

Legislative Analysis



TERMINATION OF LEASE FOR CONTROLLED SUBSTANCE OFFENSES

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House Bill 4904 & 4905 (Substitute H-2)

Sponsor: Rep. David Nathan

Committee: Urban Policy

Complete to 12-17-09

A SUMMARY OF HOUSE BILLS 4904 & 4905 AS REPORTED FROM COMMITTEE

Two separate acts contain language that requires the filing of a formal police report by *the landlord* before landlord can terminate a tenancy through summary proceedings or a 24-hour notice to quit because a tenant or a person under the tenant's control has violated a lease by unlawfully manufacturing, delivering, possessing with intent to deliver, or possessing a controlled substance on the premises. Both House Bill 4904 and 4905 would strike the language that requires the filing of a formal police report by *the landlord*, although the filing of a police report by some party would still be required.

House Bill 4904 would amend Section 5714 of the Revised Judicature Act (MCL 600.5714), which deals with recovering premises by summary proceedings. It allows the use of summary proceedings when a person holds over premises following service of a written demand for possession for termination of the lease under a clause in the lease that provides for termination when there are controlled substance violations.

House Bill 4905 would amend Section 34 of Chapter 66 of the Revised Statutes of 1846 (MCL 554.134), which deals with the termination of leases. It allows a landlord to terminate a tenancy by giving the tenant a written 24-hour notice to quit for committing controlled substance offenses when that tenant holds over after a lease has been terminated under a clause in the lease that provides for termination when there are controlled substance violations.

The bills are tie-barred to each other, meaning neither could take effect unless 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.

POSITIONS:

Associated Management/Grandhaven Manor indicated support for the bills. (12-8-09)

Property Management Association of West Michigan indicated support for the bills. (12-8-09)

Property Management Association of Mid-Michigan indicated supports for the bills. (12-8-09)

Michigan Advocacy Project indicated neutrality on the bills. (12-8-09)

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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.