

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4171

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5739 (MCL 600.5739).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5739. (1) Except as provided by court rules, a party to
2 summary proceedings may join claims and counterclaims for money
3 judgment for damages attributable to wrongful entry, detainer, or
4 possession, for breach of the lease or contract under which the
5 premises were held, or for waste or malicious destruction to the
6 premises. ~~—, but the~~ **THE** court may order separate summary
7 disposition of the claim for possession, without prejudice to any
8 other claims or counterclaims. A claim or counterclaim for money
9 judgment shall not exceed the amount in controversy ~~—which—~~ **THAT**
10 otherwise limits the jurisdiction of the court.

11 (2) **IF THE COURT AWARDS DAMAGES FOR PHYSICAL INJURY TO THE**

1 PREMISES UNDER SUBSECTION (1) BY MAKING AN AWARD FOR OR BASED ON
2 THE COST OF REPAIRS, THE COURT SHALL AWARD DAMAGES FOR LABOR
3 EXPENDED BY A LANDLORD OR PROPERTY MANAGER IN REPAIRING THE
4 PREMISES IN THE SAME MANNER AS IT WOULD IF THE REPAIRS WERE
5 PERFORMED BY A THIRD PARTY. A LANDLORD'S OR PROPERTY MANAGER'S
6 LABOR UNDER THIS SUBSECTION SHALL BE COMPENSATED AT A RATE THE
7 COURT DETERMINES TO BE REASONABLE BASED ON USUAL AND CUSTOMARY
8 CHARGES FOR THE REPAIRS.

9 (3) IF THE COURT DETERMINES THAT THE LANDLORD BREACHED THE
10 LEASE OR CONTRACT UNDER WHICH THE PREMISES WERE HELD BY FAILING TO
11 REPAIR THE PREMISES AND AWARDS DAMAGES UNDER SUBSECTION (1) BY
12 MAKING AN AWARD FOR OR BASED ON THE COST OF REPAIRS, THE COURT
13 SHALL AWARD DAMAGES FOR LABOR EXPENDED BY THE TENANT IN REPAIRING
14 THE PREMISES IN THE SAME MANNER AS IT WOULD IF THE REPAIRS WERE
15 PERFORMED BY A THIRD PARTY. A TENANT'S LABOR UNDER THIS SUBSECTION
16 SHALL BE COMPENSATED AT A RATE THE COURT DETERMINES TO BE
17 REASONABLE BASED ON USUAL AND CUSTOMARY CHARGES FOR THE REPAIRS.

18 Enacting section 1. This amendatory act applies to an action
19 filed after the effective date of this amendatory act.

20 Enacting section 2. This amendatory act takes effect July 1,
21 2006.