

Legislative Analysis



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EXPEDITED NOTICE TO QUIT PREMISES

Senate Bill 64 as passed by the Senate (Substitute S-5)
Sponsor: Sen. Rick Jones

Senate Bill 65 as passed by the Senate (Substitute S-1)
Sponsor: Sen. Tonya Schuitmaker

House Committee: Judiciary
Senate Committee: Judiciary

(Enacted as Public Acts 139 and 140 of 2012)

Complete to 4-30-12

A SUMMARY OF SENATE BILLS 64 & 65 AS REPORTED BY HOUSE COMMITTEE

The bills would allow an expedited procedure for a landlord to recover possession of a leased property in cases of illegal activity involving controlled substances to proceed upon the filing - by any person - of a police report alleging such conduct. Senate Bill 64 would also create an expedited procedure in situations in which a person was physically injured or threatened with injury by a tenant, member of the tenant's family, or person under the tenant's control on the leased property.

Senate Bill 64 would amend the Revised Judicature Act (MCL 600.5714). Chapter 57 of the RJA establishes expedited court procedures for the recovery of real property in landlord tenant cases and actions for the forfeiture of land contracts under circumstances such as failure to pay rent. Currently, a summary proceeding, as it is known, enables a landlord to terminate a lease by giving the tenant 24 hours' notice in writing that the tenant must quit the premises if the lease contained a clause providing for termination if the tenant, member of the household, or person under the tenant's control engaged on the leased premises in the manufacture, delivery, possession with intent to deliver, or possession of controlled substances or counterfeit controlled substances (Schedules 1-3). However, the summary proceeding only applies if the landlord files a formal police report alleging the illegal drug activity. The bill would instead allow the police report to be filed by any person.

In addition, the bill would establish grounds for a summary proceeding in a situation where a person remained on the premises for seven days following service of a written notice to quit the premises for termination of the lease after the tenant, a member of the tenant's household, or a person under the tenant's control caused or threatened physical injury to an individual. However, the provision would only apply if the police department with jurisdiction had been notified that the person, on property owned or operated by the tenant's landlord, caused or threatened physical injury to an individual.

This provision would not apply in cases involving domestic violence in which the individual who was physically injured or threatened is the tenant or a member of the

tenant's household or if application of the provision resulted in a violation of federal housing regulations.

Senate Bill 65 would amend Chapter 66 of the Revised Statutes of 1846 (MCL 554.134), which contains various provisions concerning real estate. As with Senate Bill 64, the Revised Statutes allow a landlord to give a tenant a 24-hour notice, in writing, to quit the premises if the landlord had filed a formal police report alleging that illegal activities had occurred on the property involving controlled substances or counterfeit controlled substances (Schedules 1-3) on the part of the tenant, a member of the tenant's family, or a person under the tenant's control and the lease contained a clause to that effect.

The bill would allow the summary proceedings to move forward regardless of who filed the formal police report alleging the illegal drug activity.

FISCAL IMPACT:

The bills would have no fiscal impact on state or local governmental units.

POSITIONS:

A representative of the Property Management Association of Michigan testified in support of the bills. (3-22-12)

The Rental Property Owners Association of Michigan indicated support for the bills. (3-22-12)

The Michigan Housing Council indicated support for the bills. (3-22-12)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Erik Jonasson

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.