

HOUSE BILL No. 5982

October 19, 2016, Introduced by Rep. Hughes and referred to the Committee on Judiciary.

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,"

by amending section 16 (MCL 554.616) and by adding section 1c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1C. (1) A TENANT WHO HAS A REASONABLE APPREHENSION OF
2 PRESENT DANGER TO THE TENANT OR HIS OR HER CHILD FROM DOMESTIC
3 VIOLENCE, CRIMINAL SEXUAL CONDUCT, OR STALKING WHILE THAT
4 INDIVIDUAL IS A TENANT MAY CHANGE THE RENTAL UNIT DOOR LOCKS IN
5 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION AFTER SUBMITTAL TO
6 THE LANDLORD OF WRITTEN NOTICE AS DESCRIBED IN SUBSECTION (2) AND
7 WRITTEN DOCUMENTATION AS DESCRIBED IN SUBSECTION (3). THE SUBMITTAL
8 SHALL BE MADE BY ELECTRONIC SERVICE AS PROVIDED FOR IN SECTION 5718

1 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.5718,
2 IF THE TENANT HAS CONSENTED TO ELECTRONIC SERVICE FOR THE PURPOSES
3 OF THAT SECTION, BY FIRST-CLASS UNITED STATES MAIL, OR BY PERSONAL
4 DELIVERY. A RENTAL AGREEMENT MAY CONTAIN A PROVISION SUBSTANTIALLY
5 STATING "A TENANT WHO HAS A REASONABLE APPREHENSION OF PRESENT
6 DANGER TO HIMSELF OR HERSELF OR HIS OR HER CHILD FROM DOMESTIC
7 VIOLENCE, CRIMINAL SEXUAL CONDUCT, OR STALKING MAY HAVE SPECIAL
8 STATUTORY RIGHTS TO CHANGE THE RENTAL UNIT'S LOCKS UNDER MCL
9 554.601C.". IF THE RENTAL AGREEMENT DOES NOT CONTAIN SUCH A
10 PROVISION, THE LANDLORD SHALL POST WRITTEN NOTICE VISIBLE TO A
11 REASONABLE INDIVIDUAL IN THE LANDLORD'S PROPERTY MANAGEMENT OFFICE
12 OR DELIVER WRITTEN NOTICE TO THE TENANT WHEN THE LEASE AGREEMENT IS
13 SIGNED. THE CONTENT OF THE WRITTEN NOTICE SHALL BE SUBSTANTIALLY
14 THE SAME AS THE RENTAL AGREEMENT PROVISION SPECIFIED IN THIS
15 SECTION.

16 (2) THE TENANT SHALL INCLUDE IN THE SUBMITTAL REQUIRED UNDER
17 SUBSECTION (1) WRITTEN NOTICE OF ALL OF THE FOLLOWING:

18 (A) THE TENANT OR A CHILD OF THE TENANT HAS A REASONABLE
19 APPREHENSION OF PRESENT DANGER FROM DOMESTIC VIOLENCE, CRIMINAL
20 SEXUAL CONDUCT, OR STALKING.

21 (B) THE TENANT BELIEVES THAT THE POTENTIALLY DANGEROUS
22 INDIVIDUAL HAS OR IS REASONABLY LIKELY TO HAVE A KEY TO A RENTAL
23 UNIT DOOR LOCK.

24 (C) THE TENANT INTENDS TO CHANGE THE RENTAL UNIT DOOR LOCKS.

25 (3) THE TENANT SHALL INCLUDE IN THE SUBMITTAL REQUIRED UNDER
26 SUBSECTION (1) 1 OR MORE OF THE FOLLOWING ITEMS OF WRITTEN
27 DOCUMENTATION THAT THE TENANT HAS A REASONABLE APPREHENSION OF

1 PRESENT DANGER TO THE TENANT OR HIS OR HER CHILD FROM DOMESTIC
2 VIOLENCE, CRIMINAL SEXUAL CONDUCT, OR STALKING:

3 (A) A VALID PERSONAL PROTECTION ORDER OR FOREIGN PROTECTION
4 ORDER AS DEFINED IN SECTION 2950H OF THE REVISED JUDICATURE ACT OF
5 1961, 1961 PA 236, MCL 600.2950H, OR AN ORDER REMOVING AN ABUSIVE
6 PERSON FROM A HOME UNDER SECTION 13A(4) OF THE PROBATE CODE OF
7 1939, 1939 PA 288, MCL 712A.13A, ISSUED BY A COURT OF COMPETENT
8 JURISDICTION THAT IS IN EFFECT ON THE DATE OF SUBMITTAL.

9 (B) A VALID PROBATION ORDER, CONDITIONAL RELEASE ORDER, OR
10 PAROLE ORDER THAT IS IN EFFECT ON THE DATE OF SUBMITTAL IF THE
11 PROBATION ORDER, CONDITIONAL RELEASE ORDER, OR PAROLE ORDER
12 INDICATES THAT THE INDIVIDUAL SUBJECT TO THE ORDER IS SUBJECT TO
13 CONDITIONS REASONABLY NECESSARY TO PROTECT THE TENANT OR CHILD OF
14 THE TENANT, INCLUDING A CONDITION THAT THE INDIVIDUAL IS TO HAVE NO
15 CONTACT WITH THE TENANT OR CHILD OF THE TENANT.

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

20 (D) A WRITTEN POLICE REPORT THAT HAS RESULTED IN THE FILING OF
21 CHARGES BY THE PROSECUTING ATTORNEY THAT HAS JURISDICTION OVER THE
22 MATTER IF THE CHARGES WERE FILED MORE THAN 14 DAYS BEFORE SUBMITTAL
23 OF THE WRITTEN NOTICE REQUIRED UNDER SUBSECTION (1). A TENANT WHO
24 USES A POLICE REPORT UNDER THIS SUBDIVISION SHALL DEMONSTRATE A
25 VERIFIABLE THREAT OF PRESENT DANGER FROM DOMESTIC VIOLENCE,
26 CRIMINAL SEXUAL CONDUCT, OR STALKING.

27 (E) SUBMITTAL TO THE LANDLORD OF A REPORT THAT IS VERIFIED BY

1 A QUALIFIED THIRD PARTY IN SUBSTANTIALLY THE FOLLOWING FORM:

2

3 [NAME OF ORGANIZATION, AGENCY, CLINIC, PROFESSIONAL SERVICE
4 PROVIDER]

5 I AND/OR MY (CHILD) HAVE/HAS A

6 REASONABLE APPREHENSION OF PRESENT DANGER FROM

7 ... DOMESTIC VIOLENCE AS DEFINED BY MCL 400.1501.

8 ... CRIMINAL SEXUAL CONDUCT AS DESCRIBED

9 IN MCL 750.520B TO 750.520E.

10 ... STALKING AS DEFINED BY MCL 750.411H OR 750.411I.

11 BRIEFLY DESCRIBE THE INCIDENT GIVING RISE TO THE

12 REASONABLE APPREHENSION OF DOMESTIC VIOLENCE,

13 CRIMINAL SEXUAL CONDUCT, OR STALKING:

14

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

16 DECLARATION OCCURRED ON THE FOLLOWING DATE(S) AND

17 TIME(S): AND AT THE FOLLOWING LOCATION(S):

18

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

20 DECLARATION WAS/WERE COMMITTED BY THE FOLLOWING PERSON(S), IF

21 KNOWN:

22

23 I STATE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE

24 STATE OF MICHIGAN THAT THE ABOVE INFORMATION IS TRUE

25 AND CORRECT. BY SUBMITTING THIS STATEMENT, I DO NOT WAIVE ANY

26 LEGALLY RECOGNIZED PRIVILEGE PROTECTING ANY COMMUNICATIONS THAT

27 I MAY HAVE WITH THE AGENCY OR REPRESENTATIVE WHOSE NAME

1 APPEARS BELOW OR WITH ANY OTHER PERSON OR ENTITY. UNLESS THE
 2 LANDLORD HAS ALREADY CHANGED THE RENTAL UNIT'S LOCKS, I
 3 UNDERSTAND ALL OF THE FOLLOWING:

4 (i) I MAY CHANGE THE LOCKS BEGINNING 48 HOURS AFTER
 5 THIS REPORT AND THE WRITTEN NOTICE REQUIRED UNDER MCL 554.601C
 6 ARE DEPOSITED IN FIRST-CLASS UNITED STATES MAIL ADDRESSED TO
 7 THE LANDLORD OR 24 HOURS AFTER THESE ITEMS ARE PERSONALLY
 8 DELIVERED TO THE LANDLORD OR SENT BY ELECTRONIC SERVICE AS
 9 PROVIDED FOR IN MCL 600.5718, IF I HAVE CONSENTED TO ELECTRONIC
 10 SERVICE FOR THE PURPOSES OF THAT SECTION.

11 (ii) IF I CHANGE THE LOCKS, I MUST GIVE THE LANDLORD A KEY
 12 TO THE NEW LOCKS.

13 (iii) I AM RESPONSIBLE FOR THE COST OF CHANGING THE
 14 LOCKS, WHETHER THE LOCKS ARE CHANGED BY THE LANDLORD OR ME.

15 (iv) IF THE INDIVIDUAL LOCKED OUT OF THE RENTAL UNIT
 16 IS A CO-TENANT, I AND ANY OTHER REMAINING CO-TENANTS REMAIN
 17 SUBJECT TO THE RENTAL AGREEMENT.

18 SIGNED AT (CITY, VILLAGE, OR
 19 TOWNSHIP), MICHIGAN.

20 DATE:

21

22 SIGNATURE OF TENANT OR

23 HOUSEHOLD MEMBER

24 I VERIFY UNDER PENALTY OF PERJURY UNDER THE LAWS
 25 OF THE STATE OF MICHIGAN THAT I HAVE PROVIDED SERVICES TO
 26 THE PERSON WHOSE SIGNATURE APPEARS ABOVE AND THAT, BASED ON
 27 INFORMATION COMMUNICATED TO ME BY THE PERSON WHOSE SIGNATURE

1 APPEARS ABOVE, THE INDIVIDUAL HAS A REASONABLE APPREHENSION
 2 OF PRESENT DANGER TO THE INDIVIDUAL OR HIS OR HER CHILD
 3 FROM DOMESTIC VIOLENCE, CRIMINAL SEXUAL CONDUCT,
 4 OR STALKING, AND THAT THE INDIVIDUAL INFORMED ME OF THE NAME OF
 5 THE ALLEGED PERPETRATOR OF THE ACTIONS, GIVING RISE TO THE
 6 APPREHENSION IF KNOWN. THIS VERIFICATION DOES NOT WAIVE ANY
 7 LEGALLY RECOGNIZED PRIVILEGE THAT I, MY AGENCY, OR ANY OF ITS
 8 REPRESENTATIVES HAVE WITH THE PERSON WHOSE SIGNATURE APPEARS
 9 ABOVE.

10 DATE:

11

12 SIGNATURE OF AUTHORIZED

13 OFFICER/EMPLOYEE OF

14 (ORGANIZATION, AGENCY,

15 CLINIC, PROFESSIONAL

16 SERVICE PROVIDER)

17

18 LICENSE NUMBER OR ORGANIZATIONAL

19 TAX IDENTIFICATION NUMBER

20

21 ORGANIZATION NAME

22

23 PRINTED ADDRESS

24 (4) THE LANDLORD SHALL NOT DO EITHER OF THE FOLLOWING:

25 (A) PROVIDE THE POTENTIALLY DANGEROUS INDIVIDUAL A KEY TO THE
 26 TENANT'S RENTAL UNIT.

27 (B) INTENTIONALLY REVEAL TO THE POTENTIALLY DANGEROUS

1 INDIVIDUAL DOCUMENTATION SUBMITTED BY THE TENANT UNDER THIS
2 SECTION.

3 (5) BEGINNING 48 HOURS AFTER THE NOTICE AND DOCUMENTATION
4 REQUIRED UNDER SUBSECTION (1) ARE DEPOSITED IN FIRST-CLASS UNITED
5 STATES MAIL ADDRESSED TO THE LANDLORD OR 24 HOURS AFTER THE NOTICE
6 AND DOCUMENTATION ARE PERSONALLY DELIVERED TO THE LANDLORD OR SENT
7 BY ELECTRONIC SERVICE TO THE LANDLORD AS PROVIDED UNDER SUBSECTION
8 (1), THE TENANT MAY CHANGE THE LOCKS UNLESS THE LANDLORD HAS
9 ALREADY DONE SO. IF THE TENANT CHANGES THE LOCKS, THE TENANT SHALL
10 GIVE THE LANDLORD A KEY TO THE NEW LOCKS.

11 (6) IF LOCKS TO A RENTAL UNIT ARE CHANGED UNDER THIS SECTION,
12 ALL OF THE FOLLOWING APPLY:

13 (A) THE TENANT REQUESTING THE CHANGE OF LOCKS IS RESPONSIBLE
14 FOR THE COST OF CHANGING THE LOCKS, WHETHER THE LOCKS ARE CHANGED
15 BY THE LANDLORD OR THE TENANT. IF THE LOCKS ARE CHANGED BY THE
16 LANDLORD, THE COST OF CHANGING THE LOCKS MAY BE ADDED TO THE RENT
17 DUE.

18 (B) IF THE POTENTIALLY DANGEROUS INDIVIDUAL IS A CO-TENANT OF
19 THE TENANT REQUESTING THE CHANGE OF LOCKS, THE POTENTIALLY
20 DANGEROUS INDIVIDUAL IS RELEASED FROM HIS OR HER RENTAL OBLIGATION
21 UPON THE CHANGING OF THE LOCKS. ALL OTHER TENANTS WHO ARE PARTIES
22 TO THE RENTAL AGREEMENT REMAIN SUBJECT TO THE RENTAL AGREEMENT.

23 (C) UNLESS A COURT ORDER ALLOWS THE POTENTIALLY DANGEROUS
24 INDIVIDUAL TO RETURN TO THE RENTAL UNIT TO RETRIEVE PERSONAL
25 BELONGINGS, THE LANDLORD HAS NO DUTY UNDER THE RENTAL AGREEMENT OR
26 BY LAW TO ALLOW THE POTENTIALLY DANGEROUS INDIVIDUAL ACCESS TO THE
27 RENTAL UNIT OR TO RETRIEVE THE POTENTIALLY DANGEROUS INDIVIDUAL'S

1 PERSONAL PROPERTY FROM THE RENTAL UNIT. IF A LANDLORD COMPLIES WITH
2 THIS SECTION, THE LANDLORD IS NOT LIABLE FOR CIVIL DAMAGES TO THE
3 POTENTIALLY DANGEROUS INDIVIDUAL FOR LOSS OF USE OF THE RENTAL UNIT
4 OR DAMAGE TO THE POTENTIALLY DANGEROUS INDIVIDUAL'S PERSONAL
5 PROPERTY.

6 (7) THIS SECTION APPLIES ONLY TO LEASES ENTERED INTO, RENEWED,
7 OR RENEGOTIATED ON OR AFTER THE EFFECTIVE DATE OF THE 2016
8 AMENDATORY ACT THAT ADDED THIS SECTION.

9 (8) AS USED IN THIS SECTION:

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

14 (B) "CRIMINAL SEXUAL CONDUCT" MEANS CONDUCT DESCRIBED IN
15 SECTIONS 520B TO 520E OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
16 750.520B TO 750.520E.

17 (C) "DOMESTIC VIOLENCE" MEANS THAT TERM AS DEFINED IN SECTION
18 1 OF 1978 PA 389, MCL 400.1501.

19 (D) "POTENTIALLY DANGEROUS INDIVIDUAL" MEANS THE INDIVIDUAL
20 WHO IS THE SOURCE OF THE PRESENT DANGER REASONABLY APPREHENDED BY
21 THE TENANT.

22 (E) "QUALIFIED THIRD PARTY" MEANS 1 OR MORE OF THE FOLLOWING:

23 (i) A PERSON WHO IS EMPLOYED AT OR WHO VOLUNTEERS SERVICE AT A
24 SEXUAL ASSAULT OR DOMESTIC VIOLENCE CRISIS CENTER AND WHO, IN THAT
25 CAPACITY, PROVIDES ADVICE, COUNSELING, OR OTHER ASSISTANCE TO
26 VICTIMS OF SEXUAL ASSAULT OR DOMESTIC VIOLENCE AND THEIR FAMILIES.

27 (ii) A HEALTH PROFESSIONAL LICENSED OR REGISTERED UNDER

1 ARTICLE 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO
2 333.18838.

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

5 (iv) A MEMBER OF THE CLERGY, IF THE CLERGY MEMBER IS
6 AFFILIATED WITH A TAX-EXEMPT RELIGIOUS INSTITUTION UNDER SECTION
7 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986, 26 USC 501(C) (3) ,
8 THAT IS LISTED IN A TELEPHONE DIRECTORY.

9 (F) "STALKING" MEANS THAT TERM AS DEFINED IN SECTION 411H OR
10 411I OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.411H AND
11 750.411I.

12 Sec. 16. This act takes effect April 1, 1973. ~~and~~ **THIS ACT**
13 applies only to security deposits held pursuant to leases entered
14 into, renewed, or renegotiated after April 1, 1973.

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.