



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 185 (as introduced 2-3-09)
Sponsor: Senator Valde Garcia
Committee: Economic Development and Regulatory Reform

Date Completed: 2-8-10

CONTENT

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 a release under the bill would not apply to prepaid amounts and would not prevent a landlord from withholding security deposits and other sums pursuant to the Act.**
- **Prohibit a landlord from revealing the forwarding address of a tenant released under the bill except in certain circumstances.**
- **Specify that other tenants who were parties to a rental agreement would remain subject to that agreement.**

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

Specifically, a tenant who had a reasonable apprehension of present danger to himself or herself or his or her child from domestic violence, sexual assault, or stalking while he or she was a tenant would have to be released from his or her rental payment obligation upon submitting written notice of his or her intent to seek a release and written documentation that he or she had such a reasonable apprehension. A rental agreement would have to contain a statement that such a tenant could have special statutory rights to seek a release of rental obligation.

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. The tenant could not continue to occupy the rental unit after he or she was released from an obligation to pay rent.

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.

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

- A court-issued valid personal protection order or foreign protection order 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 reveal that information 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 his or her rental obligations under the bill, all other tenants who were parties to the rental agreement would remain subject to it.

"Qualified third party" would 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
- A member of the clergy, if he or she is affiliated with a religious institution listed in a telephone directory.

(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. 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.)

Proposed MCL 554.601b

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Bill Bowerman

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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.