



City of Detroit Detroit City Council

FROM THE DESK OF
Mary Waters, Member At-Large
2 Woodward Avenue, Suite 1340 Detroit, MI 48226

Memorandum

TO: David Whitaker, Director, Legislative Policy Division
Conrad Mallet, Corporation Counsel

THROUGH: Mary Sheffield, City Council President

FROM: Mary Waters, Councilmember At-Large

RE: Requesting Legal Opinion as to the NAP program constituting a constructive condemnation when administered by the Detroit Land Bank Authority as to privately owned property

The Detroit Land Bank Authority is a creation of the state under the Land Bank Fast Track Act (MCL 124.751 *et seq*), and subject to provisions in an Intergovernmental Agreement, as well as a Memorandum of Understanding with the City of Detroit.

Subject to the Land Bank Fast Track Act, the Detroit Land Bank Authority has certain powers as well as restrictions.

One such restriction, located in M.C.L. 124.754 (8), reads: "An Authority Shall not exercise the power of eminent domain or condemn property."

Please provide a legal opinion as to:

1. Whether the exercise of the Nuisance Abatement Program, when administered by the Detroit Land Bank authority and exercised as to privately owned property, constitutes a constructive condemnation.
 - a. If it is a constructive condemnation, is such a condemnation prohibited under M.C.L.124.754(8)? Why/why not?

Please provide responses to this inquiry by **August 1, 2024**, and contact Chief of Staff Santana Hill (Santana.hill@detroitmi.gov) with questions.

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