

Senate Bill 863 (as introduced 4-24-20)
Sponsor: Senator Peter J. Lucido
Committee: Economic and Small Business Development

Date Completed: 9-24-20

CONTENT

The bill would amend Chapter 66 (Of Estates In Dower, By the Curtesy, And General Provisions Concerning Real Estate) of the Revised Statutes of 1846 to allow a landlord to adjust rent or other terms of a tenancy at will or by sufferance by giving one month's notice to the tenant.

Generally, the Section 34 of Chapter 66 governs the termination of estates at will or by sufferance. An estate at will (or tenancy by will) is a tenancy for an indefinite period of time that is terminable at the desire of either party. A tenancy by sufferance is a tenancy created when a tenant comes into rightful possession of property and continues to occupy it after the period allowed by the owner has expired.

The bill would allow a landlord, except as otherwise provided, to adjust rent or other terms of a tenancy at will or by sufferance by giving one month's notice to the tenant. If the rent reserved in a lease were payable at periods of less than three months, the time of notice would be sufficient if it were equal to the interval between the times of payment. Notice would not be void because it stated a day for the adjustment to take effect that did not correspond to the conclusion or commencement of a rental period. The adjustment would take effect at the end of a period equal in length to the interval between times of payment.

The bill would take effect 90 days after its enactment.

MCL 554.134

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would not have a fiscal impact on the State or the State Court Administrator's Office. The bill could negatively affect local district courts as a result of increased summary proceedings filings (or evictions filings) by landlords for unpaid rent.

Fiscal Analyst: Michael Siracuse

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