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House Bills 5384 through 5386 (as passed by the House)  
Sponsor: Representative John R. Roth (H.B. 5384)  
Representative Denise Mentzer (H.B. 5385)  
Representative Kelly Breen (H.B. 5386)  
House Committee: Judiciary  
Senate Committee: Housing and Human Services

Date Completed: 5-20-24

## **CONTENT**

**House Bill 5384 would amend the Truth in Renting Act to modify the definition of "residential premises" to specify that the term would not include a residence occupied by the seller on a temporary basis after the sale of that residence.**

**House Bill 5385 would amend the landlord-tenant Act to modify the definition of "rental unit" to specify that the term would not include a residence occupied by the seller on a temporary basis after the sale of that residence.**

**House Bill 5386 would amend Chapter 57 (Summary Proceedings to Recover Possession of Premises) of the Revised Judicature Act to specify that a person entitled to possession of premises could recover the possession by summary proceeding after expiration of an agreement under which a seller was given temporary occupancy of the premises after the sale of the premises.**

### **House Bill 5384**

Generally, the Truth in Renting Act governs the provisions and enforceability of rental agreements in the State.

"Residential premises" means a house, building, structure, shelter, or mobile home, or portion thereof, used as a dwelling, home, residence, or living place by one or more human beings. The term includes an apartment unit, a boardinghouse, a rooming house, a mobile home, a mobile home space, and a single or multiple family dwelling, but does not include a hotel, a motel, motor home, or other tourist accommodation, when used as a temporary accommodation for guests or tourists, or premises used as the principal place of residence of the owner and rented occasionally during temporary absences including vacation or sabbatical leave.

Under the bill, the term also would not include a residence occupied by the seller on a temporary basis after the sale of that residence.

### **House Bill 5385**

Under the landlord-tenant Act, "rental unit" means a structure or part of a structure used as a home, residence, or sleeping unit by a single person or household unit, or any grounds, or other facilities or area promised for the use of a residential tenant and includes, but without limitation, apartment units, boarding houses, rooming houses, mobile home spaces, and single and two-family dwellings.

The bill specifies that the term would not include a residence occupied by the seller on a temporary basis after the sale of that residence.

### **House Bill 5386**

Generally, Chapter 57 of the Revised Judicature Act prescribes the rights of a person to recover possession of premises through expedited civil proceedings known as summary proceedings. Specifically, Chapter 57 allows a person entitled to possession of premises to recover possession by summary proceeding when the person holds over premises after at least one of the following:

- After termination of the lease under a power to terminate provided in the lease or implied by law.
- After the term for which the premises are demised to the person or to the person under whom he or she holds.
- After the termination of the person's estate by a notice to quit as provided by the Revised Statutes of 1846, which specify the termination of estate at will or by sufferance, or tenancy from year to year.

In addition, the bill would allow a person described above to recover possession by summary proceeding when the person held over premises after expiration of an agreement under which a seller was given temporary occupancy of the premises after the sale of the premises.

MCL 551.632 (H.B. 5384)  
554.601 (H.B. 5385)  
600.5714 (H.B. 5386)

Legislative Analyst: Eleni Lionas

### **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Bobby Canell  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.