

HOUSE BILL No. 4171

February 2, 2005, Introduced by Reps. Pastor, Gosselin and Sak and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5739 (MCL 600.5739).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5739. **(1)** Except as provided by court rules, a party to
2 summary proceedings may join claims and counterclaims for money
3 judgment for damages attributable to wrongful entry, detainer, or
4 possession, for breach of the lease or contract under which the
5 premises were held, or for waste or malicious destruction to the
6 premises. ~~, but the~~ **THE** court may order separate summary
7 disposition of the claim for possession, without prejudice to any
8 other claims or counterclaims. A claim or counterclaim for money
9 judgment shall not exceed the ~~amount in controversy which~~

1 ~~otherwise limits the jurisdiction~~ JURISDICTIONAL LIMITS of the
2 court.

3 (2) IF THE COURT AWARDS DAMAGES FOR PHYSICAL INJURY TO THE
4 PREMISES UNDER SUBSECTION (1) BY MAKING AN AWARD FOR OR BASED ON
5 THE COST OF REPAIRS, THE COURT SHALL AWARD DAMAGES FOR LABOR
6 EXPENDED BY A LANDLORD IN REPAIRING THE PREMISES IN THE SAME MANNER
7 AS IT WOULD IF THE REPAIRS WERE PERFORMED BY A THIRD PARTY. A
8 LANDLORD'S LABOR UNDER THIS SUBSECTION SHALL BE COMPENSATED AT A
9 RATE THE COURT DETERMINES TO BE REASONABLE BASED ON STANDARD
10 INDUSTRY WAGES.