

MEMORANDUM

TO: Real Property Law Section Council

FROM: Roxana Zaha / David Pierson

DATE: October 17, 2025

SUBJECT: Legislative Committee Report

1. **Monthly Calls.** The Legislative Committee met on October 7, 2025. David Pierson and Roxana Zaha also had a separate call on October 7, 2025, with RPLS lobbyist Tabitha Zimny.

2. **Recent Developments.**

SB 0527 and SB 0528 (regarding public sales of property being noticed and foreclosed online) are not expected to go anywhere, *per Tabitha*. Senator introduced for someone in his district, a constituent in a wheelchair in the UP; house was foreclosed on, and he couldn't go to the public sale. Not expected to move forward.

16 new Landlord / Tenant bills were introduced in the House (summary below). *Per Tabitha*, not expected to go anywhere the way they are currently drafted. First, no stakeholders were involved in these bills and, and second, in any event not likely to pass the Republican House.

No further action on: SB 272 (Condominium Act Amd. attempting to clarify several technical aspects of Section 67 of the Condo Act; Last Action 4/30/35, referred to Committee) or HB 4081 and SB 23 (Land Division Act Amd.) because Legislature has been focusing on the budget.

3. **Marketable Record Title Act (MRTA).**

Update: HB 4524 of 2025 was unanimously approved and passed in the House with immediate effect on September 4, 2025, and transmitted to the Senate. It then passed the Senate unanimously and was signed into law by the Governor on 9/29.

Thank you to our RPLS special committee who drafted HB 4524 of 2025, an amendment to the Marketable Record Title Act, and negotiated for more than a year with all those who had an interest in it, to come to a mutually agreed draft. The MRTA amendment was sponsored by Douglas Wozniak and Kelly Breen and introduced on June 11, 2025. Council moved to support this bill at its last meeting on August 8, 2025. HB 4524 can be found here: <https://www.legislature.mi.gov/Bills/Bill?ObjectName=2025-HB-4524>

History: The Legislature adopted the extension of the grace period through September 29, 2025, with immediate effect, and the Governor signed it on March 28, 2024. At the April Council meeting, Council approved a bill to implement the “comprehensive fix.” Members of

the Legislative Committee and former RPLS Chair Cathy LaMont later discussed the bill with representatives of the Michigan Land Title Association (MLTA). A bill was submitted to the Legislative Service Bureau to prepare for introduction, and the drain commissioners association requested changes to the bill to protect certain special assessments for drain improvements. The Committee discussed this with Tabitha and worked through this issue to get the bill introduced. In the September Council meeting, the Council overwhelmingly disfavored repeal of the Act. David Pierson thereafter reviewed comments from the drain commissioners. Drainage districts have been given the same categorical exemption as other government agencies which we believe should suffice. Our understanding is that other language in the MRTA raised concerns for them as to the treatment of pre-1956 easements, before recording with the register of deeds was required. Their suggested language, ‘regardless of whether the preserved or excepted interests are recorded with the register of deeds,’ was much broader than just those, and opened a Pandora’s box of unknown, unrecorded easements or other interests, well beyond the issue they raised. With the one exception of the pre-1956 interests of drainage districts, Michigan requires real property interests to be recorded. The unintended consequences of their broader language could be significant. Compromise language was drafted by David and reviewed by Leslee and the committee and shared with the drain commissioners’ lobby. It was accepted. ICSC subsequently raised concerns with the draft bill. Mike Luberto and David Pierson spoke with ICSC on January 10 in follow-up to a conversation with ICSC and the lobbyists for ICSC and RPLS in November 2024. In November, ICSC’s current leader indicated she had concerns with the effectiveness of the MRTA, found the drafting jumbled, and wanted to review it again to produce something she feels is more polished. (Note that input from multiple governmental agencies and utilities resulted in this language). Rep. Fitzgerald was unwilling to introduce the bill until ICSC’s concerns were addressed. Tabitha has suggested that new co-sponsors may be needed given the change in make-up of the legislature. ICSC is believed to have signed off on the bill with minor changes made by David Pierson and approved by Mike Luberto. The MRTA Amendment bill, HB 4524 of 2025, was sponsored by Douglas Wozniak and Kelly Breen, and went through the House approval process, passed the House with immediate effect after a third reading on September 4, 2025. It subsequently passed the Senate and was signed into law by the Governor on September 29, 2025.

4. 16 new Landlord/Tenant Bills introduced in the House.

- ***Per Tabitha*** – these bills are not going to go anywhere the way that they are now drafted. No stakeholders were involved in these bills. Not expected to pass the Republican House.
- **HB 4982 of 2025** Housing: landlord and tenants; notice period to terminate a tenancy for nonpayment of rent; increase. Amends sec. 34 of 1846 RS 66 (MCL 554.134).
 - i. Failure to pay rent would now require 14 days instead of 7 days’ notice to terminate, allowing the tenant an extra week to pay the rent.
- **HB 4983 of 2025** Civil procedure: evictions; redemption time period for tenancy; modify. Amends sec. 5744 of 1961 PA 236 (MCL 600.5744).

- i. A writ of restitution may not be issued until the expiration of 14 days instead of 10 days after the judgment of possession.
- **HB 4984 of 2025** Civil procedure: other; sealing court records of evictions; provide for. Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding sec. 5755.
 - i. Summary proceedings are to be sealed (with certain exceptions) unless and until a judgment for possession is entered. They are then public for 2 years, then sealed again.
- **HB 4985 of 2025** Housing: landlord and tenants; termination of tenancy; establish grounds of good cause. Amends secs. 2918, 3238, 5714, 5735, 5744, 5775 & 5779 of 1961 PA 236 (MCL 600.2918 et seq.). TIE BAR WITH: HB 4982'25
 - i. Amends the unlawful eviction statute to prevent removing a person in possession or refusing to renew a lease without “good cause,” defined to mean failure to pay rent within 14 days of notice; “good cause” may not include failing to pay an increase that is “unreasonable or imposed for the purpose of circumventing the intent of this section.” Rent that is “grossly in excess of the fair market value of comparable rental units in the area” is presumed to be unreasonable. Breach of other material conditions or certain other bad acts may allow recovery of possession. As written, the amendment fails to distinguish between someone who comes into possession as a tenant and someone who takes possession under other circumstances.
- **HB 4986 of 2025** Housing: landlord and tenants; cross-reference to summary proceedings to recover possession of premises provision; update. Amends sec. 44a of 1933 (Ex Sess) PA 18 (MCL 125.694a). TIE BAR WITH: HB 4985'25
 - i. Extends the protections above to local government-owned housing.
- **HB 4987 of 2025** Housing: landlord and tenants; notification of defective conditions on premises and time limits for landlords to commence repairs; provide. Amends sec. 39 of 1846 RS 66 (MCL 554.139).
 - i. Requires landlords to commence repairs within specified times and defines how the tenant is to give notice of the need for repairs.
- **HB 4988 of 2025** Housing: landlord and tenants; cross-reference to the revised statutes of 1846; remove. Amends sec. 6 of 1978 PA 454 (MCL 554.636). TIE BAR WITH: HB 4987'25
 - i. Removes reference in Truth in Renting Act tying section to statute as amended by HB 4987 (essentially clean-up if the two both pass).
- **HB 4989 of 2025** Housing: landlord and tenants; provision for tenant to escrow rent when certificate is withheld pending compliance; modify. Amends sec. 130 of 1917 PA 167 (MCL 125.530). TIE BAR WITH: HB 4990'25
 - i. Amends Housing Law of Michigan remedy: if certificate of compliance with housing code is withheld, instead of going into escrow, rent is simply not owed.

- **HB 4990 of 2025** Civil procedure: evictions; rent abatement remedies and award of attorney fees; modify. Amends secs. 5720, 5741 & 5759 of 1961 PA 236 (MCL 600.5720 et seq.). TIE BAR WITH: HB 4989'25
 - i. Prohibits termination of tenancy where certificate of compliance has been withheld and creates mandatory rent deductions for landlord's breach of lease or statutory covenants, including relief from late fees.
- **HB 4991 of 2025** Civil procedure: evictions; award for unlawful eviction; modify. Amends sec. 2918 of 1961 PA 236 (MCL 600.2918). TIE BAR WITH: HB 4985'25
 - i. Changes damages for unlawful eviction to \$2,000, \$200 per day, or 3 times actual damages, whichever is greater, with exemplary damages for particular conduct, plus a civil fine of 10% of exemplary damages for "egregious" conduct.
- **HB 4992 of 2025** Housing: landlord and tenants; methods of communication between landlords and tenants; update. Amends secs. 3, 9, 10, 11, 12 & 13 of 1972 PA 348 (MCL 554.603 et seq.).
 - i. Expands accepted means of communication for security claims. Notice of damages from landlord due in 15 instead of 30 days. Eliminates exemption from certain requirements where damages are based entirely on unpaid rent.
- **HB 4993 of 2025** Housing: landlord and tenants; notice requirements for early lease termination for certain victims of violence; expand. Amends sec. 1b of 1972 PA 348 (MCL 554.601b).
 - i. Specifies means of notice and reduces documentation required for release from rental agreement in case of danger from domestic violence, sexual assault, or stalking.
- **HB 4994 of 2025** Housing: landlord and tenants; limitations on fees charged to tenants; provide for. Amends secs. 2 & 3 of 1978 PA 454 (MCL 554.632 & 554.633).
 - i. Requires disclosure and limits fees charged to tenant to those "reasonable and commensurate with an actual cost incurred by landlord in providing an actual service or direct benefit to the tenant.
- **HB 4995 of 2025** Housing: landlord and tenants; prohibition of the use of prospective tenants' credit scores as a sole deciding factor for lease eligibility and allowance for landlords to accept reusable screening reports; provide for. Amends title & sec. 1 of 1972 PA 348 (MCL 554.601) & adds secs. 1e, 1f, 1g & 1h.
 - i. Prohibits credit scores as deciding factor in tenant eligibility. Allows use of reusable screening report, limits the amount landlord may charge if it does not accept the reusable report, and requires landlord to disclose facts in connection with screening, including specifying reason for denial of tenancy and opportunity to rebut.

- **HB 4996 of 2025** Housing: landlord and tenants; form containing summary of tenant's rights; require the department to make available to the public. Amends sec. 57i of 1939 PA 280 (MCL 400.57i).
 - i. Amends social welfare act to require distribution of tenants rights notice form under Truth in Renting Act by participating landlords.
- **HB 4997 of 2025** Housing: landlord and tenants; form containing summary of tenant's rights; require the authority to make available to the public. Amends 1966 PA 346 (MCL 125.1401 - 125.1499c) by adding sec. 22e.
 - i. Requires MSHDA to distribute tenant rights notice form under Truth in Renting Act (although there is a typo in the cross-reference)

5. HB 4846 of 2025 - Alternate procedure to evict squatters (Amends sec. 5714 of 1961 PA 236 (MCL 600.5714) & adds sec. 5712.) Copy of HB 4846 is *attached*. See also *attached* report from David Pierson **recommending that Council oppose this bill**. This bill is not just policy; it concerns us because it concerns the administration of real property law. As David notes in detail in his report (excerpt below), HB 4846, the so-called "squatter eviction bill" reintroduced this session, allows anyone who claims to own property to present an affidavit to a sheriff who then assists in evicting occupants of the property. The bill presents several difficulties falling into two basic categories:

- **First**, it supplants a long history in Michigan of requiring a judicial determination of the right to possession of property. In place of summary proceedings in the district court, it allows a property owner to enlist the aid of a sheriff to evict someone possessing property, based on the word of the property owner (or its agent) alone, with no judicial oversight or opportunity for the person in possession to defend or know the contents of the owner's claims.
- **Second**, it introduces state action, in the person of the sheriff, by having the sheriff "verify" and then enforce a request for self-help evictions. The sheriff takes the place of the court in both deciding and enforcing those evictions. Apart from having sheriffs take on judicial functions, the bill may well make the sheriff liable for any violation of due process and damages for evicting a person with a right to possession by force or threat of force. It would be interesting to know how the Michigan Sherriff's Association views this bill.

The Legislative Committee recommends that the Section should OPPOSE HB 4846 which would overturn Michigan's longstanding policy in favor of the determination of interests in real property by judicial process.

- 6. Remote In Person Notarization and Wire Fraud Notices** *See attached*. Drafts received from Tabitha – if we have any comments, we should provide them to Tabitha as soon as possible. Per Tabitha, the Remote In Person Notarization was pushed by Sun Title (lobbyist Nick Capone).
- ***Michigan Real Estate Payment Fraud Notice*** – overall, the legislative committee is not opposed to the concept. Some suggestions were made including adding the following disclosures: (1) Never rely on emails purporting to change wire

instructions. Parties to a transaction rarely change wire instructions in the course of a transaction, and (2) Do not forward wire instructions to other parties without first verbally verifying the instructions from the sending party.

- **Remote in Person Notarization (RIN)** – we had RIN during COVID, prior statute on RIN expired July 1, 2021. This draft bill would bring it back. Some express concerns over potential fraud, others think it is more reliable in certain circumstances. The draft bill provides for two-step identify authentication – before the video conference and again during the video conference. The individual seeking the notary’s services, if not known to the notary, must present “satisfactory evidence of identity to the notary before the video conference that allows the notary to *confirm the identity through credential analysis and identity proofing* (emphasis added), and presents satisfactory evidence of identity to the notary again during the video conference that allows the notary to reconfirm identity.

7. **Kessler Fix.**

History: Recall that *Kessler* concluded that the purchaser at a mortgage foreclosure sale can wait until the day before the redemption period expires to record the sheriff’s deed, and the redemption period will expire the following day. The Council passed a resolution supporting our proposed amendments to MCL 600.3232 and MCL 600.3240 to correct this. The Legislative Service Bureau has prepared a draft bill that did not contain the language that we sought. We advised Tabitha of this and David Pierson reviewed a further draft in October. Mike Luberto has provided further explanation several times since, as the sponsors and interested parties were not understanding the crux of the conflict between the two statutes and the administration of law issue the bills were intended to fix. The *Kessler* fix bill is HB 6161 and was introduced in correct form during the 2024 legislative session. While it was not and was not expected to be acted on in that session, introducing it during this session gives it priority for re-introduction in 2025. Tabitha believes she has a sponsor for this bill. This spring, a comment was made to our bill but has been withdrawn and will be handled in a separate bill. Tabitha reports our bill is on its way, we have drafts and a sponsor, and we are just awaiting introduction of the bill. Subsequently, we received a new draft of the Kessler fix bill. The committee met on the bill and said there was a missed consumer protection opportunity: there is a per diem charge the purchaser collects from date of sale. The committee proposed that the redemption period and per diem would not accrue from date of sale and instead should start with the recording date if deed recording is delayed beyond 20 days from the date of sale. This allows the financial incentive to align with the requirement to provide an incentive for compliance with the Act.

Tabitha has been working on getting the Kessler fix bill introduced. She has been looking for a sponsor for this bill. Rep. Lightner was a possible sponsor. She is a committee chair and would be great help. Since the register of deeds suggested the companion piece to not have interest run until the deed is recorded, that would give the opportunity to get republican and democratic sponsors and would help clarify that this is a non-partisan bill.

UPDATE: Kessler Fix Bills have been introduced as HB 5045 and HB 5046. Copies of the bills are attached to this report. Mike Luberto is reviewing the bills.

8. ADM File No. 2023-39: Proposed Amendment of MCR 7.215

- The proposed amendment of MCR 7.215 would eliminate the requirement that parties provide copies of unpublished opinions cited in briefs filed in the Court of Appeals.
- Section members have expressed support for this – but not something for the Section to take a position on

9. Other Bills that were introduced or saw action between 9/1/25 – 10/18/25 and are indirectly related to real estate:

SB 0515 of 2025 Housing: other; requirement for certain rental units to be equipped with a carbon monoxide device; provide for. Amends 1972 PA 348 (MCL 554.601 - 554.616) by adding sec. 1e.

SB 0564 of 2025 Water supply: quality and standards; water quality protection fee; provide for. Amends sec. 8715 of 1994 PA 451 (MCL 324.8715).

SB 0578 of 2025 Highways: bridges; movable bridge fund; modify. Amends secs. 10a & 11g of 1951 PA 51 (MCL 247.660a & 247.661g).

SB 0579 of 2025 Natural resources: other; certain fees in the natural resources and environmental protection act; modify. Amends (See bill).

SB 0585 of 2025 Probate: guardians and conservators; requirement to have an appraisal for the sale of real property; provide for. Amends sec. 5423 of 1998 PA 386 (MCL 700.5423).

SB 0586 of 2025 Probate: guardians and conservators; requirement to state on record reasons for moving ward from residence; provide for. Amends secs. 5306 & 5314 of 1998 PA 386 (MCL 700.5306 & 700.5314).

SB 0587 of 2025 Public utilities: rates; public service commission issuing a report before approving a rate increase; require. Amends sec. 6a of 1939 PA 3 (MCL 460.6a).

SB 0588 of 2025 Public utilities: electric utilities; cap on electric choice; modify. Amends sec. 10a of 1939 PA 3 (MCL 460.10a).

SB 0595 of 2025 Land use: other; Michigan-Indiana boundary; provide for survey of parts and for grants to county remonumentation programs. Amends & repeals secs. 7, 11 & 13 of 2022 PA 81 (MCL 54.317, 54.321 & 54.323).

HB 4840 of 2025 Courts: business court; types of cases heard by the business court; revise. Amends sec. 8031 of 1961 PA 236 (MCL 600.8031).

HB 4850 of 2025 Housing: other; automatic fire sprinkler systems for electric vehicle parking spaces; require certain buildings to have. Amends 1972 PA 230 (MCL 125.1501 - 125.1531) by adding sec. 4i.

HB 4851 of 2025 Natural resources: other; property owned by the department of natural resources; limit to 50% in any state jurisdiction. Amends secs. 503 & 2132 of 1994 PA 451 (MCL 324.503 & 324.2132)

HB 4866 of 2025 Construction: other; lead-based paint regulations for the renovation, repair, or painting of certain buildings; provide for. Amends 1978 PA 368 (MCL 333.1101 - 333.25211) by adding pt. 54d.

HB 4879 of 2025 Occupations: landscape architects; regulation of landscape architect professionals; modify. Amends secs. 303a & 411 of 1980 PA 299 (MCL 339.303a & 339.411) & repeals art. 22 of 1980 PA 299 (MCL 339.2201 - 339.2211) & sec. 15 of 1979 PA 152 (MCL 338.2215).

HB 4880 of 2025 Occupations: landscape architects; references to landscape architect professionals in 1966 PA 165; revise. Amends sec. 1 of 1966 PA 165 (MCL 691.991).

HB 4894 of 2025 Occupations: residential builders; restrictions on qualifying experience for building inspectors; modify. Amends sec. 207 of 2016 PA 407 (MCL 339.5207) & adds sec. 1020

HB 4928 of 2025 Occupations: appraisers; reporting window for misconduct related to appraisals; remove. Amends sec. 2635 of 1980 PA 299 (MCL 339.2635).

HB 4973 of 2025 Public utilities: consumer services; eligibility for utility power outage credits; provide for. Amends 1939 PA 3 (MCL 460.1 - 460.11) by adding sec. 9g. TIE BAR WITH: HB 4974'25

HB 4974 of 2025 Public utilities: consumer services; eligibility for utility power outage credits; provide for. Amends 1939 PA 3 (MCL 460.1 - 460.11) by adding sec. 9f.

HB 4975 of 2025 Public utilities: consumer services; eligibility for utility power outage credits; provide for. Amends 1939 PA 3 (MCL 460.1 - 460.11) by adding sec. 9e.

HB 4976 of 2025 Public utilities: consumer services; prohibition for an electric utility to reclaim revenue they were required to pay in service outage credits; provide for. Amends sec. 6a of 1939 PA 3 (MCL 460.6a).

HB 4977 of 2025 Public utilities: consumer services; disclosure on electric utility bills of the number of power outages that occurred within that billing cycle; require. Amends 1939 PA 3 (MCL 460.1 - 460.11) by adding sec. 9e.

HB 4978 of 2025 Public utilities: electric utilities; distribution grid plans created by electric utilities; require. Amends sec. 6a of 1939 PA 3 (MCL 460.6a).

HB 5033 of 2025 Construction: other; School building construction projects that cost less than \$5,000,000.00; exempt from certain construction requirements. Amends sec. 5a of 1937 PA 306 (MCL 388.855a).

HB 5056 of 2025 Construction: code; requirement for the state construction code to consist of certain international codes; eliminate and create an advisory committee. Amends sec. 4 of 1972

SB 595 (Land use: other; Michigan-Indiana boundary; provide for survey of parts and for grants to county remonumentation programs. Amends secs. 7, 11 & 13 of 2022 PA 81), which dealt with the funding and process for surveying our border with Indiana.