

CIVIL PROCEDURE & COURTS COMMITTEE

Respectfully submits the following position on:

\*

HB 4038

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The Civil Procedure & Courts Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Civil Procedure & Courts Committee only and is not an official position of the State Bar of Michigan, nor does it necessarily reflect the views of all members of the State Bar of Michigan.

The State Bar position on this matter is to oppose HB 4038.

The total membership of the Civil Procedure & Courts Committee is 23.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 23. The number who voted in favor to this position was 13. The number who voted opposed to this position was 0.

## Report on Public Policy Position

**Name of Committee:**

Civil Procedure & Courts Committee

**Contact person:**

Karen H. Safran

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**Bill Number:**

[HB 4038](#) (Forlini) Housing; landlord and tenants; notification of evictions; allow by electronic mail. Amends sec. 5718 of [1961 PA 236](#) (MCL [600.5718](#)).

**Date position was adopted:**

April 11, 2015

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting.

**Number of members in the decision-making body:**

23

**Number who voted in favor and opposed to the position:**

13 Voted for position

0 Voted against position

0 Abstained from vote

10 Did not vote (absent)

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

The Committee voted unanimously to oppose HB 4038 for the same reasons it opposed HB 5415 in 2013-2014 legislative session:

Because email is not a reliable manner to transmit such important information as an eviction notice. People changing email addresses, spam filters and having unreliable internet access are several of the factors that make email an unreliable communication method. Additionally, the committee noted that it is very unlikely that tenants would be able to negotiate a provision for electronic eviction out of a lease.

The Committee does not feel that the amendments to the bill presented in H-2 cured the issues previously identified.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2015-HB-4038>

**FOR LEGISLATIVE ISSUES ONLY:**

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- The improvement of the functioning of the courts
- ✓ The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

**Keller-permissible explanation:**

Because e-mail communication is not a reliable form of communication, an individual might not receive an eviction notice which could eliminate their right to a timely court defense.