

SENATE BILL No. 1068

January 31, 2008, Introduced by Senators GARCIA, GLEASON and VAN WOERKOM and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5714 (MCL 600.5714), as amended by 2004 PA 105.

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 following
3 circumstances:

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

1 which the premises are held.

2 (b) When a person holds over premises for 24 hours following
3 service of a written demand for possession for termination of the
4 lease pursuant to a clause in the lease providing for termination
5 because a tenant, a member of the tenant's household, or other
6 person under the tenant's control has unlawfully manufactured,
7 delivered, possessed with intent to deliver, or possessed a
8 controlled substance on the leased premises. ~~This subdivision~~
9 ~~applies only if a formal police report has been filed by the~~
10 ~~landlord alleging that the person has unlawfully manufactured,~~
11 ~~delivered, possessed with intent to deliver, or possessed a~~
12 ~~controlled substance on the leased premises.~~ For purposes of this
13 subdivision, "controlled substance" means a substance or a
14 counterfeit substance classified in schedule 1, 2, or 3 pursuant to
15 sections 7211 to 7216 of the public health code, 1978 PA 368, MCL
16 333.7211 to 333.7216.

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

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

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

23 (iii) After the termination of the person's estate by a notice
24 to quit as provided by section 34 of 1846 RS 66, MCL 554.134.

25 (d) When the person in possession willfully or negligently
26 causes a serious and continuing health hazard to exist on the
27 premises, or causes extensive and continuing physical injury to the

1 premises, which was discovered or should reasonably have been
2 discovered by the party seeking possession not earlier than 90 days
3 before the institution of proceedings under this chapter and when
4 the person in possession neglects or refuses for 7 days after
5 service of a demand for possession of the premises to deliver up
6 possession of the premises or to substantially restore or repair
7 the premises.

8 **(E) WHEN A PERSON HOLDS OVER PREMISES FOR 7 DAYS FOLLOWING**
9 **SERVICE OF A WRITTEN DEMAND FOR POSSESSION FOR TERMINATION OF THE**
10 **LEASE AFTER THE TENANT, A MEMBER OF THE TENANT'S HOUSEHOLD, OR A**
11 **PERSON UNDER THE TENANT'S CONTROL, ON PREMISES OWNED OR OPERATED BY**
12 **THE TENANT'S LANDLORD, CAUSES OR THREATENS PHYSICAL INJURY TO**
13 **ANOTHER TENANT OR OCCUPANT OF THE PREMISES, A GUEST, OR AN AGENT OR**
14 **EMPLOYEE OF THE LANDLORD.**

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

19 **(G)** ~~(f)~~—When a person continues in possession of premises sold
20 by virtue of a mortgage or execution, after the time limited by law
21 for redemption of the premises.

22 **(H)** ~~(g)~~—When a person continues in possession of premises sold
23 and conveyed by a personal representative under license from the
24 probate court or under authority in the will.

25 (2) A tenant or occupant of housing operated by a city,
26 village, township, or other unit of local government, as provided
27 in 1933 (Ex Sess) PA 18, MCL 125.651 to 125.709c, is not considered

1 to be holding over under subsection (1)(b) or (c) unless the
2 tenancy or agreement has been terminated for just cause, as
3 provided by lawful rules of the local housing commission or by law.

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

8 Enacting section 1. This amendatory act does not take effect
9 unless Senate Bill No.____ or House Bill No.____ (request no.
10 02620'07) of the 94th Legislature is enacted into law.