

**SENATE 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 allow a park resident the
19 right to sell the park resident's manufactured home within the
20 manufactured home park at a price determined by the resident if
21 the purchaser qualifies for tenancy and the manufactured home is
22 in compliance with park rules and regulations.

23 (2) A park owner shall not make or enforce a rule,
24 regulation, policy, or rental agreement provision that does 1 or
25 more of the following:

26 (a) Requires a park resident to remove the manufactured home
27 from the manufactured home park solely on the basis of a sale or

1 proposed sale of that resident's manufactured home.

2 (b) Requires a park resident to remove a manufactured home
3 from a manufactured home park for the purpose of manufactured
4 home park renovation or remodeling.

5 Sec. 4. (1) A park owner shall allow the placement of up to
6 2 "for sale" signs measuring less than 18 inches by 24 inches in
7 the windows of a manufactured home or on a manufactured home if
8 the home has been inspected and approved for sale in the
9 manufactured home park in accordance with applicable manufactured
10 home park rules and regulations.

11 (2) A park owner may prohibit the placement of more than 2
12 political yard signs per manufactured home site and may prohibit
13 the placement of political yard signs that exceed measurements of
14 22 inches by 28 inches. For purposes of this subsection,
15 "political yard sign" means a campaign sign that demonstrates a
16 position on current candidates for public elected office or
17 current proposals for public vote.

18 (3) A park owner shall not restrict the right of a resident
19 to hear from public officials and political candidates on the
20 premises of a manufactured home park.

21 Sec. 5. If a park owner chooses to develop rules to
22 regulate the size and weight of trucks within the manufactured
23 housing community, the rules shall not prohibit commercial pickup
24 trucks solely on the basis of the fact that it is a commercial
25 pickup truck.

26 Sec. 6. A park owner shall not threaten or initiate an
27 eviction against a park resident in violation of section 5775 of

1 the revised judicature act of 1961, 1961 PA 236, MCL 600.5775,
2 and other applicable law.

3 Sec. 7. A park owner shall not prohibit a resident from
4 organizing a homeowners association for any purpose. A park
5 owner shall not deny the use of common areas of a manufactured
6 home park to a homeowners association, if the homeowners
7 association agrees to use common areas on the same terms and
8 under the same conditions that the common areas are made
9 available to other residents. Permissible terms and conditions
10 include, but are not limited to, payment of rental fees and
11 damage deposits and agreement to undertake cleanup
12 responsibilities.

13 Sec. 8. A park owner that charges park residents for
14 utilities may offer a discount incentive to a park resident for
15 early payment of utility bills.

16 Sec. 9. A park owner shall provide a park resident with 30
17 days' written notice before implementing an increase in a fee,
18 charge, or other type of assessment relating to a manufactured
19 home park residency.

20 Sec. 10. (1) A park owner who violates a provision of this
21 act is subject to a civil fine of not more than \$500.00 for each
22 violation. The total amount of civil fines assessed to a park
23 owner under this subsection shall not exceed \$5,000.00 in a
24 calendar year. A civil fine imposed under this subsection shall
25 be paid to the state treasurer for deposit in the general fund.
26 A civil fine imposed under this subsection is in addition to, but
27 not limited by, a criminal penalty prescribed in this act.

House Bill No. 4868 as amended December 1, 2004

1 (2) The attorney general or an affected individual may bring
2 an action to enforce this act in a court of competent
3 jurisdiction in the county where the defendant resides or does
4 business. A person whose rights are affected because of a
5 violation of this act is entitled to recover actual damages <<
6 or \$250.00, whichever is greater. >> The court may also consider
7 equitable remedies, including, but not limited to, injunctive
8 relief.