



Senate Fiscal Agency
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Senate Bill 801 (as reported without amendment)
Sponsor: Senator Rosemary Bayer
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

The bill would amend Chapter 57 (Summary Proceedings to Recover Possession of Premises) of the Revised Judicature Act to do the following:

- Allow a court to seal eviction records under certain conditions.
- Require a court to automatically expunge eviction records two years after a judgement entered into summary proceedings was final.
- Allow a court to release sealed records for certain purposes if personally identifying information were redacted, unless the court granted the disclosure of the information under specific circumstances.
- Allow a prospective tenant to bring a civil action against a housing provider that based an adverse action on a sealed court record.

Proposed MCL 600.5755

BRIEF RATIONALE

According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, evictions are difficult experiences that often have compounding consequences for individuals and families facing them. Past eviction records can cause prospective tenants to be denied housing and can be based on instances in which the tenant was not at fault for the eviction or the issue that prompted the eviction was resolved. It has been suggested that certain eviction records be sealed to reduce this barrier to housing access.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would add administrative costs for district courts to implement a process for the sealing of summary proceedings records. Summary proceedings are expedited civil proceedings initiated to terminate possessory interests in property for nonpayment of rent or land contract payments. The number of summary proceedings filings for district courts can vary, often dependent upon the number of rental properties within a district court's jurisdiction. For example, in 2019, there were over 30,000 summary proceedings filings in Detroit's 36th District Court, but only 60 for that same year in Houghton County's 96th District Court. There were nearly 200,000 dispositions in summary proceedings cases statewide in 2023.

Although the sealing of records for any particular civil dispute would not create any great expense for a district court, the review of cases and/or records requests under the proposed language of the bill would be likely to take time, particularly for those district courts with a large volume of summary proceedings dispositions. No appropriations are included in the bill to accommodate these new administrative procedures, and any related costs would likely be absorbed by district courts.

The bill also would create a cause of action for prospective tenants for adverse actions taken against them by housing providers who based such actions on sealed court records. Any such filings would likely be few because they would be hard to prove; however, such civil filings would create a nominal amount of court fee revenue for district courts.

Date Completed: 5-20-24

Fiscal Analyst: Michael Siracuse