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BILL ANALYSIS

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Senate Bill 112 (Substitute S-3 as reported)
Sponsor: Senator Peter J. Lucido
Committee: Judiciary and Public Safety

CONTENT

The bill would amend the Revised Judicature Act to revise a provision specifying that a property owner's actions do not lawfully interfere with a tenant's possessory interest if the owner believes in good faith that the tenant had abandoned the premises to refer, instead, to the owner's good faith belief or a determination of abandonment by court officer, bailiff, or deputy sheriff.

Under the Act, if a property owner has unlawfully interfered with the possessory interest of a tenant in possession of the premises, the tenant is entitled to recover damages for each occurrence. If possession has been lost, the tenant is entitled to recover possession. The Act specifies conditions that constitute unlawful interference with a possessory interest, including use or threat of force; removal, retention or destruction of property; and changing, altering, or adding locks without immediately providing keys.

An owner's actions do not unlawfully interfere with a possessory interest under certain circumstances, including if the owner believes in good faith that the tenant has abandoned the premises, and after diligent inquiry has reason to believe the tenant does not intend to return, and current rent is not paid.

Instead, under the bill, an owner's actions would not unlawfully interfere with a possessory interest if the owner, or a court officer appointed by or a bailiff of the court that issued the order or a deputy sheriff of the county in which the court was located, believed in good faith that the tenant had abandoned the premises and after diligent inquiry had reason to believe that the tenant did not intend to return, and current rent was not paid.

MCL 600.2918   Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 3-11-19   Fiscal Analyst: Michael Siracuse

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.