

MEMORANDUM

TO: Real Property Law Section Council

FROM: Dawn M. Patterson

DATE: February 11, 2022

SUBJECT: Legislative Committee - Report

1. **Monthly Call.** The ad hoc Legislative Committee met via conference call Tuesday, February 1, 2022, to discuss recent legislation.
2. **New Proposed Legislation.** Legislation affecting real estate that we are tracking is referenced on the attached Report of Introduced Legislation.
 - No action needed on legislation introduced since the last report.
3. **Bills of Interest.**
 - **Short-Term Rental related:**
 - HB 4722, [2021-HEBH-4722.pdf \(mi.gov\)](http://legislature.mi.gov/doc.aspx?2021-HB-4722) (<http://legislature.mi.gov/doc.aspx?2021-HB-4722>) This is also known as the “Realtor Bill”. It is the “ban on the ban” bill. Linked is the substitute version that was passed by the House on 10-27-21 (at 2 am, I believe).
 - HB 5605 (12/8/21) Taxation: excise taxes; excise tax on business of providing accommodations to include certain short-term rentals; modify. Creates new act. <http://legislature.mi.gov/doc.aspx?2021-HB-5605>
 - **Uniform Assignment of Rents Act – HB 4799**
<https://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/pdf/2021-HIB-4799.pdf>
[https://www.legislature.mi.gov/\(S\(vqrrtnyxvvg4khprxy2lnkd2\)\)/mileg.aspx?page=getObject&objectName=2021-HB-4799](https://www.legislature.mi.gov/(S(vqrrtnyxvvg4khprxy2lnkd2))/mileg.aspx?page=getObject&objectName=2021-HB-4799)

HB 4799 passed the House on January 27, 2022. Roll Call # 22 was: Yeas 99 Nays 3 Excused 0 Not Voting 4. This bill is currently in the Senate Committee on Judiciary and Public Safety.
4. **Potential Future Action.**
 - **Marketable Record Title Act –** David Pierson and Nick Scavone met with Senator Wozniak at his office on January 18, 2022. They engaged in an in-depth discussion of the Marketable Record Title bill. This is in the final drafting stage. Senator Wozniak inquired whether MLTA had a position on it. I forwarded MLTA contact information to Tabitha. Specifically, I gave her contact information for John Bommarito and David Martyn.
 - **Prior Tax Foreclosure Amendments (issue with MCL §781(1) –** the Section’s lobbyist is working to assist us in trying to fix the problem the Section previously identified with this legislation [see November 2020 Legislative Report].
5. **Pending Legislation; Positions and Updates**

- **Construction Lien Act Amendment – HB 4668**
<https://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/pdf/2021-HIB-4668.pdf>

Position: At the May 12, 2021 Council meeting, Council voted to oppose this Bill.

- **Prohibited Restrictive Covenants Act – HB 4416**
(<https://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/pdf/2021-HIB-4416.pdf>)

Position: At the May 12, 2021 Council meeting, Council voted to oppose this Bill.

According to Tabitha, Representative Anthony is trying to move this legislation. This bill is on its third draft. David Pierson graciously wrote a summary and had discussions with the primary sponsor of the bill. Attached please find a summary he prepared for us along with a red line showing proposed changes.

6. **Additional matters.**

- Land Contract Reform Initiative