

MEMORANDUM

TO: Real Property Law Section Council

FROM: Jason Long

DATE: October 20, 2023

SUBJECT: Legislative Committee Report

1. **Monthly Call.** Since the last RPLS Council meeting, the ad hoc Legislative Committee met via Zoom on October 2, 2023. Jason Long and David Pierson held a call with Tabitha Zimny from Karoub & Associates that afternoon, after the Committee's call.
2. **Recent Developments.**
 - a. **Marketable Record Title Act.** Rep. John Fitzgerald has agreed to sponsor a "comprehensive fix" bill. Rep. Fitzgerald wants RPLS to confer with ICSC about the comprehensive fix. At the July meeting, Council resolved that we should attempt to work with ICSC to ensure that we do not lose Rep. Fitzgerald as a bill sponsor.

Since that time, David and Mike Luberto have worked with ICSC, primarily with Emily D'Agostini as its representative, to address ICSC's concerns. ICSC provided language in mid-September, which Mike attempted to address with Emily.

Also in September, MSHDA again asserted that it would seek language to protect its agreements in the MRTA, through HB 5029. After the Committee's most recent meeting, David and Jason each spoke with MSHDA representatives to address MSHDA's concerns. This led to proposals to include in the "comprehensive fix" that would eliminate the need for the separate bill that MSHDA had been supporting, and that could have had other consequences for the MRTA.

Other groups have also come forward with concerns and seeking protections in the MRTA. Former RPLS Chair Bob Nix is proposing provisions to protect residential developments, for example. Sen. Wozniak re-introduced a bill we were supporting before the EGLE and utility amendments (which Tabitha advises is going nowhere).

Because of the Legislature's schedule, which calls for the Legislature to end its term in early November, Tabitha had approached Rep. Fitzgerald about a six-month extension for the deadline in the MRTA. Rep. Fitzgerald initially expressed that he wanted to move forward with the comprehensive fix and sought a final draft that reflected both RPLS and ICSC's desired revisions. Mike worked with Emily to prepare a revision, but that process has become complicated by the other organizations seeking to amend the MRTA. Tabitha returned to Rep. Fitzgerald, who then expressed that he could support the six-month

extension if we are getting close to a final version of the MRTA amendment that RPLS and ICSC will both support.

In light of all the changes, David and I as co-chairs of the Committee wanted to return this matter to Council for Council's approval. A copy of the most recent version of the MRTA amendment is provided with this report. The MSHDA revisions in subsection 4(2) (page 5) are intended to clarify the application to non-title interests like restrictions (the term "held" is used elsewhere in the Act) and to all state entities. The ICSC accepts some of our revision of their language but is concerned that "retail, office, and industrial" does not cover a range of other commercial uses, *e.g.*, fitness centers or day-care centers, that are not clearly "retail." We would like Council to approve the direction that this has taken or provide instructions on how Council would like us to proceed.

- b. **Land Value Tax Bills.** Just before the last council meeting, a package of bills identified as HB 4966 through HB 4970 were introduced to allow for a new alternative tax called the "land value tax" that would take the place of ad valorem property tax for land without improvements. In other words, vacant land would be taxed at a higher rate than improved land. This is the alternative tax that City of Detroit Mayor Mike Duggan has been proposing, with the idea that it will spur development of vacant parcels.

The bills advanced quickly out of committee in the house but have stalled since then. The Committee questioned whether the bills would accomplish the goals intended, and questioned whether they are permissible under the Michigan Constitution, but concluded that there is not anything in them that fits with the RPLS mission concerning positions on legislation.

- c. **Foreign Ownership.** Bills were introduced that would prohibit ownership of agricultural land, defined to mean land "suitable" for farming, by the government of China, the Chinese Communist Party, or any person who "has sworn an oath of loyalty to a governmental entity of the People's Republic of China or the Chinese Communist Party," HB 5050, and ownership of land within 20 miles of a military base by a "foreign principal," which would include a person domiciled in a "foreign country of concern," which in turn includes China, Russia, Iran, North Korea, Cuba, Venezuela, or Syria. HB 5073. The Committee recommends that the RPLS oppose these bills.
- d. **Alternative Energy and Owners Associations.** Two recent bills would impact the power of homeowners and condo associations regarding alternative energy. HB 5109 would permit owners associations to allow residents to install an electric vehicle charging station at the residents' parking spots under certain conditions, notwithstanding any prohibitions in other documents. HB 5028 would create a new act, the Homeowners' Energy Policy Act, which would declare certain provisions of a homeowners' association agreement invalid and unenforceable if they prohibit an owner from installing certain energy-saving improvements or modifications. Energy-saving improvements include a range of items from old-fashioned clotheslines to reflective roofing. Homeowners' associations would also be required to adopt a policy statement on solar energy. The definition of "homeowners' association" is broad enough to cover condominium associations although

it does not use that term. Note also that a local government is still free to prohibit what the association may not. (There is a draft substitute attached.) Tabitha requested the RPLS' views on these bills.

- e. **Housing.** Tabitha advised that the majority's housing agenda is here to stay, even if much of it is only aspirational. Recall that earlier this year, we saw a draft Renter's Bill of Rights related to the housing agenda (a copy is being provided with this agenda). There are no bills introduced yet, but as Tabitha described, several interested parties are continuing to push for bills to be introduced. The Committee has reviewed documents including the Renter's Bill of Rights and has identified several policies that it believes RPLS can support. A copy of the list of policies that the Committee proposes to submit to Tabitha is provided with this Report.
- f. **Tenancy by the Entireties Bills.** Previously, David sent Tabitha a list of statutes to be amended to correct the lingering issues arising out of Michigan's failure to implement the Supreme Court's decision in *Obergefell v Hodges*. Fourteen bills were introduced to remedy the issues (with various sponsors but organized by the legislative LGBTQ+ Caucus). As introduced, all of the bills are tie-barred to 2023 House Joint Resolution F, which would amend the Michigan Constitution by striking Const 1963, art 1, § 25, the provision for "one man-one woman" marriage adopted in 2004, and amending Const 1963, art 10, § 1, which related to coverture, to make it gender-neutral. The amendments would require approval by statewide vote. Because the bills were tie-barred to HJR F, nothing will happen with them until that vote takes place.

TBE issues are happening in real time, however, so during the September 5, 2023 call, David asked Tabitha whether there might be another way to address these issues. She is going to contact Sen. Moss about the possibility of pursuing a TBE fix outside the context of the joint resolution. By contacting a senator who is co-chair of the LGBTQ+ Caucus, with a bill directly addressing TBE, the hope is that there can be a correction that will provide clarity and perhaps save some unwitting property owners from unnecessary litigation concerning TBE issues. A bill that LSB (as edited by David) first prepared several years ago in the wake of *Obergefell* is attached with this Report.

- g. **Blight Citations.** At the Council meeting on September 13, 20223, Council voted to oppose HB 4332, which would amend the Home Rule Cities Act to provide for certain citations for property owners whose properties have blight violations, based on the bill allowing service by first-class mail and email if there is a "good faith" effort at personal service that fails, which can lead to blight violations and even criminal convictions.
- h. **Prompt Pay Bills.** At the Council meeting at the summer conference on July 21, 2023, Council voted to oppose HB 4837 and SB 0451, which are the subcontractor "prompt payment" bills. A summary of Council's position has been submitted to the State Bar of Michigan.

3. **New Bills.** The Legislature continues to be especially busy. The following bills were introduced since the last RPLS Council meeting, only some of which have been addressed by the Legislative Committee.

[HB 4977 of 2023](#) Businesses: nonprofit corporations; conversion of summer resort and assembly associations into domestic nonprofit corporations; authorize. Amends 1889 PA 39 (MCL 455.51 - 455.72) by adding sec. 12a. TIE BAR WITH: HB 4978'23

[HB 4978 of 2023](#) Businesses: nonprofit corporations; conversion of summer resort and assembly associations into domestic nonprofit corporations; authorize. Amends sec. 123 of 1982 PA 162 (MCL 450.2123). TIE BAR WITH: HB 4977'23

[HB 4979 of 2023](#) Property tax: assessments; procedures related to appointing designated assessors; modify. Amends sec. 10g of 1893 PA 206 (MCL 211.10g).

[HB 4987 of 2023](#) Property: recording; marketable record title act; revise. Amends title & secs. 1, 1a, 2, 3, 4, 5 & 8 of 1945 PA 200 (MCL 565.101 et seq.) & adds sec. 5a.

[HB 5019 of 2023](#) Housing: condominium; requirements for an association of co-owners to conduct a reserve study and establish a reserve funding plan; modify. Amends sec. 105 of 1978 PA 59 (MCL 559.205).

[HB 5028 of 2023](#) Housing: other; energy-saving home improvements; invalidate prohibition of by homeowners' association. Creates new act.

[HB 5029 of 2023](#) Property: use restrictions or covenants; covenants recorded by the state housing development authority; exempt from the marketable record act. Amends sec. 4 of 1945 PA 200 (MCL 565.104). TIE BAR WITH: HB 5033'23

[HB 5050 of 2023](#) Property: land sales; prohibition for certain foreign entities to purchase farmland in Michigan; provide for. Amends title & secs. 35 & 36 of 1846 RS 66 (MCL 554.135 & 554.136) & adds secs. 36a & 36b.

[HB 5073 of 2023](#) Property: land sales; sale or transfer of agricultural assets or land to foreign entities; prohibit. Amends title & secs. 35 & 36 of 1846 RS 66 (MCL 554.135 & 554.136) & adds secs. 36a & 36b.

[HB 5074 of 2023](#) Economic development: tax increment financing; retroactive application; allow. Amends sec. 402 of 2018 PA 57 (MCL 125.4402).

[HB 5109 of 2023](#) Housing: other; installation of electric vehicle supply equipment; allow condominium associations to permit under certain conditions. Amends sec. 47 of 1978 PA 59 (MCL 559.147).

- [HB 5121 of 2023](#) Land use: zoning and growth management; certification of solar, wind, and storage facilities of 100 MW or more; make zoning enabling act subject to. Amends sec. 205 of 2006 PA 110 (MCL 125.3205). TIE BAR WITH: HB 5120'23
- [HB 5122 of 2023](#) Land use: zoning and growth management; solar and storage facilities of 50 or more MW but less than 100 MW; authorize MPSC certification for zoning exemptions. Amends title of 2008 PA 295 (MCL 460.1001 - 460.1211) & adds pt. 8. TIE BAR WITH: HB 5123'23
- [HB 5123 of 2023](#) Land use: zoning and growth management; certification of solar and storage facilities of 50 or more MW but less than 100 MW; make zoning enabling act subject to. Amends sec. 205 of 2006 PA 110 (MCL 125.3205). TIE BAR WITH: HB 5122'23
- [HB 5157 of 2023](#) Mobile homes: other; mobile home commission act; revise. Amends title & secs. 2, 3, 4, 5, 6, 7, 14 & 16 of 1987 PA 96 (MCL 125.2302 et seq.) & adds secs. 16b & 16c. TIE BAR WITH: HB 5160'23, HB 5159'23, HB 5158'23, HB 5161'23
- [HB 5158 of 2023](#) Mobile homes: other; procedure for declaring a mobile home abandoned; provide for. Amends 1987 PA 96 (MCL 125.2301 - 125.2350) by adding sec. 30j. TIE BAR WITH: HB 5157'23, HB 5160'23, HB 5159'23, HB 5161'23
- [HB 5159 of 2023](#) Mobile homes: other; mobile home commission act; revise. Amends secs. 17, 18, 25, 28, 28a & 29 of 1987 PA 96 (MCL 125.2317 et seq.) & adds sec. 28d. TIE BAR WITH: HB 5157'23, HB 5160'23, HB 5158'23, HB 5161'23
- [HB 5160 of 2023](#) Mobile homes: owner's rights; requirement of written leases for mobile home park tenants; modify. Amends 1978 PA 454 (MCL 554.631 - 554.641) by adding sec. 4a. TIE BAR WITH: HB 5157'23, HB 5159'23, HB 5158'23, HB 5161'23
- [HB 5161 of 2023](#) Mobile homes: other; mobile home commission act; revise. Amends secs. 35, 43 & 48 of 1987 PA 96 (MCL 125.2335 et seq.) & adds sec. 30m. TIE BAR WITH: HB 5157'23, HB 5160'23, HB 5158'23
- [HB 5162 of 2023](#) Taxation: mobile homes; specific tax on certain owners and occupants of certain mobile homes; modify. Amends sec. 41 of 1959 PA 243 (MCL 125.1041). TIE BAR WITH: HB 5163'23
- [HB 5163 of 2023](#) Property tax: other; scope of mobile homes subject to general ad valorem property taxes; modify. Amends sec. 2a of 1893 PA 206 (MCL 211.2a). TIE BAR WITH: HB 5162'23
- [SB 0539 of 2023](#) Housing: landlord and tenants; return of security deposit by electronic transfer; allow. Amends sec. 9 of 1972 PA 348 (MCL 554.609).
- [SB 0554 of 2023](#) Housing: landlord and tenants; right for water and sewer bill to be in tenant's name; provide for. Amends 1972 PA 348 (MCL 554.601 - 554.616) by adding sec. 1d

[SB 0586 of 2023](#) Land use: zoning and growth management; solar and storage facilities of 50 or more MW but less than 100 MW; authorize MPSC certification for zoning exemptions. Amends title of 2008 PA 295 (MCL 460.1001 - 460.1211) & adds pt. 8. TIE BAR WITH: SB 0587'23

[SB 0587 of 2023](#) Land use: zoning and growth management; certification of solar and storage facilities of 50 or more MW but less than 100 MW; make zoning enabling act subject to. Amends sec. 205 of 2006 PA 110 (MCL 125.3205). TIE BAR WITH: SB 0586'23

[SB 0588 of 2023](#) Land use: zoning and growth management; certification of solar, wind, and storage facilities of 100 MW or more; make zoning enabling act subject to. Amends sec. 205 of 2006 PA 110 (MCL 125.3205). TIE BAR WITH: SB 0585'23

4. Old Business

- a. **2022 HB 4416, now 2022 PA 234, MCL 565.861 et seq. (Restrictive Covenants)** –This bill passed, without our suggested language pertaining to the capacity of the signer (individual or representative of an association). Senator Sarah Anthony indicated that she would work with us on an amendment. However, when Tabitha provided Sen. Anthony with our proposed language, her staff responded with the conclusion that our amendment was not necessary.
- b. **Kessler opinion.** This opinion 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. During June 2023, Mike and Tabitha met with Representative Samantha Steckloff on June 21, 2023. Rep. Steckloff agreed to sponsor our bills. Nothing has happened and Tabitha is going to be following up with Rep. Steckloff.
- c. **UPOAA.** Tabitha contacted the sponsors and Rep. Kelly Breen (Chair of Judiciary) to advise them of our objections. Mike, Tom Kabel, Dawn Patterson and Jason Long worked with representatives of the Probate and Estate Planning Section to come up with some language that alleviated our concerns with the bills. The bills passed the house on June 27, 2023, and were referred to the Senate Committee on Civil Rights, Judiciary, and Public Safety. The bill passed out of committee in the Senate and is now pending before the entire Senate for a vote.

5. Pending Legislation.

[HB 4966 of 2023](#) House Bill Taxation: specific tax; land value tax; provide for. Creates new act. TIE BAR WITH: HB 4967'23, HB 4968'23, HB 4969'23, HB 4970'23

[HB 4968 of 2023](#) House Bill Taxation: specific tax; determination of eligible tax reverted property specific tax; modify. Amends sec. 5 of 2003 PA 260 (MCL 211.1025). TIE BAR WITH: HB 4966'23

[HB 4969 of 2023](#) House Bill Taxation: specific tax; application of neighborhood enterprise zone tax to certain facilities; modify. Amends sec. 9 of 1992 PA 147 (MCL 207.779).

TIE BAR WITH: HB 4966'23

[HB 4970 of 2023](#) House Bill Property tax: other; definition of property taxes for purposes of income tax credits; modify. Amends sec. 512a of 1967 PA 281 (MCL 206.512a). TIE BAR WITH: HB 4966'23

[HB 5163 of 2023](#) House Bill Property tax: other; scope of mobile homes subject to general ad valorem property taxes; modify. Amends sec. 2a of 1893 PA 206 (MCL 211.2a). TIE BAR WITH: HB 5162'23

HB 4948 A bill to amend the title of 1972 PA 348 (MCL 554.601 - 554.616) and add Sec. 2a. The bill would amend the title of the act as follows: "An act to regulate relationships between landlords and tenants relative to rental agreements for rental units; to regulate the payment, repayment, use, and investment of security deposits; to provide for commencement and termination inventories of rental units; to provide for termination arrangements relative to rental units; to provide for legal remedies; to prohibit certain disclosures from prospective tenants; and to provide penalties."

The bill would add Section 2a as follows:

Sec. 2a. (1) Beginning on the effective date of the amendatory act that added this section, a landlord shall not require a prospective tenant to disclose any of the following:

(a) A conviction set aside under 1965 PA 213, MCL 780.621 to 780.624.

(b) A finding of juvenile delinquency under 18 USC 5031 to 5043.

(c) Participation in a diversion program for juveniles.

(d) The assignment of youthful trainee status under the Holmes youthful trainee act, as provided in sections 11 to 15 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11 to 762.15.

(e) The entry of a judgment or order of disposition by a court of another state that states or is based on a finding that a juvenile violated a law of another state that would have been a criminal offense if committed by an adult in that state.

(2) If a landlord violates subsection (1), a prospective tenant may bring an action seeking injunctive relief against the landlord. If a court determines that a landlord violated subsection (1), the court shall issue an injunctive order requiring the landlord to cease and desist from violating subsection (1). A landlord that violates an injunctive order under this section is subject to a civil fine of not more than \$250.00 for each day of violation, up to a maximum of \$2,000.00. A prospective tenant that brings an action under this section may recover costs and reasonable attorney fees.

HB 4947 A bill to repeal 1988 PA 226, "An act to limit the powers of a local governmental unit regarding the leasing of private residential property," (MCL 123.411).

HB 4940 Amends sec. 21 of 1909 PA 283 (MCL 224.21). TIE BAR WITH: HB 4941'23 (Torts: governmental immunity; liability for highway defects; clarify that governmental tort liability act applies to county road commissions. Amends Sec. 2 of 1964 PA 170 (MCL 691.1402)).

A bill to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies.

HB 4939 A bill involving the Public Trust Doctrine and protection of the Great Lakes. The proposed legislation would amend Secs. 1701 & 3103 of 1994 PA 451 (MCL 324.1701 & 324.3103) and adds pt. 4 to provide that within 180 days after the effective date of the amendatory act, the DNR and EGLE shall review rules administered by the respective departments under the act to ascertain whether the rules sufficiently ensure the protection of the public trust in the waters of this state. If the DNR or EGLE determines that new or revised rules are necessary to sufficiently ensure the protection of the public trust in the waters, that department must promulgate new or revised rules within 1 year after the effective date of the amendatory act.

[HB 4708 of 2023](#) Property tax: exemptions; electric vehicle charging stations; exempt. Amends secs. 27 & 34d of 1893 PA 206 (MCL 211.27 & 211.34d) & adds sec. 7yy.

[HB 4717 of 2023](#) Occupations: real estate; continuing education hours for real estate brokers and salespersons; revise requirements. Amends sec. 2504a of 1980 PA 299 (MCL 339.2504a).

[HB 4724 of 2023](#) Individual income tax: property tax credit; credit for disabled veterans or widow or widower of disabled veterans who rent or lease a homestead; increase. Amends secs. 506, 520, 522 & 530 of 1967 PA 281 (MCL 206.506 et seq.).

[HB 4741 of 2023](#) Property tax: exemptions; disabled veteran exemption; hold local taxing units harmless for. Amends sec. 7b of 1893 PA 206 (MCL 211.7b).

[HB 4765 of 2023](#) Taxation: farmland and open space; certain references in the farmland and open space preservation statute; make gender neutral. Amends sec. 36109 of 1994 PA 451 (MCL 324.36109). TIE BAR WITH: HJR F'23

[HB 4772 of 2023](#) Property: other; certain references in qualities of estates in real and personal property; make gender neutral. Amends sec. 45 of 1846 RS 62 (MCL 554.45). TIE BAR WITH: HJR F'23

[HB 4773 of 2023](#) Property: other; community property act; revise gender-specific language. Amends secs. 3 & 4 of 1948 (1st Ex Sess) PA 39 (MCL 557.253 & 557.254). TIE BAR WITH: HJR F'23

- [HB 4774 of 2023](#) Property: personal; act allowing ownership of certain personal property as tenancy by the entireties; revise gender-specific language. Amends title & sec. 1 of 1927 PA 212 (MCL 557.151). TIE BAR WITH: HJR F'23
- [HB 4778 of 2023](#) Taxation: other; certain references in the real estate transfer tax act; make gender neutral. Amends sec. 5 of 1966 PA 134 (MCL 207.505). TIE BAR WITH: HJR F'23
- [HB 4783 of 2023](#) Property tax: special assessments; certain references in act providing for deferment of special assessments on certain homesteads; make gender neutral. Amends sec. 4 of 1976 PA 225 (MCL 211.764). TIE BAR WITH: HJR F'23
- [HB 4792 of 2023](#) Property tax: other; act regarding the right to manage and contract entireties property; revise gender-specific language. Amends title & sec. 1 of 1975 PA 288 (MCL 557.71). TIE BAR WITH: HJR F'23
- [HB 4794 of 2023](#) Businesses: associations; certain references in the incorporation of summer resort owners act; make gender neutral. Amends sec. 8 of 1929 PA 137 (MCL 455.208). TIE BAR WITH: HJR F'23
- [HB 4796 of 2023](#) Property tax: other; certain references in the general property tax act; make gender neutral. Amends sec. 27a of 1893 PA 206 (MCL 211.27a). TIE BAR WITH: HJR F'23
- [HB 4797 of 2023](#) Property tax: other; act regarding survivorship of entireties interest in mortgages and land contracts; revise gender-specific language. Amends title & sec. 1 of 1925 PA 126 (MCL 557.81). TIE BAR WITH: HJR F'23
- [HB 4798 of 2023](#) Businesses: limited liability companies; certain references in the Michigan limited liability company act; make gender neutral. Amends sec. 504 of 1993 PA 23 (MCL 450.4504). TIE BAR WITH: HJR F'23
- [HB 4807 of 2023](#) Property tax: other; act regarding termination of tenancy by the entireties; revise gender-specific language. Amends sec. 1 of 1927 PA 210 (MCL 557.101). TIE BAR WITH: HJR F'23
- [HB 4809 of 2023](#) Natural resources: gas and oil; certain references in the oil and gas mining statute; make gender neutral. Amends sec. 4 of 1941 PA 178 (MCL 319.104). TIE BAR WITH: HJR F'23
- [HB 4812 of 2023](#) Property: ownership interests; rights and liabilities of married women act; revise gender-specific language. Amends secs. 1, 4, 5 & 6 of 1981 PA 216 (MCL 557.21 et seq.). TIE BAR WITH: HJR F'23
- [HB 4813 of 2023](#) Property: other; act validating conveyances made by attorney in fact; revise gender-specific language. Amends sec. 2 of 1861 PA 21 (MCL 565.602). TIE BAR WITH: HJR F'23
- [HB 4818 of 2023](#) Housing: landlord and tenants; use of prospective tenant's credit scores as a deciding factor for lease eligibility; prohibit. Amends 1972 PA 348 (MCL 554.601 - 554.616) by adding sec. 1c. **Tabitha reports that this is unlikely to pass.**

- [HB 4829 of 2023](#) Michigan business tax: credits; time frame for completion of certain multiphase projects; modify. Amends sec. 437 of 2007 PA 36 (MCL 208.1437).
- [HB 4832 of 2023](#) Natural resources: inland lakes; structure or fill on inland lake or stream bottomlands; authorize DEGLE to issue emergency order concerning. Amends 1994 PA 451 (MCL 324.101 - 324.90106) by adding sec. 30111d.
- [HB 4835 of 2023](#) Cities: home rule; private road maintenance or improvement projects; allow. Amends 1909 PA 279 (MCL 117.1 - 117.38) by adding sec. 51.
- [HB 4836 of 2023](#) Land use: land division; number of parcels resulting from division; modify. Amends sec. 108 of 1967 PA 288 (MCL 560.108).
- [HB 4837 of 2023](#) Construction: contracts; prompt payment law; establish for contractors to pay subcontractors and suppliers in a timely manner. Creates new act. **The Legislative Committee recommends that Council pass a resolution opposing this legislation.**
- [HB 4840 of 2023](#) Energy: alternative sources; grants for residential customers who install electric generators and storage systems; provide for. Amends 2008 PA 295 (MCL 460.1001 - 460.1211) by adding pt. 8.
- [HB 4857 of 2023](#) Agriculture: plants; classification of milkweed as a noxious or exotic weed by local governments; prohibit. Amends sec. 2 of 1941 PA 359 (MCL 247.62).
- [HB 4858 of 2023](#) Agriculture: pesticides; use of neonicotinoid insecticides; regulate. Amends 1994 PA 451 (MCL 324.101 - 324.90106) by adding sec. 8307g.
- [HB 4866 of 2023](#) Townships: charter; procedures to approve annexation petition; revise. Amends sec. 34 of 1947 PA 359 (MCL 42.34).
- [HB 4868 of 2023](#) Construction: public buildings; placement of certain antennas in relation to fire stations; prohibit. Amends 1972 PA 230 (MCL 125.1501 - 125.1531) by adding sec. 4i.
- [HB 4878 of 2023](#) Housing: other; Michigan fair chance access to housing act; create. Creates new act.
- [HB 4879 of 2023](#) Local government: other; sanctuary policy prohibition act; create. Creates new act.
- [HB 4881 of 2023](#) Property: land sales; prohibition for foreign entity to purchase farmland in Michigan; provide for. Amends title & secs. 35 & 36 of 1846 RS 66 (MCL 554.135 & 554.136) & adds secs. 36a & 36b.
- [HB 4882 of 2023](#) Economic development: other; economic incentives to certain foreign countries and entities; prohibit. Amends 1984 PA 270 (MCL 125.2001 - 125.2094) by adding sec. 7c. **Tabitha reports that this and 4881 are unlikely to move.**
- [SB 0379 of 2023](#) Property tax: exemptions; exemption for disabled veterans; modify. Amends sec. 7b of 1893 PA 206 (MCL 211.7b).
- [SB 0397 of 2023](#) Housing: housing development authority; principal amount for outstanding bonds and notes; increase. Amends sec. 32 of 1966 PA 346 (MCL 125.1432).

- [SB 0398 of 2023](#) Natural resources: inland lakes; structure or fill on inland lake or stream bottomlands; authorize DEGLE to issue emergency order concerning. Amends 1994 PA 451 (MCL 324.101 - 324.90106) by adding sec. 30111d.
- [SB 0408 of 2023](#) Civil procedure: execution; procedures for collection of judgments; revise. Amends secs. 2807, 4011, 4015, 4031, 4061a, 6023, 6027, 6059 & 6104 of 1961 PA 236 (MCL 600.2807 et seq.) & adds secs. 4001a, 4032, 4033, 6001a, 6023b, 6023c, 6023d, 6023e, 6023f, 6023g & 6023h.
- [SB 0409 of 2023](#) Civil procedure: bankruptcy; bankruptcy exemptions; modify. Amends sec. 5451 of 1961 PA 236 (MCL 600.5451).
- [SB 0417 of 2023](#) Housing: housing development authority; pass-through short-term bond financing program; modify. Amends sec. 44c of 1966 PA 346 (MCL 125.1444c).
- [SB 0451 of 2023](#) Construction: contracts; prompt payment law; establish for contractors to pay subcontractors and suppliers in a timely manner. **The Legislative Committee recommends that Council pass a resolution opposing this legislation.**

3. Old Business.

[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.

[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.**

[HB 4062 of 2023](#) HB 4062 amends the landlord-tenant statute to prohibit discrimination based on source of income but is very broadly stated. **This would probably be one worthy of review to see if there are revisions we should suggest to avoid problems. Tabitha reported that this is not on a fast track, and that some amendments are being worked on. Attached is Rebecca's analysis. David offered to review to determine if further changes are warranted.**

[HB 4063 of 2023](#) HB 4063 amends the Elliott-Larsen Civil Rights Act in much simpler terms to prohibit discrimination in real estate transaction based on source of income. It should probably be a model for HB 4062.

[HB 4273 of 2023](#) Requires condemnation notifications to tenants.

[HB 4306 of 2023](#) Property tax: assessments; determination of taxable value; modify. Amends sec. 27a of 1893 PA 206 (MCL 211.27a). This bill would generally change the basis for calculating taxable value to a three-year average or the current year plus the inflation rate, whichever is less.

[HB 4307 of 2023](#) Property tax: assessments; determination of true cash value; modify. Amends sec. 27 of 1893 PA 206 (MCL 211.27). TIE BAR WITH: HB 4306'23. This bill would generally change the basis for calculating assessed value to a three-year average.

[HB 4309](#) Transportation Department Appropriations. Provides appropriations for fiscal year 2023-2024.

[HB 4312](#) Nonprofit Corporations. Authorizes conversion of summer resort associations into nonprofit corporations.

[HB 4313](#) Nonprofit Corporations. Authorizes conversion of summer resort associations into nonprofit corporations.

[HB 4317 of 2023](#) Property tax: payment in lieu of taxes; payment in lieu of taxes for certain renewable energy facilities; provide for. Creates new act. TIE BAR WITH: HB 4318'23

[HB 4318 of 2023](#) Property tax: payment in lieu of taxes; payment in lieu of taxes for renewable energy facilities; provide for. Amends secs. 9 & 9f of 1893 PA 206 (MCL 211.9 & 211.9f). TIE BAR WITH: HB 4317'23

[HB 4327 of 2023](#) adds ethnicity, including specifically Jewish heritage (treated in detail over the course of a couple pages) as a protected class under the Elliot-Larsen civil rights act.

[HB 4329 of 2023](#) Property: land sales; sale or transfer of real property to foreign entities; prohibit. Amends title & secs. 35 & 36 of 1846 RS 66 (MCL 554.135 & 554.136) & adds sec. 36a. This bill would prohibit certain “foreign persons” from acquiring property in Michigan except in certain circumstances and would require foreign persons to divest property holdings. It generally identifies “foreign persons” as persons from countries with “nonmarket” economies or that are state sponsors of terrorism. **Tabitha feels that this is going nowhere.**

[HB 4330 of 2023](#) Property tax: exemptions; property tax exemption for principal residence of certain senior citizens; provide for.

[HB 4332 of 2023](#) Cities: home rule; penalties for certain blight offenders; increase. Amends sec. 4q of 1909 PA 279 (MCL 117.4q). This bill would impose additional penalties for second and third-time blight violators. **According to Tabitha, this could go somewhere, even though the sponsor is an outsider to the Democratic caucus. Possibly poses some due process concerns.**

House Bill 4084 (2023)

Friendly Link: <http://legislature.mi.gov/doc.aspx?2023-HB-4084>

Related to exemption for 2021 personal property taxes and application for exemption extension due to Covid.

[HB 4331](#)

Fire-Damaged Homes

Increases insurance withholding amount for fire-damaged homes and allows for abandoned funds to be used for repairs.

To amend 1956 PA 218 by amending section 2227 (MCL 500.2227), as amended by 2014 PA 509.

[HB 4350 of 2023](#) (tie bar with HB 4351): A bill to establish a state matching grant program for certain property taxes and special assessments levied by certain municipalities; and to provide for the powers and duties of certain state and local governmental officers and entities.

[HB 4351 of 2023](#): A bill to establish a raise up local grant fund for payment of matching state grants authorized by a certain matching grant program for certain property taxes and special assessments levied by certain municipalities; and to provide for the powers and duties of certain state governmental officers and entities.

[HB 4382 of 2023](#) – Drains: water management districts; chapter 22 of drain code; revise process through determination of sufficiency of petition and proposed boundaries.

[HB 4383 of 2023](#) - Drains: water management districts; chapter 22 of drain code; revise process following determination of sufficiency of petition and proposed boundaries. Amends secs. 559, 560, 561, 562, 563, 564, 565, 569, 570, 571, 572, 573, 574, 576, 577, 578, 580, 581, 582 & 583 of 1956 PA 40 (MCL 280.559 et seq.); adds secs. 561b, 561d, 564b, 569b & repeals secs. 554, 566, 567, 568, 575 & 579 of 1956 PA 40 (MCL 280.554 et seq.). TIE BAR WITH: HB 4382'23

[HB 4416](#)

Probate

Provides general amendments to the estates and protected individuals code.

[HB 4418](#)

Guardians And Conservators

Modifies amount of transfer allowed.

HB 4428: [2023-HIB-4428.pdf \(mi.gov\)](#) – This creates the “local government public notice act” and isn’t directly related to real estate, but it could be worthwhile to inquire if anyone has any concern about how it could potentially affect any real estate matters. It permits local governments to provide public notice via posting on the website.

[HB 4460 of 2023](#): A bill to provide the rearing of egg-laying hens is a permitted use of property under a zoning ordinance and is not subject to a special land use approval or any other approval under this act if both of the following requirements are met: (a) The property is at least 1/4 acre in size and (b) The number of hens does not exceed 5 hens for every 1/4 5 acre of property size or a total of 25 hens, whichever is less.

[HB 4464 of 2023](#) (tie bar with SB 0153'23): Creates "clean and renewable energy and energy waste reduction act"; establishes community solar facilities.

House Bill 4499 (2023)

Friendly Link: <http://legislature.mi.gov/doc.aspx?2023-HB-4499>

Cannot install antennas for 4G or 5G broadband cellular networks, in a new school building, rooftop or adjacent structure to school building or placed with 1,500 feet of school building.

- [HB 4532 of 2023](#) Construction: lead abatement; certain definitions in lead abatement provision; modify. Amends secs. 5453, 5454, 5455, 5456, 5457, 5458, 5459, 5460, 5460a, 5461, 5461a, 5462, 5463, 5464, 5465, 5466, 5468, 5469, 5470, 5471, 5472, 5473a, 5474, 5474b, 5474c, 5475, 5476 & 5477 of 1978 PA 368 (MCL 333.5453 et seq.) & repeals sec. 5474b of 1978 PA 368 (MCL 333.5474b [1]).
- [HB 4548 of 2023](#) Occupations: notaries public; fee for remote notarization; provide for. Amends sec. 25 of 2003 PA 238 (MCL 55.285).
- [HB 4563 of 2023](#) Property tax: tax tribunal; electronic hearings of the tax tribunal; provide for. Amends sec. 3a of 1976 PA 267 (MCL 15.263a). TIE BAR WITH: HB 4564'23
- [HB 4564 of 2023](#) Property tax: tax tribunal; methods for tax tribunal to hold hearings; expand to include electronically. Amends secs. 26 & 34 of 1973 PA 186 (MCL 205.726 & 205.734). TIE BAR WITH: HB 4563'23
- [HB 4572 of 2023](#) Property tax: assessments; transfer of ownership of certain real property to certain individuals; exempt from uncapping of taxable value upon transfer. Amends sec. 27a of 1893 PA 206 (MCL 211.27a).
- [HB 4593 of 2023](#) Natural resources: other; wildlife feeding; allow under certain conditions. Amends sec. 40111a of 1994 PA 451 (MCL 324.40111a).
- [HB 4596 of 2023](#) Environmental protection: sewage; labeling standards for disposable wipes products; provide for. Creates new act.
- [HB 4597 of 2023](#) Probate: powers of attorney; uniform power of attorney act; create. Creates new act & repeals secs. 5501 - 5505 of 1998 PA 386 (MCL 700.5501 - 700.5505). TIE BAR WITH: HB 4598'23, HB 4599'23
- [HB 4598 of 2023](#) Probate: powers of attorney; reference to powers of attorney in natural resources and environmental protection act; revise to reflect adoption of uniform power of attorney act. Amends sec. 20101b of 1994 PA 451 (MCL 324.20101b). TIE BAR WITH: HB 4597'23
- [HB 4599 of 2023](#) Probate: powers of attorney; reference to powers of attorney in public health code; revise to reflect adoption of uniform power of attorney act. Amends secs. 10121 & 10301 of 1978 PA 368 (MCL 333.10121 & 333.10301). TIE BAR WITH: HB 4597'23
- [HB 4603 of 2023](#) Construction: other; use of design-build constructing for certain school buildings; allow. Amends secs. 1, 1a & 2 of 1937 PA 306 (MCL 388.851 et seq.).
- [HB 4604 of 2023](#) Occupations: architects, professional engineers, and surveyors; design builder; exempt from certain requirements of a firm. Amends sec. 2010 of 1980 PA 299 (MCL 339.2010). TIE BAR WITH: HB 4603'23, SB 0314'23
- [HB 4644 of 2023](#) Probate: powers of attorney; uniform power of attorney act; create. Creates new act & repeals secs. 5501 - 5505 of 1998 PA 386 (MCL 700.5501 - 700.5505). TIE BAR WITH: HB 4645'23, HB 4646'23

[HB 4645 of 2023](#) Probate: powers of attorney; reference to powers of attorney in natural resources and environmental protection act; revise to reflect adoption of uniform power of attorney act. Amends sec. 20101b of 1994 PA 451 (MCL 324.20101b). TIE BAR WITH: HB 4644'23

[HB 4646 of 2023](#) Probate: powers of attorney; reference to powers of attorney in public health code; revise to reflect adoption of uniform power of attorney act. Amends secs. 10121 & 10301 of 1978 PA 368 (MCL 333.10121 & 333.10301). TIE BAR WITH: HB 4644'23

[HB 4649 of 2023](#) Construction: other; height-adjustable, adult-sized changing tables in public restrooms; require. Amends 1972 PA 230 (MCL 125.1501 - 125.1531) by adding sec. 13h.

[HB 4681 of 2023](#) Insurance: insurers; processing of a claim; modify duties. Amends 1956 PA 218 (MCL 500.100 - 500.8302) by adding ch. 30B.

[HB 4682 of 2023](#) Recreation: other; responsibilities of property owners under the recreational trespassing law; modify. Amends sec. 73102 of 1994 PA 451 (MCL 324.73102).

[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 SB 0019 and SB 0020. Tabitha reported that these are unlikely to go anywhere.

[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). 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.**

[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.).

[SB 129](#) Allows certain housing activities.

To amend 1996 PA 381 by amending the title and sections 2, 8, 8a, 13, 13b, 13c, 14, 14a, 15, and 16 (MCL 125.2652, 125.2658, 125.2658a, 125.2663, 125.2663b, 125.2663c, 125.2664, 125.2664a, 125.2665, and 125.2666), the title as amended by 2003 PA 259, section 2 as amended

by 2022 PA 178, sections 8, 13, 13b, 15, and 16 as amended by 2020 PA 259, section 8a as amended by 2017 PA 46, sections 13c and 14a as amended by 2021 PA 138, and section 14 as amended by 2016 PA 471.

[SB 0130 of 2023](#) Property tax: other; reference to the brownfield redevelopment financing act; update. Amends sec. 7gg of 1893 PA 206 (MCL 211.7gg). TIE BAR WITH: SB 0129'23 Passed the Senate 3-23-23; updates citations to the brownfield redevelopment financing act. The key changes are in the financing act, including allowing MSHDA to approve combined brownfield plans or work plans.

[SB 131](#) Updates reference to the brownfield redevelopment financing act. To amend 1937 PA 94 by amending section 4dd (MCL 205.94dd), as added by 2017 PA 49.

[SB 132](#) Updates reference to the brownfield redevelopment financing act. To amend 1933 PA 167 by amending section 4d (MCL 205.54d), as amended by 2017 PA 48.

[SB 0150 of 2023](#) Property tax: tax tribunal; methods for tax tribunal to hold small claims hearings; expand to include telephonically or by videoconferencing. Provides that residential and small claims division of tax tribunal may conduct hearings telephonically or by videoconferencing.

[SB 0163 of 2023](#) Property tax: exemptions; exemption for the surviving spouse of a disabled veteran; modify. Exempts disabled veteran or his or her surviving spouse from collection of taxes for property used and owned as homestead.

[SB 0164 of 2023](#) Economic development: other; principal shopping district and business improvement zones; modify. Provides that, inter alia, a business improvement zone may provide for assessments subject to various criteria and requirements. Further establishes rules for proportional voting for zone plans.

[SB 0175 of 2023](#) Property Tax Transfers. Modifies penalties for failure to file a property tax transfer affidavit.

[SB 0176 of 2023](#) Disabled Veteran Property Tax. Modifies affidavit filing requirements for disabled veteran exemption.

[SB 225](#) Asbestos Abatement. Requires public contracts for asbestos abatement projects under certain circumstances background investigation, public posting of certain information, and public hearings.

[SB 226](#) Asbestos. Requires annual report on asbestos emissions program for demolition or renovation activity sufficiency of number of inspectors. To amend 1994 PA 451 (MCL 324.101 to 324.90106) by adding section 5519b.

[SB 253](#)

Guardians And Conservators

Modifies duties of guardians and conservators.

[SB 254](#)

Guardians And Conservators

Modifies requirements to be appointed as guardian or conservator.

[SB 255](#)

Guardians And Conservators

Revises requirements to be appointed as guardian or conservator.

[SB 256](#)

Guardians And Conservators

Prohibits appointment of an individual who was removed as county public administrator.

[SB 257](#)

Court Proceedings

Provides availability and review of video recordings of court proceedings.

[SB 258](#)

Guardians And Conservators

Modifies duties of guardians, conservators, and guardian ad litem.

[SB 260](#)

Land Sales

Prohibits sale or transfer of real property to foreign entities.

SB 270: [2023-SIB-0270.pdf \(mi.gov\)](#) – This proposes amending MCL 554.135 and 554.136 by adding new sections 36a and 36b and relates to foreign persons/entities from owning certain types of real estate. It states “a foreign person shall not own, purchase, lease, possess, exercise control over, or otherwise acquire agricultural land in this state.” There are exceptions if it’s inherited, or in a collection action when the property was used as a security interest/mortgaged.

SB 271 and 273: These have to do with renewable energy resources. [2023-SIB-0271.pdf \(mi.gov\)](#); [2023-SIB-0273.pdf \(mi.gov\)](#).

SB 277: [2023-SIB-0277.pdf \(mi.gov\)](#) – This addresses farmland and allows it to be used under certain circumstances for solar operations.

SB 0314 (2023)

Friendly Link: <http://legislature.mi.gov/doc.aspx?2023-SB-0314>

Requirement that architect, professional engineer, or design-builder that employs an architect or professional engineer prepare plans for construction or remodeling of school buildings.

[SB 0329 of 2023](#) Insurance: insurers; processing of a claim; modify duties. Amends 1956 PA 218 (MCL 500.100 - 500.8302) by adding ch. 30B.

- [SB 0330 of 2023](#) Property tax: exemptions; filing requirements for disabled veteran exemption; modify. Amends 1893 PA 206 (MCL 211.1 - 211.155) by adding sec.7c. TIE BAR WITH: SB 0176'23
- [SB 0331 of 2023](#) Property tax: exemptions; small business property tax exemption; modify application process. Amends secs. 9o, 19 & 30 of 1893 PA 206 (MCL 211.9o et seq.).
- [SB 0337 of 2023](#) Land use: other; certified survey map requirements; modify. Amends secs. 1, 2 & 3 of 1970 PA 132 (MCL 54.211 et seq.).
- [SB 0364 of 2023](#) Property tax: board of review; definition of qualified error; modify. Amends sec. 53b of 1893 PA 206 (MCL 211.53b). TIE BAR WITH: SB 0176'23

[ADM File No. 2021-10: Proposed Amendment of the Michigan Rules of Evidence](#)

The proposed amendments of the Michigan Rules of Evidence (MRE) reflect the work of the Michigan Rules of Evidence Committee established by Administrative Order No. 2021-8. The Committee was tasked with restyling the MREs in an effort to remain as consistent as possible with the 2011 restyling of the Federal Rules of Evidence. Major reorganization of the rules appears in MRE 803 and MRE 804 where the residual exceptions found in both rules are moved into a new MRE 807, and in MRE 804 where the exception regarding deposition testimony is moved up from subrule (b)(5) to proposed subrule (b)(2). **The Legislative Committee recommends that no action be taken.**