

HOUSE BILL NO. 5237

October 25, 2023, Introduced by Reps. Dievendorf, Wilson, Byrnes, Paiz, Rheingans, Hood, Morgan, Tsernoglou and Whitsett and referred to the Committee on Economic Development and Small Business.

A bill to provide legal services at public expense for individuals who are parties to civil actions and to landlords of residential premises; to provide for the powers and duties of state and local governmental officers and entities; and to require appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "eviction legal services
2 act".

3 Sec. 2. As used in this act:

4 (a) "Brief legal assistance" means individualized legal
5 assistance provided in a single consultation to a covered

1 individual in connection with a covered proceeding.

2 (b) "Court funding unit" means that term as defined in section
3 151e of the revised judicature act of 1961, 1961 PA 236, MCL
4 600.151e.

5 (c) "Covered individual" means an individual who is a tenant
6 of a leased residential premises and a defendant in a covered
7 proceeding.

8 (d) "Covered proceeding" means a summary proceeding under
9 chapter 57 or 57a of the revised judicature act of 1961, 1961 PA
10 236, MCL 600.5701 to 600.5785, to evict an individual from the
11 leased residential premises, including a summary proceeding to seek
12 possession for the nonpayment of rent or from a holdover tenant.

13 (e) "Full legal representation" means ongoing legal
14 representation provided to an income-eligible individual and all
15 legal advice, advocacy, and assistance associated with the
16 representation. Full legal representation includes, but is not
17 limited to, the filing of an appearance in behalf of the income-
18 eligible individual in a covered proceeding.

19 (f) "Income-eligible individual" means a covered individual
20 whose annual gross household income is 200% of the federal poverty
21 guidelines published annually in the Federal Register by the United
22 States Department of Health and Human Services under its authority
23 to revise the poverty line under 42 USC 9902.

24 (g) "Legal services" means brief legal assistance or full
25 legal representation.

26 Sec. 3. (1) Subject to funding under section 4, by October 1,
27 2024, each district court shall establish a program to provide
28 access to legal services for covered individuals in covered
29 proceedings and to landlords of residential premises.

1 (2) The program required to be established under subsection
2 (1) must include all of the following:

3 (a) Procedures to determine whether a defendant in a covered
4 proceeding is an income-eligible individual.

5 (b) The preparation and maintenance of 1 or more lists of
6 legal counsel eligible to be appointed to represent covered
7 individuals in accordance with the plan and to provide legal advice
8 to landlords of residential premises relating to landlord and
9 tenant matters.

10 (c) Procedures for the appointment of legal counsel so that
11 all of the following are accomplished:

12 (i) All covered individuals receive access to brief legal
13 assistance not later than their first scheduled appearance in a
14 covered proceeding in the court, or as soon after the first
15 appearance as is practicable.

16 (ii) All income-eligible individuals receive access to full
17 legal representation not later than their first scheduled
18 appearance in a covered proceeding in the court, or as soon after
19 the first appearance as is practicable.

20 (iii) Landlords of residential premises receive brief legal
21 assistance at any time regarding landlord and tenant matters.

22 (d) A method for the education of income-eligible individuals
23 about resources available to assist the individuals from community
24 and government sources, and for the distribution of the resources
25 to the individuals.

26 (3) Two or more courts may join together to establish a joint
27 program under this section.

28 Sec. 4. (1) In establishing a program under section 3, a court
29 shall consult with the court funding unit for the court.

1 (2) A court funding unit shall provide funding for a program
2 under section 3 established by a court that is funded by the court
3 funding unit. The court funding unit may, but is not required to,
4 provide money for funding under this subsection in addition to
5 money received by the court funding unit under subsection (3).

6 (3) The legislature shall annually appropriate money to court
7 funding units in this state sufficient to provide funding for
8 programs established under section 3 in this state.

9 Sec. 5. On the filing of a covered proceeding, the court shall
10 appoint legal counsel at public expense to provide legal services
11 to the covered individual in accordance with the program under
12 section 3 established by the court.