

# *Legislation Impacting the Title Industry and a 2022 Election Snapshot*



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# ***Legislation Impacting the Title Industry***

# ***2021-2022 MLTA Legislative Engagement***

- House Bill 5449, Representative TC Clements
- House Bill 4416, Representative Sarah Anthony

# ***House Bill 5449***

## ***Rep. TC Clements***

- Provides a statutory path for securing an affidavit of affixture (AOA) for a mobile home where the property owner never received a certificate of title.
- Signed by Governor Whitmer on March 15, 2022
- This new law, Public Act 33 of 2022 went into effect on June 12.

# ***House Bill 5449***

## ***Rep. TC Clements***

- As outlined in statute, a property owner can secure an AOA if the following conditions are met:
  - The mobile home has been located on the property for at least 15 years.
  - File an affidavit of missing title that contains the address, the description of the mobile home, the date the property assessment reflected the real property improved with a mobile home and a statement that the mobile home is affixed and not located in a mobile home park.

# ***House Bill 5449***

## ***Rep. TC Clements***

- <https://www.michigan.gov/sos/vehicle/mobile-homes>
  - Affidavit of Affixture Mobile Home Application
  - Affidavit of Missing Mobile Home Title.
- Michigan Department of State is centralizing the AOA process. All applications should be mailed to their central office.

*Michigan Department of State  
Office of Customer Records  
Vehicle Records Activity Unit  
PO Box 30045  
Lansing, MI 48909-9798*



**Affidavit of Missing Mobile Home Title**  
Michigan Department of State

PRINT FORM

CLEAR FORM

The Michigan Secretary of State is providing this form to be used in conjunction with the [Affidavit of Affixture of Mobile Home Application](#) and should be used when the applicant is unable to provide the title of their mobile home with the affixture application, and the mobile home has been located on the property for 15 years or more. When properly completed and submitted, this form may allow the Michigan Secretary of State to process an application for mobile home affixture as provided under MCL 125.2330k.

PLEASE PRINT OR TYPE INFORMATION REQUESTED

Name of owner(s)				
Email address				Daytime telephone number
Mobile home property address			City	State
				MI
			Zip	Property parcel number
Year of home manufacture	Manufacturer	Manufacturer's serial number or department-assigned number		Date of physical affixture/initial property taxation

**This form must be signed in the presence of a notary public.**

By signing below, I certify I am the owner of the mobile home listed above, and that I have made a good faith attempt to locate the mobile home title to the best of my ability and am unable to do so. I further attest that the following statements are true:

- This mobile home and the real property to which it is affixed is not located in a mobile home park.
- No payments are currently being made to any secured party and no amount is currently owed under any debt obligation that may have previously been secured by the mobile home.
- The wheels, towing hitches, and running gear of the mobile home have been removed and that the mobile home is attached to a foundation or other support system.

Printed name of owner(s) as listed above \_\_\_\_\_

**X** \_\_\_\_\_

Signature of owner(s) as listed above

Date \_\_\_\_\_

This affidavit was executed in the County of \_\_\_\_\_ within the State of \_\_\_\_\_.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**X** \_\_\_\_\_

Signature of notary public

Printed name of notary: \_\_\_\_\_

County: \_\_\_\_\_

Acting in: \_\_\_\_\_

Commission expires: \_\_\_\_\_

This affidavit must be accompanied by the following:

1. Documentation from the treasurer of the county in which the real property is located that shows proof of the date of physical affixture of the mobile home to the above property address, OR evidence from the county treasurer indicating the date the mobile home was added to the tax roll of that parcel. Please note that in some circumstances this information may be available from the mobile home manufacturer, dealer, or another source.
2. A copy of the vesting deed for the real property.
3. Completed and notarized [Affidavit of Affixture of Mobile Home Application](#) with filing fee.

**The form is NOT to be returned to a branch.** Mail this completed affidavit and required documentation to the address below.

Michigan Department of State  
Office of Customer Records  
Vehicle Records Activity Unit  
PO Box 30045



**Affidavit of Affixture of Mobile Home Application**  
Michigan Department of State

**PRINT FORM**  
**CLEAR FORM**

PLEASE PRINT OR TYPE INFORMATION REQUESTED

**Instructions:**

- Submit notarized affidavit application.
- Remit a check or money order for the \$90.00 filing fee made payable to the **State of Michigan**.
- Secured party of record must give written consent to the termination of the security interest or indicate lien termination on certificate of title.
- The ORIGINAL Certificate of Title or Certificate of Origin must accompany this application (for new applications only). The owner(s) on the Affidavit of Affixture must match the owner(s) on the title/origin. If no title record exists for the mobile home or an existing title record does not match the applicant's name and the mobile home has been located on the property for 15 years or more, you may submit an [Affidavit of Missing Mobile Home Title](#) form instead of the ORIGINAL title for the mobile home as provided by MCL 125.2330k.
- The approved affidavit will be returned to the person listed in section 3. If section 3 is blank, it will be returned to the owner of record listed in section 1. The approved affidavit must then be recorded at the Register of Deeds in the county where the real property is located.
- Application will be returned if not complete.

**FOR DEPARTMENT USE ONLY**

FILED AND ACCEPTED BY THE DEPARTMENT ON:

**Section 1. Owner and Mobile Home Information**

Name of owner(s)		Daytime telephone number	
Property address		City	State
			<b>MI</b>
Year	Manufacturer	Manufacturer's serial number or department-issued number	

Legal description of the real property to which the mobile home is affixed



**This form must be signed in the presence of a notary public.**

**Section 2. Certification**

I certify that the mobile home is physically affixed to the real property described above.

Printed name of owner(s) as listed above \_\_\_\_\_

**X** \_\_\_\_\_

Signature of owner(s) as listed above

\_\_\_\_\_ Date

This affidavit was executed in the County of \_\_\_\_\_ within the State of \_\_\_\_\_.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**X** \_\_\_\_\_

Signature of notary public

Printed name of notary: \_\_\_\_\_

County: \_\_\_\_\_

Acting in: \_\_\_\_\_

Commission expires: \_\_\_\_\_

**Section 3. Drafted by**

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

**Section 4. Return Affidavit of Affixture of Mobile Home to**

Name \_\_\_\_\_

Contact person \_\_\_\_\_

Daytime telephone number \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

Call 517-636-7476 or email [MDOS-MobileHomeAffidavits@Michigan.gov](mailto:MDOS-MobileHomeAffidavits@Michigan.gov) if you need help completing this form.

**The form is NOT to be returned to a branch.** Mail this completed, notarized Affidavit of Affixture of Mobile Home form, check or money order made payable to **State of Michigan**, and current Certificate of Title or Certificate of Origin to:

Michigan Department of State  
Office of Customer Records  
Vehicle Records Activity Unit  
PO Box 30045  
Lansing, MI 48909-9798

**The Michigan Department of State reserves the right to determine that the conditions of eligibility have been met prior to the approval of a mobile home affixture.**

# House Bill 4416

## Rep. Sarah Anthony

- Creates the “Discharge of Prohibited Restrictive Covenants Act”.
- The bill would prohibit the recording of deeds or other instruments that contain certain restrictive covenants or conditions, to make those prohibited restrictions unenforceable, and to provide a process through which prohibited restrictions can be removed from an original document already recorded with the register of deeds.

# House Bill 4416

## Rep. Sarah Anthony

- Prohibited restriction would mean a restriction, covenant, or condition in a deed, that purports to restrict occupancy or ownership of property on the basis of race, color, religion, sex, familial status, national origin, or other class protected by the federal Fair Housing Act.<sup>1</sup>

# House Bill 4416

## Rep. Sarah Anthony

- Sec. 12 This act does not do ... the following:
  - (b) Create a duty, a responsibility, a requirement, or an obligation on the part of a title insurance company or title insurance agency, or the officers, directors, shareholders, employees, or contractors of a title insurance company or title insurance agency, to inspect a deed or other instrument to determine whether recording the deed or instrument would violate this act. A title insurance company or title insurance agency, or the officers, directors, shareholders, employees, or contractors of the title insurance company or title insurance agency, are expressly excluded from any liability or cause of action that may be brought by any person under this act.

# ***Fiscal Year 2023 State Budget Overview***

- On July 1, the legislature passed a \$76 billion state budget for Fiscal Year 2023 beginning October 1.
- Some of the highlights of this budget include:
  - \$250 million for a new student scholarship fund
  - \$2.3 billion to help fix local roads and bridges
  - \$1.7 billion to fix state highway roadways and bridges
  - \$295 million to address student mental health
  - \$168 million in school safety grants
  - \$750 million to help local governments meet their pension obligations

# ***Snapshot of the 2022 Election***

The political landscape is dramatically changing.

Who and what might appear on this year's ballot

# ***2022 Election – Key Dates***

- April 19 - filing deadline for candidates.
- April 23 - MI Republican Party nominating convention.
- June 1 – Deadline for petitions for placing legislative initiatives proposal on the November ballot (340,047 signatures needed)
- July 11 – Deadline for petitions for placing a proposed constitutional amendment on the November ballot (425,059 signatures needed)
- August 2 – Primary Election
- August 28-30 – MI Democratic Party nominating convention
- November 8 – General Election

# ***2022 Election – Statewide Officers***

- Governor Gretchen Whitmer (D)
- Attorney General Dana Nessel (D)
- Secretary of State Jocelyn Benson (D)
- Michigan Supreme Court
  - Richard Bernstein (nominated by Democrats, elected in 2014)
  - Brian Zahra (nominated by Republicans, elected in 2014)



# *2022 Redistricting & New Maps*

Michigan Independent Citizens Redistricting Commission

- Congressional Districts – Chestnut Map
- State Senate District – Linden Map
- State House Districts – Hickory Map

<https://www.michigan.gov/micrc/mapping-process/final-maps>

# ***2022 Election – The Legislature***

- Michigan House of Representatives
  - 110 Members (current 57 Rs – 52 Ds)
  - Republican Majority Since 2011
  - Term-Limits: Three 2-year terms
  - [www.house.mi.gov](http://www.house.mi.gov)
  
- Michigan Senate
  - 38 Members (current 22 Rs – 16 Ds)
  - Republican Majority Since 1985
  - Term-Limits: Two 4-year terms
  - [www.senate.michigan.gov](http://www.senate.michigan.gov)
  
- All four current legislative quadrant leaders are term-limited.

# ***2022 Election – The Michigan Congressional Delegation***

- Loss of population and a Congressional Seat – now 13
- Redistricting – shuffling and opportunities
- Dean of the MI delegation, Congressman Fred Upton, and Congresswoman Brenda Lawrence retire
- Congresswoman Debbie Dingell moved out of her hometown to avoid another incumbent battle

# ***Potential Constitutional Amendment / Ballot Proposals***

- Voters for Transparency and Term Limits
- Michiganders for Fair Lending
- Reproductive Freedom for All
- Promote the Vote 2022
- MI Right to Vote

***DISCUSSION  
&  
QUESTIONS?***

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