

SENATE BILL NO. 912

May 12, 2020, Introduced by Senators GEISS, CHANG, ALEXANDER, BULLOCK, IRWIN, WOJNO, SANTANA, MOSS, POLEHANKI, BAYER, ANANICH, MCMORROW and HOLLIER and referred to the Committee on Finance.

A bill to provide relief during certain declared states of emergency for contractual obligations under residential leases, mortgages, and land contracts; to provide for a moratorium on actions to recover the possession of property and the foreclosure of mortgages or land contracts during a declared state of emergency; and to provide for remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "emergency rental relief act".

1 Sec. 2. As used in this act:

2 (a) "Declared emergency" means a state of emergency declared
3 by the governor, or any other state officer or entity acting under
4 statutory authority that gives the officer or entity authority to
5 do so, because of a public health crisis, an epidemic, a global
6 pandemic, or a natural disaster.

7 (b) "Landlord" means the person that owns real property rented
8 under a lease, and includes any officer, employee, or agent of the
9 landlord.

10 (c) "Lease" means a rental agreement, whether written or oral,
11 regardless of the length of the agreement, for the occupancy of
12 residential premises.

13 (d) "Person" means an individual, partnership, corporation,
14 association, governmental entity, or other legal entity.

15 (e) "Residential premises" means that term as defined in
16 section 2 of the truth in renting act, 1978 PA 454, MCL 554.632.

17 (f) "Tenant" means an individual renting real property under a
18 lease.

19 Sec. 3. (1) During a declared emergency, a landlord shall not
20 attempt to recover possession of property held under a lease. This
21 subsection applies to any of the following:

22 (a) Nonjudicial action.

23 (b) Commencing summary proceedings or any other legal action,
24 or advancing any such action already commenced.

25 (2) During a declared emergency, a court shall not do either
26 of the following:

27 (a) Advance an action for summary proceedings or any other
28 action to recover possession of property held under a lease.

29 (b) Enter a judgment for possession or issue an order for

1 eviction or writ of restitution for property held under a lease.

2 Sec. 4. (1) A landlord shall not charge, collect, or seek to
3 collect a penalty or other charge for late payment or nonpayment of
4 rent under a lease if the late payment or nonpayment occurs during
5 a declared emergency.

6 (2) A court shall not enter a judgment that includes a penalty
7 or other charge prohibited under subsection (1).

8 Sec. 5. (1) During a declared emergency, a tenant under a
9 lease may declare the lease terminated.

10 (2) To declare a lease terminated under this section, a tenant
11 shall give notice to the landlord in the manner required under the
12 lease for providing notices to the landlord. If the lease does not
13 provide a manner of providing notices to the landlord, the notice
14 must satisfy all of the following requirements:

15 (a) Be in writing.

16 (b) Clearly state that the lease is being terminated under
17 this act.

18 (c) Clearly state a date by which the tenant will have vacated
19 the rented property and on which the lease will be terminated.

20 (d) Be personally delivered or delivered by first-class mail
21 to the last known address of the landlord.

22 (3) A tenant who gives a notice under this section shall
23 vacate the premises, including removing all property of the tenant
24 from the rented property, by the date given under subsection
25 (2)(c).

26 Sec. 6. (1) A person that is the mortgagee under a mortgage,
27 or the vendor under an executory land contract, of real property
28 that is an owner-occupied residential premises shall not charge,
29 collect, or seek to collect a penalty or other charge for late

1 payment or nonpayment of a payment required under the agreement
2 secured by the mortgage or the land contract if the late payment or
3 nonpayment occurs during a declared emergency.

4 (2) A court shall not enter a judgment that includes a penalty
5 or other charge prohibited under subsection (1).

6 Sec. 7. (1) In an action to foreclose a mortgage or land
7 contract, a court shall not enter a judgment for sale during a
8 declared emergency.

9 (2) During the time described in subsection (1), a court shall
10 not take any action to advance an action to foreclose a mortgage or
11 land contract.

12 (3) A person foreclosing or entitled to foreclose a mortgage
13 by advertisement shall not take any action to proceed with the
14 foreclosure, or instruct or allow any other person to do so, during
15 a declared emergency.

16 (4) A person aggrieved by a violation of subsection (3) may
17 commence an action to restrain the violation and recover any costs
18 or expenses incurred because of the violation and the actual costs
19 of the action, including, but not limited to, attorney fees.

20 Sec. 8. If a state of emergency to which this act applies is
21 only applicable to a portion of this state, this act only applies
22 to property located in that portion.

23 Enacting section 1. This act does not take effect unless all
24 of the following bills of the 100th Legislature are enacted into
25 law:

26 (a) Senate Bill No. 913.

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28 (b) Senate Bill No. 914.

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1 (c) Senate Bill No. 915.
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