

Legislative Analysis



7-DAY NOTICE TO QUIT FOR TENANTS WHO INJURE OR THREATEN OTHER TENANTS OR EMPLOYEES

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House Bills 4904 & 4905

Sponsor: Rep. David Nathan

Committee: Urban Policy

Complete to 10-26-09

A SUMMARY OF HOUSE BILL 4904 AND 4905 AS INTRODUCED 5-7-09

Each of the bills would, generally speaking, address cases where a landlord could recover premises from tenants by summary proceedings. The bills would do the following:

- Both House Bill 4904 and 4905 would strike language that requires the filing of a formal police report by the landlord before a lease could be terminated because a tenant or a person under the tenant's control has unlawfully manufactured, delivered, possessed with intent to deliver, or possessed a controlled substance on the premises. This applies in cases where a tenant holds over premises for 24 hours following service of written demand for possession for termination of a lease under a clause in the lease allowing termination for reasons related to controlled substance violations.
- House Bill 4904 would allow the landlord to recover possession of the premises by summary proceedings when a 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 threatens physical injury to another tenant or occupant of the premises, a guest, or an agent or employee of the landlord. This applies when a tenant holds over premises for seven days following service of a written demand for possession for termination of the lease due to such conduct.

House Bill 4904 would amend Section 5714 of the Revised Judicature Act (MCL 600.5714). House Bill 4905 would amend Section 34 of Chapter 66 of the Revised Statutes of 1846 (MCL 554.134). The bills are tie-barred to each other, meaning neither could take effect unless the both are enacted.

FISCAL IMPACT:

House Bill 4904 would have an indeterminate, but likely negligible, fiscal impact on the judiciary. Any fiscal impact would be the result of increased summary proceedings under the requirements of the bill.

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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.