

REVISED JUDICATURE ACT OF 1961 (EXCERPT)  
Act 236 of 1961

**600.2918 Damages for forcible entry and detainer; damages for unlawful interference with possessory interest; action for possession; claim for injunctive relief; joinder; waiver; limitations.**

Sec. 2918. (1) Any person who is ejected or put out of any lands or tenements in a forcible and unlawful manner, or being out is afterwards held and kept out, by force, if he prevails, is entitled to recover 3 times the amount of his actual damages or \$200.00, whichever is greater, in addition to recovering possession.

(2) Any tenant in possession of premises whose possessory interest has been unlawfully interfered with by the owner, lessor, licensor, or their agents shall be entitled to recover the amount of his actual damages or \$200.00, whichever is greater, for each occurrence and, where possession has been lost, to recover possession. Unlawful interference with a possessory interest shall include:

- (a) The use of force or threat of force.
  - (b) The removal, retention, or destruction of personal property of the possessor.
  - (c) A change, alteration, or addition to the locks or other security devices on the property without forthwith providing keys or other unlocking devices to the person in possession.
  - (d) The boarding of the premises which prevents or deters entry.
  - (e) The removal of doors, windows, or locks.
  - (f) Causing, by action or omission, the termination or interruption of a service procured by the tenant or which the landlord is under an existing duty to furnish, which service is so essential that its termination or interruption would constitute constructive eviction, including heat, running water, hot water, electric, or gas service.
  - (g) Introduction of noise, odor or other nuisance.
- (3) The provisions of subsection (2) shall not apply where the owner, lessor, licensor, or their agents can establish that he:
- (a) Acted pursuant to court order or
  - (b) Interfered temporarily with possession only as necessary to make needed repairs or inspection and only as provided by law or
  - (c) Believed in good faith the tenant had abandoned the premises, and after diligent inquiry had reason to believe the tenant does not intend to return, and current rent is not paid.
- (4) A person who has lost possession or whose possessory interest has been unlawfully interfered with may, if that person does not peacefully regain possession, bring an action for possession pursuant to section 5714(1)(d) of this act or bring a claim for injunctive relief in the appropriate circuit court. A claim for damages pursuant to this section may be joined with the claims for possession and for injunctive relief or may be brought in a separate action.
- (5) The provisions of this section may not be waived.
- (6) An action to regain possession of the premises under this section shall be commenced within 90 days from the time the cause of action arises or becomes known to the plaintiff. An action for damages under this section shall be commenced within 1 year from the time the cause of action arises or becomes known to the plaintiff.

**History:** 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1976, Act 300, Eff. Mar. 1, 1977.