

## MEMORANDUM

**TO:** Real Property Law Section Council  
**FROM:** Gregory J. Gamalski  
**DATE:** January 9, 2020  
**SUBJECT:** Legislative Report

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1. Monthly Call. The Committee has its monthly call on Monday January 9, 2020.
2. New Bills of Interest.

HB 5305 would reverse at least 50 years of zoning law favoring extraction industries. Putting aside the merits, with two Democratic sponsors, it seems unlikely to go anywhere in this legislature. <http://www.legislature.mi.gov/documents/2019-2020/billintroduced/House/pdf/2019-HIB-5305.pdf>

HB 5317 would create a fund administered by MDOT to provide grants up to \$15,000 for businesses hurt by unexpected road closings or road work extending beyond the expected date of completion. Again, with 10 Democratic sponsors it does not seem likely to advance. <http://www.legislature.mi.gov/documents/2019-2020/billintroduced/House/pdf/2019-HIB-5307.pdf>

HB 5309 would obviate the need for a local soil erosion and sedimentation control permit during an emergency declared by the governor, within the area of the emergency declaration. It could be constituent-driven crankiness or something that the administration really wants. It is not really related to real estate development in any way and not one on which we are likely to take a position but may be worth passing along to Section members.

SB 0714 Natural resources; shorelands; temporary erosion control structures; authorize without permit during high water levels. <http://www.legislature.mi.gov/documents/2019-2020/billintroduced/Senate/pdf/2020-SIB-0714.pdf>

3. Marketable Title Act Amendment; HB 5260. A since a detailed article will be published on Marketable Title Act issues in the next Michigan Real Property Review expected in January, 2020, the Committee still suggests that review of that article might suggest appropriate positions and/or actions. As noted before the Committee has a sense from discussions with our lobbyist that there is not an appetite for further substantial revisions at this time however.

4. Homeowner associations. No action currently on the proposed bill. We understand a sponsor is still being sought. The Section is not a formal proponent nor has it taken a position related to this effort but the Legislative Committee is monitoring it.
5. Prior Positions. Bills on which we recently took positions remain in committee and have not advanced.
  - a. HB 4123 and 4699. These bills essentially authorize a lien against all real estate throughout the state owned by an owner of even a single blighted property subject to blight citations.
  - b. HB 4676 and HB 4677. The bills essentially attempt to bar certain noisome restrictions related to race, religion and sexual orientation, etc. which is a laudable goal.
6. Emotional Support Animals. SB609 and SB 610 about emotional support animals and residential landlord tenant issues with the apparent object being a perception that the right to an emotional support animal may be used in bad faith by some tenants have not advanced. Due to competing interests, landlords and tenants, the committee has not suggested a position be taken. No action has been taken since introduction.
7. Tree Liability; HB 4915. While the Committee suggests a position could be taken on HB 4915, the tree liability bill in its current form has not advanced since introductions in September.
8. Assignment of Rents Statutes. Likewise the bills related to a new assignment and rents statute, HB 5086 and HB 5092 remain in the Judiciary Committee.
9. *Rafaeli L.L.C. v. Oakland County*, Supreme Court Case No. 156849 was heard on November 7, 2019. The Houses is considering a bill HB 4219, to address this issue and the Senate has also introduced a bill recently SB 0676. Neither bill has advanced.
10. Cell Phones in Courts. The Supreme Court has amended the court rules to allow everyone to bring cell phones in court houses state wide effective May 1, 2020. <https://www.lansingstatejournal.com/story/news/2020/01/08/cell-phones-allowed-michigan-courts-msc/2844006001/> See MCR 9.115 Courtroom Decorum; Policy Regarding Use of Cell Phone or other Portable Electronic Communication Devices, Order Dated January 8, 2020. ADM File No. 2018-30 [https://courts.michigan.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Adopted/2018-30\\_2020-01-08\\_FormattedOrder\\_AmendtOfMCR8.115.pdf](https://courts.michigan.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Adopted/2018-30_2020-01-08_FormattedOrder_AmendtOfMCR8.115.pdf)