

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

**Introduced by Reps. Cambensy, Chirkun, Sabo, Liberati, Hornberger, Markkanen, Miller, Hall,
Bellino, Garza, Brenda Carter and Meerman**

ENROLLED HOUSE BILL No. 4911

AN ACT to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” 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:

Sec. 5714. (1) A person entitled to possession of premises may recover possession by summary proceedings in the following circumstances:

(a) When a person holds over premises after failing or refusing to pay rent due under the lease or agreement by which the person holds the premises within 7 days from the service of a written demand for possession for nonpayment of the rent due. For the purpose of this subdivision, rent due does not include any accelerated indebtedness because of a breach of the lease under 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 individual under the tenant’s control has unlawfully manufactured, delivered, possessed with intent to deliver, or possessed a controlled substance on the leased premises. This subdivision applies only if a formal police report has been filed alleging that the individual has unlawfully manufactured, delivered, possessed with intent to deliver, or possessed a controlled substance on the leased premises. For purposes of this subdivision, “controlled substance” means a substance or a counterfeit substance classified in schedule 1, 2, or 3 under sections 7211 to 7216 of the public health code, 1978 PA 368, MCL 333.7211 to 333.7216.

(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 the person holds.

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

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

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

(e) When a person holds over premises for 7 days following service of a written notice to quit for termination of the lease after the tenant, a member of the tenant's household, or an individual under the tenant's control, on real property owned or operated by the tenant's landlord, has caused or threatened physical injury to an individual. This subdivision applies only if the police department with jurisdiction has been notified that the individual, on real property owned or operated by the tenant's landlord, caused or threatened physical injury to an individual. This subdivision does not apply in either of the following cases:

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

(ii) Application would result in a violation of federal housing regulations.

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

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

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

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

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

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

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

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

(b) Failure by the tenant to comply with a lease or agreement by which the tenant holds the premises or with a rule or regulation of the mobile home park, adopted pursuant to the lease or agreement, if the rule or regulation is reasonably related to any of the following:

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

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

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

(c) A violation by the tenant of rules promulgated by the department of environment, Great Lakes, and energy under section 6 of the mobile home commission act, 1987 PA 96, MCL 125.2306.

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

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

(f) Failure of the tenant to make timely payment of rent or other charges under the lease or rental agreement by which the tenant holds the premises on 3 or more occasions during any 12-month period, for which failure the owner or operator has served a written demand for possession for nonpayment of rent pursuant to section 5714(1)(a) and the tenant has failed or refused to pay the rent or other charges within the time period stated in the written demand for possession. The written demand for possession must provide a notice to the tenant in substantially the following form: "Notice: Three or more late payments of rent during any 12-month period is just cause to evict you." This subdivision does not prohibit a tenant from asserting, and the court from considering, any meritorious defenses to late payment of rent or other charges.

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

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

(i) Condemnation of the mobile home park.

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

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

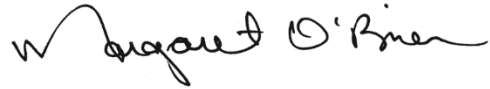
(l) A violation by the tenant or a member of the tenant's household of the misrepresentation of emotional support animals act.

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

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4910 of the 100th Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor