

HOUSE BILL NO. 5755

May 30, 2024, Introduced by Reps. Wilson, Weiss, Price, O'Neal, Hope, Morgan, Tsernoglou and Brenda Carter and referred to the Committee on Economic Development and Small Business.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 1429.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 1429. (1) The court, on its own motion or on a motion**
2 **filed by the defendant, may order the records in summary**
3 **proceedings to be sealed for any of the following reasons:**

4 **(a) The court finds that the plaintiff's case was sufficiently**
5 **without basis in law or fact or the plaintiff filed the summary**
6 **proceedings in the wrong jurisdiction.**

1 (b) The defendant won or settled the action or paid any
2 outstanding rent balance due before the summary proceedings were
3 filed.

4 (c) Sealing the records is clearly in the interests of justice
5 and those interests are not outweighed by the public's interest in
6 knowing about the records. Circumstances that may justify sealing
7 records under this subdivision include, but are not limited to, the
8 following:

9 (i) The defendant was facing financial hardship because of the
10 loss of a job or medical problems. There is a rebuttable
11 presumption that the defendant was facing financial hardship if the
12 defendant proves that he or she lost a job during a declared state
13 of disaster or state of emergency.

14 (ii) The defendant still lived on the property and was paying
15 rent.

16 (iii) The summary proceedings are the only summary proceedings
17 that have been brought against the defendant.

18 (iv) Having the records of the summary proceedings public will
19 make it hard for the defendant and the defendant's family to find
20 safe, stable, and affordable housing in the future.

21 (d) The judgment was entered in the summary proceedings 5
22 years or more before the motion to seal the records.

23 (2) For summary proceedings under section 5714(1)(g) as to a
24 mortgage or under section 5726, the court shall order the records
25 in the summary proceedings to be sealed if the court finds that
26 either of the following applies:

27 (a) For summary proceedings under section 5714(1)(g), the time
28 for redemption or, for summary proceedings under section 5726, the
29 time specified in section 5728 had passed and the defendant had

1 vacated the property before commencement of the summary
2 proceedings.

3 (b) The defendant was a tenant during the redemption period or
4 time to pay or cure, as applicable, and did not receive proper
5 notice to vacate on a date before commencement of the summary
6 proceedings.

7 (3) As used in this section:

8 (a) "Records" means documents and records of any nature that
9 are filed with or maintained by the court clerk in connection with
10 the summary proceedings.

11 (b) "Sealed" means made nonpublic and confidential, designated
12 accordingly, and maintained to allow only authorized access.

13 (c) "Summary proceedings" means that term as defined in
14 section 5701, brought against an individual for termination of
15 tenancy or as described in subsection (2).