

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 185

A bill to amend 1972 PA 348, entitled

"An act to regulate relationships between landlords and tenants relative to rental agreements for rental units; to regulate the payment, repayment, use and investment of security deposits; to provide for commencement and termination inventories of rental units; to provide for termination arrangements relative to rental units; to provide for legal remedies; and to provide penalties,"

(MCL 554.601 to 554.616) by adding section 1b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1B. (1) A TENANT WHO HAS A REASONABLE APPREHENSION OF
2 PRESENT DANGER TO THE TENANT OR HIS OR HER CHILD FROM DOMESTIC
3 VIOLENCE, SEXUAL ASSAULT, OR STALKING WHILE THAT PERSON IS A
4 TENANT SHALL BE RELEASED FROM HIS OR HER RENTAL PAYMENT
5 OBLIGATION IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION
6 AFTER SUBMITTAL OF WRITTEN NOTICE OF HIS OR HER INTENT TO SEEK A
7 RELEASE AND WRITTEN DOCUMENTATION THAT THE TENANT HAS A

1 REASONABLE APPREHENSION OF PRESENT DANGER TO THE TENANT OR HIS OR
2 HER CHILD FROM DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING.
3 SUBMITTAL OF WRITTEN NOTICE SHALL BE MADE BY CERTIFIED MAIL. A
4 RENTAL AGREEMENT MAY CONTAIN A PROVISION STATING "A TENANT WHO
5 HAS A REASONABLE APPREHENSION OF PRESENT DANGER TO HIM OR HER OR
6 HIS OR HER CHILD FROM DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR
7 STALKING MAY HAVE SPECIAL STATUTORY RIGHTS TO SEEK A RELEASE OF
8 RENTAL OBLIGATION UNDER MCL 554.601B.". IF THE RENTAL AGREEMENT
9 DOES NOT CONTAIN SUCH A PROVISION, THE LANDLORD SHALL POST
10 WRITTEN NOTICE VISIBLE TO A REASONABLE PERSON IN THE LANDLORD'S
11 PROPERTY MANAGEMENT OFFICE OR DELIVER WRITTEN NOTICE TO THE
12 TENANT WHEN THE LEASE AGREEMENT IS SIGNED. THE CONTENT OF THE
13 WRITTEN NOTICE SHALL BE IDENTICAL TO THE PROVISION IN THIS
14 SECTION.

15 (2) THE TENANT SHALL INCLUDE IN THE SUBMITTAL REQUIRED UNDER
16 SUBSECTION (1) A WRITTEN STATEMENT THAT THE TENANT OR A CHILD OF
17 THE TENANT HAS A REASONABLE APPREHENSION OF PRESENT DANGER FROM
18 DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING. FOR PURPOSES OF
19 RELEASING A TENANT FROM HIS OR HER OBLIGATION TO PAY RENT, THE
20 TENANT IS RELEASED FROM AN OBLIGATION TO PAY RENT NO LATER THAN
21 THE FIRST DAY OF THE SECOND MONTH THAT RENT IS DUE AFTER NOTICE
22 IS GIVEN. A RELEASE OF A RENTAL OBLIGATION UNDER THIS SECTION
23 DOES NOT APPLY TO PREPAID AMOUNTS, INCLUDING, BUT NOT LIMITED TO,
24 PREPAYMENT OF FIRST AND LAST MONTHS' RENT. A RELEASE OF RENTAL
25 OBLIGATION UNDER THIS SECTION DOES NOT TAKE EFFECT BEFORE THE
26 TENANT VACATES THE PREMISES. NOTHING IN THIS SECTION SHALL
27 PREVENT A LANDLORD FROM WITHHOLDING SECURITY DEPOSITS PURSUANT TO

1 SECTION 13(1)(D). THIS SUBSECTION DOES NOT AFFECT OTHER SUMS THAT
2 MAY BE WITHHELD BY THE LANDLORD UNDER THIS ACT OR OTHER
3 APPLICABLE LAW.

4 (3) THE REQUIREMENT IN SUBSECTION (1) THAT A TENANT PROVIDE
5 WRITTEN DOCUMENTATION THAT THE TENANT HAS A REASONABLE
6 APPREHENSION OF PRESENT DANGER TO THE TENANT OR HIS OR HER CHILD
7 FROM DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING IS SATISFIED
8 BY PROVIDING 1 OR MORE OF THE FOLLOWING WRITTEN DOCUMENTS TO THE
9 LANDLORD:

10 (A) A VALID PERSONAL PROTECTION ORDER OR FOREIGN PROTECTION
11 ORDER AS DEFINED IN SECTION 2950H OF THE REVISED JUDICATURE ACT
12 OF 1961, 1961 PA 236, MCL 600.2950H, OR AN ORDER REMOVING AN
13 ABUSIVE PERSON FROM A HOME UNDER MCL 712A.13A(4), ISSUED BY A
14 COURT OF COMPETENT JURISDICTION THAT REMAINS IN EFFECT ON THE
15 DATE OF SUBMITTAL.

16 (B) A VALID PROBATION ORDER, CONDITIONAL RELEASE ORDER, OR
17 PAROLE ORDER THAT IS STILL IN EFFECT ON THE DATE OF SUBMITTAL IF
18 THE PROBATION ORDER, CONDITIONAL RELEASE ORDER, OR PAROLE ORDER
19 INDICATES THAT THE INDIVIDUAL SUBJECT TO THE ORDER IS SUBJECT TO
20 CONDITIONS REASONABLY NECESSARY TO PROTECT THE TENANT OR CHILD OF
21 THE TENANT, INCLUDING A CONDITION THAT THE INDIVIDUAL IS TO HAVE
22 NO CONTACT WITH THE TENANT OR CHILD OF THE TENANT.

23 (C) A WRITTEN POLICE REPORT THAT HAS RESULTED IN THE FILING
24 OF CHARGES BY THE PROSECUTING ATTORNEY THAT HAS JURISDICTION OVER
25 THE MATTER IF THE CHARGES WERE FILED NOT MORE THAN 14 DAYS BEFORE
26 SUBMITTAL OF THE WRITTEN NOTICE REQUIRED UNDER SUBSECTION (1).

27 (D) A WRITTEN POLICE REPORT THAT HAS RESULTED IN THE FILING

1 OF CHARGES BY THE PROSECUTING ATTORNEY THAT HAS JURISDICTION OVER
2 THE MATTER IF THE CHARGES WERE FILED MORE THAN 14 DAYS BEFORE
3 SUBMITTAL OF THE WRITTEN NOTICE REQUIRED UNDER SUBSECTION (1). A
4 TENANT WHO USES A POLICE REPORT UNDER THIS SUBDIVISION SHALL
5 DEMONSTRATE A VERIFIABLE THREAT OF PRESENT DANGER FROM DOMESTIC
6 VIOLENCE, SEXUAL ASSAULT, OR STALKING. FILING OF THE FORM UNDER
7 SUBDIVISION (E) SHALL BE A DEMONSTRATION OF A VERIFIABLE THREAT
8 OF PRESENT DANGER FROM DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR
9 STALKING.

10 (E) SUBMITTAL TO THE LANDLORD OF A REPORT THAT IS VERIFIED
11 BY A QUALIFIED THIRD PARTY IN SUBSTANTIALLY THE FOLLOWING FORM:

12
13 [NAME OF ORGANIZATION, AGENCY, CLINIC, PROFESSIONAL SERVICE
14 PROVIDER]

15 I AND/OR MY(CHILD) HAVE/HAS A
16 REASONABLE APPREHENSION OF PRESENT DANGER FROM
17 ... DOMESTIC VIOLENCE AS DEFINED BY MCL 400.1501.
18 ... SEXUAL ASSAULT AS DEFINED BY MCL 750.520A TO
19 750.520/.
20 ... STALKING AS DEFINED BY MCL 750.411H OR 750.411I.

21 BRIEFLY DESCRIBE THE INCIDENT GIVING RISE TO THE
22 REASONABLE APPREHENSION OF DOMESTIC VIOLENCE, SEXUAL ASSAULT,
23 OR STALKING:
24

25 THE INCIDENT(S) THAT I RELY ON IN SUPPORT OF THIS
26 DECLARATION OCCURRED ON THE FOLLOWING DATE(S) AND
27 TIME(S): AND AT THE FOLLOWING LOCATION(S):
28

29 THE INCIDENT(S) THAT I RELY ON IN SUPPORT OF THIS

1 DECLARATION WAS/WERE COMMITTED BY THE FOLLOWING PERSON(S), IF
2 KNOWN:

3

4 I STATE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
5 STATE OF MICHIGAN THAT THE FOREGOING IS TRUE AND CORRECT.
6 BY SUBMITTING THIS STATEMENT I DO NOT WAIVE ANY LEGALLY
7 RECOGNIZED PRIVILEGE PROTECTING ANY COMMUNICATIONS THAT I
8 MAY HAVE WITH THE AGENCY OR REPRESENTATIVE WHOSE NAME
9 APPEARS BELOW OR WITH ANY OTHER PERSON OR ENTITY. I UNDERSTAND
10 THAT MY OBLIGATION TO PAY RENT WILL END NO LATER THAN THE FIRST
11 DAY OF THE SECOND MONTH THAT RENT IS DUE AFTER I GIVE NOTICE.
12 MY OBLIGATION TO PAY RENT DOES NOT END UNTIL I VACATE THE
13 PREMISES. I UNDERSTAND THAT MY LANDLORD MAY KEEP PREPAID
14 AMOUNTS, INCLUDING FIRST AND LAST MONTHS' RENT AND ALL OR PART
15 OF MY SECURITY DEPOSIT OR OTHER AMOUNTS AS ALLOWED UNDER LAW.
16 DATED AT (CITY) ..., MICHIGAN, THIS ... DAY OF,
17 20...

18
19 SIGNATURE OF TENANT OR
20 HOUSEHOLD MEMBER

21 I VERIFY UNDER PENALTY OF PERJURY UNDER THE LAWS
22 OF THE STATE OF MICHIGAN THAT I HAVE PROVIDED SERVICES TO
23 THE PERSON WHOSE SIGNATURE APPEARS ABOVE AND THAT, BASED ON
24 INFORMATION COMMUNICATED TO ME BY THE PERSON WHOSE SIGNATURE
25 APPEARS ABOVE, THE INDIVIDUAL HAS A REASONABLE APPREHENSION
26 OF PRESENT DANGER TO THE INDIVIDUAL OR HIS OR HER CHILD
27 FROM DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING, AND
28 THAT THE INDIVIDUAL INFORMED ME OF THE NAME OF THE ALLEGED
29 PERPETRATOR OF THE ACTIONS, GIVING RISE TO THE APPREHENSION IF
30 KNOWN. THIS VERIFICATION DOES NOT WAIVE ANY LEGALLY RECOGNIZED
31 PRIVILEGE THAT I, MY AGENCY, OR ANY OF ITS REPRESENTATIVES
32 HAVE WITH THE PERSON WHOSE SIGNATURE APPEARS ABOVE.

1 DATED THIS ... DAY OF, 20...

2
3 SIGNATURE OF AUTHORIZED
4 OFFICER/EMPLOYEE OF
5 (ORGANIZATION, AGENCY,
6 CLINIC, PROFESSIONAL
7 SERVICE PROVIDER)

8
9 LICENSE NUMBER OR ORGANIZATIONAL
10 TAX IDENTIFICATION NUMBER

11
12 ORGANIZATION NAME

13
14 PRINTED ADDRESS

15 (4) THE LANDLORD SHALL REVEAL FORWARDING ADDRESS INFORMATION
16 SUBMITTED BY THE TENANT TO OTHER INDIVIDUALS ONLY AS REASONABLY
17 NECESSARY TO ACCOMPLISH THE LANDLORD'S REGULAR AND ORDINARY
18 BUSINESS PURPOSE. THE LANDLORD SHALL NOT INTENTIONALLY REVEAL
19 FORWARDING ADDRESS INFORMATION OR DOCUMENTATION SUBMITTED BY THE
20 TENANT UNDER THIS SECTION TO THE PERSON THAT THE TENANT HAS
21 IDENTIFIED AS THE SOURCE OF THE REASONABLE APPREHENSION OF
22 DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING.

23 (5) IF A RENTAL AGREEMENT OBLIGATES MULTIPLE TENANTS TO BE
24 LIABLE FOR RENTAL OBLIGATIONS AND A TENANT IS RELEASED FROM HIS
25 OR HER RENTAL OBLIGATIONS UNDER THIS SECTION, ALL OTHER TENANTS
26 WHO ARE PARTIES TO THE RENTAL AGREEMENT REMAIN SUBJECT TO THE
27 RENTAL AGREEMENT.

28 (6) THIS SECTION APPLIES ONLY TO LEASES ENTERED INTO,
29 RENEWED, OR RENEGOTIATED AFTER THE EFFECTIVE DATE OF THE
30 AMENDATORY ACT THAT ADDED THIS SECTION.

31 (7) NOTHING IN THIS ACT SHALL PREJUDICE A LANDLORD'S RIGHT

1 TO PURSUE AVAILABLE REMEDIES AGAINST OTHER PARTIES UNDER THIS
2 ACT.

3 (8) AS USED IN THIS SECTION:

4 (A) "CHILD" MEANS THE MINOR CHILD RESIDING WITH THE TENANT
5 OR AN ADULT CHILD WHO IS A LEGALLY INCAPACITATED INDIVIDUAL AS
6 THAT TERM IS DEFINED IN SECTION 1105 OF THE ESTATES AND PROTECTED
7 INDIVIDUALS CODE, 1998 PA 386, MCL 700.1105.

8 (B) "DOMESTIC VIOLENCE" MEANS THAT TERM AS DEFINED IN
9 SECTION 1 OF 1978 PA 389, MCL 400.1501.

10 (C) "QUALIFIED THIRD PARTY" MEANS 1 OR MORE OF THE
11 FOLLOWING:

12 (i) A SEXUAL ASSAULT OR DOMESTIC VIOLENCE COUNSELOR.

13 (ii) A HEALTH PROFESSIONAL LICENSED OR REGISTERED UNDER
14 ARTICLE 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101
15 TO 333.18838.

16 (iii) A MENTAL HEALTH PROFESSIONAL AS DEFINED IN SECTION 100B
17 OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100B.

18 (iv) A MEMBER OF THE CLERGY, IF THE CLERGY MEMBER IS
19 AFFILIATED WITH A TAX-EXEMPT RELIGIOUS INSTITUTION UNDER SECTION
20 501(C) (3) OF THE INTERNAL REVENUE CODE THAT IS LISTED IN A
21 TELEPHONE DIRECTORY.

22 (D) "SEXUAL ASSAULT" MEANS CONDUCT DESCRIBED IN SECTIONS
23 520A TO 520I OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520A
24 TO 750.520I.

25 (E) "SEXUAL ASSAULT OR DOMESTIC VIOLENCE COUNSELOR" MEANS A
26 PERSON WHO IS EMPLOYED AT OR WHO VOLUNTEERS SERVICE AT A SEXUAL
27 ASSAULT OR DOMESTIC VIOLENCE CRISIS CENTER AND WHO, IN THAT

1 CAPACITY, PROVIDES ADVICE, COUNSELING, OR OTHER ASSISTANCE TO
2 VICTIMS OF SEXUAL ASSAULT OR DOMESTIC VIOLENCE AND THEIR
3 FAMILIES.

4 (F) "STALKING" MEANS THAT TERM AS DEFINED IN SECTION 411H OR
5 411I OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.411H AND
6 750.411I.