

SENATE BILL NO. 949

March 03, 2022, Introduced by Senators BRINKS, HOLLIER, MOSS, IRWIN, POLEHANKI, MCMORROW, CHANG, GEISS, BULLOCK, HERTEL, BAYER, WOJNO, ALEXANDER, HORN, MCCANN, MCBROOM, ANANICH and SCHMIDT and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 5755.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 5755. (1) The court may order that the records of summary
- 2 proceedings under this chapter or chapter 57a be sealed if 1 or
- 3 more of the following apply:
- 4 (a) All of the following apply:
- 5 (i) Judgment for possession was entered in the summary
- 6 proceedings.

1 (ii) The judgment was entered 5 years or more before the motion
2 to seal the records.

3 (iii) The court determines that placing the records under seal
4 is clearly in the interests of justice, and that those interests
5 are not outweighed by the public's interest in knowing about the
6 records.

7 (b) The summary proceedings were brought under section
8 5714(1) (a) or (c) and a judgment of possession was not entered.

9 (2) On motion by the defendant, the court shall order that the
10 records of summary proceedings under this chapter or chapter 57a be
11 sealed if 1 or more of the following apply:

12 (a) The premises was sold under the foreclosure of a mortgage
13 or land contract, the tenancy was terminated because the defendant
14 continued in possession of the premises after the time limited by
15 law for redemption of the premises, and either of the following
16 applies:

17 (i) The defendant vacated the premises before the summary
18 proceedings were filed.

19 (ii) The defendant did not receive a written demand for
20 possession 90 days or more before the summary proceedings were
21 filed.

22 (b) The plaintiff received money to pay the judgment entered
23 in the summary proceedings, or an amount alleged in the complaint
24 to be owed to the plaintiff, that was money from this state that
25 was received from the federal government for emergency rental
26 assistance. This subdivision does not apply to money received under
27 a program implemented by or under 42 USC 1437f, including the
28 tenant-based section 8 program, the project-based section 8
29 program, the tenant-based housing choice voucher program, or the

1 project-based housing choice voucher program.

2 (c) The summary proceedings were filed during the state of
3 emergency declared under Executive Order No. 2020-4 or any
4 extension of that order, including an order issued under section
5 2253 of the public health code, 1978 PA 368, MCL 333.2253.