

**EVICTIONS: REVISE TIMEFRAMES  
WHEN DRUGS INVOLVED**

**House Bill 5182 (Substitute H-1)  
House Bill 5197 as introduced**

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

**Complete to 12-16-03**

**A SUMMARY OF HOUSE BILLS 5182 AND 5197 AS REPORTED BY THE HOUSE  
COMMITTEE ON JUDICIARY 12-9-03**

House Bill 5182 would amend the Revised Judicature Act 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. The bills are tie-barred to each other. Specifically, the bills would do the following:

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 "forthwith" 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. (These conditions include premises ordered vacated under provisions of the Housing Law of Michigan; when forcible entry was made contrary to law; when entry was peaceable but now the possession is unlawfully held by force; when the defendant possessed the premises by trespass; or the tenant is causing a serious and continuing health hazard, or causing damage to the premises, and refuses to give up possession or to repair the premises.) 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. (The act provides that in all other cases, a writ of restitution cannot be issued until the expiration of ten days after the entry of the judgment for possession.)

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.

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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.