

Act No. 310
Public Acts of 1990
Approved by the Governor
December 14, 1990
Filed with the Secretary of State
December 14, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Reps. Bankes, Fitzgerald, Emmons, Camp, Dolan, Willis Bullard, Weeks, DeMars, Gnodtke and Jaye
Reps. Allen, Alley, Bandstra, Barns, Bartnik, Bender, Bennett, Crandall, DeBeaussaert, Dunaskiss, Gagliardi, Giese, Gilmer, Gire, Harrison, Hart, Hertel, Hoekman, Hoffman, Honigman, Jonker, Kilpatrick, Kosteva, Krause, Kulchitsky, Leland, London, Martin, Mathieu, Maynard, Miller, Munsell, Muxlow, Niederstadt, O'Connor, Ostling, Ouwinga, Owen, Oxender, Palamara, Pitoniak, Porreca, Pridnia, Profit, Rocca, Runco, Saunders, Spaniola, Stabenow, Stacey, Stallworth, Strand, Trim, Van Regenmorter, Van Singel, Varga, Webb, Joe Young, Jr. and Joe Young, Sr. named co-sponsors

ENROLLED HOUSE BILL No. 5318

AN ACT to amend section 5714 of Act No. 236 of the Public Acts of 1961, entitled as amended "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," as amended by Act No. 336 of the Public Acts of 1988, being section 600.5714 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 5714 of Act No. 236 of the Public Acts of 1961, as amended by Act No. 336 of the Public Acts of 1988, being section 600.5714 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 5714. (1) A person entitled to premises may recover possession of the premises by summary proceedings in the following cases:

(a) When a person holds over premises, after failing or refusing to pay rent due under the lease or agreement by which the person holds the premises within 7 days from the service of a written demand for possession for nonpayment of the rent due. For the purpose of this subdivision, rent due does not include any accelerated indebtedness by reason of a breach of the lease under which the premises are held.

(b) When a person holds over premises for 7 days following service of a written demand for possession for termination of the lease pursuant to a clause in the lease providing for termination because a tenant, a member of the tenant's household, or other person under the tenant's control has unlawfully manufactured, delivered, possessed with intent to deliver, or possessed a controlled substance on the leased premises. This subdivision

applies only if a formal police report has been filed by the landlord alleging that the person has unlawfully manufactured, delivered, possessed with intent to deliver, or possessed a controlled substance on the leased premises. For purposes of this subdivision, "controlled substance" means a substance or a counterfeit substance classified in schedule 1, 2, or 3 pursuant to sections 7211, 7212, 7213, 7214, 7215, and 7216 of Act No. 368 of the Public Acts of 1978, being sections 333.7211, 333.7212, 333.7213, 333.7214, 333.7215, and 333.7216 of the Michigan Compiled Laws.

(c) When a person holds over premises in 1 or more of the following circumstances:

(i) After termination of the lease, pursuant to a power to terminate provided in the lease or implied by law.

(ii) After the term for which the premises are demised to the person or to the person under whom he or she holds.

(iii) After the termination of the person's estate by a notice to quit as provided by section 34 of chapter 66 of the Revised Statutes of 1846, as amended, being section 554.134 of the Michigan Compiled Laws.

(d) When the person in possession willfully or negligently causes a serious and continuing health hazard to exist on the premises, or causes extensive and continuing physical injury to the premises, which was discovered or should reasonably have been discovered by the party seeking possession not earlier than 90 days before the institution of proceedings under this chapter and when the person in possession neglects or refuses for 7 days after service of a demand for possession of the premises to deliver up possession of the premises or to substantially restore or repair the premises.

(e) When a person takes possession of premises by means of a forcible entry, holds possession of premises by force after a peaceable entry, or comes into possession of premises by trespass without color of title or other possessory interest.

(f) When a person continues in possession of premises sold by virtue of a mortgage or execution, after the time limited by law for redemption of the premises.

(g) When a person continues in possession of premises sold and conveyed by a personal representative under license from the probate court or under authority in the will.

(2) A tenant or occupant of housing operated by a city, village, township, or other unit of local government, as provided in Act No. 18 of the Public Acts of the Extra Session of 1933, as amended, being sections 125.651 to 125.709e of the Michigan Compiled Laws, is not considered to be holding over under subsection (1)(b) or (c) unless the tenancy or agreement has been terminated for just cause, as provided by lawful rules of the local housing commission or by law.

(3) A tenant of a mobile home park is not considered to be holding over under subsection (1)(b) or (c) unless the tenancy or lease agreement is terminated for just cause pursuant to chapter 57a.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.

