

PROHIBIT EVICTIONS DURING STATE OF EMERGENCY

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House Bill 5720 as introduced
Sponsor: Rep. Jason M. Sheppard
Committee: Government Operations
Complete to 4-29-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5720 would amend the Revised Judicature Act to codify into law the provisions of Executive Order 2020-54 prohibiting evictions of tenants during a state of emergency.

On March 10, 2020, Michigan's first patient tested positive for COVID-19, at which time Governor Whitmer declared a statewide state of emergency.¹ On March 23, the governor signed a "Stay Home, Stay Safe" executive order directing all state businesses and operations to temporarily suspend in-person operations not necessary to sustain or protect life.²

Executive Order 2020-54,³ issued April 17 and effective through May 15, prohibits evicting from leased residential premises or residential premises held under a forfeited executory contract a tenant, a vendee of a forfeited executory contract, or a person holding under either, including under a writ authorizing the landlord to take possession of the property, unless the person being evicted poses a substantial risk to another person or an imminent and severe risk to property. A person also cannot deny a mobile home owner access to his or her mobile home unless tenancy has been terminated because the mobile home owner poses a substantial risk to another person or an imminent and severe risk to property. Sheriffs and other officers are prohibited from serving process requiring forfeiture of premises. The order stipulates that it does not abrogate judicial power or affect the inherent power of a judge to order equitable relief. The order also states that it does not abrogate an obligation to pay rent or prohibit a landlord from demanding payment of rent. However, such a demand cannot also demand possession of the premises or threaten to evict the tenant based on nonpayment of rent, and service of the demand cannot be by personal delivery. The order suspends, until 30 days after the end of the declared state of disaster and emergency, any statutory limits on the power of the court to adjourn proceedings, toll redemption or limitations periods, or extend deadlines. Willful violation of the order is a misdemeanor.

¹ Executive Order 2020-04, issued March 10, 2020 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-04.pdf>); rescinded and replaced on April 1 with Executive Order 2020-33 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-33.pdf>).

² Executive Order 2020-21, issued March 23, 2020 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-21.pdf>); extended through April 30, 2020 on April 9, 2020 by Executive Order 2020-42 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-42.pdf>).

³ <https://www.legislature.mi.gov/documents/2019-2020/executiveorder/PDF/2020-EO-54.PDF>

House Bill 5720 would amend the Revised Judicature Act to incorporate the above provisions into law. The bill would provide that a violation is a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$500, or both. The bill's provisions would be effective during the declared state of emergency and any extension of that state of emergency, and until June 1, 2020.

Proposed MCL 600.5740 and 600.5782

FISCAL IMPACT:

House Bill 5720 would have an indeterminate fiscal impact on the state and on local units of government. The number of convictions that would result under provisions of the bill is not known. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how the bill affected caseloads and related administrative costs. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.