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PROVIDE CIVIL REMEDY UNDER SELLER DISCLOSURE ACT

House Bill 5854

Sponsor: Rep. Gloria Schermesser

Committee: Consumer Protection

Complete to 5-21-98

A SUMMARY OF HOUSE BILL 5854 AS INTRODUCED 5-13-98

The Seller Disclosure Act requires a seller of residential property to make certain disclosures about the condition of the property. House Bill 5854 would amend this act to allow for a buyer or transferee to bring a civil lawsuit in a court of competent jurisdiction for damages against a seller for knowingly failing to provide required information or knowingly providing false or inaccurate information in a disclosure. The buyer could, if he or she won the lawsuit, recover the greater of actual damages or \$2,500. Actual damages would include the buyer's reasonable expenses incurred in repairing the problems that were kept from the buyer by knowing omission or deceit. In addition, the buyer could also recover reasonable attorney fees.

MCL 565.960

House Bill 5854 (5-21-98)

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.