

# HOUSE BILL No. 5603

May 4, 1988, Introduced by Reps. Saunders and Ciaramitaro and referred to the Committee on Urban Affairs.

A bill to amend section 5714 of Act No. 236 of the Public Acts of 1961, entitled as amended  
"Revised judicature act of 1961,"  
being section 600.5714 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 5714 of Act No. 236 of the Public Acts  
2 of 1961, being section 600.5714 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4       Sec. 5714. (1) The person entitled to any premises may  
5 recover possession ~~thereof~~ OF THE PREMISES by summary proceed-  
6 ings in the following cases:

7       (a) When a person holds over any premises, after failing or  
8 refusing to pay rent due under the lease or agreement by which  
9 ~~he~~ THE PERSON holds THE PREMISES within 7 days from the service  
10 of a written demand for possession for nonpayment of the rent

1 due. For the purpose of this ~~provision~~ SUBDIVISION, rent due  
2 ~~shall~~ DOES not include any accelerated indebtedness by reason  
3 of a breach of the lease under which the premises are held.

4 (b) When a person holds over any premises in any of the fol-  
5 lowing circumstances:

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

8 (ii) After the term for which ~~they~~ THE PREMISES are  
9 demised to ~~him~~ THE PERSON or to the person under whom he OR SHE  
10 holds.

11 (iii) After the termination of ~~his~~ THE PERSON'S estate by  
12 a notice to quit as provided by section 34 of chapter 66 of the  
13 Revised Statutes of 1846, as amended, being section 554.134 of  
14 the MICHIGAN Compiled Laws. ~~of 1948.~~

15 (c) When the person in possession ~~wilfully~~ WILLFULLY or  
16 negligently causes a serious and continuing health hazard to  
17 exist on the premises, or causes extensive and continuing physi-  
18 cal injury to the premises, which was discovered or should rea-  
19 sonably have been discovered by the party seeking possession not  
20 earlier than 90 days before the institution of proceedings under  
21 this chapter and when the person in possession neglects or  
22 refuses for 7 days after service of a demand for possession of  
23 the premises to deliver up possession of the premises or to sub-  
24 stantially restore or repair the premises.

25 (d) When a person takes possession of premises by means of a  
26 forcible entry, holds possession of premises by force after a

1 peaceable entry, or comes into possession of premises by trespass  
2 without color of title or other possessory interest.

3 (e) When a person continues in possession of any premises  
4 sold by virtue of any mortgage or execution, after the time  
5 limited by law for redemption of the premises.

6 (f) When a person continues in possession of any premises  
7 sold and conveyed by any ~~executor or administrator~~ PERSONAL  
8 REPRESENTATIVE under license from the probate court or under  
9 authority in the will.

10 (2) A tenant or occupant of housing operated by a city, vil-  
11 lage, township, or other unit of local government, as provided in  
12 Act No. 18 of the Public Acts of the Extra Session of 1933, as  
13 amended, being sections 125.651 to 125.709e of the MICHIGAN  
14 Compiled Laws, ~~of 1948,~~ is not ~~deemed~~ CONSIDERED to be hold-  
15 ing over under ~~subdivision (b) of subsection (1)~~ SUBSECTION  
16 (1)(B) unless the tenancy or agreement has been terminated for  
17 just cause, as provided by lawful rules of the local housing com-  
18 mission or by law.

19 (3) A TENANT OF A MOBILE HOME PARK IS NOT CONSIDERED TO BE  
20 HOLDING OVER UNDER SUBSECTION (1)(B) UNLESS THE TENANCY OR LEASE  
21 AGREEMENT IS TERMINATED FOR JUST CAUSE. FOR PURPOSES OF THIS  
22 SECTION, JUST CAUSE MEANS 1 OR MORE OF THE FOLLOWING:

23 (A) USE OF A MOBILE HOME SITE BY THE TENANT FOR AN UNLAWFUL  
24 PURPOSE.

25 (B) FAILURE BY THE TENANT TO COMPLY WITH A LEASE OR AGREE-  
26 MENT BY WHICH THE TENANT HOLDS THE PREMISES OR WITH A RULE OR

1 REGULATION OF THE MOBILE HOME PARK, WHICH RULE OR REGULATION IS  
2 NOT UNCONSCIONABLE AND IS RELATED TO ANY OF THE FOLLOWING:

3 (i) THE HEALTH, SAFETY, OR WELFARE OF THE MOBILE HOME PARK,  
4 ITS EMPLOYEES, OR TENANTS.

5 (ii) THE QUIET ENJOYMENT OF THE OTHER TENANTS OF THE MOBILE  
6 HOME PARK.

7 (iii) MAINTAINING THE PHYSICAL CONDITION OR APPEARANCE OF  
8 THE MOBILE HOME PARK OR THE MOBILE HOMES LOCATED IN THE MOBILE  
9 HOME PARK TO PROTECT THE VALUE OF THE MOBILE HOME PARK OR TO  
10 MAINTAIN ITS AESTHETIC QUALITY OR APPEARANCE.

11 (C) A VIOLATION BY THE TENANT OF RULES PROMULGATED BY THE  
12 MICHIGAN DEPARTMENT OF PUBLIC HEALTH UNDER SECTION 6 OF ACT  
13 NO. 96 OF THE PUBLIC ACTS OF 1987, BEING SECTION 125.2306 OF THE  
14 MICHIGAN COMPILED LAWS.

15 (D) INTENTIONAL PHYSICAL INJURY BY THE TENANT TO THE PERSON-  
16 NEL OR OTHER TENANTS OF THE MOBILE HOME PARK, OR INTENTIONAL  
17 PHYSICAL DAMAGE BY THE TENANT TO THE PROPERTY OF THE MOBILE HOME  
18 PARK OR OF ITS OTHER TENANTS.

19 (E) FAILURE OF THE TENANT TO COMPLY WITH A LOCAL ORDINANCE,  
20 STATE LAW, OR A RULE OR REGULATION RELATING TO MOBILE HOMES.

21 (F) FAILURE OF THE TENANT TO MAKE TIMELY PAYMENT OF RENT OR  
22 OTHER CHARGES UNDER THE LEASE OR RENTAL AGREEMENT BY WHICH THE  
23 TENANT HOLDS THE PREMISES ON 3 OR MORE OCCASIONS DURING ANY  
24 12-MONTH PERIOD.

25 (G) CONDUCT BY THE TENANT UPON THE MOBILE HOME PARK PREMISES  
26 WHICH CONSTITUTES A SUBSTANTIAL ANNOYANCE TO OTHER TENANTS OR TO  
27 THE MOBILE HOME PARK, AFTER NOTICE AND AN OPPORTUNITY TO CURE.

1 (H) FAILURE OF THE TENANT TO MAINTAIN THE MOBILE HOME OR  
2 MOBILE HOME SITE IN A REASONABLE CONDITION.

3 (I) CONDEMNATION OF THE MOBILE HOME PARK.

4 (J) CHANGES IN THE USE OR SUBSTANTIVE NATURE OF THE MOBILE  
5 HOME PARK.

6 (K) PUBLIC HEALTH AND SAFETY VIOLATIONS BY THE TENANT.

7 (4) WITHIN 10 DAYS OF SERVICE OF A DEMAND FOR POSSESSION OF  
8 PREMISES FOR JUST CAUSE, A TENANT IN A MOBILE HOME PARK SHALL  
9 HAVE THE RIGHT TO REQUEST, BY CERTIFIED OR REGISTERED MAIL TO THE  
10 LANDLORD AT THE ADDRESS SET FORTH IN THE DEMAND, AN IN-PERSON  
11 CONFERENCE WITH THE OWNER OR OPERATOR OF THE MOBILE HOME PARK OR  
12 THE REPRESENTATIVE OF THE OWNER OR OPERATOR. IF TIMELY  
13 REQUESTED, THE CONFERENCE SHALL BE HELD AT THE MOBILE HOME PARK  
14 AND AT A TIME AND DATE ESTABLISHED BY THE LANDLORD BUT NOT LATER  
15 THAN 20 DAYS AFTER THE TENANT'S REQUEST. THE TENANT MAY BE  
16 ACCOMPANIED BY COUNSEL AT THE CONFERENCE. FOLLOWING THE CONFER-  
17 ENCE, THE LANDLORD MAY COMMENCE SUMMARY PROCEEDINGS FOR RECOVERY  
18 OF THE PREMISES POSSESSED BY THE TENANT WITHOUT FURTHER NOTICE OR  
19 ADDITIONAL DEMAND FOR POSSESSION OF THE PREMISES.

20 (5) IN EVERY ACTION TO TERMINATE A TENANCY IN A MOBILE HOME  
21 PARK FOR JUST CAUSE, THE TENANT SHALL PAY ALL RENT TO THE LAND-  
22 LORD WHEN DUE DURING THE PENDENCY OF THE ACTION, AND THE LANDLORD  
23 MAY ACCEPT ALL SUCH RENTAL PAYMENTS WITHOUT PREJUDICE TO THE  
24 ACTION TO EVICT THE TENANT FOR JUST CAUSE. THE FAILURE OF THE  
25 TENANT TO PAY RENT WHEN DUE SHALL ENTITLE THE LANDLORD TO AN  
26 IMMEDIATE JUDGMENT FOR POSSESSION.

1 (6) IN EVERY ACTION TO TERMINATE A TENANCY IN A MOBILE HOME  
2 PARK FOR JUST CAUSE, THE COURT SHALL AWARD REASONABLE ATTORNEY'S  
3 FEES TO THE PREVAILING PARTY.

4 (7) AS USED IN THIS SECTION:

5 (A) "MOBILE HOME" MEANS A MOBILE HOME AS DEFINED IN  
6 SECTION 2 OF ACT NO. 96 OF THE PUBLIC ACTS OF 1987, BEING SECTION  
7 125.2302 OF THE MICHIGAN COMPILED LAWS.

8 (B) "MOBILE HOME PARK" MEANS A MOBILE HOME PARK AS DEFINED  
9 IN SECTION 2 OF ACT NO. 96 OF THE PUBLIC ACTS OF 1987, BUT DOES  
10 NOT INCLUDE A SEASONAL MOBILE HOME PARK AS DEFINED IN SECTION 2  
11 OF THE PUBLIC ACTS OF ACT NO. 96 OF 1987.

12 Section 2. This amendatory act shall take effect January 1,  
13 1989.

14 Section 3. This amendatory act shall not take effect unless  
15 all of the following bills of the 84th Legislature are enacted  
16 into law:

17 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 5602 (request  
18 no. 03605'87).

19 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
20 no. 03605'87 b).