



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4263 (Substitute H-2 as reported with amendment)

Sponsor: Representative Margaret E. O'Brien

House Committee: Judiciary

Senate Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to do the following:

- Provide that the actions of an owner of premises would not unlawfully interfere with a tenant's possessory interest if the owner believed that the tenant had been dead for at least 30 days and there was no surviving tenant, and specified conditions were met.
- Require an action for damages for unlawful interference with a possessory interest to be brought within one year after the cause of action arose (rather than within one year from that time or from the time the cause of action became known to the plaintiff).

Currently, a tenant is entitled to recover damages and/or possession if the property owner unlawfully interferes with the tenant's possessory interest, unless the owner can establish that he or she met certain standards. Under the bill, an owner's actions also would not unlawfully interfere with a possessory interest if the owner believed in good faith that the tenant had been deceased for at least 30 days and that there was not a surviving tenant, and all of the following conditions were met:

- The owner informed the tenant in writing of the option to provide contact information for an authorized person the owner could contact in the event of the tenant's death.
- At least seven days before taking possession of the premises and disposing of its contents, the owner made a reasonable attempt to contact the authorized person and request him or her to open a probate estate for the tenant or to serve as personal representative if the owner opened a probate estate.
- At least seven days before re-entering the premises, the owner placed a notice on the door indicating his or her intent to re-enter, take possession of the premises, and dispose of its contents.
- A probate estate had not been opened for the deceased tenant in the county in which the premises were located and the owner had not been notified in writing of the existence of a probate estate opened in another county and of the name and address of the personal representative.
- Current rent had not been paid.

MCL 600.2918

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would likely result in a reduction in civil caseload for local courts.

Date Completed: 12-5-12

Fiscal Analyst: Dan O'Connor