

# HOUSE BILL NO. 5756

May 30, 2024, Introduced by Reps. Price, Wilson, Weiss, O'Neal, Hope, Morgan, Tsernoglou and Brenda Carter and referred to the Committee on Economic Development and Small Business.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3238, 5714, 5735, 5744, 5775, and 5779 (MCL 600.3238, 600.5714, 600.5735, 600.5744, 600.5775, and 600.5779), section 3238 as amended by 2014 PA 431, section 5714 as amended by 2014 PA 223, section 5735 as amended by 2004 PA 105, section 5744 as amended by 2019 PA 2, and sections 5775 and 5779 as added by 1988 PA 336.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1** Sec. 3238. (1) After a foreclosure sale under this chapter and

1 providing notice under section 3237, the purchaser at the sale may  
2 inspect the property, including the exterior and interior of any  
3 structures on the property, as provided in this section.

4 (2) The purchaser may conduct an initial inspection of the  
5 interior of any structures on the property. In addition to the  
6 notice provided in section 3237, the purchaser shall provide notice  
7 to the mortgagor by certified mail, physical posting on the  
8 property, or in any manner reasonably calculated to achieve actual  
9 notice of the purchaser's intent to inspect the property at least  
10 72 hours in advance and shall set the time of the inspection at a  
11 reasonable time of day, in coordination with the mortgagor if  
12 possible.

13 (3) The purchaser may conduct any number of exterior  
14 inspections of the property and any structures on the property  
15 during the redemption period.

16 (4) After the initial inspection described in subsection (2),  
17 the purchaser may request by certified mail, physical posting on  
18 the property, or in any manner reasonably calculated to achieve  
19 actual notice that the mortgagor provide information on or evidence  
20 of the condition of the interior of any structures on the property,  
21 in any form reasonably necessary to assess the condition of the  
22 property. The purchaser shall not make such a request more than  
23 once in a calendar month or more often than 3 times in any 6 months  
24 of the redemption period, unless the purchaser has reasonable cause  
25 to believe that damage to the property is imminent or has occurred.

26 (5) If the mortgagor refuses to provide information or  
27 evidence requested under subsection (4) within 5 business days  
28 after receipt of the request, or if the information or evidence  
29 provided reveals that damage has occurred or is imminent, the

1 purchaser may schedule an inspection of the interior of any  
2 structures on the property. For an inspection under this  
3 subsection, the purchaser shall provide notice as described in  
4 subsection (2) of the purchaser's intent to inspect the property at  
5 least 72 hours in advance, and shall set the time of the inspection  
6 at a reasonable time of day, in coordination with the mortgagor if  
7 possible. If the mortgagor provides the information or evidence  
8 requested under subsection (4) and damage has not occurred or does  
9 not appear imminent, the purchaser shall not conduct an interior  
10 inspection under this subsection related to that request.

11 (6) If an inspection under this section is unreasonably  
12 refused or if damage to the property is imminent or has occurred,  
13 the purchaser may immediately commence summary proceedings for  
14 possession of the property under chapter 57 or file an action for  
15 any other relief necessary to protect the property from damage. If  
16 a purchaser commences an action for possession or any other relief  
17 under this section, the purchaser may also name as a party to the  
18 action any person who may redeem the property under section 3240.

19 (7) Before commencing summary proceedings for possession of  
20 the property under this section, the purchaser shall provide notice  
21 to the mortgagor by certified mail, physical posting on the  
22 property, or in any other manner reasonably calculated to achieve  
23 actual notice, that the purchaser intends to commence summary  
24 proceedings if the damage or condition causing reasonable belief  
25 that damage is imminent is not repaired or corrected within 7 days  
26 after receipt of the notice.

27 (8) A purchaser shall not commence summary proceedings for  
28 possession under this section if either of the following conditions  
29 exists:

1 (a) The damage or condition causing reasonable belief that  
2 damage is imminent is repaired or corrected within the 7-day period  
3 described in the notice of intent under subsection (7).

4 (b) The mortgagor and the purchaser agree on procedures and a  
5 timeline to repair the damage or correct the condition causing  
6 reasonable belief that damage is imminent and the procedures are  
7 completed by the original date agreed to by the mortgagor and  
8 purchaser or by an extended date that is agreed to by the mortgagor  
9 and purchaser.

10 (9) In determining whether to enter judgment for possession in  
11 favor of the purchaser in summary proceedings under this section,  
12 the judge shall consider the totality of the circumstances  
13 surrounding the damage or condition that threatens imminent damage,  
14 including, but not limited to, all of the following:

15 (a) The cause of the damage or condition.

16 (b) Whether the mortgagor has taken appropriate steps to  
17 repair the damage or correct the condition and to secure the  
18 property from further damage.

19 (c) Whether the mortgagor has promptly contacted the purchaser  
20 and any property insurer regarding the damage or condition.

21 (d) Whether any delay in repairs or corrections is  
22 affirmatively caused by the purchaser or the property insurer.

23 (10) If a judgment for possession is entered in favor of the  
24 purchaser in an action under chapter 57 as described in subsection  
25 (6), the right of redemption under section 3240 is extinguished and  
26 title to the property vests in the purchaser as provided in section  
27 3236 as to all persons against whom judgment was entered.

28 (11) As used in this section, "damage" includes, but is not  
29 limited to, any of the following:

1 (a) The failure to comply with local ordinances regarding  
2 maintenance of the property or blight prevention, if the failure is  
3 the subject of enforcement action by the appropriate governmental  
4 unit.

5 (b) An exterior condition that presents a significant risk to  
6 the security of the property or significant risk of criminal  
7 activity occurring on the property.

8 (c) Stripped plumbing, electrical wiring, siding, or other  
9 metal material.

10 (d) Missing or destroyed structural aspects or fixtures,  
11 including, but not limited to, a furnace, water heater, air-  
12 conditioning unit, countertop, cabinetry, flooring, wall, ceiling,  
13 roofing, toilet, or any other fixtures. As used in this  
14 subdivision, "fixtures" means that term as defined in section 9102  
15 of the uniform commercial code, 1962 PA 174, MCL 440.9102.

16 (e) Deterioration below, or being in imminent danger of  
17 deteriorating below, community standards for public safety and  
18 sanitation that are established by statute or local ordinance.

19 (f) A condition that would justify recovery of the premises  
20 under section ~~5714(1)(d)~~. **5714(2)(d)**.

21 **Sec. 5714. (1) Except as otherwise provided in subsection (2),**  
22 **a person entitled to possession of premises shall not recover**  
23 **possession of the premises by excluding or removing a person in**  
24 **possession or refusing to renew a lease or rental agreement. A**  
25 **person that violates this subsection has unlawfully interfered with**  
26 **the tenant's possession of the property as provided under section**  
27 **2918. A tenant in possession of premises whose possessory interest**  
28 **has been unlawfully interfered with by a person entitled to**  
29 **possession may recover damages as provided under section 2918.**

1           (2) ~~(1)~~—A person entitled to possession of premises may  
2 recover possession by summary proceedings **if there is good cause to**  
3 **recover possession of the premises. For purposes of this section,**  
4 **good cause exists** in the following circumstances:

5           (a) When a person **in possession** holds over premises after  
6 failing or refusing to pay rent due under the lease or **rental**  
7 agreement by which the person holds the premises within ~~7~~**14** days  
8 from the service of a written demand for possession for nonpayment  
9 of the rent due. **The rent due and owing, or any part of the rent**  
10 **due, must not result from a rent increase that is unreasonable or**  
11 **imposed for the purpose of circumventing the intent of this**  
12 **section. In determining whether all or part of the rent due and**  
13 **owing is the result of an unreasonable rent increase, it is a**  
14 **rebuttable presumption that the rent for the premises is**  
15 **unreasonable if it is grossly in excess of the fair market value of**  
16 **comparable rental units in the area.** For the purpose of this  
17 subdivision, rent due does not include any accelerated indebtedness  
18 because of a breach of the lease under which the premises are held.

19           (b) When a person **in possession** holds over premises for 24  
20 hours following service of a written demand for possession for  
21 termination of the lease pursuant to a clause in the lease  
22 providing for termination because a tenant, a member of the  
23 tenant's household, or other person under the tenant's control has  
24 unlawfully manufactured, delivered, possessed with intent to  
25 deliver, or possessed a controlled substance on the leased  
26 premises. This subdivision applies only if a formal police report  
27 has been filed alleging that the person has unlawfully  
28 manufactured, delivered, possessed with intent to deliver, or  
29 possessed a controlled substance on the leased premises. For

1 purposes of this subdivision, "controlled substance" means a  
2 substance or a counterfeit substance classified in schedule 1, 2,  
3 or 3 pursuant to sections 7211 to 7216 of the public health code,  
4 1978 PA 368, MCL 333.7211 to 333.7216.

5 ~~(c) When a person holds over premises in 1 or more of the~~  
6 ~~following circumstances:~~

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

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

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

13 **(c) Except as otherwise provided in this subdivision, when a**  
14 **person in possession holds over premises after the termination of**  
15 **the person's estate by a notice to quit as provided under section**  
16 **34 of 1846 RS 66, MCL 554.134. For purposes of this subdivision,**  
17 **holdover of premises by a person after the termination of that**  
18 **person's estate by a notice to quit under section 34(1) or (3) of**  
19 **1846 RS 66, MCL 554.134, is not on its own sufficient to establish**  
20 **good cause. A landlord that is entitled to recover possession of**  
21 **premises because of the termination of a tenancy under section**  
22 **34(1) or (3) of 1846 RS 66, MCL 554.134, and seeks to recover**  
23 **possession of the premises under this subdivision must also show 1**  
24 **of the grounds for good cause as provided under this subsection.**

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  
28 premises, which was discovered or should reasonably have been  
29 discovered by the party seeking possession not earlier than 90 days

1 before the institution of proceedings under this chapter and when  
2 the person in possession neglects or refuses for 7 days after  
3 service of a demand for possession of the premises to deliver up  
4 possession of the premises or to substantially restore or repair  
5 the premises.

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

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

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

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

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

29 (h) When a person continues in possession of premises sold and



1 conveyed by a personal representative under license from the  
2 probate court or under authority in the will.

3 (i) When a person in possession substantially breached a  
4 material provision in the lease or rental agreement, other than the  
5 obligation to surrender possession of the premises, and has failed  
6 to cure the breach within 30 days after written notice and option  
7 to cure was provided. The obligation for which the violation is  
8 alleged may not be imposed for the purpose of circumventing the  
9 intent of this section.

10 (j) Except as otherwise provided in this subdivision, when the  
11 occupancy of the premises by a person in possession violates or  
12 causes a violation of law that subjects the person seeking  
13 possession to civil or criminal sanction and a state agency or  
14 local unit of government that has jurisdiction over the premises  
15 has issued an order requiring the person in possession to vacate  
16 the premises. A person seeking possession may not recover  
17 possession under this subdivision unless a court finds that removal  
18 of the person in possession is necessary to cure the violation of  
19 law and the person seeking possession did not create the condition  
20 necessitating removal through willful or irresponsible conduct or  
21 lack of conduct. Notwithstanding this subdivision, the person in  
22 possession may recover possession of the premises 7 days after the  
23 violation is cured. If the person seeking possession does not cure  
24 the violation of law 30 days after the state agency or local unit  
25 of government that has jurisdiction over the premises issues the  
26 order to vacate under this subdivision, the person in possession  
27 may cure the violation. Any expenses incurred by the person in  
28 possession to cure the violation must be deducted from the rent. If  
29 the removal of the person in possession from the premises is

1 necessary to protect the person's health and safety, and a court  
2 finds that the person seeking possession caused, by an act or  
3 omission, the condition creating the need to vacate, the person  
4 seeking possession may be ordered to pay for up to 60 calendar days  
5 of housing expenses incurred by the person in possession,  
6 including, but not limited to, temporary motel costs, security  
7 deposit and first month's rent for a new premises, and moving and  
8 cleaning service expenses. Nothing in this subdivision abrogates or  
9 limits the rights of the person in possession to bring an action  
10 for monetary damages or injunctive relief against the person  
11 seeking possession to compel compliance by the person seeking  
12 possession with all applicable housing state laws, ordinances, or  
13 regulations.

14 (k) When a person in possession holds over premises for 3 days  
15 following service of a written demand for possession for  
16 termination of the lease or rental agreement pursuant to a clause  
17 in the lease or rental agreement providing for termination because  
18 the person in possession, a member of that person's household, or  
19 other person under that person's control permitted the premises to  
20 be used for an illegal purpose.

21 (l) When the person seeking possession seeks in good faith to  
22 recover possession of the premises located in a building with fewer  
23 than 3 units and the person seeking possession already personally  
24 occupies or is seeking to personally occupy the premises as that  
25 person's principal residence. A person seeking possession that  
26 seeks to recover possession under this subdivision must give the  
27 person in possession 30 days' written notice before the end of a  
28 lease term or, if there is no lease or the tenancy is at will, 90  
29 days' written notice to terminate the tenancy. There is a

1 rebuttable presumption that the person seeking possession did not  
2 act in good faith if that person fails to occupy the premises as a  
3 principal residence for at least 60 consecutive days during the 90  
4 days immediately after the person in possession vacated the  
5 premises pursuant to this subdivision.

6 (m) When a person holds over possession for 14 days after  
7 notice that the landlord seeks to recover possession because  
8 possession, use, or occupancy is solely incidental to employment  
9 and the employment has been lawfully terminated.

10 (3) ~~(2)~~—A tenant or occupant of housing operated by a city,  
11 village, township, or other unit of local government, as provided  
12 in 1933 (Ex Sess) PA 18, MCL 125.651 to 125.709c, is not considered  
13 to be holding over under subsection ~~(1) (b) or (c)~~ **2 (b)** unless the  
14 tenancy or **lease** agreement has been terminated for just cause, as  
15 provided by lawful rules of the local housing commission or by law.

16 (4) ~~(3)~~—A tenant of a mobile home park is not considered to be  
17 holding over under subsection ~~(1) (b) or (c)~~ **2 (b)** unless the tenancy  
18 or lease agreement is terminated for just cause pursuant to ~~under~~  
19 chapter 57a.

20 (5) Subsections (1) and (2) apply to all types of tenancies,  
21 including, but not limited to, a fixed tenancy, periodic tenancy or  
22 tenancy at will, or tenancy at sufferance or holdover tenancy.

23 (6) A person seeking possession shall not bring an action to  
24 recover possession and a court shall not enter a judgment for  
25 possession of premises under this section unless that person has  
26 complied with all applicable laws governing notice, including, but  
27 not limited to, the manner and time of service of process and the  
28 contents of the notice.

29 (7) A lease or rental agreement entered after the effective

1 date of the amendatory act that added this subsection shall not  
 2 include a provision that waives or alters any right or remedy under  
 3 this section.

4 (8) The rights and protections provided under this section are  
 5 in addition to the rights and protections provided under federal  
 6 law.

7 (9) If any part of this section is found by a court to be  
 8 invalid or unconstitutional, the remaining parts of this section  
 9 must not be affected but must remain in full force and effect.

10 Sec. 5735. (1) The court in which a summary proceeding is  
 11 commenced shall issue a summons ~~, which that~~ may be served on the  
 12 defendant by any officer or person authorized to serve process of  
 13 the court. The summons ~~shall command~~ **must order** the defendant to  
 14 appear for trial in accordance with the provisions of subsection  
 15 (2) unless by local court rule the provisions of subsection (4)  
 16 ~~have been made~~ **are** applicable.

17 (2) ~~A~~ **Except as otherwise provided in subsection (4), a**  
 18 summons issued under this section ~~shall command~~ **must order** the  
 19 defendant to appear for trial as follows:

20 (a) Within 30 days ~~of~~ **after** the issuance date of the summons  
 21 in proceedings under section 5726. ~~, in which event the~~ **A** summons  
 22 ~~shall~~ **issued pursuant to this subdivision must** be served not less  
 23 than 10 days before the date set for trial.

24 (b) Within 10 days ~~of~~ **after** the issuance date of the summons  
 25 in all other proceedings. ~~, in which event the~~ **A** summons ~~shall~~  
 26 **issued pursuant to this subdivision must** be served not less than 3  
 27 days before the date set for trial.

28 (3) If a summons issued under this section is not served  
 29 within the time provided ~~by~~ **under** subsection (2), additional

1 summons ~~shall~~**must** be issued at the plaintiff's request in the same  
2 manner and with the same effect as the original summons.

3 (4) ~~Instead of the provisions of subsection (2), a~~**A** court by  
4 local rule may provide for the application of this subsection to  
5 summary proceedings commenced in the court. ~~, in which event the~~**A**  
6 summons ~~shall command~~**issued pursuant to this subsection must order**  
7 the defendant to appear as follows:

8 (a) Within 10 days after service of the summons ~~upon~~**on** the  
9 defendant in proceedings under section 5726.

10 (b) Within 5 days after service of the summons ~~upon~~**on** the  
11 defendant in all other proceedings.

12 (5) A summons issued under subsection (4) remains in effect  
13 until served or quashed or until the action is dismissed, but  
14 additional summons as needed for service may be issued at any time  
15 at the plaintiff's request.

16 (6) Except as otherwise provided by court rule, a summary  
17 proceeding ~~shall~~**must** be heard within 7 days after the defendant's  
18 appearance or trial date and ~~shall~~**must** not be adjourned beyond  
19 that time other than by stipulation of the parties either in  
20 writing or on the record.

21 (7) An action to which section ~~5714(1)(b)~~**5714(2)(b)** applies  
22 ~~shall~~**must** be heard at the time of the defendant's appearance or  
23 trial date and ~~shall~~**must** not be adjourned beyond that time except  
24 for extraordinary reasons.

25 Sec. 5744. (1) Subject to the time restrictions of this  
26 section, the court entering a judgment for possession in a summary  
27 proceeding shall issue a writ commanding a court officer appointed  
28 by or a bailiff of the issuing court, the sheriff or a deputy  
29 sheriff of the county in which the issuing court is located, or an

1 officer of the law enforcement agency of the local unit of  
2 government in which the issuing court is located to restore the  
3 plaintiff to and put the plaintiff in full, peaceful possession of  
4 the premises by removing all occupants and all personal property  
5 from the premises and doing either of the following:

6 (a) Leaving the property in an area open to the public or in  
7 the public right-of-way.

8 (b) Delivering the property to the sheriff as authorized by  
9 the sheriff.

10 (2) Abandonment of the premises that is the subject of a writ  
11 under subsection (1) and of any personal property on the premises  
12 must be determined by the officer, bailiff, sheriff, or deputy  
13 sheriff serving the writ.

14 (3) On conditions determined by the court, a writ of  
15 restitution may be issued immediately after the entry of a judgment  
16 for possession if any of the following is pleaded and proved, with  
17 notice, to the satisfaction of the court:

18 (a) The premises are subject to inspection and certificate of  
19 compliance under the housing law of Michigan, 1917 PA 167, MCL  
20 125.401 to 125.543, and the certificate or temporary certificate  
21 has not been issued and the premises have been ordered vacated.

22 (b) Forcible entry was made contrary to law.

23 (c) Entry was made peaceably but possession is unlawfully held  
24 by force.

25 (d) The defendant came into possession by trespass without  
26 color of title or other possessory interest.

27 (e) The tenant, willfully or negligently, is causing a serious  
28 and continuing health hazard to exist on the premises or is causing  
29 extensive and continuing injury to the premises and is neglecting

1 or refusing either to deliver up possession after demand or to  
2 substantially restore or repair the premises.

3 (f) The action is an action to which section ~~5714(1)(b)~~  
4 **5714(2)(b)** applies.

5 (4) If a judgment for possession is based on forfeiture of an  
6 executory contract for the purchase of the premises, a writ of  
7 restitution must not be issued until the expiration of 90 days  
8 after the entry of judgment for possession if less than 50% of the  
9 purchase price has been paid or until the expiration of 6 months  
10 after the entry of judgment for possession if 50% or more of the  
11 purchase price has been paid.

12 (5) If subsections (3) and (4) do not apply, a writ of  
13 restitution must not be issued until the expiration of 10 days  
14 after the entry of the judgment for possession.

15 (6) If an appeal is taken or a motion for new trial is filed  
16 before the expiration of the period during which a writ of  
17 restitution must not be issued and if a bond to stay proceedings is  
18 filed, the period during which the writ must not be issued is  
19 tolled until the disposition of the appeal or motion for new trial  
20 is final.

21 (7) If a judgment for possession is for nonpayment of money  
22 due under a tenancy or for nonpayment of money required to be paid  
23 under or any other material breach of an executory contract for  
24 purchase of the premises, the writ of restitution must not be  
25 issued if, within the time provided, the amount stated in the  
26 judgment, with the taxed costs, is paid to the plaintiff and other  
27 material breaches of the executory contract for purchase of the  
28 premises are cured.

29 (8) Issuance of a writ of restitution following entry of a

1 judgment for possession because of the forfeiture of an executory  
 2 contract for the purchase of the premises forecloses any equitable  
 3 right of redemption that the purchaser has or could claim in the  
 4 premises.

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

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

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

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

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

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

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

25 (c) A violation by the tenant of rules promulgated by the  
 26 ~~Michigan department of public health~~**environment, Great Lakes, and**  
 27 **energy** under section 6 of the mobile home commission act, ~~Act No.~~  
 28 ~~96 of the Public Acts of 1987, being section 125.2306 of the~~  
 29 ~~Michigan Compiled Laws.~~**1987 PA 96, MCL 125.2306.**



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

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

8 (f) Failure of the tenant to make timely payment of rent or  
9 other charges under the lease or rental agreement by which the  
10 tenant holds the premises on 3 or more occasions during any 12-  
11 month period, for which failure the owner or operator **of the mobile**  
12 **home park** has served a written demand for possession for nonpayment  
13 of rent pursuant to section ~~5714(1)(a)~~ **5714(2)(a)** and the tenant  
14 has failed or refused to pay the rent or other charges within the  
15 time period stated in the written demand for possession. The  
16 written demand for possession ~~shall~~ **must** provide a notice to the  
17 tenant in substantially the following form: "Notice: Three or more  
18 late payments of rent during any 12-month period is just cause to  
19 evict you." Nothing in this subdivision ~~shall prohibit~~ **prohibits** a  
20 tenant from asserting, and the court from considering, any  
21 meritorious defenses to late payment of rent or other charges.

22 (g) Conduct by the tenant ~~upon~~ **on** the mobile home park  
23 premises ~~which~~ **that** constitutes a substantial annoyance to other  
24 tenants or to the mobile home park, after notice and an opportunity  
25 to cure.

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

29 (i) Condemnation of the mobile home park.

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

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

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

8 Sec. 5779. In every action to terminate a tenancy in a mobile  
9 home park for just cause, the tenant shall continue to pay all rent  
10 and other charges to the owner or operator **of the mobile home park**  
11 when due following the demand for possession of the premises and  
12 during the pendency of the action, and the owner or operator **of the**  
13 **mobile home park** may accept all ~~such~~ payments of rent and other  
14 charges without prejudice to the action to evict the tenant for  
15 just cause. If ~~such~~ a payment **of rent or other charges** is not  
16 timely paid, the owner or operator **of the mobile home park** may  
17 proceed under section ~~5714(1)(a)~~ **5714(2)(a)** without prejudice to  
18 the maintenance of the just cause termination action.

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

21 Enacting section 2. This amendatory act does not take effect  
22 unless Senate Bill No. \_\_\_\_ or House Bill No. 5753 (request no.  
23 02703'23) of the 102nd Legislature is enacted into law.