

# HOUSE BILL No. 5396

January 11, 2018, Introduced by Rep. Lucido and referred to the Committee on Law and Justice.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 5714 (MCL 600.5714), as amended by 2014 PA 223.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5714. (1) A person entitled to possession of premises may  
2       recover possession 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 because of a breach of the lease under  
10      which the premises are held.

(b) When a person holds over premises for 24 hours following service of a written demand for possession for termination of the lease pursuant to a clause in the lease providing for termination because a tenant, a member of the tenant's household, or other person under the tenant's control has unlawfully manufactured ~~7 delivered, possessed with intent to deliver, or possessed~~ **A CONTROLLED SUBSTANCE ON THE LEASED PREMISES OR HAS BEEN CONVICTED OF UNLAWFULLY DELIVERING, POSSESSING WITH INTENT TO DELIVER, OR POSSESSING** a controlled substance **IF THE CRIME WAS COMMITTED** on the leased premises. This subdivision applies **TO THE MANUFACTURE OF A CONTROLLED SUBSTANCE** only if a formal police report has been filed alleging that the person has unlawfully manufactured ~~7 delivered, possessed with intent to deliver, or possessed~~ a controlled substance on the leased premises. For purposes of this subdivision: ~~7 "controlled~~

(i) "CONTROLLED substance" means a substance or a counterfeit substance classified in schedule 1, 2, or 3 pursuant to sections 7211 to 7216 of the public health code, 1978 PA 368, MCL 333.7211 to 333.7216.

(ii) "MANUFACTURE" MEANS THAT TERM AS DEFINED IN SECTION 7106 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7106.

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

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

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

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

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

13 (e) When a person holds over premises for 7 days following  
14 service of a written notice to quit for termination of the lease  
15 after the tenant, a member of the tenant's household, or a person  
16 under the tenant's control ~~—HAS BEEN CONVICTED OF A CRIME, AN~~  
17 ~~ELEMENT OF WHICH IS CAUSING OR THREATENING PHYSICAL INJURY TO AN~~  
18 ~~INDIVIDUAL AND WHICH WAS COMMITTED~~ on real property owned or  
19 operated by the tenant's landlord. ~~—has caused or threatened~~  
20 ~~physical injury to an individual. This subdivision applies only if~~  
21 ~~the police department with jurisdiction has been notified that the~~  
22 ~~person, on real property owned or operated by the tenant's~~  
23 ~~landlord, caused or threatened physical injury to an individual.~~  
24 This subdivision does not apply in either of the following cases:

25 (i) The individual who was physically injured or threatened is  
26 the tenant or a member of the tenant's household.

27 (ii) Application would result in a violation of federal

1 housing regulations.

2 (f) When a person takes possession of premises by means of a  
3 forcible entry, holds possession of premises by force after a  
4 peaceable entry, or comes into possession of premises by trespass  
5 without color of title or other possessory interest. This remedy is  
6 in addition to the remedy of entry permitted under section 5711(3).

7 (g) When a person continues in possession of premises sold by  
8 virtue of a mortgage or execution, after the time limited by law  
9 for redemption of the premises.

10 (h) When a person continues in possession of premises sold and  
11 conveyed by a personal representative under license from the  
12 probate court or under authority in the will.

13 (2) A tenant or occupant of housing operated by a city,  
14 village, township, or other unit of local government, as provided  
15 in 1933 (Ex Sess) PA 18, MCL 125.651 to 125.709c, is not considered  
16 to be holding over under subsection (1)(b) or (c) unless the  
17 tenancy or agreement has been terminated for just cause, as  
18 provided by lawful rules of the local housing commission or by law.

19 (3) A tenant of a mobile home park is not considered to be  
20 holding over under subsection (1)(b) or (c) unless the tenancy or  
21 lease agreement is terminated for just cause pursuant to chapter  
22 57a.

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