



STATE BAR OF MICHIGAN

PUBLIC POLICY POSITION

Bill Number:

[HB 4463](#) Civil procedure; evictions; limited liability companies; allow members and others with personal knowledge to represent in certain situations. Amends [1961 PA 236](#) (MCL [600.101](#) - [600.9947](#)) by adding sec. 5707.

Date position was adopted:

April 21, 2017

Board of Commissioners Vote:

Unanimous

Explanation of the position, including any recommended amendments:

Oppose.

HB 4463 essentially creates a small claims type of case for landlord-tenant disputes by removing the requirement that LLCs be represented by attorneys in landlord-tenant proceedings for certain 1- or 2-member LLCs. The legislation is problematic for tenants and courts, as it would be difficult to ascertain whether an LLC meets the requirements set forth in the bill. Further, the proposed legislation opens the door for unscrupulous landlords and property managers, who may have experience with court procedures but are not held to the same ethical rules as attorneys, to represent their LLCs and potentially take advantage of tenants, many of whom are not represented by counsel and unfamiliar with court procedures.