

SENATE BILL NO. 903

June 06, 2024, Introduced by Senators ANTHONY, SHINK, CHANG, MCMORROW, IRWIN and BAYER and referred to the Committee on Housing and Human Services.

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 all of the following bills of the 102nd Legislature are

1 enacted into law:

2 (a) Senate Bill No. _____ or House Bill No. _____ (request no.
3 00622'23 *).

4 (b) Senate Bill No. 900.

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6 (c) Senate Bill No. 901.

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8 (d) Senate Bill No. 902.

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