

1. Short-Term Rental Protections Move Out of Committees

The protection of an individual's private property rights has long been of significant importance for Realtors® on the Federal, State, and Local levels. This week legislation protecting the right to rent on a short-term basis passed out of House and Senate committees and onto the floor of the respective chambers. **HB 4722** (Rep. Sarah Lightner (R) – Springport) and **SB 446** (Sen. Aric Nesbitt (R) – Lawton), amends the Michigan Zoning Enabling Act, to establish a meaningful definition of short-term rental as a residential use and protects that right from local zoning bans. The bill language defines "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, rented for a term of 30 consecutive days or less.

Under the bill, local governments still maintain their ability to regulate short-term rentals through their police powers. These include noise and advertising, occupancy, nuisances, inspections, licensing, and many more. Substitutes for **HB 4722 (H-1)** and **SB 446 (S-1)**, were adopted in committee to clarify this ability for local government. Please contact your field staff with any questions or concerns.

Other bills moving through the legislature this week:

- Veteran and Active-Duty Licensure Reciprocity (**HB 4376**, **HB 4377**, **SB 157**, **SB 312**)
- Mobile Home Titling (**HB 4304**)
- First-Time Homebuyer Savings Account (**HB 4289**, **HB 4290**, **SB 145**, **SB 146**)
- Audio and Video Surveillance (**HB 4724**)

2. Real Estate Gathering Restrictions Lifted

As you may know, on Monday a new DHHS Order came out that goes into effect on June 1, 2021. The new rules no longer regulate gatherings that take place at a residence. For other types of gatherings, the rules provide that no one is required to wear a mask outdoors and vaccinated people do not need to wear masks indoors.

Under the new DHHS Order, effective June 1st, there are no longer any regulatory limits on the number of persons viewing a home during an open house or other showing. Moreover, the regulations on masks and social distancing no longer apply to home showings.

Of course, each and every homeowner can continue to impose their own mask/distancing rules on persons entering their home. **For Realtors® representing sellers and buyers, it is important to note that as a condition of viewing their home, sellers could, for example, require that a mask be worn by all unvaccinated persons or even that a mask be worn by all persons whether or not vaccinated.**

However, while it is not a violation of HIPAA to inquire as to a person's vaccination status, it is certainly true that to many, this is a particularly sensitive inquiry. Sellers who wish to require unvaccinated people to wear a mask could put Realtors® in a difficult position – dealing on one hand with potential buyers who may resent the inquiry, and on the other hand with the sellers who are looking to the Realtor® to verify the vaccine status of each prospective buyer who visits their home. Given the difficulty of this situation, if a seller is not comfortable allowing unvaccinated people in their home without a mask, an easier policy may be to simply require all persons who visit the home to wear a mask.

We will keep monitoring any new guidance from MDHHS and update membership accordingly. Please direct any questions to Brian Westrin at bwestrin@mirealtors.com.

3. Summary of the Revised MIOSHA Workplace Safety Rules

On May 24, 2021, MIOSHA issued a new emergency order, effective immediately, incorporating many of the terms of the Michigan Department of Health and Human Services (MDHHS) order issued the same day, although retaining many of its rules for workplace hygiene and reporting. A copy of the order is available [here](#).

Most importantly, under the new MIOSHA order, work can be in-person. There is no longer a requirement that work be done remotely if feasible. Unvaccinated employees need not wear masks. Employers need not make inquiries of all employees or require proof of vaccination status. An employer can comply with the current rules by posting signs in the work area reminding employees that are not fully vaccinated to wear face coverings and maintain appropriate distance:

Any employees, except fully vaccinated persons, must continue to wear face coverings when they cannot consistently maintain 6 feet of separation from other individuals indoors in the workplace.

A number of requirements remain, however, and are worth noting. Under the emergency rules in effect since last October, MIOSHA responded to hundreds of complaints from employees and issued dozens of well-publicized citations and fines.

Employers must still have a written COVID-19 preparedness and response plan consistent with CDC guidelines. There are specific requirements that must be included in such a plan which are not exactly the same as the requirements in the May 24, 2021 MDHHS order. COVID-19 preparedness and response plans must be available to all employees. In the event of a MIOSHA audit, every employee should be able to immediately produce a copy of the plan, if asked. In addition to requiring a written plan, the MIOSHA order has a number of additional requirements, including

1. Employers must conduct daily entry self-screening protocols for all employees or contractors, including, at a minimum, a questionnaire covering symptoms and exposure to anyone with possible COVID-19. Employers must require employees who are sick not to report to work or to work in an isolated location.
2. Employers must make masks available at no cost to all employees who are not fully vaccinated. Employers must require masks whenever employees who are not fully vaccinated cannot consistently stay 6 feet apart and ensure that unvaccinated employees stay 6 feet apart as much as possible. These rules may be enforced by keeping records of vaccinated employees, posting signs concerning masks and distance, allowing remote work, or requiring face coverings and social distancing for all employees regardless of vaccination status.
3. Employers must provide COVID-19 training to employees, including information on vaccination, use of personal protective equipment, and notifying the employer of symptoms or infection.
4. Employers are required to provide a place to wash hands and promote frequent, thorough handwashing. Employers must implement procedures to regularly clean and disinfect surfaces, especially for frequently-touched surfaces.
5. Employers must limit shared use of equipment and other work tools to the extent possible.
6. If an employer learns of an employee, visitor or customer with a known case of COVID-19, the employer must, within 24 hours, notify any co-workers, contractors or suppliers who may have come into close contact with the employee.
7. Employers must maintain COVID-19 compliance records for a minimum of 6 months.

As a compliance resource, Michigan Realtors® has updated its toolkit for associations and brokerages, featuring a template preparedness plan and other helpful adaptable forms.

[Download Toolkit](#)

4. 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.

[Apply Today](#)

5. 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: My buyer submitted an offer. The listing agent texted me and told me that the sellers had accepted my client's offer and that she would be emailing the final signed purchase agreement later that same day. Two hours later, the listing agent called me and told me the sellers had accepted another offer. Don't my clients have a binding contract?

ANSWER: No. Your buyers do not have a binding contract unless and until the signed agreement is sufficient. Do not tell your clients that they have a deal until you have actually received the signed contract.

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



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Michigan Realtors®
www.mirealtors.com
 720 N. Washington Ave
 Lansing, MI 48906
 USA
 800-454-7842