

SENATE BILL NO. 874

April 24, 2020, Introduced by Senator SCHMIDT and referred to the Committee on Government Operations.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding sections 5740 and 5782.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 5740. (1) Notwithstanding anything in this chapter to the**
2 **contrary, during the state of emergency declared under Executive**
3 **Order No. 2020-4 or any extension of that order, and until June 1,**
4 **2020, a person shall not remove or exclude from leased residential**
5 **premises or residential premises held under a forfeited executory**

1 contract a tenant, a vendee of a forfeited executory contract, or a
2 person holding under such a tenant or vendee, unless the tenant,
3 vendee, or person holding under a tenant or vendee poses a
4 substantial risk to another person or an imminent and severe risk
5 to property.

6 (2) Notwithstanding anything in this chapter to the contrary,
7 during the time period described in subsection (1), a person shall
8 not enter residential premises to remove or exclude from the
9 premises a tenant, a vendee of a forfeited executory contract, a
10 person holding under such a tenant or vendee, or the personal
11 property of a tenant, vendee, or person holding under a tenant or
12 vendee, including entering the premises to execute or enforce a
13 writ of restitution or order for eviction issued under this
14 chapter, unless the tenant, vendee, or person holding under a
15 tenant or vendee poses a substantial risk to another person or an
16 imminent and severe risk to property.

17 (3) Notwithstanding anything in this chapter to the contrary,
18 during the time period described in subsection (1), a person shall
19 not serve process that requires forfeiture of leased residential
20 premises or residential premises held under a forfeited executory
21 contract.

22 (4) Notwithstanding anything in this chapter to the contrary,
23 during the time period described in subsection (1), a court may
24 adjourn any proceedings under this chapter, suspend, toll, or
25 extend any limitations periods or deadlines provided for in this
26 chapter, or suspend, toll, or extend any redemption periods
27 previously in effect or ordered by the court under this chapter.

28 (5) A person who violates this section is guilty of a
29 misdemeanor, punishable by imprisonment for not more than 90 days

1 or a fine of not more than \$500.00, or both.

2 (6) This section does not do either of the following:

3 (a) Affect the inherent power of a court to order equitable
4 relief.

5 (b) Abrogate the obligation to pay or right to receive payment
6 due under a lease, or the obligations and duties prescribed by
7 sections 5716 and 5718. However, during the time period described
8 in subsection (1), a demand for payment must not include a demand
9 for possession, or other threat of eviction, based on the
10 nonpayment of rent and may not be served by personal delivery.

11 Sec. 5782. (1) Notwithstanding anything in this chapter to the
12 contrary, during the state of emergency declared under Executive
13 Order No. 2020-4 or any extension of that order, and until June 1,
14 2020, a person shall not remove or exclude from leased residential
15 premises in a mobile home park a tenant or a person holding under a
16 tenant, unless the tenant or person holding under a tenant poses a
17 substantial risk to another person or an imminent and severe risk
18 to property.

19 (2) Notwithstanding anything in this chapter to the contrary,
20 during the time period described in subsection (1), a person shall
21 not enter residential premises in a mobile home park to remove or
22 exclude from the premises a tenant or a person holding under a
23 tenant or the personal property of a tenant or person holding under
24 a tenant, including entering to execute or enforce a writ of
25 restitution or order for eviction issued under this chapter, unless
26 the tenant or person holding under a tenant poses a substantial
27 risk to another person or an imminent and severe risk to property.

28 (3) Notwithstanding anything in this chapter to the contrary,
29 during the time period described in subsection (1), a person shall

1 not serve process that requires forfeiture of leased residential
2 premises in a mobile home park.

3 (4) Notwithstanding anything in this chapter to the contrary,
4 during the time period described in subsection (1), a person shall
5 not deny a mobile home owner access to the mobile home, unless the
6 mobile home owner's tenancy has been terminated because the mobile
7 home owner poses a substantial risk to another person or an
8 imminent and severe risk to property.

9 (5) Notwithstanding anything in this chapter to the contrary,
10 during the time period described in subsection (1), a court may
11 adjourn any proceedings under this chapter, suspend, toll, or
12 extend any limitations periods or deadlines provided for in this
13 chapter, or suspend, toll, or extend any redemption periods
14 previously in effect or ordered by the court under this chapter.

15 (6) A person who violates this section is guilty of a
16 misdemeanor, punishable by imprisonment for not more than 90 days
17 or a fine of not more than \$500.00, or both.

18 (7) This section does not do either of the following:

19 (a) Affect the inherent power of a court to order equitable
20 relief.

21 (b) Abrogate the obligation to pay or right to receive payment
22 due under a lease of a mobile home in a mobile home park, or the
23 obligations and duties prescribed by sections 5716 or 5718.
24 However, during the time period described in subsection (1), a
25 demand for payment must not include a demand for possession, or
26 other threat of eviction, based on the nonpayment of rent and may
27 not be served by personal delivery.