



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 112 (as introduced 2-13-19)  
Sponsor: Senator Peter J. Lucido  
Committee: Judiciary and Public Safety

Date Completed: 2-26-19

**CONTENT**

**The bill would amend the Revised Judicature Act to revise a provision specifying that a property owner's actions do not lawfully interfere with a tenant's possessory interest if the owner believes the tenant had abandoned the premises to refer, instead, to a court officer, bailiff, or deputy sheriff.**

Under the Act, if a property owner has unlawfully interfered with the possessory interest of a tenant in possession of the premises, the tenant is entitled to recover damages for each occurrence. If possession has been lost, the tenant is entitled to recover possession. The Act specifies conditions that constitute unlawful interference with a possessory interest, including use or threat of force; removal, retention or destruction of property; and changing, altering, or adding locks without immediately providing keys.

An owner's actions do not unlawfully interfere with a possessory interest under certain circumstances, including if the owner believes in good faith that the tenant has abandoned the premises, and after diligent inquiry has reason to believe the tenant does not intend to return, and current rent is not paid.

Instead, under the bill, an owner's actions would not unlawfully interfere with a possessory interest if a court officer, bailiff, or deputy sheriff determined that the tenant had abandoned the premises and did not intend to return, and current rent was not paid.

MCL 600.2918

Legislative Analyst: Stephen Jackson

**FISCAL IMPACT**

No fiscal impact is expected for the State or local court systems. The bill would shift the determination as to whether or not a premises had been abandoned by a tenant from the owner to a court officer or deputy sheriff. This could create a strain on local court resources; however, shifting this determination to a court officer or deputy likely would save time in front of district court judges, as these disputes, by their nature, can be protracted. The inclusion of an affirmation by a noninterested party could assist in the quick resolution of these disputes.

Fiscal Analyst: Michael Siracuse

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.