

HOUSE BILL No. 5793

August 3, 2016, Introduced by Rep. Lucido and referred to the Committee on Judiciary.

A bill to amend 1846 RS 66, entitled

"Of estates in dower, by the curtesy, and general provisions concerning real estate,"

by amending section 34 (MCL 554.134), as amended by 2012 PA 140.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 34. (1) A LANDLORD MAY ADJUST RENT OR OTHER TERMS OF A
2 TENANCY AT WILL OR BY SUFFERANCE BY GIVING 1 MONTH'S NOTICE TO THE
3 TENANT. IF THE RENT RESERVED IN A LEASE IS PAYABLE AT PERIODS OF
4 LESS THAN 3 MONTHS, THE TIME OF NOTICE IS SUFFICIENT IF IT IS EQUAL
5 TO THE INTERVAL BETWEEN THE TIMES OF PAYMENT. NOTICE IS NOT VOID
6 BECAUSE IT STATES A DAY FOR THE ADJUSTMENT TO TAKE EFFECT THAT DOES
7 NOT CORRESPOND TO THE CONCLUSION OR COMMENCEMENT OF A RENTAL
8 PERIOD. THE ADJUSTMENT TAKES EFFECT AT THE END OF A PERIOD EQUAL IN
9 LENGTH TO THE INTERVAL BETWEEN TIMES OF PAYMENT.

1 (2) ~~(1)~~—Except as provided otherwise in this section, an
2 estate at will or by sufferance may be terminated by either party
3 by giving 1 month's notice to the other party. If the rent reserved
4 in a lease is payable at periods of less than 3 months, the time of
5 notice is sufficient if it is equal to the interval between the
6 times of payment. Notice is not void because it states a day for
7 the termination of the tenancy that does not correspond to the
8 conclusion or commencement of a rental period. The notice
9 terminates the tenancy at the end of a period equal in length to
10 the interval between times of payment.

11 (3) ~~(2)~~—If a tenant neglects or refuses to pay rent on a lease
12 at will or otherwise, the landlord may terminate the tenancy by
13 giving the tenant a written 7-day notice to quit.

14 (4) ~~(3)~~—A tenancy from year to year may be terminated by
15 either party by a notice to quit, given at any time to the other
16 party. The notice ~~shall terminate~~ **TERMINATES** the lease at the
17 expiration of 1 year from the time of the service of the notice.

18 (5) ~~(4)~~—If a tenant holds over after a lease is terminated
19 pursuant to a clause in the lease providing for termination because
20 the tenant, a member of the tenant's household, or other person
21 under the tenant's control has manufactured, delivered, possessed
22 with intent to deliver, or possessed a controlled substance on the
23 leased premises, the landlord may terminate the tenancy by giving
24 the tenant a written 24-hour notice to quit. This subsection
25 applies only if a formal police report has been filed alleging that
26 the person has unlawfully manufactured, delivered, possessed with
27 intent to deliver, or possessed a controlled substance on the

1 leased premises. For purposes of this subsection, "controlled
2 substance" means a substance or a counterfeit substance classified
3 in schedule 1, 2, or 3 pursuant to sections 7211 to 7216 of the
4 public health code, 1978 PA 368, MCL 333.7211 to 333.7216.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.