

## DOMESTIC VIOLENCE EARLY LEASE TERMINATION

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**Senate Bill 185 as passed by the Senate**

**Sponsor: Sen. Valde Garcia**

**House Committee: Intergovernmental and Regional Affairs**

**Senate Committee: Economic Development and Regulatory Reform**

**Complete to 5-17-10**

### **A SUMMARY OF SENATE BILL 185 AS PASSED BY THE SENATE 3-10-10**

The bill would amend the Landlord-Tenant Act to do all of the following:

- Require a tenant to be released from rental payment obligations if he or she submitted notice and documentation of a reasonable apprehension of present danger due to domestic violence, sexual assault, or stalking.
- Prescribe requirements for the necessary documentation.
- Specify that the release would not apply to prepaid amounts and would not prevent the landlord from withholding security deposits and other sums under to the act.
- Prohibit the landlord from revealing the tenant's forwarding address except in certain circumstances.
- Specify that other tenants who were parties to a rental agreement would remain subject to that agreement.

These provisions would apply only to leases entered into, renewed, or renegotiated after the bill's effective date.

More specifically and under the bill, tenants who had a reasonable apprehension of present danger to themselves or to their children from domestic violence, sexual assault, or stalking while tenants would have to be released from their rental payment obligations after submitting written notice of their intent to seek a release, as well as written documentation that they had such a reasonable apprehension. The written notice would have to be by certified mail.

The bill specifies that a rental agreement could contain a statement that a tenant could have special statutory rights to seek a release of rental obligation. If the rental agreement did not contain that provision, the landlord would have to post a written notice, visible to a reasonable person, in the landlord's property management office or deliver written notice to the tenant when the lease was signed. A written notice would have to be identical to the statement required for the optional lease provision.

A tenant would have to be released from an obligation to pay rent not later than the first day of the second month that rent was due after notice was given. The release would not apply to prepaid amounts, including prepayment of the first and last months' rent. A

release of rental obligation under the bill would not take effect before the tenant vacated the premises.

The bill would not prevent a landlord from withholding security deposits pursuant to the act or affect other sums that the landlord could withhold under the act or other applicable law.

Tenants would satisfy the requirement to provide written documentation that they had a reasonable apprehension of present danger from domestic violence, sexual assault, or stalking by providing one or more of the following documents to the landlord:

- A court-issued valid personal protection order or foreign protection order, or a court order removing an abusive person from a home that remained in effect on the date it was submitted.
- A valid probation order, conditional release order, or parole order that was still in effect on the date of submittal, if the order indicated that the person subject to it was subject to conditions reasonably necessary to protect the tenant or his or her child, including a condition that the person was to have no contact with the tenant or child.
- A police report that resulted in the filing of charges not more than 14 days before the written notice and documentation were submitted.
- A police report that resulted in the filing of charges more than 14 days before the submittal of the notice and documentation demonstrating a verifiable threat of present danger from domestic violence, sexual assault, or stalking.
- A report verified by a qualified third party (defined below) that was substantially in the form set forth in the bill.

The landlord could reveal forwarding address information submitted by the tenant to other individuals only as reasonably necessary to accomplish the landlord's regular and ordinary business purpose. The landlord could not intentionally reveal forwarding address information or documentation submitted by the tenant to the person whom the tenant had identified as the source of the reasonable apprehension of domestic violence, sexual assault, or stalking.

If a rental agreement obligated multiple tenants to be liable for rental obligations and a tenant were released from rental obligations under the bill, all other tenants who were parties to the rental agreement would remain subject to it.

The bill defines the term "qualified third party" to mean one or more of the following: a sexual assault or domestic violence counselor; a health professional licensed or registered under the Public Health Code; a mental health professional as defined under the Mental Health Code; and a member of the clergy, if he or she is affiliated with a tax-exempt religious institution listed in a telephone directory.

Further, the bill would define "sexual assault or domestic violence counselor" as a person who is employed at or volunteers at a sexual assault or domestic violence crisis center

and, in that capacity, provides advice, counseling, or other assistance to sexual assault or domestic violence victims and their families. And, the Mental Health Code defines "mental health professional" as an individual trained and experienced in the area of mental illness or developmental disabilities who is a licensed physician, psychologist, registered professional nurse, professional counselor, or marriage and family therapist.

MCL 554.601b

**FISCAL IMPACT:**

The bill would have no fiscal impact on state or local government.

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