

HOUSE BILL No. 5197

October 22, 2003, Introduced by Reps. Kooiman, Vander Veen, Voorhees, Murphy, Sak, Drolet and Stahl and referred to the Committee on Judiciary.

A bill to amend 1846 RS 66, entitled

"Of estates in dower, by the curtesy, and general provisions concerning real estate,"

by amending section 34 (MCL 554.134), as amended by 1990 PA 311.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 34. (1) Except as provided otherwise in this section,
2 an estate at will or by sufferance may be terminated by either
3 party by **giving** 1 month's notice ~~given~~ to the other party. If
4 the rent reserved in a lease is payable at periods of less than 3
5 months, the time of notice is sufficient if it is equal to the
6 interval between the times of payment. Notice is not void
7 because it states a day for the termination of the tenancy that
8 does not correspond to the conclusion or commencement of a rental
9 period. The notice terminates the tenancy at the end of a period
10 equal in ~~time to that in which the rent is made payable~~ **length**
11 **to the interval between times of payment.**

1 (2) If a tenant neglects or refuses to pay rent on a lease at
2 will or otherwise, the landlord may terminate the tenancy by
3 giving the tenant a written 7-day notice to quit.

4 (3) A tenancy from year to year may be terminated by either
5 party by a notice to quit, given at any time to the other party.
6 The notice shall terminate the lease at the expiration of 1 year
7 from the time of the service of the notice.

8 (4) If a tenant holds over after a lease is terminated
9 pursuant to a clause in the lease providing for termination
10 because the tenant, a member of the tenant's household, or other
11 person under the tenant's control has manufactured, delivered,
12 possessed with intent to deliver, or possessed a controlled
13 substance on the leased premises, the landlord may terminate the
14 tenancy by giving the tenant a written ~~7-day~~ **24-hour** notice to
15 quit. This subsection applies only if a formal police report has
16 been filed by the landlord alleging that the person has
17 unlawfully manufactured, delivered, possessed with intent to
18 deliver, or ~~possess~~ **possessed** a controlled substance on the
19 leased premises. For purposes of this subsection, "controlled
20 substance" means a substance or a counterfeit substance
21 classified in schedule 1, 2, or 3 pursuant to sections ~~7211,~~
22 ~~7212, 7213, 7214, 7215, and 7216~~ of Act No. 368 of the Public
23 ~~Acts of 1978, being sections 333.7211, 333.7212, 333.7213,~~
24 ~~333.7214, 333.7215, and 333.7216~~ of the Michigan Compiled Laws
25 **7211 to 7216 of the public health code, 1978 PA 368, MCL 333.7211**
26 **to 333.7216.**

27 Enacting section 1. This amendatory act does not take

House Bill 5197 as amended April 28, 2004

1 effect unless House Bill No. 5182 of the 92nd Legislature is

2 enacted into law.

<<Enacting section 2. This amendatory act takes effect September 1,
2004.>>