

To: Real Property Law Section Council  
From: Lorri B. King  
Date: February 14, 2019  
Re: Real Property Law Section Legislative Report

Yellow: Change in status

Red: Newly added

## ***GENERAL LEGISLATIVE BACKGROUND***

The Governor's first State of the State address took place on Tuesday February 12<sup>th</sup>, after being moved due to a conflict with the President's State of the Union. Also, the Governor has announced she will present her budget recommendations in early March. Currently, the focus of the Michigan Legislature at this early stage is auto no-fault and civil asset forfeiture reform.

Both chambers have announced their intentions to shake up the current committee structure. The Senate has announced it will create an advice and consent committee designed to vet the appointments made by Governor Whitmer. It will be similar in concept to the one former-Senate Majority Leader Ken Sikkema created in 2003 when former-Governor Granholm took power. The House committee restructuring was announced by Speaker Chatfield and all bills will now have to go through a two-tiered committee system. Only four committees, which are Appropriations, Government Operations, Judiciary, and Ways and Means will be able to send bills directly to the House Floor. After they pass any of the regular policy committees, such as Energy or Insurance, they will be rereferred to one of the four main committees previously mentioned. The Speaker hopes this new process will encourage more debate throughout the legislative process.

## ***LEGISLATION SIGNED INTO LAW SINCE LAST REPORT***

N/A

## ***LEGISLATION OF INTEREST***

### **SENATE BILLS**

**Civil Asset Forfeiture – SB 2** (Sen. Lucido, R – Shelby Twp.) Requires a criminal conviction before law enforcement can proceed with civil asset forfeiture process. *This bill has passed the Senate Floor (36-2) and now moves to the House of Representatives.*

**Writ of Restitution – SB 3** (Sen. Lucido, R – Shelby Twp.) Allows for a writ of restitution to be executed by a court officer, bailiff, or deputy sheriff. *Referred to Senate Committee on Judiciary and Public Safety.*

**Tax Tribunal – SB 26** (Sen. McBroom, R – Vulcan) Creates requirements as to what it is to be considered in certain tax tribunal determinations in assessment disputes. *Referred to the Senate Committee on Finance.*

**Assessment Disputes – SB 39** (Sen. McBroom, R – Vulcan) Sets requirements under the Tax Tribunal Act for what is to be considered in certain tribunal determinations in assessment disputes. *Referred to the Senate Committee on Finance.*

**Wind Energy Systems – SB 46** (Sen. VanderWall, R - Ludington) Clarifies in General Property Tax Act the assessed valuation of wind energy systems. *Referred to the Senate Committee on Finance.*

**Solar Panels – SB 47** (Sen. Barrett, R - Charlotte) Excludes placement of solar panels on residential property from assessments of true cash value. *Referred to the Senate Committee on Finance.*

**Alternative Energy – SB 48** (Sen. Barrett, R - Charlotte) Modifies property tax exemption for alternative energy systems on personal property. *Referred to the Senate Committee on Finance.*

**Historic Preservation Tax Credit – SB 54** (Sen. Schmidt, R – Traverse City) Restores the State Historic Preservation Tax Credit program. *Referred to the Senate Committee on Finance.*

**Property Tax – SB 59** (Sen. Chang, D - Detroit) Provides for the freezing of taxable value for primary residences of certain senior citizens. *Referred to the Senate Committee on Finance.*

## **House Bills**

**Civil Asset Forfeiture – HB 4001** (Rep. Wentworth, R - Clare) Requires a criminal conviction before proceeding. *Referred to House Committee on Judiciary.*

**Civil Asset Forfeiture – HB 4002** (Rep. LaGrand, D – Grand Rapids) Amends certain procedure for forfeiture in controlled substance cases. *Referred to House Committee on Judiciary.*

**Short-Term Rentals – HB 4046** (Rep. Sheppard, R - Temperance) Limits regulation of vacation and short-term rentals. *Referred to the House Committee on Local Government and Municipal Finance.*

**Property Assessments – HB 4047** (Rep. Brixie, D - Okemos) Modifies certain tribunal determinations in assessment disputes as to the valuation of property. Also known as “dark stores.” *Referred to the House Committee on Local Government and Municipal Finance.*

**Nonprofit Corporations – HB 4048** (Rep. Inman, R - Williamsburg) Authorizes merger or conversion into nonprofit corporations for summer resort and park associations. *Referred to House Committee on Commerce and Tourism.*

**Association Mergers – HB 4049** (Rep. Inman, R – Williamsburg) Authorizes merger or conversion into nonprofit corporations for summer resort and park associations. *Referred to House Committee on Commerce and Tourism.*

**Property Tax – HB 4050** (Rep. Inman, R - Williamsburg) Allows transfer of ownership from a general or limited partnership to certain individuals to be exempt from uncapping taxes after transfer. *Referred to the House Committee on Local Government and Municipal Finance.*

**Land Use – HB 4055** (Rep. Slagh, R - Zeeland) Requires tax payment certification prior to approval of land division. *Referred to the House Committee on Local Government and Municipal Finance.*

**Alternative Energy – HB 4068** (Rep. Kahle, R – Madison Twp.) Modifies alternative energy property tax exemption. *Referred to the House Tax Policy Committee.*

**Alternative Energy – HB 4069** (Rep. Kahle, R – Madison Twp.) Excludes placement of solar panels on residential real property from assessment of true cash value. *Referred to the House Tax Policy Committee.*

**Enterprise Zones – HB 4091** (Rep. LaFave, R – Iron Mountain) Modifies neighborhood enterprise zones eligibility requirements. *Referred to the House Committee on Commerce and Tourism.*

**Historic Preservation Tax Credit – HB 4100** (Rep. Frederick, R – Owosso) Restores state historic preservation tax credit program. *Referred to the House Committee on Tax Policy.*

**Income Tax – HB 4110** (Rep. Garza, D – Taylor) Increases property tax credit for certain qualified veterans. *Referred to the House Committee on Tax Policy.*

**Public Properties – HB 4120** (Rep. Markkanen, R - Hancock) Modifies provision related to contracts or agreements for the purchase of real or personal property for public use. *Referred to the House Committee on Transportation.*

**Property Tax – HB 4121** (Rep. Byrd, D – Detroit) Eliminates sunset on authority of county treasurers to enter tax foreclosure avoidance agreements. *Referred to the House Committee on Natural Resources and Outdoor Recreation.*

**Blight Violations – HB 4123** (Rep. Whitsett, D - Detroit) Modifies attachment of property lien for failure to pay fine for blight violation to include all land, buildings, or structures owned by defendant in the state. *Referred to the House Committee on Local Government and Municipal Finance.*

**Property Tax Credit – HB 4157** (Rep. Iden, R – Oshtemo Twp.) Removes eligibility based on homestead taxable value cap. *Referred to the House Committee on Tax Policy.*

**Veteran Property Tax Exemption – HB 4158** (Rep. Iden, R – Oshtemo Twp.) Modifies affidavit filing requirements for disabled veteran exemptions. *Referred to the House Committee on Local Government and Municipal Finance.*

**Brownfield Redevelopment – HB 4159** (Rep. Iden, R – Oshtemo Twp.) Provides oversight of brownfield redevelopment authorities. *Referred to the House Committee on Local Government and Municipal Finance.*

**Property Management – HB 4160** (Rep. Hoitenga, R – Manton) Modifies certain licensure requirements for employees or agents of a real estate broker hired to perform duties relating to property management. *Referred to the House Committee on Regulatory Reform.*