

# Legislative Analysis



## PROHIBIT LANDLORDS FROM REQUIRING PROSPECTIVE TENANTS TO DISCLOSE CERTAIN INFORMATION

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4948 (H-1) as reported**  
**Sponsor: Rep. Kristian Grant**  
**Committee: Criminal Procedure**  
**Complete to 10-25-23**

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

### SUMMARY:

House Bill 4948 would amend 1972 PA 348, known as the landlord-tenant act, to prohibit landlords from requiring a prospective tenant to disclose any of the following:

- A conviction set aside (expunged) under 1965 PA 213.
- A finding of juvenile delinquency under 18 USC 5031 to 5043.
- Participation in a diversion program for juveniles.
- The assignment of youthful trainee status as provided in Chapter II (Courts) of the Code of Criminal Procedure.<sup>1</sup>
- The entry of a judgment or order of disposition by a court of another state that is based on a finding that a juvenile violated a law of that state that would have been a criminal offense in that state if committed by an adult.

A prospective tenant could bring an action seeking an injunction against a landlord violating the above prohibition. If the court determines that a landlord violated the prohibition, the court would have to issue a cease and desist order. A landlord that violates such an order would be subject to a civil fine of up to \$250 for each day of violation, up to a maximum of \$2,000. In addition, if the court determines that the landlord violated the prohibition, the prospective tenant bringing the action could recover costs and reasonable attorney fees.

A landlord would not be prohibited from asking about a criminal conviction or disposition that is not listed above.

MCL 554.602a

### FISCAL IMPACT:

House Bill 4948 would have an indeterminate fiscal impact on the state and on local units of government. The fiscal impact would depend on the number of landlords that violate injunctive orders and are subsequently ordered to pay a civil fine of not more than \$250 for each day of violation up to a maximum of \$2,000. Revenue collected from payment of civil fines is used to support public and county law libraries. Also, under section 8827(4) of the Revised Judicature Act, \$10 of the civil fine would be required to be deposited into the state's Justice System Fund, which supports various justice-related endeavors in the judicial branch and legislative branches of government and the Departments of State Police, Corrections, Health and Human Services, and Treasury. The fiscal impact on local court systems would depend on

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<sup>1</sup> Youthful trainee status allows a young person to avoid having a criminal conviction on their record for certain offenses committed when they are 18 to 25 years of age.

how provisions of the bill affected court caseloads and related administrative costs. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue the state would collect, revenue for libraries, or costs to local courts cannot be made.

**POSITIONS:**

A representative of the ACLU of Michigan testified in support of the bill. (10-3-23)

The following entities indicated support for the bill:

- Department of the Attorney General (10-3-23)
- Safe and Just Michigan (10-10-23)
- Michigan League for Public Policy (10-3-23)
- Criminal Defense Attorneys of Michigan (10-10-23)
- Nation Outside (10-3-23)
- Michigan Poverty Law Program (10-10-23)
- Apartment Association of Michigan (10-10-23)

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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.