

**SUBSTITUTE FOR  
HOUSE BILL NO. 4868**

A bill to establish and protect the rights of manufactured home park tenants; to prescribe the powers and duties of certain agencies and departments; and to provide remedies and penalties.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "manufactured home owners' residency act".

3       Sec. 2. As used in this act:

4       (a) "Manufactured home" means a structure, transportable in 1  
5 or more sections, that is built on a chassis and designed to be  
6 used as a dwelling with or without permanent foundation, when  
7 connected to the required utilities, and includes the plumbing,  
8 heating, air-conditioning, and electrical systems contained in  
9 the structure. Manufactured home includes a manufactured home as  
10 defined in section 603(6) of the national manufactured housing  
11 construction and safety standards act of 1974, title VI of the

1 housing and community development act of 1974, 42 USC 5402.

2 (b) "Manufactured home park" means a parcel or tract of land  
3 under the control of a person upon which 3 or more manufactured  
4 homes are located on a continual, nonrecreational basis that is  
5 licensed or licensable for use as a manufactured home park by  
6 this state and that is offered to the public for that purpose  
7 regardless of whether a charge is made for that purpose, together  
8 with a building, structure, enclosure, street, equipment, or  
9 facility used or intended for use incident to the occupancy of a  
10 manufactured home.

11 (c) "Park owner" means an owner or operator of a manufactured  
12 home park.

13 (d) "Park resident" means an owner of a manufactured home who  
14 rents a lot in a manufactured home park. Park resident includes  
15 a member of the manufactured home owner's household.

16 (e) "Utility service" means electric, fuel oil, natural or  
17 propane gas, sewer, waste disposal, or water service.

18 Sec. 3. (1) A park owner shall not make or enforce a rule,  
19 regulation, policy, or rental agreement provision that does any  
20 of the following:

21 (a) Denies a park resident the right to sell the park  
22 resident's manufactured home within the manufactured home park.

23 (b) Requires a park resident to remove the manufactured home  
24 from the manufactured home park solely on the basis of a sale or  
25 proposed sale of that resident's manufactured home.

26 (c) Requires a park resident to remove a manufactured home  
27 from a manufactured home park for the purpose of manufactured

1 home park renovation or modernization.

2 (2) A park owner shall not interfere with a park resident's  
3 right to sell the park resident's manufactured home within the  
4 manufactured home park.

5 Sec. 4. (1) A park owner shall not directly or indirectly  
6 prohibit the use of a "for sale" sign within a manufactured home  
7 park. A park owner may impose either of the following  
8 restrictions on a "for sale" sign being displayed within a  
9 manufactured home park:

10 (a) Size.

11 (b) Location.

12 [(2) A park owner may prohibit the placement of more than 2  
13 political yard signs per manufactured home site that measure more than 22  
14 by 28 inches during a period of time that begins 4 weeks before and 1  
15 week after an election unless a longer or shorter time period is provided  
16 in an applicable local ordinance. For purposes of this subsection,  
17 "political yard sign" means a campaign sign that demonstrates a position  
18 on current candidates for public elected office or current proposals for  
19 public vote.

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26 (3) A park owner who violates a provision of this section is  
27 subject to a civil fine of not more than \$500.00 for each

House Bill No. 4868 (H-5) as amended June 17, 2004

1 violation. A civil fine imposed under this section shall be paid  
2 to the state treasurer for deposit in the general fund. A civil  
3 fine imposed under this subsection is in addition to, but not  
4 limited by, a criminal penalty prescribed by this act.

5 Sec. 5. If a park owner chooses to develop rules to  
6 regulate the size and weight of trucks within the manufactured  
7 housing community, the rules shall not prohibit commercial pickup  
8 trucks.

9 Sec. 6. (1) A park owner shall not threaten a park resident  
10 with an unlawful eviction in violation of section 5775 of the  
11 revised judicature act of 1961, 1961 PA 236, MCL 600.5775. A  
12 park owner shall not initiate an unlawful eviction against a park  
13 resident.

14 (2) A person who violates this section [is guilty of a state civil  
15 infraction and subject to a civil fine of not more than \$500.00.  
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17 Sec. 7. A park owner that charges park residents for utilities may  
18 offer a discount incentive of up to 10% to a park resident for early  
19 payment of utility bills.

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21 Sec. 8. A park owner shall provide a park resident with [30]  
22 days' notice before implementing an increase in a fee, charge, or  
23 other type of assessment relating to a manufactured home park  
24 residency.

25 Sec. 9. A park owner shall not establish a rule or  
26 regulation that is unreasonable, arbitrary, or capricious. A  
27 park owner's enforcement of any rule or regulation, including one

1 related to eviction, shall not be in retaliation for a park  
2 resident's attempt to secure or enforce rights under this act,  
3 any law of this state, any law of a political subdivision of this  
4 state, or any law of the United States.

5       Sec. 10. The attorney general or an affected individual may  
6 bring an action to enforce this act in a court of competent  
7 jurisdiction in the county where the defendant resides or does  
8 business. A person whose rights are affected because of a  
9 violation of this act is entitled to recover actual damages or  
10 \$500.00, whichever is greater, and reasonable attorney fees. The  
11 court may also consider equitable remedies, including, but not  
12 limited to, injunctive relief.

13       Enacting section 1. This act does not take effect unless  
14 House Bill No. 4869 of the 92nd Legislature is enacted into law.