

HOUSE BILL No. 4975

June 26, 1997, Introduced by Rep. Profit and referred to the Committee on Commerce.

A bill to amend 1972 PA 348, entitled

"An act to regulate relationships between landlords and tenants relative to rental agreements for rental units; to regulate the payment, repayment, use and investment of security deposits; to provide for commencement and termination inventories of rental units; to provide for termination arrangements relative to rental units; to provide for legal remedies; and to provide penalties,"

(MCL 534.601 to 554.616) by adding section 1b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 601B. (1) IF A TENANT VACATES LEASED PREMISES, EITHER
2 BEFORE OR AT THE TERMINATION OF THE LEASE, AND LEAVES PERSONAL
3 PROPERTY ON THE PREMISES, THE LANDLORD MAY DO EITHER OF THE
4 FOLLOWING:

5 (A) STORE THE PERSONAL PROPERTY, ON OR OFF THE PREMISES, IN
6 A MANNER DESIGNED TO SAFEGUARD THE PERSONAL PROPERTY. THE COST
7 OF REMOVAL AND STORAGE BECOMES A LIEN ON THE PERSONAL PROPERTY.
8 WITHIN 10 DAYS AFTER THE REMOVAL AND STORAGE OF THE PERSONAL

1 PROPERTY, THE LANDLORD SHALL NOTIFY THE TENANT OF THE COST OF
2 REMOVAL AND THE DAILY STORAGE CHARGES. THE NOTICE MAY BE BY PER-
3 SONAL SERVICE OR BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF
4 THE TENANT. MEDICINE OR MEDICAL EQUIPMENT IS NOT SUBJECT TO A
5 LIEN AND SHALL BE PROMPTLY RETURNED UPON REQUEST.

6 (B) STORE THE PROPERTY WITHOUT A LIEN AND RETURN IT TO THE
7 TENANT.

8 (2) AFTER THE EXPIRATION OF 30 DAYS FROM THE DATE NOTICE WAS
9 PERSONALLY SERVED OR MAILED UNDER SUBSECTION (1), THE LANDLORD
10 MAY DISPOSE OF THE PROPERTY BY PUBLIC OR PRIVATE SALE OR OTHER
11 APPROPRIATE METHOD. BEFORE THE SALE, THE LANDLORD SHALL GIVE
12 NOTICE OF THE PROPOSED SALE TO THE TENANT BY PERSONAL SERVICE OR
13 BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE TENANT. IF
14 THE TENANT DOES NOT PAY THE LIEN AND CLAIM HIS OR HER PROPERTY
15 WITHIN 10 DAYS AFTER THE NOTICE WAS PERSONALLY SERVED OR MAILED,
16 THE LANDLORD MAY DISPOSE OF THE PROPERTY. THE PROCEEDS FROM THE
17 SALE, IF ANY, SHALL BE RETURNED TO THE TENANT AFTER THE LANDLORD
18 RETAINS AN AMOUNT TO SATISFY THE LIEN. IF THE TENANT CANNOT BE
19 LOCATED AND THE TENANT HAS NOT RESPONDED TO THE NOTICE OF THE
20 SALE WITHIN 60 DAYS, THE LANDLORD SHALL IMMEDIATELY SEND THE
21 REMAINING PROCEEDS, IF ANY, TO THE MICHIGAN STATE HOUSING DEVEL-
22 OPMENT AUTHORITY FOR DEPOSIT IN AN ACCOUNT FOR AID TO HOMELESS
23 PERSONS.

24 (3) THE LIEN CREATED IN SUBSECTION (1) APPLIES TO ALL PER-
25 SONAL PROPERTY FOUND ON THE VACATED PREMISES WHETHER OWNED BY THE
26 TENANT OR BY OTHER PERSONS. THE LIEN IS SUPERIOR TO ANY OTHER
27 RIGHT OR SECURITY INTEREST IN THE PERSONAL PROPERTY. THE

1 LANDLORD SHALL NOT INCLUDE DAMAGES, OR RENT DUE, AS PART OF THE
2 AMOUNT RETAINED TO SATISFY THE LIEN CREATED IN SUBSECTION (1).
3 THE TENANT OR OTHER SECURED PARTY MAY CLAIM THE PERSONAL PROPERTY
4 AT ANY TIME BEFORE THE SALE BY PAYING THE AMOUNT OF THE LIEN CRE-
5 ATED IN SUBSECTION (1).