

HOUSE BILL No. 5318

December 4, 1989, Introduced by Reps. Bankes, Fitzgerald, Emmons, Camp, Dolan, Willis Bullard, Weeks, DeMars, Gnodtke and Jaye and referred to the Committee on Urban Affairs.

A bill to amend section 5714 of Act No. 236 of the Public Acts of 1961, entitled as amended
"Revised judicature act of 1961,"
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:

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

5 Sec. 5714. (1) ~~The~~ A person entitled to ~~any~~ premises
6 may recover possession of the premises by summary proceedings in
7 the following cases:

8 (a) When a person holds over ~~any~~ premises, after failing
9 or refusing to pay rent due under the lease or agreement by which

1 the person holds the premises within 7 days from the service of a
2 written demand for possession for nonpayment of the rent due.
3 For the purpose of this subdivision, rent due does not include
4 any accelerated indebtedness by reason of a breach of the lease
5 under which the premises are held.

6 (B) IN THE CASE OF HOUSING SUBSIDIZED BY STATE, FEDERAL, OR
7 LOCAL GOVERNMENT FUNDS, WHEN A PERSON HOLDS OVER PREMISES FOR 7
8 DAYS FOLLOWING SERVICE OF A WRITTEN DEMAND FOR POSSESSION FOR
9 BEING FOUND BY THE LANDLORD OR THE LANDLORD'S AGENT TO BE IN POS-
10 SESSION OF A CONTROLLED SUBSTANCE ON THE LEASED PREMISES. THIS
11 SUBDIVISION DOES NOT APPLY IF POSSESSION OF THE CONTROLLED SUB-
12 STANCE IS PURSUANT TO A VALID PRESCRIPTION OR ORDER OF A PRACTI-
13 TIONER WHILE ACTING IN THE COURSE OF THE PRACTITIONER'S PROFES-
14 SIONAL PRACTICE, OR IF IT IS OTHERWISE AUTHORIZED BY ARTICLE 7 OF
15 THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978,
16 BEING SECTIONS 333.7101 TO 333.7545 OF THE MICHIGAN COMPILED
17 LAWS. FOR PURPOSES OF THIS SUBDIVISION, "CONTROLLED SUBSTANCE"
18 MEANS A SUBSTANCE OR A COUNTERFEIT SUBSTANCE CLASSIFIED IN SCHED-
19 ULE 1, 2, OR 3 AS SET FORTH IN SECTIONS 7212, 7214, AND 7216 OF
20 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.7212,
21 333.7214, AND 333.7216 OF THE MICHIGAN COMPILED LAWS.

22 (C) ~~(b)~~ When a person holds over ~~any~~ premises in ~~any~~ 1
23 OR MORE of the following circumstances:

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

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

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

5 (D) ~~(c)~~ When the person in possession willfully or negli-
6 gently causes a serious and continuing health hazard to exist on
7 the premises, or causes extensive and continuing physical injury
8 to the premises, which was discovered or should reasonably have
9 been discovered by the party seeking possession not earlier than
10 90 days before the institution of proceedings under this chapter
11 and when the person in possession neglects or refuses for 7 days
12 after service of a demand for possession of the premises to
13 deliver up possession of the premises or to substantially restore
14 or repair the premises.

15 (E) ~~(d)~~ When a person takes possession of premises by
16 means of a forcible entry, holds possession of premises by force
17 after a peaceable entry, or comes into possession of premises by
18 trespass without color of title or other possessory interest.

19 (F) ~~(e)~~ When a person continues in possession of ~~any~~
20 premises sold by virtue of ~~any~~ A mortgage or execution, after
21 the time limited by law for redemption of the premises.

22 (G) ~~(f)~~ When a person continues in possession of ~~any~~
23 premises sold and conveyed by ~~any~~ A personal representative
24 under license from the probate court or under authority in the
25 will.

26 (2) A tenant or occupant of housing operated by a city,
27 village, township, or other unit of local government, as provided

1 in Act No. 18 of the Public Acts of the Extra Session of 1933, as
2 amended, being sections 125.651 to 125.709e of the Michigan
3 Compiled Laws, is not considered to be holding over under subsec-
4 tion (1)(b) OR (C) unless the tenancy or agreement has been ter-
5 minated for just cause, as provided by lawful rules of the local
6 housing commission or by law.

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