

HOUSE BILL No. 5968

October 19, 2016, Introduced by Reps. Zemke, Liberati, Faris and LaGrand and referred to the Committee on Local Government.

A bill to prohibit local units of government from penalizing or sanctioning tenants, occupants, or landlords of rental dwellings for contacts made for police or emergency assistance in emergency, criminal, or abuse situations; and to provide for remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Abuse" means any of the following:

3 (i) Recklessly causing bodily injury.

4 (ii) Placing another in reasonable fear of imminent serious
5 bodily injury.

6 (iii) Knowingly engaging in a course of conduct or repeatedly
7 committing acts toward another individual, including following the
8 individual, without proper authority, under circumstances which

1 place the individual in reasonable fear of bodily injury.

2 (b) "Crime" means a violation of the Michigan penal code, 1931
3 PA 328, MCL 750.1 to 750.568.

4 (c) "Emergency" means a physiological or psychological illness
5 or injury of an individual, such that a prudent individual who
6 possesses an average knowledge of health and medicine could
7 reasonably expect the absence of immediate emergency medical
8 services to result in:

9 (i) Placing the health of the individual or, with respect to a
10 pregnant woman, the health of the woman or her unborn child in
11 serious jeopardy.

12 (ii) Serious impairment of bodily functions.

13 (iii) Serious dysfunction of a bodily organ or part.

14 (d) "Local unit of government" means a city, village,
15 township, or county.

16 (e) "Ordinance" means an ordinance adopted by a local unit of
17 government.

18 (f) "Sanction" includes, but is not limited to, doing any of
19 the following:

20 (i) Revoking, suspending, or preventing renewal of a rental
21 license or permit for.

22 (ii) Assessing a fine against.

23 (iii) Evicting or causing the eviction of from leased
24 premises.

25 Sec. 2. An ordinance shall not sanction a tenant, occupant, or
26 landlord of a rental dwelling for a contact made for police or
27 emergency assistance if both of the following conditions are met:

1 (a) The contact is made by or on behalf of an individual who
2 is, or is reasonably believed by the individual making the contact
3 to be, a victim of abuse, a victim of a crime, or an individual in
4 an emergency.

5 (b) The police intervention or emergency assistance is needed,
6 or is reasonably believed by the individual making the contact to
7 be needed, in response to the abuse, crime, or emergency.

8 Sec. 3. If a local unit of government enforces or attempts to
9 enforce an ordinance against a tenant, occupant, or landlord in
10 violation of section 2, the tenant, occupant, or landlord may bring
11 a civil action in a court of competent jurisdiction for any of the
12 following remedies:

13 (a) An order requiring the local unit of government to cease
14 and desist the unlawful practice.

15 (b) Payment of compensatory damages, except to the extent that
16 the tenant, occupant, or landlord failed to make a reasonable
17 effort to mitigate damages.

18 (c) Payment of reasonable attorney fees.

19 (d) Payment of court costs.

20 (e) Other relief, including, but not limited to,
21 reinstating a rental license or permit.

22 Sec. 4. (1) This act preempts any ordinance to the extent that
23 it is inconsistent with this act.

24 (2) This act does not affect or apply to enforcement of a
25 clause in a lease providing for termination because a tenant, a
26 member of the tenant's household, or other person under the
27 tenant's control has unlawfully manufactured, delivered, possessed

1 with intent to deliver, or possessed a controlled substance on the
2 leased premises, as provided for in section 34 of 1846 RS 66, MCL
3 554.134, and section 2950 of the revised judicature act of 1961,
4 1961 PA 236, MCL 600.2950.

5 Enacting section 1. This act takes effect 90 days after the
6 date it is enacted into law.