



# KELLEY CAWTHORNE

SHAPING CHANGE

## PROPERTY MANAGEMENT ASSOCIATION OF MICHIGAN: LEGISLATIVE COMMITTEE REPORT

October 2019

### ***PMAM PRIORITY ISSUES***

- **House Bills 4910 and 4911 - Rep. Matt Hall (R-Emmett Twp.) and Rep. Sara Cambensy (D-Marquette). Sen. Zorn (R-Ida)/Emotional Support Animals.** We support prohibiting a person from representing that he or she is in possession of an emotional support animal unless that person has a verified disability related need for such support.  
**STATUS:** Rep Matt Hall and Rep. Sara Cambensy introduced House Bills 4910 and 4911 and bills referred to House Regulatory Reform Committee. Met with Rep. Webber's Office and a hearing has been posted for **Tuesday, October 22nd at 10:30 am in room 521 of the House Office Building.** Sen. Zorn has submitted a bill request for this session and we have received an original draft back and reviewed the language. The bill creates a new act dealing with Emotional Support Animals. Senator Zorn's Chief of Staff indicated they will introduce several bills dealing with Emotional Support Animals when the Legislature is back in session, but he still has not introduced the bills. House Regulatory Reform Committee members:
  - Michael Webber – R – 45<sup>th</sup> Rochester Hills
  - Ryan Berman – R – 39<sup>th</sup> Commerce Twp.
  - Kathy Crawford – R – 38<sup>th</sup> Novi
  - Diana Farrington – R – 30<sup>th</sup> Utica
  - Ben Frederick – R – 85<sup>th</sup> Owosso
  - Michele Hoitenga – R – 102<sup>nd</sup> Manton
  - Graham Filler – R – 93<sup>rd</sup> DeWitt
  - Matt Hall – R – 63<sup>rd</sup> Emmett Twp.
  - Pauline Wendzel – R – 75<sup>th</sup> Watervliet
  - John Chirkun – D – 22<sup>nd</sup> Roseville
  - Frank Liberati – D – 13<sup>th</sup> Allen Park
  - Sara Cambensy – D – 109<sup>th</sup> Marquette
  - Jewell Jones – D – 11<sup>th</sup> Inkster
  - Alex Garza – D – 12<sup>th</sup> Taylor
  - Isaac Robinson – D – 4<sup>th</sup> Detroit
- **House Bill 4777 - Rep. Iden (R-Kalamazoo)/Stop Bedbugs in Michigan.** We support legislation which creates statewide standards for eradicating bedbugs in residential rentals.

**STATUS:** Rep. Iden introduced bill with co-sponsors Representatives Crawford, Hall, Hoitenga, Howell, Miller, VanSingel, and Webber. House Regulatory Reform regularly meets on Tuesdays at 10:30 am in room 521 of the House Office Building. **House Bill 4777** referred to House Regulatory Reform Committee (Rep. Webber -R, Chair). Committee members:

- Michael Webber – R – 45<sup>th</sup> Rochester Hills
- Ryan Berman – R – 39<sup>th</sup> Commerce Twp.
- Kathy Crawford – R – 38<sup>th</sup> Novi
- Diana Farrington – R – 30<sup>th</sup> Utica
- Ben Frederick – R – 85<sup>th</sup> Owosso
- Michele Hoitenga – R – 102<sup>nd</sup> Manton
- Graham Filler – R – 93<sup>rd</sup> DeWitt
- Matt Hall – R – 63<sup>rd</sup> Emmett Twp.
- Pauline Wendzel – R – 75<sup>th</sup> Watervliet
- John Chirkun – D – 22<sup>nd</sup> Roseville
- Frank Liberati – D – 13<sup>th</sup> Allen Park
- Sara Cambensy – D – 109<sup>th</sup> Marquette
- Jewell Jones – D – 11<sup>th</sup> Inkster
- Alex Garza – D – 12<sup>th</sup> Taylor
- Isaac Robinson – D – 4<sup>th</sup> Detroit

- **House Bill 4587 – Rep. Sheppard (R-Temperance)/Make Late Fees Uniform.** We support a uniform state policy on rent payment late fees, to be presumed valid at \$50 or 10% of the rent, whichever is higher. Like Self-Storage Act.

**STATUS:** Bill introduced as **House Bill 4587** by Rep. Sheppard and referred to House Judiciary Committee (Rep. Filler-R, Chair). House Judiciary regularly meets on Tuesdays at 9:00 am in room 519 of the House Office Building. Met with Rep. Filler to discuss issue and need for a committee hearing. Rep. Filler indicated he would be open to scheduling a meeting after he deals with an expungement package of bills in his committee. Will continue to work with Rep. Sheppard and Chairman Rep. Filler on scheduling a date.

Committee members:

- Graham Filler – R – 93<sup>rd</sup> DeWitt
- Beau LaFave R – 108<sup>th</sup> Iron Mountain
- Ryan Berman – R – 39<sup>th</sup> Commerce Twp.
- Diana Farrington – R – 30<sup>th</sup> Utica
- Gary Howell - R – 82<sup>nd</sup> North Branch
- Steven Johnson – R – 72<sup>nd</sup> Wayland
- Daire Rendon – R – 103<sup>rd</sup> Lake City
- Douglas Wozniak – R – 36<sup>th</sup> Shelby Township
- David LaGrand – D – 75<sup>th</sup> Grand Rapids
- Vanessa Guerra – D – 95<sup>th</sup> Saginaw
- Brian Elder – D – 96<sup>th</sup> Bay City
- Tenisha Yancey – D – 1<sup>st</sup> Detroit
- Kyra Bolden – D – 35<sup>th</sup> Southfield

- **House Bill 4160 – Rep. Hoytenga (R-Manton)/Stop Unnecessary Licensing.** Currently, leasing agents must have a real estate license. This is an unnecessary barrier to entry level jobs in our industry which has no public policy benefit.

**STATUS:** Met with Rep. Webber (Chair of House Regulatory Reform) to discuss holding a hearing on HB 4160. Rep. Hoytenga has requested a committee hearing. House Regulatory Reform regularly meets on Tuesdays at 10:30 am in room 521 of the House Office Building. Will continue to work with Rep. Hoytenga and Chairman Rep. Webber on scheduling a date. Rep. Hoytenga’s staff is working on scheduling a meeting with the MI Realtors to discuss issue. MI Association of Realtors acknowledged last session that the position level that we are attempting to address may need changes but they would prefer some listing of functions/duties that an unlicensed person would be eligible to perform and maybe a separate license or certification for these positions as opposed to the current testing and licensing. **House Bill 4160** referred to House Regulatory Reform Committee (Rep. Webber -R, Chair). Committee members:

- Michael Webber – R – 45<sup>th</sup> Rochester Hills
- Ryan Berman – R – 39<sup>th</sup> Commerce Twp.
- Kathy Crawford – R – 38<sup>th</sup> Novi
- Diana Farrington – R – 30<sup>th</sup> Utica
- Ben Frederick – R – 85<sup>th</sup> Owosso
- Michele Hoytenga – R – 102<sup>nd</sup> Manton
- Graham Filler – R – 93<sup>rd</sup> DeWitt
- Matt Hall – R – 63<sup>rd</sup> Emmett Twp.
- Pauline Wendzel – R – 75<sup>th</sup> Watervliet
- John Chirkun – D – 22<sup>nd</sup> Roseville
- Frank Liberati – D – 13<sup>th</sup> Allen Park
- Sara Cambensy – D – 109<sup>th</sup> Marquette
- Jewell Jones – D – 11<sup>th</sup> Inkster
- Alex Garza – D – 12<sup>th</sup> Taylor
- Isaac Robinson – D – 4<sup>th</sup> Detroit

## ***2019-20 BILLS OF INTEREST***

- **Senate Bill 3 – Sen. Lucido (R- Shelby Township)/Execution of Eviction Notice.** Revises the list of persons allowed to serve an order of eviction. Currently, a court that enters a judgment for possession in a summary proceeding must issue a writ commanding the sheriff, or any other officer authorized to serve the process, to restore the plaintiff to full possession of the premises. Senate Bill 3 would allow the court to issue a writ to a court officer appointed by the court, a bailiff of the court, the sheriff or a deputy sheriff of the county where the court is located, or an officer of the law enforcement agency of the local unit of government where the court is located.  
**STATUS:** We discussed bill with Sen. Lucido during lobby day. Passed both chambers and signed by Governor as Public Act 2 of 2019. Effective date of July 2, 2019. **NEUTRAL**

- **Senate Bill 112 – Sen. Lucido (R- Shelby Township)/Court Official/Deputy Sheriff Required for Evictions Without Court Order.** As introduced, this bill removed authority of property owner to evict while acting in good faith without a court order and replaced that authority with a Court Officer, Bailiff, or Deputy Sheriff. Same as HB 6096 from last session that we OPPOSED.

**STATUS:** After meeting with Sen. Lucido, he agreed to put “owner” back into the bill and that is reflected in current S-3 version that has passed the Senate and House. The bill has been signed by the Governor as Public Act 41 of 2019. **NEUTRAL**

- **House Bill 4509 – Rep. VanSingel (R-Grant)/Landlord-Tenant/Eviction/Allows LLC members to represent themselves in certain cases.** Rep. VanSingel, a landlord himself, re-introduced the same bill from last session. Under the bill, if a complaint in a summary proceeding requested only the recovery of possession of the premises, or both recovery and a money judgment (not including taxable costs), and if a party to the proceeding was an LLC, that party could be represented in the proceeding by a member of the LLC.

However, such representation could only occur if both of the following applied:

- The member has direct and personal knowledge of the facts alleged in the complaint.
- The amount is less than the applicable limit of the small claims division, as described in section 8401 of the RJA, when a complaint requests the recovery of possession and a money judgment, not including taxable costs. (The limit is currently \$6,000; beginning January 1, 2021, it will be \$6,500; and it is set to a final increase to \$7,000 in 2024.)

Such representation could also only occur if one of the following applied to the LLC:

- The LLC has only one member, and the member is an individual.
- The LLC has only two members, who are married to one another. In this case, both members would have to sign a verified statement authorizing the representation, and the original signed copy would be filed with the court in the summary proceeding. Before the hearing, a designated court employee would have to review the file and determine that the verified statement had been filed with the court. This provision would not apply if there was an action for divorce or separate maintenance pending between the members or if a judgment for separate maintenance had been entered as to the members.

**STATUS:** Bill moved out of House Judiciary and passed House 62-47. Referred to Senate Judiciary and Public Safety Committee. **SUPPORT**

- **Rep. Wittenberg (D- Huntington Woods)/Income-Based Housing Discrimination.**

Rep. Wittenberg has a draft for a potential bill dealing with income-based housing discrimination. I reached out to his office to schedule a meeting to discuss the issue prior to him introducing the bill.

**STATUS:** Bill has not yet been introduced. Phil Neuman and I met with Rep. Wittenberg on June 11<sup>th</sup> at 11:00 am in his Lansing office. Rep. Wittenberg understands our concerns but wants options for low income renters and believes that his bill will help with the issue. **OPPOSE**

- House Bill 4915 - Rep. Berman (R-Commerce Twp.)/Tree Owner Liability Act.**  
 Creates a new act to specify that the owner of property on which a tree is located would be liable to the owner of adjacent property for damage proximately caused by any part of the tree falling on that adjacent property, regardless of whether the tree falling was an act of God.  
**STATUS:** Bill has been referred to House Committee on Local Government and Municipal Finance. **NEW ISSUE**
- House Bills 5086, 5091 and 5092 - Rep. Iden (R-Kalamazoo)/Uniform Assignment of Rent Act.** Creates a new act, the Michigan Uniform Assignment of Rents Act. Rep. Iden indicated this language is consistent with recommendations from the Uniform Law Commission.  
**STATUS:** Bills have been referred to House Judiciary Committee. **NEW ISSUE**
- Rep. Tate (D- Detroit) and Sen. Chang (D-Detroit)/PPO and Prospective Tenants.** Bill states that a landlord that conducts a background check on a prospective tenant shall not include in its evaluation of the prospective tenant the issuance of a personal protection order or foreign protection order issued for the protection of the prospective tenant.  
**STATUS:** Bill is currently a draft and has not yet been introduced. Rep. Tate shared the language with us for input. **NEW ISSUE**

**OTHER ISSUES**

- After budget negotiations between Gov. Gretchen Whitmer and the legislature broke down, the legislature passed budgets for FY19-20 without input from the executive branch. In response, the governor line item vetoed approximately \$1 billion from various budget bills, as well as utilizing her power under the State Administrative Board to unilaterally transfer approximately \$600 million in funds within departments.
- Congressman Paul Mitchell (R-10<sup>th</sup>) announcement on not running for re-election next Fall – announced candidate Rep. Shane Hernandez (R- Port Huron)
- Legislative Briefings on November 14<sup>th</sup>