HOUSE BILL NO. 5480

October 21, 2021, Introduced by Reps. Aiyash and Cynthia Johnson 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, until the state budget director issues a determination**

3 **that all of the money received by this state from the federal**

4 **government for the emergency rental assistance program under 15 USC**

5 **9058a has been expended, a person shall not remove or exclude from**

1 leased residential premises or residential premises held under a

2 forfeited executory contract a tenant, a vendee of a forfeited

3 executory contract, or a person holding under such a tenant or

4 vendee, unless the tenant, vendee, or person holding under a tenant

5 or vendee poses a substantial risk to another person or an imminent

6 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, until the state budget director issues a determination**

14   **that all of the money received by this state from the federal**

15   **government for the emergency rental assistance program under 15 USC**

16   **9058a has been expended, a person shall not remove or exclude from**

17   **leased residential premises in a mobile home park a tenant or a**

18   **person holding under a tenant, unless the tenant or person holding**

19   **under a tenant poses a substantial risk to another person or an**

20   **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.**