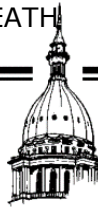




Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4613 (as reported without amendment)
Sponsor: Representative Margaret E. O'Brien
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act (RJA) to do the following:

- Provide that the actions of an owner of premises would not unlawfully interfere with a tenant's possessory interest if the owner believed that the tenant had been dead for at least 18 days and there was no surviving tenant, and specified conditions were met.
- Require all actions for damages for unlawful interference with a possessory interest to be brought within one year after the cause of action arose.

Currently, a tenant is entitled to recover damages and/or possession if the property owner unlawfully interferes with the tenant's possessory interest, unless the owner can establish that he or she met certain standards. Under the bill, an owner's actions also would not unlawfully interfere with a possessory interest if the owner believed in good faith that the tenant had been deceased for at least 18 days and that there was not a surviving tenant, and all of the following conditions were met:

- Current rent had not been paid.
- The owner informed the tenant in writing of the option to provide contact information for an authorized person the owner could contact in the event of the tenant's death.
- A probate estate had not been opened, by a public administrator or anyone else, for the deceased tenant in the county in which the premises were located and the owner had not been notified in writing of the existence of a probate estate opened in another county and of the name and address of the personal representative.

If the tenant had provided contact information, the owner would have to make a reasonable attempt to contact the authorized person using that information and to request him or her to open a probate estate for the tenant within 28 days after the tenant's death. The owner also would have to place on the door of the premises a notice indicating his or her intent to re-enter, take possession of the premises, and dispose of its contents after 10 days had elapsed. The owner would have to notify the public administrator for the county where the premises were located or, if none, the State public administrator that the owner believed the tenant to be deceased and that the owner intended to re-enter to take possession of the premises and dispose of its contents if a probate estate were not opened. Upon request by the public administrator before the 10-day period elapsed, and presentation to the owner of proper credentials and identification, the owner would have to give the public administrator access to the premises.

MCL 600.2918

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would likely result in a reduction in civil caseload for local courts. If a caseload reduction were sustained in the long run, then savings could be achieved through a corresponding reduction in judicial resources.

Date Completed: 6-12-13

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.