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House Bill 4948 (Substitute H-1 as passed by the House)  
Sponsor: Representative Kristian Grant  
House Committee: Criminal Justice  
Senate Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 3-12-24

## **CONTENT**

**The bill would amend the landlord-tenant Act to prohibit a landlord from requiring a prospective tenant to disclose certain juvenile criminal records and allow a prospective tenant to bring an action seeking injunctive relief against a landlord that did so.**

After the bill's enactment, a landlord could not require a prospective tenant to disclose any of the following:

- A conviction set aside under Public Act 213 of 1965, which provides for the setting aside of convictions in certain criminal cases.
- A finding of juvenile delinquency under Federal Law.
- Participation in a diversion program for juveniles.
- The assignment of youthful trainee status under the Holmes Youthful Trainee Act under Chapter II (Courts) of the Code of Criminal Procedure, which allows for dismissal of a criminal conviction if the offense was committed while the individual was 18 to 26 years old and the individual completed probation, custodial supervision, or jailtime requirements.
- The entry of a judgement or order of disposition by a court of another state that stated or was based on a finding that a juvenile had violated a law of another state that would have been a criminal offense if committed by an adult in that other state.

The bill would not prohibit a landlord from inquiring about a criminal conviction or disposition not listed above.

If a landlord violated the provisions described above, a prospective tenant could bring an action seeking injunctive relief against the landlord. If a court determined that a landlord violated the provisions described above, the court would have to issue an injunctive order that required the landlord to cease and desist. A landlord that violated the injunctive order would be subject to a maximum daily civil fine of \$250, up to \$2,000. If a court determined that a landlord violated the bill's provisions, the prospective tenant that brought the action could recover costs and reasonable attorney fees.

Proposed MCL 551.602a

Legislative Analyst: Eleni Lionas

## **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government.

The impact would depend on the number of violations of injunctive orders placed on landlords by local courts for requiring disclosures that would be prohibited under the language of the

bill. Revenue from these civil fines would be used to support law libraries. Additionally, a \$10 dollar civil fine under Section 8827(4) of the Revised Judicature Act for each violation would be deposited into the Justice System Fund, which supports justice-related State expenditures in several departments, including State Police, Corrections, Health & Human Services, and Treasury, along with the Judicial Branch. The amount of revenue the bill would generate cannot be determined and would be based on caseloads and subsequent violations of injunctive court orders.

Fiscal Analyst: Michael Siracuse

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.