

HOUSE BILL NO. 4259

February 16, 2021, Introduced by Reps. Brenda Carter, Puri, Weiss, Anthony, Koleszar, Stone, Cavanagh, Brabec, Brixie, Young, Kuppa, Tyrone Carter, Rabhi and Jones 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 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, including an order
4 issued under section 2253 of the public health code, 1978 PA 368,
5 MCL 333.2253, and until June 1, 2021, a person shall not remove or

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

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

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

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

29 (5) A person who violates this section is guilty of a

1 misdemeanor, punishable by imprisonment for not more than 90 days
2 or a fine of not more than \$500.00, or both.

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

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

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

12 Sec. 5782. (1) Notwithstanding anything in this chapter to the
13 contrary, during the state of emergency declared under Executive
14 Order No. 2020-4 or any extension of that order, including an order
15 issued under section 2253 of the public health code, 1978 PA 368,
16 MCL 333.2253, and until June 1, 2021, a person shall not remove or
17 exclude from leased residential premises in a mobile home park a
18 tenant or a person holding under a tenant, unless the tenant or
19 person holding under a tenant poses a substantial risk to another
20 person or an imminent and severe risk to property.

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

1 (3) Notwithstanding anything in this chapter to the contrary,
2 during the time period described in subsection (1), a person shall
3 not serve process that requires forfeiture of leased residential
4 premises in a mobile home park.

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

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

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

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

21 (a) Affect the inherent power of a court to order equitable
22 relief.

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