

**EVICTIONS: REVISE TIME-FRAMES  
AND ATTORNEY FEES**

**House Bill 4871**

**Sponsor: Rep. Ruth Ann Jamnick**

**House Bills 5182 and 5197**

**Sponsor: Rep. Jerry O. Kooiman**

**Committee: Judiciary**

**Complete to 12-8-03**

**A SUMMARY OF HOUSE BILL 4871 AS INTRODUCED 6-19-03, HOUSE BILL 5182  
AS INTRODUCED 10-16-03, AND HOUSE BILL 5197 AS INTRODUCED 10-22-03**

House Bills 4871 and 5182 would amend the Revised Judicature Act, respectively, to increase certain allowable taxable costs in an action to recover possession of premises and to shorten the timeframe to recover possession of premises in situations involving the illegal manufacture, sale, or possession of controlled substances. House Bill 5197 would amend 1846 RS 66 to shorten the notice to quit from seven days to 24 hours in situations involving the illegal manufacture, sale, or possession of controlled substances. Specifically, the bills would do the following:

House Bill 4871 would amend Chapter 57 of the Revised Judicature Act, entitled “Summary Proceedings to Recover Possession of Premises” (MCL 600.5759). In civil proceedings, costs are often awarded to the prevailing party. For certain proceedings, the amount recoverable is set by statute. The RJA allows, as taxable costs, a court to impose a cost of up to \$15 for a judgment taken by default. The bill would increase this to \$75. In addition, \$30 is allowed for a trial including both a claim for possession and a claim for a money judgment. The bill would increase this to \$150.

House Bill 5182 would also amend Chapter 57 of the Revised Judicature Act (MCL 600.5714 et al.). Under the RJA, a person entitled to premises may recover possession of the premises by a summary proceeding under certain specified circumstances. One such specified circumstance is when a tenant fails to vacate the premises after service of a written demand for possession for termination of the lease (eviction) because the tenant, tenant’s relative, member of the household, or other person unlawfully manufactured, delivered, possessed with intent to deliver, or possessed a controlled substance on the leased premises. (This applies only if a formal police report has been filed alleging the above.) Currently, the person entitled to the premises can recover possession seven days after the tenant failed to vacate after receipt of the written eviction order. The bill would shorten this timeframe to 24 hours.

In addition, an action pertaining to a 24-hour notice to quit would have to be heard at the time of the defendant’s appearance or trial date and could not be adjourned beyond that time except for extraordinary reasons.

Further, the act allows a writ of restitution to be issued by a court immediately after the entry of a judgment for possession when conditions specified in the act are pleaded and proved, with notice, to the court's satisfaction. The bill would instead require the writ of restitution to be issued immediately after the entry of a judgment, and would include as a specified condition an action regarding a 24-hour notice to quit involving the illegal manufacture, delivery, or possession of controlled substances on the premises.

House Bill 5197 would amend 1846 RS 66 to allow a landlord to terminate the tenancy by giving the tenant a written 24-hour notice to quit (instead of the current 7-day notice to quit). This would apply to situations where the lease was terminated under a clause in the lease that provided for termination if controlled substances were illegally manufactured, delivered, possessed, or possessed with intent to deliver on the premises, and a formal police report had been filed by the landlord alleging the above. The bill is tie-barred to House Bill 5182.

Analyst: S. Stutzky

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■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.