

## ADVERSE POSSESSION AND ACQUIESCENCE

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### House Bill 5057

Sponsor: Rep. Joel Johnson

Committee: Judiciary

Complete to 3-19-14

### A SUMMARY OF HOUSE BILL 5057 AS INTRODUCED 10-3-13

The bill would provide that the doctrine of securing title to real property by *adverse possession* or *acquiescence* would not apply in Michigan.

Currently, as a rule, the Revised Judicature Act provides for a 15-year period of limitations for bringing an action for the recovery or possession of real property. House Bill 5057 would amend the act (MCL 600.5801 et al.) to specify that this period of limitations would not apply to a person if an adverse party is asserting a claim to the property based on adverse possession or acquiescence. The bill would also make numerous revisions to clarify or update provisions, and would delete references to claiming title by adverse possession.

*Adverse possession*, sometimes referred to as "squatter's rights," allows a person to lay claim to real property under certain conditions. In general, a person can get title to land owned by someone else by using the land exclusively, out in the open, without permission by the owner, and continuously and without interruption for the time period contained in state law for 15 years. Most frequently, adverse possession occurs when a person places a fence on a neighbor's lawn; if the neighbor does not contest the action within the statutory time limit, the person can claim legal title to that property.

The *doctrine of acquiescence* applies to situations in which neighbors acquiesce to a boundary between adjacent properties. Typically, the acquiesced boundary may be based on the natural landscape of the properties or as a result of landscaping, such as planting a row of shrubs or putting up a fence. If the period of acquiescence lasts at least 15 years, this artificial boundary line may become the permanent boundary and the neighbor can claim legal title to that property.

### FISCAL IMPACT:

A fiscal analysis is in process.

Legislative Analyst: Susan Stutzky

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