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House Bill 4038 (Substitute H-2 as reported without amendment)
Sponsor: Representative Anthony G. Forlini
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend Chapter 57 (Summary Proceedings to Recover Possession of Premises) of the Revised Judicature Act to do the following:

- Allow a demand for payment or possession of property to be served electronically, if the person in possession of the property had specifically consented to electronic service.
- Prohibit a landlord from refusing to lease property because the prospective tenant declined to consent to electronic service.

The bill would take effect 90 days after its enactment.

Chapter 57 establishes expedited procedures in district or municipal court for the recovery of real property. Section 5716 requires a demand for possession or payment to be in writing, addressed to the person in possession of the property.

The demand provided for in Section 5716 may be served by personal delivery to the person in possession of the property; by personal delivery on the premises to a member of the family or household or an employee of suitable age and discretion, with a request that it be delivered to the person in possession; or by first-class mail addressed to the person in possession.

The bill also would allow the demand to be served by electronic service, if the person in possession had in writing specifically consented to electronic service of the demand and if the consent or confirmation of that consent had been sent by one party and affirmatively replied to, by electronic transmission, by the other party.

The electronic service address used by a party in this process would be considered to remain that party's correct, functioning electronic service address unless the process was repeated using a different electronic service address for that party or the party notified the other in writing that the party no longer had an electronic service address.

MCL 600.5718

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 4-22-15

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.