

STATE SENATOR • HANSEN CLARKE • 1ST DISTRICT

Clarke Press Release

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Clarke Calls on Sheriffs, Judges to Halt Foreclosure Evictions

The Senator urges sheriffs and District Court Judges to suspend evictions of tenants whose landlords have gone into foreclosure for a 90 day period

DETROIT - Today Sen. Hansen Clarke (D-Detroit) called upon sheriffs and District Court Judges in Macomb, Oakland, and Wayne Counties to protect tenants who have dutifully paid their rent but face eviction anyway because of foreclosure. Clarke asks that evictions be suspended for a period of 90 days until the Legislature can fix a problem in the law that currently allows a bank or mortgage company to evict a tenant without proper notice.

“It’s unfair for a family living in an apartment or rental unit, who has never missed a rent payment, who has kept the terms of their lease, to suddenly be evicted from their home because their landlord didn’t pay the mortgage company,” said Clarke. “I want to make sure that when a bank takes possession of a property, the families living there will be treated respectfully. I ask the sheriffs and the courts to use discretion and hold banks to the same standards as landlords when evicting tenants, giving them notice and time to find new accommodations.”

Banks and mortgage companies are supposed to conduct a basic due diligence investigation before requesting an eviction, but it is not required by law. Sen. Clarke asks that sheriffs and judges take measures to protect tenants who have not received notice that their building is in foreclosure by halting evictions for 90 days. Sen. Clarke plans to introduce a bill early next year that would provide a safety net for renters.

Sen. Clarke’s bill will create a “bill of rights” for tenants that will prevent them from losing their homes without notice if their landlord is facing foreclosure. When a building is foreclosed upon, the lease is dissolved, and the tenant can be evicted even if they’ve made all of their rent payments on time. Sen. Clarke’s bill will require a building’s new owner, bank or otherwise, to honor the terms of the renter’s original lease if the renter has kept those terms. A renter may only be evicted if the new owner can prove that the current occupant has no legal right to be there.

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