

City Of Muskegon

Vacant Building Registration

Frequently Asked Questions

1. Why is there a Vacant Building Registration ordinance?

The Vacant Building Registration ordinance was adopted in late January 2008. The purpose of the ordinance is to assist city government in protecting the public health, safety and welfare, to monitor the number of vacant buildings in the city and to assess the effects of the condition of those buildings on nearby businesses and the neighborhoods in which they are located. This is particularly the case in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug traffickers, and to promote substantial efforts to rehabilitate such vacant buildings.

2. Why should I file?

It has been said that some are being advised not to file with the city because big fines or fees will follow. This is very poor advice and simply not true. Beginning in January 2008, if a building is vacant for one year an invoice will be mailed on or near the anniversary of the first year and the fee will be \$500. We are not going back in time before January 2008. If you have a longtime vacant building you will not be invoiced for previous years before January 2008. It will be the same as if the building was only empty for one year for the 2009 cycle. Filing is still much less expensive than facing legal action for failure to file. The city has two inspectors that will identify the vacant structure and send notices to file. If we get no response we will ticket the owner/taxpayer of record.

3. When do I need to register a vacant building?

Any building that has been vacant for more than **90 days** must be registered with us. This is a simple one page form and currently does not require payment of any fee. However, if you do not fill out the simple form and the property is vacant the property owner, not the realtor, can be ticketed for failure to file the form. The penalties for this type of violation range from \$100 for the first offense to \$500. Each day a building is vacant can be a separate offense, so it is much cheaper to file a simple form than be ticketed up to \$500 a day for failure to file the form.

4. What if I don't know the date of vacancy?

The date of vacancy goes with the building, not the owner/taxpayer of record. If you recently purchased a building and it had previously been registered as vacant, you are obligated to re-register it using the original vacancy date. If your plans are to occupy/rent the building or have a renter, you must still complete the Vacant Building Registration form and then complete the Status Notification form when the building becomes occupied. Also, if you purchase/own a vacant building that has not previously been registered as vacant and you do not know how long it has been vacant, we can conduct research within the records of the City to find the date we feel it became vacant.

5. Who is the responsible party?

The second most common question I have been asked is who is responsible to file, the owner or the realtor. Ultimately, the owner/taxpayer of record is responsible for filing the form and if we are forced to ticket to get compliance, it will be the owner/taxpayer of record in most cases and not the realtor that we will ticket. If you are managing properties for an absentee owner and have a management agreement holding you responsible for maintenance of a property it will be between you and the owner to decide who will file the form. Regardless of who actually files the form, it is still the owner/taxpayer of record that must sign (**and the signature must be notarized**) and is ultimately responsible. It is also the responsibility of the owner/taxpayer of record to notify the City of Muskegon when the property is sold and if possible, to whom. You may use our Status Notification form, which requires a signature or a signed letter with complete information.

6. I am in a Medical Care Facility. Do I need to register?

YES, you will need to register when no one has been living in the home for more than **90 days**. When you return home you must notify the Planning Department that you have returned home so we can remove your home from our vacant list. If you remain in the medical care facility longer than 1 year, you or your representative can file for a two year renewable waiver of fee.

7. I have a vacant rental home. Do I need to register it?

YES, if it remains vacant for more than **90 days** you will need to register it. If you get tenants for the structure you will only need to send a signed letter or our Status Notification form to the Planning Department advising us that it is occupied and the date it was occupied. Our inspectors will verify occupancy and if this is done before the first year of vacancy you will not be invoiced and no fee would be due.

8. I have a vacant building but I am using it for storage. Do I need to register it?

As long as the storage use is a legal use within the zone where the structure is and it complies with all other codes – such as fire and building, you do not need to register it. However, in many cases using a vacant building for storage is an illegal and sometimes dangerous use for that structure, depending on the zoning of the property and its location. If you are in a situation where you are illegally using a property for something that is not allowed in a given zoning district we will order the termination of the illegal use and consider the building as vacant. Therefore, you would need to register the structure as vacant, unless a legal use occupied the building.

9. I am trying to sell my building but the market is bad right now. Do I still owe the fee after one year, even if I am actively trying to sell?

YES, you will be billed if you have registered and the structure has been empty for a year. If you have been actively trying to sell or lease the property during the period you can file an appeal when you have been invoiced. This appeal **MUST** be filed within **30 days** of the date on the billing statement. If your appeal is successful you can receive a 1 year waiver of the fee. You should provide any and all pertinent information showing your marketing efforts with your appeal form.

10. I am rehabilitating the structure and I can't get it done in a year. Do I need to register? Will I be billed a fee?

YES, you should file the registration form and will be billed after the structure has been empty for a year. If you have been actively rehabilitating the property during the period you can file an appeal when you have been invoiced. This appeal **MUST** be filed within **30 days** of the date on the billing statement. If your appeal is successful you can receive a 1 year waiver of the fee. You should provide any and all pertinent information showing your rehabilitation efforts with your appeal form. It would be beneficial to include copies of permits and photographs of the work performed.

11. We are a 501C (3) non-profit organization. Do we need to register?

YES, you will need to register and after the building has remained vacant for a full year you will be billed. If you have been actively trying to rehabilitate, sell or lease the property during the period you may file an appeal when you have been invoiced. This appeal **MUST** be filed within **30 days** of the date on the billing statement. If your appeal is successful you will receive a 2 year waiver of the fee. You should provide any and all pertinent information showing your marketing or rehabilitation efforts with the appeal form.

12. I have a vacation / summer home. Do I need to register?

YES, under the current ordinance you will have to register if you do not anticipate a visit to your vacation or summer home and it has been empty for **90 days**. However, to be invoiced, a summer home or vacation home would have to be vacant for an entire year. This would be highly unlikely. Remember, though, that it is your responsibility to inform the city in writing when the home is no longer vacant. If you fail to do this, you will receive an invoice for the fee.

The Vacant Building Registration ordinance is Chapter 10 Section 107 of the City of Muskegon's Code of Ordinances and can be found online at:

<http://www.muskegon-mi.gov/departments/city-clerk/code-of-ordinances/>

To access the registration form, follow this website link

<http://www.muskegon-mi.gov/departments/planning/planning-forms/>

If you require the Vacant Building Registration Appeal form, please call the Planning Dept. at 231-724-6702