

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

***** 600.5739.amended THIS AMENDED SECTION IS EFFECTIVE JULY 1, 2006 *****

600.5739.amended Joinder of claims and counterclaims for money judgment; separate disposition of claim for possession; damages for labor expended by either landlord or tenant.

Sec. 5739. (1) Except as provided by court rules, a party to summary proceedings may join claims and counterclaims for money judgment for damages attributable to wrongful entry, detainer, or possession, for breach of the lease or contract under which the premises were held, or for waste or malicious destruction to the premises. The court may order separate summary disposition of the claim for possession, without prejudice to any other claims or counterclaims. A claim or counterclaim for money judgment shall not exceed the amount in controversy that otherwise limits the jurisdiction of the court.

(2) If the court awards damages for physical injury to the premises under subsection (1) by making an award for or based on the cost of repairs, the court shall award damages for labor expended by a landlord or property manager in repairing the premises in the same manner as it would if the repairs were performed by a third party. A landlord's or property manager's labor under this subsection shall be compensated at a rate the court determines to be reasonable based on usual and customary charges for the repairs.

(3) If the court determines that the landlord breached the lease or contract under which the premises were held by failing to repair the premises and awards damages under subsection (1) by making an award for or based on the cost of repairs, the court shall award damages for labor expended by the tenant in repairing the premises in the same manner as it would if the repairs were performed by a third party. A tenant's labor under this subsection shall be compensated at a rate the court determines to be reasonable based on usual and customary charges for the repairs.

History: Add. 1972, Act 120, Eff. July 1, 1972;—Am. 2006, Act 147, Eff. July 1, 2006.

Compiler's note: Enacting section 1 of Act 147 of 2006 provides:

"Enacting section 1. This amendatory act applies to an action filed after the effective date of this amendatory act."