

**PROPERTY MANAGEMENT ASSOCIATION OF MICHIGAN:  
LEGISLATIVE COMMITTEE REPORT**

May 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
- **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: 4/21/2009 – ASSIGNED TO COMMITTEE ON INTERGOVERNMENTAL AND REGIONAL AFFAIRS

### 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

**ATTACHMENT A**

HB-4211, As Passed House, March 17, 2009

SUBSTITUTE FOR

HOUSE BILL NO. 4211

A bill to amend 1978 PA 454, entitled

"Truth in renting act,"

(MCL 554.631 to 554.641) by adding section 10a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 10A. (1) A RENTAL AGREEMENT MAY CONTAIN A PROVISION  
THAT

A LANDLORD SHALL NOTIFY A TENANT OF ANY FORECLOSURE  
ACTIONS BEING

TAKEN AGAINST THE PROPERTY WITHIN 30 DAYS AFTER THE PERIOD  
OF

REDEMPTION HAS BEGUN AND AGAIN AT LEAST 30 DAYS BEFORE  
THE

CONCLUSION OF THE PERIOD OF REDEMPTION. IF THE RENTAL  
AGREEMENT

DOES NOT CONTAIN SUCH A PROVISION, THE LANDLORD SHALL  
POST WRITTEN

NOTICE REASONABLY VISIBLE TO THE TENANT IN THE LANDLORD'S  
PROPERTY

MANAGEMENT OFFICE THAT NOTIFIES THE TENANT OF HIS OR HER  
RIGHT TO

RECEIVE NOTICE THAT THE PROPERTY IS IN FORECLOSURE AT THE  
TIMES

SPECIFIED IN THIS SUBSECTION OR DELIVER WRITTEN NOTICE OF  
THE

TENANT'S RIGHT TO RECEIVE NOTICE THAT THE PROPERTY IS IN

FORECLOSURE AT THE TIMES SPECIFIED IN THIS SUBSECTION WHEN  
THE

LEASE AGREEMENT IS SIGNED. A LANDLORD WHOSE PROPERTY IS IN

FORECLOSURE SHALL DELIVER NOTICE TO THE TENANT THAT THE  
PROPERTY IS

IN FORECLOSURE AT THE TIMES SPECIFIED IN THIS SUBSECTION.  
NOTHING

IN THIS SECTION SHALL ALLOW THE TENANT TO WITHHOLD HIS OR  
HER

RENTAL OBLIGATION BECAUSE OF RECEIPT OF THE REQUIRED  
NOTICE.

(2) A LANDLORD WHO LEASES A PROPERTY TO A TENANT DURING  
THE

PERIOD OF REDEMPTION OF THAT PROPERTY SHALL GIVE WRITTEN  
NOTICE TO

THE TENANT BEFORE THE LEASE IS ENTERED INTO THAT THE  
PROPERTY HAS

BEEN FORECLOSED ON. THE WRITTEN NOTICE SHALL NOTIFY THE POTENTIAL

TENANT OF THE NUMBER OF DAYS REMAINING IN THE REDEMPTION PERIOD.

(3) THIS SECTION ONLY APPLIES TO RENTAL AGREEMENTS ENTERED

INTO ON AND AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT

ADDED THIS SECTION.

(4) A LANDLORD WHO VIOLATES THIS SECTION IS LIABLE TO THE

TENANT FOR DAMAGES AND IS RESPONSIBLE FOR A CIVIL INFRACTION AND IS

LIABLE FOR A FINE OF NOT MORE THAN \$500.00.