

Act No. 235
Public Acts of 1995
Approved by the Governor
December 20, 1995
Filed with the Secretary of State
December 21, 1995

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995**

Introduced by Reps. Horton, Alley, Middaugh, Cropsey, Green, McManus, Whyman, Jamian, Jellema, Dalman, Baade, Anthony, Law, McBryde, London, Dobb, Hammerstrom, Bush, Rhead, LeTarte, Kukuk, Gernaat, McNutt, Oxender, Geiger, Hill and Goschka
Reps. Bodem, Crissman, Dolan, Fitzgerald, Galloway, Gnodtke, Jaye, Johnson, Kaza, Lowe, Middleton, Palamara, Perricone and Randall named co-sponsors

ENROLLED HOUSE BILL No. 4400

AN ACT to amend section 63 of Act No. 280 of the Public Acts of 1939, entitled as amended "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," being section 400.63 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 63 of Act No. 280 of the Public Acts of 1939, being section 400.63 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 63. (1) Except as provided in subsection (2), all aid, relief, or assistance given under this act is absolutely inalienable by any assignment, sale, garnishment, execution, or otherwise, and in the event of bankruptcy, shall not pass to or through any trustee or other person acting on behalf of creditors.

(2) To the extent allowed by law, if a judgment is entered against a recipient for damages arising from the recipient's breach of an oral or written lease agreement for rental housing and the judgment creditor submits a certified copy of the judgment to the department, the department shall deduct up to 10% of each cash grant for which the department determines the recipient is eligible and convey that amount to the judgment creditor until the judgment is satisfied. This subsection applies only to a lease agreement for property that has not been found to be in violation of an applicable housing code by a state or local agency authorized to enforce housing laws. This subsection does not create a cause of action against the department for damages caused by a recipient's breach of a lease agreement.

(3) If a federal waiver is necessary to implement subsection (2), the department shall promptly seek the waiver. In the absence of a necessary waiver, the department shall apply this section only to recipients of assistance programs financed entirely by state or local revenues.

(4) The judgment creditor shall pay a \$1.00 processing fee to the department for each payment made under subsection (2). The department may deduct the processing fee from each payment made to the judgment creditor.

(5) The department shall include in its biennial report required under section 17 the number of cases and the dollar amounts deducted under subsection (2). The report shall include statewide totals and information broken down by county.

(6) As used in this section, "recipient" means an individual receiving direct cash assistance under this act.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.