

**PROPERTY MANAGEMENT ASSOCIATION OF MICHIGAN:**  
**LEGISLATIVE COMMITTEE REPORT**  
September 2009

**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: 5/12/2009 – Printed bill filed. 5/7/2009 – REFERRED TO COMMITTEE ON URBAN POLICY. **Comment:** Since our last report, both Representative Nathan and Leland have received a letter from a DMAA member regarding their experience with violence in an apartment community. The bill sponsor (Rep. Nathan) is hopeful that the letter will lead to the Chair taking up the bills in committee.
- 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: 5/12/2009 – Printed bill filed. 5/7/2009 – REFERRED TO COMMITTEE ON URBAN POLICY. **Comment:** See comment for HB 4904 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: 05/07/2009 - REFERRED TO COMMITTEE ON JUDICIARY. **Comment.** This and SB 546 are identical to HB 4904 and HB 4905. PMAM SUPPORTS.
- D. **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: 05/07/2009 - REFERRED TO COMMITTEE ON JUDICIARY. PMAM SUPPORTS.

- 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: 6/3/2009 – Printed bill filed. 6/2/2009 – REFERRED TO COMMITTEE ON JUDICIARY. **Comment:** This bill is tentatively scheduled for a committee hearing on September 30, 2009. The postponement is not due to opposition on the bill, but due to lengthening House session. We have met with all but two (2) members of the Judiciary committee and each has found the bill to be non-controversial and will likely support the bill. With the weekly postponement of our bill, it would be wise to craft written testimony just in case a person planning to testify could not make the hearing. PMAM SUPPORTS.

## II. OTHER PRIORITY ISSUES

- A. **Energy Theft**. PMAM officials recently met with DTE Energy executives to discuss that company's energy theft legislative initiative. DTE is preparing legislation to deal with chronic losses from energy theft primarily in the City of Detroit. A basic legislative approach is evolving which would allow for hardening of a site after the first instance of theft and a shut-off after a second incident of energy theft. After a second shut-off, a return to service would require some level of cooperation, documentation, and/or cost recovery involving the property owner. We anticipate at meeting to go over draft bill language in the near future. **Comment:** After our initial meeting, DTE has indicated that they will be contacting us in the next several weeks to go over draft language.
- B. **Service of Process Reform**. Rep. Green (R-Wyoming) has a bill draft regarding this issue requested in the wake of the state Supreme Court's failure to adopt PMAM proposed court rule amendment.
- C. **Alpine Twp. Special Assessment Issue**. A recent Grand Rapids Press article quotes the Alpine Township Treasurer as proposing a special assessment for an apartment community to defray the costs of police and fire services provided to that community. We do not believe such an assessment is permissible under state law (Proposal A/General Property Tax Act). However, we think this move should be met directly on a PR/political/legal basis lest it gain traction and be transported to other revenue-hungry communities.

## III. HOUSING BILLS

- A. **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

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DEVELOPMENT AND REGULATORY REFORM. **Comment:** PMAM IS NEUTRAL AS TO THE MOST RECENT DRAFT.

- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. 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.
- G. 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. 6/16/2009 – PASSED COMMITTEE. H-1 REFERRED TO SECOND READING ON HOUSE FLOOR.

## 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: REFERRED TO HOUSE JUDICIARY COMMITTEE. **Comment:** Bill would allow property owner and manager representation

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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. 71l. Last Action: 5/20/2009 Last Action: 6/17/2009 – BILLS PASSED HOUSE AND REFERRED TO SENATE COMMITTEE ON FINANCE. **Comment:** Bills address the so-called vacancy loss rule.