

# SENATE BILL NO. 373

June 10, 2025, Introduced by Senators CAVANAGH, BAYER, CHANG, KLINEFELT and GEISS and referred to Committee on Housing and Human Services.

A bill to amend 1978 PA 454, entitled  
"Truth in renting act,"  
by amending section 3 (MCL 554.633), as amended by 1998 PA 72.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3. (1) A rental agreement ~~shall~~**must** not include a  
2       provision that does 1 or more of the following:  
3       (a) Waives or alters a remedy available to the parties when  
4       the premises are in a condition that violates the covenants of  
5       fitness and habitability required ~~pursuant to~~**under** section 39 of  
6       1846 RS 84, MCL 554.139.

1 (b) Provides that the parties waive a right established by  
2 1972 PA 348, MCL 554.601 to 554.616, ~~which~~**that** regulates security  
3 deposits.

4 (c) Excludes or discriminates against a person in violation of  
5 the Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2101 to  
6 37.2804, or the persons with disabilities civil rights act, 1976 PA  
7 220, MCL 37.1101 to 37.1607.

8 (d) Provides for a confession of judgment by a party.

9 (e) Exculpates the lessor from liability for the lessor's  
10 failure to perform, or negligent performance of, a duty imposed by  
11 law. This subdivision does not apply to a provision that releases a  
12 party from liability arising from loss, damage, or injury caused by  
13 fire or other casualty for which insurance is carried by the other  
14 party, under a policy that permits waiver of liability and waives  
15 the insurer's rights of subrogation, to the extent of any recovery  
16 by the insured party under the policy.

17 (f) Waives or alters a party's right to demand a trial by jury  
18 or any other right of notice or procedure required by law in a  
19 judicial proceeding arising under the rental agreement.

20 (g) Provides that a party is liable for legal costs or  
21 ~~attorney's~~**attorney** fees incurred by another party, in connection  
22 with a dispute arising under the rental agreement, in excess of  
23 costs or fees specifically permitted by statute.

24 (h) Provides for the acquisition by the lessor of a security  
25 interest in any personal property of the tenant to assure payment  
26 of rent or other charges arising under the rental agreement, except  
27 as specifically allowed by law.

28 (i) Provides that rental payments may be accelerated if the  
29 rental agreement is breached by the tenant, unless the provision

1 also includes a statement that the tenant may not be liable for the  
2 total accelerated amount because of the landlord's obligation to  
3 minimize damages, and that either party may have a court determine  
4 the actual amount owed, if any.

5 (j) Waives or alters a party's rights with respect to  
6 possession or eviction proceedings provided in section 2918 of the  
7 revised judicature act of 1961, 1961 PA 236, MCL 600.2918, or with  
8 respect to summary proceedings to recover possession as provided in  
9 chapter 57 of the revised judicature act of 1961, 1961 PA 236, MCL  
10 600.5701 to 600.5759.

11 (k) Releases a party from a duty to mitigate damages.

12 (l) Provides that a lessor may alter a provision of the rental  
13 agreement after its commencement without the written consent of the  
14 tenant, or, in the case of a rental agreement between a consumer  
15 cooperative that provides housing and a member of the consumer  
16 cooperative, without the approval of the board of directors of the  
17 cooperative or other appropriate body elected by members who are  
18 also tenants of the cooperative, except that an agreement may  
19 provide for the following types of adjustments to be made ~~upon~~**on**  
20 written notice of not less than 30 days:

21 (i) Changes required by federal, state, or local law or rule or  
22 regulation.

23 (ii) Changes in rules relating to the property that are  
24 required to protect the physical health, safety, or peaceful  
25 enjoyment of tenants and guests.

26 (iii) Changes in the amount of rental payments to cover  
27 additional costs in operating the rental premises incurred by the  
28 lessor because of increases in ad valorem property taxes, charges  
29 for the electricity, heating fuel, water, or sanitary sewer

1 services consumed at the property, or increases in premiums paid  
2 for liability, fire, or worker compensation insurance.

3 (m) Violates the Michigan consumer protection act, 1976 PA  
4 331, MCL 445.901 to 445.922.

5 (n) Requires the tenant to give the lessor a power of  
6 attorney.

7 (o) **Imposes an additional charge or fee on all methods for the**  
8 **payment of rent allowed under the lease agreement. For purposes of**  
9 **this subdivision, if a rental agreement allows for more than 1**  
10 **method for the payment of rent, the rental agreement must have a**  
11 **provision that allows at least 1 method for the payment of rent to**  
12 **be used without the tenant incurring an additional charge or fee.**

13 (2) A rental agreement ~~shall~~**must** not include a clause or  
14 provision that, not less than 90 days before the execution of the  
15 rental agreement, has been prohibited by statute or declared  
16 unenforceable by a published decision of the supreme court of this  
17 state or the United States ~~supreme court~~**Supreme Court** relating to  
18 the law of this state.

19 (3) A provision or clause of a rental agreement that violates  
20 this section is void.