

HOUSE BILL NO. 4181

February 09, 2021, Introduced by Reps. Anthony, Aiyash, Hope, Puri, Brixie, Young, Sowerby, Cavanagh, Weiss, Hood, Brabec, Bolden, Stone, Yancey, O'Neal, Brenda Carter, Pohutsky, Liberati, Garza, Clemente, Scott, Kuppa and Breen 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 section 5740.`

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 5740. (1) Notwithstanding anything in this chapter or**
2 **chapter 57a to the contrary, from the effective date of the**
3 **amendatory act that added this section to 60 days after the**
4 **termination of the COVID-19 emergency, a landlord or owner of a**
5 **property shall not, for the purposes of a nonessential eviction for**

1 a residential dwelling unit, do either of the following:

2 (a) Terminate a tenancy.

3 (b) Send any notice, including a notice to quit, requesting or
4 demanding that a tenant of a residential dwelling unit vacate the
5 premises.

6 (2) Notwithstanding anything in this chapter or chapter 57a to
7 the contrary, from the effective date of the amendatory act that
8 added this section to 60 days after the termination of the COVID-19
9 emergency, a court shall not, in a summary proceeding for a
10 nonessential eviction for a residential dwelling unit, do any of
11 the following:

12 (a) Accept for filing a summons or complaint.

13 (b) Enter an order or judgment for a plaintiff for possession.

14 (c) Issue a writ of restitution or order for eviction.

15 (d) Deny, on the request of a defendant, a stay of a writ of
16 restitution or order for eviction or, on the request by a party, a
17 continuance of a summary proceeding.

18 (e) Schedule a court event, including, but not limited to, a
19 motion hearing or a trial.

20 (3) Notwithstanding anything in this act to the contrary, all
21 of the following are tolled from March 10, 2020 to 60 days after
22 the termination of the COVID-19 emergency:

23 (a) A period of limitation or time limit for instituting
24 summary proceedings or bringing a claim or counterclaim for damages
25 under this chapter.

26 (b) A period applicable to a presumption under section 5720.

27 (c) A period under this chapter within which a summons must be
28 served, a party must appear for trial, or a summary proceeding must
29 be heard, even if the period is contained in a summons or other

1 order issued by the court.

2 (d) A period under this chapter within which a defendant may
3 make any payment to satisfy, partially or completely, a judgment or
4 to preclude issuance of a writ of restitution or order for
5 eviction, even if the period is contained in a judgment or order
6 entered by the court.

7 (e) A time restriction under this chapter on issuance of a
8 writ of restitution or order for eviction, even if the time
9 restriction is contained in a judgment or order entered by the
10 court.

11 (f) A period for taking an appeal from an order or judgment
12 issued under this chapter.

13 (g) Any other time period or restriction applicable to a
14 summary proceeding or action under this chapter that the court
15 determines should be tolled or extended.

16 (4) Notwithstanding anything in this act or in any order of a
17 court, from the effective date of the amendatory act that added
18 this section to 60 days after the termination of the COVID-19
19 emergency, a person shall not serve or execute a writ of
20 restitution or order for eviction for a nonessential eviction of a
21 residential dwelling unit.

22 (5) Notwithstanding anything in this chapter or chapter 57a to
23 the contrary, in a summary proceeding under this chapter or chapter
24 57a, a person shall not request and a court shall not award damages
25 that consist of a late fee for nonpayment of rent that was due from
26 March 10, 2020 to 60 days after the termination of the COVID-19
27 emergency for a residential dwelling unit if, not later than 30
28 days after the missed rent payment, the tenant provided notice and
29 documentation to the landlord that the nonpayment of rent was

1 because of a financial impact from COVID-19.

2 (6) This section does not relieve a tenant from the obligation
3 to pay rent or, except as expressly provided in this section,
4 restrict a landlord's ability to recover rent.

5 (7) As used in this section:

6 (a) "Nonessential eviction" means any of the following:

7 (i) An eviction for nonpayment of rent.

8 (ii) An eviction for no fault or no cause.

9 (iii) An eviction for cause that does not involve or include
10 allegations of either of the following:

11 (A) Criminal activity that may impact the health or safety of
12 other residents, health care workers, emergency personnel, persons
13 lawfully on the subject property, or the general public.

14 (B) Lease violations that may impact the health or safety of
15 other residents, health care workers, emergency personnel, persons
16 lawfully on the subject property, or the general public.

17 (b) "The termination of the COVID-19 emergency" means the last
18 date on which any of the following is in effect in this state:

19 (i) A state of emergency or state of disaster declared or
20 extended under an executive order to deal with COVID-19.

21 (ii) A state of emergency or state of disaster declared or
22 extended under a concurrent resolution of the legislature to deal
23 with COVID-19.

24 (iii) An order issued under section 2253 of the public health
25 code, 1978 PA 368, MCL 333.2253, to deal with COVID-19.