THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.553 Occupancy of building without consent; violation; penalty; exception.

Sec. 553. (1) Except as provided in subsection (2), an individual who occupies a building that is a single-family dwelling or 1 or both units in a building that is a 2-family dwelling and has not, at any time during that period of occupancy, occupied the property with the owner's consent for an agreed-upon consideration is guilty of a crime as follows:

(a) For a first offense, a misdemeanor punishable by a fine of not more than $5,000.00 per dwelling unit occupied or imprisonment for not more than 180 days, or both.

(b) For a second or subsequent offense, a felony punishable by a fine of not more than $10,000.00 per dwelling unit occupied or imprisonment for not more than 2 years, or both.

(2) Subsection (1) does not apply to a guest or a family member of the owner of the dwelling or of a tenant.

History: Add. 2014, Act 224, Eff. Sept. 24, 2014.

Compiler's note: Former MCL 750.553, which pertained to unfair discrimination, was repealed by Act 274 of 1984, Eff. Mar. 29, 1985.

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REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.5711 Entry.

Sec. 5711. (1) A person shall not make any entry into or upon premises unless the entry is permitted by law.

(2) Subject to subsection (3), if entry is permitted by law, the person shall not enter with force but only in a peaceable manner.

(3) If the occupant took possession of the premises by means of a forcible entry, holds possession of the premises by force, or came into possession of the premises by trespass without color of title or other possessory interest, the owner, lessor, or licensor or an agent thereof may enter the premises and subsection (2) does not apply to the entry. However, any forcible entry shall not include conduct proscribed by chapter XI of the Michigan penal code, 1931 PA 328, MCL 750.81 to 750.90h.

History: Add. 1972, Act 120, Eff. July 1, 1972;□ Am. 2014, Act 223, Eff. Sept. 24, 2014.

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REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.5714 Summary proceedings to recover possession of premises; holding over by tenant or occupant of public housing or by tenant of mobile home park.

Sec. 5714. (1) A person entitled to possession of premises may recover possession by summary proceedings in the following circumstances:

(a) When a person holds over premises after failing or refusing to pay rent due under the lease or agreement by which the person holds the premises within 7 days from the service of a written demand for possession for nonpayment of the rent due. For the purpose of this subdivision, rent due does not include any accelerated indebtedness because of a breach of the lease under which the premises are held.

(b) When a person holds over premises for 24 hours following service of a written demand for possession for termination of the lease pursuant to a clause in the lease providing for termination because a tenant, a member of the tenant's household, or other person under the tenant's control has unlawfully manufactured, delivered, possessed with intent to deliver, or possessed a controlled substance on the leased premises. This subdivision applies only if a formal police report has been filed alleging that the person has unlawfully manufactured, delivered, possessed with intent to deliver, or possessed a controlled substance on the leased premises. For purposes of this subdivision, "controlled substance" means a substance or a counterfeit substance classified in schedule 1, 2, or 3 pursuant to sections 7211 to 7216 of the public health code, 1978 PA 368, MCL 333.7211 to 333.7216.

(c) When a person holds over premises in 1 or more of the following circumstances:

(*i*) After termination of the lease, pursuant to a power to terminate provided in the lease or implied by law.

(*ii*) After the term for which the premises are demised to the person or to the person under whom he or she holds.

(*iii*) After the termination of the person's estate by a notice to quit as provided by section 34 of 1846 RS 66, MCL 554.134.

(d) When the person in possession willfully or negligently causes a serious and continuing health hazard to exist on the premises, or causes extensive and continuing physical injury to the premises, which was discovered or should reasonably have been discovered by the party seeking possession not earlier than 90 days before the institution of proceedings under this chapter and when the person in possession neglects or refuses for 7 days after service of a demand for possession of the premises to deliver up possession of the premises or to substantially restore or repair the premises.

(e) When a person holds over premises for 7 days following service of a written notice to quit for termination of the lease after the tenant, a member of the tenant's household, or a person under the tenant's control, on real property owned or operated by the tenant's landlord, has caused or threatened physical injury to an individual. This subdivision applies only if the police department with jurisdiction has been notified that the person, on real property owned or operated by the tenant's landlord, caused or threatened physical injury to an individual. This subdivision does not apply in either of the following cases:

(*i*) The individual who was physically injured or threatened is the tenant or a member of the tenant's household.

(*ii*) Application would result in a violation of federal housing regulations.

(f) When a person takes possession of premises by means of a forcible entry, holds possession of premises by force after a peaceable entry, or comes into possession of premises by trespass without color of title or other possessory interest. This remedy is in addition to the remedy of entry permitted under section 5711(3).

(g) When a person continues in possession of premises sold by virtue of a mortgage or execution, after the time limited by law for redemption of the premises.

(h) When a person continues in possession of premises sold and conveyed by a personal representative under license from the probate court or under authority in the will.

(2) A tenant or occupant of housing operated by a city, village, township, or other unit of local government, as provided in 1933 (Ex Sess) PA 18, MCL 125.651 to 125.709c, is not considered to be holding over under subsection (1)(b) or (c) unless the tenancy or agreement has been terminated for just cause, as provided by lawful rules of the local housing commission or by law.

(3) A tenant of a mobile home park is not considered to be holding over under subsection (1)(b) or (c) unless the tenancy or lease agreement is terminated for just cause pursuant to chapter 57a.

History: Add. 1972, Act 120, Eff. July 1, 1972;□ Am. 1988, Act 336, Eff. May 1, 1989;□ Am. 1990, Act 310, Imd. Eff. Dec. 14, 1990;□ Am. 2004, Act 105, Eff. Sept. 1, 2004;□ Am. 2012, Act 139, Imd. Eff. May 22, 2012;□ Am. 2014, Act 223, Eff. Sept. 24, 2014.

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730 553