

Report on Public Policy Position**Name of section:**

Real Property Law Section

Contact person:

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[SB 1256](#) (Allen) Housing; condominium; certain association bylaws; modify. Amends secs. 46 & 53 of [1978 PA 59](#) (MCL [559.146](#) & [559.153](#)).

Date position was adopted:

July 17, 2010

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:

18

Number who voted in favor and opposed to the position:

14 Voted for position

0 Voted against position

0 Abstained from vote

4 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

This bill would permit a majority of the co-owners to modify restrictions or covenants imposed under Sections 46 and 53 of the Michigan Condominium Act, if the restrictions or covenants “were imposed by a developer who is no longer operative.”

The Real Property Law Section opposes the legislation because the Michigan Condominium Act, in Section 90, already requires a super-majority (2/3rds) of the owners and, under certain circumstances the first mortgagees of units, to modify the restrictions and covenants. SB 1256 appears to conflict with Section 90 of the Act.

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?2010-SB-1256>