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Senate Bills 64 and 65 (as introduced 1-25-11)
Sponsor: Senator Rick Jones (S.B. 64)
 Senator Tonya Schuitmaker (S.B. 65)
Committee: Judiciary

Date Completed: 1-31-11

CONTENT

Senate Bills 64 and 65 would amend different statutes to do both of the following:

- Allow a property owner to recover possession of premises by summary proceedings if a person held the premises for seven days following service of a notice to quit after the tenant or another specified person caused or threatened physical injury.**
- Delete a requirement that a landlord file a formal police report in order to recover possession of premises within 24 hours after service of a notice to quit due to the manufacture, delivery, or possession of a controlled substance on the premises.**

The bills are tie-barred.

Senate Bill 64

Under Chapter 57 of the Revised Judicature Act (RJA), 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 demand for possession for termination of the lease (commonly called a notice to quit) after the tenant, a member of the tenant's household, or a person under the tenant's control, on premises owned or operated by the tenant's landlord, caused or threatened physical injury to another tenant or occupant of the premises, a guest, or an agent or employee of the landlord.

In addition, the RJA 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; the bill would delete this restriction.

(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. Summary proceedings also are governed by Michigan Rules of Court 4.201 and 4.202.)

Senate Bill 65

Under Chapter 66 of the Revised Statutes of 1846 (which contains various provisions concerning real estate), 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; the bill would delete this restriction.

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.

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.