

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



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LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

April 16, 2020

Mr. Marc Landau
Marc Landau PLLC
30100 Telegraph Rd Ste 120
Bingham Farms, MI 48025-4515

Delivered via email

***Re: Notice to Cease & Desist
Executive Order of the Governor 2020-19***

Dear Mr. Landau,

It's my understanding that you represent the management company for the Jeffersonian, an apartment complex near downtown Detroit, and that you've been contacted by attorneys from this office to discuss the issuance of Demands for Possession to approximately 80 residents there. Since that discussion, our office has also been contacted by a deputy counsel for the 36th District Court seeking that we take immediate action to investigate and/or prevent any evictions that would be in violation of the Governor's Executive Order 2020-19, based on the issuance of those demands.

As you know, on March 10, 2020, Governor Whitmer issued Executive Order 2020-4 declaring a state of emergency across the State of Michigan under sec. 1, art. 5 of the Michigan Constitution of 1963, the Emergency Management Act, MCL 30.401, *et seq.*, and the Emergency Powers of the Governor Act of 1945, MCL 10.31, *et seq.* Pursuant to those authorities, she subsequently issued Executive Order 2020-19 which prohibits any person or entity from removing a tenant from a leased residential premises except when the person poses a substantial risk to another person or an imminent and severe risk to the property. See EO 2020-19, ¶1. The Order is to be "construed broadly to effectuate that purpose." *Id.*

Though section 3 of the order preserves a landlord's right to receive rental payments due under a residential lease, the section cannot be read in a manner that thwarts the ultimate purpose of the Executive Order – keeping people in their homes during the state of emergency. In other words, any demand for rent cannot also include demand for possession.

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As you know, the Demand for Possession issued by your client states, in relevant part, “If you owe this rent, *you must do the following* within seven days after receiving this notice: Pay the rent owed or *Move out or vacate the premises.*” The plain language of your client’s demand violates EO 2020-19 in that it requires a tenant to leave their home in the absence of payment. That the law requires a court to issue an order to evict someone who doesn’t voluntarily comply with this demand is immaterial. The Governor’s order was violated upon the delivery of the Demands for Possession to the tenants of the Jeffersonian.

Accordingly, you and your client are instructed to immediately cease and desist the issuance and delivery of Demands for Possession to tenants in the Jeffersonian. Moreover, you are immediately instructed to cease and desist any and all other actions that will result in the eviction of tenants from their homes during the pendency of Governor’s Executive Order. Failure to abide by this demand will result in additional legal action being taken against your client and any agent engaging in conduct in violation of the Governor’s Order, including, but not limited to, the filing of misdemeanor charges and/or the issuance of fines, for each violation.

Thank you for your prompt attention to this matter.

Sincerely,

/s/ Christina Grossi

Christina M. Grossi
Chief of Operations
Department of Attorney General