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## PROPERTY MANAGEMENT ASSOCIATION OF MICHIGAN: LEGISLATIVE COMMITTEE REPORT

July 2009

### I. INTRODUCTION OF NEW BILLS – STATUS

- Drug Eviction Reform/Committing Acts of Violence (2 bills). Both Sen. Garcia (SB 545, SB 546) and Rep. Nathan (HB 4904, HB 4905) have introduced the bills. We held an informal workgroup on these bills last week. The ACLU, Public Defender's Association, Michigan League for Human Services, and Michigan Poverty Law Center oppose these bills as currently introduced. We are scheduled to have another workgroup next week.
- Entry of premises for a Deceased Tenant. Met with Pam Byrnes' Chief of Staff. She has placed a bill request for this bill. Poverty Law Center and Byrnes were initially concerned about verification of a non-existent estate and requested a phone call to the probate court to verify. However, that process would only work if the estate was located where the tenant died. The tentative compromise reached was after 30 days, the landlord would place a notice on the door and the tenant must respond within a week. We are waiting on language from Policy staff.
- Service of Process Reform. Rep. Green is currently working on draft language at the request of a PMAM member company. Supreme Court previously suggested that we seek a legislative change rather than a court rule change. That administrative order, however, misstated the law.

### II. PRIORITY BILLS

- [SB 0185 of 2009](#) Housing; landlord and tenants; early lease termination; allow for certain victims of domestic assault. Amends 1972 PA 348 (MCL 554.601 - 554.616) by adding sec. 1b.  
Last Action: 02/03/2009 - REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND REGULATORY REFORM. UPDATE: Sen. Garcia's office is now circulating the most recent version of the bill (SB 185/Draft B) which PMAM has accepted.
- [HB 4211 of 2009](#) Housing; landlord and tenants; 30-day notice of foreclosure of

**property**; require. Amends 1978 PA 454 (MCL 554.631 - 554.641) by adding sec. 10a. Last Action: 02/11/2009 - printed bill filed 02/11/2009. Last Action: SUBSTITUTE VERSION PASSES HOUSE; ON 03/18/2009 – BILL REFERRED TO SENATE COMMITTEE ON BANKING AND FINANCIAL INSTITUTIONS REFERRED TO COMMITTEE ON INTERGOVERNMENTAL & REGIONAL AFFAIRS.

- [HB 4251 of 2009](#) **Housing; landlord and tenants; requirement for landlord to provide a means for solid waste disposal to tenants being evicted**; establish. Creates new act. Last Action: 02/17/2009 - printed bill filed 02/12/2009. REFERRED TO INTER-GOVERNMENTAL & REGIONAL AFFAIRS COMMITTEE.

### III. HOUSING BILLS

- [SB 0086 of 2009](#) **Housing; landlord and tenants; landlord notification** procedure for tenant repairs and maintenance; clarify. Amends 1972 PA 348 (MCL 554.601 - 554.616) by adding sec. 1c.  
Last Action: 01/27/2009 - REFERRED TO COMMITTEE ON JUDICIARY
- [SB 0169 of 2009](#) **Housing; landlord and tenants; lead-contaminated soil**; require landlord notification to tenants. Amends 1978 PA 454 (MCL 554.631 - 554.641) by adding sec. 4a.  
Last Action: 02/03/2009 - REFERRED TO COMMITTEE ON JUDICIARY
- [SB 545 of 2009](#) **Housing; landlord and tenants; 7-day notice to quit for tenants who injure or threaten to injure other tenants or employees**; require. Amends sec. 5714 of 1961 PA 236 (MCL 600.5714). TIE BAR WITH: SB 0546'09  
Last Action: 5/7/2009 - REFERRED TO COMMITTEE ON JUDICIARY
- [SB 546 of 2009](#) **Housing; landlord and tenants; provision relating to the termination of lease for certain controlled substance offenders**; modify. Amends sec. 34 of 1846 RS 66 (MCL 554.134). TIE BAR WITH: SB 0545'09  
Last Action: 5/7/2009 - REFERRED TO COMMITTEE ON JUDICIARY
- [HB 4024 of 2009](#) **Housing; landlord and tenants; inventory checklist; provide for tenant right to be present**. Amends sec. 8 of 1972 PA 348 (MCL 554.608). Last Action: 02/04/2009 - REASSIGN TO COMMITTEE ON INTERGOVERNMENTAL AND REGIONAL AFFAIRS.
- [HB 4801 of 2009](#) **Housing; inspection; rental housing inspection programs; expand to include rental mobile homes**. Amends sec. 7 of 1987 PA 96 (MCL 125.2307). Last Action: 6/16/2009 – Reported with recommendation with substitute H-1; referred to second reading. 4/21/2009 – ASSIGNED TO COMMITTEE ON INTERGOVERNMENTAL AND REGIONAL AFFAIRS
- [HB 4904 of 2009](#) **Housing; landlord and tenants; 7-day notice to quit for tenants who injure or threaten to injure other tenants or employees**; require. Amends sec. 5714 of 1961 PA 236 (MCL 600.5714). TIE BAR WITH: HB 4905'09

Last Action: 5/12/2009 – Printed bill filed. 5/7/2009 – REFERRED TO COMMITTEE ON URBAN POLICY.

- **HB 4905 of 2009 Housing; landlord and tenants; provision relating to the termination of lease for certain controlled substance offenders**; modify. Amends sec. 34 of 1846 RS 66 (MCL 554.134). TIE BAR WITH: HB 4904'09  
Last Action: 5/12/2009 – Printed bill filed. 5/7/2009 – REFERRED TO COMMITTEE ON URBAN POLICY.
- **HB 5034 of 2009 Housing; landlord and tenants; requirement for lawful reentry by landlord**; modify. Amends sec. 2918 of 1961 PA 236 (MCL 600.2918)  
Last Action: 6/3/2009 – Printed bill filed. 6/2/2009 – REFERRED TO COMMITTEE ON JUDICIARY.

#### IV. CIVIL PROCEDURE BILLS

- **HB 4033 of 2009 Civil procedure; foreclosure**; 1-year moratorium on residential mortgage and land contract foreclosures; make applicable to MSHDA mortgages and land contracts. Amends secs. 48d, 49 & 49i of 1966 PA 346 (MCL 125.1448d et seq.). TIE BAR WITH: HB 4034'09  
Last Action: 01/27/2009 - REFERRED TO BANKING AND FINANCIAL SERVICES.
- **SB 0032 of 2009 Civil procedure; evictions**; eviction after foreclosure; require 90-day notice of eviction to tenants. Amends secs. 3208 & 5714 of 1961 PA 236 (MCL 600.3208 & 600.5714) & adds sec. 3108. Last Action: 01/27/2009 - REFERRED TO COMMITTEE ON JUDICIARY
- **SB 0033 of 2009 Civil procedure; foreclosure; lease of foreclosed property**; provide that lease continues after property is foreclosed, and provide notice of foreclosure to tenants. Amends secs. 3130, 3208 & 3236 of 1961 PA 236 (MCL 600.3130 et seq.) & adds sec. 3108. Last Action: 01/27/2009 - REFERRED TO COMMITTEE ON JUDICIARY.

#### V. PROPERTY TAXES

- **HB 4456 and 4457 of 2009 Property tax; assessments; assessment of commercial rental property**; revise Amends sec. 34d of [1893 PA 206](#) (MCL [211.34d](#)) & adds sec. 71l. Last Action: 5/20/2009 REPORTED FROM TAX POLICY WITH RECOMMENDATION WITH SUB H-1, REFERRED TO SECOND READING  
HB 4456 Last Action: 6/17/2009 – REFERRED TO COMMITTEE ON FINANCE.  
6/16/2009 – Substitute H-2 adopted, placed on third reading, placed on immediate passage, read third time, passed; given immediate effect – Roll Call #294 yeas 69 nays 38.