

HOUSE BILL No. 5223

October 16, 2001, Introduced by Reps. Gosselin, Drolet and Bovin and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5714 (MCL 600.5714), as amended by 1990 PA
310.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5714. (1) A person entitled to premises may recover
2 possession of the premises by summary proceedings in the follow-
3 ing cases:

4 (a) When a person holds over premises, after failing or
5 refusing to pay rent due under the lease or agreement by which
6 the person holds the premises within ~~7 days~~ 1 DAY from the
7 service of a written demand for possession for nonpayment of the
8 rent due. For the purpose of this subdivision, rent due does not
9 include any accelerated indebtedness by reason of a breach of the
10 lease under which the premises are held.

1 (b) When a person holds over premises for ~~7 days~~ 1 DAY
 2 following service of a written demand for possession for termina-
 3 tion of the lease ~~pursuant~~ ACCORDING to a clause in the lease
 4 providing for termination because a tenant, a member of the
 5 tenant's household, or other person under the tenant's control
 6 has unlawfully manufactured, delivered, possessed with intent to
 7 deliver, or possessed a controlled substance on the leased
 8 premises. This subdivision applies only if a formal police
 9 report has been filed by the landlord alleging that the person
 10 has unlawfully manufactured, delivered, possessed with intent to
 11 deliver, or possessed a controlled substance on the leased
 12 premises. For purposes of this subdivision, "controlled
 13 substance" means a substance or a counterfeit substance classi-
 14 fied in schedule 1, 2, or 3 ~~pursuant~~ ACCORDING to sections
 15 ~~7211, 7212, 7213, 7214, 7215, and 7216 of Act No. 368 of the~~
 16 ~~Public Acts of 1978, being sections 333.7211, 333.7212, 333.7213,~~
 17 ~~333.7214, 333.7215, and 333.7216 of the Michigan Compiled Laws~~
 18 7211 TO 7216 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7211
 19 TO 333.7216.

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

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

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

26 (iii) After the termination of the person's estate by a
 27 notice to quit as provided by section 34 of ~~chapter 66 of the~~

1 ~~Revised Statutes of 1846, as amended, being section 554.134 of~~
2 ~~the Michigan Compiled Laws 1846 RS 66, MCL 554.134.~~

3 (d) ~~When the~~ IF A person in possession willfully or negli-
4 gently causes a serious and continuing health hazard to exist on
5 the premises, or causes extensive and continuing physical injury
6 to the premises, ~~which~~ THAT was discovered or should reasonably
7 have been discovered by the party seeking possession not earlier
8 than 90 days before the institution of proceedings under this
9 chapter and ~~when~~ IF the person in possession neglects or
10 refuses for ~~7 days~~ 1 DAY after service of a demand for posses-
11 sion of the premises to deliver up possession of the premises or
12 to substantially restore or repair the premises.

13 (e) ~~When~~ IF a person takes possession of premises by means
14 of a forcible entry, holds possession of premises by force after
15 a peaceable entry, or comes into possession of premises by tres-
16 pass without color of title or other possessory interest.

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

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

23 (2) A tenant or occupant of housing operated by a city, vil-
24 lage, township, or other unit of local government, as provided in
25 ~~Act No. 18 of the Public Acts of the Extra Session of 1933, as~~
26 ~~amended, being sections 125.651 to 125.709e of the Michigan~~
27 ~~Compiled Laws 1933 (EX SESS) PA 18, MCL 125.651 TO 125.709C, is~~

1 not considered to be holding over under subsection (1)(b) or (c)
2 unless the tenancy or agreement has been terminated for just
3 cause, as provided by lawful rules of the local housing commis-
4 sion or by law.

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