

PERSONS ALLOWED TO EXECUTE EVICTION NOTICE

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Senate Bill 3 as passed by the Senate
Sponsor: Sen. Peter J. Lucido
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety
Complete to 3-4-19

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 3 would amend Chapter 57 of the Revised Judicature Act, concerning eviction proceedings, to revise the list of persons allowed to serve an order of eviction and restore the plaintiff to full possession of the premises.

Currently, a court that enters a judgment for possession in a summary proceeding must issue a writ commanding the sheriff, or any other officer authorized to serve the process, to restore the plaintiff to full possession of the premises.

The bill would allow the court to issue a writ to a court officer appointed by the court, a bailiff of the court, the sheriff or a deputy sheriff of the county where the court is located, or an officer of the law enforcement agency of the local unit of government where the court is located.

The bill would add that, to restore full, peaceful possession of the premises, the officer, bailiff, sheriff, or deputy sheriff serving the writ must remove all occupants and personal property from the premises and do either of the following:

- Leave the property in an area open to the public or in the public right-of-way.
- Deliver the property to the sheriff as authorized by the sheriff.

The officer, bailiff, sheriff, or deputy sheriff serving the writ would be the only person who could determine whether abandonment of the premises that are the subject of the writ, and of any personal property on the premises, has occurred.

The bill would take effect 90 days after its enactment.

MCL 600.5744

FISCAL IMPACT:

Senate Bill 3 would have no fiscal impact on the state or on local units of government.

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