



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4747 (Substitute S-1 as reported)
Sponsor: Representative Holly Hughes
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend Chapter 58 (Limitation of Actions) of the Revised Judicature Act to revise and expand a provision pertaining to actions involving the recovery of land by a municipality. Under the bill, a municipal corporation, political subdivision of the State, or county road commission would not be subject to adverse possession or similar legal concepts in an action involving the recovery or possession of land.

Chapter 58 specifies various limitations on actions, including periods of limitations in which to bring an action. The general period (or statute) of limitations on actions for the recovery or possession of land (including on adverse possession claims) is 15 years.

Currently, an action brought by any municipal corporation for the recovery of the possession of a public highway, street, alley, or any other public ground is not subject to the periods of limitations. The bill provides instead that, in an action involving the recovery or the possession of land, including a public highway, street, alley, easement, or other public ground, a municipal corporation, political subdivision of the State, or county road commission would not be subject to any of the following:

- The periods of limitations under the Act.
- Laches.
- A claim for adverse possession, acquiescence for the statutory period, or prescriptive easement.

("Adverse possession" refers to the method by which a person can gain legal title to another's land by possessing the property exclusively and continuously for a certain length of time, in a manner that is adverse to the interests of the owner, and under circumstances that give to the owner clear notice of the possession. "Laches" generally refers to the inequity of allowing a right to be enforced because of neglect or delay. "Acquiescence" refers to a person's implied consent to an act. "Prescriptive easement" refers to an easement created from an open, adverse, and continuous use over a statutory period.)

MCL 600.5821

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would likely have a minimal but positive impact on local government by increasing the protections for municipalities against claims of adverse possession. The bill would have no fiscal impact on State government.

Date Completed: 2-22-16

Fiscal Analyst: Elizabeth Pratt