

HOUSE BILL NO. 4911

September 03, 2019, Introduced by Reps. Cambensy, Chirkun, Kennedy, Sabo, Liberati, Hornberger, Markkanen, Miller, Hall, Bellino, Garza, Brenda Carter and Meerman and referred to the Committee on Regulatory Reform.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 5714 and 5775 (MCL 600.5714 and 600.5775),
section 5714 as amended by 2014 PA 223 and section 5775 as added by
1988 PA 336.

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:

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

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

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

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

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

29 (iii) After the termination of the person's estate by a notice

1 to quit as provided by section 34 of 1846 RS 66, MCL 554.134.

2 **(iv) After termination of the lease under section 5 of the**
3 **misrepresentation of emotional support animals act.**

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

14 (e) When a person holds over premises for 7 days following
15 service of a written notice to quit for termination of the lease
16 after the tenant, a member of the tenant's household, or ~~a person~~
17 **an individual** under the tenant's control, on real property owned or
18 operated by the tenant's landlord, has caused or threatened
19 physical injury to an individual. This subdivision applies only if
20 the police department with jurisdiction has been notified that the
21 ~~person,~~**individual**, on real property owned or operated by the
22 tenant's landlord, caused or threatened physical injury to an
23 individual. This subdivision does not apply in either of the
24 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 housing
28 regulations.

29 (f) When a person takes possession of premises by means of a

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

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

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

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

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

21 Sec. 5775. (1) The tenancy of a tenant in a mobile home park
22 shall not be terminated unless there is just cause for the
23 termination.

24 (2) For the purpose of this chapter, "just cause" means 1 or
25 more of the following:

26 (a) Use of a mobile home site by the tenant for an unlawful
27 purpose.

28 (b) Failure by the tenant to comply with a lease or agreement
29 by which the tenant holds the premises or with a rule or regulation

1 of the mobile home park, adopted pursuant to the lease or
2 agreement, ~~which-if the~~ rule or regulation is reasonably related to
3 any of the following:

4 (i) The health, safety, or welfare of the mobile home park, its
5 employees, or tenants.

6 (ii) The quiet enjoyment of the other tenants of the mobile
7 home park.

8 (iii) Maintaining the physical condition or appearance of the
9 mobile home park or the mobile homes located in the mobile home
10 park to protect the value of the mobile home park or to maintain
11 its aesthetic quality or appearance.

12 (c) A violation by the tenant of rules promulgated by the
13 ~~Michigan department of public health-environment, Great Lakes, and~~
14 ~~energy~~ under section 6 of the mobile home commission act, ~~Act No.~~
15 ~~96 of the Public Acts of 1987, being section 125.2306 of the~~
16 ~~Michigan Compiled Laws.1987 PA 96, MCL 125.2306.~~

17 (d) Intentional physical injury by the tenant to the personnel
18 or other tenants of the mobile home park, or intentional physical
19 damage by the tenant to the property of the mobile home park or of
20 its other tenants.

21 (e) Failure of the tenant to comply with a local ordinance,
22 state law, or governmental rule or regulation relating to mobile
23 homes.

24 (f) Failure of the tenant to make timely payment of rent or
25 other charges under the lease or rental agreement by which the
26 tenant holds the premises on 3 or more occasions during any 12-
27 month period, for which failure the owner or operator has served a
28 written demand for possession for nonpayment of rent pursuant to
29 section 5714(1)(a) and the tenant has failed or refused to pay the

1 rent or other charges within the time period stated in the written
2 demand for possession. The written demand for possession ~~shall~~**must**
3 provide a notice to the tenant in substantially the following form:
4 "Notice: Three or more late payments of rent during any 12-month
5 period is just cause to evict you." ~~Nothing in this~~**This**
6 subdivision ~~shall~~**does not** prohibit a tenant from asserting, and
7 the court from considering, any meritorious defenses to late
8 payment of rent or other charges.

9 (g) Conduct by the tenant upon the mobile home park premises
10 ~~which~~**that** constitutes a substantial annoyance to other tenants or
11 to the mobile home park, after notice and an opportunity to cure.

12 (h) Failure of the tenant to maintain the mobile home or
13 mobile home site in a reasonable condition consistent with
14 aesthetics appropriate to the park.

15 (i) Condemnation of the mobile home park.

16 (j) Changes in the use or substantive nature of the mobile
17 home park.

18 (k) Public health and safety violations by the tenant.

19 **(l) A violation by the tenant or a member of the tenant's**
20 **household of the misrepresentation of emotional support animals**
21 **act.**

22 (3) This section does not prohibit a change of the rental
23 payments or the terms or conditions of tenancy in a mobile home
24 park following the termination or expiration of a written lease
25 agreement for the mobile home site.

26 Enacting section 1. This amendatory act does not take effect
27 unless Senate Bill No.____ or House Bill No. 4910 (request no.
28 03557'19) of the 100th Legislature is enacted into law.