



MICHIGAN RENTER'S BILL OF RIGHTS

(Bills being drafted using the [University of MN Tenants' Bill of Rights](#).)

<https://create.umn.edu/wp-content/uploads/2020/02/Renters-Bill-of-Rights.pdf>

MI's 2023-2024 Housing Packages seek to rebalance the power between landlords and tenants, guarantee the safety of housing, codify the right of tenants to advocate for themselves, and to establish fairness in building equity.

These bills are in addition to our strong advocacy for state and local funds toward a 24 hour warming center with wraparound services in Lansing.

The core package is the Renter's Bill of Rights and the main complimentary legislation is the Homeless Bill of Rights, as requested by advocate for the houseless Mike Karl (Lansing).

A renter's bill of rights is a suite of legal mechanisms that protect renters from landlord exploitation. These laws work to affirm the rights of renters against health hazards, harassment, and displacement. While framed here as a cohesive policy tool, these tenant protections are often enacted independently. The "bill of rights" terminology points to a broad narrative grounded in a universal right to safe and healthy housing. This coordinated framework also acknowledges that one or two solutions alone will not be enough to guarantee renter protection.

CLAUSES THAT MAY BE INCLUDED IN A RENTER'S BILL OF RIGHTS

- Fee limitations
 - Restricts application fees and/or the percentage of rent that a landlord can charge for a rental deposit;
- Relocation assistance
 - Stipulates that a landlord must pay a certain amount towards moving costs for tenants who are displaced by housing rehabilitation, demolition, or other breaks in the lease agreement;
- Fair chance
 - Prevents consideration of criminal history in rental application process; an anti-discrimination measure wherein landlords cannot consider the criminal history of an applicant when evaluating potential tenants; The most violent crimes would be exempt from this policy;
- First come, first served
 - Requires landlords to accept the first rental application that meets their publicly stated rental requirements; Anti-discriminations;
- Renter agency for repairs
 - Allows tenants to take care of repairs themselves and charge the landlord accordingly; it is a policy aimed at landlords who often take a long time or refuse outright to make necessary repairs;



- Surprise building inspections
 - Works to enforce landlord accountability by increasing the frequency of city inspections to assure the quality and safety of rental units;
- Right to organize
 - Prevents landlords from interfering if renters decide to form a tenants' union;
- Just-cause eviction
 - Strictly limits when and how landlords can remove tenants by forcing them to prove that the situation meets a certain standard to justify eviction; Anti-discrimination
- Adequate notice for rent changes
 - Requires Landlords to give a certain amount of warning before they raise rents.
- Right of first refusal;
 - When a landlord puts a building up for sale, this bill gives tenants the power to band together and put up the money to purchase the building for themselves;
 - In some cases, tenants may also assign this right to a local nonprofit like a community land trust;
- Right-to-counsel
 - Guarantees that all renters should have publicly subsidized legal representation in housing court.
 - Approps; Funding is needed to support pro-bono/legal aid housing organizations; Michigan has a severe shortage, overwhelming existing organizations;
 - Legal services may be used by tenants for representation and advice; May be used by landlords as resource to confirm rights and responsibilities.
- Eviction expungement
 - Creates expungement of eviction history if tenant has caught up on back-rent and _ number of years have passed since last expungement;
- Rent control
 - Removes ban on local restrictions on rent control policies; Grants autonomy to local government toward enacting rent control.
- Credit history
 - Eliminates credit history as a means of considering a tenant's ability to afford a rental residence.
- Area Median Income
 - Redefines area median income; essential change to ensure calculation of "affordable and accessible" housing is accurate in relation to each community.
- Social Determinants of Houselessness/Eviction Resource Disclosure
 - Requires landlords to provide information on community resources that support tenants in addressing social determinants of houselessness at time of lease signing and upon first notice of missed rent payment/payment 30+ days late; potentially in collaboration with United Way 211;
 - Approps; to 211 for increased capacity/services statewide.
- Landlord Licensing; education (Dievendorf)



- Requires education of prospective landlords prior to licensing or at the time of landlord re-licensing if already a landlord;
- Requires that landlords develop an understanding of the social determinants of houselessness, the impact of eviction on houselessness, landlord responsibility to ensure safety and fairness in housing for tenants, and resources available to assist and support tenants encountering social determinants of houselessness;
- Approps to fund landlord education.

CURRENT STATUS OF TENANT PROTECTIONS

There are several long-standing federal- and state-level renter protections. At the federal level, renter protections are primarily regulated by the Fair Housing Act (FHA). This Act was part of the Civil Rights Act of 1968 and signed into law by President Johnson. It prohibits housing discrimination (including rental discrimination) based on religion, race, sex, and national origin. Upon later amendment, these protections were expanded to account for disability and family status. State-wide protections vary significantly, but the Department of Housing and Urban Development provides a central repository for state-by-state regulations.

The demand for municipal level tenant protections to bolster insufficient state and federal regulations has grown as the displacement crisis has worsened. Washington D.C., for example, enacted a Tenants Bill of Rights in 2015, which even requires landlords to supply rental applicants with a copy of the legislation. Other municipalities have recently passed increasingly stringent renter protection laws including Seattle, Portland, and Palo Alto.

Other cities have been focusing efforts on right-to-counsel. The most robust example comes out of New York City, which in 2017 became the first place in the country to guarantee a lawyer to every tenant facing eviction, dedicating \$155 million to the effort. Cities in Pennsylvania, California, Massachusetts, along with Washington D.C. are currently pursuing similar right-to-counsel measures.

CONSIDERATIONS

Local Context

Just as the rental market is highly variable from one municipality to the next, the obstacles that renters face depends on market conditions, landlord incentives, and existing housing policy. A renter's bill of rights presents an opportunity to examine the landscape as it currently stands and address it accordingly.

Burden of Enforcement

Once legal protections are in place, enforcement remains an obstacle. In cases where landlords don't follow these laws, the burden falls on the renter to both know their rights and take their complaint to the city. Furthermore, municipalities often do not have the resources nor the infrastructure to enforce these laws fully.



Legal Challenges

Many of the measures included in a renter's bill of rights directly challenge a power structure upheld by decades of legal precedent affirming the rights of private property owners. Because of this, municipalities are likely to face legal challenges to newly enshrined renter protection laws. In Seattle, for example, a judge overturned the city's first come, first served rental law, declaring it unconstitutional. The legal challenge, brought by a group of landlords, claimed that these requirements violated their rights to property, free speech, and due process.

Additional Michigan Housing Bills

- Rental Inspection Continuity
 - Creates uniform/statewide definition for adequate, accessible, affordable, and safe housing;
- Short-term rentals
 - Regulation of short-term rentals (Airbnb, etc.)
- Manufactured home eviction reform
 - Protections those evicted from mobile home community from loss of housing property;
- Survivor Housing Protections
 - Provides right of domestic/sexual violence survivor to break lease without penalty.
- Returning Citizen/nonprofit Building Contracts (Dievendorf)
 - Creates incentives to hire returning citizens and nonprofits focused on providing opportunities to communities disproportionately impacted by discrimination for contractor and construction projects which improve the quality of aging and unsafe housing;
- Returning Citizen Housing (Dievendorf)
 - Removes restrictions on returning citizens housing together; likely will includes exemptions for some offenses;
- Migrant Farm Worker Housing (Dievendorf and Paiz)
 - Supports the building and improvement of migrant housing;
 - Creates definition for adequate, accessible, affordable, and safe housing;
 - Approps needed to improve and build migrant worker housing;
- Source of Income
 - Protects tenants from source of income being used as a reason to deny housing; anti-discrimination.
- Cap on Homestead Penalties
 - Creates upper limit for homestead property
- Homeless Bill of Rights (Dievendorf)
 - Protects houseless individuals from discrimination based on housing status;
 - creates clear right to equitable access to spaces and services, as well as right to equal opportunity;

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Passed and Anticipated Housing Funding MI - FY 2023-2024

Provided for in Budget Supplemental Signed by Governor Whitmer, HB 4016, PA 5 (2023)

Sec. 709. Labor and Economic Opportunity

\$150M Current Fisca

Creates program guidelines for Housing Gap Financing and Affordable Housing program. Requires funds to be spent on grants or loans to for-profit and nonprofit developers for housing developments that qualify for tax credits under the Federal Low Income Housing Tax Credit (LIHTC) and allocates funds as follows: 40% for grants or forgivable loans for new multifamily affordable housing units; 20% for grants or forgivable loans for projects awarded 9.0% tax credits under the LIHTC, prioritized by the date of initial LIHTC approval, and prioritizing owners who received approval before December 31, 2021; 25% for grants, loans, or forgivable loans for construction of affordable housing for properties that have already received loans through the Michigan State Housing Development Authority (MSHDA), or meet other specific criteria; and 15% for grants or forgivable loans for properties that previously received a LIHTC, are subject to an existing use restriction under that LIHTC, and that receive and allocation of volume cap through MSHDA. Allows up to 5% of appropriation to be used by MSHDA to administer the program. Requires American Rescue Plan (ARP) funds to be used with first priority. Establishes a work project.

Anticipated Housing Funds in Budget (Budget NOT Finalized)

As of June 14, 2023 there was a \$50M earmark above \$1.2B in perpetuity (renewed yearly) to the Michigan housing fund.