

SENATE BILL NO. 720

January 15, 2020, Introduced by Senator LUCIDO and referred to the Committee on Judiciary and Public Safety.

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

1 person holds the premises within 7 days from the service of a
 2 written demand for possession for nonpayment of the rent due. For
 3 the purpose of this subdivision, rent due does not include any
 4 accelerated indebtedness because of a breach of the lease under
 5 which the premises are held.

6 (b) When a person holds over premises for 24 hours following
 7 service of a written demand for possession for termination of the
 8 lease pursuant to a clause in the lease providing for termination
 9 because a tenant, a member of the tenant's household, or other
 10 person under the tenant's control has unlawfully manufactured ~~7~~
 11 ~~delivered, possessed with intent to deliver, or possessed a~~
 12 **controlled substance on the leased premises or has been convicted**
 13 **of unlawfully delivering, possessing with intent to deliver, or**
 14 **possessing** a controlled substance **if the crime was committed** on the
 15 leased premises. This subdivision applies **to the manufacture of a**
 16 **controlled substance** only if a formal police report has been filed
 17 alleging that the person has unlawfully manufactured ~~7, delivered,~~
 18 ~~possessed with intent to deliver, or possessed a~~ controlled
 19 substance on the leased premises. For purposes of this subdivision:
 20 ~~7,"controlled~~

21 (i) **"Controlled substance"** means a substance or a counterfeit
 22 substance classified in schedule 1, 2, or 3 ~~pursuant to~~ **under**
 23 sections 7211 to 7216 of the public health code, 1978 PA 368, MCL
 24 333.7211 to 333.7216.

25 (ii) **"Manufacture"** means **that term as defined in section 7106**
 26 **of the public health code, 1978 PA 368, MCL 333.7106.**

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

29 (i) After termination of the lease, pursuant to a power to

1 terminate provided in the lease or implied by law.

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

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

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

16 (e) When a person holds over premises for 7 days following
17 service of a written notice to quit for termination of the lease
18 after the tenant, a member of the tenant's household, or a person
19 under the tenant's control **has been convicted of a crime, an**
20 **element of which is causing or threatening physical injury to an**
21 **individual and that was committed** on real property owned or
22 operated by the tenant's landlord. ~~has caused or threatened~~
23 ~~physical injury to an individual. This subdivision applies only if~~
24 ~~the police department with jurisdiction has been notified that the~~
25 ~~person, on real property owned or operated by the tenant's~~
26 ~~landlord, caused or threatened physical injury to an individual.~~
27 This subdivision does not apply in either of the following cases:

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

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

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

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

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

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

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

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