

HOUSE BILL NO. 5386

November 14, 2023, Introduced by Reps. Breen, Mentzer, Hope and Roth 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

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

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

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

22 (i) After termination of the lease, ~~pursuant to~~ **under** a power
23 to terminate provided in the lease or implied by law.

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

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

28 (iv) **After expiration of an agreement under which a seller is**
29 **given temporary occupancy of the premises after the sale of the**

1 **premises.**

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

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

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

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

26 (f) When a person takes possession of premises by means of a
27 forcible entry, holds possession of premises by force after a
28 peaceable entry, or comes into possession of premises by trespass
29 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~~**as**
17 **required under** chapter 57a.