

HOUSE BILL NO. 4846

September 04, 2025, Introduced by Reps. Frisbie, Paquette, Alexander, Kelly, Smit, Borton, Steele, Tisdell, Kuhn, Martin, Neyer, Rigas, Pavlov, Prestin, Harris, Schriver, BeGole, Mueller, Hoadley, Beson, Roth, Johnsen, Bierlein, Woolford, Wortz, DeBoyer, Markkanen, Bruck, Outman, Kunse and Greene and referred to Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5714 (MCL 600.5714), as amended by 2014 PA 223,
and by adding section 5712.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5712. (1) A real property owner or the property owner's
2 authorized agent may submit to the sheriff of the county in which
3 the real property is located a completed and verified complaint
4 requesting the immediate removal of an unlawful occupant of a
5 residential dwelling under circumstances set forth in the

1 complaint. The complaint shall be in substantially the following
2 form:

3 COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING

4 RESIDENTIAL REAL PROPERTY

5 This complaint pertains to real property located at
6 _____, Michigan. I declare under
7 the penalty of perjury that (initial each numbered statement):

8 1. ____ I am the owner of the real property or the authorized
9 agent of the owner of the real property.

10 2. ____ The property owner purchased the property on
11 _____.

12 3. ____ The property is a residential dwelling.

13 4. ____ A person or persons have unlawfully entered and are
14 remaining or residing unlawfully on the property.

15 5. ____ The property was not open to members of the public at
16 the time the person or persons unlawfully entered.

17 6. ____ I have directed the person or persons to leave the
18 property, but they have not done so.

19 7. ____ The person or persons are not current or former
20 tenants pursuant to a valid lease authorized by the property owner
21 or current tenants pursuant to a valid lease authorized by the
22 property owner's predecessor in interest, and any such lease that
23 may be produced by the person or persons is fraudulent.

24 8. ____ The person or persons are not owners or a co-owners of
25 the property and are not listed on the title to the property unless
26 the person or persons have engaged in title fraud.

27 9. ____ The person or persons are not immediate family members
28 of the property owner.

29 10. ____ There is no litigation related to the property

1 pending between the property owner and the person or persons
2 occupying the property.

3 11. ____ I understand that a person or persons removed from
4 the property pursuant to this procedure may bring a cause of action
5 against me for any false statements made in this complaint, or for
6 wrongfully using this procedure, and that, as a result, I may be
7 held liable for actual damages, penalties, costs, and reasonable
8 attorney fees.

9 12. ____ I request the sheriff to immediately remove the
10 person or persons from the property.

11 13. ____ A copy of my valid government-issued identification
12 is attached, or I am an agent of the property owner, and documents
13 evidencing my authority to act on the property owner's behalf are
14 attached.

15 I HAVE READ EVERY STATEMENT MADE IN THIS COMPLAINT AND EACH
16 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THIS COMPLAINT IS
17 BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN
18 SECTION 423 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.423.

19 _____
20 (Signature of Property Owner or Agent of Owner)

21 (2) Upon receipt of the complaint, the sheriff shall verify
22 that the person submitting the complaint is the record owner of the
23 real property or the authorized agent of the owner and appears
24 otherwise entitled to relief under this section. Upon so verifying,
25 the sheriff shall, without delay, serve a notice to immediately
26 vacate on all the unlawful occupants and shall put the owner in
27 possession of the real property. Service may be accomplished by
28 hand delivery of the notice to an occupant or by posting the notice
29 on the front door or entrance of the dwelling. The sheriff shall

1 also attempt to verify the identities of all persons occupying the
2 dwelling and note the identities on the return of service. If
3 appropriate, the sheriff may arrest any person found in the
4 dwelling for trespass, outstanding warrants, or any other legal
5 cause.

6 (3) The sheriff is entitled to the same fee for service of the
7 notice to immediately vacate as if the sheriff were serving an
8 order of eviction under section 2559 and each unlawful occupant of
9 the property were a defendant. After the sheriff serves the notice
10 to immediately vacate, the property owner or authorized agent may
11 request that the sheriff stand by to keep the peace while the
12 property owner or agent of the owner changes the locks and removes
13 the personal property of the unlawful occupants from the premises
14 to or near the property line. The person requesting the sheriff to
15 stand by and keep the peace is responsible for paying a reasonable
16 hourly rate set by the sheriff for so doing. The sheriff is not
17 liable to an unlawful occupant or any other party for loss,
18 destruction, or damage of the personal property. The property owner
19 or the property owner's authorized agent is not liable to an
20 unlawful occupant or any other party for loss, destruction, or
21 damage to the personal property unless the removal was wrongful.

22 (4) A person may bring a civil cause of action for wrongful
23 removal under this section. A person harmed by a wrongful removal
24 under this section may be restored to possession of the real
25 property and may recover actual costs and damages incurred,
26 statutory damages equal to triple the fair market rent of the
27 dwelling, court costs, and reasonable attorney fees. The court
28 shall advance the cause on the calendar.

29 (5) This section does not limit the rights of a property owner

1 or limit the authority of a law enforcement officer to arrest an
2 unlawful occupant for trespassing, vandalism, theft, or other
3 crimes.

4 Sec. 5714. (1) A person entitled to possession of premises may
5 recover possession by summary proceedings in the following
6 circumstances:

7 (a) When a person holds over premises after failing or
8 refusing to pay rent due under the lease or agreement by which the
9 person holds the premises within 7 days from the service of a
10 written demand for possession for nonpayment of the rent due. For
11 the purpose of this subdivision, rent due does not include any
12 accelerated indebtedness because of a breach of the lease under
13 which the premises are held.

14 (b) When a person holds over premises for 24 hours following
15 service of a written demand for possession for termination of the
16 lease pursuant to a clause in the lease providing for termination
17 because a tenant, a member of the tenant's household, or other
18 person under the tenant's control has unlawfully manufactured,
19 delivered, possessed with intent to deliver, or possessed a
20 controlled substance on the leased premises. This subdivision
21 applies only if a formal police report has been filed alleging that
22 the person has unlawfully manufactured, delivered, possessed with
23 intent to deliver, or possessed a controlled substance on the
24 leased premises. For purposes of this subdivision, "controlled
25 substance" means a substance or a counterfeit substance classified
26 in schedule 1, 2, or 3 pursuant to sections 7211 to 7216 of the
27 public health code, 1978 PA 368, MCL 333.7211 to 333.7216.

28 (c) When a person holds over premises in 1 or more of the
29 following circumstances:

1 (i) After termination of the lease, pursuant to a power to
2 terminate provided in the lease or implied by law.

3 (ii) After the term for which the premises are demised to the
4 person or to the person under whom he or she holds.

5 (iii) After the termination of the person's estate by a notice
6 to quit as provided by section 34 of 1846 RS 66, MCL 554.134.

7 (d) When the person in possession willfully or negligently
8 causes a serious and continuing health hazard to exist on the
9 premises, or causes extensive and continuing physical injury to the
10 premises, which was discovered or should reasonably have been
11 discovered by the party seeking possession not earlier than 90 days
12 before the institution of proceedings under this chapter and when
13 the person in possession neglects or refuses for 7 days after
14 service of a demand for possession of the premises to deliver up
15 possession of the premises or to substantially restore or repair
16 the premises.

17 (e) When a person holds over premises for 7 days following
18 service of a written notice to quit for termination of ~~the~~ a lease
19 after the tenant, a member of the tenant's household, or a person
20 under the tenant's control, on real property owned or operated by
21 the tenant's landlord, has caused or threatened physical injury to
22 an individual. This subdivision applies only if the police
23 department with jurisdiction has been notified that the person, on
24 real property owned or operated by the tenant's landlord, caused or
25 threatened physical injury to an individual. This subdivision does
26 not apply in either of the following cases:

27 (i) The individual who was physically injured or threatened is
28 the tenant or a member of the tenant's household.

29 (ii) Application would result in a violation of federal housing

1 regulations.

2 (f) When a person takes possession of premises by means of a
3 forcible entry, holds possession of premises by force after a
4 peaceable entry, or comes into possession of premises by trespass
5 without color of title or other possessory interest. This remedy is
6 in addition to the remedy of entry permitted under ~~section~~**sections**
7 5711(3) **and 5712.**

8 (g) When a person continues in possession of premises sold by
9 virtue of a mortgage or execution, after the time limited by law
10 for redemption of the premises.

11 (h) When a person continues in possession of premises sold and
12 conveyed by a personal representative under license from the
13 probate court or under authority in the will.

14 (2) A tenant or occupant of housing operated by a city,
15 village, township, or other unit of local government, as provided
16 in 1933 (Ex Sess) PA 18, MCL 125.651 to 125.709c, is not considered
17 to be holding over under subsection (1)(b) or (c) unless the
18 tenancy or agreement has been terminated for just cause, as
19 provided by lawful rules of the local housing commission or by law.

20 (3) A tenant of a mobile home park is not considered to be
21 holding over under subsection (1)(b) or (c) unless the tenancy or
22 lease agreement is terminated for just cause pursuant to chapter
23 57a.

24 Enacting section 1. This amendatory act may be known as the
25 "safeguarding homeownership and interests through eviction law
26 development (SHIELD) act".