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PMAM LEGISLATIVE COMMITTEE REPORT

June 2016

By Mia McNeil, Kelley Cawthorne, PMAM Lobbyist
And

I. Matthew Miller, Swistak & Levine, P.C., Chair, PMAM Legislative Committee

I. BILLS THAT PMAM IS WORKING ON

- A. **LICENSING.** **Summary:** This bill, if introduced, would remove the required licensing of leasing agents and remove the 50-mi radius requirement for real estate brokers.
- B. **SERVICE OF PROCESS.** **Summary:** This bill, if introduced, would provide that service of process to recover money could be done by tacking to the property, rather than by personal service. Additionally, it provides that money judgment rent should not be prorated and that all summary proceedings from the same property should be heard on the same day at the same time in the same court. Because of the opposition in the Legislature, this bill has not been re-introduced this session.
- C. **BEDBUGS.** [SB 294](#), HB 4520. **Summary:** This bill provides the responsibilities of the landlord and the tenant in a bedbug situation. We are working with the House sponsor and the Pest Management Association to finalize the language in this bill.
- D. **MEDICAL MARIHUANA.** [Senate Bill 72](#) **Summary:** This bill provides for the prohibition of growing and smoking in a rental premises as long as disclosed in the lease. This bill passed the Senate and is awaiting action in the House while the Senate is considering the House's edible and ingestible marihuana bills.
- E. **LATE FEES.** **Summary:** This bill would allow for late fees incurred as a result of late payment of rent to be counted as "rent" for the purposes of landlord-tenant proceedings, as well as creating a baseline under which a late fee is construed not to be a penalty and enforceable. We have received a draft bill which should be introduced when the legislature returns from its break.

II. BILLS OF INTEREST ALREADY INTRODUCED OR BEING CONSIDERED

- A. **WAIVE JURY TRIAL IN RESIDENTIAL LEASES.** [HB 4035](#) **Summary:** This bill provides a provision in the lease that would allow a tenant's waiver of a jury trial. **PMAM supports.**

- B. **LICENSURE FOR RE BROKERS AND SALESPERSONS. SB 26.** Summary: This bill amends licensure requirements for the real estate salesperson's license.
- C. **LLC ACTING AS OWN REPRESENTATION.** Summary: This would allow LLCs to represent themselves in small claims court and not require a lawyer. **PMAM supports.**
- D. **LEAD PAINT LEGISLATION. (HB 4062 and 4063)** Summary: This bill would require abatement for properties where children have been found to have high levels of lead. **PMAM opposed.**
- E. **MODIFICATION OF DRUG FORFEITURE. (HB 4361)** Summary: This bill would allow for seizure of property for a drug offense, but would prohibit forfeiture of the property unless a person is convicted of the alleged drug crime or if the person does not claim any interest in the property.
- F. **DOMESTIC VIOLENCE. (SB 255/HB 4411)** Summary: The bill would add domestic violence victims as a protected class. **PMAM is opposed.**
- G. **SHUTOFFS. (HB 4393)** Summary: This bill would provide notice to the landlord in cases of shutoff due to non-payment by the tenant. **PMAM Supports.**
- H. **RENT CONTROL.** This bill has not been introduced at this point, but we were approached by Rep. Banks about this proposed idea. The information was sent to legislative members last month, but is also attached. Currently, there is no action on this bill. I did share with Rep. Banks that we were opposed to this legislation. **PMAM is opposed.**
- I. **VOTER REGISTRATION. (HB 4815).** Summary: This would require a landlord to provide voter registration information upon move-in for a tenant. **PMAM is Opposed.**
- J. **EVICITION OF SQUATTERS. (HB 4673).** Summary: This bill would require the presence of a law enforcement officer and proof of ownership before a squatter could be evicted. **PMAM has not taken a position.**
- K. **LEAD PAINT TESTING FOR RENTALS.** Summary: This bill would require testing of walls within rental units prior to rental in areas that have been noted by the local health department as high lead areas. **PMAM is opposed without proposed changes.**
- L. **DRUG EVICTION AMENDMENT. (HB 5217).** This bill would amend the drug eviction legislation we passed last session to require a conviction. **PMAM is Opposed.**
- M. **HOUSING INSPECTION. (HB 5561).** This the companion bill to the recently signed inspection bill. **PMAM has not taken a position on the bill.**