

# The Michigan Community Association Law Blog

Information on Condominium Associations and Homeowner Associations (HOA's) from the Michigan Condo Attorneys at Hirzel Law, PLC

Executive Order 2020-59: Michigan extends ban on short-term rentals to May 15, 2020, but permits landscapers to operate

Posted on [April 24, 2020](#) by [Kevin Hirzel](#)



**UPDATE:** On May 7, 2020, Governor Whitmer signed Executive Order 2020-77 ([https://www.michigan.gov/whitmer/0,9309,7-387-90499\\_90705-528460--,00.html](https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-528460--,00.html)), which extended the ban on short-term vacation rentals in Executive Order 2020-59 until May 28, 2020.

On April 24, 2020, Governor Whitmer signed Executive Order 2020-59 (<https://www.documentcloud.org/documents/6876928-Michigan-stay-at-home-order.html>), which extended the stay-at-home requirements that were originally contained in Executive Order 2020-21

([https://www.michigan.gov/whitmer/0,9309,7-387-90499\\_90705-522626--,00.html](https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-522626--,00.html)) and Executive Order 2020-42 ([https://www.michigan.gov/whitmer/0,9309,7-387-90499\\_90705-525182--,00.html](https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-525182--,00.html)). The important highlights of the order for community associations are as follows:

### **Short-Term Rentals**

Paragraph 7(c) of Executive Order 2020-59 states that “All other travel is prohibited, including all travel to vacation rentals.” Paragraph 13 of Executive Order 2020-59 also provides as follows, “No one shall rent a short-term vacation property except as necessary to assist in housing a health care professional aiding in the response to the COVID-19 pandemic or a volunteer who is aiding the same.”

In the context of condominiums, many condominium documents already prohibit short-term rentals. Accordingly, associations that have a residential use restriction (<https://micondolaw.com/2017/12/04/michigan-court-of-appeals-affirms-short-term-rental-ban-in-restrictive-covenant/>), commercial use restriction (<https://micondolaw.com/2017/12/04/michigan-court-of-appeals-affirms-short-term-rental-ban-in-restrictive-covenant/>), leasing restriction or nuisance restriction can already restrict short-term rentals. Similarly, some municipalities (<https://micondolaw.com/2018/11/07/michigan-court-of-appeals-rules-in-favor-of-township-in-zoning-ordinance-dispute-over-short-term-rentals/>) have limited or banned short-term rentals in certain locations, and if the governing documents contain a restriction that precludes an owner from engaging in any activity that is “illegal”, such a restriction could also be used to restrict short-term rentals. However, if the governing documents permit short-term rentals, we recommend that community associations enact rules that temporarily suspend any short-term rental activity in order to comply with Executive Order 2020-59 (<https://www.documentcloud.org/documents/6876928-Michigan-stay-at-home-order.html>) and protect the safety of the members of the community.

A co-owner is required to notify a condominium association that it is renting a unit pursuant to MCL 559.212. Specifically, MCL 559.212(2) provides as follows:

A co-owner, including the developer, desiring to rent or lease a condominium unit shall disclose that fact in writing to the association of co-owners at least 10 days before presenting a lease or otherwise agreeing to grant possession of a condominium unit to potential lessees or occupants and, at the same time, shall supply the association of co-owners with a copy of the exact lease for its review for its compliance with the condominium documents. The co-owner or developer shall also provide the association of co-owners with a copy of the executed lease. If no lease is to be used, then the co-owner or developer shall supply the association of co-owners with the name and address of the lessees or occupants, along with the rental amount and due dates of any rental or compensation payable to a co-owner or developer, the due dates of that rental and compensation, and the term of the proposed arrangement.

However, many co-owners that rent their units do not comply with the notification requirements in MCL 559.212. Accordingly, if your condominium association becomes aware that Executive Order 2020-59 (<https://www.documentcloud.org/documents/6876928-Michigan-stay-at-home-order.html>) is being violated, or any provisions of the condominium documents or rental rules are being violated, we recommend that you contact the attorneys at Hirzel Law, PLC to take immediate enforcement action (<https://micondolaw.com/2016/06/23/mcl-559-212-how-to-handle-unruly-renters-in-a-michigan-condominium/>).

### **Travel Between Residences**

Executive Order 2020-59 (<https://www.documentcloud.org/documents/6876928-Michigan-stay-at-home-order.html>) removes the additional restrictions on travel between two residences in Michigan imposed under Executive Order 2020-42. Accordingly, Michigan now permits travel between two residences and permits a person to move into a new residence, so long as it is not for a short-term rental purpose.

## Landscaping

Executive Order 2020-59 (<https://www.documentcloud.org/documents/6876928-Michigan-stay-at-home-order.html>) also clarified that landscapers for community associations can resume work. While the order only had limited modifications as to what types of businesses could resume work, landscaping companies can return to work if they implement safety precautions that require social distancing and the company provides personal protection equipment to its workers, such as gloves, goggles and face masks.

*Kevin Hirzel is the Managing Member of Hirzel Law, PLC ([https://hirzellow-my.sharepoint.com/personal/mheron\\_hirzellow\\_com/Documents/PracticePanther/Kevin%20Hirzel/Articles/hirzellow.com](https://hirzellow-my.sharepoint.com/personal/mheron_hirzellow_com/Documents/PracticePanther/Kevin%20Hirzel/Articles/hirzellow.com)) and concentrates his practice on commercial litigation, community association law, condominium law, Fair Housing Act compliance, homeowners association and real estate law. Mr. Hirzel is a fellow in the College of Community Association Lawyers, a prestigious designation given to less than 175 attorneys in the country. He is also a member of the Community Associations Institute's ("CAI") National Board of Trustees. Mr. Hirzel has been a Michigan Super Lawyer's Rising Star in Real Estate Law from 2013-2020, an award given to only 2.5% of the attorneys in Michigan each year. Mr. Hirzel has been named a Leading Lawyer in Condominium & HOA law by Leading Lawyers Magazine from 2018-2020, an award given to less than 5% of the attorneys in Michigan each year. He represents community associations, condominium associations, cooperatives, homeowners associations, property owners and property managers throughout Michigan. He may be reached at (248) 478-1800 or [kevin@hirzellow.com](mailto:kevin@hirzellow.com) ([https://hirzellow-my.sharepoint.com/personal/mheron\\_hirzellow\\_com/Documents/PracticePanther/Kevin%20Hirzel/Articles/kevin@hirzellow.com](https://hirzellow-my.sharepoint.com/personal/mheron_hirzellow_com/Documents/PracticePanther/Kevin%20Hirzel/Articles/kevin@hirzellow.com)).*

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