

# HOUSE BILL NO. 5962

July 22, 2020, Introduced by Rep. Anthony and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
(MCL 600.101 to 600.9947) by adding section 5740.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5740. (1) Notwithstanding anything in this chapter or  
2 chapter 57a to the contrary, from the effective date of the  
3 amendatory act that added this section to 60 days after the  
4 termination of the COVID-19 emergency, a landlord or owner of a  
5 property shall not, for the purposes of a nonessential eviction for  
6 a residential dwelling unit, do either of the following:



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1 (a) Terminate a tenancy.

2 (b) Send any notice, including a notice to quit, requesting or  
3 demanding that a tenant of a residential dwelling unit vacate the  
4 premises.

5 (2) Notwithstanding anything in this chapter or chapter 57a to  
6 the contrary, from the effective date of the amendatory act that  
7 added this section to 60 days after the termination of the COVID-19  
8 emergency, a court shall not, in a summary proceeding for a  
9 nonessential eviction for a residential dwelling unit, do any of  
10 the following:

11 (a) Accept for filing a summons or complaint.

12 (b) Enter an order or judgment for a plaintiff for possession.

13 (c) Issue a writ of restitution or order for eviction.

14 (d) Deny, on the request of a defendant, a stay of a writ of  
15 restitution or order for eviction or, on the request by a party, a  
16 continuance of a summary proceeding.

17 (e) Schedule a court event, including, but not limited to, a  
18 motion hearing or a trial.

19 (3) Notwithstanding anything in this act to the contrary, all  
20 of the following are tolled from March 10, 2020 to 60 days after  
21 the end of the COVID-19 emergency:

22 (a) A period of limitation or time limit for instituting  
23 summary proceedings or bringing a claim or counterclaim for damages  
24 under this chapter.

25 (b) A period applicable to a presumption under section 5720.

26 (c) A period under this chapter within which a summons must be  
27 served, a party must appear for trial, or a summary proceeding must  
28 be heard, even if the period is contained in a summons or other  
29 order issued by the court.



1 (d) A period under this chapter within which a defendant may  
2 make any payment to satisfy, partially or completely, a judgment or  
3 to preclude issuance of a writ of restitution or order for  
4 eviction, even if the period is contained in a judgment or order  
5 entered by the court.

6 (e) A time restriction under this chapter on issuance of a  
7 writ of restitution or order for eviction, even if the time  
8 restriction is contained in a judgment or order entered by the  
9 court.

10 (f) A period for taking an appeal from an order or judgment  
11 issued under this chapter.

12 (g) Any other time period or restriction applicable to a  
13 summary proceeding or action under this chapter that the court  
14 determines should be tolled or extended.

15 (4) Notwithstanding anything in this act or in any order of a  
16 court, from the effective date of the amendatory act that added  
17 this section to 60 days after the end of the COVID-19 emergency, a  
18 person shall not serve or execute a writ of restitution or order  
19 for eviction for a nonessential eviction of a residential dwelling  
20 unit.

21 (5) Notwithstanding anything in this chapter or chapter 57a to  
22 the contrary, in a summary proceeding under this chapter or chapter  
23 57a, a person shall not request and a court shall not award damages  
24 that consist of a late fee for nonpayment of rent that was due from  
25 March 10, 2020 to 60 days after the end of the COVID-19 emergency  
26 for a residential dwelling unit if, not later than 30 days after  
27 the missed rent payment, the tenant provided notice and  
28 documentation to the landlord that the nonpayment of rent was  
29 because of a financial impact from COVID-19.



1 (6) This section does not relieve a tenant from the obligation  
2 to pay rent or, except as expressly provided in this section,  
3 restrict a landlord's ability to recover rent.

4 (7) As used in this section:

5 (a) "COVID-19 emergency" means the state of emergency or state  
6 of disaster declared or extended under Executive Order No. 2020-4,  
7 Executive Order No. 2020-33, senate concurrent resolution 24 of  
8 2020, Executive Order No. 2020-67, Executive Order No. 2020-68,  
9 Executive Order No. 2020-99, Executive Order No. 2020-127, or any  
10 later executive order or concurrent resolution of the legislature  
11 that declares or extends a state of emergency or disaster to deal  
12 with COVID-19.

13 (b) "Nonessential eviction" means any of the following:

14 (i) An eviction for nonpayment of rent.

15 (ii) An eviction for no fault or no cause.

16 (iii) An eviction for cause that does not involve or include  
17 allegations of either of the following:

18 (A) Criminal activity that may impact the health or safety of  
19 other residents, health care workers, emergency personnel, persons  
20 lawfully on the subject property, or the general public.

21 (B) Lease violations that may impact the health or safety of  
22 other residents, health care workers, emergency personnel, persons  
23 lawfully on the subject property, or the general public.

