

MEMORANDUM

TO: Real Property Law Section Council

FROM: Mike Luberto

DATE: February 15, 2023

SUBJECT: Legislative Committee Report

1. **Monthly Call.** The ad hoc Legislative Committee met via conference call on Thursday, February 2, 2023, to discuss recent legislation.
2. **Current status.** David and Mike had a call with Tabitha Zimney from Karoub & Associates on Thursday, February 2, 2023.
3. **Legislation of interest.**
 - a. MRTA. Tabitha said that we shouldn't ask Doug Wozniak to sponsor our MRTA bill, since Democratic bills are moving, and Republican sponsored bills are unlikely to move. Tabitha advised that we should know in a week if the utility companies and EGLE will work with us on a fix to their legislation. Tabitha is thinking of approaching Kristian Grant to be our sponsor.
 - b. HB 4416 Substitute Bill (Restrictive Covenants) – Now law.
[HB 4416 of 2021](#) Property: other; certain restrictive covenants in deeds and other instruments; prohibit. Creates new act.

This bill passed, without our suggested language pertaining to the capacity of the signer (individual or representative of an association). Sarah Anthony has indicated that she would work with us on an amendment.

4. **New Proposed Legislation.**

[SB 0019 of 2023](#) Property tax: tax tribunal; tax tribunal jurisdiction over certain disputes related to the assessment of property for purposes of property taxes; amend. Amends secs. 31 & 35a of 1973 PA 186 (MCL 205.731 & 205.735a). TIE BAR WITH: SB 0020'23

[SB 0020 of 2023](#) Property tax: appeals; process for appealing certain assessment-related disputes as to certain property; amend. Amends sec. 34 of 1893 PA 206 (MCL 211.34) & adds secs. 34f & 34g.

The Council voted to oppose bills similar to the above last session. The Legislative Committee recommends that Council adopt a resolution opposing these bills.

[HB 4023 of 2023](#) Environmental protection: underground storage tanks; placement distance of underground storage tanks from a public water supply system; revise. Amends sec. 21102a of 1994 PA 451 (MCL 324.21102a) & adds sec. 21102b.

[SB 0041 of 2023](#)

Construction: housing; ordinance prohibiting the use of energy-efficient appliances in new or existing residential buildings; prohibit local units of government from enacting. Amends sec. 13a of 1972 PA 230 (MCL 125.1513a).

Introduced 1-25-23.

This would ban governmental preclusion of the use of gas appliances. "...a local unit of government shall not adopt, maintain, or enforce an ordinance that prohibits the use of an appliance that uses gas in a new or existing commercial or residential building or structure."

Tabitha doesn't think this bill will move, since Local Government is too busy with other matters.

[HB 4052 of 2023](#)

Property tax: assessments; transfer of ownership of certain real property to certain individuals; exempt from uncapping of taxable value upon transfer.

This exempts from uncapping transfers to a son-in-law or daughter-in-law. Tabitha advised that this is unlikely to go anywhere since the sponsor is out of favor with both caucuses.

[SB 0047 of 2023](#)

Land use: farmland and open space; relinquishment of portion of farmland from agreement or easement; allow to make boundaries more regular. Amends secs. 36103, 36110 & 36111 of 1994 PA 451 (MCL 324.36103 et seq.).

[HB 4062 of 2023](#)

Civil rights: housing discrimination; housing discrimination based on source of income; prohibit. Amends title of 1972 PA 348 (MCL 554.601 - 554.616) & adds sec. 1c.

[HB 4063 of 2023](#)

Civil rights: housing discrimination; housing discrimination based on source of income; prohibit. Amends title & sec. 502 of 1976 PA 453 (MCL 37.2502).

5. **Other.** Tabitha has set up a day of meetings with legislators for Mike and Jason on Wednesday, March 15, 2023.