

**Public Policy Position
HB 4837 and SB 0451**

The Real Property Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 3,645 members. The Real Property Law Section is not the State Bar of Michigan and the position expressed herein is that of the Real Property Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Real Property Law Section has a public policy decision-making body with 16 members. On July 21, 2023, the Section adopted its position after a discussion and vote at a scheduled meeting. 14 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 2 members did not vote.

Oppose

Explanation:

The Real Property Law Section of the State Bar of Michigan opposes this proposed legislation because it (a) would interfere with the rights of private parties to make contracts, (b) is not well-drafted and contains conflicting provisions and ill-defined terms, (c) proposes to eliminate retention, rendering it over-reaching and contrary to standard industry practice, and (d) may be in conflict with or duplicative of the remedies that are already available for non-payment under the Construction Lien Act.

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