



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4871 (Substitute H-2 as reported without amendment)
Sponsor: Representative Ruth Ann Jamnick
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to increase the maximum amount of taxable costs that the court may allow in certain proceedings under Chapter 57 ("Summary Proceedings to Recover Possession of Premises"). (Taxable costs are amounts that a court may require a nonprevailing party to pay to a prevailing party for expenses of the litigation.) The bill would increase those allowed taxable costs as shown in the table below.

Proceeding	Current Maximum	Proposed Maximum
Motion resulting in dismissal or judgment	\$20	\$75
Judgment taken by default ^{a)}	\$15	\$75
Trial of a claim for possession only	\$20	\$150
Trial of a claim for damages only ^{b)}	\$20	\$150
Trial including both a claim for possession and a claim for a money judgment	\$30	\$150
^{a)} The bill would add "or consent".		
^{b)} The bill would refer to a claim for "a money judgment" rather than for "damages".		

The bill would take effect on July 1, 2004.

(Under Chapter 57, a landlord may initiate an action to recover possession of premises used or intended for use primarily as a dwelling or as a place for commercial or industrial operations or storage. An action may be commenced for such reasons as failure or refusal to pay rent; refusal to vacate the premises after termination of a lease; violation of the terms of a lease; causing a serious and continuing health hazard; taking possession by forcible entry, holding possession by force after a peaceable entry, or coming into possession by trespass; or continuing in possession of the premises after the sale of the property.)

MCL 600.5759

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on the State and local units of government. Revenue received or costs incurred would depend on the number of cases in which the State or a local unit of government was involved in summary proceedings and whether the State or local unit was the prevailing party.

Date Completed: 3-3-04

Fiscal Analyst: Bethany Wicksall