

**Public Policy Position
HB 4582**

The Real Property Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 3,750 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 18 members. On September 10, 2025, the Section adopted its position after a discussion and vote at a scheduled meeting. 16 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 2 members did not vote.

Oppose with Recommended Amendments**Explanation:**

The Section adopted a policy statement opposing HB 4582 as introduced, unless revised to correct or clarify the following issues that could create confusion in the efficient administration of real estate law:

1. The Bill Needs to be Revised to Clarify the Definition of "Possessor" to Avoid Imputed Liability for Passive Owners.
2. The Bill Needs to be Revised Include a Safe Harbor for Passive Titleholders.
3. The Bill Needs to be Revised to Address the Indoor/Outdoor Bifurcation in Premises Conditions.
4. The Bill Needs to be Revised to Codify a Time-Based Standard for "Constructive Knowledge."
5. The Bill Needs to be Revised to Clarify the Scope of "Open and Obvious" Exceptions to Avoid Overreach.

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