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Senate Bill 64 (Substitute S-5 as reported by the Committee of the Whole)
Senate Bill 65 (Substitute S-1 as reported)
Sponsor: Senator Rick Jones (S.B. 64)
 Senator Tonya Schuitmaker (S.B. 65)
Committee: Judiciary

CONTENT

Senate Bill 64 (S-5) would amend Chapter 57 of the Revised Judicature Act to allow a property owner to recover possession of premises by summary proceedings if a person remained on the premises for seven days following service of a notice to quit after the tenant or another specified person caused or threatened physical injury.

Under Chapter 57, a person entitled to premises may recover possession of the premises by summary proceedings under certain circumstances. Under the bill, these would include situations in which a person held over the premises for seven days following service of a written notice to quit for termination of the lease after the tenant, a member of the tenant's household, or a person under the tenant's control, on real property owned or operated by the tenant's landlord, caused or threatened physical injury to an individual. This provision would apply only if the police department with jurisdiction were notified. The provision would not apply if it would violate Federal housing regulations or if the person who was injured or threatened were the tenant or a member of the tenant's household.

In addition, Chapter 57 allows a person entitled to premises to recover possession by summary proceedings when a person holds over premises for 24 hours following service of a notice to quit pursuant to a clause providing for termination because a tenant, a member of the tenant's household, or another person under the tenant's control has unlawfully manufactured, delivered, possessed with intent to deliver, or possessed a controlled substance on the leased premises. That provision applies only if the landlord files a formal police report alleging the controlled substance activity. Under the bill, it would apply if anyone filed such a police report.

(Chapter 57, also called the summary proceedings act, establishes expedited procedures for the recovery of real property in district or municipal court. Chapter 57 applies to landlord-tenant cases and actions for the forfeiture of land contracts.)

Senate Bill 65 (S-1) would amend Chapter 66 of the Revised Statutes of 1846 (which contains various provisions concerning real estate) to delete a requirement that a landlord file a formal police report alleging a drug violation, in order to give a 24-hour notice to quit, but continue to require such a report to be filed.

Under Chapter 66, if a tenant holds over after a lease is terminated pursuant to a clause in the lease providing for termination because the tenant, a member of the tenant's household, or another person under the tenant's control manufactured, delivered, possessed with intent to deliver, or possessed a controlled substance on the leased

premises, the landlord may terminate the tenancy by giving the tenant a written 24-hour notice to quit. That provision applies only if the landlord files a formal police report alleging the controlled substance activity. Under the bill, it would apply if anyone filed such a police report.

The bills are tie-barred.

MCL 600.5714 (S.B. 64)
554.134 (S.B. 65)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Date Completed: 8-24-11

Fiscal Analyst: Matthew Grabowski

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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.