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LAND DIVISION: APPROVAL AND RECORDING REQUIREMENTS

House Bill 5676

Sponsor: Rep. Jim Howell

**Committee: Local Government and
Urban Policy**

Complete to 2-21-02

A SUMMARY OF HOUSE BILL 5676 AS INTRODUCED 2-19-02

The Land Division Act establishes conditions and procedures for the approval or disapproval of a land “division.” The act requires a person proposing a division to file an application with the assessor or another municipally designated official. The assessor or other official of the municipality (or county official, in the case of a municipality with a population of 2,500 or less that has transferred its relevant authority to the county) must approve or disapprove the division within 45 days of the submission of a complete application. The official must also provide the applicant with written notice indicating whether the application is approved or disapproved and, if disapproved, the reasons for disapproval.

House Bill 5676 would prohibit a register of deeds from accepting a land division instrument for recording unless a written notice of approval was recorded with the instrument. The bill would also specify that the written notice had to be signed and dated and had to identify the proposed division.

(The act defines “division” as “the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements” of the act. The definition also states: “Division does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.”)

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