

# HOUSE BILL No. 5217

January 13, 2016, Introduced by Rep. Lucido and referred to the Committee on Judiciary.

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.

1 (b) When a person holds over premises for 24 hours following  
2 service of a written demand for possession for termination of the  
3 lease pursuant to a clause in the lease providing for termination  
4 because a tenant, a member of the tenant's household, or other  
5 person under the tenant's control has ~~unlawfully manufactured,~~  
6 ~~delivered, possessed with intent to deliver, or possessed~~ **BEEN**  
7 **CONVICTED OF UNLAWFULLY MANUFACTURING, DELIVERING, POSSESSING WITH**  
8 **INTENT TO DELIVER, OR POSSESSING** a controlled substance **AND THE**  
9 **CRIME WAS COMMITTED** on the leased premises. ~~This subdivision~~  
10 ~~applies only if a formal police report has been filed alleging that~~  
11 ~~the person has unlawfully manufactured, delivered, possessed with~~  
12 ~~intent to deliver, or possessed a controlled substance on the~~  
13 ~~leased premises.~~ For purposes of this subdivision, "controlled  
14 substance" means a substance or a counterfeit substance classified  
15 in schedule 1, 2, or 3 pursuant to sections 7211 to 7216 of the  
16 public health code, 1978 PA 368, MCL 333.7211 to 333.7216.

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

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

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

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

25 (d) When the person in possession willfully or negligently  
26 causes a serious and continuing health hazard to exist on the  
27 premises, or causes extensive and continuing physical injury to the

1 premises, which was discovered or should reasonably have been  
2 discovered by the party seeking possession not earlier than 90 days  
3 before the institution of proceedings under this chapter and when  
4 the person in possession neglects or refuses for 7 days after  
5 service of a demand for possession of the premises to deliver up  
6 possession of the premises or to substantially restore or repair  
7 the premises.

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

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

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

24 (f) When a person takes possession of premises by means of a  
25 forcible entry, holds possession of premises by force after a  
26 peaceable entry, or comes into possession of premises by trespass  
27 without color of title or other possessory interest. This remedy is

1 in addition to the remedy of entry permitted under section 5711(3).

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

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

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

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

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