, claim, or grievance; applicability of subsections (8), (9), and (10).

Sec. 54. (1) The bylaws shall contain provisions for the designation of persons to administer the affairs of the condominium project and shall require that those persons keep books and records with a detailed account of the expenditures and receipts affecting the condominium project and its administration, and which specify the operating expenses of the project.

(2) The bylaws shall provide that the person designated to administer the affairs of the project shall be assessed as the person in possession for any tangible personal property of the project owned or possessed in common by the co-owners. Personal property taxes based on that tangible personal property shall be treated as expenses of administration.

(3) The bylaws shall contain specific provisions directing the courses of action to be taken in the event of partial or complete destruction of the building or buildings in the project.

(4) The bylaws shall provide that expenditures affecting the administration of the project shall include costs incurred in the satisfaction of any liability arising within, caused by, or connected with, the common elements or the administration of the condominium project, and that receipts affecting the administration of the condominium project shall include all sums received as the proceeds of, or pursuant to, a policy of insurance securing the interest of the co-owners against liabilities or losses arising within, caused by, or connected with the common elements or the administration of the condominium project.

(5) The bylaws shall provide that the association of co-owners shall prepare and distribute to each owner at least once each year a financial statement, the contents of which shall be defined by the association of co-owners.

(6) The bylaws shall provide an indemnification clause for the board of directors of the association of co-owners. The indemnification clause shall require that 10 days' notice, before payment under the clause, be given to the co-owners. The indemnification clause shall exclude indemnification for willful and wanton misconduct and for gross negligence.

(7) The bylaws may allocate to each condominium unit a number of votes in the association of co-owners proportionate to the percentage of value appertaining to each condominium unit, or an equal number of votes in the association of co-owners.

(8) The bylaws shall contain a provision providing that arbitration of disputes, claims, and grievances arising out of or relating to the interpretation of the application of the condominium document or arising out of disputes among or between co-owners shall be submitted to arbitration and that the parties to the dispute, claim, or grievance shall accept the arbitrator's decision as final and binding, upon the election and written consent of the parties to the disputes, claims, or grievances and upon written notice to the association. The commercial arbitration rules of the American arbitration association are applicable to any such arbitration.

(9) In the absence of the election and written consent of the parties under subsection (8), neither a co-owner nor the association is prohibited from petitioning a court of competent jurisdiction to resolve any dispute, claim, or grievance.

(10) The election by the parties to submit any dispute, claim, or grievance to arbitration prohibits the parties from petitioning the courts regarding that dispute, claim, or grievance.

(11) Subsections (8), (9), and (10) apply only to condominium projects established on or after the effective date of the amendatory act that added this subsection.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001 ;-- Am. 2002, Act 283, Imd. Eff. May 9, 2002

559.155 Voiding service contract and management contract.

Sec. 55. (1) A service contract which exists between the association of co-owners and the developer or affiliates of the developer and a management contract with the developer or affiliates of the developer is voidable by the board of directors of the association of co-owners on the transitional control date or within 90 days thereafter, and on 30 days' notice at any time thereafter for cause.

(2) To the extent that any management contract extends beyond 1 year after the transitional control date, the excess period under the contract

may be voided by the board of directors of the association of co-owners by notice to the management agent at least 30 days before the expiration of the 1 year.

History: 1978, Act 59, Eff. July 1, 1978

559.156 Bylaws; permissible provisions.
Sec. 56. The bylaws may contain provisions:

(a) As are deemed appropriate for the administration of the condominium project not inconsistent with this act or any other applicable laws.

(b) For restrictions on the sale, lease, license to use, or occupancy of condominium units.

(c) For insuring the co-owners against risks affecting the condominium project, without prejudice to the right of each co-owner to insure his condominium unit or condominium units on his own account and for his own benefit.

History: 1978, Act 59, Eff. July 1, 1978

559.156a Displaying United States flag on condominium unit; applicability of section.
Sec. 56a. A developer or association of co-owners shall not prohibit a co-owner from displaying a single United States flag of a size not greater than 3 feet by 5 feet anywhere on the exterior of the co-owner's condominium unit. A developer or association of co-owners shall not enforce a prohibition in existence before the effective date of this section on or after that effective date.

History: Add. 1991, Act 183, Imd. Eff. Dec. 27, 1991

559.157 Books, records, and contracts; examination; audit.
Sec. 57. The books, records, and contracts concerning the administration and operation of the condominium project shall be available for examination by any of the co-owners and their mortgagees at convenient

times and all books and records shall be audited or reviewed by independent accountants annually. Such audits need not be certified.

History: 1978, Act 59, Eff. July 1, 1978

559.158 Acquisition of title by foreclosure of first mortgage; liability for assessments.

Sec. 58. If the mortgagee of a first mortgage of record or other purchaser of a condominium unit obtains title to the condominium unit as a result of foreclosure of the first mortgage, that mortgagee or purchaser and his or her successors and assigns are not liable for the assessments by the administering body chargeable to the unit that became due prior to the acquisition of title to the unit by that mortgagee or purchaser and his or her successors and assigns.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001 ;-- Am. 2002, Act 283, Imd. Eff. May 9, 2002

559.159 Submission of property with mortgage of record.

Sec. 59. Property upon which there is a mortgage of record shall not be submitted to a condominium project without the written consent of the mortgagee.

History: 1978, Act 59, Eff. July 1, 1978

559.160 Action on behalf of and against co-owners.

Sec. 60. Actions on behalf of and against the co-owners shall be brought in the name of the association of co-owners. The association of co-owners may assert, defend, or settle claims on behalf of all co-owners in connection with the common elements of the condominium project.

History: 1978, Act 59, Eff. July 1, 1978

559.161 Condominium unit as sole property.

Sec. 61. Upon the establishment of a condominium project each condominium unit, together with and inseparable from its appurtenant share of the common elements, shall be a sole property subject to ownership, mortgaging, taxation, possession, sale, and all types of

juridicial acts, inter vivos or causa mortis independent of the other condominium units.

History: 1978, Act 59, Eff. July 1, 1978

559.162 Ownership of condominium unit.
Sec. 62. A condominium unit may be jointly or commonly owned by more than 1 person.

History: 1978, Act 59, Eff. July 1, 1978

559.163 Rights of co-owner.
Sec. 63. Each co-owner has an exclusive right to his condominium unit and has such rights to share with other co-owners the common elements of the condominium project as are designated by the master deed.

History: 1978, Act 59, Eff. July 1, 1978

559.164 Conveyance and other instruments affecting title to condominium unit; description of unit; recordation.
Sec. 64. Conveyances and other instruments affecting title to any condominium unit in a condominium project shall describe the same by reference to the condominium unit number of the condominium subdivision plan and the caption thereof, together with a reference to the liber and page of the county records in which the master deed is recorded. The conveyances and other instruments are recordable.

History: 1978, Act 59, Eff. July 1, 1978

559.165 Compliance with master deed, bylaws, rules, and regulations.
Sec. 65. Each unit co-owner, tenant, or nonco-owner occupant shall comply with the master deed, bylaws, and rules and regulations of the condominium project and this act.

History: 1978, Act 59, Eff. July 1, 1978

559.166 Condominium subdivision plan; preparation; signature and seal; contents; recording; structures and improvements to be completed by developer.

Sec. 66. (1) The condominium subdivision plan for each condominium project shall be prepared by an architect, land surveyor, or engineer licensed to practice and shall bear the signature and seal of such architect, land surveyor, or engineer. The condominium subdivision plan shall be reproductions of original drawings.

(2) A complete condominium subdivision plan shall include all of the following:

(a) A cover sheet.

(b) A survey plan.

(c) A floodplain plan, if the condominium lies within or abuts a floodplain area.

(d) A site plan.

(e) A utility plan.

(f) Floor plans.

(g) The size, location, area, and horizontal boundaries of each condominium unit.

(h) A number assigned to each condominium unit.

(i) The vertical boundaries and volume for each unit comprised of enclosed air space.

(j) Building sections showing the existing and proposed structures and improvements including their location on the land. Any proposed structure and improvement shown shall be labeled either “must be built” or “need not be built”. To the extent that a developer is contractually

obligated to deliver utility conduits, buildings, sidewalks, driveways, landscaping and an access road, the same shall be shown and designated as “must be built”, but the obligation to deliver such items exists whether or not they are so shown and designated.

(k) The nature, location, and approximate size of the common elements.

(l) Other items the administrator requires by rule.

(3) Condominium subdivision plans shall be numbered consecutively when recorded by the register of deeds and shall be designated _____ county condominium subdivision plan number _____.

(4) The developer shall complete all structures and improvements labeled pursuant to subsection (2)(j) “must be built”.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 1983, Act 113, Imd. Eff. July 12, 1983

559.167 Changes in condominium project; amendment; replat of condominium subdivision plan; right of withdrawal.

Sec. 67. (1) A change in a condominium project shall be reflected in an amendment to the appropriate condominium document. An amendment to the condominium document is subject to sections 90, 90a, and 91.

(2) If a change involves a change in the boundaries of a condominium unit or the addition or elimination of condominium units, a replat of the condominium subdivision plan shall be prepared and recorded assigning a condominium unit number to each condominium unit in the amended project. The replat of the condominium subdivision plan shall be designated replat number _____ of _____ county condominium subdivision plan number _____, using the same plan number assigned to the original condominium subdivision plan.

(3) Notwithstanding section 33, if the developer has not completed development and construction of units or improvements in the condominium project that are identified as “need not be built” during a

period ending 10 years after the date of commencement of construction by the developer of the project, the developer, its successors, or assigns have the right to withdraw from the project all undeveloped portions of the project not identified as "must be built" without the prior consent of any co-owners, mortgagees of units in the project, or any other party having an interest in the project. If the master deed contains provisions permitting the expansion, contraction, or rights of convertibility of units or common elements in the condominium project, then the time period is 6 years after the date the developer exercised its rights with respect to either expansion, contraction, or rights of convertibility, whichever right was exercised last. The undeveloped portions of the project withdrawn shall also automatically be granted easements for utility and access purposes through the condominium project for the benefit of the undeveloped portions of the project. If the developer does not withdraw the undeveloped portions of the project from the project before expiration of the time periods, those undeveloped lands shall remain part of the project as general common elements and all rights to construct units upon that land shall cease. In such an event, if it becomes necessary to adjust percentages of value as a result of fewer units existing, a co-owner or the association of co-owners may bring an action to require revisions to the percentages of value under section 95.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001 ;-- Am. 2002, Act 283, Imd. Eff. May 9, 2002

559.168 Availability of condominium documents.

Sec. 68. An association of co-owners shall keep current copies of the master deed, all amendments to the master deed, and other condominium documents for the condominium project available at reasonable hours to co-owners, prospective purchasers, and prospective mortgagees of condominium units in the condominium projects.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.169 Assessment of common expenses; contribution of co-owner.

Sec. 69. (1) Except to the extent that the condominium documents provide otherwise, common expenses associated with the maintenance,

repair, renovation, restoration, or replacement of a limited common element shall be specially assessed against the condominium unit to which that limited common element was assigned at the time the expenses were incurred. If the limited common element involved was assigned to more than 1 condominium unit, the expenses shall be specially assessed against each of the condominium units equally so that the total of the special assessments equals the total of the expenses, except to the extent that the condominium documents provide otherwise.

(2) To the extent that the condominium documents expressly so provide, any other unusual common expenses benefiting less than all of the condominium units, or any expenses incurred as a result of the conduct of less than all those entitled to occupy the condominium project or by their licensees or invitees, shall be specially assessed against the condominium unit or condominium units involved, in accordance with reasonable provisions as the condominium documents may provide.

(3) The amount of all common expenses not specially assessed under subsections (1) and (2) shall be assessed against the condominium units in proportion to the percentages of value or other provisions as may be contained in the master deed for apportionment of expenses of administration.

(4) A co-owner shall not be exempt from contributing as provided in this act by nonuse or waiver of the use of any of the common elements or by abandonment of his or her condominium unit.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001 ;-- Am. 2002, Act 283, Imd. Eff. May 9, 2002

559.170 Repealed. 1982, Act 538, Imd. Eff. Jan. 17, 1983.

Compiler's Notes: The repealed section pertained to review of filing.

559.171 Notice of proposed action.

Sec. 71. Not less than 10 days before taking reservations under a preliminary reservation agreement for a unit in a condominium project, recording a master deed for a project, or beginning construction of a

project which is intended to be a condominium project at the time construction is begun, whichever is earliest, a written notice of the proposed action shall be provided to each of the following:

(a) The appropriate city, village, township, or county.

(b) The appropriate county road commission and county drain commissioner.

(c) The department of environmental quality.

(d) The state transportation department.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1980, Act 513, Imd. Eff. Jan. 26, 1981 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 2002, Act 283, Imd. Eff. May 9, 2002

559.171a Rules applicable to condominium project not served by public water and public sewers; submission of plan to department of public health; approval or rejection.

Sec. 71a. (1) The rules of the department of public health relating to suitability of soils and groundwater supply for subdivisions not served by public water and public sewers shall apply to a condominium project not served by public water and public sewers.

(2) If public water and public sewers are not available and accessible to the land proposed to be included in a project, a developer shall submit 3 copies of the condominium subdivision plan to the department of public health. The department of public health shall transmit these copies to a local health department that elects to maintain jurisdiction over the approval or rejection of the plan pursuant to subsection (3).

(3) Not later than 30 days after receipt of the condominium subdivision plan, the state department of public health or, if the local health department elects to maintain jurisdiction over approval or rejection of the plan, the local health department shall approve the plan and note its approval on the copy to be returned to the developer or reject all or such portion of the plan that is not suitable. If rejected, the department

rejecting the plan shall notify the developer and the governing body in writing of the reasons for rejection of the plan and the requirements for approval.

History: Add. 1983, Act 113, Imd. Eff. July 12, 1983

559.172 Establishment of condominium project; sale of condominium unit before master deed recorded prohibited; exception; substantial failure of master deed to comply with act; marketability of title.

Sec. 72. (1) A condominium project for any property shall be established upon the recording of a master deed that complies with this act.

(2) Except as provided in section 88, a condominium unit shall not be sold by or on behalf of the developer before a master deed is recorded for the condominium units in the project.

(3) Title to a unit and common elements is not rendered unmarketable or otherwise affected by reason of an insubstantial failure of the master deed to comply with this act. Whether a substantial failure of the master deed to comply with this act impairs marketability is not affected by this subsection.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 1983, Act 113, Imd. Eff. July 12, 1983

559.172a Recordation of master deed; creation of time-share unit; amendment of documents as material alteration.

Sec. 72a. If the master deed for a condominium project is recorded after the effective date of this section, a time-share unit shall not be created unless expressly provided for in the condominium documents. If the master deed for a condominium project was recorded on or before the effective date of this section, a time-share unit shall not be created unless the condominium documents are amended to expressly provide for the creation of time-share units. An amendment of the condominium documents to expressly provide for the creation of time-share units is a material alteration of the rights of co-owners and requires the consent of 2/3 of the votes of co-owners and mortgagees as provided in section 90.

History: Add. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.172b Air space over fee.

Sec. 72b. (1) A condominium project may be established for property consisting of a separate legal parcel in space that is considered the air space over a fee, improved or unimproved, in real property law. Such a condominium project may be provided easements, licenses, and other rights as may be necessary to provide access to and otherwise serve the needs of the project from the underlying surface parcel.

(2) This section applies to any question regarding whether any air space existing over a fee may be submitted to, and established as, a condominium under this act and applies to development as a condominium of air space over a fee.

History: Add. 2000, Act 379, Imd. Eff. Jan. 2, 2001

559.173 Recordation of master deed and amendment; certification by treasurer; filing copy of master deed with local supervisor or assessing officer; filing architectural plans and specifications or affidavit with local unit of government.

Sec. 73. (1) A master deed and an amendment to the master deed shall be recorded.

(2) A master deed shall not be recorded without a certification by the treasurer collecting the property taxes and special assessments that all property taxes and current installments of special assessments which became a lien on the property involved in the project are paid in full.

(3) When recorded, a copy of the master deed and a copy of any subsequently amended master deed or amendment shall be filed with the local supervisor or assessing officer.

(4) Detailed architectural plans and specifications for the condominium project, if that condominium project contains any units that require architectural plans and specifications to construct, shall be filed with the local unit of government in which the project is located. However, in the case of a conversion condominium where detailed architectural plans and

specifications are not available, the developer shall file with the local unit of government an affidavit stating the fact that detailed architectural plans and specifications are not available.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001

559.174 Delivery and retention of condominium subdivision plan; recordation of consolidating master deed.

Sec. 74. (1) The condominium subdivision plan of a size as provided by rule of the administrator shall be delivered to and retained by the local register of deeds office.

(2) A consolidating master deed shall be recorded at the register of deeds office. The register of deeds shall not deny recording of a consolidating master deed because the property taxes and special assessments are not paid in full.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.181 Service of process.

Sec. 81. (1) When a person, including a nonresident of this state, files a notice under section 71, records a master deed, or engages in conduct prohibited or made actionable by this act or a rule promulgated or order issued under this act and personal jurisdiction over the person cannot otherwise be obtained in this state, that conduct shall be considered equivalent to the person's appointment of the administrator as his or her attorney to receive service of process in any noncriminal action or proceeding against the person or the person's successor, personal representative, or administrator which grows out of that conduct and which is brought under this act or any rule promulgated or order issued under this act, with the same force and validity as if served on the person personally.

(2) Service under subsection (1) may be made by filing a copy of the process in the office of the administrator together with a $25.00 fee. Service is not effective unless the plaintiff, which may be the administrator in an action or proceeding instituted by it, immediately

sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at the person's last known address, or takes other steps which are reasonably calculated to give actual notice and unless the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.181a Promotional material; labeling structure or improvement "need not be built."

Sec. 81a. If any structure or improvement proposed in a condominium project is labeled pursuant to section 66 "need not be built", or is to be located within a portion of the condominium project with respect to which the developer has reserved a development right, promotional material may not be displayed or delivered to prospective purchasers which describes or portrays that structure or improvement unless the description or portrayal of the structure or improvement in the promotional material is conspicuously labeled "need not be built".

History: Add. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.182 Repealed. 1982, Act 538, Imd. Eff. Jan. 17, 1983.

Compiler's Notes: The repealed section pertained to escrow account and escrow agent.

559.183 Preliminary reservation agreement; use; condominium buyer's handbook; placing payment in escrow; cancellation of agreement; refund; treating payment as if made under purchase agreement.

Sec. 83. (1) After filing a notice under section 71, a preliminary reservation agreement may be used by a developer to reserve a condominium unit for a prospective purchaser. During the time reservations are being accepted, a condominium buyer's handbook shall be available at the condominium project for all prospective purchasers.

(2) Upon receipt of payment under a preliminary reservation agreement, the developer shall place the payment in an escrow account with an escrow agent.

(3) A prospective purchaser who has made a payment under a preliminary reservation agreement may cancel that agreement. The developer shall fully refund within 3 business days after notice of cancellation is received all payments made.

(4) If a person who has entered into a preliminary reservation agreement subsequently enters into a purchase agreement, the developer shall treat a payment originally made under the preliminary reservation agreement as if made under a purchase agreement pursuant to section 84.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.184 Section inapplicable to business condominium unit; withdrawal from signed purchase agreement; depositing and retaining funds in escrow; contents of purchase agreement; waiver of right of withdrawal; form.

Sec. 84. (1) This section shall not apply to a business condominium unit.

(2) Except as provided in subsection (5), a signed purchase agreement shall not become binding on a purchaser and a purchaser may withdraw from a signed purchase agreement without cause and without penalty before conveyance of the unit and within 9 business days after receipt of the documents required in section 84a. The calculation of the 9 business day period shall include the day on which the documents required under section 84a are received if that day is a business day.

(3) Upon receipt of payment under a purchase agreement, the developer shall deposit all funds in an escrow account with an escrow agent. Funds due a developer from the closing of a unit sale need not be deposited in escrow if such funds are not required by other provisions of this act to be retained in escrow after such closing. After the expiration of the withdrawal period provided in subsection (2), the developer shall retain amounts in escrow or provide other adequate security as provided in

section 103b to assure completion of only those uncompleted structures and improvements labeled under the terms of the condominium documents, “must be built”.

(4) A purchase agreement shall contain all of the following:

(a) A statement that all funds paid by the prospective purchaser in connection with the purchase of a unit shall be deposited in an escrow account with an escrow agent and shall be returned to the purchaser within 3 business days after withdrawal from the purchase agreement as provided in subdivision (b). The statement shall include the name and address of the escrow agent.

(b) A statement that unless the purchaser waives the right of withdrawal, the purchaser may withdraw from a signed purchase agreement without cause and without penalty if the withdrawal is made before conveyance of the unit and within 9 business days after receipt of the documents required in section 84a including the day on which the documents are received if that day is a business day.

(c) A statement that after the expiration of the withdrawal period provided in subsection (2), the developer is required to retain sufficient funds in escrow or to provide sufficient security to assure completion of only those uncompleted structures and improvements labeled under the terms of the condominium documents, “must be built”.

(d) The following paragraph:

“At the exclusive option of the purchaser, any claim which might be the subject of a civil action against the developer which involves an amount less than $2,500.00, and arises out of or relates to this purchase agreement or the unit or project to which this agreement relates, shall be settled by binding arbitration conducted by the American arbitration association. The arbitration shall be conducted in accordance with applicable law and the currently applicable rules of the American arbitration association. Judgment upon the award rendered by arbitration may be entered in a circuit court of appropriate jurisdiction.”

(e) A statement that the escrow agreement between the developer and the escrow agent is incorporated by reference.

(5) The right of withdrawal in subsection (2) may be waived in exceptional cases, by a purchaser who is provided all of the documents listed in subsection (4) and who knowingly and voluntarily waives in writing the purchaser's right to the protection provided by the right of withdrawal. The waiver form shall include an explanation of this section.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 1983, Act 113, Imd. Eff. July 12, 1983

559.184a Providing copies of listed documents to prospective purchaser of condominium unit; amendment to purchase agreement and condominium documents; signature on form as evidence; providing prospective purchaser of business condominium unit copy of recorded master deed; misleading statements; violation.
Sec. 84a. (1) The developer shall provide copies of all of the following documents to a prospective purchaser of a condominium unit, other than a business condominium unit:

(a) The recorded master deed.

(b) A copy of a purchase agreement that conforms with section 84, and that is in a form in which the purchaser may sign the agreement, together with a copy of the escrow agreement.

(c) A condominium buyer's handbook. The handbook shall contain, in a prominent location and in boldface type, the name, telephone number, and address of the person designated by the administrator to respond to complaints. The handbook shall contain a listing of the available remedies as provided in section 145.

(d) A disclosure statement relating to the project containing all of the following:

(i) An explanation of the association of co-owners' possible liability pursuant to section 58.

(ii) The names, addresses, and previous experience with condominium projects of each developer and any management agency, real estate broker, residential builder, and residential maintenance and alteration contractor.

(iii) A projected budget for the first year of operation of the association of co-owners.

(iv) An explanation of the escrow arrangement.

(v) Any express warranties undertaken by the developer, together with a statement that express warranties are not provided unless specifically stated.

(vi) If the condominium project is an expandable condominium project, an explanation of the contents of the master deed relating to the election to expand the project prescribed in section 32, and an explanation of the material consequences of expanding the project.

(vii) If the condominium project is a contractable condominium project, an explanation of the contents of the master deed relating to the election to contract the project prescribed in section 33, an explanation of the material consequences of contracting the project, and a statement that any structures or improvements proposed to be located in a contractable area need not be built.

(viii) If section 66(2)(j) is applicable, an identification of all structures and improvements labeled pursuant to section 66 “need not be built”.

(ix) If section 66(2)(j) is applicable, the extent to which financial arrangements have been provided for completion of all structures and improvements labeled pursuant to section 66 “must be built”.

(x) Other material information about the condominium project and the developer that the administrator requires by rule.

(e) If a project is a conversion condominium, the developer shall disclose the following additional information:

(i) A statement, if known, of the condition of the main components of the building, including the roofs; foundations; external and supporting walls; heating, cooling, mechanical ventilating, electrical, and plumbing systems; and structural components. If the condition of any of the components of the building listed in this subparagraph is unknown, the developer shall fully disclose that fact.

(ii) A list of any outstanding building code or other municipal regulation violations and the dates the premises were last inspected for compliance with building and housing codes.

(iii) The year or years of completion of construction of the building or buildings in the project.

(2) A purchase agreement may be amended by agreement of the purchaser and developer before or after the agreement is signed. An amendment to the purchase agreement does not afford the purchaser any right or time to withdraw in addition to that provided in section 84(2). An amendment to the condominium documents effected in the manner provided in the documents or provided by law does not afford the purchaser any right or time to withdraw in addition to that provided in section 84(2).

(3) At the time the purchaser receives the documents required in subsection (1) the developer shall provide a separate form that explains the provisions of this section. The signature of the purchaser upon this form is prima facie evidence that the documents required in subsection (1) were received and understood by the purchaser.

(4) Promptly after recording a master deed for a condominium project containing a business condominium unit, the developer shall provide to a prospective purchaser of a business condominium unit a copy of the recorded master deed for the project.

(5) With regard to any documents required under this section, a developer shall not make an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading.

(6) The developer promptly shall amend a document required under this section to reflect any material change or to correct any omission in the document.

(7) In addition to other liabilities and penalties, a developer who violates this section is subject to section 115.

History: Add. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 1983, Act 113, Imd. Eff. July 12, 1983

559.185 Liquidated damages in case of default; actual damages; receipt of escrowed funds.

Sec. 85. A provision in a purchase agreement for liquidated damages in case of default shall be limited to a reasonable percentage of the purchase price of the condominium unit. This provision shall not prevent the developer from recovering actual damages. Such an agreement shall not permit the developer to receive escrowed funds until there is a default, or until conveyance of legal or equitable title to the purchaser.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.186, 559.187 Repealed. 1982, Act 538, Imd. Eff. Jan. 17, 1983.

Compiler's Notes: The repealed sections pertained to advertising and reservations for purchase of condominium unit.

559.188 Offering for sale and entering into purchase agreement with respect to condominium unit proposed to be included within additional land of expandable condominium or within convertible land without recording amended master deed.

Sec. 88. After recording a master deed for the initial phase of an expandable or convertible condominium project, the developer may offer

for sale and enter into a binding purchase agreement with respect to any condominium unit proposed to be included within the additional land of the expandable condominium or within the convertible land, without recording an amended master deed, if all of the following occur:

(a) The condominium unit is one which the developer may properly include in the condominium project.

(b) There is a site plan showing the location of the unit.

(c) A substantially identical condominium unit was already included within the project or plans for the condominium unit which describe the physical characteristics of the unit exist and are appended to the purchase agreement.

(d) The purchase agreement states that the condominium unit shall be conveyed to the prospective purchaser within 1 year after the execution of the purchase agreement. If conveyance is not made within that time the agreement is voidable under the conditions set forth in the agreement.

(e) Within 6 months after the date the purchase agreement becomes binding, an amendment to the master deed is recorded which includes the unit.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.189 Repealed. 1982, Act 538, Imd. Eff. Jan. 17, 1983.

Compiler's Notes: The repealed section pertained to documents to be provided prospective purchaser.

559.190 Amendment of condominium documents; consent; void provision superseded by subsection (2); reservation of right to amend; notice of proposed amendments; costs and expenses; master deed amendment; affirmative vote.

Sec. 90. (1) The condominium documents may be amended without the consent of co-owners or mortgagees if the amendment does not materially alter or change the rights of a co-owner or mortgagee and if

the condominium documents contain a reservation of the right to amend for that purpose to the developer or the association of co-owners. An amendment that does not materially change the rights of a co-owner or mortgagee includes, but is not limited to, a modification of the types and sizes of unsold condominium units and their appurtenant limited common elements.

(2) Except as provided in this section, the master deed, bylaws, and condominium subdivision plan may be amended, even if the amendment will materially alter or change the rights of the co-owners or mortgagees, with the consent of not less than 2/3 of the votes of the co-owners and mortgagees. A mortgagee shall have 1 vote for each mortgage held. The 2/3 majority required in this section may not be increased by the terms of the condominium documents, and a provision in any condominium documents that requires the consent of a greater proportion of co-owners or mortgagees for the purposes described in this subsection is void and is superseded by this subsection. Mortgagees are not required to appear at any meeting of co-owners except that their approval shall be solicited through written ballots. Any mortgagee ballots not returned within 90 days of mailing shall be counted as approval for the change.

(3) The developer may reserve, in the condominium documents, the right to amend materially the condominium documents to achieve specified purposes, except a purpose provided for in subsection (4). Reserved rights shall not be amended except by or with the consent of the developer. If a proper reservation is made, the condominium documents may be amended to achieve the specified purposes without the consent of co-owners or mortgagees.

(4) The method or formula used to determine the percentage of value of units in the project for other than voting purposes shall not be modified without the consent of each affected co-owner and mortgagee. A co-owner's condominium unit dimensions or appurtenant limited common elements may not be modified without the co-owner's consent.

(5) Co-owners shall be notified of proposed amendments under this section not less than 10 days before the amendment is recorded.

(6) A person causing or requesting an amendment to the condominium documents shall be responsible for costs and expenses of the amendment, except for amendments based upon a vote of a prescribed majority of co-owners and mortgagees or based upon the advisory committee's decision, the costs of which are expenses of administration.

(7) A master deed amendment, including the consolidating master deed, dealing with the addition, withdrawal, or modification of units or other physical characteristics of the project shall comply with the standards prescribed in section 66 for preparation of an original condominium subdivision plan for the project.

(8) For purposes of this section, the affirmative vote of a 2/3 of co-owners is considered 2/3 of all co-owners entitled to vote as of the record date for such votes.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 1988, Act 147, Imd. Eff. June 7, 1988 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001 ;-- Am. 2002, Act 283, Imd. Eff. May 9, 2002

559.190a Voting procedures.

Sec. 90a. (1) To the extent this act or the condominium documents require a vote of mortgagees of units on amendment of the condominium documents, the procedure described in this section applies.

(2) The date on which the proposed amendment is approved by the requisite majority of co-owners is considered the “control date”.

(3) Only those mortgagees who hold a recorded first mortgage or a recorded assignment of a first mortgage against 1 or more condominium units in the condominium project on the control date are entitled to vote on the amendment. Each mortgagee entitled to vote shall have 1 vote for each condominium unit in the project that is subject to its mortgage or mortgages, without regard to how many mortgages the mortgagee may hold on a particular condominium unit.

(4) The association of co-owners shall give a notice to each mortgagee entitled to vote containing all of the following:

(a) A copy of the amendment or amendments as passed by the co-owners.

(b) A statement of the date that the amendment was approved by the requisite majority of co-owners.

(c) An envelope addressed to the entity authorized by the board of directors for tabulating mortgagee votes.

(d) A statement containing language in substantially the form described in subsection (5).

(e) A ballot providing spaces for approving or rejecting the amendment and a space for the signature of the mortgagee or an officer of the mortgagee.

(f) A statement of the number of condominium units subject to the mortgage or mortgages of the mortgagee.

(g) The date by which the mortgagee must return its ballot.

(5) The notice provided by subsection (4) shall contain a statement in substantially the following form:

“A review of the association records reveals that you are the holder of 1 or more mortgages recorded against title to 1 or more units in the (name of project) condominium. The co-owners of the condominium adopted the attached amendment to the condominium documents on (control date). Pursuant to the terms of the condominium documents and/or the Michigan condominium act, you are entitled to vote on the amendment. You have 1 vote for each unit that is subject to your mortgage or mortgages.

The amendment will be considered approved by first mortgagees if it is approved by 66-2/3% of those mortgagees. In order to vote, you must indicate your approval or rejection on the enclosed ballot, sign it, and return it not later than 90 days after this notice (which date coincides

with the date of mailing). Failure to timely return a ballot will constitute a vote for approval. If you oppose the amendment, you must vote against it.”.

(6) The amendment is considered to be approved by the first mortgagees if it is approved by 66-2/3% of the first mortgagees whose ballots are received, or are considered to be received, in accordance with section 90(2), by the entity authorized by the board of directors to tabulate mortgagee votes.

(7) The association of co-owners shall mail the notice required under subsection (4) to the first mortgagee at the address provided in the mortgage or assignment for notices.

(8) The association of co-owners shall maintain a copy of the notice, proofs of mailing of the notice, and the ballots returned by mortgagees for a period of 2 years after the control date.

(9) Notwithstanding any provision of the condominium documents to the contrary, first mortgagees are entitled to vote on amendments to the condominium documents only under the following circumstances:

(a) Termination of the condominium project.

(b) A change in the method or formula used to determine the percentage of value assigned to a unit subject to the mortgagee's mortgage.

(c) A reallocation of responsibility for maintenance, repair, replacement, or decoration for a condominium unit, its appurtenant limited common elements, or the general common elements from the association of co-owners to the condominium unit subject to the mortgagee's mortgage.

(d) Elimination of a requirement for the association of co-owners to maintain insurance on the project as a whole or a condominium unit subject to the mortgagee's mortgage or reallocation of responsibility for obtaining or maintaining, or both, insurance from the association of co-owners to the condominium unit subject to the mortgagee's mortgage.

(e) The modification or elimination of an easement benefiting the condominium unit subject to the mortgagee's mortgage.

(f) The partial or complete modification, imposition, or removal of leasing restrictions for condominium units in the condominium project.

(g) Amendments requiring the consent of all affected mortgagees under section 90(4).

History: Add. 2000, Act 379, Imd. Eff. Jan. 2, 2001 ;-- Am. 2002, Act 283, Imd. Eff. May 9, 2002

559.191 Recording of amendment to recorded condominium document required; copy to co-owner.

Sec. 91. (1) An amendment to the master deed or other recorded condominium document shall not be effective until the amendment is recorded.

(2) A copy of the recorded amendment shall be delivered to each co-owner of the project.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.192, 559.193 Repealed. 1982, Act 538, Imd. Eff. Jan. 17, 1983.

Compiler's Notes: The repealed sections pertained to disposition of fees and charges, and to conditions for refusing permit to sell or permit to take reservations.

559.194 Title insurance policy.

Sec. 94. The developer shall furnish a purchaser buying a condominium unit from the developer a title insurance policy, in the amount of the purchase price, by a title insurance company licensed to do business in the state.

History: 1978, Act 59, Eff. July 1, 1978

559.195 Revision of condominium subdivision plan; altering percentage of value; revisions in percentage of value per condominium unit.

Sec. 95. If the condominium subdivision plan is revised subsequent to its initial filing, and the revisions would alter the percentage of value per condominium unit when applied to the formula used to derive the percentage of value, then the percentage of value shall be altered by the developer to reflect the revisions. If the percentage of value is not altered to reflect these revisions, then a co-owner may bring an action or initiate a proceeding to require revisions in the percentage of value per condominium unit, without the consent of the co-owners, mortgagees, or other interested parties, as are determined to be fair, just, and equitable in accordance with the basic formula used to originally establish the percentage of value for the project.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.201-559.203 Repealed. 1982, Act 538, Imd. Eff. Jan. 17, 1983.

Compiler's Notes: The repealed sections pertained to disclosure statements and to escrow or security requirements for construction of recreational facilities.

559.203a Repealed. 1983, Act 113, Imd. Eff. July 12, 1983.

Compiler's Notes: The repealed section pertained to the release of escrow funds.

559.203b Section inapplicable to business condominium unit; release of deposits or amounts retained in escrow; conditions; substantial completion; furnishing escrow agent with evidence of adequate security in place of retaining funds; certificate; notice to developer; release of interest paid on amounts escrowed; escrow agent deemed independent party; liability; certification by licensed professional architect or engineer; "licensed professional engineer or architect" defined.

Sec. 103b. (1) This section shall not apply to a business condominium unit.

(2) Deposits in escrow with an escrow agent required under sections 83 and 84 shall be released pursuant to those sections upon cancellation of a

preliminary reservation agreement or withdrawal from a purchase agreement, and in all other cases shall be retained and released pursuant to this section and condominium documents which are not inconsistent with this section.

(3) Except as provided in subsection (5), amounts required to be retained in escrow in connection with the purchase of a unit shall be released to the developer pursuant to subsection (6) only upon all of the following:

(a) Issuance of a certificate of occupancy for the unit, if required by local ordinance.

(b) Conveyance of legal or equitable title to the unit to the purchaser.

(c) Receipt by the escrow agent of a certificate signed by a licensed professional engineer or architect either confirming that those portions of the phase of the project in which the condominium unit is located and which on the condominium subdivision plan are labeled “must be built” are substantially complete, or determining the amount necessary for substantial completion thereof.

(d) Receipt by the escrow agent of a certificate signed by a licensed professional engineer or architect either confirming that recreational or other facilities which on the condominium subdivision plan are labeled “must be built”, whether located within or outside of the phase of the project in which the condominium unit is located, and which are intended for common use, are substantially complete, or determining the amount necessary for substantial completion thereof.

(4)

(a) Substantial completion and the estimated cost for substantial completion of the items described in subsections (3)(c) and (3)(d) and in subsection (6) shall be determined by a licensed professional engineer or architect, as provided in subsection (4)(b), subject to the following:

(i) Items referred to in subsection (3)(c) shall be substantially complete only after all utility mains and leads, all major structural components of buildings, all building exteriors and all sidewalks, driveways, landscaping and access roads, to the extent such items are designated on the condominium subdivision plan as “must be built”, are substantially complete in accordance with the pertinent plans therefor.

(ii) If the estimated cost of substantial completion of any of the items referred to in subsection (3)(c) and (d) cannot be determined by a licensed professional engineer or architect due to the absence of plans, specifications, or other details that are sufficiently complete to enable such a determination to be made, such cost shall be the minimum expenditure specified in the recorded master deed or amendment for completion thereof. To the extent that any item referred to in subsection (3)(c) and (d) is specifically depicted on the condominium subdivision plan, an estimate of the cost of substantial completion prepared by a licensed professional engineer or architect shall be required in place of the minimum expenditure specified in the recorded master deed or amendment.

(b) A structure, element, facility or other improvement shall be deemed to be substantially complete when it can be reasonably employed for its intended use and, for purposes of certification under this section, shall not be required to be constructed, installed, or furnished precisely in accordance with the specifications for the project. A certificate of substantial completion shall not be deemed to be a certification as to the quality of the items to which it relates.

(5) In place of retaining funds in escrow under subsection (3), the developer may, if the escrow agreement so provides, furnish an escrow agent with evidence of adequate security, including, without limitation, an irrevocable letter of credit, lending commitment, indemnification agreement, or other resource having a value, in the judgment of the escrow agent, of not less than the amount retained pursuant to subsection (3).

(6) Upon receipt of a certificate issued pursuant to subsection (3)(c) and (d) determining the amounts necessary for substantial completion, the escrow agent may release to the developer all funds in escrow in excess of the amounts determined by the issuer of such certificate to be necessary for substantial completion. In addition, upon receipt by the escrow agent of a certificate signed by a licensed professional engineer or architect confirming substantial completion in accordance with the pertinent plans of an item for which funds have been deposited in escrow, the escrow agent shall release to the developer the amount of such funds specified by the issuer of the certificate as being attributable to such substantially completed item. However, if the amounts remaining in escrow after such partial release would be insufficient in the opinion of the issuer of such certificate for substantial completion of any remaining incomplete items for which funds have been deposited in escrow, only the amount in escrow in excess of such estimated cost to substantially complete shall be released by the escrow agent to the developer. Notwithstanding a release of escrowed funds that is authorized or required by this section, an escrow agent may refuse to release funds from an escrow account if the escrow agent, in its judgment, has sufficient cause to believe the certificate confirming substantial completion or determining the amount necessary for substantial completion is fraudulent or without factual basis.

(7) Not earlier than 9 months after closing the sale of the first unit in a phase of a condominium project for which escrowed funds have been retained under subsection (3)(c) or for which security has been provided under subsection (5), an escrow agent, upon the request of the association or any interested co-owner, shall notify the developer of the amount of funds deposited under subsection (3)(c) or security provided under subsection (5) for such purpose that remains, and of the date determined under this subsection upon which those funds can be released. In the case of a recreational facility or other facility intended for general common use, not earlier than 9 months after the date on which the facility was promised in the condominium documents to be completed by the developer, an escrow agent, upon the request of the association or any interested co-owner, shall notify the developer of the amount of funds deposited under subsection (3)(d) or security provided

under subsection (5) for such purpose that remains, and of the date determined under this subsection upon which those funds can be released. Three months after receipt of a request pertaining to funds described in subsection (3)(c) or (3)(d), funds that have not yet been released to the developer may be released by the escrow agent for the purpose of completing incomplete improvements for which the funds were originally retained, or for a purpose specified in a written agreement between the association and the developer entered into after the transitional control date. The agreement may specify that issues relating to the use of the funds be submitted to arbitration. The escrow agent may release funds in the manner provided in such an agreement or may initiate an interpleader action and deposit retained funds with a court of competent jurisdiction. In any interpleader action, the circuit court shall be empowered, in its discretion, to appoint a receiver to administer the application of the funds. Any notice or request provided for in this subsection shall be in writing.

(8) If interest is paid on the amounts escrowed under this act, that interest shall be released in the same manner as provided for release of funds in this section except that the parties may, by written agreement, provide that interest on funds refunded to a depositor upon withdrawal may be paid to the developer.

(9) The escrow agent in the performance of its duties under this section shall be deemed an independent party not acting as the agent of the developer, any purchaser, co-owner, or other interested party. So long as the escrow agent relies upon any certificate, cost estimate, or determination made by a licensed professional engineer or architect, as described in this act, the escrow agent shall have no liability whatever to the developer or to any purchaser, co-owner, or other interested party for any error in such certificate, cost estimate, or determination, or for any act or omission by the escrow agent in reliance thereon. The escrow agent shall be relieved of all liability upon release, in accordance with this section, of all amounts deposited with it pursuant to this act.

(10) A licensed professional architect or engineer undertaking to make a certification under this section shall be held to the normal standard of

care required of a member of that profession in determining substantial completion and the estimated cost of substantial completion under this act, but such architect or engineer shall not be required to have designed the improvement or item or to have inspected or to have otherwise exercised supervisory control thereof during the course of construction or installation of the improvement or item with respect to which the certificate is delivered. The certification by a licensed professional architect or engineer shall not be construed to limit the developer's liability for any defect in construction.

(11) For purposes of this section, “licensed professional engineer or architect” means a member of those professions who satisfies all requirements of the laws of this state for the practice of the profession, and who is not an employee of the developer or of a firm in which the developer or an officer or director of the developer is a principal or holds 10% or more of the outstanding shares of that firm.

History: Add. 1983, Act 113, Imd. Eff. July 12, 1983

559.204 Conversion condominium project; notice; termination of tenancy.

Sec. 104. (1) Except for the requirements of subsection (2), this section shall not apply to a business condominium unit.

(2) Before offering any unit for sale, the developer of a conversion condominium project shall notify each existing tenant of any unit in the proposed conversion condominium project of all of the following:

(a) The proposed conversion.

(b) The right of a prospective purchaser to receive the disclosure documents enumerated in section 84a.

(c) The right to remain in the unit of residence for 120 days after receipt of this notice, or until expiration of the term of the lease, whichever is longer.

(d) The right to terminate tenancy after receipt of this notice upon 60 days' notice to the developer. The notice shall be physically delivered or sent by first class mail to each unit, addressed to the tenant. A tenancy in a conversion condominium, whether month to month or otherwise, shall not be terminated by the lessor without cause within 120 days after delivery of notice under this subsection, or until expiration of the term of the lease, whichever is longer.

(3) A tenant who receives notice under subsection (2) may terminate his or her tenancy, at any time, if notice of termination of tenancy is given to the developer not less than 60 days before the date of termination.

(4) If a developer of a conversion condominium project desires to take reservations before delivery of the notice required under subsection (2), the developer shall, before taking any reservations, notify each existing tenant of any unit in the proposed conversion condominium of both of the following:

(a) The tenant's lease is not affected by the taking of reservations for units in the proposed conversion condominium.

(b) If a conversion condominium project is established, the tenant may obtain from the developer a full statement of the rights and options available to the tenant.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.204a Terminating tenancy of certain persons without cause prohibited; criteria; notice.

Sec. 104a. The tenancy of a person who meets all of the following criteria on the date a master deed is filed for the conversion of a building to a condominium, shall not be terminated without cause within 1 year after receipt of notice required under section 104(2):

(a) The person is 65 years of age or older or paraplegic, quadriplegic, hemiplegic, or blind as that term is defined in section 504 of the state

income tax act of 1967, Act No. 281 of the Public Acts of 1967, as amended, being section 206.504 of the Michigan Compiled Laws.

(b) The person is a resident of the building.

(c) The person does not qualify for an extended lease arrangement under section 104b.

History: Add. 1980, Act 283, Imd. Eff. Oct. 10, 1980 ;-- Am. 1980, Act 513, Imd. Eff. Jan. 26, 1981 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.204b Definitions; applicability of section; notice of right to elect extended lease arrangement; election; extended lease arrangement provisions; number of years lease renewable; notice by developer entering into restricted lease arrangement; assignment, device, sublease, or transfer of lease by qualified senior citizen or person with disabilities prohibited; automatic termination of lease; liability of lessor violating rental restrictions; recovery of possession of restricted unit; transfer of restricted unit.

Sec. 104b. (1) As used in this section and sections 104a, 104d, 104e, and 131:

(a) "Qualified conversion condominium project" means a structure or group of structures containing a total of 6 or more residential units occupied before the establishment of a conversion condominium project.

(b) "Qualified person with disabilities" means a person who is a resident of a qualified conversion condominium project and paraplegic, quadriplegic, hemiplegic, or blind as that term is defined in section 504 of the income tax act of 1967, 1967 PA 281, MCL 206.504.

(c) "Qualified senior citizen" means an individual who is both of the following:

(i) A resident, on October 10, 1980, of a unit in a qualified conversion condominium project who on or after June 1, 1980, was a party to an oral or written agreement to pay less than $450.00 monthly rent for an

apartment in the project having 1 bedroom or less, or less than $500.00 monthly rent for an apartment in the project having 2 or more bedrooms.

(ii) Sixty-five years of age or older on October 10, 1980.

(d) “Rent” or “monthly rent” means the total monthly amount payable to the lessor, and shall include any amount payable to the lessor for utilities.

(e) “Resident” means an individual who uses a unit as his or her primary residence, to which the individual intends to return whenever absent.

(f) “Restricted unit” means an apartment that is subject to an extended lease arrangement as provided in subsection (4).

(2) Except as to a developer who has been issued a permit to sell before October 10, 1980, this section applies to a developer of a qualified conversion condominium project.

(3) A developer shall notify each existing tenant at the same time notice is given under section 104(2), of the right to elect an extended lease arrangement and the terms and conditions of an extended lease arrangement. A qualified senior citizen or qualified person with disabilities shall have not more than 60 days after receipt of notice under this subsection to communicate the election of an extended lease arrangement to the developer.

(4) An extended lease arrangement shall be in writing and shall provide for the following:

(a) A written lease renewable from year to year for the number of years specified in subsection (5) with respect to a unit occupied by a qualified senior citizen, and for the number of years specified in subsection (6) with respect to a unit occupied by a qualified person with disabilities.

(b) That the number of years for which a lease subject to an extended lease arrangement may be renewed shall be measured from the date on

which the election of an extended lease arrangement is communicated to the developer.

(c) That any increase in the rent during the time the unit is a restricted unit will not be an unreasonable increase beyond the fair market rent for a comparable apartment.

(d) That upon request of the resident of a restricted unit, the owner shall disclose all information used in determining a reasonable rent increase based upon the standard in subdivision (c).

(5) Except as provided in section 104d, the number of years for which a qualified senior citizen may renew a lease subject to an extended lease arrangement shall be determined by his or her age on the date of receipt of the notice required under section 104(2), as follows:

(a) A person who is not less than 65 years of age and not more than 69 years of age may renew year to year for 4 years. However, if the developer is notified that sufficient loan funds are not available under former section 104c, the period of renewal under this subdivision is reduced 2 years. The developer immediately shall notify affected qualified senior citizens of a reduction in the number of years of renewal.

(b) A person who is not less than 70 years of age and not more than 74 years of age may renew year to year for 6 years.

(c) A person who is not less than 75 years of age and not more than 79 years of age may renew year to year for 7 years.

(d) A person who is 80 years of age or more may renew year to year for 10 years.

(6) Except as provided in section 104d, a person who is a qualified person with disabilities on the date of receipt of notice required under section 104(2) may renew a lease subject to an extended lease arrangement year to year for 4 years; or, if the qualified person with

disabilities is also a qualified senior citizen, for the number of years provided in subsection (5), whichever is greater.

(7) A developer who enters into a restricted lease arrangement or the developer's successor shall notify:

(a) The Michigan state housing development authority of each tenant who elects an extended lease arrangement as soon as practicable after the election is communicated to the developer.

(b) The office of services to the aging created in section 5 of the older Michiganians act, 1981 PA 180, MCL 400.585, 18 months before the expiration of the extended lease arrangement for a qualified senior citizen who is in the age categories described in subsection (5)(c) and (d).

(8) A lease subject to an extended lease arrangement shall not be assigned, devised, subleased, or transferred by the qualified senior citizen or qualified person with disabilities.

(9) A lease subject to an extended lease arrangement shall terminate automatically upon the death of the qualified senior citizen or qualified person with disabilities. However, a surviving spouse of a qualified senior citizen who is 65 years of age or older at the time the qualified senior citizen dies shall have the right to execute a lease under an extended lease arrangement subject to the right of renewal, and other conditions, that applied to the deceased. A surviving spouse who does not qualify for an extended lease shall have 6 months in which to vacate the premises, during which time the conditions of the deceased spouse's extended lease shall apply, except for the right of renewal.

(10) A lessor who violates the rental restrictions of subsection (4)(c) is liable to the qualified senior citizen or qualified person with disabilities in an amount equal to 3 times the amount by which the rental payments exceed the fair market rent, to be recovered in a civil action.

(11) The owner may recover possession of a restricted unit for nonpayment of rent, illegal use or occupancy of the premises, or other grounds for recovery of possession under chapter 57 of the revised judicature act of 1961, 1961 PA 236, MCL 600.5701 to 600.5759.

(12) A restricted unit may be transferred by the owner to any person, subject to the extended lease arrangement.

History: Add. 1980, Act 283, Imd. Eff. Oct. 10, 1980 ;-- Am. 1980, Act 513, Imd. Eff. Jan. 26, 1981 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 1998, Act 36, Imd. Eff. Mar. 18, 1998

559.204c Repealed. 1985, Act 183, Imd. Eff. Dec. 18, 1985.

Compiler's Notes: The repealed section pertained to loans to developers of qualified conversion condominium projects.

559.204d Developer not required to offer extended lease arrangement; conditions; compliance.

Sec. 104d. (1) A developer, but not a successor developer, who meets all of the following conditions, shall not be required to offer an extended lease arrangement described in section 104b for longer than 1 year:

(a) Not later than January 1, 1980, is the legal or equitable owner of a qualified conversion condominium project.

(b) Not later than March 1, 1980, has filed an application for a permit to sell units in that qualified conversion condominium project, and not later than March 1, 1980 has transmitted the required fee.

(c) On October 10, 1980, a permit to sell has not been issued by the administrator for the qualified conversion condominium project described in subdivision (b).

(d) Has received notice from the Michigan state housing development authority that sufficient funds are not available to advance the full amount of loans for which application has been made by the developer.

(2) A developer described in subsection (1) shall comply with, and be subject to, section 104b(1) to (3), (4)(b) to (d), and (8) to (12).

History: Add. 1980, Act 283, Imd. Eff. Oct. 10, 1980 ;-- Am. 1980, Act 513, Imd. Eff. Jan. 26, 1981 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.204e Legislative intent; examination of relevant information; recommendation.

Sec. 104e. It is the intent of the legislature to enable continued occupancy of restricted units by qualified senior citizens described in section 104b(5)(c) and (d) following the expiration of an extended lease arrangement. In furtherance of this intent, the office of services to the aging created in section 2 of Act No. 146 of the Public Acts of 1975, as amended, in consultation with the department of commerce and the Michigan state housing development authority, shall examine all relevant information and within 2 years after the effective date of this section, recommend to the legislature appropriate action to effectuate the intent expressed in this section.

History: Add. 1980, Act 283, Imd. Eff. Oct. 10, 1980
Compiler's Notes: Act 146 of 1975, referred to in this section, was repealed by Act 180 of 1980.

559.205 Reserve fund.

Sec. 105. A reserve fund for major repairs and replacement of common elements shall be maintained by the associations of co-owners. The administrator may by rule establish minimum standards for reserve funds.

History: 1978, Act 59, Eff. July 1, 1978

559.206 Default by co-owner; relief.

Sec. 106. A default by a co-owner shall entitle the association of co-owners to the following relief:

(a) Failure to comply with any of the terms or provisions of the condominium documents, shall be grounds for relief, which may include without limitations, an action to recover sums due for damages,

injunctive relief, foreclosure of lien if default in payment of assessment, or any combination thereof.

(b) In a proceeding arising because of an alleged default by a co-owner, the association of co-owners or the co-owner, if successful, shall recover the costs of the proceeding and reasonable attorney fees, as determined by the court, to the extent the condominium documents expressly so provide.

(c) Such other reasonable remedies the condominium documents may provide including but without limitation the levying of fines against co-owners after notice and hearing thereon and the imposition of late charges for nonpayment of assessments as provided in the condominium bylaws or rules and regulations of the condominium.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001

559.207 Action to enforce terms and provisions of condominium documents; action for injunctive relief or damages.

Sec. 107. A co-owner may maintain an action against the association of co-owners and its officers and directors to compel these persons to enforce the terms and provisions of the condominium documents. In such a proceeding, the association of co-owners or the co-owner, if successful, shall recover the costs of the proceeding and reasonable attorney fees, as determined by the court, to the extent that the condominium documents expressly so provide. A co-owner may maintain an action against any other co-owner for injunctive relief or for damages or any combination thereof for noncompliance with the terms and provisions of the condominium documents or this act.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001

559.208 Assessment lien; priority; foreclosure; bid; actions; receiver.

Sec. 108. (1) Sums assessed to a co-owner by the association of co-owners that are unpaid together with interest on such sums, collection and late charges, advances made by the association of co-owners for taxes or other liens to protect its lien, attorney fees, and fines in accordance with the condominium documents, constitute a lien upon the

unit or units in the project owned by the co-owner at the time of the assessment before other liens except tax liens on the condominium unit in favor of any state or federal taxing authority and sums unpaid on a first mortgage of record, except that past due assessments that are evidenced by a notice of lien recorded as set forth in subsection (3) have priority over a first mortgage recorded subsequent to the recording of the notice of lien. The lien upon each condominium unit owned by the co-owner shall be in the amount assessed against the condominium unit, plus a proportionate share of the total of all other unpaid assessments attributable to condominium units no longer owned by the co-owner but which became due while the co-owner had title to the condominium units. The lien may be foreclosed by an action or by advertisement by the association of co-owners in the name of the condominium project on behalf of the other co-owners.

(2) A foreclosure shall be in the same manner as a foreclosure under the laws relating to foreclosure of real estate mortgages by advertisement or judicial action except that to the extent the condominium documents provide, the association of co-owners is entitled to reasonable interest, expenses, costs, and attorney fees for foreclosure by advertisement or judicial action. The redemption period for a foreclosure is 6 months from the date of sale unless the property is abandoned, in which event the redemption period is 1 month from the date of sale.

(3) A foreclosure proceeding may not be commenced without recordation and service of notice of lien in accordance with the following:

(a) Notice of lien shall set forth all of the following:

(i) The legal description of the condominium unit or condominium units to which the lien attaches.

(ii) The name of the co-owner of record.

(iii) The amounts due the association of co-owners at the date of the notice, exclusive of interest, costs, attorney fees, and future assessments.

(b) The notice of lien shall be in recordable form, executed by an authorized representative of the association of co-owners and may contain other information that the association of co-owners considers appropriate.

(c) The notice of lien shall be recorded in the office of register of deeds in the county in which the condominium project is located and shall be served upon the delinquent co-owner by first-class mail, postage prepaid, addressed to the last known address of the co-owner at least 10 days in advance of commencement of the foreclosure proceeding.

(4) The association of co-owners, acting on behalf of all co-owners, unless prohibited by the master deed or bylaws, may bid in at the foreclosure sale, and acquire, hold, lease, mortgage, or convey the condominium unit.

(5) An action to recover money judgments for unpaid assessments may be maintained without foreclosing or waiving the lien.

(6) An action for money damages and foreclosure may be combined in 1 action.

(7) A receiver may be appointed in an action for foreclosure of the assessment lien and may be empowered to take possession of the condominium unit, if not occupied by the co-owner, and to lease the condominium unit and collect and apply the rental from the condominium unit.

(8) The co-owner of a condominium unit subject to foreclosure under this section, and any purchaser, grantee, successor, or assignee of the co-owner's interest in the condominium unit, is liable for assessments by the association of co-owners chargeable to the condominium unit that become due before expiration of the period of redemption together with interest, advances made by the association of co-owners for taxes or other liens to protect its lien, costs, and attorney fees incurred in their collection.

(9) The mortgagee of a first mortgage of record of a condominium unit shall give notice to the association of co-owners of the commencement of foreclosure of the first mortgage by advertisement by serving a copy of the published notice of foreclosure required by statute upon the association of co-owners by certified mail, return receipt requested, addressed to the resident agent of the association of co-owners at the agent's address as shown on the records of the Michigan corporation and securities bureau, or to the address the association provides to the mortgagee, if any, in those cases where the address is not registered, within 10 days after the first publication of the notice. The mortgagee of a first mortgage of record of a condominium unit shall give notice to the association of co-owners of intent to commence foreclosure of the first mortgage by judicial action by serving a notice setting forth the names of the mortgagors, the mortgagee, and the foreclosing assignee of a recorded assignment of the mortgage, if any; the date of the mortgage and the date the mortgage was recorded; the amount claimed to be due on the mortgage on the date of the notice; and a description of the mortgaged premises that substantially conforms with the description contained in the mortgage upon the association of co-owners by certified mail, return receipt requested, addressed to the resident agent of the association of co-owners at the agent's address as shown on the records of the Michigan corporation and securities bureau, or to the address the association provides to the mortgagee, if any, in those cases where the address is not registered, not less than 10 days before commencement of the judicial action. Failure of the mortgagee to provide notice as required by this section shall only provide the association with legal recourse and will not, in any event, invalidate any foreclosure proceeding between a mortgagee and mortgagor.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001 ;-- Am. 2002, Act 283, Imd. Eff. May 9, 2002

559.209 Liability for torts.

Sec. 109. Neither the association of co-owners nor the co-owners, other than the developer, shall be liable for torts caused by the developer or his agents or employees of the developer within the common elements.

History: 1978, Act 59, Eff. July 1, 1978

559.210 Repealed. 1982, Act 538, Imd. Eff. Jan. 17, 1983.

Compiler's Notes: The repealed section pertained to disclosure and form of warranty.

559.211 Sale or conveyance of condominium unit; payment and statement of unpaid assessments; liability for unpaid assessments.
Sec. 111. (1) Upon the sale or conveyance of a condominium unit, all unpaid assessments, interest, late charges, fines, costs, and attorney fees against a condominium unit shall be paid out of the sale price or by the purchaser in preference over any other assessments or charges of whatever nature except the following:

(a) Amounts due the state, or any subdivision thereof, or any municipality for taxes and special assessments due and unpaid on the condominium unit.

(b) Payments due under a first mortgage having priority thereto.

(2) A purchaser or grantee is entitled to a written statement from the association of co-owners setting forth the amount of unpaid assessments, interest, late charges, fines, costs, and attorney fees against the seller or grantor and the purchaser or grantee is not liable for, nor is the condominium unit conveyed or granted subject to a lien for any unpaid assessments, interest, late charges, fines, costs, and attorney fees against the seller or grantor in excess of the amount set forth in the written statement. Unless the purchaser or grantee requests a written statement from the association of co-owners as provided in this act, at least 5 days before sale, the purchaser or grantee shall be liable for any unpaid assessments against the condominium unit together with interest, costs, fines, late charges, and attorney fees incurred in the collection thereof.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001

559.212 Renting or leasing condominium unit; disclosure; review of lease form; notice; compliance required; action by association upon noncompliance; notice of arrearage; deduction of arrearage and future assessments from rental payments.

Sec. 112. (1) Before the transitional control date, during the development and sales period the rights of a co-owner, including the developer, to rent any number of condominium units shall be controlled by the provisions of the condominium documents as recorded by the developer and shall not be changed without developer approval. After the transitional control date, the association of co-owners may amend the condominium documents as to the rental of condominium units or terms of occupancy. The amendment shall not affect the rights of any lessors or lessees under a written lease otherwise in compliance with this section and executed before the effective date of the amendment, or condominium units that are owned or leased by the developer.

(2) A co-owner, including the developer, desiring to rent or lease a condominium unit shall disclose that fact in writing to the association of co-owners at least 10 days before presenting a lease or otherwise agreeing to grant possession of a condominium unit to potential lessees or occupants and, at the same time, shall supply the association of co-owners with a copy of the exact lease for its review for its compliance with the condominium documents. The co-owner or developer shall also provide the association of co-owners with a copy of the executed lease. If no lease is to be used, then the co-owner or developer shall supply the association of co-owners with the name and address of the lessees or occupants, along with the rental amount and due dates of any rental or compensation payable to a co-owner or developer, the due dates of that rental and compensation, and the term of the proposed arrangement.

(3) Tenants or nonco-owner occupants shall comply with all of the conditions of the condominium documents of the condominium project, and all leases and rental agreements shall so state.

(4) If the association of co-owners determines that the tenant or nonco-owner occupant failed to comply with the conditions of the condominium documents, the association of co-owners shall take the following action:

(a) The association of co-owners shall notify the co-owner by certified mail, advising of the alleged violation by the tenant. The co-owner shall

have 15 days after receipt of the notice to investigate and correct the alleged breach by the tenant or advise the association of co-owners that a violation has not occurred.

(b) If after 15 days the association of co-owners believes that the alleged breach is not cured or may be repeated, it may institute on its behalf or derivatively by the co-owners on behalf of the association of co-owners, if it is under the control of the developer, an action for both eviction against the tenant or nonco-owner occupant and, simultaneously, for money damages against the co-owner and tenant or nonco-owner occupant for breach of the conditions of the condominium documents. The relief provided for in this section may be by summary proceeding. The association of co-owners may hold both the tenant and the co-owner liable for any damages to the general common elements caused by the co-owner or tenant in connection with the condominium unit or condominium project.

(5) When a co-owner is in arrearage to the association of co-owners for assessments, the association of co-owners may give written notice of the arrearage to a tenant occupying a co-owner's condominium unit under a lease or rental agreement, and the tenant, after receiving the notice, shall deduct from rental payments due the co-owner the arrearage and future assessments as they fall due and pay them to the association of co-owners. The deduction does not constitute a breach of the rental agreement or lease by the tenant. If the tenant, after being notified, fails or refuses to remit rent otherwise due the co-owner to the association of co-owners, then the association of co-owners may do the following:

(a) Issue a statutory notice to quit for non-payment of rent to the tenant and shall have the right to enforce that notice by summary proceeding.

(b) Initiate proceedings pursuant to subsection (4)(b).

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001 ;-- Am. 2002, Act 283, Imd. Eff. May 9, 2002

559.213 Financing.
Sec. 113. A developer, residential builder, or sales agent shall not require that a prospective purchaser of a condominium unit obtain financing from a specific financial institution exclusively.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001

559.214 Homestead exemption.
Sec. 114. The laws of this state relating to the exemption of homestead property from levy and execution shall be applicable to condominium units occupied as homesteads.

History: 1978, Act 59, Eff. July 1, 1978

559.215 Action by person or association adversely affected by violation of or failure to comply with act, rules, agreement, or master deed; costs; violation of MCL 559.121 or 559.184a; liability.
Sec. 115. (1) A person or association of co-owners adversely affected by a violation of or failure to comply with this act, rules promulgated under this act, or any provision of an agreement or a master deed may bring an action for relief in a court of competent jurisdiction. The court may award costs to the prevailing party.

(2) A developer who offers or sells a condominium unit in violation of section 21 or 84a is liable to the person purchasing the condominium unit for damages.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.221 Mobile home condominium project; establishment, operation, and regulation; compliance.
Sec. 121. The establishment, operation, and regulation of mobile home condominium projects shall comply with this act, rules promulgated under this act, and with the following:

(a) A mobile home located on a mobile home condominium site shall be contained entirely within that site. The mobile home condominium

master deed shall set forth the minimum and maximum size of a mobile home that may be located on the mobile home condominium site.

(b) The association of co-owners may remove a mobile home from a mobile home condominium site if the mobile home does not conform to the reasonable standards set forth by the association of co-owners in the bylaws.

(c) Upon completion of foreclosure of a lien of the association of co-owners for nonpayment of assessments on a condominium unit pursuant to section 108, the association of co-owners may remove a mobile home and other personal property from the condominium unit and cause the mobile home and other personal property to be stored at the expense of the co-owner of the mobile home.

(d) Except as provided in section 127, the mobile home commission shall not act for the purpose of regulating mobile home condominiums that are not located within a mobile home park, except as relates to the business, sales, and service practices of mobile home dealers, and the business of mobile home installers and repairers, or the setup and installation of mobile homes, as provided in the mobile home commission act, Act No. 419 of the Public Acts of 1976.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.222 Mobile home condominium project; disclosure.

Sec. 122. The developer of a mobile home condominium project shall disclose to a prospective mobile home condominium purchaser, in a manner and form to be promulgated by rule of the administrator, an affiliation between the developer and the seller of skirting and the seller of the mobile home, if the purchaser as a condition to buying a site must also purchase a mobile home or skirting from the developer or an affiliate of the developer. The administrator may prohibit required purchases of skirting from the developer or a source designated by the developer, as prescribed in Act No. 419 of the Public Acts of 1976, being sections 125.1101 to 125.1147 of the Michigan Compiled Laws.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.222a Mobile home conversion condominium project; notification of tenants; termination of tenancy.

Sec. 122a. The developer of a mobile home conversion condominium project shall notify each existing tenant of any mobile home in the proposed mobile home conversion condominium project that the mobile home park is proposed to be converted to a condominium project. The notice shall be physically delivered or sent by first class mail to each unit addressed to the tenant. Except as provided in section 122b, a tenancy in a mobile home that is proposed to be a conversion condominium, whether month to month or otherwise, shall not be terminated without cause until 1 year after receipt of the notice required under this section, or until termination of the lease, whichever is later.

History: Add. 1982, Act 42, Imd. Eff. Mar. 16, 1982 ;-- Am. 1984, Act 356, Eff. Mar. 29, 1985

559.222b Extended lease arrangement.

Sec. 122b. (1) A developer shall notify each existing qualified senior citizen, at the same time notice is given under section 122a, of the right to elect an extended lease arrangement for the lot on which the senior citizen's mobile home is located, and the terms and conditions of an extended lease arrangement. A qualified senior citizen shall, within 60 days after receipt of notice under this subsection, communicate the election of an extended lease arrangement to the developer.

(2) An extended lease arrangement shall be in writing and shall provide for all of the following:

(a) A written lease for the lot on which the senior citizen's mobile home is located, renewable from year to year for the number of years specified in subsection (3).

(b) That the number of years for which a lease subject to an extended lease arrangement may be renewed shall be measured from the date on which the election of an extended lease arrangement is communicated to the developer.

(c) That any increase in the rent during the time the mobile home lot is a restricted mobile home lot will not be an unreasonable increase beyond the fair market rent for a comparable mobile home lot.

(d) That upon request of the lessee of a restricted mobile home lot, the lessor shall disclose all information used in determining a reasonable rent increase based upon the standard in subdivision (c).

(3) The number of years for which a qualified senior citizen may renew a lease subject to an extended lease arrangement shall be determined by his or her age on the date of receipt of the notice required under subsection (1), as follows:

(a) A person who is not less than 65 years of age and not more than 69 years of age may renew year to year for 4 years.

(b) A person who is not less than 70 years of age and not more than 74 years of age may renew year to year for 6 years.

(c) A person who is not less than 75 years of age and not more than 79 years of age may renew year to year for 7 years.

(d) A person who is 80 years of age or more may renew year to year for 10 years.

(4) A developer who enters into an extended lease arrangement or the developer's successor shall notify both of the following of each extended lease arrangement:

(a) The Michigan state housing development authority of each qualified senior citizen who elects an extended lease arrangement as soon as practicable after the election is communicated to the developer.

(b) The office of services to the aging created in section 5 of the older Michiganians act, Act No. 180 of the Public Acts of 1981, being section 400.585 of the Michigan Compiled Laws, 18 months before the expiration of the extended lease arrangement for a qualified senior

citizen who is in the age categories described in subsection (3)(c) and (d).

(5) A lease subject to an extended lease arrangement shall not be assigned, devised, subleased, or transferred by the qualified senior citizen.

(6) A lease subject to an extended lease arrangement shall terminate automatically upon the death of the qualified senior citizen. However, a surviving spouse of a qualified senior citizen who is 65 years of age or older at the time the qualified senior citizen dies shall have the right to execute a lease under an extended lease arrangement subject to the right of renewal, and other conditions, that applied to the deceased. A surviving spouse who does not qualify for an extended lease shall have 6 months in which to vacate the mobile home lot, during which time the conditions of the deceased spouse's extended lease shall apply, except for the right of renewal.

(7) A lessor who violates the rental restrictions of subsection (2)(c) shall be liable to the qualified senior citizen in an amount equal to 3 times the amount by which the rental payments exceed the fair market rent, to be recovered in a civil action.

(8) The lessor in an extended lease arrangement may recover possession of a restricted mobile home lot for nonpayment of rent or other grounds for recovery of possession under chapter 57 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.5701 to 600.5759 of the Michigan Compiled Laws.

(9) A restricted mobile home lot may be transferred to any person by the lessor in an extended lease arrangement, subject to the extended lease arrangement.

(10) As used in this section:

(a) “Qualified senior citizen” means an individual who is all of the following:

(i) On the date that notice is given under subsection (1), the owner and resident of a mobile home in a mobile home conversion condominium project containing 6 or more mobile homes.

(ii) A party to an oral or written agreement providing for the rental of the lot on which a mobile home described in subparagraph (i) is located.

(iii) Sixty-five years of age or older on the date that notice is given under subsection (1).

(b) "Rent" means the total monthly amount payable to the lessor for the mobile home lot and utilities.

(c) "Resident" means an individual who uses his or her mobile home as a primary residence to which he or she intends to return whenever absent.

(d) "Restricted mobile home lot" means a mobile home lot that is subject to an extended lease arrangement as provided in subsection (2).

(11) This section does not apply to a developer of a mobile home conversion condominium project if the developer was issued a permit to sell before the effective date of this section.

History: Add. 1984, Act 356, Eff. Mar. 29, 1985

559.223 Mobile home condominium project; leasing agreements.
Sec. 123. A developer or an affiliate of a developer shall not develop a mobile home condominium project which involves, as a condition of sale, leasing agreements covering the recreational facilities, amenities, other common elements, or mobile home condominium sites.

History: 1978, Act 59, Eff. July 1, 1978

559.224 Title to mobile home condominium site; undivided interest in common elements; removal of mobile home; sale of site.
Sec. 124. (1) A mobile home condominium co-owner shall receive good and marketable title to his particular mobile home condominium site together with an undivided interest in the common elements.

(2) A mobile home condominium co-owner may remove a mobile home from the mobile home condominium site, and sell his rights and interest in the mobile home condominium site, but may not remove any of the common elements.

History: 1978, Act 59, Eff. July 1, 1978

559.225, 559.226 Repealed. 1982, Act 538, Imd. Eff. Jan. 17, 1983.

Compiler's Notes: The repealed sections pertained to spacing of mobile homes, minimum green space, compliance with local ordinance, and rules.

559.227 Compliance by developer of mobile home condominium; prohibited requirements.

Sec. 127. A developer of a mobile home condominium shall comply with Act No. 419 of the Public Acts of 1976, being sections 125.1101 to 125.1147 of the Michigan Compiled Laws. The administrator shall not impose requirements relating to density, zoning, layout, or construction inconsistent with rules regarding density, zoning, layout, or construction promulgated under Act No. 419 of the Public Acts of 1976.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.231 Special assessments and property taxes.

Sec. 131. (1) Special assessments and property taxes shall be assessed against the individual condominium units identified as units of the condominium subdivision plan and not on the total property of the project or any other part of the project, except for the year in which the condominium project was established subsequent to the tax day. Taxes and special assessments which become a lien against the property in that year subsequent to the establishment of the condominium project shall be expenses of administration of the project and paid by the co-owners as provided in section 69. The taxes and special assessments shall not be divided or apportioned on the tax roll any provision of any law to the contrary notwithstanding.

(2) Special assessments and property taxes in any year in which the property existed as an established condominium project on the tax day

shall be assessed against the individual condominium unit, notwithstanding any subsequent vacation of the condominium project. Condominium units shall be described for such purposes by reference to the condominium unit number of the condominium subdivision plan and the caption of the plan together with the liber and page of the county records in which the approved master deed is recorded. Assessments for subsequent real property improvements to a specific condominium unit shall be assessed to that condominium unit description only. For property tax and special assessment purposes, each condominium unit shall be treated as a separate single unit of real property and shall not be combined with any other unit or units and no assessment of any fraction of any unit or combination of any unit with other units or fractions of any unit shall be made, nor shall any division or split of the assessment or taxes of any single condominium unit be made notwithstanding separate or common ownership of the unit.

(3) A restricted unit as defined in section 104b shall be exempt from any increase in ad valorem taxes on real property attributable to an increase in the true cash value of the restricted unit that is due to the conversion condominium project in which the restricted unit is located. For purposes of applying this exemption, the total assessment of a restricted unit shall not exceed the total assessment for the tax year preceding the tax year in which the master deed for the property constituting the conversion condominium project was recorded, multiplied by the percentage of value of the restricted unit. The exemption provided in this subsection shall terminate for the tax year following the termination of tenancy in the restricted unit.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1980, Act 283, Imd. Eff. Oct. 10, 1980

559.232 Construction lien; limitations.

Sec. 132. A construction lien otherwise arising under the construction lien act, 1980 PA 497, MCL 570.1101 to 570.1305, is subject to the following limitations:

(a) Except as provided in this section, a construction lien for work performed upon a condominium unit or upon a limited common element

may attach only to the condominium unit upon which the work was performed or to which the limited common element is appurtenant.

(b) A construction lien for work authorized by the developer, residential builder, or principal contractor and performed upon the common elements may attach only to condominium units owned by the developer, residential builder, or principal contractor at the time of recording of the statement of account and lien.

(c) A construction lien for work authorized by the association of co-owners may attach to each condominium unit only to the proportionate extent that the co-owner of the condominium unit is required to contribute to the expenses of administration as provided by the condominium documents.

(d) A construction lien may not arise or attach to a condominium unit for work performed on the common elements not contracted by the developer, residential builder, or principal contractor or by the association of co-owners.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001

559.233 Eminent domain.

Sec. 133. (1) If any portion of the common elements is taken by eminent domain, the award therefor shall be allocated to the co-owners in proportion to their respective undivided interests in the common elements. The association of co-owners, acting through its board of directors, may negotiate on behalf of all co-owners for any taking of common elements and any negotiated settlement approved by more than 2/3 of co-owners based upon assigned voting rights shall be binding on all co-owners.

(2) If a condominium unit is taken by eminent domain, the undivided interest in the common elements appertaining to the condominium unit shall thenceforth appertain to the remaining condominium units, being allocated to them in proportion to their respective undivided interests in the common elements. The court shall enter a decree reflecting the

reallocation of undivided interests produced thereby, and the award shall include, without limitation, just compensation to the co-owner of the condominium unit taken for his undivided interest in the common elements as well as for the condominium unit.

(3) If portions of a condominium unit are taken by eminent domain, the court shall determine the fair market value of the portions of the condominium unit not taken. The undivided interest for each condominium unit in the common elements appertaining to the condominium units shall be reduced in proportion to the diminution in the fair market value of the condominium unit resulting from the taking. The portions of undivided interest in the common elements thereby divested from the co-owners of a condominium unit shall be reallocated among the other condominium units in the condominium project in proportion to their respective undivided interests in the common elements. A condominium unit partially taken shall receive the reallocation in proportion to its undivided interest as reduced by the court under this subsection. The court shall enter a decree reflecting the reallocation of undivided interests produced thereby, and the award shall include just compensation to the co-owner of the condominium unit partially taken for that portion of the undivided interest in the common elements divested from the co-owner and not revested in the co-owner pursuant to subsection (4), as well as for that portion of the condominium unit taken by eminent domain.

(4) If the taking of a portion of a condominium unit makes it impractical to use the remaining portion of that condominium unit for a lawful purpose permitted by the condominium documents, then the entire undivided interest in the common elements appertaining to that condominium unit shall thenceforth appertain to the remaining condominium units, being allocated to them in proportion to their respective undivided interests in the common elements. The remaining portion of that condominium unit shall thenceforth be a common element. The court shall enter an order reflecting the reallocation of undivided interests produced thereby, and the award shall include just compensation to the co-owner of the condominium unit for the co-

owner's entire undivided interest in the common elements and for the entire condominium unit.

(5) Votes in the association of co-owners and liability for future expenses of administration appertaining to a condominium unit taken or partially taken by eminent domain shall thenceforth appertain to the remaining condominium units, being allocated to them in proportion to the relative voting strength in the association of co-owners. A condominium unit partially taken shall receive a reallocation as though the voting strength in the association of co-owners was reduced in proportion to the reduction in the undivided interests in the common elements.

History: 1978, Act 59, Eff. July 1, 1978

559.234 Recreational facilities and other amenities; compliance.
Sec. 134. Recreational facilities and other amenities, whether on condominium property or on adjacent property with respect to which the condominium has an obligation of support, shall comply with requirements prescribed by the administrator, to assure equitable treatment of all users.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.235 Successor developer.
Sec. 135. (1) As used in this section, “successor developer” means a person who acquires title to the lesser of 10 units or 75% of the units in a condominium project, other than a business condominium project, by foreclosure, deed in lieu of foreclosure, purchase, or similar transaction.

(2) A successor developer shall do both of the following:

(a) Comply with this act in the same manner as a developer before selling any units.

(b) Except as provided in subsection (3), assume all express written contractual warranty obligations for defects in workmanship and materials undertaken by its predecessor in title. A successor developer

shall not be required to assume, and shall not otherwise be liable for, any other contractual obligations of its predecessor in title.

(3) A successor developer shall not be required to comply with subsection (2)(b) with respect to any express written contractual warranty obligations for defects in workmanship and materials, if either of the following is maintained with respect to units for which such a warranty was undertaken by the predecessor in title:

(a) An insurance policy, in a form approved by the insurance bureau, that is underwritten by an insurer authorized to do business in this state. The insurance policy shall provide coverage for express written contractual warranty obligations for liability for defects in workmanship and materials.

(b) An aggregate escrow account with an escrow agent which contains not less than 0.5% of the sales price of each unit. If the escrow account described in this subdivision is initiated by a developer before a successor developer acquires title, 0.5% of the sales price of each unit in the project shall be deposited by the developer in the aggregate escrow account periodically upon the sale of each unit. If the escrow account described in this subdivision is initiated by a successor developer after acquisition of title, a total amount equal to 0.5% of the sales price of all units for which the warranty period plus 6 months has not expired shall be deposited by the successor developer in the aggregate escrow account, and 0.5% of the sales price of each unit shall be deposited by the successor developer in the aggregate escrow account periodically upon the sale of each remaining unit. Funds in an escrow account described in this subdivision shall not be released for a unit until 6 months after the expiration of the warranty period for that unit.

(4) A successor developer that acquires title to the lesser of 10 business condominium units or 75% of the business condominium units in the condominium project shall not be required to assume, and shall not otherwise be liable for, any contractual obligations of its predecessor in title.

(5) A residential builder who neither constructs nor refurbishes common elements in a condominium project and who is not an affiliate of the developer shall not be required to assume and be liable for any contractual obligations of the developer under this section, and shall not be considered a successor developer or acquire any additional developer obligations or rights in the absence of a specific assignment of those obligations or rights from the developer. However, a residential builder that sells a condominium unit shall deliver to the purchaser of that condominium unit the condominium documents that the developer is required to deliver to the purchasers under section 84a(1). This subsection applies only to condominium projects established on or after the effective date of the amendatory act that added this subsection.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 2000, Act 379, Imd. Eff. Jan. 2, 2001 ;-- Am. 2002, Act 283, Imd. Eff. May 9, 2002

559.236 Repealed. 1982, Act 538, Imd. Eff. Jan. 17, 1983.

Compiler's Notes: The repealed section pertained to assumption of written contractual obligations by successor developer.

559.237 Obligations of developer not affected by transfer of interest.

Sec. 137. The obligations of the developer to condominium unit purchasers and to the association of co-owners shall not be affected by the transfer of the developer's interest in the condominium project.

History: 1978, Act 59, Eff. July 1, 1978

559.238 Repealed. 1982, Act 538, Imd. Eff. Jan. 17, 1983.

Compiler's Notes: The repealed section pertained to reporting change in mortgagee to administrator.

559.239 Complaint for nonpayment of assessments; answer; set off.

Sec. 139. A co-owner may not assert in an answer, or set off to a complaint brought by the association for non-payment of assessments the fact that the association of co-owners or its agents have not provided the services or management to a co-owner(s).

History: 1978, Act 59, Eff. July 1, 1978

559.240 Reproduction of document; certified reproduction or certification as evidence.

Sec. 140. (1) Upon request and at such reasonable charges as it prescribes, the administrator shall furnish to a person a reproduction pursuant to the records media act, certified under the seal of office if requested, of a document that is retained as a matter of public record. The administrator shall not charge or collect a fee for a reproduction of a document furnished to public officials for use in their official capacity.

(2) In a judicial or administrative proceeding or prosecution, if a reproduction in a medium pursuant to the records media act or a reproduction consisting of a printout or other output readable by sight from such a medium is certified as provided in subsection (1), that reproduction is prima facie evidence of the contents of the document certified and may be used for all purposes in place of the original.

(3) If the administrator is charged with the legal custody of a paper, document, record, or application and if an officer or employee of the administrator certifies that a diligent search was made in the files for the paper, document, record, or application, and the paper, document, record, or application does not exist, the certification is prima facie evidence of the facts so certified in all causes, matters, and proceedings in the same manner and with the like effect as if the officer or employee personally testified to the facts so certified in the court or hearing.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1992, Act 208, Imd. Eff. Oct. 5, 1992

559.241 Law, ordinance, or regulation of local unit of government; limitations.

Sec. 141. (1) A condominium project shall comply with applicable local law, ordinances, and regulations. Except as provided in subsection (2), a proposed or existing condominium project shall not be prohibited nor treated differently by any law, regulation, or ordinance of any local unit of government, which would apply to that project or development under a different form of ownership.

(2) Except as to a city having a population of more than 1 million persons, a local unit of government is preempted by the provisions of this act from enacting a law, regulation, ordinance, or other provision, which imposes a moratorium on conversion condominiums, or which provides rights for tenants of conversion condominiums or apartment buildings proposed as conversion condominiums, other than those provided in this act.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1980, Act 283, Imd. Eff. Oct. 10, 1980 ;-- Am. 1980, Act 513, Imd. Eff. Jan. 26, 1981

559.242 Promulgation of rules, forms, and orders; definition of terms.

Sec. 142. The administrator may promulgate rules, forms, and orders as are necessary to implement this act or which are necessary for the establishment of unusual forms of condominium projects; and may define any terms necessary in administration of the act. The rules and definition of terms shall be promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

History: 1978, Act 59, Eff. July 1, 1978
Admin Rule: R 451.1301 et seq. and R 559.101 et seq. of the Michigan Administrative Code.

559.244 Contract to settle by arbitration; execution; option; period of limitations; allocation of costs; conduct; appointment of arbitrator; method; applicable law; rules; arbitration award.

Sec. 144. (1) A contract to settle by arbitration may be executed by the developer and any claimant with respect to any claim against the developer that might be the subject of a civil action.

(2) At the exclusive option of a purchaser, co-owner, or person occupying a restricted unit under section 104b, a contract to settle by arbitration shall be executed by the developer with respect to any claim that might be the subject of a civil action against the developer, which claim involves an amount less than $2,500.00, and arises out of or relates to a purchase agreement, condominium unit, or project.

(3) At the exclusive option of the association of co-owners, a contract to settle by arbitration shall be executed by the developer with respect to any claim that might be the subject of a civil action against the developer, which claim arises out of or relates to the common elements of a condominium project, if the amount of the claim is $10,000.00 or less.

(4) The period of limitations prescribed by law for the bringing of a civil action shall apply equally to the execution of a contract to settle by arbitration under this section.

(5) All costs of arbitration under this section shall be allocated in the manner provided by the arbitration association.

(6) A contract to settle by arbitration under this section shall specify that the arbitration association shall conduct the arbitration.

(7) The method of appointment of the arbitrator or arbitrators shall be pursuant to reasonable rules of the arbitration association.

(8) Arbitration under this act shall proceed according to sections 5001 to 5065 of Act No. 236 of the Public Acts of 1961, being sections 600.5001 to 600.5065 of the Michigan Compiled Laws, which may be supplemented by reasonable rules of the arbitration association.

(9) An arbitration award shall be binding on the parties to the arbitration.

History: Add. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.245 Complaint copy to developer; notice of available remedies. Sec. 145. Upon receipt of an oral or written complaint with respect to a developer of a condominium project, the administrator shall forward a copy of the complaint to the affected developer, and shall mail a notice of the available remedies to the complainant. The notice of available remedies shall include all of the following, at a minimum:

(a) The right to bring an action under section 115.

(b) The right to arbitration under section 144.

(c) The right to lodge a complaint pursuant to article 5 of the occupational code, sections 501 to 522 of Act No. 299 of the Public Acts of 1980, being sections 339.501 to 339.522 of the Michigan Compiled Laws.

(d) The right to initiate an investigation or bring an action under the Michigan consumer protection act, Act No. 331 of the Public Acts of 1976, being sections 445.901 to 445.922 of the Michigan Compiled Laws.

(e) The right to notify the appropriate enforcing agency of an alleged violation of the state construction code, other applicable building code, or construction regulations. As used in this subdivision, "enforcing agency" has the meaning ascribed to that term in the state construction code act of 1972, Act No. 230 of the Public Acts of 1972, being sections 125.1501 to 125.1531 of the Michigan Compiled Laws.

History: Add. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.250 Discretionary powers of administrator; exercise.

Sec. 150. The discretionary powers granted to the administrator under sections 151 to 156 shall be exercised only with respect to actions which materially endanger or have endangered the public interest or the interest of condominium co-owners, as enumerated in section 154.

History: Add. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.251-559.255 Repealed. 1982, Act 538, Eff. Jan. 18, 1986;—1988, Act 109, Imd. Eff. Apr. 11, 1988.

Compiler's Notes: The repealed sections pertained to investigations of, and actions for, violations of the act or rules promulgated pursuant thereto. As to validity of enactment of "sunset provision" under Const 1963, art 4, § 24, see OAG, 1987-1988, No 6438 (May 21, 1987).

559.256 Prohibited representations.

Sec. 156. A person may not represent that the fact that an application under this act is filed or a permit is granted constitutes a finding by the administrator that a document filed under this act is true, complete, or not misleading. A person may not represent that the administrator passed upon the merits or qualifications of, or recommended or gave approval to, a person, developer, transaction, or condominium project.

History: 1978, Act 59, Eff. July 1, 1978

559.257 Repealed. 1982, Act 538, Eff. Jan. 18, 1986;—1988, Act 109, Imd. Eff. Apr. 11, 1988.

Compiler's Notes: The repealed section pertained to show cause orders and hearings concerning violations of the act or rules promulgated pursuant thereto.As to validity of enactment of “sunset provision” under Const 1963, art 4, § 24, see OAG, 1987-1988, No 6438 (May 21, 1987).

559.258 Prohibited conduct as misdemeanor; penalty; violation as separate offense; consecutive terms of imprisonment; aggregate fines; action by prosecuting attorney or department of attorney general.

Sec. 158. A person who wilfully authorizes, directs, or aids in the publication, advertisement, distribution, or circulation of a statement or representation concerning a condominium project which misrepresents the facts concerning the condominium project as set forth in the recorded master deed; a person who, with knowledge that an advertisement pamphlet, prospectus, or letter concerning a condominium project contains a written statement that is false or fraudulent, issues, circulates, publishes, or distributes the advertisement, pamphlet, prospectus, or letter; or a person who represents or causes or permits the representation of any property as a condominium project when the property was not recorded as a condominium project under the terms of this act, is guilty of a misdemeanor and shall be punished by a fine of not more than $10,000.00, or imprisonment for not more than 1 year, or both. Each violation constitutes a separate offense, the terms of imprisonment may run consecutively, and the fines may be aggregated. An action under this

section shall be brought by the prosecuting attorney of the county in which the property is located, or by the department of attorney general.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.259 Injunction.

Sec. 159. In addition to any other penalty or remedy, the prosecuting attorney of the county in which the property is located or the department of attorney general may bring an action in a court of competent jurisdiction against a person to enjoin the person from engaging or continuing in a violation of this act.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.260 Repealed. 1982, Act 538, Imd. Eff. Jan. 17, 1983.

Compiler's Notes: The repealed section pertained to action under MCL 559.258 or MCL 559.259.

559.270 Effect of act and 1982 amendatory act; consummation of proceedings; continuation or institution of proceedings.

Sec. 170. (1) This act does not impair or affect any act done, offense committed or right accruing, accrued, or acquired, or a liability, penalty, forfeiture, or punishment incurred before this act takes effect, but the same may be enjoyed, asserted, and enforced, as fully and to the same extent as if this act had not been passed. Proceedings may be consummated under and in accordance with Act No. 229 of the Public Acts of 1963, as amended, being sections 559.1 to 559.31 of the Michigan Compiled Laws. Proceedings pending at the effective date of this act and proceedings instituted thereafter for any act, offense committed, right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred before the effective date of this act may be continued or instituted under and in accordance with Act No. 229 of the Public Acts of 1963, as amended.

(2) The 1982 amendatory act which added this subsection does not impair or affect any act done, offense committed, or right accruing, accrued, or acquired, or a liability, penalty, forfeiture, or punishment

incurred before this 1982 amendatory act takes effect, but the same may be enjoyed, asserted, and enforced, as fully and to the same extent as if this 1982 amendatory act had not taken effect. Proceedings may be consummated under and in accordance with the provisions of Act No. 59 of the Public Acts of 1978, being sections 559.101 to 559.272 of the Michigan Compiled Laws, that were in effect 1 day before the effective date of this 1982 amendatory act. Proceedings pending at the effective date of this 1982 amendatory act and proceedings instituted thereafter for any act, offense committed, right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred before the effective date of this 1982 amendatory act may be continued or instituted under and in accordance with the provisions of Act No. 59 of the Public Acts of 1978, that were in effect 1 day before the effective date of this 1982 amendatory act.

History: 1978, Act 59, Eff. July 1, 1978 ;-- Am. 1982, Act 538, Imd. Eff. Jan. 17, 1983

559.271 Repeal of MCL 559.1 to 559.31.
Sec. 171. Act No. 229 of the Public Acts of 1963, as amended, being sections 559.1 to 559.31 of the Compiled Laws of 1970, is repealed.

History: 1978, Act 59, Eff. July 1, 1978

559.272 Effective date; requirements for disclosure statement. Sec. 172. This act shall take effect July 1, 1978. Requirements for the disclosure statement shall not take effect until October 1, 1978.

History: 1978, Act 59, Eff. July 1, 1978

559.273 Applicability of amendatory act; applicability of certain subsections.
Sec. 173. (1) This act applies to a condominium project or condominium unit as follows:

(a) For a condominium project for which a permit to sell has been issued on or before March 18, 1983, the developer may elect to comply with 1 or more of the following requirements in lieu of the specified provisions:

(i) In lieu of section 31, 32, 33, 52, or 66, or any combination of these sections, the developer may elect to comply with the terms of the master deed in effect as of March 18, 1983.

(ii) In lieu of sections 66(2)(j), 66(4), 84(3), 84(4)(a), (c), and (e), and 103b, the developer may elect to deposit all funds paid by a purchaser on or after January 17, 1983 into an escrow account pursuant to an escrow agreement the terms of which were approved by the administrator on or before March 18, 1983. The funds escrowed under this subdivision in excess of any amount or percentage of the escrowed funds that had been required to be escrowed by the administrator or a condominium document pursuant to former section 103 to cover the cost of construction of recreational facilities and other common elements, shall be released only upon conveyance of the condominium unit to that purchaser and issuance of a certificate of occupancy if required by local ordinance. Appropriate funds retained in escrow to cover the cost of construction of recreational facilities and other common elements shall be released to the developer upon completion of each recreational facility or other common element. The escrow agent shall be a bank, savings and loan association, or title insurance company, or person designated to act as the agent of a title insurance company, licensed or authorized to do business in this state.

(b) For a condominium project for which a permit to sell has been issued on or before March 18, 1983, the developer may elect to exempt the project from the application of sections 84(4)(d), 144, and 145(b).

(c) For promotional material filed with the administrator on or before March 18, 1983, the developer may elect to exempt the promotional material from the application of section 81a. For promotional material that has not been filed with the administrator on or before March 18, 1983 and that relates to a condominium project to which section 66 does not apply, the developer shall comply with section 81a as if section 66 was applicable to the condominium project.

(2) Sections 104a, 104b, and 104d and former section 104c apply to all condominium projects that on October 10, 1980 complied with the

definition of qualified conversion condominium project provided in section 104b.

(3) Subsection (1)(a)(ii) and (b) does not apply to any phase or convertible area of a condominium project if the phase is established or the convertibility option is exercised after March 18, 1983 and that establishment or exercise results in the addition of units to the condominium project or the creation of a facility intended for common use.

History: Add. 1982, Act 538, Imd. Eff. Jan. 17, 1983 ;-- Am. 1983, Act 113, Imd. Eff. July 12, 1983 ;-- Am. 2002, Act 283, Imd. Eff. May 9, 2002

559.274 Repealed. 2002, Act 283, Imd. Eff. May 9, 2002.

Compiler's Notes: The repealed section pertained to request to administrator to act on specific application or request.

559.275 Powers of administrator.

Sec. 175. Notwithstanding any other provision of this act, prior laws, or condominium documents, the administrator after the effective date of this section, shall have no authority to review any condominium project or condominium documents or any amendments thereto, or to issue any approval or disapproval concerning any condominium project in this state, whenever established, nor shall it exercise other powers with respect to condominium projects, except that the administrator shall retain, until January 1, 1984, authority to review and approve, at the request of a condominium association, amendments offered by such condominium association to documents for a project approved under Act No. 59 of the Public Acts of 1978, if such approval is determined by the administrator to be necessary for the efficient operation of the project or essential to the viability of the project, and where such approval would not reduce or adversely impact the consumer protection provisions of this act. The administrator shall also retain its rule making and related powers under section 142 and its enforcement powers specifically authorized under sections 150, 151, 152, 153, 154, 155, and 157 while those sections are in effect.

History: Add. 1983, Act 113, Imd. Eff. July 12, 1983

559.276 Statute of limitations.

Sec. 176. (1) The following limitations apply in a cause of action arising out of the development or construction of the common elements of a condominium project, or the management, operation, or control of a condominium project:

(a) If the cause of action accrues on or before the transitional control date, a person shall not maintain an action against a developer, residential builder, licensed architect, contractor, sales agent, or manager of a condominium project later than 3 years after the transitional control date or 2 years after the date on which the cause of action accrued, whichever occurs later.

(b) If the cause of action accrues after the transitional control date, a person shall not maintain an action against a developer, residential builder, licensed architect, contractor, sales agent, or manager of a condominium project later than 2 years after the date on which the cause of action accrued.

(2) Subsection (1) applies only to condominium projects established on or after the effective date of the amendatory act that added this subsection.

History: Add. 2000, Act 379, Imd. Eff. Jan. 2, 2001 ;-- Am. 2002, Act 283, Imd. Eff. May 9, 2002

LAND DIVISION ACT
Act 288 of 1967
(EXCERPTS)

AN ACT to regulate the division of land; to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements and that there be adequate drainage of the land; to provide for proper ingress and egress to lots and parcels; to promote proper surveying and monumenting of land subdivided and conveyed by

accurate legal descriptions; to provide for the approvals to be obtained prior to the recording and filing of plats and other land divisions; to provide for the establishment of special assessment districts and for the imposition of special assessments to defray the cost of the operation and maintenance of retention basins for land within a final plat; to establish the procedure for vacating, correcting, and revising plats; to control residential building development within floodplain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; to repeal certain parts of this act on specific dates; and to repeal acts and parts of acts.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1982, Act 529, Eff. Mar. 30, 1983 ;-- Am. 1991, Act 59, Imd. Eff. June 27, 1991 ;-- Am. 1996, Act 591, Eff. Mar. 31, 1997

Popular Name: Plat Act

Popular Name: Subdivision Control

The People of the State of Michigan enact:

GENERAL PROVISIONS

560.101 Short title.

Sec. 101. This act shall be known and may be cited as the “land division act”.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1996, Act 591, Eff. Mar. 31, 1997

Compiler's Notes: For transfer of powers and duties of the State Treasurer relative to subdivision control to the Department of Commerce, see E.R.O. No. 1980-1, compiled at MCL 16.732 of the Michigan Compiled Laws.

Popular Name: Plat Act

Popular Name: Subdivision Control

560.102 Definitions.

Sec. 102. As used in this act:

(a) “Plat” means a map or chart of a subdivision of land.

(b) “Land” means all land areas occupied by real property.

(c) “Preliminary plat” means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

(d) “Division” means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109. Division does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.

(e) “Exempt split” means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns that does not result in 1 or more parcels of less than 40 acres or the equivalent. For a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.

(f) “Subdivide” or “subdivision” means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of this act by sections 108 and 109. “Subdivide” or “subdivision” does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel

conforms to the requirements of this act or the requirements of an applicable local ordinance.

(g) “Parcel” means a continuous area or acreage of land which can be described as provided for in this act.

(h) “Tract” means 2 or more parcels that share a common property line and are under the same ownership.

(i) “Parent parcel” or “parent tract” means a parcel or tract, respectively, lawfully in existence on the effective date of the amendatory act that added this subdivision.

(j) “Accessible”, in reference to a parcel, means that the parcel meets 1 or both of the following requirements:

(i) Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969, being sections 247.321 to 247.329 of the Michigan Compiled Laws, and of the city or village, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.

(ii) Is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969 and of the city or village, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.

(k) “Development site” means any parcel or lot on which exists or which is intended for building development other than the following:

(i) Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field

crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

(ii) Forestry use involving the planting, management, or harvesting of timber.

(l) “Forty acres or the equivalent” means 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

(m) “Lot” means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

(n) “Outlot”, when included within the boundary of a recorded plat, means a lot set aside for purposes other than a development site, park, or other land dedicated to public use or reserved to private use.

(o) “Proprietor” means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

(p) “Governing body” means the legislative body of a city or village or the township board of a township.

(q) “Municipality” means a township, city, or village.

(r) “County plat board” means the register of deeds, who shall act as chairperson, the county clerk, who shall act as secretary, and the county treasurer. If the offices of county clerk and register of deeds have been combined, the chairperson of the board of supervisors shall be a member of the plat board and shall act as chairperson. In a county where a board of auditors is authorized by law such board may elect to serve on the county plat board by adopting a resolution so ordering. A copy of the recorded resolution shall be sent to the state treasurer.

(s) “Public utility” means all persons, firms, corporations, copartnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, sewer, or other services of a similar nature.

(t) “Caption” means the name by which the plat is legally and commonly known.

(u) “Replat” means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

(v) “Surveyor” means a professional surveyor licensed under article 20 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws.

(w) “Engineer” means a civil engineer who is a professional engineer licensed under article 20 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws.

(x) “Government survey” means the land surveyed, subdivided and monumented by the United States public land survey.

(y) “Michigan coordinate system” means the system defined in Act No. 9 of the Public Acts of 1964, being sections 54.231 to 54.239 of the Michigan Compiled Laws.

(z) “Alley” means a public or private right of way shown on a plat which provides secondary access to a lot, block, or parcel of land.

(aa) “Health department” means the department of environmental quality, a city health department, a county health department, or a district health department, whichever has jurisdiction.

(bb) “Public sewer” means a sewerage system as defined in section 4101 of part 41 (sewerage systems) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.4101 of the Michigan Compiled Laws.

(cc) “Public water” means a system of pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes, and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water to the public for household or drinking purposes.

(dd) “Topographical map” means a map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

(ee) “Flood plain” means that area of land adjoining the channel of a river, stream, water course, lake, or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1990, Act 156, Imd. Eff. June 28, 1990 ;-- Am. 1996, Act 78, Imd. Eff. Feb. 27, 1996 ;-- Am. 1996, Act 591, Eff. Mar. 31, 1997
Popular Name: Plat Act
Popular Name: Subdivision Control

560.103 Subdivisions of land; surveys and plats, requirements. Sec. 103. (1) An exempt split is not subject to approval under this act so long as the resulting parcels are accessible. A division is not subject to the platting requirements of this act but subject to the requirements of sections 108 and 109. A subdivision is subject to the platting requirements of this act.

(2) Plats of retracement or boundary surveys made by a department or agency of the United States or of state-owned lands made by a department or agency of the state for the retracement and division of public lands according to the survey instructions issued by the United

States department of the interior may be recorded with the register of deeds of the county in which the lands represented on the plats are situated and need not otherwise comply with this act, except that plat size shall be as provided in section 132.

(3) A survey and plat shall be made when any amendment, correction, alteration or revision of a recorded plat is ordered by a circuit court.

(4) Urban renewal plats authorized by the governing body of a municipality as provided in Act No. 344 of the Public Acts of 1945, being sections 125.71 to 125.84 of the Michigan Compiled Laws, shall conform to this act.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1996, Act 591, Eff. Mar. 31, 1997
Popular Name: Plat Act
Popular Name: Subdivision Control

560.104 Replats; requirements; vacation of original plat.
Sec. 104. A replat of all or any part of a recorded subdivision plat may not be approved or recorded unless proper court action has been taken to vacate the original plat or the specific part thereof, with the following exceptions:

(a) When all the owners of lots which are to be part of the replat agree in writing thereto and record the agreement with the register of deeds, and proof that notice to the abutting property owners has been given by certified mail and the governing body of the municipality in which the land included in the recorded plat is situated, has adopted a resolution or other legislative enactment vacating all areas dedicated to public use within the proposed replat.

(b) Assessors plats made, approved and recorded as provided for in sections 201 to 213.

(c) Urban renewal plats authorized by the governing body of a municipality, as provided in Act No. 344 of the Public Acts of 1945, as amended. Roads, streets, alleys and other public places shall be vacated in accordance with the provisions of law.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969
Popular Name: Plat Act
Popular Name: Subdivision Control

560.105 Preliminary or final plat; approval; conditions.
Sec. 105. Approval of a preliminary plat, or final plat shall be conditioned upon compliance with all of the following:

(a) The provisions of this act.

(b) Any ordinance or published rules of a municipality or county adopted to carry out the provisions of this act.

(c) Any published rules of a county drain commissioner, county road commission, or county plat board adopted to carry out the provisions of this act.

(d) The rules of the state transportation department relating to provisions for the safety of entrance upon and departure from the abutting state trunk line highways or connecting streets and relating to the provisions of drainage as required by the department's then currently published standards and specifications.

(e) The rules of the department of consumer and industry services for the approval of plats, including forms, certificates of approval, and other required certificates, captioning of plats, and numbering of lots.

(f) The rules of the department of environmental quality for the determination and establishment of floodplain areas of rivers, streams, creeks, or lakes, as provided in this act, as published in the state administrative code.

(g) The rules of the department of environmental quality relating to suitability of groundwater for on-site water supply for subdivisions not served by public water or to suitability of soils for subdivisions not served by public sewers. The department of environmental quality may authorize a city, county, or district health department to carry out the

provisions of this act and rules promulgated under this act relating to suitability of groundwater for subdivisions not served by public water or relating to suitability of soils for subdivisions not served by public sewers. The department of environmental quality may require percolation tests and boring tests to determine suitability of soils. When such tests are required, they shall be conducted under the supervision of a registered engineer, registered land surveyor, or registered sanitarian in accordance with uniform procedures established by the department of environmental quality.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1996, Act 591, Eff. Mar. 31, 1997 ;-- Am. 1997, Act 87, Imd. Eff. July 28, 1997
Popular Name: Plat Act
Popular Name: Subdivision Control
Admin Rule: R 560.101 et seq. and R 560.401 et seq. of the Michigan Administrative Code.

560.106 Approving authorities; limitation on powers of approval or rejection.

Sec. 106. No approving authority or agency having the power to approve or reject plats shall condition approval upon compliance with, or base a rejection upon, any requirement other than those included in section 105.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.107 Preliminary plat; submission, discretion.

Sec. 107. (1) Nothing contained in this act shall prohibit a proprietor from submitting a prepreliminary plat to a governing body for the proprietors information and review.

(2) Nothing contained in this act shall allow a municipality, county, or state agency to require an approval of a preliminary plat or plan other than those provided for in sections 112 to 120.

History: Add. 1969, Act 308, Imd. Eff. Aug. 14, 1969
Popular Name: Plat Act
Popular Name: Subdivision Control

560.108 Parent parcel or parent tract; number of parcels resulting from division; limitations; requirements.

Sec. 108. (1) A division is not subject to the platting requirements of this act.

(2) Subject to subsection (3), the division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following, as applicable:

(a) For the first 10 acres or fraction thereof in the parent parcel or parent tract, 4 parcels.

(b) For each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract, 1 additional parcel, for up to a maximum of 11 additional parcels.

(c) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, 1 additional parcel.

(3) For a parent parcel or parent tract of not less than 20 acres, the division may result in a total of 2 parcels in addition to those permitted by subsection (2) if 1 or both of the following apply:

(a) Because of the establishment of 1 or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2) or this subsection are created or required.

(b) One of the resulting parcels under subsection (2) and this subsection comprises not less than 60% of the area of the parent parcel or parent tract.

(4) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted under subsections (2) and (3) and is not subject to section 109, if the parcel is accessible.

(5) A parcel or tract created by an exempt split or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of this act if all of the following requirements are met:

(a) Not less than 10 years have elapsed since the parcel or tract was recorded.

(b) The partitioning or splitting results in not more than the following number of parcels, whichever is less:

(i) Two parcels for the first 10 acres or fraction thereof in the parcel or tract plus 1 additional parcel for each whole 10 acres in excess of the first 10 acres in the parcel or tract.

(ii) Seven parcels or 10 parcels if one of the resulting parcels under this subsection comprises not less than 60% of the area of the parcel or tract being partitioned or split.

(c) The partitioning or splitting satisfies the requirements of section 109.

(6) A parcel or tract created under the provisions of subsection (5) may not be further partitioned or split without being subject to the platting requirements of this act, except in accordance with the provisions of subsection (5).

History: Add. 1996, Act 591, Eff. Mar. 31, 1997
Popular Name: Plat Act
Popular Name: Subdivision Control

560.109 Approval or disapproval of proposed division; requirements; exemption from platting requirements; notice of transfer; form; sale of unplatted land; statement contained in deed; ordinance; approval not determination of compliance.

Sec. 109. (1) A municipality shall approve or disapprove a proposed division within 45 days after the filing of a complete application for the proposed division with the assessor or other municipally designated official. However, a municipality with a population of 2,500 or less may

enter into an agreement with a county to transfer to the county authority to approve or disapprove a division. An application is complete if it contains information necessary to ascertain whether the requirements of section 108 and this section are met. The assessor or other municipally designated official, or the county official, having authority to approve or disapprove a proposed division, shall provide the person who filed the application written notice whether the application is approved or disapproved and, if disapproved, all the reasons for disapproval. A complete application for a proposed division shall be approved if, in addition to the requirements of section 108, all of the following requirements are met:

(a) Each resulting parcel has an adequate and accurate legal description and is included in a tentative parcel map showing area, parcel lines, public utility easements, accessibility, and other requirements of this section and section 108. The tentative parcel map shall be a scale drawing showing the approximate dimensions of the parcels.

(b) Each resulting parcel has a depth of not more than 4 times the width or, if an ordinance referred to in subsection (5) requires a smaller depth to width ratio, a depth to width ratio as required by the ordinance. The municipality or county having authority to review proposed divisions may allow a greater depth to width ratio than that otherwise required by this subdivision or an ordinance referred to in subsection (5). The greater depth to width ratio shall be based on standards set forth in the ordinance referred to in subsection (5). The standards may include, but are not required to include and need not be limited to, exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands. The depth to width ratio requirements of this subdivision do not apply to a parcel larger than 10 acres, unless an ordinance referred to in subsection (5) provides otherwise, and do not apply to the remainder of the parent parcel or parent tract retained by the proprietor.

(c) Each resulting parcel has a width not less than that required by an ordinance referred to in subsection (5).

(d) Each resulting parcel has an area not less than that required by an ordinance referred to in subsection (5).

(e) Each resulting parcel is accessible.

(f) The division meets all of the requirements of section 108.

(g) Each resulting parcel that is a development site has adequate easements for public utilities from the parcel to existing public utility facilities.

(2) The right to make divisions exempt from the platting requirements of this act under section 108 and this section can be transferred, but only from a parent parcel or parent tract to a parcel created from that parent parcel or parent tract. A proprietor transferring the right to make a division pursuant to this subsection shall within 45 days give written notice of the transfer to the assessor of the city or township where the property is located on the form prescribed by the state tax commission under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a. The state tax commission shall revise the form to include substantially the following questions in the mandatory information portion of the form:

(a) “Did the parent parcel or parent tract have any unallocated divisions under the land division act, 1967 PA 288, MCL 560.101 to 560.293? If so, how many?”

(b) “Were any unallocated divisions transferred to the newly created parcel? If so, how many?”

(3) A person shall not sell a parcel of unplatted land unless the deed contains a statement as to whether the right to make further divisions exempt from the platting requirements of this act under this section and section 108 is proposed to be conveyed. The statement shall be in substantially the following form: “The grantor grants to the grantee the right to make [insert number] division(s) under section 108 of the land division act, Act No. 288 of the Public Acts of 1967.” In the absence of a

statement conforming to the requirements of this subsection, the right to make divisions under section 108(2), (3), and (4) stays with the remainder of the parent tract or parent parcel retained by the grantor.

(4) All deeds for parcels of unplatted land within the state of Michigan after the effective date of this act shall contain the following statement: "This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.".

(5) The governing body of a municipality or the county board of commissioners of a county having authority to approve or disapprove a division may adopt an ordinance setting forth the standards in section 109(1)(b), (c), and (d). The ordinance may establish a fee for reviews under this section and section 108. The fee shall not exceed the reasonable costs of providing the services for which the fee is charged.

(6) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

History: Add. 1996, Act 591, Eff. Mar. 31, 1997 ;-- Am. 1997, Act 87, Imd. Eff. July 28, 1997
Popular Name: Plat Act
Popular Name: Subdivision Control

560.109a Parcel less than 1 acre.

Sec. 109a. (1) If a parcel resulting from a division is less than 1 acre in size, a building permit shall not be issued for the parcel unless the parcel has all of the following:

(a) Public water or city, county, or district health department approval for the suitability of an on-site water supply under the same standards as set forth for lots under rules described in section 105(g).

(b) Public sewer or city, county, or district health department approval for on-site sewage disposal under the health department standards as set forth for lots under rules described in section 105(g).

(2) The municipality or county approving a proposed division resulting in a parcel less than 1 acre in size and its officers and employees are not liable if a building permit is not issued for the parcel for the reasons set forth in this section. A notice of approval of a proposed division resulting in a parcel of less than 1 acre in size shall include a statement to this effect.

(3) A city, county, or district health department may adopt by regulation a fee for services provided under this section. The fees shall not exceed the reasonable costs of providing the services for which the fees are charged.

History: Add. 1997, Act 87, Imd. Eff. July 28, 1997
Popular Name: Plat Act
Popular Name: Subdivision Control

560.109b Parcels of 20 or more acres.

Sec. 109b. (1) An exempt split or other partitioning or splitting of a parcel or tract that only results in parcels of 20 acres or more in size is not subject to approval under this act if the parcel or tract is not accessible and 1 of the following applies:

(a) The parcel or tract was in existence on March 31, 1997.

(b) The parcel or tract resulted from an exempt split or other partitioning or splitting under this section.

(2) The proprietor shall provide the purchaser of a parcel resulting from an exempt split or other partitioning or splitting under subsection (1) with the following written statement before closing:

“This parcel is not accessible as defined in the land division act, 1967 PA 288, MCL 560.101 to 560.293.”.

History: Add. 1997, Act 87, Imd. Eff. July 28, 1997
Popular Name: Plat Act
Popular Name: Subdivision Control

PRELIMINARY PLATS

560.111 Preliminary plat; specifications; requirements; preapplication review meeting.

Sec. 111. (1) Before making or submitting a final plat for approval, the proprietor shall make a preliminary plat and submit copies to authorities as provided in this section and sections 112 to 119. A preliminary plat shall show the name, location, and position of the subdivision and the subdivision plan and layout in sufficient detail on a topographic map to enable a determination of whether the subdivision meets requirements for lots, streets, roads, and highways including drainage and floodplains.

(2) The preliminary plat shall be drawn to a scale of not more than 200 feet to 1 inch and may be an original drawing or reproduction, on unbacked paper. It shall contain proper identification of the parcel of land to be divided, the name of the plat and proposed division of the land, the name and address of the proprietor and the name, address and seal of the surveyor who prepared it, all legibly printed or typewritten. Additional preliminary land development plans may be made by other qualified persons to assist approving authorities to visualize the type and scope of the development planned.

(3) The proprietor may request that a preapplication review meeting take place by submitting a written request to the chairperson of the county plat board and submitting copies of a concept plan for the preliminary plat to the municipality and to each officer or agency entitled to review the preliminary plat under sections 113 to 118. A preapplication review meeting shall take place not later than 30 days after the written request and concept plan are received. The meeting shall be attended by the proprietor, representatives of each officer or agency entitled to review the preliminary plat under sections 113, 114, and 118, and a representative of the municipality. Representatives of each agency entitled to review the preliminary plat under sections 115 to 117 shall be informed of the meeting and may attend. The purpose of the meeting is to conduct an informal review of the proprietor's concept plan for the preliminary plat.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.112 Preliminary plat; tentative approval; time period; extension.
Sec. 112. (1) The proprietor shall submit 4 but not more than 10 copies of the preliminary plat and other data to the clerk of the municipality.

(2) The governing body shall tentatively approve and note its approval on the copy of the preliminary plat, or tentatively approve it subject to conditions and note its approval and conditions on the copy of the preliminary plat, to be returned to the proprietor, or set forth in writing its reasons for rejection and requirements for tentative approval, within the following time period, as applicable:

(a) Within 60 days after it was submitted to the clerk, if a preapplication review meeting was conducted under section 111(3).

(b) Within 90 days after it was submitted to the clerk, if a preapplication review meeting was not conducted under section 111(3).

(3) The governing body may require the submission of other related data as it deems necessary, if the requirement for such data has previously been adopted and published.

(4) Tentative approval under this section confers upon the proprietor for a period of 1 year from date, approval of lot sizes, lot orientation, and street layout, and application of the then-current subdivision regulations. The tentative approval may be extended if applied for by the proprietor and granted by the governing body in writing.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.112a Preliminary plat; submission of copies to officer or agency; review and action; time period.

Sec. 112a. After the tentative approval by the governing body under section 112, the proprietor shall submit copies of a preliminary plat to each officer or agency entitled to receive those copies under sections 113 to 118 for their simultaneous review and action within the 30-day time period prescribed in sections 113 to 118.

History: Add. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.113 Preliminary plat; county road commissioner's approval or rejection.

Sec. 113. (1) The proprietor shall submit 3 copies of the preliminary plat to the engineer or chairman of the county road commission if the proposed subdivision includes or abuts roads under the commission's jurisdiction.

(2) The county road commission may also require to be submitted with the preliminary plat a topographic map showing direction of drainage and proposed widths of roads under its jurisdiction or to come under its jurisdiction and private roads in unincorporated areas.

(3) The county road commission, within 30 days after receipt of the preliminary plat, shall approve it, approve it subject to conditions, or reject it. If the preliminary plat is approved, the county road commission shall note its approval on the copy to be returned to the proprietor. If the preliminary plat is approved subject to conditions or rejected, the reasons for rejection and requirements for approval shall be given in writing to the proprietor and each of the other officers and agencies to which the proprietor was required to submit the preliminary plat under sections 114 to 115 and 117 to 119.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.114 Preliminary plat; county drain commissioner's approval or rejection.

Sec. 114. (1) The proprietor shall submit 3 copies of the preliminary plat to the county drain commissioner, if there is a county drain commissioner.

(2) The county drain commissioner or, if there is no drain commissioner, the governing body may require a topographic map showing direction of storm water drainage both within the lands proposed to be subdivided and from the land as subdivided.

(3) The county drain commissioner or governing body, within 30 days after receipt of the preliminary plat, shall approve it, approve it subject to conditions, or reject it. If the preliminary plat is approved, the drain commissioner or governing body shall note its approval on the copy to be returned to the proprietor. If the preliminary plat is approved subject to conditions or rejected, the reasons for rejection and requirements for approval shall be given in writing to the proprietor and each of the other officers and agencies to which the proprietor was required to submit the preliminary plat under sections 113 to 115 and 117 to 119.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.115 Preliminary plat; state transportation department's approval or rejection.

Sec. 115. (1) The proprietor shall submit 3 copies of the preliminary plat to the state transportation department, if any of the proposed subdivision includes or abuts a state trunk line highway or includes streets or roads that connect with or lie within the right-of-way of state trunk line highways.

(2) The state transportation department, within 30 days after receipt of the preliminary plat, shall approve it, approve it subject to conditions, or reject it. If the preliminary plat is approved, the department shall note its approval on the copy to be returned to the proprietor. If the preliminary plat is approved subject to conditions or rejected, the reasons for rejection and requirements for approval shall be given in writing to the proprietor and each of the other officers and agencies to which the

proprietor was required to submit the preliminary plat under sections 113 to 115 and 117 to 119.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.116 Preliminary plat; department of environmental quality's approval or rejection.

Sec. 116. (1) The proprietor shall submit 2 copies of the preliminary plat to the department of environmental quality for information purposes, if the land proposed to be subdivided abuts a lake or stream or abuts an existing or proposed channel or lagoon affording access to a lake or stream where public rights may be affected.

(2) The department, within 30 days after receipt of the preliminary plat, shall place the proprietor, the governing body of the municipality, and the county plat board on notice in writing if it has any objections or may furnish such information to each as may be helpful or necessary in its opinion to adequately plan the development and secure approval of the final plat.

(3) Copies of the letters required under subsection (2) shall be sent to the department of labor and economic growth.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.117 Preliminary plat; approval or rejection; fees; disposition of fees.

Sec. 117. (1) The proprietor shall submit 2 copies of the preliminary plat to the department of environmental quality, if any of the subdivision lies wholly or in part within the floodplain of a river, stream, creek, or lake. The department of environmental quality, within 30 days after receipt of the preliminary plat, shall approve it, approve it subject to conditions, or reject it. If the preliminary plat is approved, the department of environmental quality shall note its approval on the copy to be returned

to the proprietor. If the department of environmental quality approves the preliminary plat subject to conditions or rejects the preliminary plat, the department shall give the reasons for rejection and requirements for approval in writing to the proprietor and to each of the other officers and agencies to which the proprietor was required to submit the preliminary plat under sections 113 to 115 and 117 to 119. The determination of a floodplain area shall be based on rules specified in section 105(f).

(2) The preliminary plat submittal to the department of environmental quality under subsection (1) shall be accompanied by a fee of $500.00 to cover the administrative cost of the department's preliminary plat review. If the department of environmental quality determines that engineering computations are required to establish the limits of the floodplain on a preliminary plat, the department shall assess an additional fee of $1,500.00 to cover the department's cost of establishing those limits.

(3) The department of environmental quality shall forward fees collected under this section to the state treasurer for deposit in the land and water management permit fee fund created in section 30113 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.30113.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1993, Act 150, Eff. Sept. 30, 1993 ;-- Am. 1995, Act 172, Imd. Eff. Oct. 9, 1995 ;-- Am. 1998, Act 549, Imd. Eff. Jan. 20, 1999 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.118 Preliminary plat; health department's approval or rejection.
Sec. 118. (1) The proprietor shall submit 3 copies of the preliminary plat to the health department having jurisdiction, if public water and public sewers are not available and accessible to the land proposed to be subdivided.

(2) The health department, within 30 days after receipt of the preliminary plat, shall approve it, approve it subject to conditions, or reject all or any portion of the proposed subdivision that is not suitable. If the preliminary plat is approved, the health department shall note its approval on the

copy to be returned to the proprietor. If all or any portion of the preliminary plat is approved subject to conditions or is rejected, the health department shall give its reasons for rejection and requirements for approval in writing to the proprietor, the governing body, and each of the other officers and agencies to which the proprietor was required to submit the preliminary plat under sections 113 to 115 and 117 to 119.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.119 Preliminary plat; submission to county plat board and public utilities.

Sec. 119. The proprietor shall submit 2 copies of the preliminary plat to the county plat board and to the public utilities serving the area for informational purposes.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.120 Final approval; proprietor's rights and duties; procedure; time period; extension.

Sec. 120. (1) After the preliminary plat is approved or is approved subject to conditions pursuant to sections 113 to 119, the proprietor shall do all of the following:

(a) Submit to the clerk of the governing body of the municipality a list of all authorities required by sections 113 to 119 to review the preliminary plat, certifying that the list shows all authorities as required by sections 113 to 119.

(b) Submit all written approvals to the clerk of the governing body.

(2) The governing body of the municipality, after receipt of the necessary approved copies of the preliminary plat, shall do all of the following:

(a) Consider and review the preliminary plat at its next meeting, or within 20 days from the date of submission, and approve it if the proprietor has met all conditions laid down by the municipality for approval of the preliminary plat.

(b) Instruct the clerk to promptly notify the proprietor of approval or rejection in writing and, if rejected, to give the reasons.

(c) Instruct the clerk to note all proceedings in the minutes of the meeting which minutes shall be open for inspection.

(3) Final approval of the preliminary plat under this section confers upon the proprietor for a period of 2 years from date of approval the conditional right that the general terms and conditions under which preliminary plat approval was granted will not be changed. The 2-year period may be extended if applied for by the proprietor and granted by the governing body in writing. Written notice of the extension shall be sent by the governing body to the other approving authorities.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

SURVEYS

560.125 Survey requirements; monuments.
Sec. 125. (1) For every subdivision of land there shall be a survey complying with the requirements of this section and section 126.

(2) Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.

(3) All monuments used shall be made of solid iron or steel bars at least 1/2 inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.

(4) Monuments shall be located in the ground at all angles in the boundaries of the subdivision; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the plat and at the intersection of alleys with the boundaries of the subdivision; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.

(5) If the required location of monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.

(6) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least 1/2 inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.

(7) All required monuments shall be placed flush with the ground where practicable.

(8) All lot corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and 1/2 inch in diameter, or other approved markers.

(9) The governing body of the municipality may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the clerk of the municipality cash or a certified check, or irrevocable bank letter of credit running to the municipality, whichever the proprietor selects, in an amount not less than $25.00 per monument and not less than $100.00 in total, except that lot corner markers shall be at the rate of not less than $10.00 per marker. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate

by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults the governing body shall promptly require a surveyor to locate the monuments and markers in the ground as certified on the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.126 Survey accuracy.
Sec. 126. (1) The survey of all subdivisions shall be performed by a surveyor.

(2) The relative error of closure of the surveyed land shall be less than the ratio of 1 part in 5,000.

(3) Bearings shall be expressed in relation to the true meridian, or a previously established meridian or bearing and a statement by the surveyor on the plat stating the source of information in obtaining the bearings outlined.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

FINAL PLATS

560.131 General survey requirements; date of expiration of approval.
Sec. 131. (1) Following final approval of the preliminary plat under section 120, the proprietor shall cause a survey and a true plat thereof to be made by a surveyor.

(2) All approvals made on the preliminary plat shall expire as provided in section 120.

(3) A final plat shall not be accepted after the date of expiration of the preliminary plat approval.

(4) A final plat received by the department of labor and economic growth more than 1 year following the date of approval of the city or county treasurer shall be returned to the city or county treasurer who shall make a new certificate currently dated, relative to paid or unpaid taxes, special assessments, and tax liens or titles.

(5) All final plats of subdivided land shall comply with the provisions of this section and sections 132 to 151.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.132 Plats; specifications.
Sec. 132. All plats shall be legibly prepared according to the following general requirements:

(a) On 1 or more sheets, 18 inches wide by 24 inches long in size, leaving a 1 1/2 inch binding margin and a 1/2 inch margin on all other sides.

(b) Of an approved material, according to published specifications of the department of the treasury.

(c) Drawn or printed with nonfading black ink true to an adequate and plainly readable scale of not more than 100 feet to an inch.

(d) The name of the plat shall not duplicate the name of any plat previously recorded in the same county unless it is an addition contiguous to the same, or which is a part of the same previously approved preliminary plat under section 120. The first subdivision bearing the name may be designated as number 1, and all additions to it shall be consecutively numbered, beginning with number 2.

(e) Lots shall be numbered consecutively beginning with lot number 1 in the first subdivision bearing the name and continuing in consecutive order throughout the several additions.

(f) A north point shall be properly located thereon.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969
Popular Name: Plat Act
Popular Name: Subdivision Control

560.133 Final plat; caption.

Sec. 133. The caption of the final plat shall be printed at the top of the plat in large, bold letters, and shall include:

(a) Name of the plat.

(b) Part of section, number of section, town and range, municipality and county.

(c) If a private claim, the number of the claim and the municipality in which the land is situated.

(d) If a tract of land that is not a section or part of a section, the name by which the tract is legally known and the town and range and municipality in which the land is situated.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.134 Final plat; description of land.

Sec. 134. There shall be typewritten or printed on the final plat, a full and detailed description of the land embraced in the subdivision by distances and bearings. The description shall also include:

(a) The caption of the plat.

(b) If a private claim, the number of the claim and the municipality in which the land is situated.

(c) If a tract of land that is not a section or part of a section, the name by which the tract is legally known and the town and range and the municipality in which it is situated.

(d) The name of the original plat and any part of it replatted.

(e) A description by distances and bearings of each excepted parcel.

(f) The number of lots, the number of outlots and the number of private parks.

(g) The intermediate traverse line, if one is required on the plat.

(h) The area within the existing right of way of any abutting street, county road or state trunk line highway, if such area has not previously been dedicated to public use and if it is the proprietor's land.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.135 Map and engineering requirements.

Sec. 135. The map of the subdivision, as drawn on the final plat shall comply with sections 135 to 141. It shall contain sufficient information to completely define, for the purpose of a resurvey, the location of any boundary, corner or angle point within the plat. All land lying within the boundaries of the plat shall be shown thereon in such a manner that title to the area may be clearly established as to whether dedicated to public use or reserved to private use.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.136 Final plat; exterior boundaries; requirements, specifications.

Sec. 136. The exterior boundaries of the subdivision as drawn on the plat shall include and correctly show:

(a) The land surveyed and divided, with reference to a corner or corners established in the government survey and indicated by distances and bearings. The Michigan coordinate system may also be used for referencing such government survey points.

(b) The exact length and bearings thereof.

(c) Where the exterior boundary lines show bearings and distances which vary from those recorded in abutting plats the following note shall be placed along such lines, “recorded as (show recorded bearing or distance or both)”.

(d) The area within the existing right of way of any abutting street, county road or state trunk line highway, if such area has not previously been dedicated to public use and if it is the proprietor's land.

(e) When the subdivision is bounded by an irregular shoreline of a body of water, the bearings and distances of a closing intermediate traverse, extending across the plat so that it intersects the sidelines of the shore lots; the dimensions of the sidelines of the shore lots from the street line to the traverse line, and the distance from the traverse line to the water's edge as found at the time of the survey; distances along the traverse line between its intersections with the sidelines of the lots; the location of monuments at all angle points of the intermediate traverse. All lots extending to the water's edge shall be noted accordingly on the plat. If the proprietor intends to retain possession of the area between the intermediate traverse and the water's edge, a statement to that effect shall be noted on the plat.

(f) The location of all boundary monuments established in the field in their proper places.

(g) When any part of the land being subdivided is not included in the government survey, boundaries shall be indicated by distances and bearings and related to a government survey corner or if in a private claim, to a private claim corner.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.137 Final plat; public and private grounds, streets, roads and alleys.

Sec. 137. All public or private grounds, streets, roads and alleys included in the plat shall be shown as follows:

(a) All public or private commons, parks and other grounds except streets and alleys, by their boundaries, bearings and distances and names.

(b) All streets and roads by their bearings, widths and names.

(c) All streets, roads or alleys not dedicated to public use shall be marked "private" and named.

(d) All curved portions of streets, roads or alleys shall be defined by curve data including points of curvature, points of tangency, points of compound curvature, radii of curves, central angles and the length and bearing of its long chord.

(e) Curve data may be shown by a curve data chart or table.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.138 Final plat; flood plains.

Sec. 138. When any part of a subdivision lies within or abuts a floodplain area, the plat shall include and show the following:

(a) The floodplain shall be shown within a contour line, established by the water resources commission, department of conservation.

(b) The contour line shall intersect the side lines of the lots.

(c) The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line.

(d) The floodplain area shall be clearly labeled on the plat with the words "floodplain area".

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.139 Public utilities; easements.
Sec. 139. All public utility easements included in the plat shall be shown as follows:

(a) By their widths and relationship to the lot or street lines.

(b) As at least 12 feet wide where the rear lines of lots are contiguous.

(c) As at least 6 feet wide if a lot has no adjoining subdivisions.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.140 Lots and outlots; description.
Sec. 140. All lots and outlots included in the plat shall be shown as follows:

(a) All lots numbered consecutively.

(b) All outlots lettered in alphabetical order.

(c) The length and bearing of each side lot line.

(d) The bearing of each front and rear lot line, except as otherwise provided in this section.

(e) A note showing the front line of any lot fronting on 2 or more streets or a body of water except for lots served by public sewers and public water or available and accessible thereto.

(f) The bearings and depths at each end of a tier of lots comprised of rectangles or parallelograms.

(g) The width of lots at each end of a series of lots when the front and back lines are parallel. The intermediate lots may be marked with dittos.

(h) The distance at the time of the survey from the traverse line to the water's edge.

(i) All curved boundaries shall be shown by curve data as required for public grounds, streets, roads and alleys in section 137.

(j) If a replat, outlines, numbers and other identification of lots of the previous survey shall be shown by dashed lines, figures or letters.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.141 Improvements.

Sec. 141. When the plat includes or abuts certain improvements other than streets, alleys, roads or highways, such as county drains, lagoons, slips, waterways, lakes, bays or canals, which connect with or are proposed to connect with or enlarge public waters, the included or abutting portions of such proposed improvement shall be shown on the plat.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.142 Certificate required for recording.

Sec. 142. The proprietor shall provide a true copy of the final plat to each of the authorities named in sections 146 to 149. To entitle a final plat to be recorded, the following certificates, in the form prescribed by the department of labor and economic growth, lettered or printed legibly with black, durable ink or typed legibly with black ink shall appear on it and the certificates shall contain the statements and information and shall be signed and dated as prescribed in sections 141 to 151:

(a) A surveyor's certificate of compliance with the statute.

(b) A certificate of the proprietor submitting the plat.

(c) A certificate of taxes by the treasurer of the county in which the plat is situated, as required by section 135 of the general property tax act, 1893 PA 206, MCL 211.135.

(d) A certificate of taxes signed by the treasurer of the municipality in which the plat is located if the municipality does not return delinquent taxes to the state treasurer, as required by section 135 of the general property tax act, 1893 PA 206, MCL 211.135.

(e) A certificate of approval of the county drain commissioner, if there is a county drain commissioner.

(f) A certificate of approval of the board of county road commissioners, if public streets and roads shown on the plat are under its jurisdiction or to come under its jurisdiction and if any private streets or roads shown on the plat are in an unincorporated area.

(g) A certificate of approval of the governing body of the municipality. The certificate of the governing body of the municipality may not be placed on the plat unless the proprietor has deposited with the clerk both the filing and recording fee required by section 241 and the fee permitted by section 246 by the municipality for review and approval of a plat.

(h) A certificate of approval of the county plat board. The certificate may not be placed on the plat unless the filing and recording fee required by section 241 has been received by the chairperson or secretary of the county plat board.

(i) A certificate of approval of the state transportation department when the subdivision includes or abuts state trunk line highways.

(j) A certificate of approval of the department of labor and economic growth. The certificate of the department of labor and economic growth may not be placed on the plat unless the portion of the filing and recording fee due the state as provided by section 241 has been received by the department.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.143 Surveyor's certificate.
Sec. 143. The certificate of the surveyor who surveyed, divided and mapped the land; and if a firm of surveyors also by a partner or principal officer, shall give the following information, which shall have the same force and effect as an affidavit:

(a) By whose direction he made the survey, subdivision and plat of the land described on the plat.

(b) A statement that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it.

(c) A statement that he has prepared the description of the land shown on the plat and that he certifies to its correctness.

(d) A statement that he has caused all of the monuments shown on the plat to be located in the ground, or that the required cash, certified check or irrevocable bank letter of credit has been deposited with the clerk of the municipality by the proprietor.

(e) A statement that the accuracy and closure of survey are within the limits required by section 126.

(f) A statement that the bearings shown on the plat are expressed as required by section 126.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969
Popular Name: Plat Act
Popular Name: Subdivision Control

560.144 Proprietor's certificate.
Sec. 144. (1) The proprietor's certificate on the plat shall include the following:

(a) The caption of the plat.

(b) A statement that the proprietor has caused the land described on the plat to be surveyed, divided, monumented, mapped, and dedicated as shown on the plat.

(c) A statement that the streets, alleys, parks, and other places shown on it that are usually public are dedicated to the use of the public.

(d) A statement that all public utility easements are private easements and that all other easements are reserved to the uses shown on the plat.

(e) The name of each street, park, or other place that is usually public and that is intended to be reserved to other than public use, and the character and purpose of that use.

(f) A statement that the plat includes all land to the water's edge.

(2) The proprietor's certificate shall be signed by the following, and each signature shall be acknowledged as deeds conveying lands are required to be acknowledged:

(a) All persons holding the title by deed of the lands.

(b) All persons holding any other title of record.

(c) All persons holding title as mortgagee or vendee under land contract or who are in possession but are not renters.

(d) The spouses of persons named in subdivisions (a), (b), and (c).

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2002, Act 21, Imd. Eff. Mar. 4, 2002
Popular Name: Plat Act
Popular Name: Subdivision Control

560.145 County treasurer's certificate.

Sec. 145. (1) A certificate shall be signed and dated by the county treasurer relative to paid or unpaid taxes, special assessments and tax liens or titles, as required by section 135 of Act No. 206 of the Public Acts of 1893, as amended.

(2) The certificate shall be signed and dated by the treasurer of the municipality, if the municipality does not return delinquent taxes to the state treasurer, as required by section 135 of Act No. 206 of the Public Acts of 1893, as amended.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969
Popular Name: Plat Act
Popular Name: Subdivision Control

560.146 County drain commissioner's certificate.

Sec. 146. A certificate shall be signed and dated by the drain commissioner or where there is no drain commissioner, the body having jurisdiction, signifying that the provisions of section 192 have been met and that the plat meets his approval.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.147 County road commissioner's certificate.
Sec. 147. (1) A certificate shall be signed by the chairperson of the board of county road commissioners.

(2) The certificate shall show the date on which the board met and approved the plat and the date the certificate was placed on the plat.

(3) The certificate shall signify both of the following:

(a) That the plat has been reviewed and conforms to the requirements of this act and the board's published rules and regulations relative to streets, alleys, roads, and highways under its jurisdiction.

(b) That the plat has the board's approval.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.148 Municipality governing board's certificate.
Sec. 148. (1) A certificate shall be signed by the clerk of the governing body of the municipality signifying the approval of the plat by the governing body which shall show the date of the meeting at which the approval was made and the date the certificate was signed by the clerk.

(2) The certificate shall include a statement that the plat was reviewed by the governing body or that the review was made in part by persons authorized by the governing body and that the plat is in conformance with all applicable provisions of the act.

(3) If a copy of the preliminary plat was required to be approved by the health department, a statement to the effect that such approval was made and the name of the health department and the date of its approval shall be included.

(4) If the minimum lot width and area prescribed in this act has been waived and the subdivision is served by public sewers and public water or is accessible thereto, the certificate shall so state and shall also state

that the municipality has legally adopted zoning and subdivision control ordinances which specify lot widths and areas.

(5) If there is no county drain commissioner, a statement that the plat is in compliance with the provisions of section 192.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.149 County plat board's certificate.
Sec. 149. (1) A certificate shall be signed and dated by the majority of the county plat board, signifying its approval of the plat.

(2) The certificate shall include a statement that the plat was reviewed for conformance to all applicable provisions of this act by the county plat board, by the county plat engineer, or both.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.150 State highway commission's certificate.
Sec. 150. (1) A certificate shall be signed and dated by the state highway commission or by an official of the department of state highways, authorized by the commission to certify its approval on plats.

(2) The certificate shall signify that:

(a) The plat has been reviewed and conforms to the requirements of this act and the commission's published rules and regulations relative to streets, roads and highways under its jurisdiction.

(b) The plat has the commission's approval.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.151 State treasurer's certificate.
Sec. 151. (1) A certificate shall be signed and dated by the state treasurer, or may be signed and dated for him by an officer of the department of treasury, if authorized by the state treasurer.

(2) The certificate shall signify that:

(a) The plat conforms, in his opinion, to all of the requirements of this act and to the published rules and regulations of the department of treasury, relative to plats.

(b) The plat has the state treasurer's approval.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.161 Approval; general requirements.
Sec. 161. (1) The final plat shall be submitted in accordance with the procedure prescribed in this section and sections 162 to 173.

(2) The proprietor shall submit 1 true copy of the final plat to each of the following officers or agencies, as applicable, for their simultaneous review and action within the time periods prescribed in sections 163 to 167a:

(a) The drain commissioner, if the drain commissioner's approval was required on the preliminary plat.

(b) The board of county road commissioners, if the board's approval was required on the preliminary plat.

(c) The clerk of the governing body of the municipality, together with the filing and recording fee required by section 241.

(d) The state transportation department, if the department's approval was required on the preliminary plat.

(3) The sworn certificate of the surveyor who made the plat shall appear on each true copy of the final plat and shall state all of the following:

(a) A statement that the copy is a true copy of the final plat.

(b) A statement that the plat is subject to the approval of each of the officers and agencies whose approval is required under sections 162 to 169, with a list of those officers and agencies.

(c) The date of the certificate.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.162 Drain commissioner; number of copies.
Sec. 162. The proprietor shall submit 1 true copy of the final plat to the drain commissioner, if his or her approval was required on the preliminary plat, or 2 true copies if the proprietor requests an additional copy to be returned to him or her.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act

560.163 Drain commissioner; approval procedure.
Sec. 163. Within 10 days after the date of receiving the plat under section 161(2)(a), the drain commissioner shall do 1 of the following:

(a) Approve the plat and notify the proprietor of his or her approval.

(b) Reject the plat, give his or her reasons in writing, and return it to the proprietor. The drain commissioner shall send a copy of the letter of rejection to the clerk of the governing body and the chairperson of the county plat board.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.164 Board of county road commissioners; submission of plat.
Sec. 164. The proprietor shall submit 1 true copy of the plat to the board of county road commissioners, when their approval was required on the preliminary plat.
History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.165 Board of county road commissioners; approval procedure.
Sec. 165. Within 15 days after the date of receiving the plat under section 161(2)(b), a majority of the board of county road commissioners shall do 1 of the following:

(a) Approve the plat, instruct the chairperson to certify their approval on the final plat, and notify the proprietor of the board's approval.

(b) Reject the plat, give their reasons in writing, and return it to the proprietor. The board of county road commissioners shall send a copy of the letter of rejection to the clerk of the governing body and the chairperson of the county plat board.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.166 Municipality governing body; submission of plat.
Sec. 166. The proprietor shall submit 1 true copy of the plat to the clerk of the governing body of the municipality, together with the filing fee required by section 241.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.167 Municipality governing body; approval procedure.
Sec. 167. (1) At its next regular meeting, or at a meeting called within 20 days after the date of receiving the plat under section 161(2)(c), the governing body shall do 1 of the following:

(a) Approve the plat if it conforms to all of the provisions of this act and instruct the clerk to notify the proprietor of the governing board's approval and certify the governing body's approval, showing the date of the governing body's approval, the approval of the health department, when required, and the date thereof as shown as the approved preliminary plat.

(b) Reject the plat, instruct the clerk to give the reasons in writing as set forth in the minutes of the meeting, and return the plat to the proprietor.

(2) The governing body shall instruct the clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection, and to send a copy of the minutes to the county plat board.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.167a State transportation department; receipt of plat.
Sec. 167a. Within 10 days of receipt of the plat under section 161(2)(d), the state transportation department shall do 1 of the following:

(a) Approve the plat and notify the proprietor of its approval.

(b) Reject the plat and notify the proprietor directly, giving the reasons in writing. The commission shall send a copy of the letter of rejection to the chairperson of the county plat board.

History: Add. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.168 Forwarding to county plat board; procedure of board.
Sec. 168. (1) Upon notice of each approval, the proprietor shall obtain the certificate on the final plat of each of the officers and agencies whose certificate is required by sections 145 to 148. The certificates and approvals may be obtained in any order. The proprietor shall then

forward the final plat to the secretary of the county plat board, together with the filing and recording fee.

(2) Within 15 days of the date of receipt of the plat, a majority of the county plat board shall review the plat for conformance to all provisions of the act and do 1 of the following:

(a) Certify their approval on the plat.

(b) Reject the plat and notify the proprietor of the reasons in writing when returning the plat, and send a copy of the letter to the clerk of the governing body.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.169 Forwarding approval and plat copies to state administrator.

Sec. 169. Upon approval of the plat by a majority of the county plat board, the chairperson of the board shall forward it with all copies of the plat to the state administrator.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1991, Act 59, Imd. Eff. June 27, 1991 ;-- Am. 1993, Act 67, Imd. Eff. June 21, 1993 ;-- Am. 1998, Act 549, Imd. Eff. Jan. 20, 1999 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.169a Repealed. 1993, Act 67, Eff. Oct. 1, 1998.

Compiler's Notes: The repealed section pertained to forwarding approved plat to state administration.
Popular Name: Plat Act
Popular Name: Subdivision Control

560.170 Repealed. 2004, Act 525, Eff. July 1, 2005.

Compiler's Notes: The repealed section pertained to procedures to be followed by state treasurer upon receipt of plat.

560.171 Department of labor and economic growth; plat approval or rejection; recording.
Sec. 171. Within 15 days after receipt of the plat the department of labor and economic growth shall review the plat and do 1 of the following:

(a) If the plat conforms to all of the provisions of this act, procure at least 4 exact copies at the surveyor's expense, approve the plat, and send the original final plat to the register of deeds for recording.

(b) Reject the plat and notify the proprietor in writing of the reasons.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.172 Register of deeds; recordings; notice to state treasurer.
Sec. 172. Upon receipt of the plat from the state treasurer the register of deeds shall:

(a) Certify on the plat the time of recording and the book and page where recorded. He shall not accept a plat for recording unless it is sent to him by the state treasurer and bears his certificate of approval.

(b) Note on the record the time when made.

(c) Record the book and page number of any building restrictions noted on or filed with the plat.

(d) Certify and promptly forward to the state treasurer on a form specified by him that the plat has been recorded.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.173 State treasurer; procedure following notice of recording.
Sec. 173. When notification of recording of 1 copy of plat has been received by the state treasurer, he shall:

(a) Transcribe the certificate of recording on all other copies.

(b) Retain 1 copy for his files.

(c) Mail 1 copy of the plat to the county treasurer, 1 copy to the clerk of the municipality in which the plat is located, 1 copy to the county road commission or the city planning commission, and 1 copy to the proprietor if he has submitted an extra copy for certification and mailing.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.181 Final plat; streets, alleys, roads and highways; general requirements.

Sec. 181. All streets, alleys, roads and highways shown, or required to be shown on a plat shall comply with the requirements of sections 181 to 185 as a condition of approval of the final plat.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.182 Final plat; streets, alleys and roads; municipal requirements.

Sec. 182. (1) The governing body of a municipality in which the subdivision is situated may require the following as a condition of approval of final plat, for all public and private streets, alleys and roads in its jurisdiction:

(a) Conformance to the general plan, width and location requirements that it may have adopted and published, and greater width than shown on a county or state plan, but may not require conformance to a municipal plan that conflicts with a general plan adopted by the county or state for the location and width of certain streets, roads and highways.

(b) Proper drainage, grading and construction of approved materials of a thickness and width provided in its current published construction standards.

(c) Installation of bridges and culverts where it deems necessary.

(d) Submission of complete plans for grading, drainage and construction to be prepared and sealed by a civil engineer registered in the state.

(e) Completion of all required improvements relative to streets, alleys and roads or a deposit by the proprietor with the clerk of the municipality in the form of cash, a certified check or irrevocable bank letter of credit, whichever the proprietor selects, or a surety bond acceptable to the governing body, in an amount sufficient to insure completion within the time specified.

(2) As a condition of approval of the plat, the governing body may require a deposit to be made in the same manner as provided in subdivision (e) of subsection (1), to insure performance of any of the obligations of the proprietor to make required improvements.

(3) The governing body shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.

(4) The governing body shall:

(a) Reject a plat which is isolated from or which isolates other lands from existing public streets, unless suitable access is provided.

(b) Reject a plat showing a street or road name duplicating one already in use in the municipality, except in continuing a street or road.

(c) Reject a plat showing the name of a new street, alley or road that is so similar to the one already in existence in the municipality that permitting such use in the subdivision may be confusing for purposes of assessing, mail delivery and locating by the public.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.183 Final plat; highways, streets, and alleys; private roads; county road commission requirements; "county road commission" defined.

Sec. 183. (1) The county road commission may require the following as a condition of approval of final plat for all highways, streets, and alleys in its jurisdiction or to come under its jurisdiction and also for all private roads in unincorporated areas:

(a) Conformance to the general plan, width, and location requirements that the board may have adopted and published.

(b) Adequate provision for traffic safety in laying out drives which enter county roads and streets, as provided in the board's current published construction standards.

(c) Proper drainage, grading, and construction of approved materials of a thickness and width provided in its current published construction standards.

(d) Submission of complete plans for grading, drainage, and construction, to be prepared and sealed by a civil engineer registered in this state.

(e) Installation of bridges, culverts, and drainage structures where the board considers necessary.

The board may regulate cul-de-sacs and may approve or deny cul-de-sacs on an individual basis, but shall not adopt a policy or rule prohibiting cul-de-sacs.

(2) If all improvements required under subsection (1) are not made before the final plat is submitted to the board for approval, the board nonetheless shall promptly approve the final plat if the final plat otherwise meets the requirements of this act and if the proprietor posts a

deposit with the board in an amount that the board determines to be sufficient to ensure performance of the proprietor's obligation to make the required improvements within the time specified. Regardless of the deposit amount, the actual cost to complete all of the improvements remains the responsibility of the proprietor or its surety agent.

(3) The deposit required under subsection (2) shall be in the form of cash, a certified check which the board shall promptly convert to cash, or an irrevocable letter of credit, as selected by the proprietor, or a surety bond as prequalified by the state transportation department and acceptable to the board. Any surety bond shall be underwritten by a surety acceptable to the board.

(4) The board shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.

(5) The board shall reject a final plat isolating other lands of the proprietor within or adjoining the plat from existing public streets or roads unless the proprietor provides suitable access by easement or suitable access dedicated to public use.

(6) As used in this section, "county road commission" means the board of county road commissioners elected or appointed pursuant to section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county with a population of 2,000,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive for ministerial functions and the county commission provided for in section 14(1)(d) of 1966 PA 293, MCL 45.514, for legislative functions.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 122, Imd. Eff. May 28, 2004 ;-- Am. 2006, Act 336, Imd. Eff. Aug. 15, 2006
Popular Name: Plat Act
Popular Name: Subdivision Control

560.184 State highways; dedication; other highways and streets.
Sec. 184. (1) The department of state highways may require, where a plat abuts a state trunk line highway, if the existing right of way was not previously dedicated to public use or acquired in fee simple, that there be included within the plat boundary and description the area within the existing right of way and that such area be dedicated to public use if it is the proprietor's land. The department of state highways may also require the following as a condition of approval for highways and streets shown on the final plat:

(a) Conformance in width and location to the plan on file at its main and district offices for state trunk line highways.

(b) Adequate provision for traffic safety in laying out roads, streets and alleys which enter state trunk line highways, as provided in the department's then currently published standards and specifications.

(c) That those portions of connecting streets and roads within state trunk line highway right of way be graded and surfaced in accordance with the department's then currently published standards and specifications.

(d) Completion of all required improvements, or a deposit by the proprietor with the department in the form of cash, a certified check or irrevocable bank letter of credit, whichever the proprietor selects, or a surety bond acceptable to the department, in an amount sufficient to insure completion of all required improvements within the time specified.

(2) Following approval of the final plat, the department may require a deposit to be made in the same manner as provided in subdivision (d) of subsection (1), to insure performance of any of the obligations of the proprietor to make required improvements. If a cash deposit is required, the department shall rebate to the proprietor, as the work progresses, an amount of cash equal to the ratio of the work completed to the entire project.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.186 Final plat; lots and outlots; waiver; applicability of subsection (3); maintaining recorded plat.
Sec. 186. (1) Except as otherwise provided in this section, as a condition of approval of the final plat, all lots and outlots subdivided as defined in section 102 shall comply with all of the following:

(a) Lots shall be numbered consecutively. If more than 1 subdivision is intended to be known by the same name or caption, the lots in those subdivisions shall be numbered consecutively throughout the several subdivisions bearing the same name.

(b) A residential lot shall not be less than 65 feet wide at the distance of 25 feet from its front line. If a lot diminishes in width from front to rear, it shall not be less than 65 feet wide at a distance of 50 feet from its front line.

(c) A residential lot shall not have an area of less than 12,000 square feet.

(d) If required by the governing body outlots designated on the plat shall be of a size, extent, and location that will not impair the intent of this act or any applicable municipal rules, regulations or policies for land development adopted and published by the governing body.

(e) Each lot and outlot shown on a plat shall have direct access to a street or road or assured permanent access is provided for in accordance with a local subdivision control ordinance or a zoning ordinance with subdivision control provisions.

(2) Minimum width and area requirements provided for in subsection (1) for residential lots may be waived in any subdivision if connection to a public water and a public sewer system is available and accessible or if the proprietor before approval of the plat posts security with the clerk of the municipality as provided in section 182, and if the municipality in which the subdivision is proposed has legally adopted zoning and

subdivision control ordinances that include minimum lot width and lot area provisions for residential buildings.

(3) The minimum width and area requirements provided for in subsection (1) for a residential lot may be waived if all of the following requirements are met:

(a) The residential lot has a public sewer system available and accessible and the sewer system will serve that residential lot.

(b) The residential lot consists of an area of not less than 7,200 square feet.

(c) The municipality in which the subdivision is proposed has legally adopted zoning and subdivision control ordinances that include minimum lot width and lot area provisions for residential buildings.

(d) The ground water supply on that residential lot meets or exceeds the water supply rules of the department of public health for subdivisions not served by public water.

(e) Except for a plat approved pursuant to subsection (5), the plat for the proposed subdivision in which the residential lot is located is submitted to the state for final plat approval before January 1, 1993.

(4) Subsection (3) does not apply to a final plat approved after December 31, 1994.

(5) Notwithstanding subsection (4), a waiver shall be granted under subsection (3) for a plat that meets the criteria in subsection (3)(a) through (d) and is contiguous to and, since September 1, 1992 has been owned by the same person as a plat that has received a waiver under subsection (3).

(6) The register of deeds shall maintain the recorded plat pursuant to section 243.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969 ;-- Am. 1992, Act 214, Imd. Eff. Oct. 9, 1992
Popular Name: Plat Act
Popular Name: Subdivision Control

560.188 Improvements.

Sec. 188. (1) If the subdivision includes or abuts certain improvements other than streets and alleys, such as county drains, lagoons, slips, waterways, lakes, bays or canals, which connect with or are proposed to connect with or enlarge public waters and such improvements are not in existence at the time of consideration by the governing body of the municipality, it may require, as a condition of approval of the final plat, the proprietor to enter into an agreement to construct such improvements within a reasonable time.

(2) The governing body may require a cash deposit, certified check or irrevocable bank letter of credit whichever the proprietor selects, or surety bond acceptable to the municipality, covering the estimated cost of construction, to be deposited with the clerk of the municipality to insure the faithful performance of the agreement. Outlots or parks used as buffer strips, if between the boundary of the subdivision and such improvements, shall not alter the requirements of this section.

(3) Any municipality may provide by ordinance for the installation of other improvements in addition to those required by this act. The governing body of the municipality, as a condition of approval of the plat, may require the proprietor to enter into an agreement, as provided in this section.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.190 Public utility easements.

Sec. 190. The proprietor shall provide public utility easements in accordance with the provisions of section 139. The following shall apply to all public utility easements included in a subdivision:

(a) Easements intended for use of public utilities shall not be deemed to be dedicated to the public but shall be private easements for public utilities and shall be equitably shared among such utilities.

(b) The public utilities first using an easement shall be reimbursed by later users for all rearrangement or relocation costs.

(c) Permanent structures may not be erected within easement limits by the owner of the fee but he shall have the right to make any other use of the land not inconsistent with the rights of public utilities, or the other uses as noted on the plat.

(d) The public utilities shall have the right to trim or remove trees that interfere with their use of easements.

(e) Nothing in this act shall be construed to limit any regulatory powers possessed by municipalities with respect to public utilities.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.192 Storm water drainage requirements as condition of final plat approval.

Sec. 192. The county drain commissioner or the governing body of the municipality in which the subdivision is situated, whichever has jurisdiction, shall require the following as a condition of approval of the final plat:

(a) That the proprietor provide for adequate storm water facilities within the lands proposed for platting and outlets thereto.

(b) If adequate storm water facilities within the land proposed for platting are not installed before approval of the final plat, the proprietor shall enter into an agreement with the governing body or county drain commissioner and shall post a cash deposit, certified check or irrevocable bank letter of credit whichever the proprietor selects, or a surety bond acceptable to the approving authority, in an amount

sufficient for the faithful performance of the agreement. A rebate shall be made to the proprietor, as the work progresses, of amounts of any cash deposits equal to the ratio of the work completed to the entire project.

(c) The county drain commissioner, or where there is no drain commissioner the body having jurisdiction shall require the proprietor at his or her expense to establish a county or intercounty drain according to the procedure provided in Act No. 40 of the Public Acts of 1956, as amended, being sections 280.1 to 280.630 of the Michigan Compiled Laws, if deemed necessary to insure adequate maintenance of storm water outlet facilities.

(d) That the proprietor provide adequate storm water retention basins where deemed necessary for all or a specified part of the lands proposed for platting and, if approved by the municipality in which these lands are located, that the municipality assume the cost of operation and maintenance of the retention basins.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969 ;-- Am. 1982, Act 529, Eff. Mar. 30, 1983
Popular Name: Plat Act
Popular Name: Subdivision Control

560.192a Operation and maintenance of retention basins; annual appropriation; creation of special assessment district; establishment of boundaries; hearing on creation of district; duties of governing body creating district; hearing on objections to cost, roll, or spreading of assessment; manner and time assessments due, collected, and returned; notice of hearing; exclusion.
Sec. 192a. (1) If approval of the final plat was conditioned pursuant to section 192 upon the operation and maintenance of retention basins for all or a portion of the area encompassed by the final plat, the cost of which may be defrayed by special assessments against the property benefited by the retention basins, the municipality in which this area is located may provide annually for the appropriation of funds for this purpose and create a special assessment district pursuant to subsection (2).

(2) The governing body of a municipality electing to defray the cost of operating and maintaining a retention basin by means of a special assessment shall establish, by resolution, the boundaries of the special assessment district and fix a day for a hearing on the question of creation of the special assessment district and on defraying the cost of operating and maintaining a retention basin by special assessment on the property benefited thereby.

(3) If, after the hearing conducted pursuant to subsection (2), a special assessment district is created, the governing body creating the district shall determine the annual cost of the operation and maintenance of the retention basin, determine the annual special assessment levy, prepare a special assessment roll, and direct the spread of the assessment levy on all property in the district. Before approval of the special assessment roll the governing body shall hold a hearing on objections to the cost, roll, or spreading of the special assessment on the roll. After the hearing, the governing body, at the same or a subsequent meeting, shall confirm or amend, or revise and then confirm, the cost projections on which the roll was developed and the spread of special assessments pursuant to this cost, and the special assessment roll.

(4) Special assessments imposed pursuant to this section shall become due, be collected, and be returned for nonpayment in the same manner and at the same time as ad valorem property tax levies of the municipality imposing the special assessment.

(5) Notice for any hearing held or required pursuant to this act shall be given pursuant to Act No. 162 of the Public Acts of 1962, being sections 211.741 to 211.745 of the Michigan Compiled Laws.

(6) Any property encompassed by the final plat for which adequate storm water facilities have been provided or extended to include, shall be excluded from a special assessment district created under this act.

History: Add. 1982, Act 529, Eff. Mar. 30, 1983
Popular Name: Plat Act
Popular Name: Subdivision Control

560.194 Flood plains; prohibit occupancy; alterations.
Sec. 194. If any part of a proposed subdivision lies within the floodplain of a river, stream, creek or lake, approval of the final plat shall be conditioned on the following:

(a) No buildings for residential purposes and occupancy shall be located on any portion of a lot lying within a floodplain, unless approved in accordance with the rules of the water resources commission of the department of conservation.

(b) Restrictive deed covenants shall be filed and recorded with the final plat that the floodplain area will be left essentially in its natural state.

(c) The natural floodplain may be altered if its original discharge capacity is preserved and the stream flow is not revised so as to affect the riparian rights of other owners.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.196 Subdivision names; consecutive numbering of additions.
Sec. 196. The following shall apply to all subdivisions as a condition of approval:

(a) The name of a subdivision as included in the caption of the plat shall not use the name of a previously recorded subdivision within the same county unless it is an addition thereto.

(b) The first subdivision bearing the name may be numbered 1 and all additions shall be numbered consecutively beginning with number 2.

(c) A plat duplicating the name of any existing subdivision within the same county shall be rejected by the governing body or county plat board.

(d) The governing body or county plat board may also reject plats submitted with subdivision names so closely approximating previously

recorded plats that such use might easily lead to misunderstanding or confusion for purposes such as assessment and description of land.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969
Popular Name: Plat Act
Popular Name: Subdivision Control

560.198 Correction of errors; surveyor's affidavit.
Sec. 198. Subject to review and approval at a meeting of the county plat board of the county in which the subdivision is located, an affidavit by the surveyor who certified the plat may be recorded in the office of the register of deeds in which the plat is recorded but only for the purpose of correcting minor and typographical errors in distances, angles, directions, bearings, chords, lot numbers, street numbers or other details shown on a recorded plat as follows:

(a) The affidavit shall explain the purpose, exact nature, and details of the correction.

(b) If the county plat board rejects the request for recording of the affidavit, it shall give its reasons in writing.

(c) The register of deeds, after approval of the county plat board, shall note on the plat a reference to the book and page in which the affidavit is recorded and shall send a certified copy to the state treasurer, who shall note or reference it on his copy of the plat. The state treasurer shall send copies to all agencies which received a copy of the plat.

(d) A recorded affidavit, or a certified copy thereof, shall be prima facie evidence of the facts therein stated.

(e) Affidavits of correction may not be used to change the boundaries or shape of lots, outlots or parcels of land in a subdivision.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

ASSESSOR'S PLATS

560.201 Assessor's plat; compliance; conditions for ordering; resolution; report; estimated cost.
Sec. 201. (1) An assessor's plat shall comply with sections 201 to 213 and may be ordered if any 1 of the following conditions exist:

(a) When a parcel or tract of land is owned by 2 or more persons.

(b) When the description of 1 or more of the different parcels within the area cannot be made sufficiently certain and accurate, or are deemed excessively complicated by the governing body, for the purposes of assessment and taxation without a survey or resurvey.

(2) The governing body of a municipality by adoption of a resolution may cause a plat to be made for purposes described in subsection (1) after a report from the assessor or supervisor bringing to its attention an area of land in which the stated conditions exist. It shall include in the resolution the estimated cost assessable to each parcel of land to be included in the plat for the purpose of immediate assessment, subject to final adjustment in accordance with section 203.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1976, Act 431, Imd. Eff. Jan. 11, 1977
Popular Name: Plat Act
Popular Name: Subdivision Control

560.201a Assessor's plat; additional conditions for ordering.
Sec. 201a. Notwithstanding the conditions specified in sections 201(1) (a) and (b), an assessor's plat, complying with sections 201 to 213, may also be ordered if there is a person in possession under a lease agreement relating to a parcel or tract of land and all of the following conditions are met:

(a) There is in effect a lease which was executed prior to January 1, 1968.

(b) The area of the land affected by the lease is smaller than the minimum lot size or configuration required by this act, or by local ordinance, as the case may be, or if the land is of proper size and configuration but at least 75% of the portion of the boundary not abutted by streets is abutted by lands of insufficient size or configuration.

(c) The leasehold premises has been improved with a permanent structure.

History: Add. 1973, Act 94, Imd. Eff. Aug. 8, 1973
Popular Name: Plat Act
Popular Name: Subdivision Control

560.201b Assessor's plat; additional conditions for ordering.
Sec. 201b. Notwithstanding the conditions specified in section 201(1), an assessor's plat complying with sections 201 to 213 may also be ordered by the governing body of a municipality if all of the following conditions are met:

(a) When a parcel or tract of land had been improved by 4 or more permanent residential structures before January 1, 1968.

(b) When division of the parcel or tract into lots for the purpose of selling or leasing the permanent residential structures thereon would result in a lot size or configuration smaller than required by this act or by local ordinance.

(c) Each lot be serviced by a sewage disposal and water supply system approved by the local health department having jurisdiction.

History: Add. 1976, Act 431, Imd. Eff. Jan. 11, 1977
Popular Name: Plat Act
Popular Name: Subdivision Control

560.202 Name and boundary description; plat made by surveyor.
Sec. 202. (1) The plat shall be called an assessor's plat and given a name. It shall plainly define the boundary of each parcel, each street, alley or

road and dedication to public or private use, as such, shall be evidenced by the records of the register of deeds.

(2) The plat shall be made by a surveyor.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.203 Assessor's plat; payment of costs and expenses; cost charged to land.

Sec. 203. The actual and necessary costs and expenses of making assessor's plats shall be paid out of the general fund of the city, incorporated village, or township whose governing body ordered the plat. All of the cost may be charged to the land so platted. Of the cost charged to the land so platted, 1/2 shall be based on the proportion that the area of each parcel bears to the total area of the plat and 1/2 shall be charged equally to each parcel included in the assessor's plat, as a special assessment on the land, in the manner provided in Act No. 67 of the Public Acts of 1961, being sections 41.921 to 41.925 of the Michigan Compiled Laws.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969 ;-- Am. 1976, Act 431, Imd. Eff. Jan. 11, 1977
Popular Name: Plat Act
Popular Name: Subdivision Control

560.204 Survey requirements; setting of monuments.

Sec. 204. (1) The surveyor making the plat shall survey and lay out the boundaries of each parcel, street, alley or road and dedication to public or private use, according to the records of the register of deeds and whatever other evidence that may be available to show the intent of the buyer and seller, in the chronological order of their conveyance or dedication.

(2) The surveyor shall also:

(a) Set temporary monuments to show the results of the survey.

(b) Make a map of the proposed plat to the scale of not more than 100 feet to 1 inch.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.205 Notice to proprietors.

Sec. 205. The proprietors of record of lands in the plat shall be notified by registered mail to their last known address, in order that they shall have opportunity to examine the map, view the temporary monuments, and make known any disagreement with the boundaries as shown.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.206 Reconciliation of boundaries within plat.

Sec. 206. (1) The surveyor making the plat shall reconcile any discrepancies that may be revealed, so that the plat as certified to the governing body shall be in conformity with the records of the register of deeds as nearly as is practicable.

(2) When boundary lines between adjacent parcels, as evidenced on the ground, are mutually agreed to in writing by the proprietors of record or in possession, such lines may be the true boundaries for all purposes thereafter, even though they vary from the metes and bounds descriptions previously of record. The written agreements shall be recorded in the office of the register of deeds.

(3) When reconciliation has been completed, the temporary monuments shall be replaced with permanent monuments meeting the specifications and provisions of this act for monuments.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.207 Boundaries and numbering of lots within plat.
Sec. 207. (1) On every assessor's plat, as certified to the governing body, shall appear the bearings and distances of lines of each parcel recorded in the office of the register of deeds, and each lot shall also be numbered as provided in this act for final plats.

(2) The provisions of this act as to surveys and monuments and as to form and procedure, insofar as they are applicable to the purposes of assessor's plats shall apply.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.208 Surveyor's certificate.
Sec. 208. The sworn certificate of the surveyor who made the plat and, if a firm of surveyors also by a partner or principal officer, shall appear on the plat and shall state the following:

(a) The name of the governing body by whose order the plat was made, and the date of the order.

(b) A statement that the plat is a correct representation of all the exterior boundaries of the land surveyed and each parcel or lot thereof.

(c) A statement that he has fully complied with the provisions of this act in filing the plat.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.209 Filing; county road commission approval; publication; action to correct plat.
Sec. 209. (1) When completed, the assessor's plat shall be filed with the clerk of the governing body that ordered the plat. In unincorporated areas, the certificate of the county road commission shall first be

secured, stating that the public roads shown on the plat were in existence at the time the plat was made.

(2) The clerk shall promptly give notice thereof by publication for 3 successive weeks in a newspaper of general circulation in the city, village, township or county, or if there is none, in a newspaper published in the adjoining county and having general circulation in the locality where the plat is situated.

(3) The plat shall remain on file in the clerk's office for 30 days after the first publication. At any time within the 30-day period any person or public body having an interest in any lands affected by the plat may bring a suit to have such plat corrected.

(4) If no such suit is brought within such time, the plat may be approved by the governing body.

(5) If suit is brought, approval shall be withheld until it is decided. If necessary, the plat shall be revised in accordance with such decision, then approved by the governing body.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.210 Local authorities approval; acknowledgment; review by state treasurer; recording.
Sec. 210. The plat, when completed and certified as provided in this act with the exception of the certification by the county plat board and when approved by the governing body and in unincorporated areas by the board of county road commissioners, shall be acknowledged by the clerk thereof. When so approved and acknowledged, all copies of the plat shall be forwarded to the state treasurer together with the recording fee specified in this act for all plats. The state treasurer shall review the plat for adherence to the provisions of this act, or may reject it giving his reasons in writing. Upon approval, the state treasurer shall forward the plat to the register of deeds for recording. On return of the proof of recording the required recording fee shall be sent to the register of deeds

and the state treasurer shall distribute the copies as required for all other final plats.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.211 Recording; notification of local authorities; apportionment of taxes.

Sec. 211. When an assessor's plat is recorded, the register of deeds shall notify the county treasurer. The county treasurer shall notify the assessor if any part of the lands included in the plat are delinquent for taxes or special assessments for any year prior to the date of recording. The assessor or supervisor shall apportion such taxes or assessments against the individual or several lots in the plat. The apportionment of delinquent taxes and special assessments shall be governed by the provisions of section 53 of Act No. 206 of the Public Acts of 1893, as amended. The apportioned taxes and special assessment shall thereafter become a lien against the individual or several lots in the plat and treated in the same manner as taxes of the year of the original assessment for the purpose of collection and sale for delinquent taxes as provided by Act No. 206 of the Public Acts of 1893, as amended.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.212 References to plat descriptions; use; plats as evidence.

Sec. 212. Reference to any land, as it appears on a recorded assessor's plat is sufficient for purposes of assessment and taxation. Conveyance may be made by reference to the plat and shall be as effective to pass title to the land so described as it would be if the premises had been described by metes and bounds. The plat or record thereof shall be received in evidence in all courts and places as correctly describing the several parcels of land therein designated. After an assessor's plat has been made and recorded with the register of deeds, all conveyances of lands included in the assessor's plat shall be by reference to the plat. Any instrument dated and acknowledged after January 1, 1968, purporting to

convey or mortgage any such lands except by reference to such assessor's plat may not be recorded by the register of deeds.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.213 Plat recorded after tax day; substitution of plat description; certification of acquisition of public lands.
Sec. 213. (1) Whenever a parcel of land has been subdivided and platted and the plat recorded after the tax day, the assessing officer shall substitute the recorded plat for the description of the parcel of land on the tax roll of the succeeding tax year, and shall utilize for tax purposes descriptions of property within the platted area by lot number instead of by metes and bounds in carrying out his duties as provided in section 53 of Act No. 206 of the Public Acts of 1893, as amended.

(2) The assessing officer shall certify under his hand and seal that the municipality has acquired the title to the highways, streets, alleys and public places shown on the assessor's plat by reason of purchase, dedication, condemnation or adverse possession for public use, and if there are any roads, streets, alleys or other such places to which the municipality has not acquired title for public use the extent of their use shall be plainly stated in the dedication, and the plat shall be signed and acknowledged by the officer.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

PLAT CHANGES

560.221 Vacation, correction, or revision of plat.
Sec. 221. The circuit court may, as provided in sections 222 to 229 vacate, correct, or revise all or a part of a recorded plat.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1978, Act 367, Imd. Eff. July 22, 1978
Popular Name: Plat Act
Popular Name: Subdivision Control

560.222 Complaint; filing.

Sec. 222. Except as provided in section 222a, to vacate, correct, or revise a recorded plat or any part of a recorded plat, a complaint shall be filed in the circuit court by the owner of a lot in the subdivision, a person of record claiming under the owner, or the governing body of the municipality in which the subdivision covered by the plat is located.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1978, Act 367, Imd. Eff. July 22, 1978 ;-- Am. 2004, Act 590, Imd. Eff. Jan. 4, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.222a Public utility easement as part of recorded plat; relinquishment by written agreement; parties; requirements.

Sec. 222a. (1) Notwithstanding section 222, a public utility easement that is part of a recorded plat may be relinquished without filing an action in circuit court if a written agreement for that purpose is entered into among all of the following parties:

(a) Each public utility or municipal entity that has the right to use the recorded easement.

(b) The owner or owners of record of each platted lot or parcel of land subject to the easement.

(c) A two-thirds majority of the owners of record of each platted lot or parcel of land within 300 feet of any part of the recorded easement.

(d) The governing board of the municipality in which the subdivision covered by the plat is located.

(2) An agreement described in subsection (1) shall meet all applicable requirements for recordation and is effective upon being recorded with the register of deeds and filed with the department of labor and economic

growth. The register of deeds and the department of labor and economic growth shall cross-reference the document to the affected plat.

History: Add. 2004, Act 590, Imd. Eff. Jan. 4, 2005
Popular Name: Plat Act
Popular Name: Subdivision Control

560.223 Complaint; contents.

Sec. 223. The complaint shall set forth:

(a) The part or parts, if any, sought to be vacated and any other correction or revision of the plat sought by the plaintiff.

(b) The plaintiff's reasons for seeking the vacation, correction, or revision.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1978, Act 367, Imd. Eff. July 22, 1978
Popular Name: Plat Act
Popular Name: Subdivision Control

560.224 Repealed. 1978, Act 367, Imd. Eff. July 22, 1978.

Compiler's Notes: The repealed section pertained to notice of petition.
Popular Name: Plat Act
Popular Name: Subdivision Control

560.224a Joinder of parties defendant.

Sec. 224a. (1) The plaintiff shall join as parties defendant each of the following:

(a) The owners of record title of each lot or parcel of land included in or located within 300 feet of the lands described in the petition and persons of record claiming under those owners.

(b) The municipality in which the subdivision covered by the plat is located.

(c) The state treasurer.

(d) The drain commissioner and the chairperson of the board of county road commissioners having jurisdiction over any of the land included in the plat.

(e) Each public utility which is known to the plaintiff to have installations or equipment in the subdivision or which has a recorded easement or franchise right which would be affected by the proceedings.

(f) The director of the state transportation department and the director of the department of natural resources if any of the subdivision includes or borders a state highway or federal aid road.

(g) If the requested action may result in a public highway or a portion of a public highway that borders upon, crosses, is adjacent to, or ends at a lake or the general course of a stream being vacated or altered in such a manner as would result in the loss of public access, the director of the department of natural resources and, if the subdivision is located in a township, the township. The department of natural resources and, if applicable, the township shall review the application and determine within 30 days whether the property should be retained by the state or township as an ingress and egress point, and shall convey that decision to the court.

(2) Service of process upon the joined parties defendant shall be made in accord with the general rules governing service of process in civil actions except that the parties defendant specified in subsection (1)(b), (f), or (g) may be served by registered mail and the parties defendant specified in subsection (1)(a) may be served by registered mail if there are more than 20 persons that must be joined pursuant to subsection (1)(a).

History: Add. 1978, Act 367, Imd. Eff. July 22, 1978 ;-- Am. 1979, Act 184, Imd. Eff. Dec. 19, 1979 ;-- Am. 1996, Act 219, Imd. Eff. May 28, 1996
Popular Name: Plat Act
Popular Name: Subdivision Control

560.225 Repealed. 1978, Act 367, Imd. Eff. July 22, 1978.

Compiler's Notes: The repealed section pertained to service.
Popular Name: Plat Act
Popular Name: Subdivision Control

560.226 Trial and hearing; order to vacate, correct, or revise recorded plat; exceptions; plat recording resulting in loss of public access to lake or stream; reservation of easement; operation and maintenance of property by state or local unit; effect of noncompliance with subsection (4); closure of road ending; proceedings.

Sec. 226. (1) Upon trial and hearing of the action, the court may order a recorded plat or any part of it to be vacated, corrected, or revised, with the following exceptions:

(a) A part of a state highway or federal aid road shall not be vacated, corrected, or revised except by the state transportation department.

(b) A part of a county road shall not be vacated, corrected, or revised except by the county road commission having jurisdiction pursuant to chapter IV of Act No. 283 of the Public Acts of 1909, being sections 224.1 to 224.32 of the Michigan Compiled Laws.

(c) A part of a street or alley under the jurisdiction of a city, village, or township and a part of any public walkway, park, or public square or any other land dedicated to the public for purposes other than pedestrian or vehicular travel shall not be vacated, corrected, or revised under this section except by both a resolution or other legislative enactment duly adopted by the governing body of the municipality and by court order. However, neither this section nor any other section shall limit or restrict the right of a municipality under sections 256 and 257 to vacate the whole or any part of a street, alley, or other land dedicated to the use of the public.

(2) If a circuit court determines pursuant to this act that a recorded plat or any part of it that contains a public highway or portion of a public highway that borders on, crosses, is adjacent to, or ends at any lake or

the general course of any stream, should be vacated or altered in a manner that would result in a loss of public access, it shall allow the state and, if the subdivision is located in a township, the township to decide whether it wants to maintain the property as an ingress and egress point. If the state or township decides to maintain the property, the court shall order the official or officials to either relinquish control to the state or township if the interest is nontransferable or convey by quitclaim deed whatever interest in the property that is held by the local unit of government to the state or township. The township shall have first priority to obtain the property or control of the property as an ingress and egress point. If the township obtains the property or control of the property as an ingress and egress point and later proposes to transfer the property or control of the property, it shall give the department of natural resources first priority to obtain the property or control of the property. If the state obtains the property or control of the property under this subsection, the property shall be under the jurisdiction of the department of natural resources. The state may retain title to the property, transfer title to a local unit of government, or deed the property to the adjacent property owners. If the property was purchased from restricted fund revenue, money obtained from sale of the property shall be returned to that restricted fund.

(3) A judgment under this section vacating, correcting, or revising a highway, road, street, or other land dedicated to the public and being used by a public utility for public utility purposes shall reserve an easement therein for the use of public utilities, and may reserve an easement in other cases.

(4) If interest in the property is conveyed or control over the property is relinquished to a local unit or this state under subsection (2), the local unit or this state, as applicable, shall operate and maintain the property so as to prevent and eliminate garbage and litter accumulation, unsanitary conditions, undue noise, and congestion as necessary.

(5) If a person shows substantial noncompliance with the requirements of subsection (4), the circuit court may order the local unit or this state to

close the road ending in a manner to prevent ingress and egress to the body of water for a period of up to 30 days.

(6) If a person shows substantial noncompliance with the requirements of subsection (4) and the circuit court has previously closed the road ending for up to 30 days under subsection (5), the circuit court may order the local unit or this state to close the road ending in a manner to prevent ingress and egress to the body of water for 90 days.

(7) If a person shows substantial noncompliance with the requirements of subsection (4) and the circuit court has previously closed the road ending for 90 days under subsection (6), the circuit court may order the local unit or this state to close the road ending in a manner to prevent ingress and egress to the body of water for 180 days.

(8) If a person shows substantial noncompliance with the requirements of subsection (4) and the circuit court has previously closed the road ending for 180 days under subsection (7), the circuit court shall order the local unit or this state to show cause why the road ending should not be permanently closed in a manner to prevent ingress and egress to the body of water. Subject to subsection (9), the circuit court shall permanently close the road ending unless the local unit or this state shows cause why the road ending should not be closed.

(9) After a road ending is closed under subsection (8), and unless the property has been conveyed or relinquished to the adjacent landowners under subsection (10), the local unit or this state may petition the circuit court to reopen the road ending. The circuit court may order the road ending reopened if the local unit or this state presents a management plan to and posts a performance bond with the circuit court, and the circuit court finds that the management plan and performance bond are adequate to ensure compliance with subsection (4).

(10) After a road ending is closed by the circuit court under subsection (8), 1 or more of the adjacent landowners may petition the circuit court to order the local unit or this state to convey any interest in the property that the local unit or this state holds to the adjacent landowners, or, if the

interest is nontransferable, to relinquish control over the property to the adjacent landowners.

(11) Proceedings under subsection (5), (6), (7), or (8) shall be initiated by application of 7 owners of record title of land in the local unit who own land within 1 mile of the road ending to the circuit court for the county in which the road ending is located. The applicants in proceedings under subsection (5), (6), (7), (8), (9), or (10) shall give the persons described in section 224a notice of the application by registered mail.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1978, Act 367, Imd. Eff. July 22, 1978 ;-- Am. 1978, Act 556, Imd. Eff. Dec. 22, 1978 ;-- Am. 1996, Act 219, Imd. Eff. May 28, 1996
Popular Name: Plat Act
Popular Name: Subdivision Control

560.227 Repealed. 1978, Act 367, Imd. Eff. July 22, 1978.

Compiler's Notes: The repealed section pertained to vesting of vacated part.
Popular Name: Plat Act
Popular Name: Subdivision Control

560.227a Vesting of title upon vacation of plat, street, or alley; legal description of abutting lot.

Sec. 227a. (1) Title to any part of the plat vacated by the court's judgment, other than a street or alley, shall vest in the rightful proprietor of that part. Title to a street or alley the full width of which is vacated by the court's judgment shall vest in the rightful proprietors of the lots, within the subdivision covered by the plat, abutting the street or alley. Title to a public highway or portion of a public highway that borders on, is adjacent to, or ends at a lake or the general course of a stream may vest in the state subject to section 226.

(2) If the lots abutting the vacated street or alley on both sides belong to the same proprietor, title to the vacated street or alley shall vest in that proprietor. If the lots on opposite sides of the vacated street or alley belong to different proprietors, title up to the center line of the vacated

street or alley shall vest in the respective proprietors of the abutting lots on each side.

(3) If only part of the width of a street or alley, not extending beyond the center line, is vacated, title to the vacated part of the street or alley shall vest in the proprietor of the lots abutting the same.

(4) When title to any part of a vacated street or alley vests in an abutting proprietor, any future legal description of the abutting lot or lots shall include that part of the vacated street or alley.

History: Add. 1978, Act 367, Imd. Eff. July 22, 1978 ;-- Am. 1996, Act 219, Imd. Eff. May 28, 1996
Popular Name: Plat Act
Popular Name: Subdivision Control

560.228 Recording of judgment.

Sec. 228. Within 30 days after entry of judgment, for vacation, correction, or revision of a plat, plaintiff shall record the judgment in the office of the register of deeds. The register of deeds shall place on the original plat the date, liber, and page of the record of the court's judgment.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1978, Act 367, Imd. Eff. July 22, 1978
Popular Name: Plat Act
Popular Name: Subdivision Control

560.229 Preparation and form of new plat; filing copies; caption; approval; distribution of copies; fees.

Sec. 229. (1) If the court orders a plat to be vacated, corrected, or revised in whole or in part, the court shall also direct plaintiff to prepare, in the form required by this act for a final plat, either a new plat of the part of the subdivision affected by the judgment or a new plat of the entire subdivision if the court's judgment affects a major part of the subdivision.

(2) Five true copies of the new plat, accompanied by a copy of the court's judgment, shall be filed with the state treasurer. The caption of the new

plat shall include a statement that it is a corrected or revised plat of all or part of the same subdivision covered by the original plat.

(3) After the state treasurer has examined the new or amended plat for compliance with the court judgment and the provisions of this act for the making and filing of original final plats and has approved the new or amended plat, the state treasurer shall distribute 1 copy each to the register of deeds, clerk of the municipality, county treasurer, and county road commission. One copy shall be filed in the office of the state treasurer.

(4) Fees for recording and filing documents as required by this section shall be the same as for an original final plat.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1978, Act 367, Imd. Eff. July 22, 1978
Popular Name: Plat Act
Popular Name: Subdivision Control

FEES AND ADMINISTRATION

560.241 Submission of final plat; filing and recording; state plat review fee; disposition of fee.
Sec. 241. (1) When a final plat is submitted to the clerk of the governing body of the municipality, the proprietor shall deposit with the plat both of the following:

(a) A filing and recording fee of $20.00. The filing and recording fee is in addition to any fee the municipality may charge under this act.

(b) A state plat review fee of $150.00, plus $15.00 for each lot over 4 lots included in the plat. The state plat review fee shall be paid by check or money order payable to the state of Michigan.

(2) Upon approval of the plat by the governing body, the clerk shall send the filing and recording fee and the state plat review fee with the plat to the clerk of the county plat board.

(3) The clerk of the county plat board shall deposit the filing and recording fee in the county trust and agency fund for subsequent payment by county warrant from this fund to the county register of deeds in the amount of $20.00, upon submission of proof to the clerk of the county plat board that the plat has been recorded in the office of the county register of deeds.

(4) If a final plat is forwarded to the state administrator, the clerk of the county plat board shall forward the state plat review fee with the plat.

(5) A state plat review fee collected by this state shall be deposited in the state treasury for use in the administration of this act. A fund in which state plat review fees shall be deposited is created in the state treasury. This fund is a revolving fund, and money remaining in the fund at the end of the fiscal year shall be carried over in the fund to the next and succeeding fiscal years for use in the administration of this act.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1991, Act 59, Imd. Eff. June 27, 1991 ;-- Am. 1993, Act 67, Imd. Eff. June 21, 1993 ;-- Am. 1998, Act 549, Imd. Eff. Jan. 20, 1999
Popular Name: Plat Act
Popular Name: Subdivision Control

560.241a Repealed. 1993, Act 67, Eff. Oct. 1, 1998.

Compiler's Notes: The repealed section pertained to submission of final plat and fees.
Popular Name: Plat Act
Popular Name: Subdivision Control

560.242 State treasurer; records and indexing; fees.

Sec. 242. (1) The state treasurer shall maintain a permanent file of plats and the index shall contain all pertinent information necessary to facilitate reference.

(2) A fee established by the state treasurer shall be collected for copies of plats.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.243 Register of deeds; maintaining permanent file; expense; fee.
Sec. 243. (1) The register of deeds shall maintain a permanent file of recorded plats.

(2) The expense of maintaining the file, such as for binders, cabinets, supplies, and reproduction pursuant to the records media act, Act No. 116 of the Public Acts of 1992, being sections 24.401 to 24.403 of the Michigan Compiled Laws, shall be provided from the general fund of the county.

(3) A fee of not less than $1.00 per sheet shall be collected by the register of deeds for copies of plats recorded in his or her office.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1992, Act 185, Imd. Eff. Oct. 5, 1992 ;-- Am. 1992, Act 214, Imd. Eff. Oct. 9, 1992
Popular Name: Plat Act
Popular Name: Subdivision Control

560.244 Proprietor's copy.
Sec. 244. (1) If the proprietor of a subdivision desires to retain a copy of the final plat, he shall forward a sixth copy of it to the state treasurer for certification as an exact copy of the approved and recorded plat.

(2) The true copy requested may be made upon tracing linen or some similar material.

(3) No charge shall be made for certification of the sixth copy.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.245 Abstract of title or title policy; attorney's opinion in lieu of abstract.

Sec. 245. The proprietor submitting the plat for approval shall furnish to the governing body an abstract of title certified to date of the proprietor's certificate to establish recorded ownership interests and any other information deemed necessary for the purpose of ascertaining whether the proper parties have signed the plat, or a policy of title insurance currently in force, covering all of the land included within the boundaries of the proposed subdivision. The governing body, in lieu of an abstract of title, may accept on its own responsibility an attorney's opinion based on the abstract of title as to ownership and marketability of title of the land.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.246 Governing body; fees.

Sec. 246. (1) The governing body of a municipality may adopt by ordinance a reasonable schedule of fees, based on the number of lots in the proposed subdivision. The fee charged shall be in addition to the filing and recording fee, and shall be for the examination and inspection of plats and the land proposed to be subdivided, and related expenses.

(2) A proprietor submitting a plat for approval shall be required to deposit the established fee with the clerk of the municipality and until the fee is paid, the plat shall not be considered or reviewed.

(3) The governing body may employ a surveyor as an assistant. If it is deemed more practical in a county for the county to employ a surveyor to assist governing bodies of municipalities within the county, then the board of supervisors, by resolution, may employ the surveyor and may establish a reasonable schedule of fees for his services to be charged to the governing body receiving his assistance.

(4) Until an ordinance is adopted by the governing body establishing a schedule of fees, the governing body may require the payment of a fee not to exceed $100.00.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.247 County plat board; compensation.

Sec. 247. (1) Each member of the county plat board shall be paid compensation and mileage for attendance at plat board meetings equal to compensation and mileage paid to supervisors for attendance at meetings of the board of supervisors. The compensation shall be payable from the general fund of the county.

(2) The duties of the county plat board shall not be considered as being a part of the duties of the regular offices of the members thereof.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.248 County road commission; fees.

Sec. 248. The county road commission may adopt as part of the published rules by resolution, a reasonable schedule of fees, to be charged proprietors seeking approval of plats. The fee shall be for the examination of those plat features which require approval of the county road commission as provided in section 183, and plans and inspection of highways, streets and alleys, together with bridges, culverts, drainage structures or other improvements constructed in connection with the plat and related expenses.

History: Add. 1969, Act 308, Imd. Eff. Aug. 14, 1969
Popular Name: Plat Act
Popular Name: Subdivision Control

560.249 Board of supervisors; fees.

Sec. 249. The county board of supervisors may adopt a reasonable schedule of fees to be charged proprietors seeking approval of plats to compensate the county drain commissioner for his examination of those plat features which require approval of the county drain commissioner as provided in section 192 and plans and inspection of drainage facilities constructed by the proprietor or existing on the plat site.

History: Add. 1969, Act 308, Imd. Eff. Aug. 14, 1969
Popular Name: Plat Act
Popular Name: Subdivision Control

560.251 Recorded plats; evidence.

Sec. 251. A certified copy of the recorded plat in the register of deeds office shall be received in all courts in this state as prima facie evidence of the making and recording of the plat in conformity with the provisions of this act.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.252 Instruments affecting title; prohibit recording unless plat recorded.

Sec. 252. The register of deeds shall not accept for record any instrument purporting to convey or encumber lots designated by number in a subdivision of land unless a plat showing such lots has previously been recorded.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.253 Dedication of plats; reservation of mineral rights.

Sec. 253. (1) When a plat is certified, signed, acknowledged and recorded as prescribed in this act, every dedication, gift or grant to the public or any person, society or corporation marked or noted as such on the plat shall be deemed sufficient conveyance to vest the fee simple of all parcels of land so marked and noted, and shall be considered a general warranty against the donors, their heirs and assigns to the donees for their use for the purposes therein expressed and no other.

(2) The land intended for the streets, alleys, commons, parks or other public uses as designated on the plat shall be held by the municipality in which the plat is situated in trust to and for such uses and purposes.

(3) A reservation or an ownership interest in mineral rights or underground gas storage rights in land shall not constitute the holding of title for the purpose of signing the proprietor's certificate.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.254 Restrictions; enforcement.

Sec. 254. Any restriction required to be placed on platted land by a public body given the authority to review or approve plats by the provisions of this act or which names the public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction in a court of competent jurisdiction against anyone who has or acquires an interest in the land subject to the restriction. The restriction may be released or waived in writing but only by the public body having the right of enforcement.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.255 Lot numbers use.

Sec. 255. When a subdivision plat has been recorded, the lots in that plat shall be described by the caption of the plat and the lot number for all purposes, including those of assessment, taxation, sale and conveyance.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.255a Land revised, altered, or vacated by order of circuit court in county in which land situated.

Sec. 255a. Land in a subdivision dedicated to the use of the public for purposes other than pedestrian or vehicular travel, or land dedicated for a public way which is under the jurisdiction of a municipality, a portion of which public way is within 25 meters of a lake or the general course of a stream, shall not be revised, altered, or vacated except by order of the circuit court in the county in which the land is situated.

History: Add. 1978, Act 556, Imd. Eff. Dec. 22, 1978
Popular Name: Plat Act
Popular Name: Subdivision Control

560.255b Presumption of acceptance of land dedicated to use of public; rebuttal.

Sec. 255b. (1) Ten years after the date the plat is first recorded, land dedicated to the use of the public in or upon the plat shall be presumed to have been accepted on behalf of the public by the municipality within whose boundaries the land lies.

(2) The presumption prescribed in subsection (1) shall be conclusive of an acceptance of dedication unless rebutted by competent evidence before the circuit court in which the land is located, establishing either of the following:

(a) That the dedication, before the effective date of this act and before acceptance, was withdrawn by the plat proprietor.

(b) That notice of the withdrawal of the dedication is recorded by the plat proprietor with the office of the register of deeds for the county in which the land is located and a copy of the notice was forwarded to the state treasurer, within 10 years after the date the plat of the land was first recorded and before acceptance of the dedicated lands.

History: Add. 1978, Act 556, Imd. Eff. Dec. 22, 1978
Popular Name: Plat Act
Popular Name: Subdivision Control

560.256 Opening, vacating, extending, widening, or changing name of street or alley; recording certified copy of ordinance or resolution; copy to state treasurer.

Sec. 256. Subject to the restrictions prescribed in section 255a, when the governing body of a municipality by resolution or ordinance opens or vacates a street or alley or a portion of a street or alley, or extends, widens, or changes the name of an existing street or alley, the clerk of the municipality within 30 days shall record a certified copy with the register of deeds, giving the name of the plat or plats affected, and shall

send a copy to the state treasurer. Until recorded, the ordinance or resolution shall not have force or effect.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1978, Act 556, Imd. Eff. Dec. 22, 1978
Popular Name: Plat Act
Popular Name: Subdivision Control

560.257 Discontinuance of street, alley, or other public land; reservation of easement; recording resolution or ordinance; copy to state treasurer.

Sec. 257. (1) Subject to the restrictions prescribed in section 255a, when the governing body of a municipality determines that it is necessary for the health, welfare, comfort, and safety of the people of the municipality to discontinue an existing street, alley, or other public land shown on a plat, by resolution or ordinance, the governing body may reserve an easement in the street, alley, or land for public utility purposes and other public purposes within the right of way of the street, alley, or other public land vacated.

(2) The resolution or ordinance shall be recorded within 30 days with the register of deeds and a copy shall be sent to the state treasurer.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1978, Act 556, Imd. Eff. Dec. 22, 1978
Popular Name: Plat Act
Popular Name: Subdivision Control

560.258 Public lands; agreements for maintenance.

Sec. 258. As a condition of final plat approval the governing body of a municipality or the board of county road commissioners may require copies of agreements, covenants or other documents showing the manner in which areas to be reserved for the common use of the residents of the subdivision are to be maintained.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.259 Minimum standards.
Sec. 259. The standards for approval of plats prescribed in this act are minimum standards and any municipality, by ordinance, may impose stricter requirements and may reject any plat which does not conform to such requirements.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

PENALTIES

560.261 Sale of land; written disclosures to buyer; voidability of sale.
Sec. 261. No person shall sell any lot in a recorded plat or any parcel of unplatted land in an unincorporated area if it abuts a street or road which has not been accepted as public unless the seller first informs the purchaser in writing on a separate instrument to be attached to the instrument conveying any interest in such lot or parcel of land of the fact that the street or road is private and is not required to be maintained by the board of county road commissioners. In addition, any contract or agreement of sale entered into in violation of this section shall be voidable at the option of the purchaser.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.262 Monuments; removal or disturbance.
Sec. 262. No person shall knowingly remove or disturb any monument without the permission of the governing body of the municipality in which the subdivision is located.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.263 Lots; further division; regulation.
Sec. 263. No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the ordinances of

the municipality. The municipality may permit the partitioning or dividing of lots, outlots or other parcels of land into not more than 4 parts; however, any lot, outlot or other parcel of land not served by public sewer and public water systems shall not be further partitioned or divided if the resulting lots, outlots or other parcels are less than the minimum width and area provided for in this act.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.264 Sale of land; noncompliance with act; penalty.
Sec. 264. (1) Any person who sells or agrees to sell any lot, piece, or parcel of land without first having recorded a plat thereof when required by this act is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000.00, or imprisonment for not to exceed 180 days, or both. For each offense under this subsection after a first offense under this subsection, the person shall be punished by a fine of not more than $1,000.00, or imprisonment for not to exceed 1 year, or both. Agreement to sell under this section does not include an option to buy extended from the seller for a money consideration to the prospective buyer.

(2) Any person who violates section 108, 109, 109b, or the exempt split provision of section 103(1) and sells a resulting parcel of land is responsible for the payment of a civil fine of not more than $1,000.00 for each parcel sold. A default in the payment of a civil fine or costs ordered under this subsection or an installment of the fine or costs may be remedied by any means authorized under the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9948.

(3) Any person who violates any provision of this act other than section 108, 109, 109b, or the exempt split provision of section 103(1) is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1997, Act 87, Eff. Oct. 1, 1997
Popular Name: Plat Act
Popular Name: Subdivision Control

560.265 Enforcement of act; injunctive proceedings; venue.
Sec. 265. Any municipality, board of county road commissioners or county plat board may bring an action in its own name to restrain or prevent any violation of this act or any continuance of any such violation. Such action shall be brought in the county where the land is located, the defendant resides or has his principal place of business.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.266 Enforcement of act; prosecution, venue.
Sec. 266. The attorney general or the prosecuting attorney of any county may prosecute any violation of this act or may bring an action in the name of the state to restrain or prevent any violation of this act or any continuance of any such violation. Such action, in the case of the attorney general, shall be brought in the circuit court of Ingham county, upon which jurisdiction thereof is conferred, and in the case of the prosecuting attorney, in the county where the land involved is located, the defendant resides, or has his principal place of business or where the purchaser resides.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.267 Sale of lands in violation of act; voidability of sale.
Sec. 267. Any sale of lands subdivided or otherwise partitioned or split in violation of this act is voidable at the option of the purchaser, and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1997, Act 87, Imd. Eff. July 28, 1997
Popular Name: Plat Act
Popular Name: Subdivision Control

560.290 State treasurer; employee in charge of plat section; qualifications.

Sec. 290. The employee in direct charge of the plat section in the office of the state treasurer which performs services for the state treasurer under this act, and such employee's chief assistant, shall be a registered land surveyor registered in this state.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.291 Plats in process, approval.

Sec. 291. Any preliminary or final plat which on January 1, 1968, has been approved by the municipality or county road commission may be processed under the law in effect at the time of approval, but not after January 1, 1970, after which time all plats submitted for approval shall comply with the requirements of this act.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969
Popular Name: Plat Act
Popular Name: Subdivision Control

560.292 Repeal.

Sec. 292. Act No. 172 of the Public Acts of 1929, as amended, being sections 560.1 to 560.80 of the Compiled Laws of 1948, is repealed.

History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

560.293 Effective date.

Sec. 293. This act shall take effect on January 1, 1968.
History: 1967, Act 288, Eff. Jan. 1, 1968
Popular Name: Plat Act
Popular Name: Subdivision Control

LAND SALES ACT
Act 286 of 1972

AN ACT to regulate the disposition of lots, parcels, units or interests in lands within real estate subdivisions; to require registration; to protect the purchaser from unfair and deceptive trade practices; to provide for the filing of bonds and performance assurances; to regulate advertising, promotions and sales contracts; to provide for the payment of fees; and to provide penalties.

History: 1972, Act 286, Eff. Mar. 30, 1973

The People of the State of Michigan enact:

565.801 Short title.

Sec. 1. This act shall be known and may be cited as the “land sales act”.

History: 1972, Act 286, Eff. Mar. 30, 1973
Compiler's Notes: For effective date of provisions pertaining to the offering of subdivided lands for disposition, see MCL 565.835 .

565.802 Definitions.

Sec. 2. As used in this act:

(a) “Advertising” means the publication or causing to be published of all material which has been prepared for public distribution by any means of communication. The term does not include stockholder communications such as annual reports and interim financial reports, proxy materials, registration statements, securities, prospectuses, applications for listing securities on stock exchanges, and the like; prospectuses, property reports, offering statements, or other documents required to be delivered to prospective purchaser by an agency of another state or the federal government; all communications addressed to and relating to the account of persons who have previously executed a contract for the purchase of the developer's lands, except where directed to the sale of additional lands.

(b) “Agent” means any person who represents, or acts for or on behalf of, a developer in disposing of subdivided lands or lots in a subdivision, and includes a real estate broker as defined in Act No. 306 of the Public Acts of 1919, as amended, being sections 451.201 to 451.219 of the Michigan Compiled Laws, but does not include an attorney at law whose representation of another person consists solely of rendering legal services.

(c) “Blanket encumbrance” means a trust deed or mortgage or mechanics lien or any other lien or financial encumbrance, securing or evidencing money debt and affecting lands to be subdivided or affecting more than 1 lot, parcel, unit, or interest of subdivided land; or an agreement affecting more than 1 lot, parcel, unit, or interest by which the developer holds the subdivision under an option, contract to purchase, or trust agreement, except a lien or other encumbrance arising as a result of the imposition of a tax assessment by a public authority so long as no portion thereof is past due.

(d) “Contiguous land” means any additional subdivided land adjacent to or adjoining the subdivided land included in any earlier subdivision for which a certificate of registration has been issued and which is offered under the same common subdivision name and the same common promotional plan of advertising and disposition.

(e) “Department” means the department of licensing and regulation.

(f) “Developer” means a person, or his agent, who, directly or indirectly, offers subdivided land for disposition, or who advertises subdivided land for disposition.

(g) “Director” means the director of the department of licensing and regulation or any person designated by him to act in his place.

(h) “Disposition” means a sale, lease, option, assignment, award by lottery or as a prize, or any offer or solicitation of an offer to do any of the foregoing concerning a subdivision or any part of a subdivision.

(i) “Notice” means a communication by mail from the department. Notice to developers shall be deemed complete when mailed certified return receipt requested to the developer's address currently on file with the department.

(j) “Offer” means every inducement, solicitation, or encouragement of a person to acquire a lot, unit, parcel, or interest in subdivided land.

(k) “Option” means, and is limited to, an offer to sell or to purchase respecting which a consideration of not more than 15% of the total purchase price is exchanged to guarantee that the offer will not be withdrawn or revoked for an agreed period of time.

(l) “Person” means an individual, corporation, government or governmental division or agency, business trust, estate, trust, partnership, unincorporated association, 2 or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

(m) “Purchaser” means a person who acquires or attempts to acquire or succeeds to an interest in land.

(n) “Subdivision” and “subdivided land” means any land, wherever located, improved or unimproved, which is divided or proposed to be divided for the purpose of disposition into 25 or more lots, parcels, units, or interests, and includes any portion thereof. Subdivided lands include land located outside this state which is promoted by mail, telephone calls, solicitation, or advertisements within or directed into this state. The terms include any land, whether contiguous or not, if 25 or more lots, parcels, units, or interests are offered as a part of a common promotional plan of advertising and sale where subdivided land is offered for disposition by a single developer or a group of developers acting in concert. If the land is contiguous or is known, designated, or advertised as a common unit or by a common name the land shall be presumed, without regard to the number of lots covered by each individual offering, as being offered for disposition as part of a common promotional plan.

History: 1972, Act 286, Eff. Mar. 30, 1973 ;-- Am. 1973, Act 184, Imd. Eff. Jan. 3, 1974

565.803 Regulation and administration.
Sec. 3. The disposition of lots, parcels, units or interests in land from subdivisions is subject to regulation and control pursuant to this act which is to be administered by the department.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.804 Offers or dispositions to which act inapplicable.
Sec. 4. Unless the method of disposition is adopted for the purpose of evasion of this act, as the procedure for application for and approval of exemption is determined by rules of the department, this act does not apply to offers or dispositions of an interest in land:

(a) By a purchaser of subdivided land for his or her own account in a single or isolated transaction.

(b) If fewer than 25 separate lots, parcels, units, or interests in subdivided land are offered or to be offered after September 30, 1973.

(c) On which lot, parcel, or unit there is a commercial or industrial building, shopping center, dwelling unit, or apartment, or as to which there is a legal obligation on the part of the seller or his or her assignee or agent to construct a commercial or industrial building, shopping center, dwelling unit, or apartment within 2 years from date of sale, lease, option, assignment, award by lottery, or as a prize.

(d) For cemetery lots or interests.

(e) A subdivision as to which the plan of sale is to dispose to 10 or fewer persons.

(f) To any person who acquires the lots for the purpose of engaging in and does engage in, or who is engaged in the business of constructing residential, commercial, or industrial buildings for the purpose of resale; or constructing commercial or industrial buildings for his or her own use; or the lease of the lots to persons engaged in the business of constructing residential, commercial, or industrial buildings for the purpose of resale.

(g) Pursuant to court order.

(h) Securities currently registered or securities transactions exempted by order of the corporation and securities bureau of the department of commerce.

(i) By a person electing to make offers or dispositions under any 2 or more different exemptions.

(j) A campground developed pursuant to former Act No. 171 of the Public Acts of 1970 or Act No. 368 of the Public Acts of 1978, as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, or a mobile home park developed pursuant to former Act No. 243 of the Public Acts of 1959, as amended, or Act No. 419 of the Public Acts of 1976, as amended, being sections 125.1101 to 125.1147 of the Michigan Compiled Laws.

(k) In a subdivision which has fewer than 50 lots, parcels, units, or interests and which has been fully recorded under Act No. 288 of the Public Acts of 1967, as amended, being sections 560.101 through 560.293 of the Michigan Compiled Laws, in the office of the registrar of deeds and in which no amenities are promised or advertised. Nothing in this section 4(k) shall limit the application of section 27 to a developer or agent of the developer.

(l) To the owner of adjacent land on which there is a commercial or industrial building, shopping center, dwelling unit, or apartment.

(m) Which is used or will be used for agricultural purposes.

History: 1972, Act 286, Eff. Mar. 30, 1973 ;-- Am. 1973, Act 184, Imd. Eff. Jan. 3, 1974 ;-- Am. 1980, Act 111, Imd. Eff. May 14, 1980

565.805 Additional offers or dispositions to which act inapplicable; condominiums.

Sec. 5. Unless the method of disposition is adopted for the purpose of evasion of this act, as the procedure for application for and approval of

exemption is determined by rules of the department, the provisions of this act do not apply to:

(a) Offers or dispositions of evidences of indebtedness secured by a mortgage or deed of trust of real estate.

(b) Offers or dispositions of securities or units of interest issued by a real estate investment trust regulated under any state or federal statute.

(c) Offers or dispositions of any interest in oil, gas, or other minerals or any royalty interest in oil, gas, or other minerals if the offers or dispositions of the interest are regulated as securities by the United States or by an agency of this state.

(d) Condominiums located in this state and regulated by the corporation and securities bureau of the department of commerce.

(e) Offers or dispositions of an interest in land by or to a state agency, city, village, township, county, or any other governmental unit, or United States governmental unit, body, or subdivision.

History: 1972, Act 286, Eff. Mar. 30, 1973 ;-- Am. 1973, Act 184, Imd. Eff. Jan. 3, 1974 ;-- Am. 1980, Act 111, Imd. Eff. May 14, 1980

565.806 Registration of subdivided lands required; delivery and examination of current property report; unfair and deceptive acts and practices; contract, agreement, or evidence of indebtedness; notice to purchaser; rescission; notice to developer; waiver.
Sec. 6. Unless the subdivided lands or the transaction is exempt by this act:

(a) A person may not offer or dispose of any interest in subdivided lands located in this state nor offer or dispose in this state of any interest in subdivided lands located without this state prior to the time the subdivided lands are registered in accordance with this act.

(b) A person may not dispose of any interest in subdivided lands unless a current property report is delivered to the purchaser and the purchaser is

afforded a reasonable opportunity to examine the property report prior to the disposition.

(c) A person may not engage in any unfair or deceptive act or practice in the conduct of and disposition of subdivided lands. Disposition of subdivided lands by option on an option or by assignment of less than the total options held by the seller, is presumed to be an unfair and deceptive practice. Disposition by instrument purporting to be an option is presumed unfair and deceptive if the stated consideration for the purported option exceeds 15% of the purchase price of the subdivided land or if the option does not separately state the purchase price.

(d) Any contract or agreement for the disposition of a lot, parcel, unit or interest in a subdivision covered by this act, where the property report has not been given to the purchaser in advance of the time of his signing, is voidable at the discretion of the purchaser. In addition, the purchaser has an unconditional right to rescind any contract, agreement or other evidence of indebtedness between the purchaser and the developer, or revoke any offer within 5 days from the date the purchaser actually receives a legible copy of the signed contract, agreement, or other evidence of indebtedness, or offer and the property report as provided in this act. Predating of a document does not defeat the time in which the right to rescind may be exercised. The burden of proof the document was not predated is upon the developer. An act of the developer in assigning or pledging a contract or agreement shall not waive the purchaser's right to void or rescind the contract or agreement as provided by this subsection. Each contract or agreement shall be prominently labeled and captioned that it is a document taken in connection with a sale or other disposition of lands under this act.

Each contract or agreement for the disposition of a lot, parcel, unit, or interest in a subdivision shall prominently contain upon its face the following notice printed in at least 8 point type which shall be at least 4 point bold type larger than the body of the document stating:

NOTICE TO PURCHASER

YOU ARE ENTITLED TO CANCEL THIS AGREEMENT AT ANY TIME IF YOU HAVE NOT RECEIVED THE PROPERTY REPORT IN ADVANCE OF YOUR SIGNING OF THIS AGREEMENT. IN ADDITION, YOU ARE ENTITLED TO CANCEL THIS AGREEMENT FOR ANY REASON WITHIN 5 DAYS FROM THE DAY YOU ACTUALLY RECEIVE A LEGIBLE COPY OF THIS DOCUMENT.

The contract or agreement shall contain sufficient space upon its face in immediate conjunction with the above notice for the signature of each person obligated under the instrument acknowledging that the person has read the notice. A third party who is unrelated to the developer may, in connection with the purchase of, or the making of a loan secured by such contracts or agreements, rely on a document furnished by the developer, and signed by a purchaser acknowledging receipt of a property report in advance of signing a contract or agreement.

Rescission occurs when the purchaser gives written notice to the developer at the address stated in the contract or agreement. Notice of rescission if given by mail is effective when it is deposited in a mailbox properly addressed and postage prepaid. A notice of rescission given by the purchaser need not take a particular form and is sufficient if it indicates by any form of written expression the intention of the purchaser not to be bound by the contract or agreement.

(e) No act of a purchaser shall be effective to waive the right to rescind as provided in this section. However, the right of rescission terminates 5 years after the date the purchaser signs the contract or agreement.

History: 1972, Act 286, Eff. Mar. 30, 1973 ;-- Am. 1973, Act 184, Imd. Eff. Jan. 3, 1974

565.807 Application; filing; form; fee; signature; contents.
Sec. 7. Before subdivided lands are offered for disposition, the developer shall file with the department an application upon forms to be supplied by the department. A registration fee shall accompany the application.

The application may be filed before a plat has been recorded as provided for in section 172 of Act No. 288 of the Public Acts of 1967, being section 560.172 of the Michigan Compiled Laws, provided the plat has received final approval of the preliminary plat under section 120, as amended, of that act. The application shall be filed as prescribed by the department's rules. The application shall be signed by an authorized agent of the applicant and include, but is not limited to, the following documents and information:

(a) An irrevocable appointment of the department to receive service of any lawful process in any civil proceeding arising under this act against the developer or his agent.

(b) The applicant's name and address, and the forms, date, and jurisdiction of the organization; and the address of each of its resident agents, officers, and directors in the state; the name, address, and principal occupation for the past 5 years of every director and officer and each owner of 10% or more of the shares of the applicant and any person occupying a similar status or performing similar functions; the extent and nature of his interest in the applicant and the subdivided lands as of a specified date within 30 days of the filing of the application.

(c) A legal description of, based on a survey by a professional land surveyor, and a statement of the total area included in the subdivision, and a statement of the topography thereof, together with a map showing the division proposed or made, the dimensions of the lots, parcels, units, or interests and the relation of the subdivided lands to existing streets, roads, and other off-site improvements.

(d) The states or jurisdictions in which an application for registration or similar document has been filed and any order, judgment, or decree entered in connection with the subdivided lands by the regulatory authorities in each jurisdiction or by any court.

(e) A statement, in a form acceptable to the department, of the condition of the title to the land comprising the subdivision, including all

encumbrances and deed restrictions and covenants applicable thereto with data as to recording.

(f) Copies of the instruments by which the interest in the subdivided lands was acquired or proof of marketable title to subdivided lands.

(g) Copies of instruments which will be delivered to a purchaser to evidence his interest in the subdivided lands and of the contracts and other agreements which a purchaser will be required to agree to or sign, together with the range of selling prices, rents, or leases at which it is proposed to dispose of the lots, units, parcels, or interests in the subdivisions.

(h) Copies of instruments creating, altering, or removing easements, restrictions, or other encumbrances affecting the subdivided lands.

(i) A statement of the present condition of access to the subdivision, the availability of sewage disposal facilities and other public utilities, including water, electricity, gas, and telephone facilities, in the subdivision, the proximity in miles of the subdivision to nearby municipalities and the nature of any improvements to be installed and by whom they are to be installed and paid for and an estimated schedule for completion, together with a statement as to the provisions for improvement maintenance.

(j) A statement of the current zoning and any existing tax and existing or proposed special assessments which affect the subdivided lands.

(k) If there is a blanket encumbrance against any subdivision or portion thereof, a description of the encumbrance and a statement of the consequences for an individual purchaser of a failure by the persons bound to fulfill obligations under the instrument creating the encumbrance and the steps, if any, taken to protect the purchaser in such eventuality.

(l) A narrative description of the promotional plan for the disposition of the subdivided lands together with copies of all advertising material

which has been prepared for public distribution by any means of communication.

(m) Such financial statements of the developer as the department may require.

(n) The proposed property report.

(o) A statement that the developer has or has not been subject to any injunction or administrative order entered within the past 10 years restraining a false or misleading promotional plan involving land dispositions.

(p) Such other information and such other documents and certifications as the department may require as being reasonably necessary or appropriate for the protection of purchasers.

History: 1972, Act 286, Eff. Mar. 30, 1973 ;-- Am. 1973, Act 184, Imd. Eff. Jan. 3, 1974

565.808 Form and contents of property report.

Sec. 8. The property report shall disclose fully and accurately the physical characteristics of the subdivided lands offered and shall make known to prospective purchasers all unusual and material conditions relating to noise, health, safety, and welfare which affect the subdivision and are known to the developer. The proposed property report submitted to the department shall be in a form prescribed by its rules and shall include the following:

(a) The name and principal address of the developer.

(b) A general description of the subdivided lands stating the total number of lots, parcels, units, or interests in the offering.

(c) The significant terms of any encumbrances, easements, liens, and restrictions, including the current zoning classification and the name and address of the governmental office where a complete current copy of the zoning ordinances may be inspected, affecting the subdivided lands and

each lot, unit, parcel, or interest and a statement of all existing taxes and existing or proposed special assessments which affect the subdivided lands.

(d) A statement of the use for which the property is offered.

(e) Information concerning existing or proposed improvements, including streets, water supply levels, drainage control systems, irrigation systems, sewage disposal systems, and customary utilities and the estimated cost, date of completion, and responsibility for construction and maintenance of existing and proposed improvements which are referred to in connection with the offering or disposition of any lot, unit, parcel, or interest in subdivided lands.

(f) The following statement: “This property may be located in the vicinity of a farm or farm operation. Generally accepted agricultural and management practices may be utilized by the farm or farm operation and may generate usual and ordinary noise, dust, odors, and other associated conditions, and these practices are protected by the Michigan right to farm act. The seller is not required to disclose whether a farm or farm operation is actually located in the vicinity of the property or whether generally accepted agricultural and management practices are being utilized.”.

(g) Such additional information as may be required by the department to assure full and fair disclosure to prospective purchasers.

History: 1972, Act 286, Eff. Mar. 30, 1973 ;-- Am. 1973, Act 184, Imd. Eff. Jan. 3, 1974 ;-- Am. 1995, Act 84, Eff. Sept. 30, 1995

565.809 Prohibited uses of property report.

Sec. 9. The property report shall not be used for any promotional purposes. A person may not advertise or represent that the department approved or recommends the subdivided lands or disposition thereof. A portion of the property report may not be underscored, italicized or printed in larger or heavier or different color type than the remainder of the statement unless the department requires it.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.810 Alteration or amendment of proposed property report; approval of changes; incorporation of amendments; advertising and disposition pending approval.

Sec. 10. The department may require the developer to alter or amend the proposed property report in order to assure full and fair disclosure to prospective purchasers and a change in the substance of the promotional plan or plan of disposition or development of the subdivision may not be made after registration without prior written approval of the department nor without approval of appropriate amendment of the property report. A property report is not current unless all amendments are incorporated. The department may allow, in writing, continued advertising and disposition pending approval of amendment.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.811 Consolidation of registrations; amendment of property report; rejection; statement of deficiencies.

Sec. 11. If the developer registers additional subdivided lands to be offered for sale, he may consolidate the subsequent registration with any earlier registration under this act offering subdivided lands for sale under the same promotional plan, and the property report shall be amended to include the additional lands so registered. The consolidation of registration of additional subdivided lands shall be deemed registered after 30 days unless a rejection is entered issuing a specific statement of the deficiencies within 30 days thereof or a delay agreed upon.

History: 1972, Act 286, Eff. Mar. 30, 1973 ;-- Am. 1973, Act 184, Imd. Eff. Jan. 3, 1974

565.812 Application for registration; reporting changes in information.

Sec. 12. The developer shall report immediately any material changes in the information contained in the application for registration.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.813 Conditions for registration; examination to determine compliance.

Sec. 13. Upon receipt of an application for registration in proper form, the department shall initiate an examination to determine compliance with the following conditions for registration:

(a) The developer can convey or cause to be conveyed the interest in subdivided lands offered for disposition if the purchaser complies with the terms of the offer and when appropriate, that release clauses, conveyances in trust or other safeguards have been provided.

(b) There is reasonable assurance that all proposed improvements will be completed as represented.

(c) The advertising material and the general promotional plan are not false or misleading and comply with department rules and afford full and fair disclosure.

(d) The developer has not, or if a corporation, its officers, directors and principals have not, been convicted of a crime involving lands dispositions or any aspect of land sales business in this state, the United States or any other state or foreign country within the past 10 years.

(e) The property report requirements of this act have been satisfied.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.814 Notice of filing; registration order; order of rejection; amendment of application; certificate of registration; correction of application; receipt of amendment or report of material change; suspension of certificate; untrue statement or omission of material fact; compliance with subdivision control act.

Sec. 14. (1) Upon receipt of the application for registration in proper form, the department shall issue a notice of filing to the applicant. Within 60 days from the date of the notice of filing, the department shall enter an order registering the subdivided lands or rejecting the registration with notice of specific deficiencies therein. If an order of rejection is not

entered within 60 days from the date of notice of filing, the land shall be deemed registered unless the applicant has consented in writing to a delay. If any amendment to the application for registration is filed prior to the time when the land shall be deemed registered, the application shall be deemed to have been filed when the amendment was filed except that an amendment filed with the consent of the department or filed pursuant to an order of the department shall be treated as being filed as of the date of the filing of the original application for registration.

(2) If the department affirmatively determines, upon inquiry and examination, that the requirements of this act and the rules promulgated pursuant to the act have been met, it shall issue a certificate of registration registering the subdivided lands and approve the form of the property report.

(3) If the department determines upon inquiry and examination that any of the requirements of this act or the rules promulgated pursuant to this act have not been met, it shall notify the applicant that the application for registration must be corrected in the particulars specified within 15 days from receipt of notice unless extended in writing by the department. If the requirements are not met within the time allowed, the department may enter an order rejecting the registration which shall include the findings of fact upon which the order is based.

(4) If at any time subsequent to the issuance of the certificate of registration, a change occurs affecting any material fact required to be contained in the application, the developer shall file an amendment thereto within 30 days. Upon receipt of any amendment or report of material change, if the department determines such action to be necessary or appropriate in the public interest or for the protection of purchasers, it may suspend the certificate of registration until such time as the amendment shall be deemed registered. The amendment shall be deemed to be registered after 30 days unless a rejection is entered or a delay agreed upon.

(5) If it appears to the department at any time that an application, for which there has been issued a certificate of registration, includes any

untrue statement of a material fact or omits to state any material fact required by this act or necessary to make the statements not misleading or deceptive, after notice and after an opportunity for hearing at a time fixed by the department within 20 days after the notice, the department may issue an order suspending the registration. When the application has been amended in accordance with the order, the department shall so declare and thereupon the order shall cease to be effective.

(6) The department shall not issue a certificate of registration if it is determined that the offering is for a subdivision of land until the developer complies with the provisions of Act No. 288 of the Public Acts of 1967, as amended, being sections 560.101 to 560.293 of the Compiled Laws of 1948, if the director determines that the subdivision is required to conform to that act.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.815 Developer's report; filing, form, and contents; renewal of certificate of registration.

Sec. 15. (1) Within 30 days after each annual anniversary date of an order registering subdivided lands, the developer shall file a report in the form prescribed by the rules of the department. The report shall reflect any material changes in information contained in the original application for registration.

(2) The department may permit the filing of annual reports within 30 days after the annual anniversary date of the consolidated registration in lieu of the annual anniversary date of the original registration.

(3) A certificate of registration which has not been revoked or is not suspended shall be renewed annually upon compliance with this act.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.816 Conditions for sale of lots, units, parcels, or interests within subdivision subject to blanket encumbrance.

Sec. 16. The developer shall not sell lots, units, parcels, or interests within a subdivision subject to a blanket encumbrance unless 1 of the

following conditions or the equivalent as determined by rules promulgated by the department is met:

(a) All sums paid or advanced by purchasers are placed in an escrow or other depository acceptable to the director until the fee title contracted for is delivered to the purchaser by deed together with complete release from all financial encumbrances; or the developer or the purchaser default and fail to perform under their contract of disposition and there is a final determination by a court of competent jurisdiction or the director as to the disbursement of such moneys or they be voluntarily returned to the contract purchaser.

(b) The fee title to the subdivision is placed in trust under an agreement or trust acceptable to the department until a proper release from each blanket encumbrance including all taxes is obtained and title contracted for is delivered to such purchaser.

(c) A bond, cash, certified check, or irrevocable bank letter of credit issued by a bank authorized to do business in the state is furnished the department in the name of the state for the benefit and protection of purchasers of the lots, units, parcels, or interest, in such amount and subject to terms as approved by the department. The bond shall be executed by a surety company authorized to do business in the state and which has given consent to be sued in this state. The bond or agreement accompanying the cash, certified check, or irrevocable bank letter of credit shall provide for the return of moneys paid or advanced by any purchaser, on account of purchase of any lot, unit, parcel, or interest if the title contracted for is not delivered and a full release from each blanket encumbrance is not obtained. If it is determined that the purchaser by reason of default or otherwise, is not entitled to the return of the moneys, or any portion thereof, then the bond, cash, certified check, or irrevocable bank letter of credit may be released by the department in the amount of moneys to which the purchaser of a lot, unit, parcel, or interest is not entitled.

(d) The blanket encumbrance shall contain provisions evidencing the subordination of the lien of the blanket encumbrance to the rights of

those persons purchasing from the developer or evidencing that the developer is able to secure releases from the blanket encumbrance with respect to the property.

History: 1972, Act 286, Eff. Mar. 30, 1973 ;-- Am. 1973, Act 184, Imd. Eff. Jan. 3, 1974

565.817 Approval or rejection of advertising material; amendment.
Sec. 17. (1) All advertising material not accompanying the original application shall be submitted to the department for approval prior to its use in the state.

(2) Within 15 days from the date of receipt of the proposed advertising, the department shall enter an order approving or rejecting the advertising. If an order of rejection is not entered within 15 days from the date of receipt, the advertising shall be deemed approved unless the applicant has consented in writing to a delay. If any amendment to the application for approval of advertising is filed prior to the time when the land shall be deemed approved, the application shall be deemed to have been filed when the amendment was filed except that an amendment filed with the consent of the department, or filed pursuant to an order of the department, shall be treated as being filed as of the date of the filing of the original application.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.818 Material used to induce purchaser to visit subdivided land.
Sec. 18. The director may require that any material used by a developer or his agent to induce prospective purchasers to visit the subdivided land contain certain additional pertinent information. The information may include but is not limited to, terms and conditions of the offers and the nature and extent of the developer's participation in the campaign. The director may require reasonable assurances that such obligation incurred by a developer or its agents can be met.
History: 1972, Act 286, Eff. Mar. 30, 1973

565.819 Rules.
Sec. 19. The department shall promulgate rules in accordance with and subject to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Compiled Laws of 1948. The rules shall include but need not be limited to:

(a) Provisions for advertising standards to assure full and fair disclosure.

(b) Provisions for escrow or trust or trust agreement or other means reasonably to assure that all improvements referred to in the application for registration and advertising will be completed and that purchasers will receive the interest in land contracted for and full and fair disclosure in the property report informing the purchaser.

(c) Provisions for operating procedures.

(d) Provisions requiring instruments to be executed in recordable form.

(e) Provisions relating to apportionment of taxes.

(f) Other rules necessary and proper to accomplish the purpose of this act.

History: 1972, Act 286, Eff. Mar. 30, 1973
Admin Rule: R 338.3201 et seq. of the Michigan Administrative Code.

565.820 Investigation of subdivision.
Sec. 20. The department shall investigate every subdivision offered for disposition in this state and may:

(a) Rely upon any relevant information concerning subdivided lands obtained from the federal housing administration, the United States veterans administration or any other federal agency having comparable duties in relation to subdivision of real estate.

(b) Accept registrations filed in other states or with the federal government and cooperate with similar agencies in other jurisdictions to establish uniform filing procedures and forms, uniform property reports,

advertising standards, rules and common administrative practices. If a statement of record has been filed with and the property report accepted by the federal office of interstate land sales, the department may accept a copy of that statement of record and property report as part of the disclosure requirements under this act and accept an addendum to the statement of record and property report which shall satisfy the addition requirements of this act.

(c) Require the applicant to submit reports prepared by registered or licensed engineers as to any hazard to which any subdivision offered for disposition is subject in the opinion of the department, or any other factor which affects the utility of lots, units, parcels or interests within the subdivision and require evidence of compliance to remove or minimize all hazards stated by competent engineering reports.

(d) Make an on site inspection of each subdivision prior to its registration and periodic on site inspections thereafter. The developer shall defray all actual and necessary expenses incurred by the inspector in the course of the inspection.

(e) Require the developer to deposit with the department the expenses to be incurred in any inspection or reinspection, in advance, based upon an estimate by the department of the expenses likely to be incurred.

(f) Where an on site inspection of any subdivision has been made under this act, an inspection of a subsequent application for registration of contiguous land may be waived and an inspection thereof shall be made at the time of the next succeeding on site inspection.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.821 Contract for disposition of subdivided lands; contents.
Sec. 21. Every contract for disposition of subdivided land shall state clearly the legal description of the lot, unit, parcel or interest disposed of and shall contain disclosures as required by the federal truth in lending act, Public Law 90-321, and the rules promulgated thereunder.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.822 Failure to pay registration and inspection fees; penalty.
Sec. 22. Any developer who fails to pay when due, after written notice by the department, the registration and inspection fees provided in this act and continues to dispose of or offers to dispose of subdivided lands, is liable civilly in an action brought by the attorney general on behalf of the department for a penalty in an amount equal to treble the unpaid fees. The department may suspend or revoke a registration for which any application or inspection fee provided in this act is unpaid, after written notice by the department.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.823 Investigations; statements; oaths or affirmations; subpoenas; order compelling compliance; proceedings.
Sec. 23. (1) The department may:

(a) Make necessary public or private investigations within or outside of this state to determine whether any person has violated or is about to violate this act or any rule or order hereunder or to aid in the enforcement of this act or in the prescribing of rules and forms hereunder.

(b) Require or permit any person to file a statement in writing, under oath or otherwise as the department determines, as to all the facts and circumstances concerning the matter to be investigated.

(2) For the purpose of any investigation or proceeding under this act, the department or any officer designated by rule may administer oaths or affirmations, and upon its own motion or upon request of any party may subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of material evidence.

(3) Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the department may apply to the circuit court of Ingham county for an order compelling compliance.

(4) Except as otherwise provided in this act, all proceedings under this act shall be in accordance with Act No. 306 of the Public Acts of 1969, as amended.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.824 Cease and desist order; order to take affirmative action.
Sec. 24. (1) The department may issue an order requiring a person to cease and desist from the unlawful act and to take such affirmative action as in the judgment of the department will carry out the purposes of this act, if it determines, after notice and hearing, that a person has done any of the following:

(a) Violated any provision of this act.

(b) Directly or through an agent or employee knowingly engaged in any false, deceptive or misleading advertising, promotional or sales methods to offer or dispose of an interest in subdivided lands.

(c) Made any substantial change in the plan of disposition and development of the subdivided lands subsequent to the order of registration without obtaining prior written approval from the department.

(d) Disposed of any subdivided lands which have not been registered with the department.

(e) Violated any lawful order or rule of the department.

(2) If the department makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order, it may issue a temporary cease and desist order. Prior to issuing the temporary

cease and desist order, the department whenever possible by telephone or otherwise shall give notice of the proposal to issue a temporary cease and desist order to the person. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held within 30 days to determine whether or not it becomes permanent.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.825 Revocation of registration; grounds; notice and hearing; findings of fact; cease and desist order.

Sec. 25. (1) A registration may be revoked after notice and hearing upon a written finding of fact that the developer has done any of the following:

(a) Failed to comply with the terms of a cease and desist order.

(b) Been convicted in any court subsequent to the filing of the application for registration of a crime involving fraud, deception, false pretenses, misrepresentation, false advertising or dishonest dealing in real estate transactions.

(c) Disposed of, concealed or diverted any funds or assets of any person so as to defeat the rights of subdivision purchasers.

(d) Failed faithfully to perform any stipulation or agreement made with the department as an inducement to grant any registration, to reinstate any registration or to approve any promotional plan or property report.

(e) Made intentional misrepresentations or concealed material facts in an application for registration.

(2) Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

(3) If the department finds after notice and hearing that the developer is guilty of a violation for which revocation could be ordered, it may issue a cease and desist order instead.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.826 Injunctive relief or temporary restraining order; appointment of receiver or conservator; bond.

Sec. 26. If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of this act or a rule or order hereunder, the department, with or without prior administrative proceedings, may bring an action in circuit court of Ingham county to enjoin the acts or practices and to enforce compliance with this act or any rule or order hereunder. Upon proper showing, injunctive relief or temporary restraining orders shall be granted and a receiver or conservator may be appointed. The department is not required to post a bond in any court proceedings.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.827 False or fraudulent statement; misrepresentation; noncompliance with cease and desist order; penalty.

Sec. 27. Every developer or agent of a developer who authorizes, directs, or aids in the publication, advertisement, distribution, or circularization of a false statement or misrepresentation, made with knowledge of its falsity, concerning a subdivision offered for disposition or who knowingly fails to comply with the terms of a final cease and desist order and every person with knowledge that an advertisement, pamphlet, prospectus, or letter concerning a subdivision contains any written statement that is false or fraudulent, who issues, circulates, publishes, or distributes the same or causes the same to be issued, circulated, published, or distributed or who knowingly fails to comply with the terms of a final cease and desist order, is guilty of a felony and may be fined not more than $25,000.00, or imprisoned not more than 10 years, or both. Each violation constitutes a separate offense.

History: 1972, Act 286, Eff. Mar. 30, 1973 ;-- Am. 1973, Act 184, Imd. Eff. Jan. 3, 1974

565.828 Violation of act; penalty.
Sec. 28. Any violation of this act other than as provided in section 27 is a misdemeanor and every violator may be fined not more than $2,000.00 or imprisoned for not more than 90 days, or both, for each offense.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.829 Service of process.
Sec. 29. (1) In addition to the methods of service provided for in any other provision of law, service may be made by delivering a copy of the process to the office of the department if the plaintiff, which may be the department in a proceeding instituted by it, does both of the following:

(a) Sends a copy of the process and of the pleading by registered mail to the defendant or respondent at his last known address.

(b) Files its affidavit of compliance with this section in the case on or before the return day of the process or within such time as the court allows.

(2) If any person, including any nonresident of this state, engages in conduct prohibited by this act or any rule or order and has not filed a consent to service of process and personal jurisdiction over him cannot otherwise be obtained in this state, the conduct authorizes the department to receive service of process in any noncriminal proceeding against him or his successor which grows out of the conduct and which is brought under this act or any rule or order hereunder, with the same force and validity as if served on him personally. Notice shall be given as provided in subsection (1).

History: 1972, Act 286, Eff. Mar. 30, 1973

565.830 Fees.
Sec. 30. (1) A registration fee shall be paid with the application for registration as provided in section 35 of the “state license fee act”.

(2) A registration fee shall be paid with the filing of an application for registration consolidating additional lots with a prior registration. The fee shall be as provided in section 35 of the "state license fee act".

(3) A fee shall not be charged for an amendment to the property report as a result of an amendment to the initial filing, unless the department determines the amendment is made to avoid the payment of a fee. If the amendment is made to avoid payment of a fee, the amendment may be treated as an application for registration consolidating additional lots with a prior registration.

(4) A fee provided in section 35 of the "state license fee act" shall be paid with each submission of advertising for approval.

(5) In addition to the payment of inspection expenses as provided in section 20, an annual renewal fee provided in section 35 of the "state license fee act" shall be paid.

History: 1972, Act 286, Eff. Mar. 30, 1973 ;-- Am. 1979, Act 164, Imd. Eff. Dec. 10, 1979

565.831 Liability to purchaser for violation, deceptive act or practice, untrue statement, or omission; remedies of purchaser; joint and several liability; contribution; tender of reconveyance; limitation of action.

Sec. 31. (1) A person who disposes of subdivided lands in violation of section 6 or who, in disposing of subdivided lands engages in a deceptive act or practice, makes an untrue statement of a material fact or omits a material fact required to be stated in a registration statement or property report or necessary to make the statements made not misleading, is liable as provided in this section to the purchaser unless in the case of an untruth or omission it is proved that the purchaser did not rely on the untruth or omission.

(2) In addition to any other remedies, the purchaser under subsection (1) may recover the consideration paid for the lot, parcel, unit, or interest in subdivided lands together with interest at the rate of 6% per year from

the date of payment, property taxes paid, costs and reasonable attorneys' fees, less the amount of any income received from the subdivided lands, upon tender of appropriate instruments of reconveyance. If the purchaser no longer owns the lot, parcel, unit, or interest in subdivided lands, he may recover the amount that would be recoverable upon a tender of a reconveyance, less the value of the land when disposed of and less interest at the rate of 6% per year on that amount from the date of disposition.

(3) Every person who directly or indirectly controls a subdivider liable under subsection (1), every general partner, officer, or director of a subdivider, every person occupying a similar status or performing a similar function, every employee of the subdivider who materially aids in the disposition and every agent who materially aids in the disposition is also liable jointly and severally with and to the same extent as the subdivider, unless the person otherwise liable sustains the burden of proof that he did not know and in the exercise of reasonable care could not have known of the existence of the facts by reason of which the liability is alleged to exist. There is a right to contribution as in cases of contract among persons so liable.

(4) Every person whose occupation gives authority to a statement which with his consent has been used in an application for registration or property report, if he is not otherwise associated with the subdivision and development plan in a material way, is liable only for false statements and omissions in his statement and only if it is proved he knew or reasonably should have known of the existence of the true facts by reason of which the liability is alleged to exist. However, if the person is a registered professional licensed by this state whose statement was part of his representation of another person in rendering professional services, liability hereunder shall not exceed that resulting from a duty to exercise a reasonable degree of care and skill ordinarily possessed and exercised by members of that profession similarly situated.

(5) A tender of reconveyance may be made at any time before the entry of judgment.

(6) An action shall not be commenced pursuant to this section later than 3 years from the time performance of all promises, statements, or representations contained in any registration statement, property report, purchase agreement, contract, option, or other evidence of a disposition of subdivided lands is to be completed. Where the cause of action arises out of any deceptive act or practice or the omission to state a material fact, the action shall be commenced no later than 3 years from the date the person discovers or should have reasonably discovered the deceit or omission. An action shall not be commenced by a purchaser more than 6 years after the sale or lease to the purchaser.

History: 1972, Act 286, Eff. Mar. 30, 1973 ;-- Am. 1973, Act 184, Imd. Eff. Jan. 3, 1974

565.832 Dispositions of subdivided lands subject to act; jurisdiction of circuit court.

Sec. 32. Dispositions of subdivided lands are subject to this act and the circuit courts of this state have jurisdiction in claims or causes of action arising under this act, in the following cases:

(a) The subdivided lands offered for disposition are located in this state.

(b) The subdivider's principal office is located in this state.

(c) Any offer or disposition of subdivided lands is made in this state, whether or not the offeror or offeree is then present in this state, if the offer originates within this state or is directed by the offeror to a person or place in this state and received by the person or at the place to which it is directed.

History: 1972, Act 286, Eff. Mar. 30, 1973

565.833 Repealed. 1973, Act 184, Imd. Eff. Jan. 3, 1974.

Compiler's Notes: The repealed section pertained to validity and consolidation of prior registrations of subdivisions.

565.834 Effect of act on horizontal real property.
Sec. 34. No portion of this act shall have any effect on or take precedence over the application and enforcement within the state of Act No. 229 of the Public Acts of 1963, as amended, being sections 559.1 to 559.31 of the Compiled Laws of 1948.

History: 1972, Act 286, Eff. Mar. 30, 1973
Compiler's Notes: Sections 559.1 to 559.31, referred to in this section, were repealed by Act 59 of 1978 .

565.835 Effective date; exception; rules, forms, instructions, and applications.
Sec. 35. The provisions of this act shall take effect October 1, 1973, except that section 19 shall take effect April 1, 1973 and the department shall make available such rules, and all necessary forms and instructions for and may accept and process applications for registration, applications for approval of exemption, applications for approval of advertising and applications for consolidation of registrations and may make examinations, investigations and conduct inquiries incident to such applications prior to October 1, 1973 so that persons regulated by the act can be in compliance therewith on October 1, 1973.

History: 1972, Act 286, Eff. Mar. 30, 1973 ;-- Am. 1973, Act 5, Imd. Eff. Mar. 31, 1973

SELLER DISCLOSURE ACT
Act 92 of 1993

AN ACT to require certain disclosures in connection with transfers of residential property.

History: 1993, Act 92, Eff. Jan. 10, 1994

The People of the State of Michigan enact:

565.951 Short title.
Sec. 1. This act shall be known and may be cited as the “seller disclosure act”.

History: 1993, Act 92, Eff. Jan. 10, 1994

565.952 Applicability of seller disclosure requirements.
Sec. 2. The seller disclosure requirements of sections 4 to 13 apply to the transfer of any interest in real estate consisting of not less than 1 or more than 4 residential dwelling units, whether by sale, exchange, installment land contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with proposed improvements by the purchaser or tenant, or a transfer of stock or an interest in a residential cooperative.

History: 1993, Act 92, Eff. Jan. 10, 1994

565.953 Seller disclosure requirements; exceptions.
Sec. 3. The seller disclosure requirements of sections 4 to 13 do not apply to any of the following:

(a) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers pursuant to a writ of execution, transfers by any foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.

(b) Transfers to a mortgagee by a mortgagor or successor in interest who is in default, or transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default.

(c) Transfers by a sale under a power of sale or any foreclosure sale under a decree of foreclosure after default in an obligation secured by a mortgage or deed of trust or secured by any other instrument containing a power of sale, or transfers by a mortgagee or a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a power of sale under a mortgage or deed of trust or a sale pursuant to a decree of foreclosure or has acquired the real property by a deed in lieu of foreclosure.

(d) Transfers by a nonoccupant fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.

(e) Transfers from 1 co-tenant to 1 or more other co-tenants.

(f) Transfers made to a spouse, parent, grandparent, child, or grandchild.

(g) Transfers between spouses resulting from a judgment of divorce or a judgment of separate maintenance or from a property settlement agreement incidental to such a judgment.

(h) Transfers or exchanges to or from any governmental entity.

(i) Transfers made by a person licensed under article 24 of Act No. 299 of the Public Acts of 1980, being sections 339.2401 to 339.2412 of the Michigan Compiled Laws, of newly constructed residential property that has not been inhabited.

History: 1993, Act 92, Eff. Jan. 10, 1994

565.954 Written statement; delivery; time limits; compliance; terminating purchase agreement within certain time limits; expiration of right to terminate.

Sec. 4. (1) The transferor of any real property described in section 2 shall deliver to the transferor's agent or to the prospective transferee or the transferee's agent the written statement required by this act. If the written statement is delivered to the transferor's agent, the transferor's agent shall provide a copy to the prospective transferee or his or her agent. A written disclosure statement provided to a transferee's agent shall be considered to have been provided to the transferee. The written statement shall be delivered to the prospective transferee within the following time limits:

(a) In the case of a sale, before the transferor executes a binding purchase agreement with the prospective transferee.

(b) In the case of transfer by an installment sales contract where a binding purchase agreement has not been executed, or in the case of a lease together with an option to purchase or a ground lease coupled with improvements by the tenant, before the transferor executes the installment sales contract with the prospective transferee.

(2) With respect to any transfer subject to subsection (1), the transferor shall indicate compliance with this act either on the purchase agreement, the installment sales contract, the lease, or any addendum attached to the purchase agreement, contract, or lease, or on a separate document.

(3) Except as provided in subsection (4), if any disclosure or amendment of any disclosure required to be made by this act is delivered after the transferor executes a binding purchase agreement, the prospective transferee may terminate the purchase agreement by delivering written notice of termination to the transferor or the transferor's agent within the following time limits:

(a) Not later than 72 hours after delivery of the disclosure statement to the prospective transferee, if the disclosure statement was delivered to the prospective transferee in person.

(b) Not later than 120 hours after delivery of the disclosure statement to the prospective transferee, if the disclosure statement was delivered to the prospective transferee by registered mail.

(4) A transferee's right to terminate the purchase agreement expires upon the transfer of the subject property by deed or installment sales contract.

History: 1993, Act 92, Eff. Jan. 10, 1994

565.955 Liability for error, inaccuracy, or omission; delivery as compliance with requirements of act; conditions.

Sec. 5. (1) The transferor or his or her agent is not liable for any error, inaccuracy, or omission in any information delivered pursuant to this act if the error, inaccuracy, or omission was not within the personal knowledge of the transferor, or was based entirely on information

provided by public agencies or provided by other persons specified in subsection (3), and ordinary care was exercised in transmitting the information. It is not a violation of this act if the transferor fails to disclose information that could be obtained only through inspection or observation of inaccessible portions of real estate or could be discovered only by a person with expertise in a science or trade beyond the knowledge of the transferor.

(2) The delivery of any information required by this act to be disclosed to a prospective transferee by a public agency or other person specified in subsection (3) shall be considered to comply with the requirements of this act and relieves the transferor of any further duty under this act with respect to that item of information, unless the transferor has knowledge of a known defect or condition that contradicts the information provided by the public agency or the person specified in subsection (3).

(3) The delivery of a report or opinion prepared by a licensed professional engineer, professional surveyor, geologist, structural pest control operator, contractor, or other expert, dealing with matters within the scope of the professional's license or expertise, is sufficient compliance for application of the exemption provided by subsection (1) if the information is provided upon the request of the prospective transferee, unless the transferor has knowledge of a known defect or condition that contradicts the information contained in the report or opinion. In responding to a request by a prospective transferee, an expert may indicate, in writing, an understanding that the information provided will be used in fulfilling the requirements of section 7 and, if so, shall indicate the required disclosures, or parts of disclosures, to which the information being furnished applies. In furnishing the statement, the expert is not responsible for any items of information other than those expressly set forth in the statement.

History: 1993, Act 92, Eff. Jan. 10, 1994

565.956 Disclosures; inaccuracy as result of action, occurrence, or agreement after delivery; unknown or unavailable information; basis.

Sec. 6. If information disclosed in accordance with this act becomes inaccurate as a result of any action, occurrence, or agreement after the delivery of the required disclosures, the resulting inaccuracy does not constitute a violation of this act. If at the time the disclosures are required to be made, an item of information required to be disclosed under this act is unknown or unavailable to the transferor, the transferor may comply with this act by advising a prospective purchaser of the fact that the information is unknown. The information provided to a prospective purchaser pursuant to this act shall be based upon the best information available and known to the transferor.

History: 1993, Act 92, Eff. Jan. 10, 1994

565.957 Disclosure; form.

Sec. 7. (1) The disclosures required by this act shall be made on the following form:

SELLER'S DISCLOSURE STATEMENT

Property Address: _____
Street
_____ Michigan
City, Village, or Township

Purpose of Statement: This statement is a disclosure of the condition of the property in compliance with the seller disclosure act. This statement is a disclosure of the condition and information concerning the property, known by the seller. Unless otherwise advised, the seller does not possess any expertise in construction, architecture, engineering, or any other specific area related to the construction or condition of the improvements on the property or the land. Also, unless otherwise advised, the seller has not conducted any inspection of generally inaccessible areas such as the foundation or roof. This statement is not a warranty of any kind by the seller or by any agent representing the seller in this transaction, and is not a substitute for any inspections or warranties the buyer may wish to obtain.

Seller's Disclosure: The seller discloses the following information with the knowledge that even though this is not a warranty, the seller specifically makes the following representations based on the seller's knowledge at the signing of this document. Upon receiving this statement from the seller, the seller's agent is required to provide a copy to the buyer or the agent of the buyer. The seller authorizes its agent(s) to provide a copy of this statement to any prospective buyer in connection with any actual or anticipated sale of property. The following are representations made solely by the seller and are not the representations of the seller's agent(s), if any. THIS INFORMATION IS A DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY CONTRACT BETWEEN BUYER AND SELLER.

Instructions to the Seller: (1) Answer ALL questions. (2) Report known conditions affecting the property. (3) Attach additional pages with your signature if additional space is required. (4) Complete this form yourself. (5) If some items do not apply to your property, check NOT AVAILABLE. If you do not know the facts, check UNKNOWN. FAILURE TO PROVIDE A PURCHASER WITH A SIGNED DISCLOSURE STATEMENT WILL ENABLE A PURCHASER TO TERMINATE AN OTHERWISE BINDING PURCHASE AGREEMENT.

Appliances/Systems/Services: The items below are in working order (the items below are included in the sale of the property only if the purchase agreement so provides):

	Yes	No	Unknown	Not Available
Range/Oven	____	____	____	____
Dishwasher	____	____	____	____
Refrigerator	____	____	____	____
Hood/fan	____	____	____	____
Disposal	____	____	____	____
TV antenna, TV rotor & controls	____	____	____	____

Electrical system	____	____	____	____
Garage door opener & remote control	____	____	____	____
Alarm system	____	____	____	____
Intercom	____	____	____	____
Central vacuum	____	____	____	____
Attic fan	____	____	____	____
Pool heater, wall liner & equipment	____	____	____	____
Microwave	____	____	____	____
Trash compactor	____	____	____	____
Ceiling fan	____	____	____	____
Sauna/hot tub	____	____	____	____
Washer	____	____	____	____
Dryer	____	____	____	____
Lawn sprinkler system	____	____	____	____
Water heater	____	____	____	____
Plumbing system	____	____	____	____
Water softener/conditioner	____	____	____	____
Well & pump	____	____	____	____
Septic tank & drain field	____	____	____	____
Sump pump	____	____	____	____
City Water System	____	____	____	____
City Sewer System	____	____	____	____
Central air conditioning	____	____	____	____
Central heating system	____	____	____	____
Wall furnace	____	____	____	____
Humidifier	____	____	____	____

Electronic air filter ____ ____ ____ ____
Solar heating system ____ ____ ____ ____
Fireplace & chimney ____ ____ ____ ____
Wood burning system ____ ____ ____ ____

Explanations (attach additional sheets if necessary):

_____
_____
_____
_____
_____

UNLESS OTHERWISE AGREED, ALL HOUSEHOLD APPLIANCES ARE SOLD IN
WORKING ORDER EXCEPT AS NOTED, WITHOUT WARRANTY BEYOND DATE OF
CLOSING.

Property conditions, improvements & additional information:

1. Basement/crawl space: Has there been evidence of water?
yes____ no____
If yes, please explain: _____
2. Insulation: Describe, if known _____
Urea Formaldehyde Foam Insulation (UFFI) is installed?
unknown____ yes____ no____
3. Roof: Leaks? yes____ no____
Approximate age if known _____
4. Well: Type of well (depth/diameter, age, and repair history, if known):
_____
Has the water been tested? yes____ no____
If yes, date of last report/results: _____
5. Septic tanks/drain fields: Condition, if known: _____
_____

6. Heating System: Type/approximate age: _____
7. Plumbing system: Type: copper___ galvanized___ other___
Any known problems? _____
8. Electrical system: Any known problems? _____
_____
9. History of infestation, if any: (termites, carpenter ants, etc.) _____
10. Environmental Problems: Are you aware of any substances, materials, or products that may be an environmental hazard such as, but not limited to, asbestos, radon gas, formaldehyde, lead-based paint, fuel or chemical storage tanks and contaminated soil on the property.
unknown___ yes___ no___
If yes, please explain: _____
_____
11. Flood insurance: Do you have flood insurance on the property? unknown ___yes ___no___
12. Mineral rights: Do you own the mineral rights?
unknown___ yes___ no___
Other Items: Are you aware of any of the following:
1. Features of the property shared in common with the adjoining landowners, such as walls, fences, roads and driveways, or other features whose use or responsibility for maintenance may have an effect on the property?
unknown___ yes___ no___
2. Any encroachments, easements, zoning violations, or nonconforming uses? unknown___ yes___ no___
3. Any "common areas" (facilities like pools, tennis courts, walkways, or other areas co-owned with others), or a homeowners' association that has any authority over the property? unknown___ yes___ no___

4. Structural modifications, alterations, or repairs made without necessary permits or licensed contractors?
unknown___ yes___ no___
5. Settling, flooding, drainage, structural, or grading problems? unknown___ yes___ no___
6. Major damage to the property from fire, wind, floods, or landslides? unknown___ yes___ no___
7. Any underground storage tanks? unknown___ yes___ no___
8. Farm or farm operation in the vicinity; or proximity to a landfill, airport, shooting range, etc.?
unknown___ yes___ no___
9. Any outstanding utility assessments or fees, including any natural gas main extension surcharge?
unknown___ yes___ no___
10. Any outstanding municipal assessments or fees?
unknown___ yes___ no___
11. Any pending litigation that could affect the property or the seller's right to convey the property?
unknown___ yes___ no___
If the answer to any of these questions is yes, please explain.
Attach additional sheets, if necessary:_____
_____
_____
_____
_____

The seller has lived in the residence on the property from _____ (date) to _____ (date). The seller has owned the property since _____ (date). The seller has indicated above the condition of all the items based on information known to the seller. If any changes occur in the structural/mechanical/appliance systems of this property from the

date of this form to the date of closing, seller will immediately disclose the changes to buyer. In no event shall the parties hold the broker liable for any representations not directly made by the broker or broker's agent.

Seller certifies that the information in this statement is true and correct to the best of seller's knowledge as of the date of seller's signature.

BUYER SHOULD OBTAIN PROFESSIONAL ADVICE AND INSPECTIONS OF THE PROPERTY TO MORE FULLY DETERMINE THE CONDITION OF THE PROPERTY. THESE INSPECTIONS SHOULD TAKE INDOOR AIR AND WATER QUALITY INTO ACCOUNT, AS WELL AS ANY EVIDENCE OF UNUSUALLY HIGH LEVELS OF POTENTIAL ALLERGENS INCLUDING, BUT NOT LIMITED TO, HOUSEHOLD MOLD, MILDEW AND BACTERIA. BUYERS ARE ADVISED THAT CERTAIN INFORMATION COMPILED PURSUANT TO THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.721 TO 28.732, IS AVAILABLE TO THE PUBLIC. BUYERS SEEKING THAT INFORMATION SHOULD CONTACT THE APPROPRIATE LOCAL LAW ENFORCEMENT AGENCY OR SHERIFF'S DEPARTMENT DIRECTLY. BUYER IS ADVISED THAT THE STATE EQUALIZED VALUE OF THE PROPERTY, PRINCIPAL RESIDENCE EXEMPTION INFORMATION, AND OTHER REAL PROPERTY TAX INFORMATION IS AVAILABLE FROM THE APPROPRIATE LOCAL ASSESSOR'S OFFICE. BUYER SHOULD NOT ASSUME THAT BUYER'S FUTURE TAX BILLS ON THE PROPERTY WILL BE THE SAME AS THE SELLER'S PRESENT TAX BILLS. UNDER MICHIGAN LAW, REAL PROPERTY TAX OBLIGATIONS CAN CHANGE SIGNIFICANTLY WHEN PROPERTY IS TRANSFERRED.

Seller_____ Date_____

Seller_____ Date_____

Buyer has read and acknowledges receipt of this statement.

Buyer_____ Date_____

Time:_____

Buyer_____ Date_____

Time:_____

(2) A form described in subsection (1) printed before January 1, 2006 that was in compliance with this section at that time may be utilized and shall be considered in compliance with this section until April 1, 2006.

History: 1993, Act 92, Eff. Jan. 10, 1994 ;-- Am. 1995, Act 106, Eff. Jan. 1, 1996 ;-- Am. 1996, Act 92, Imd. Eff. Feb. 27, 1996 ;-- Am. 2000, Act 12, Imd. Eff. Mar. 8, 2000 ;-- Am. 2000, Act 13, Imd. Eff. Mar. 8, 2000 ;-- Am. 2003, Act 130, Eff. Jan. 1, 2004 ;-- Am. 2005, Act 163, Eff. Jan. 1, 2006

565.958 Availability of copies.

Sec. 8. Copies of the form prescribed in section 7 shall be made available to the public by all real estate brokers and real estate salespersons.

History: 1993, Act 92, Eff. Jan. 10, 1994

565.959 Additional disclosures.

Sec. 9. A city, township, or county may require disclosures in addition to those disclosures required by section 7, and may require disclosures on a different disclosure form in connection with transactions subject to this act.

History: 1993, Act 92, Eff. Jan. 10, 1994

565.960 Disclosure; good faith.

Sec. 10. Each disclosure required by this act shall be made in good faith. For purposes of this act, “good faith” means honesty in fact in the conduct of the transaction.

History: 1993, Act 92, Eff. Jan. 10, 1994

565.961 Other obligations created by law not limited.

Sec. 11. The specification of items for disclosure in this act does not limit or abridge any obligation for disclosure created by any other

provision of law regarding fraud, misrepresentation, or deceit in transfer transactions.

History: 1993, Act 92, Eff. Jan. 10, 1994

565.962 Disclosure; amendment.
Sec. 12. Any disclosure made pursuant to this act may be amended in writing by the transferor, but the amendment is subject to section 4.

History: 1993, Act 92, Eff. Jan. 10, 1994

565.963 Disclosure; manner of delivery.
Sec. 13. Delivery of a disclosure statement required by this act shall be by personal delivery, facsimile delivery, or by registered mail to the prospective purchaser. Execution of a facsimile counterpart of the disclosure statement shall be considered to be execution of the original.

History: 1993, Act 92, Eff. Jan. 10, 1994

565.964 Transfer not invalidated by noncompliance.
Sec. 14. A transfer subject to this act shall not be invalidated solely because of the failure of any person to comply with a provision of this act.

History: 1993, Act 92, Eff. Jan. 10, 1994

565.965 Liability of agent.
Sec. 15. An agent of a transferor shall not be liable for any violation of this act by a transferor unless any agent knowingly acts in concert with a transferor to violate this act.

History: 1993, Act 92, Eff. Jan. 10, 1994

565.966 Effective date.
Sec. 16. This act shall take effect upon the expiration of 180 days after the date of its enactment.

History: 1993, Act 92, Eff. Jan. 10, 1994

NOTES: