

**Public Policy Position
HB 4676 and HB 4677**

The Real Property Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 3,319 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 17 members. On July 12, 2019, the Section adopted its position after a discussion and vote at a scheduled meeting. 14 members voted in favor of the Section's position on HB 4676 and HB 4677, 0 members voted against this position, 0 members abstained, 3 members did not vote.

Oppose

Explanation:

Partial excerpt from Legislative Report to the Real Property Law Section Council dated July 8, 2019:

3(b) HB 4676 and HB 4677. The bills essentially attempt to bar certain noisome restrictions related to race, religion and sexual orientation, etc. which is a laudable goal. However, the Title and Conveyancing committee reviewed the legislation with particular focus on HB 4676. The analysis/discussion included: (a) the provisions of Paragraph 3(1) are not only vague, but they require subjective analysis, (b) the bill requires the Register of Deeds to subjectively review documents submitted for recording, and that is not their role, nor would we want 83 different interpretations of what is an impermissible restriction, (c) Section 6 appears to permit the grantee in a deed of conveyance to amend the instrument to remove any restriction, and that cannot be done in practice, (d) Paragraph 8 is equally vague as to how that would be enforced. In sum, if the purpose of the bill is to expand and provide coverage beyond Elliott-Larsen Civil Rights Act, then why not limit the bill essentially to Paragraph 4(1) and Paragraph 7? If the Legislature wants to extend protected classes to include other categories, then do so via Elliott-Larsen and any thus restrictions affecting those added protected classes would be void and unenforceable.

Contact Person: Dawn Patterson

Email: dmpatterson@firstam.com