

Form DC 100b

DEMAND FOR POSSESSION DAMAGE/HEALTH HAZARD TO PROPERTY

Use this form to give notice to a tenant when you want to start eviction proceedings against a tenant who has caused:

- **extensive and continuing damage to the rental property, or**
- **a serious and continuing health hazard to the rental property.**

NOTICE CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

1. Make sure that 90 days has not passed since you discovered the health hazard or damage to the property? YES
2. Complete the notice form? YES
3. Sign the notice form? YES
4. Deliver the "Tenant's copy" of the notice to the tenant? YES
5. Keep the "Court copy" of the notice for yourself? YES

If you cannot answer "yes" to all the above steps, you may have problems in your court case if you file a complaint with the court to evict the tenant.

If you have questions about any step in the process, refer to page 3 of this booklet for details.

**INSTRUCTIONS FOR USING FORM DC 100b
COMPLETING AND DELIVERING A DEMAND FOR POSSESSION**

»» DEFINITION

Demand for Possession, Damage/Health Hazard to Property

A "notice to quit" is a notice given to a tenant to do some required act or to surrender and vacate the rental property by a certain date. This particular "notice to quit" is a demand for possession that is used when the tenant has caused extensive and continuing damage or a serious and continuing health hazard to the rental property and the landlord wants the tenant to either remove the health hazard, repair the damage, or move out. This notice must be given within 90 days of discovering the damage or health hazard.

»» PREPARING THE NOTICE

Complete the form using the instructions on page 4.

»» GETTING NOTICE TO THE TENANT

1. Serving (Delivering) the Notice

You must "serve" the "Tenant's copy" of the demand for possession on the tenant. This can be done in one of three ways.

- delivering it personally to the tenant,
- delivering it on the premises to a member of the tenant's family or household, or an employee of the tenant, who is capable of understanding your instruction to deliver it to the tenant, with a request that it be delivered to the tenant, or
- sending it first-class mail addressed to the tenant at his or her last known address.

Some examples of improper service are slipping the demand under the tenant's door, leaving the demand outside the tenant's door, attaching the demand to the property, or mailing the demand by methods that require a signature.

2. Complete the Certificate of Service

Complete the Certificate of Service on the "Court copy" of the demand for possession using the instructions on page 4. This copy is for your records. Keep it in a safe place because you may need it later if you have to file a complaint for eviction with the court.

INSTRUCTIONS FOR COMPLETING "DEMAND FOR POSSESSION, DAMAGE/HEALTH HAZARD TO PROPERTY"

Please print neatly. After filling in the form, you will need to print both copies of the form.

Items A through E must be completed before delivering your notice to the tenant. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- A** Write in the name of the tenant and the address where you will be delivering the notice. This address may be where the tenant lives or does business and it may be different than the address of the rental property.
- B** Write your name in the line that says "Name (type or print)."
- C** Check the box that best describes the reason for giving the tenant a demand for possession, and then write in the box the complete address or a complete description of the rental property if different than the mailing address in **A** above. If this address is the same as the mailing address, write in the box "Same as mailing address."
- D** Explain in detail the serious and continuing health hazard or the extensive and ongoing damage to the rental property in the lines provided.
- E** Write in the date, sign your name, and write in your address and telephone number.

Deliver the Tenant's copy to the tenant.

Read page 3 of this packet for details on delivering this notice to the tenant.

- F** On the date you deliver the notice, write in the date. Write in the name of the person to whom you delivered the notice. Check the box in front of the statement that best describes how you delivered the notice. Sign your name.

You should read this booklet for directions on the legal process.

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|--------------------------|---|--|
| STATE OF MICHIGAN | DEMAND FOR POSSESSION DAMAGE/HEALTH HAZARD TO PROPERTY Landlord-Tenant | |
|--------------------------|---|--|

(A)

TO: _____

(B)

1. Your landlord/landlady, _____, says you have willfully or negligently caused
Name (type or print)

(C) extensive and continuing damage to the property at:
 a serious and continuing health hazard to exist at:

Address or description of premises rented (if different from mailing address)

(D) Explanation: _____

2. You must do one of the following within 7 days from the date this notice was served.
- a. Repair the damage and/or remove the health hazard.
 - b. Move out.
- If you do not do one of the above, your landlord/landlady may take you to court to evict you from the property.
3. If you believe you are not at fault, you can have a lawyer advise you. Call him or her soon.

(E)

Date

 Signature of owner of premises or agent

 Address

 City, state, zip Telephone no.

(F) **CERTIFICATE OF SERVICE**

I certify that on _____ I served this notice on _____
Date Name

- by delivering it personally to the person in possession of the property.
 delivering it on the premises to a member of his/her family or household or an employee of suitable age and discretion with a request that it be delivered to the person in possession of the property.
 first-class mail addressed to the person in possession of the property.

 Signature

| | | |
|--------------------------|---|--|
| STATE OF MICHIGAN | DEMAND FOR POSSESSION DAMAGE/HEALTH HAZARD TO PROPERTY Landlord-Tenant | |
|--------------------------|---|--|

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 If you do not do one of the above, your landlord/landlady may take you to court to evict you.
- 3. If you believe you are not at fault, you can have a lawyer advise you. Call him or her soon.

Date

Signature of owner of premises or agent

Address

City, state, zip

Telephone no.

HOW TO GET LEGAL HELP

- 1. Call your own lawyer.
- 2. If you do not have an attorney but have money to retain one, you may locate an attorney through the State Bar of Michigan Lawyer Referral Service at 1-800-968-0738 or through a local lawyer referral service. Lawyer referral services should be listed in the yellow pages of your telephone directory or you can find a local lawyer referral service at www.michbar.org.
- 3. If you do not have an attorney and cannot pay for legal help, you may qualify for assistance through a local legal aid office. Legal aid offices should be listed in the yellow pages of your telephone directory or you can find a local legal aid office at www.michiganlegalhelp.org. If you do not have Internet access at home, you can access the Internet at your local library.