

1. Michigan Short-Term Rental Legislation Introduced

HB 4722 - Sponsor: Representative Sarah Lightner - amends the Michigan Zoning Act to clarify that short-term rentals are residential nature. The change in law will protect the use of short-term rentals from an out-right ban through local government zoning. Amending the Michigan Zoning Act finally establishes a meaningful definition of short-term rental as a permitted residential use. The language designates "short-term rental" as a single-family residence, a dwelling unit in a 1-to-4 family house, or any unit or group of units in a condominium complex, for terms of 30 consecutive days or less. The bill will be taken up for initial testimony in the House Committee on Commerce and Tourism very soon. There is a Senate version planned for introduction today by Senate President Pro Tempore, Senator Aric Nesbitt.

In addition, this week the Michigan House passed a bill clarifying the process for getting a new title for a mobile home. The bill received a bi-partisan vote of support in the House of Representatives, and now continues on in the Senate. HB 4304 reestablishes the surety bond process for taking possession of, or the retrieval of, a new or lost title to a mobile/manufactured home located outside of a mobile home community.

Lastly, the Veteran and Active-Duty Licensure bills have moved to the floor in both the House and Senate for final votes before heading to the Governor's Desk for her signature.

Please contact your field staff with any questions. Visit the [Michigan Realtors® - Advocacy Initiatives](#) page for any updates on current legislation.

2. Newest Edition of the Michigan Realtors® Legal Hotline Companion

Be on the lookout for the 2021 publication of the Michigan Realtors® Legal Hotline Companion. The publication should be hitting mailboxes this week. For several years, your Legal Hotline attorneys have been compiling the most common questions posed by Realtor® Members. From the best practices associated with Earnest Money Deposits to the rules governing Offer & Acceptance, and many more in between, the Legal Hotline continues to be an extremely helpful resource in staying attuned to the issues that matter to you. This Legal Hotline Companion is intended to provide answers to many of the questions that you face out in the real estate marketplace. We hope you view this as a significant addition to the various legal resources that Michigan Realtors® develops and distributes.

[Download PDF by visiting Law.Mirealtors.com](#)

3. Covid-19 Regulations and Real Estate: Where Are We Now?

If you've been monitoring the news, there has been an increase in discussions surrounding reentry to offices and mask requirements. With vaccinations becoming more prevalent and available, and Covid-19 cases in moderate decline, there has been increased optimism that many of the gathering and workplace limitations will be relaxed. Along with that possibility, there will need to be forthcoming guidance from MDHHS and MIOSHA on how best to navigate future regulatory changes. The purpose of this communication is to summarize the current regulations on real estate activity as of today.

For brokerage and association activity, the following summary should be helpful:

1. The limitation on residential gatherings continues to be set at 15 persons from no more than 3 households.
2. Open houses can be held; however, no more than three households (the listing agent and two prospective buyer households) can view the home at one time. We continue to advocate to DHHS for additional flexibility for real estate gatherings. However, the current position from DHHS remains outlined in an FAQ on its website:

Q: *What gathering rules apply to open house events and private real estate showings?*

A: *Any event that takes place in or at a residence must adhere to the residential gathering limits – even if the residence is vacant. Accordingly, open houses, real estate showings, and all other events at residential properties must not exceed 15 people from 3 households indoors at the same time.*

3. Seller clients may still authorize non-traditional open houses whereby the listing agent can advertise in advance the parameters for viewing the property. Such parameters would need to require some form of sign-in with the listing agent once the prospective buyer has arrived, and that prospective buyers wait in their vehicle until they are notified that it is their turn to tour the home. This way, the listing agent is able to ensure that only three households are in the residence at a given time. Of course, it must also be an arrangement that the Seller has authorized.
4. **Masks:** The most recent MDHHS order does include a very narrow exception to the mask requirement in residential settings if all attendees are vaccinated. We have heard from some members that this exception could also cover interactions between Realtors® and their clients/customers during home showings and open houses. While we don't disagree with this interpretation, it seems to us that as a practical matter, this exception better suits a traditional residential setting where friends and/or family members from different households are gathering. Determining a person's vaccine status is a particularly sensitive inquiry. Persons who invite others into their homes socially can determine whether and how to require proof of vaccine status. In the case of home showings, Realtors® would be in a difficult position – dealing on one hand with potential buyers who may resent the intrusion and on the other hand with sellers who are looking to the Realtor® to verify the vaccine status of each and every buyer who visits their home. Given that difficult position, the preferable course may be to simply keep requiring masks during residential showings until MDHHS guidance is more clearly articulated.
5. The limitation on indoor non-residential gatherings remains at 25 persons, which means that in-person gatherings for Board and Committee work may resume, limited to 25 or fewer individuals.
6. Retail settings are not subject to the 25-person limit but instead are limited to 50% of the building's capacity as set by the Fire Marshall. The DHHS Order does not define "retail" but the term is used generally to describe the sale of both goods or services to the public and, thus would appear to include real estate offices.
7. In-person gatherings for continuing education and other conferences may resume but are limited to 25 or fewer individuals. As the weather continues to improve, outdoor gatherings also become more of an option. The most recent MDHHS Order does modify mask requirements for outdoor gatherings. Masks are not required, but remain highly recommended, at an outdoor gathering with fewer than 100 persons.
8. Governor Whitmer announced this week that 55% of Michiganders have received their first dose of the Covid-19 vaccine. Reaching this threshold of vaccination enables in-person work to resume across all employment sectors on May 24. While office work will be more clearly allowed, the MIOSHA rules are still in force. The current MIOSHA order and summary of the workplace requirements can be found in the COVID-19 Office Preparedness Toolkit at <https://mirealtors.com/Industry-Resources>. We anticipate additional information from both MDHHS and MIOSHA related to workplace safety rules as we get closer to May 24th.

As restrictions are lifted, we will communicate those changes. We understand that some of these larger gathering restrictions remain frustrating and a little confusing. Michigan Realtors® will continue to advocate for additional gathering options for real estate activity. If you have questions related to the above, please contact Brian Westrin at bwestrin@mirealtors.com.

4. Licensing Issues for Brokers, Salespersons, and Appraisers

As we've reported in the past, the Department of Licensing and Regulatory Affairs ("the Department") has been migrating many occupational licenses over to a new system. If you are experiencing any difficulty due to a change in license number or are unable to find your license on the Department's site, please contact Brian Westrin at bwestrin@mirealtors.com. We will work with the Department to help resolve any issues you are experiencing.

5. Upcoming Webinar | Apples to Oranges with Realtor.com | May 20

Apples to Oranges
Webinar sponsored by Realtor.com

Thursday, May 20, 2021
12:00 - 1:00 PM EDT

If apples and oranges were the same, they'd come mixed in one bag and it wouldn't matter which one you picked. But they are different, just like real estate search portals. In the latest realtor.com® webinar Apples to Oranges, find out why these differences matter and how they help you and your clients be successful.

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6. Legal Lines Question of The Week

With the help of McClelland & Anderson, we are taking the most recently asked questions from our Legal Hotline and putting them in E-News.

Question: I have received three offers on a home that I have listed for sale. One of the offers is from my seller's neighbor. My seller would prefer to sell the home to his neighbor; however, the neighbor's offer does not contain the best terms. My seller would like me to share the economic terms of the best offer with his neighbor's agent and give him an opportunity to match those terms. Isn't this confidential information?

Answer: No. The terms of an offer received by a seller are not confidential information and may be freely shared. Information known to both sides of a potential transaction is not confidential information.

For more legal resources, visit law.mirealtors.com.

7. Two Michigan Realtors® Join Realtor® Magazine's 30 Under 30 Class of 2021

Each year, Realtor® Magazine chooses 30 young professionals who answered the call of their profession and communities. With nearly 300 applicants, we congratulate two of our members into the 30 Under 30 Class of 2021:

Kaciana Champlin
RE/MAX Perrett Associates
Battle Creek, MI

Chadwick Jurgens
Apex Realty
Grand Rapids, MI

[Read more](#)

8. College Scholarships Available | Apply by 7.31.21

Michigan Realtors® is proud to offer scholarship opportunities for those interested in pursuing a career as a real estate professional. Attracting and retaining future members is one of our top priorities. The Michigan Realtors® Scholarship Trust provides scholarships to full time, college students majoring in finance, marketing, business, law, or other such fields of study applicable to a career in real estate.

If you are a college student seeking a career in the real estate field, you may be eligible to receive up to \$3,000 in awards. The application deadline is July 31 for the following academic school year.

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Apples to oranges

Date: May 20, 2021

Time: 9:00am PST / 12:00pm EST

Presenter: Angie Javier

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