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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

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NOTICE OF AVAILABLE REMEDIES UNDER THE CONDOMINIUM ACT (PA 59 OF 1978, AS AMENDED)

The Condominium Act provides the following remedies:

1. A person or association of co-owners adversely affected by a violation of, or failure to comply with, the Condominium Act, administrative rules, or any provision of an agreement or a master deed may take action in a court of competent jurisdiction. The court may award costs to the prevailing party. *Section 115(1)*
2. A developer who offers or sells a condominium unit in violation of Sections 21 or 84a is liable to the purchaser for damages. *Section 115(2)*
3. A co-owner may take action against the association of co-owners to compel the association to enforce the condominium documents. To the extent that the condominium documents expressly provide, the court shall determine costs of the proceeding and the successful party shall recover those costs. *Section 107*
4. A co-owner may take action against another co-owner for injunctive relief or for damages for noncompliance with the terms of the condominium documents or the Act. *Section 107*
5. A co-owner, or association of co-owners, may execute a contract to settle by arbitration for any claim against the developer that might be the subject of a civil action. *Section 144 (1)*
- A. A purchaser, co-owner, or person occupying a restricted unit under Section 104b, has the exclusive option to execute a contract to settle by arbitration for any claim against the developer that might be the subject of a civil action and involves less than \$2,500. A restricted unit occupied under Section 104b refers to a person with disabilities who is a resident of a conversion condominium project. *Section 144(2)*

- B. The association of co-owners has the exclusive option to execute a contract to settle by arbitration for any claim against the developer relating to the common elements in the amount of \$10,000 or less. *Section 144(3)*
 - C. The period of limitations for bringing a civil action applies equally to the execution of a contract to settle by arbitration. All costs will be allocated in the manner provided by the arbitration association. A contract to settle by arbitration must specify that the arbitration association will conduct the arbitration. The method of appointment of the arbitrator will be pursuant to rules of the arbitration association. An arbitration award is binding on the parties to the arbitration. *Section 144(4 - 9)*
6. A condominium developer may be required to be a licensed residential builder under the Occupational Code (PA 299 of 1980, Article 24, as amended). A complaint for violation of the Occupational Code or administrative rules, must be made within 18 months after completion, occupancy, or purchase of a residential structure. Conduct subject to penalty is described in the Occupational Code (*MCL 339.2411*).

Construction of a condominium falls under the authority of the enforcing agency for that governmental subdivision. You have the right to notify the appropriate enforcing agency of an alleged violation of the State Construction Code, other applicable building code, or construction regulations. (*Section 145*)

Check the link below to determine whether it is state, county, city, village or township jurisdiction.

https://www.michigan.gov/documents/lara/Statewide_Jurisdiction_List_621774_7.pdf

Complaints concerning construction with state jurisdiction may be filed with:

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Compliance Division
P.O. Box 30254
Lansing, MI 48909
Phone: (517) 241-9309
Fax: (517) 241-0130
Email: lara-bcc-compliance@michigan.gov
www.michigan.gov/bcc

7. The Michigan Consumer Protection Act (PA 331 of 1976, MCL 445.901 to 445.922), prohibits certain methods, acts, and practices, provides for certain investigations, and prescribes penalties. Complaints regarding an alleged violation of the Consumer Protection Act may be filed with:

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Department of Attorney General
Consumer Protection Division
P. O. Box 30213
Lansing, MI 48909
Phone: (517) 373-1140
www.michigan.gov/ag

8. A person who willfully aids in the advertisement of a statement or representation that misrepresents the facts concerning a condominium project, as described in the recorded master deed, is guilty of a misdemeanor and shall be punished by a fine or imprisonment or both. 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. *Section 158*

Legal References

Condominium Act, P.A. 59 of 1978, as amended, MCL 559.101 et seq.
Condominium Rules, R559.101 et seq, Michigan Administrative Code.
Occupational Code, P.A. 299 of 1980, as amended, MCL 339.101 et seq.
Consumer Protection Act, P.A. 331 of 1976, as amended, MCL 445.901 et seq.
Stille-DeRossett-Hale Single State Construction Code Act, P.A. 230 of 1972, as amended, MCL 125.1501 et seq.

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LARA is an equal opportunity employer/program.
Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.