

HOUSE BILL NO. 5154

October 24, 2019, Introduced by Reps. Yancey, Pohutsky, Clemente, Sneller, Kennedy, Cynthia Johnson, Lasinski, Ellison, Rabhi, Hood, Wittenberg, Peterson, Stone, Gay-Dagnogo, Pagan, Whitsett, Cherry, Warren, Bolden, Sabo, Garrett, Tyrone Carter, Manoogian, Sowerby, Haadsma, Hope, Cambensy, Brixie, Guerra, Hammoud, Anthony, Camilleri and Love and referred to the Committee on Judiciary.

A bill to prohibit local units of government from penalizing or sanctioning tenants, occupants, or landlords of rental dwellings for contacts made to police or emergency services for assistance in certain situations; and to provide for remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Abuse" means any of the following:
- 3 (i) Recklessly causing bodily injury.



1 (ii) Placing another in reasonable fear of imminent serious
2 bodily injury.

3 (iii) Knowingly engaging in a course of conduct or repeatedly
4 committing acts toward another individual, including following the
5 individual, without proper authority, under circumstances that
6 place the individual in reasonable fear of bodily injury.

7 (b) "Crime" means a violation of the Michigan penal code, 1931
8 PA 328, MCL 750.1 to 750.568.

9 (c) "Emergency" means a physiological or psychological illness
10 or injury of an individual, such that a prudent individual who
11 possesses an average knowledge of health and medicine could
12 reasonably expect the absence of immediate emergency medical
13 services to result in:

14 (i) Placing the health of the individual or, with respect to a
15 pregnant individual, the health of the individual or the
16 individual's fetus in serious jeopardy.

17 (ii) Serious impairment of a bodily function.

18 (iii) Serious dysfunction of a bodily organ or part.

19 (d) "Local unit of government" means a city, village,
20 township, or county.

21 (e) "Ordinance" means an ordinance adopted by a local unit of
22 government.

23 (f) "Sanction" includes, but is not limited to, any of the
24 following:

25 (i) Revoke, suspend, or prevent renewal of a rental license or
26 permit for.

27 (ii) Assess a fine against.

28 (iii) Evict or cause an eviction from leased premises.

29 Sec. 2. An ordinance shall not sanction a tenant, occupant, or



1 landlord of a rental dwelling for a contact made to police or
2 emergency services for assistance if both of the following
3 conditions are met:

4 (a) The contact is made by or on behalf of an individual who
5 is, or is reasonably believed by the individual making the contact
6 to be, a victim of abuse, a victim of a crime, or an individual in
7 an emergency. This subdivision does not protect from sanction any
8 of the following:

9 (i) A tenant or occupant of a rental dwelling if the tenant or
10 occupant committed the abuse or crime.

11 (ii) The landlord, if a tenant or occupant committed the abuse
12 or crime, unless another tenant or occupant was the victim of the
13 abuse or crime.

14 (b) The police intervention or emergency assistance is needed,
15 or is reasonably believed by the individual making the contact to
16 be needed, in response to the abuse, crime, or emergency.

17 Sec. 3. If a local unit of government enforces or attempts to
18 enforce an ordinance against a tenant, occupant, or landlord in
19 violation of section 2, the tenant, occupant, or landlord may bring
20 a civil action in a court of competent jurisdiction for any of the
21 following remedies:

22 (a) An order requiring the local unit of government to cease
23 and desist the unlawful practice.

24 (b) Payment of compensatory damages, except to the extent that
25 the tenant, occupant, or landlord failed to make a reasonable
26 effort to mitigate damages.

27 (c) Payment of reasonable attorney fees.

28 (d) Payment of court costs.

29 (e) Other relief, including, but not limited to, reinstating a



1 rental license or permit.

2 Sec. 4. (1) This act preempts an ordinance to the extent that
3 the ordinance is inconsistent with this act.

4 (2) This act does not affect or apply to enforcement of a
5 clause in a lease providing for termination because a tenant, a
6 member of the tenant's household, or other individual under the
7 tenant's control has unlawfully manufactured, delivered, possessed
8 with intent to deliver, or possessed a controlled substance on the
9 leased premises, as provided for in section 34 of 1846 RS 66, MCL
10 554.134, and section 5714 of the revised judicature act of 1961,
11 1961 PA 236, MCL 600.5714.

12 Enacting section 1. This act takes effect 90 days after the
13 date it is enacted into law.

