

COMMITTEE ON JUSTICE INITIATIVES
Respectfully submits the following position on:

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HB 5415

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The Committee on Justice Initiatives is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Committee on Justice Initiatives 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 of Michigan's position on this matter is to oppose the bill because it does not contain sufficient safeguards ensuring receipt of the tenant.

The total membership of the Committee on Justice Initiatives is 14.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 14. The number who voted in favor to this position was 9. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of Committee:

Justice Policy Initiatives

Contact Person:

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Bill Number:

[HB 5415](#) (Forlini) Housing, landlord and tenants; Communications, internet. 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:

May 8, 2014

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:

14

Number who voted in favor and opposed to the position:

9 Voted for position

0 Voted against position

0 Abstained from vote

5 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

The Initiative voted unanimously to oppose HB 5415. Members voiced concern that email is not a reliable manner to transmit such important information as an eviction notice. A tenant may not have email access at all or may not have the same email used at the time of signing the lease. With regards to the availability of electronic notice being placed in a written agreement, there may be no opportunity for the tenant to negotiate this in a lease. The delay in receiving the eviction notice could greatly affect the individual's opportunity to defense in court.

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?2014-HB-5415>

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:

This bill greatly limits the eviction notification to a tenant from a landlord by allowing electronic mail. The bill allows for personal delivery of an electronic form “if authorized in a written agreement.” Because e-mail communication is not a reliable form of communication and not every person has email availability, an individual might not receive an eviction notice which could eliminate their right to a timely court defense.