

HOUSE BILL NO. 5495

October 28, 2021, Introduced by Reps. Stone, Brabec, Clemente, Pohutsky, Sowerby, Cherry, Sneller, Lasinski, Breen, Hood, Brixie, Kuppa, Peterson, Cynthia Johnson, Haadsma, Aiyash, Cavanagh, LaGrand, Rogers, Ellison, Manoogian, Hope, Bolden and Young and referred to the Committee on Judiciary.

A bill to prohibit local units of government from penalizing or sanctioning tenants, occupants, or landlords of rental dwellings for contacts made to police or emergency services for assistance in certain situations; and to provide for remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Abuse" means any of the following:
- 3 (i) Recklessly causing bodily injury.
- 4 (ii) Placing another in reasonable fear of imminent serious

1 bodily injury.

2 (iii) Knowingly engaging in a course of conduct or repeatedly
3 committing acts toward another individual, including following the
4 individual, without proper authority, under circumstances that
5 place the individual in reasonable fear of bodily injury.

6 (b) "Crime" means a violation of the Michigan penal code, 1931
7 PA 328, MCL 750.1 to 750.568.

8 (c) "Emergency" means a physiological or psychological illness
9 or injury of an individual, such that a prudent individual who
10 possesses an average knowledge of health and medicine could
11 reasonably expect the absence of immediate emergency medical
12 services to result in any of the following:

13 (i) Placing the health of the individual or, with respect to a
14 pregnant individual, the health of the individual or the
15 individual's fetus in serious jeopardy.

16 (ii) Serious impairment of a bodily function.

17 (iii) Serious dysfunction of a bodily organ or part.

18 (d) "Local unit of government" means a city, village,
19 township, or county.

20 (e) "Ordinance" means an ordinance adopted by a local unit of
21 government.

22 (f) "Sanction" includes, but is not limited to, any of the
23 following:

24 (i) Revoke, suspend, or prevent renewal of a rental license or
25 permit for.

26 (ii) Assess a fine against.

27 (iii) Evict or cause an eviction from leased premises.

28 Sec. 2. An ordinance must not sanction a tenant, occupant, or
29 landlord of a rental dwelling for a contact made to police or

1 emergency services for assistance if both of the following
2 conditions are met:

3 (a) The contact is made by or on behalf of an individual who
4 is, or is reasonably believed by the individual making the contact
5 to be, a victim of abuse, a victim of a crime, or an individual in
6 an emergency. This subdivision does not protect from sanction any
7 of the following:

8 (i) A tenant or occupant of a rental dwelling if the tenant or
9 occupant committed the abuse or crime.

10 (ii) The landlord, if a tenant or occupant committed the abuse
11 or crime, unless another tenant or occupant was the victim of the
12 abuse or crime.

13 (b) The police intervention or emergency assistance is needed,
14 or is reasonably believed by the individual making the contact to
15 be needed, in response to the abuse, crime, or emergency.

16 Sec. 3. If a local unit of government enforces or attempts to
17 enforce an ordinance against a tenant, occupant, or landlord in
18 violation of section 2, the tenant, occupant, or landlord may bring
19 a civil action in a court of competent jurisdiction for any of the
20 following remedies:

21 (a) An order requiring the local unit of government to cease
22 and desist the unlawful practice.

23 (b) Payment of compensatory damages, except to the extent that
24 the tenant, occupant, or landlord failed to make a reasonable
25 effort to mitigate damages.

26 (c) Payment of reasonable attorney fees.

27 (d) Payment of court costs.

28 (e) Other relief, including, but not limited to, reinstating a
29 rental license or permit.

1 Sec. 4. (1) This act preempts an ordinance to the extent that
2 the ordinance is inconsistent with this act.

3 (2) This act does not affect or apply to enforcement of a
4 clause in a lease providing for termination because a tenant, a
5 member of the tenant's household, or other individual under the
6 tenant's control has unlawfully manufactured, delivered, possessed
7 with intent to deliver, or possessed a controlled substance on the
8 leased premises, as provided for in section 34 of 1846 RS 66, MCL
9 554.134, and section 5714 of the revised judicature act of 1961,
10 1961 PA 236, MCL 600.5714.

11 Enacting section 1. This act takes effect 90 days after the
12 date it is enacted into law.