

HOUSE BILL No. 5251

November 9, 2017, Introduced by Reps. Zemke, Gay-Dagnogo, Pagan, Brinks, Chang, Wittenberg, Durhal, Rabhi, Clemente, Hertel, Lasinski, Greig and Santana and referred to the Committee on Commerce and Trade.

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 certain 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 that
9 place the individual in reasonable fear of bodily injury.

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

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

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

11 (ii) Serious impairment of a bodily function.

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

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

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

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

19 (i) Revoke, suspend, or prevent renewal of a rental license or
20 permit for.

21 (ii) Assess a fine against.

22 (iii) Evict or cause the eviction of from leased premises.

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

26 (a) The contact is made by or on behalf of an individual who
27 is, or is reasonably believed by the individual making the contact

1 to be, a victim of abuse, a victim of a crime, or an individual in
2 an emergency. This subdivision does not protect from sanction any
3 of the following:

4 (i) A tenant or occupant of a rental dwelling if the tenant or
5 occupant committed the abuse or crime.

6 (ii) The landlord, if a tenant or occupant committed the abuse
7 or crime, unless another tenant or occupant was the victim of the
8 abuse or crime.

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

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

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

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

22 (c) Payment of reasonable attorney fees.

23 (d) Payment of court costs.

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

26 Sec. 4. (1) This act preempts an ordinance to the extent that
27 the ordinance is inconsistent with this act.

1 (2) This act does not affect or apply to enforcement of a
2 clause in a lease providing for termination because a tenant, a
3 member of the tenant's household, or other person under the
4 tenant's control has unlawfully manufactured, delivered, possessed
5 with intent to deliver, or possessed a controlled substance on the
6 leased premises, as provided for in section 34 of 1846 RS 66, MCL
7 554.134, and section 5714 of the revised judicature act of 1961,
8 1961 PA 236, MCL 600.5714.

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