

**FAMILY LAW SECTION**  
**Public Policy Position**  
**HB 5415**

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,888 members. The Family Law Section is not the State Bar of Michigan and the position expressed herein is that of the Family Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Family Law Section has a public policy decision-making body with 21 members. On January 20, 2018, the Section adopted its position after discussion and vote at a scheduled meeting. 19 members voted in favor of the Section's position on HB 5415, 0 members voted against this position, 0 members abstained, 2 members did not vote.

**The Family Law Section supports the concept of this bill, but has concerns about the specific language of this bill and what type of property interest, if any, it creates.**

**Explanation:**

This bill would require both spouses to consent to conveyances, mortgages, etc. on a primary residence. The concern that this bill, if passed, would create an undefined property interest (not a dower right nor a direct ownership) and would cause confusion in the real estate community. However, the Section also recognized the interest in protecting spouses, since the repeal of dower, from having property bought and sold or mortgages taken out, unbeknownst to the non-owner spouse. The Section supports the concept of this bill, but the language of this specific bill is problematic.

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