



KELLEY CAWTHORNE

ATTORNEYS &
GOVERNMENT
RELATIONS
CONSULTANTS

*Frank J. Kelley
Dennis O. Cawthorne
Patrick H. McCollough
Steven D. Weyhing
David Gregory
Mia D. McNeil*

GOVERNMENT
RELATIONS
CONSULTANTS

*Rob Elhenicky
Dave Ladd
Melissa Yutzey*

OF COUNSEL
*Brett H. Henderson
Carrie Linderoth*

PROPERTY MANAGEMENT ASSOCIATION OF MICHIGAN: LEGISLATIVE COMMITTEE REPORT

November 2010

I. PRIORITY BILLS REQUESTED BY PMAM

- A. **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: **12/18/09** – REFERRED TO COMMITTEE ON JUDICIARY. **Comment:** It's uncertain if Kuipers is planning on having one last Judiciary Committee meeting before the end of session. As of the submission of this report, no committee meeting has been posted. PMAM SUPPORTS
- B. **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: 12/18/09 – REFERRED TO COMMITTEE ON JUDICIARY. **Comment:** See above. PMAM SUPPORTS.
- C. **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: 03/17/2010 - REFERRED TO COMMITTEE ON JUDICIARY. See above. PMAM SUPPORTS.
- D. **SB 546 of 2009. Housing; landlord and tenants; provision relating to the termination of lease for certain controlled substance offenders; modify.** See above.
- E. **HB 5034 of 2009 Housing; landlord and tenants; requirement for lawful reentry by landlord/Deceased Tenant Bill;** modify. Amends sec. 2918 of 1961 PA 236 (MCL 600.2918). Last Action: 03/17/10 – REFERRED TO SECOND READING. **Comment:** See "A".

II. OTHER PRIORITY ISSUES

- A. **HB 5518 Service of Process Reform.** Civil procedure; evictions;

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manner of serving summons and complaint in summary proceedings; revise. Amends sec. 5732 of [1961 PA 236](#) (MCL [600.5732](#)) & adds sec. 5736. Rep. Green (R-Wyoming) has introduced the Service of Process Reform legislation (see attached document). Last Action: 10/16/2009: printed bill filed; ASSIGNED TO JUDICIARY COMMITTEE. As of the submission of this report, no action has been taken on this bill.

- B. HB 5744 Torts; defenses; openness and obviousness of condition; establish as issue of comparative fault only.** Amends sec. 2959 of [1961 PA 236](#) (MCL [600.2959](#)). Last Action: 6/30/10 REFERRED TO SECOND READING. Comment: This bill would allow a judge or jury in a tort case to consider whether a condition is “open or obvious” only in assessing the degree of comparative fault, if any. The question of whether a condition is open and obvious could not be considered with respect to any other issue of law or fact, including the issue of duty. Michigan Law Abuse Watch, Insurance Institute of Michigan, and Michigan Farm Bureau are all opposed to the bill.

III. HOUSING BILLS

- A. 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.
- B. 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. REFERRED TO INTER-GOVERNMENTAL & REGIONAL AFFAIRS COMMITTEE. PMAM OPPOSES.
- C. 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. PMAM OPPOSES.
- D. 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. PMAM OPPOSES.

- E. **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. PMAM OPPOSES.
- F. **SB 1105. Public utilities; consumer services; certain notice prior to utility shutoff; require.** Amends 1939 PA 3 (MCL 460.1 - 460.11) by adding sec. 9d. Last Action: 02/04/2010 - REFERRED TO COMMITTEE ON ENERGY POLICY AND PUBLIC UTILITIES
- G. **HB 5452 Torts; liability; openness and obviousness of conditions on property; make an issue of comparative negligence.** Amends 1846 RS 66 (MCL [554.131](#) - [554.139](#)) & adds sec. 40 ; 9/24/2009 – REFERRED TO COMMITTEE ON JUDICIARY.

IV. CIVIL PROCEDURE BILLS

- A. **HB 4869 Civil procedure; evictions; property managers; allow to represent landlords in eviction proceedings.** Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding sec. 5705.
Last Action: 4/30/2009 REFERRED TO HOUSE JUDICIARY COMMITTEE. **Comment:** Bill would allow property owner and manager representation in summary eviction proceedings. PMAM HAS SUPPORTED PRIOR VERSIONS OF THIS BILL.
- B. **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.
- C. **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
- D. **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

- A. HBs 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. 7ll. Last Action: 5/20/2009 Last Action: 6/17/2009 – BILLS PASSED HOUSE AND REFERRED TO SENATE COMMITTEE ON FINANCE. **Comment:** HB 4457 is still in House Tax Policy. Both Bills address the so-called vacancy loss rule.**

VI. ELECTION RECAP

- A. Republicans take Gubernatorial, House, Senate, AG and SOS Elections**
- B. PMAM Approved Candidates (20/27 isn't bad)**
- C. Leadership Spots**
- D. Update on Feb. Legislative Day Planning**

VII. MISCELLANEOUS

- A. Legislative Day Planning**