

## CIVIL PROCEDURE &amp; COURTS COMMITTEE

Respectfully submits the following position on:

\*

HB 5415

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The Civil Procedure & Courts Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Civil Procedure & Courts Committee. The State Bar of Michigan has authorized the Civil Procedure & Courts Committee to advocate its position.

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 Civil Procedure & Courts Committee is 22.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 22. The number who voted in favor to this position was 16. The number who voted against it was 0.

## Report on Public Policy Position

**Name of Committee:**

Civil Procedure & Courts Committee

**Contact person:**

Daniel D. Quick

**E-Mail:**

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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 10, 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:**

22

**Number who voted in favor and opposed to the position:**

16 Voted for position

0 Voted against position

0 Abstained from vote

6 Did not vote

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

The committee voted unanimously to oppose HB 5415 because email is not a reliable manner to transmit such important information as an eviction notice. People changing email addresses, spam filters and having unreliable internet access are several of the factors that make email an unreliable communication method. Additionally, the committee noted that it is very unlikely that tenants would be able to negotiate a provision for electronic eviction out of a lease.

**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:**

Because e-mail communication is not a reliable form of communication, an individual might not receive an eviction notice which could eliminate their right to a timely court defense.