

HOUSE BILL NO. 4676

April 21, 2021, Introduced by Reps. Yancey, Kahle, Slagh, Posthumus, Tyrone Carter and Calley and referred to the Committee on Rules and Competitiveness.

A bill to amend 1972 PA 348, entitled

"An act to regulate relationships between landlords and tenants relative to rental agreements for rental units; to regulate the payment, repayment, use and investment of security deposits; to provide for commencement and termination inventories of rental units; to provide for termination arrangements relative to rental units; to provide for legal remedies; and to provide penalties,"

(MCL 554.601 to 554.616) by adding section 1c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1c. (1) A tenant shall be released from his or her rental
2 agreement and payment obligation in accordance with the

1 requirements of this section if the tenant or his or her immediate
2 family or household member is a witness or victim of any of the
3 following crimes during the term of the rental agreement:

4 (a) Domestic violence.

5 (b) Sexual assault.

6 (c) Stalking.

7 (d) A crime that caused physical injury, psychological injury
8 and a reasonably perceived or actual threat of physical injury, or
9 death to the victim, regardless of whether the individual who
10 committed the crime has been arrested or adjudicated.

11 (2) A tenant who intends to be released from his or her rental
12 agreement and payment obligation under subsection (1) shall submit
13 to the landlord a written notice of his or her intent to seek a
14 release from his or her rental agreement and payment obligation
15 and, unless notified otherwise under subsection (6), written
16 documentation showing that the tenant or his or her immediate
17 family or household member is a witness or victim of a crime
18 described under subsection (1). A rental agreement may include the
19 following statement: "A tenant may have special statutory rights to
20 seek a release of rental obligation under MCL 554.601c if the
21 tenant or his or her immediate family or household member is a
22 witness or victim of domestic violence, sexual assault, stalking,
23 or a crime that caused physical injury, psychological injury and a
24 reasonably perceived or actual threat of physical injury, or death
25 to the victim, regardless of whether the individual who committed
26 the crime has been arrested or adjudicated."

27 (3) The written notice required under subsection (2) must
28 include a statement that the tenant or his or her immediate family
29 or household member is a witness or victim of a crime described

1 under subsection (1) and that as a result of that crime, the tenant
2 intends to relocate for the safety, physical wellbeing, emotional
3 wellbeing, or financial security of the tenant or his or her
4 immediate family or household member. For purposes of this section,
5 a tenant is released, without penalty, from the rental agreement
6 and his or her obligation to pay rent no later than the first day
7 of the second month that rent is due after the written notice and
8 written documentation, if necessary, are given. A release from a
9 rental agreement and payment obligation under this section does not
10 take effect before the tenant vacates the premises. The written
11 notice required under subsection (2) must be made in a manner
12 reasonably calculated to give actual notice to the landlord
13 including, but not limited to, any of the following:

14 (a) By certified mail.

15 (b) By electronic mail. For purposes of this subdivision, the
16 tenant must ensure that the notice is sent to an electronic mail
17 address that the landlord or the landlord's representative provided
18 to the tenant or previously used to communicate with the tenant.

19 (c) By personal delivery of the written notice to the landlord
20 or the landlord's representative, signed by the tenant and the
21 landlord or the landlord's representative, and of which the tenant
22 retains a copy or image.

23 (d) In any other manner of transmitting written communication
24 which the tenant has previously used to communicate with the
25 landlord or the landlord's representative and the landlord has
26 previously accepted, or which the landlord has notified the tenant
27 is a manner of contacting the landlord or the landlord's
28 representative. The manner of transmitting written communication
29 under this subdivision includes, but is not limited to, text

1 messages on a wireless 2-way communication device.

2 (4) Notwithstanding any other provision of law to the
3 contrary, a release from a rental agreement and payment obligation
4 under this section is not considered a breach of the rental
5 agreement. A tenant that is released from a rental agreement and
6 payment obligation under this section shall not forfeit any
7 security deposit or rent advance paid to the landlord under the
8 rental agreement. The provisions of this act or other applicable
9 laws apply with regard to the retention or return of the tenant's
10 security deposit or rent advance. This section does not affect a
11 tenant's liability for unpaid rent or other amounts due and owed to
12 the landlord before the release from the rental agreement and
13 payment obligation under this section.

14 (5) The written notice required under subsection (2) is valid
15 if submitted within 180 days of the date a document described in
16 subsection (6) (a), (b), or (c) was issued or prepared or the date a
17 crime described under subsection (1) occurred, whichever is later.

18 (6) Unless the landlord notifies the tenant in writing that
19 written documentation is not needed, the tenant shall provide
20 written documentation showing that the tenant or his or her
21 immediate family or household member is a witness or victim of a
22 crime described under subsection (1). The requirement of this
23 subsection is satisfied by providing 1 or more of the following
24 documents to the landlord:

25 (a) A valid personal protection order, foreign protection
26 order, or court order removing an abusive individual from a home
27 under section 13a(4) of chapter XIIIA of the probate code of 1939,
28 1939 PA 288, MCL 712A.13a. A document provided under this
29 subdivision must be issued by a court of competent jurisdiction and

1 must be in effect on the date the tenant submits the written notice
2 required under subsection (2).

3 (b) A valid probation order, conditional release order, or
4 parole order that is still in effect on the date the tenant submits
5 the written notice required under subsection (2) if the probation
6 order, conditional release order, or parole order indicates that
7 the individual subject to the order is subject to conditions that
8 are reasonably necessary to protect the tenant or his or her
9 immediate family or household member, including a condition that
10 the individual subject to the order should have no contact with the
11 tenant or his or her immediate family or household member.

12 (c) A police report or a statement from a law enforcement
13 officer detailing the circumstances surrounding the commission of a
14 crime described under subsection (1).

15 (d) A court document showing proof of prosecution of a crime
16 described under subsection (1).

17 (e) A written and signed certification from a qualified third
18 party stating that the tenant or his or her immediate family or
19 household member is a witness or victim of a crime described under
20 subsection (1). The certification required under this subdivision
21 must include a statement that the qualified third party has
22 provided services that are related to a crime described under
23 subsection (1) to the tenant or his or her immediate family or
24 household member.

25 (f) If the tenant is an immediate family or household member
26 of a deceased victim of a crime described under subsection (1), a
27 published obituary, a death certificate, or a written verification
28 of the death, burial, or memorial service from a mortuary, funeral
29 home, burial society, crematorium, religious institution, or

1 medical examiner.

2 (g) Any other documentation authorized by state law or
3 acceptable to the landlord that shows that the tenant or his or her
4 immediate family or household member is a witness or victim of a
5 crime described under subsection (1).

6 (h) Any other documentation that reasonably verifies that the
7 tenant or his or her immediate family or household member is a
8 witness or victim of a crime described under subsection (1).

9 Documentation submitted to the landlord under this subdivision may
10 include, but is not limited to, any of the following:

11 (i) A document from a third party that is substantially similar
12 to a document under subdivision (c), (d), or (e).

13 (ii) Medical records showing injuries sustained by the tenant
14 or his or her immediate family or household member that resulted
15 from a crime described under subsection (1).

16 (iii) Written proof from the tenant that shows that a crime
17 described under subsection (1) occurred. A written proof under this
18 subparagraph may include, but is not limited to, any of the
19 following from the perpetrator of the crime or between the tenant
20 or his or her immediate family or household member and the
21 perpetrator of the crime:

22 (A) Threatening electronic mail.

23 (B) Text messages.

24 (C) Voice messages.

25 (7) A landlord shall not terminate the rental agreement of a
26 tenant or retaliate against a tenant solely because the tenant or
27 his or her immediate family or household member is a witness or
28 victim of a crime described under subsection (1).

29 (8) If an individual was previously released from a rental

1 agreement and payment obligation under this section, a prospective
2 landlord shall not do any of the following based solely on the fact
3 that the individual was previously released from a rental agreement
4 and payment obligation under this section:

5 (a) Refuse to enter into a rental agreement for a rental unit
6 with that individual.

7 (b) Refuse to negotiate for the renting of a rental unit with
8 that individual.

9 (c) Refuse to make a rental unit available for renting to that
10 individual.

11 (9) The information contained in the written notice required
12 under subsection (2), a document provided to the landlord under
13 subsection (6), and the tenant's forwarding address are
14 confidential. A landlord may not provide the information to any
15 other person. This subsection does not apply if the information is
16 contained in a document that is a public record. The landlord may
17 disclose the information if any of the following apply:

18 (a) The tenant requests or consents in writing to the
19 disclosure.

20 (b) The disclosure is required by a court order.

21 (c) The disclosure is necessary to accomplish the landlord's
22 regular and ordinary business purpose. A landlord shall not
23 intentionally disclose the information under this subdivision to an
24 individual identified by the tenant as being the perpetrator of a
25 crime described under subsection (1) or to an individual the
26 landlord reasonably knows is the perpetrator of a crime described
27 under subsection (1) against the tenant or his or her immediate
28 family or household member.

29 (10) If a tenant or his or her immediate family or household

1 member is a witness or victim of a crime described under subsection
2 (1) and the tenant wishes to remain in the rental unit, the tenant
3 may submit a written request notifying the landlord that the tenant
4 intends to remain in the rental unit and request that the locks on
5 that rental unit be changed. The written request submitted to the
6 landlord under this subsection must be accompanied by 1 or more of
7 the documents listed in subsection (6). The landlord shall, within
8 2 business days after the receipt of the written request and
9 documentation under this subsection, make a good-faith effort to
10 change the locks of the tenant's rental unit and provide the tenant
11 with the key to the new locks, or give the tenant permission to
12 change the locks at the landlord's expense. The landlord shall not
13 provide the key to the new locks to an individual whom the landlord
14 knows is the perpetrator of a crime described under subsection (1)
15 against the tenant or his or her immediate family or household
16 member. If the landlord does not change the locks of the tenant's
17 rental unit or give the tenant permission to change the locks
18 within 2 business days, the tenant may, notwithstanding any
19 provision in the rental agreement to the contrary, rekey or change
20 the locks without the landlord's permission and at the landlord's
21 expense. The landlord shall reimburse the tenant for the actual
22 expense incurred by the tenant in changing the locks. A tenant who
23 changes the locks to the tenant's rental unit under this subsection
24 shall do so in a workmanlike manner with locks of similar quality
25 to the original lock, promptly notify the landlord that the locks
26 have been changed, and provide keys to the new locks to the
27 landlord at the landlord's request.

28 (11) The provisions of this section may not be waived or
29 modified by a rental agreement.

1 (12) Nothing in this section prejudices a landlord's right to
2 pursue available remedies against any other person under this act.

3 (13) As used in this section:

4 (a) "Domestic violence" means that term as defined in section
5 1 of 1978 PA 389, MCL 400.1501.

6 (b) "Foreign protection order" means that term as defined in
7 section 2950h of the revised judicature act of 1961, 1961 PA 236,
8 MCL 600.2950h.

9 (c) "Immediate family or household member" means any of the
10 following:

11 (i) A biological child, adopted or foster child, stepchild or
12 legal ward, a child to whom the tenant stands in loco parentis, or
13 an individual to whom the tenant stood in loco parentis when the
14 individual was a child.

15 (ii) A parent, stepparent, adoptive parent, an individual who
16 stands in loco parentis to the tenant, or an individual who stood
17 in loco parentis to the tenant when the tenant was a child.

18 (iii) A biological, foster, step, or an adopted sibling.

19 (iv) A spouse.

20 (v) A fiancé, fiancée, or an individual who is in an intimate
21 relationship with the tenant and who resides with the tenant in the
22 rental unit.

23 (vi) An individual living in the rental unit with the tenant
24 and who is related to the tenant by blood, adoption, or marriage.

25 (vii) An individual living in the rental unit with the tenant,
26 who is not related to the tenant by blood, adoption, or marriage,
27 but who has an established and emotional significant relationship
28 with the tenant.

29 (d) "Personal protection order" means a personal protection

1 order issued under section 2950 or 2950a of the revised judicature
2 act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, and, unless
3 the context indicates otherwise, includes a valid foreign
4 protection order.

5 (e) "Qualified third party" means any of the following:

6 (i) A sexual assault or domestic violence counselor.

7 (ii) A health professional licensed or registered under article
8 15 of the public health code, 1978 PA 368, MCL 333.16101 to
9 333.18838.

10 (iii) A mental health professional as defined in section 100b of
11 the mental health code, 1974 PA 258, MCL 330.1100b.

12 (iv) A member of the clergy, if the clergy member is affiliated
13 with a tax-exempt religious institution under section 501(c)(3) of
14 the internal revenue code of 1986, 26 USC 501.

15 (v) A person who is employed at or who volunteers service at a
16 victim services organization or agency, and who, in that capacity,
17 provides advice, counseling, or other assistance to victims of
18 violent crimes and their families.

19 (f) "Sexual assault" means any act that violates section 520b,
20 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328,
21 MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

22 (g) "Sexual assault or domestic violence counselor" means that
23 term as defined in section 1b.

24 (h) "Stalking" means that term as defined in section 411h or
25 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and
26 750.411i.

27 (i) "Victim" means an individual who suffers an injury as a
28 direct result of a crime described under subsection (1).

29 (j) "Victim services organization" means an organization or

1 agency that has a documented record of providing services to a
2 victim of a crime described under subsection (1).

3 (k) "Witness" means an individual who witnessed any part of
4 the commission of a crime described under subsection (1) and who is
5 not the perpetrator of or an accomplice to the crime.