



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

House Bill 4821 (Substitute S-1 as reported by the Committee of the Whole)  
House Bill 4822 (Substitute S-1 as reported by the Committee of the Whole)  
Sponsor: Representative Jim Runestad (H.B. 4821)  
Representative Jim Ellison (H.B. 4822)  
House Committee: Judiciary  
Senate Committee: Judiciary

**CONTENT**

House Bill 4821 (S-1) would amend the Estates and Protected Individuals Code to do the following:

- Extend the time an interested party has to petition for appointment as personal representative of a decedent's estate, before a State or county public administrator may be appointed as personal representative.
- Specify that a State or county public administrator could be appointed only in a formal proceeding.
- Require a State or county public administrator who was seeking appointment as personal representative and knew that the decedent's real property had delinquent property taxes or was subject to a mortgage foreclosure, to provide notice of hearing to the decedent's heirs, and require the notice to include certain information.
- Specify that a State or county public administrator who knowingly failed to provide a required notice would be guilty of a misdemeanor, and prescribe penalties for a violation.

House Bill 4822 (S-1) would amend the Estates and Protected Individual Code to:

- Require a State or county public administrator appointed as personal representative to submit a notice (similar to that required to inform a decedent's heirs of an appointment) to the treasurer of the county in which real property subject to tax foreclosure was located.
- Prohibit the sale of a decedent's real property without the approval of the court if the personal representative were the State or county public administrator.
- Provide that the court could approve the sale of the decedent's real property only if, after a hearing, the court considered evidence of the value of the property and information submitted by the county treasurer, and otherwise determined that the sale was in the estate's best interest.
- Prohibit a personal representative, who was the State or county public administrator, from paying to a person he or she employed real estate fees or other fees related to identifying real property subject to foreclosure in excess of 10% of the net proceeds payable to the estate.

MCL 700.3203 et al. (H.B. 4821)  
700.3705 et al. (H.B. 4822)

Legislative Analyst: Jeff Mann

**FISCAL IMPACT**

House Bill 4821 (S-1) would have no fiscal impact on the State and could have a small negative fiscal impact on local government. Any increase in misdemeanor arrests and

convictions could increase resource demands on law enforcement, court systems, and community supervision. Any associated increase in fine revenue would increase funding to public libraries.

House Bill 4822 (S-1) would have no fiscal impact on the State or local government.

Date Completed: 1-22-18

Fiscal Analyst: Ryan Bergan