

# HOUSE BILL NO. 5762

May 30, 2024, Introduced by Reps. O'Neal, Wilson, Weiss, Price, Hope, Morgan, Tsernoglou and Brenda Carter and referred to the Committee on Economic Development and Small Business.

A bill to amend 1978 PA 454, entitled  
"Truth in renting act,"  
by amending section 6 (MCL 554.636).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 6. (1) If a rental agreement contains a provision ~~which~~  
2 **that** violates section 3, and if the landlord fails to cure the  
3 violation by exercising the notice provisions of section 5 within  
4 20 days after the tenant gives written notice to the landlord of  
5 the provision believed to be in violation and the reason ~~therefor,~~  
6 **for the violation,** a tenant may bring an action for any of the

1 following relief:

2 (a) To void the rental agreement and terminate the tenancy.

3 (b) To enjoin the lessor from including the provision in any  
4 rental agreement subsequently entered into and to require the  
5 lessor to exercise the notice procedure provided in section 5 to  
6 cure the violation in all rental agreements in which the provision  
7 occurs and to which the lessor is currently a party.

8 (c) To recover damages in the amount of \$250.00 per action, or  
9 actual damages, whichever is greater.

10 (2) If a rental agreement fails to contain a provision as  
11 required by section 4 or contains a provision ~~which~~**that** is  
12 explicitly and unambiguously prohibited by section 3, and if the  
13 landlord fails to cure the violation by exercising the notice  
14 provisions of section 5 within 20 days after the tenant, or, where  
15 there is more than one plaintiff, each tenant, gives written notice  
16 to the landlord of the provision required by section 4 or absence  
17 of a provision believed to be in violation and the reason ~~therefor,~~  
18 **for the violation**, a tenant may bring an action for any of the  
19 following relief:

20 (a) To avoid the rental agreement and terminate the tenancy.

21 (b) To enjoin the lessor from including the provision ~~which~~  
22 **that** violates section 3 in any rental agreement subsequently  
23 entered into and to require the lessor to exercise the notice  
24 procedure provided in section 5 to cure the violation in all rental  
25 agreements in which the provision occurs and to which the lessor is  
26 currently a party.

27 (c) To enjoin the lessor from failing to comply with section 4  
28 in any rental agreement subsequently entered into and to require  
29 the lessor to exercise the notice procedure provided in section 5

1 to cure the violation.

2 (d) To recover damages in the amount of \$500.00, or actual  
3 damages, whichever is greater.

4 (3) A tenant may exercise the remedies of this section without  
5 the prior notice to the landlord required by subsections (1) and  
6 (2) under any of the following circumstances:

7 (a) If a rental agreement contains a provision ~~which~~**that** has  
8 previously been determined by a court of record to be in violation  
9 of section 3 in an action to which the lessor was a party.

10 (b) If a rental agreement contains a provision ~~which~~**that** the  
11 lessor actually knew was in violation of section 3 at the time the  
12 rental agreement was entered into.

13 (c) If a rental agreement does not include a provision as  
14 required by section 4 and the lessor actually knew that the  
15 provision was not included as required at the time the rental  
16 agreement was entered into. As used in subdivisions (b) and (c),  
17 "actual knowledge" ~~shall~~**must** be established by written  
18 documentation, evidencing the actual knowledge, written or issued  
19 by the lessor or an agent of the lessor who is authorized to  
20 execute rental agreements or by an admission, evidencing the actual  
21 knowledge, made by the lessor or an agent of the lessor who is  
22 authorized to execute rental agreements or by showing the lessor  
23 has previously given notice under section 5 relating to the same  
24 provision ~~which~~**that** is the subject of the current action.

25 (4) A party who prevails in an action under this section is  
26 entitled to recover court costs plus statutory attorney fees.

27 (5) All actions brought under subsection (1) with respect to a  
28 particular provision of a rental agreement ~~shall~~**must** be joined,  
29 and only 1 judgment for damages of \$250.00 ~~shall~~**must** be awarded

1 with respect to a particular provision even if there are multiple  
2 actions or multiple plaintiffs if, before judgment in the initial  
3 action and before the passage of 30 days after service of process  
4 in any second action, the lessor gives written notice to all  
5 tenants who are currently subject to that provision, stating that  
6 the enforceability of the provision is under dispute and may be  
7 determined by a court of law. However, this subsection does not  
8 prohibit a tenant from recovering actual damages, if any, with  
9 respect to an unlawful provision of a rental agreement. As used in  
10 this subsection, "action" means a court action instituted by a  
11 single plaintiff, a representative plaintiff, or multiple  
12 plaintiffs.

13 (6) If a rental agreement contains the provisions as required  
14 by section 4 but contains a provision ~~which~~ **that** violates this act,  
15 solely because of a judicial construction by a court of record of a  
16 provision of a statute cited in section 3 in an action to which the  
17 lessor was a party, the lessor shall not be subject to the  
18 penalties of this act unless the lessor fails to cure the violation  
19 by exercising the notice provisions of section 5 within 30 days  
20 following the final determination by the court. ~~For purposes of~~  
21 ~~this subsection, section 39(2) of chapter 66 of the Revised~~  
22 ~~Statutes of 1946, being section 554.139 of the Michigan Compiled~~  
23 ~~Laws, shall not be considered to have been judicially construed as~~  
24 ~~of the effective date of this act.~~

25 (7) ~~For purposes of~~ **As used in** this section, "tenant" means a  
26 person ~~who~~ **that** is currently a party to a rental agreement with the  
27 lessor.

28 Enacting section 1. This amendatory act does not take effect  
29 unless Senate Bill No. \_\_\_\_ or House Bill No. 5761 (request no.

**1** 04074'23) of the 102nd Legislature is enacted into law.