

**SUBSTITUTE FOR  
SENATE BILL NO. 544**

A bill to amend 1987 PA 96, entitled  
"The mobile home commission act,"  
by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 11, 12,  
13, 14, 16, 16a, 17, 18, 21, 22, 23, 24, 25, 27, 28, 28a, 28b,  
28c, 29, 30, 30a, 30b, 30c, 30d, 30e, 30f, 30g, 30h, 31, 38, and  
43 (MCL 125.2301, 125.2302, 125.2303, 125.2304, 125.2305,  
125.2306, 125.2307, 125.2311, 125.2312, 125.2313, 125.2314,  
125.2316, 125.2316a, 125.2317, 125.2318, 125.2321, 125.2322,  
125.2323, 125.2324, 125.2325, 125.2327, 125.2328, 125.2328a,  
125.2328b, 125.2328c, 125.2329, 125.2330, 125.2330a, 125.2330b,  
125.2330c, 125.2330d, 125.2330e, 125.2330f, 125.2330g, 125.2330h,  
125.2331, 125.2338, and 125.2343), section 28 as amended by 1993  
PA 241 and sections 28a, 28b, 28c, and 43 as added and section 38  
as amended by 1988 PA 337; and to repeal acts and parts of acts.

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

## TITLE

1  
2 An act to create a ~~mobile home~~ **manufactured housing**  
3 commission; to prescribe its powers and duties and ~~those~~  
4 **certain powers** of local governments; to provide for a ~~mobile~~  
5 ~~home~~ **manufactured housing** code and the licensure, regulation,  
6 construction, operation, and management of ~~mobile~~ **manufactured**  
7 home parks, the licensure and regulation of retail sales dealers,  
8 warranties of ~~mobile~~ **manufactured** homes, and service practices  
9 of dealers; to provide for the titling of ~~mobile~~ **manufactured**  
10 homes; to prescribe ~~the~~ powers and duties of certain agencies  
11 and departments; to provide remedies and penalties; to declare  
12 the act to be remedial; ~~to repeal this act on a specific date;~~  
13 and to repeal ~~certain~~ acts and parts of acts.

14 Sec. 1. This act shall be known and may be cited as "the  
15 ~~mobile home~~ **manufactured housing** commission act".

16 Sec. 2. As used in this act:

17 (a) "Campground" means a campground as defined in  
18 section 12501 of the public health code, ~~Act No. 368 of the~~  
19 ~~Public Acts of 1978, being section 333.12501 of the Michigan~~  
20 ~~Compiled Laws~~ 1978 PA 368, MCL 333.12501.

21 (b) "Code" means all or a part of the ~~mobile home~~  
22 **manufactured housing** code promulgated ~~pursuant to~~ **as required**  
23 **in** section 5.

24 (c) "Commission" means the ~~mobile home code~~ **manufactured**  
25 **housing** commission **created under section 3.**

26 (d) "Department" means the department of ~~commerce~~ **consumer**  
27 **and industry services.**

1 (e) "Installer and repairer" means a person, including a  
2 ~~mobile~~ **manufactured** home dealer, who for compensation installs  
3 or repairs ~~mobile~~ **manufactured** homes.

4 (f) "Local government" means a county or municipality.

5 (g) ~~Mobile~~ **"Manufactured home"** means a structure,  
6 transportable in 1 or more sections, ~~which~~ **that** is built on a  
7 chassis and designed to be used as a dwelling with or without  
8 permanent foundation, when connected to the required utilities,  
9 and includes the plumbing, heating, air-conditioning, and  
10 electrical systems contained in the structure. **Manufactured home**  
11 **includes a manufactured home as defined in section 603(6) of the**  
12 **national manufactured housing construction and safety standards**  
13 **act of 1974, title VI of the housing and community development**  
14 **act of 1974, Public Law 93-383, 42 USC 5402.**

15 (h) ~~Mobile~~ **"Manufactured home dealer"** means a person  
16 other than a manufacturer engaged in the business of buying  
17 ~~mobile~~ **manufactured** homes for resale, exchange, lease, or rent  
18 or offering ~~mobile~~ **manufactured** homes for sale, lease, rent, or  
19 exchange to customers.

20 (i) ~~Mobile~~ **"Manufactured home park"** means a parcel or  
21 tract of land under the control of a person upon which 3 or more  
22 ~~mobile~~ **manufactured** homes are located on a continual,  
23 nonrecreational basis and ~~which~~ **that** is offered to the public  
24 for that purpose regardless of whether a charge is made  
25 ~~therefor~~ **for that purpose**, together with ~~any~~ **a** building,  
26 structure, enclosure, street, equipment, or facility used or  
27 intended for use incident to the occupancy of a ~~mobile~~

1 **manufactured** home.

2 (j) "Municipality" means a city, village, or township.

3 (k) "Person" means an individual, partnership, association,  
4 trust, or corporation, or ~~any~~ other legal entity or combination  
5 of legal entities.

6 (l) "Recreational vehicle" means a vehicle primarily  
7 designed and used as temporary living quarters for recreational,  
8 camping, or travel purposes, including a vehicle having its own  
9 motor power or a vehicle mounted on or drawn by another vehicle.

10 (m) "Seasonal ~~mobile~~ **manufactured** home park" means a  
11 parcel or tract of land under the control of a person upon which  
12 3 or more ~~mobile~~ **manufactured** homes are located on a continual  
13 or temporary basis but occupied on a temporary basis only ~~—~~ and  
14 ~~which~~ **that** is offered to the public for that purpose regardless  
15 of whether a charge is made ~~therefor~~ **for that purpose**, together  
16 with ~~any~~ a building, enclosure, street, equipment, or facility  
17 used or intended for use incident to the occupancy of a ~~mobile~~  
18 **manufactured** home. Seasonal ~~mobile~~ **manufactured** home park does  
19 not include a campground licensed ~~pursuant~~ **according** to  
20 sections 12501 to 12516 of the public health code, ~~Act No. 368~~  
21 ~~of the Public Acts of 1978, being sections 333.12501 to 333.12516~~  
22 ~~of the Michigan Compiled Laws— 1978 PA 368, MCL 333.12501 to~~  
23 **333.12516.**

24 (n) "Security interest", "security agreement", "secured  
25 party", and "termination statement" have the same meanings as in  
26 the uniform commercial code, ~~Act No. 174 of the Public Acts of~~  
27 ~~1962, being sections 440.1101 to 440.11102 of the Michigan~~

1 ~~Compiled Laws~~ 1962 PA 174, MCL 440.1101 to 440.11102.

2       Sec. 3. (1) The ~~mobile home~~ **manufactured housing**  
3 commission is created within the department. ~~of commerce.~~

4       (2) The commission consists of ~~11~~ **13** members appointed by  
5 the governor with the advice and consent of the senate, each of  
6 whom shall be a citizen of this state.

7       (3) The members of the commission shall include each of the  
8 following:

9       ~~(a) A representative of an organization whose membership~~  
10 ~~consists of mobile home residents.~~

11 ~~—— (b) A representative of financial institutions.~~

12 ~~—— (c) Two operators of a licensed mobile home park having 100~~  
13 ~~or more sites and 1 operator of a licensed mobile home park~~  
14 ~~having less than 100 sites.~~

15 ~~—— (d) A representative of organized labor.~~

16 ~~—— (e) An elected official of a local government.~~

17 ~~—— (f) A licensed mobile home dealer.~~

18 ~~—— (g) One resident of a licensed mobile home park having 100 or~~  
19 ~~more sites and 1 resident of a licensed mobile home park having~~  
20 ~~less than 100 sites.~~

21 ~~—— (h) A manufacturer of mobile homes.~~

22       **(a) A local elected official that represents a county.**

23       **(b) A local elected official that represents a township.**

24       **(c) A local elected official that represents a school board**  
25 **or a municipal planner who does not need to be a local elected**  
26 **official.**

27       **(d) A local elected official that represents a village.**

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1 (e) A member of a park residents association.

2 (f) A park resident who shall also be a representative of  
3 organized labor.

4 (g) Three operators of licensed manufactured home parks.

5 (h) A manufacturer of manufactured homes.

6 (i) A manufactured home servicer or installer.

7 (j) A representative of financial institutions.

<<(k) A manufactured home dealer.>>

8 (4) A person appointed to be a member under  
9 subsection (3) (a), (d), ~~(e), (g)~~ or (f), or a member of that  
10 person's immediate family shall not have more than a 1% ownership  
11 interest in or income benefit from a manufacturer of ~~mobile~~  
12 **manufactured** homes, a retail seller of ~~mobile~~ **manufactured**  
13 homes, a licensed ~~mobile~~ **manufactured** home park, or a supplier  
14 of ancillary products or services to the ~~mobile~~ **manufactured**  
15 home industry.

16 (5) The term of each member shall be for 3 years. A vacancy  
17 in the office of a member shall be filled by the governor for the  
18 remainder of the unexpired term, not more than 1 month after the  
19 vacancy is created, in the same manner as the original  
20 appointment.

21 (6) The per diem compensation of the commission and the  
22 schedule for reimbursement of expenses shall be established  
23 annually by the legislature.

24 (7) Six members of the commission constitute a quorum for all  
25 purposes, notwithstanding the existence of a vacancy in the  
26 commission's membership. Action may be taken by the commission  
27 by a vote of a majority of the members appointed and serving.

1 Meetings of the commission may be called by the chairperson or by  
 2 3 members on 3 business days' actual notice. At least 1 meeting  
 3 shall be held each calendar quarter. The commission may hold  
 4 meetings anywhere in this state.

5 (8) The commission shall elect a member of the commission as  
 6 its chairperson and another member as its vice-chairperson. The  
 7 duties and powers of the chairperson and vice-chairperson ~~shall~~  
 8 ~~be~~ **are** as prescribed in the commission's rules.

9 (9) A member of the commission may be removed from office by  
 10 the governor for inefficiency, neglect of duty, or misconduct or  
 11 malfeasance in office. A member of the commission who has a  
 12 direct pecuniary interest in a matter before the commission shall  
 13 disclose that interest before the commission taking action with  
 14 respect to the matter. ~~—, which—~~ **The** disclosure shall become a  
 15 part of the record of the commission's official proceedings.

16 Sec. 4. (1) The commission may do all of the following:

17 (a) Promulgate rules to implement and administer this act.

18 (b) Act for the purpose of establishing a uniform policy  
 19 relating to all phases of ~~mobile~~ **manufactured** home businesses,  
 20 ~~mobile~~ **manufactured** home parks, and seasonal ~~mobile~~  
 21 **manufactured** home parks.

22 (c) Determine the sufficiency of local ~~mobile~~ **manufactured**  
 23 home ordinances ~~which~~ **that** are designed to provide a local  
 24 ~~governments~~ **government** with superintending control over  
 25 ~~mobile~~ **manufactured** home businesses, ~~mobile~~ **manufactured** home  
 26 parks, or seasonal ~~mobile homes~~ **manufactured home** parks.

27 (d) Conduct public hearings relating to the powers prescribed

1 in this subsection.

2 (2) The director of ~~commerce~~ **consumer and industry services**  
3 or an authorized representative of the director shall do all of  
4 the following:

5 (a) Administer the rules promulgated by the commission.

6 (b) Conduct hearings relating to violations of this act or  
7 rules promulgated under this act.

8 (c) Make investigations to determine compliance with this act  
9 and rules promulgated under this act.

10 (d) Provide assistance to the commission as the commission  
11 requires.

12 (3) The commission shall not act for the purpose of  
13 regulating ~~mobile~~ **manufactured** homes that are not located  
14 within a ~~mobile~~ **manufactured** home park or a seasonal ~~mobile~~  
15 **manufactured** home park, except as relates to the business, sales,  
16 and service practices of ~~mobile~~ **manufactured** home dealers and  
17 the business practices of ~~mobile~~ **manufactured** home installers  
18 and repairers.

19 Sec. 5. (1) The commission shall promulgate the ~~mobile~~  
20 ~~home~~ **manufactured housing** code subject to section 4. The code  
21 shall consist of rules governing all of the following:

22 (a) The licensure, density, layout, permits for construction,  
23 **and** construction of ~~mobile~~ **manufactured** home parks including  
24 standards for roads, utilities, open space, or proposed  
25 recreational facilities, and safety measures sufficient to  
26 protect health, safety, and welfare of ~~mobile~~ **manufactured** home  
27 park residents. ~~—except~~ **The rules do not govern** water supply,

1 sewage collection and treatment, and drainage facilities ~~which~~  
2 ~~are regulated by~~ **that** the department of ~~public health~~  
3 **environmental quality regulates.**

4 (b) The business, sales, and service practices of ~~mobile~~  
5 **manufactured** home dealers.

6 (c) The business practices of ~~mobile~~ **manufactured** home  
7 installers and repairers.

8 (d) The licensure and ~~regulations~~ **regulation** of ~~mobile~~  
9 **manufactured** home installers and repairers.

10 (e) The setup and installation of ~~mobile~~ **manufactured** homes  
11 inside ~~mobile~~ **manufactured** home parks or seasonal ~~mobile~~  
12 **manufactured** home parks.

13 (f) The regulation of the responsibilities, under the  
14 ~~mobile~~ **manufactured** home warranty, of the ~~mobile~~ **manufactured**  
15 home components manufacturer, the ~~mobile~~ **manufactured** home  
16 assembler or manufacturer, and the ~~mobile~~ **manufactured** home  
17 dealer, including the time period and relationships of each under  
18 the warranty, and the remedies available, if any, if the  
19 responsible parties cease to operate as a business.

20 (g) Abuses relating to all of the following:

21 (i) Consumer deposits, except utility deposits from consumers  
22 who are direct customers of utilities regulated by the Michigan  
23 public service commission.

24 (ii) Detailed listing of furnishings and fixtures by a  
25 manufacturer of a new ~~mobile~~ **manufactured** home or a ~~mobile~~  
26 **manufactured** home dealer for a used ~~mobile~~ **manufactured** home.

27 (iii) Disclosure and delivery of manufacturer's warranties.

1 (iv) Used ~~mobile~~ **manufactured** homes. A ~~mobile~~  
2 **manufactured** home dealer shall provide detailed listing of its  
3 service records for used ~~mobile~~ **manufactured** homes ~~which~~ **that**  
4 are being sold by the dealer and ~~of which~~ **that** the dealer has  
5 knowledge **of**.

6 (h) Applications for and issuance of certificates of title  
7 for ~~mobile~~ **manufactured** homes.

8 (2) As part of the code, the commission shall also promulgate  
9 rules governing the licensure, density, layout, permits for  
10 construction, and construction of seasonal ~~mobile~~ **manufactured**  
11 home parks. ~~including~~ **The rules shall govern** standards for  
12 roads, utilities, open space, proposed recreational facilities,  
13 and safety measures sufficient to protect the health, safety, and  
14 welfare of seasonal ~~mobile~~ **manufactured** home park residents. ~~except~~  
15 **The rules shall not govern** water supply, sewage  
16 collection and treatment, and drainage facilities ~~which shall~~  
17 ~~be regulated by~~ **that** the department of ~~public health~~  
18 **environmental quality regulates**.

19 (3) ~~The~~ **In** rules promulgated for seasonal ~~mobile~~  
20 **manufactured** home parks, **the commission** may impose a less  
21 stringent standard than the rules promulgated for ~~mobile~~  
22 **manufactured** home parks.

23 Sec. 6. (1) The department of ~~public health~~ **environmental**  
24 **quality** shall promulgate rules for ~~mobile~~ **manufactured** home  
25 parks and seasonal ~~mobile~~ **manufactured** home parks setting forth  
26 minimum standards regulating:

27 (a) Water supply system.

1 (b) Sewage collection and disposal system.

2 (c) Drainage.

3 (d) Garbage and rubbish storage and disposal.

4 (e) Insect and rodent control.

5 (f) General operation, maintenance, and safety.

6 (g) Certification of compliance under section 17.

7 (2) Representatives of local government shall act in an  
8 advisory capacity in the promulgation of the code.

9 (3) The commission shall consult with appropriate state and  
10 local governments in developing the procedures for effective  
11 coordination of efforts. The commission shall recommend  
12 procedures to the governor and the legislature for coordinating  
13 state agency decisions and activities pertaining to this act.

14 Sec. 7. (1) ~~A local government which proposes a standard~~  
15 ~~related to mobile home parks or seasonal mobile home parks, or~~  
16 ~~related to mobile homes located within a mobile home park or a~~  
17 ~~seasonal mobile home park that is higher than the standard~~  
18 ~~provided in this act or the code; or a standard related to the~~  
19 ~~business, sales, and service practices of mobile home dealers, or~~  
20 ~~the business of mobile home installers and repairers, that is~~  
21 ~~higher than the standard provided in this act or the code shall~~  
22 ~~file the proposed standard with the commission. A local~~  
23 **government that proposes 1 or more of the following standards**  
24 **shall file the proposed standard with the commission:**

25 (a) **A standard related to manufactured home parks or seasonal**  
26 **manufactured home parks, or manufactured homes located within a**  
27 **manufactured home park or a seasonal manufactured home park, that**

1 is higher than a standard provided in this act or the code.

2 (b) A standard related to the business, sales, and service  
3 practices of manufactured home dealers, or the business of  
4 manufactured home installers and repairers, that is higher than  
5 the standard provided in this act or the code.

6 (2) The commission may promulgate rules to establish the  
7 criteria and procedure for implementation of a higher ~~standards~~  
8 **standard** by a local government. The commission shall review and  
9 approve the proposed standard unless the standard is  
10 unreasonable, arbitrary, or not in the public interest. If the  
11 commission does not approve or disapprove the proposed standard  
12 within 60 days after it is filed with the commission, the  
13 standard ~~shall be considered~~ **is** approved unless the local  
14 government grants the commission additional time to consider the  
15 standard. After the proposed standard is approved, the local  
16 government may adopt the standard by ordinance. The ordinance  
17 ~~shall~~ **must** relate to a specific section of the code.

18 (3) ~~(2)~~ A local government standard related to ~~mobile~~  
19 **manufactured** homes not located within a ~~mobile~~ **manufactured**  
20 home park or seasonal ~~mobile~~ **manufactured** home park need not be  
21 filed with the ~~mobile home~~ **manufactured housing** commission,  
22 unless the standard relates to the business, sales, and service  
23 practices of ~~mobile~~ **manufactured** home dealers, or the business  
24 of ~~mobile~~ **manufactured** home installers and repairers.

25 (4) ~~(3)~~ A local government ordinance shall not be designed  
26 as exclusionary to ~~mobile~~ **manufactured** homes generally whether  
27 the ~~mobile~~ **manufactured** homes are located inside or outside of

1 ~~mobile~~ **manufactured** home parks or seasonal ~~mobile~~

2 **manufactured** home parks.

3 (5) ~~(4)~~ A local government ordinance shall not contain a  
4 standard for the setup or installation of ~~mobile~~ **manufactured**  
5 homes that is incompatible with, or is more stringent than,  
6 either of the following:

7 (a) The manufacturer's recommended setup and installation  
8 specifications.

9 (b) The ~~mobile~~ **manufactured** home setup and installation  
10 standards promulgated by the federal department of housing and  
11 urban development ~~pursuant to~~ **under** the national manufactured  
12 housing construction and safety standards act of 1974, **title VI**  
13 **of the housing and community development act of 1974, Public Law**  
14 **93-383**, 42 ~~U.S.C.~~ **USC** 5401 to 5426.

15 (6) ~~(5)~~ In the absence of ~~any~~ setup or installation  
16 specifications or standards for foundations as set forth in  
17 subsection ~~(4)(a)~~ **(5)(a)** or (b), the local government standards  
18 for site-built housing ~~shall~~ apply.

19 (7) ~~(6)~~ A local government ordinance shall not contain roof  
20 configuration standards or special use zoning requirements that  
21 apply only to, or ~~excludes, mobile~~ **that exclude, manufactured**  
22 homes. A local government ordinance shall not contain a  
23 manufacturing or construction standard that is incompatible with,  
24 or is more stringent than, a standard promulgated by the federal  
25 department of housing and urban development ~~pursuant to~~ **under**  
26 the national manufactured housing construction and safety  
27 standards act of 1974, **title VI of the housing and community**

1 **development act of 1974, Public Law 93-383, 42 ~~U.S.C.~~ USC 5401**  
2 to 5426. A local government ordinance may include reasonable  
3 standards relating to ~~mobile homes~~ **a manufactured home** located  
4 outside of ~~mobile~~ **a manufactured home** ~~parks~~ **park** or a  
5 seasonal ~~mobile~~ **manufactured home** ~~parks which ensure~~ **park**  
6 **that ensures** that ~~mobile homes compare~~ **a manufactured home**  
7 **compares** aesthetically to site-built housing located or allowed  
8 in the same residential zone.

9       Sec. 11. (1) A person who desires to develop a ~~mobile~~  
10 **manufactured** home park or a seasonal ~~mobile~~ **manufactured** home  
11 park shall submit a preliminary plan to the appropriate  
12 municipality, local health department, county road commission,  
13 and county drain commissioner for preliminary approval. The  
14 preliminary plan shall include the location, **the** layout, **the**  
15 general design, and a general description of the project. The  
16 preliminary plan shall not include detailed construction plans.

17       (2) The municipality may grant preliminary approval if the  
18 proposed ~~mobile~~ **manufactured** home park or seasonal ~~mobile~~  
19 **manufactured** home park conforms to applicable laws and local  
20 ordinances not in conflict with this act and laws and ordinances  
21 relative to **all of the following:**

22       (a) Land use and zoning.

23       (b) Municipal water supply, sewage service, and drainage.

24       (c) Compliance with local fire ordinances and state fire  
25 laws.

26       (3) The county drain commissioner shall review and may  
27 approve outlet drainage. The county road commission shall review

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1 and may approve ingress and egress roads. The county road  
2 commission and the county drain commissioner shall adopt and  
3 publish standards to implement this subsection. The county road  
4 commission and the county drain commissioner ~~shall~~ **do** not have  
5 authority as to interior streets and drainage in the ~~mobile~~  
6 **manufactured** home park or seasonal ~~mobile~~ **manufactured** home  
7 park, unless the streets or drains are dedicated to the public.

8 (4) The local health department shall grant preliminary  
9 approval, under the guidance of the department of ~~public health,~~  
10 ~~for on-site water and sewage service and~~ **environmental quality,**  
11 **for** general site suitability.

12 (5) If a reviewing agency as provided in this section has not  
13 returned the preliminary plan to the developer, either approved,  
14 modified, or disapproved within 60 days after it receives the  
15 preliminary plan, the preliminary plan ~~shall be~~ **is** considered  
16 approved.

17 (6) Coordination of ~~approvals~~ **approval** by state and local  
18 governments shall be provided by the director of ~~public health~~  
19 **the department of environmental quality** before ~~it~~ **the**  
20 **department of environmental quality** may grant construction  
21 approval.

22 (7) The developer shall submit the preliminary approval with  
23 the final plans to the department of ~~public health~~  
24 **environmental quality** for review before the department ~~of~~  
25 ~~commerce~~ may issue a construction permit.

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15           Sec. 12. (1) When all preliminary approvals are made, the  
16 developer shall submit the legal documents and the final plans  
17 draft to the department.

18           (2) The department shall review the filing and, within  
19 90 days after filing, issue its approval or disapproval. Upon  
20 the approval of all the reviewing agencies, the department shall  
21 issue a permit to construct the ~~mobile~~ **manufactured** home park  
22 or seasonal ~~mobile~~ **manufactured** home park.

23           Sec. 13. (1) A person shall not construct a ~~mobile~~  
24 **manufactured** home park or seasonal ~~mobile~~ **manufactured** home  
25 park without obtaining a permit issued by the department.

26           (2) Construction may begin ~~upon the granting of~~ **when the**  
27 **department grants** a permit to construct. ~~by the department.~~

1           Sec. 14. Upon completion of the construction of ~~the~~  
2 ~~mobile~~ **a manufactured** home park or seasonal ~~mobile~~  
3 **manufactured** home park, the owner or operator of the park and a  
4 ~~registered~~ **licensed** professional engineer or architect shall  
5 file with the department an affidavit certifying that the  
6 ~~mobile~~ **manufactured** home park or seasonal ~~mobile~~ **manufactured**  
7 home park, lot, and work were completed in accordance with the  
8 approved specifications and plans.

9           Sec. 16. (1) A person shall not operate a ~~mobile~~  
10 **manufactured** home park or seasonal ~~mobile~~ **manufactured** home  
11 park without a license.

12           (2) Upon completion, review, and approval of certifications,  
13 the department shall grant a license to operate a ~~mobile~~  
14 **manufactured** home park or seasonal ~~mobile~~ **manufactured** home  
15 park.

16           (3) An annual license shall be granted and renewed by the  
17 department based upon the certifications and recommendations of  
18 the appropriate agencies and local governments.

19           (4) If a person submits a timely application for renewal of a  
20 license and pays the appropriate fee, the person may continue to  
21 operate a ~~mobile~~ **manufactured** home park or seasonal ~~mobile~~  
22 **manufactured** home park unless notified that the application for  
23 renewal is not approved.

24           (5) A campground ~~which~~ **that** is currently licensed under  
25 sections 12501 to 12516 of the public health code, ~~Act No. 368~~  
26 ~~of the Public Acts of 1978, being sections 333.12501 to 333.12516~~  
27 ~~of the Michigan Compiled Laws~~ **1978 PA 368, MCL 333.12501 to**

1 333.12516, **that** was previously licensed under the licensing  
2 provisions of ~~Act No. 243 of the Public Acts of 1959, being~~  
3 ~~sections 125.1035 to 125.1043 of the Michigan Compiled Laws 1959~~  
4 **PA 243, MCL 125.1035 to 125.1043**, as a seasonal trailer park, and  
5 ~~which~~ **that** currently meets the seasonal trailer park  
6 construction standards under ~~Act No. 243 of the Public Acts of~~  
7 ~~1959~~ **1959 PA 243, MCL 125.1035 to 125.1043**, may apply for and  
8 shall be licensed as a seasonal ~~mobile~~ **manufactured** home park  
9 under this act if the campground meets all other requirements for  
10 licensure under this act as a seasonal ~~mobile~~ **manufactured** home  
11 park.

12       Sec. 16a. ~~Mobile~~ **Manufactured** homes located in a seasonal  
13 ~~mobile~~ **manufactured** home park may be occupied on a full-time  
14 basis from April 1 to October 31, but shall not be occupied for  
15 more than 15 consecutive days in ~~any~~ **a** 30-day period from  
16 November 1 to March 31.

17       Sec. 17. (1) The department of ~~public health~~  
18 **environmental quality** or its authorized representative shall  
19 conduct an annual physical inspection of ~~mobile~~ **manufactured**  
20 home parks and seasonal ~~mobile~~ **manufactured** home parks in  
21 accordance with standards established by the department of  
22 ~~public health~~ **environmental quality**. If the ~~mobile~~  
23 **manufactured** home park or seasonal ~~mobile~~ **manufactured** home  
24 park is approved, the department of ~~public health~~ **environmental**  
25 **quality** shall issue a certification of compliance to the  
26 department ~~of commerce~~ that the park is licensable.

27       (2) Except for purposes of issuing a license or renewing a

1 license ~~pursuant to~~ **under** this act, a local government may not  
2 make an inspection unless it has reason to believe that this act,  
3 the code, or rules promulgated ~~pursuant to~~ **under** this act were  
4 violated.

5       Sec. 18. (1) A variance in the design and construction of a  
6 ~~mobile~~ **manufactured** home park or seasonal ~~mobile~~ **manufactured**  
7 home park may be granted upon notice of the request to the local  
8 government and the department of ~~public health~~ **environmental**  
9 **quality** at the time of filing with the department. ~~of commerce.~~  
10 If the local government grants a variance ~~which~~ **that** would  
11 permit activities violative of the minimum standards of the code,  
12 the local government shall file with the department a copy of the  
13 variance order and an explanation of the reason for the granting  
14 of the order. The department may approve or disapprove the  
15 variance or revoke the variance upon notice and hearing.

16       (2) After a public hearing, the department may grant a  
17 specific variance to a substantive requirement of the code if the  
18 literal application of the substantive requirement would result  
19 in an exceptional, practical difficulty to the applicant, and if  
20 the specific condition justifying the variance is neither so  
21 general nor recurrent in nature as to make an amendment of the  
22 code with respect to the condition reasonably practical or  
23 desirable.

24       (3) The department may attach in writing a condition in  
25 connection with the granting of a variance that in its judgment  
26 is necessary to protect the health, safety, and welfare of the  
27 people of this state. The variance shall not exceed the minimum

1 necessary to alleviate the exceptional, practical difficulty.

2 (4) ~~A~~ **Only a local government may grant a** variance to a  
3 local ordinance, zoning requirement, or local rule. ~~may be~~  
4 ~~granted only by a local government.~~

5 (5) ~~A~~ **Only the commission may grant a** variance to a rule  
6 promulgated under this act. ~~may be granted only by the~~  
7 ~~commission.~~

8 Sec. 21. (1) A ~~mobile~~ **manufactured** home dealer shall not  
9 engage in the retail sale of a ~~mobile~~ **manufactured** home without  
10 a license.

11 (2) A ~~mobile~~ **manufactured** home dealer, ~~mobile~~  
12 **manufactured** home installer, or repairer may obtain an initial or  
13 renewal license by filing with the commission an application  
14 together with consent to service of process in a form prescribed  
15 by the commission ~~pursuant~~ **according** to section 35.

16 (3) An initial or renewal license under this act shall be  
17 issued for not more than 1 year. Licenses shall expire on  
18 October 1.

19 (4) The annual license fee for a ~~mobile~~ **manufactured** home  
20 dealer is \$150.00 or ~~any other~~ **a** lesser amount established  
21 ~~pursuant~~ **according** to section 9(5).

22 (5) The annual license fee for a ~~mobile~~ **manufactured** home  
23 installer or repairer is \$50.00 or ~~any other~~ **a** lesser amount  
24 established ~~pursuant~~ **according** to section 9(5).

25 (6) A licensed ~~mobile~~ **manufactured** home dealer, ~~mobile~~  
26 **manufactured** home installer, or repairer may file an application  
27 for the license of a successor, whether or not the successor is

1 then in existence, for the unexpired portion of the year. The  
2 commission may grant or deny the application.

3 (7) A licensee who submits a timely application for renewal  
4 of a license and pays the appropriate fee may continue sales of  
5 ~~mobile~~ **manufactured** homes unless notified that the application  
6 for renewal is not approved.

7 Sec. 22. The commission may promulgate rules to require a  
8 licensed ~~mobile~~ **manufactured** home dealer to post a surety bond  
9 in an amount up to \$10,000.00 for each sales location and may  
10 determine conditions of the bond. An appropriate deposit of cash  
11 or securities shall be accepted in lieu of a bond ~~which~~ **that** is  
12 required.

13 Sec. 23. A licensed ~~mobile~~ **manufactured** home dealer shall  
14 make and keep accounts, and other records as the commission  
15 prescribes by rule. The records required shall be preserved for  
16 3 years unless the commission otherwise prescribes by rule for  
17 particular types of records. If the information contained in a  
18 record filed with the commission is or becomes inaccurate or  
19 incomplete in ~~any~~ **a** material respect, the licensee promptly  
20 shall file a correcting amendment.

21 Sec. 24. A ~~mobile~~ **manufactured** home dealer shall not **do 1**  
22 **or more of the following:**

23 (a) Advertise or represent a ~~mobile~~ **manufactured** home as  
24 other than calendar or model year.

25 (b) Misapply consumer deposits on a ~~mobile~~ **manufactured**  
26 home or a ~~mobile~~ **manufactured** home park.

27 (c) Fail to place deposits, down payments, or similar

1 payments for the purchase or right to purchase a ~~mobile~~  
2 **manufactured** home in a separate escrow account subject to return  
3 upon cancellation of the purchase order by the prospective  
4 purchaser under the rules or orders as the commission promulgates  
5 or issues unless the dealer ~~shall post~~ **posts** a bond or a  
6 deposit of cash or securities for protection of these payments in  
7 an amount acceptable to the commission.

8 (d) Fail to disclose to the department ~~any~~ direct or  
9 indirect business relationships with financial and loan  
10 institutions, banks, and insurance companies.

11 Sec. 25. (1) The commission shall promulgate rules relating  
12 to the responsibility of the ~~mobile~~ **manufactured** home dealer,  
13 ~~mobile~~ **manufactured** home installer, and the ~~mobile~~  
14 **manufactured** home park or seasonal ~~mobile~~ **manufactured** home  
15 park owner for installation and setup of a ~~mobile~~ **manufactured**  
16 home.

17 (2) A person licensed under ~~any~~ **1 or more** of the following  
18 acts shall not be required to be licensed as a ~~mobile~~  
19 **manufactured** home installer and repairer in order to perform work  
20 on ~~mobile~~ **manufactured** homes for which the person is licensed,  
21 unless the work performed also includes the setup, installation,  
22 or general repair of ~~mobile~~ **manufactured** homes:

23 (a) The electrical administrative act, ~~Act No. 217 of the~~  
24 ~~Public Acts of 1956, being sections 338.881 to 338.892 of the~~  
25 ~~Michigan Compiled Laws~~ **1956 PA 217, MCL 338.881 to 338.892.**

26 (b) ~~Act No. 266 of the Public Acts of 1929, being sections~~  
27 ~~338.901 to 338.917 of the Michigan Compiled Laws~~ **2002 PA 733,**

1 MCL 338.3511 to 338.3569.

2 (c) The Forbes mechanical contractors act, ~~Act No. 192 of~~  
3 ~~the Public Acts of 1984, being sections 338.971 to 338.988 of the~~  
4 ~~Michigan Compiled Laws 1984 PA 192, MCL 338.971 to 338.988.~~

5 (3) The electrical administrative act, ~~Act No. 217 of the~~  
6 ~~Public Acts of 1956, being sections 338.881 to 338.892 of the~~  
7 ~~Michigan Compiled Laws 1956 PA 217, MCL 338.881 to 338.892, Act~~  
8 ~~No. 266 of the Public Acts of 1929, being sections 338.901 to~~  
9 ~~338.917 of the Michigan Compiled Laws 1929 PA 266, MCL 338.901~~  
10 ~~to 338.917, and the Forbes mechanical contractors act, Act~~  
11 ~~No. 192 of the Public Acts of 1984, being sections 338.971 to~~  
12 ~~338.988 of the Michigan Compiled Laws 1984 PA 192, MCL 338.971~~  
13 ~~to 338.988, shall do not~~ apply to the setup or installation of  
14 a ~~mobile~~ **manufactured** home and the following connections or  
15 replacement or repair of the following connections, by a licensed  
16 ~~mobile~~ **manufactured** home installer and repairer:

17 (a) Factory-installed electrical wiring, devices, appliances,  
18 or appurtenances to available electrical meters or pedestals.

19 (b) Factory-installed piping, fixtures, plumbing appliances,  
20 and plumbing appurtenances to sanitary drainage or storm drainage  
21 facilities, venting systems, or public or private water supply  
22 systems.

23 (c) Factory-installed process piping, heating and cooling  
24 equipment, and systems or supply lines to available service  
25 meters or mains.

26 Sec. 27. (1) A person shall not, in connection with the  
27 offer, sale, purchase, or rental of a ~~mobile~~ **manufactured** home,

1 ~~mobile~~ **manufactured** home site, or **related** equipment, ~~relating~~  
2 ~~thereto~~ **do either of the following:**

3 (a) Employ a devise, scheme, or artifice to defraud.

4 (b) Make an untrue statement of material fact or omit to  
5 state a material fact necessary to make the statement not  
6 misleading, ~~in the light of~~ **under** the circumstances ~~under~~ **in**  
7 which ~~it~~ **the statement** is made.

8 (2) A person shall not willfully authorize, direct, or aid in  
9 publication, advertisement, distribution, or circulation of a  
10 statement or representation concerning a ~~mobile~~ **manufactured**  
11 home, ~~mobile~~ **manufactured** home site, or equipment relating  
12 thereto, ~~which~~ **that** misrepresents the facts concerning the  
13 ~~mobile~~ **manufactured** home, ~~mobile~~ **manufactured** home site, or  
14 **related** equipment. ~~relating thereto.~~

15 (3) A person with knowledge that an advertisement, pamphlet,  
16 prospectus, or letter concerning a ~~mobile~~ **manufactured** home,  
17 ~~mobile~~ **manufactured** home site, or **related** equipment ~~relating~~  
18 ~~thereto~~ contains a written statement that is false or  
19 fraudulent, shall not issue, circulate, publish, or distribute  
20 the advertisement, pamphlet, prospectus, or letter concerning a  
21 ~~mobile~~ **manufactured** home, ~~mobile~~ **manufactured** home site, or  
22 **related** equipment. ~~relating thereto.~~

23 (4) A person shall not willfully make ~~any~~ **a** material  
24 misrepresentation in the sale of a ~~mobile~~ **manufactured** home,  
25 ~~mobile~~ **manufactured** home site, or **related** equipment. ~~relating~~  
26 ~~thereto.~~

27 Sec. 28. (1) An owner or operator of a ~~mobile~~ **manufactured**

1 home park or seasonal ~~mobile~~ **manufactured** home park shall not  
2 engage, or permit an employee or agent to engage, in ~~any of~~ the  
3 following unfair or deceptive methods, acts, or practices:

4 (a) Directly or indirectly charging or collecting from a  
5 person an entrance fee.

6 (b) Requiring a person to directly or indirectly purchase a  
7 ~~mobile~~ **manufactured** home from another person as a condition of  
8 entrance to, or lease or rental of, a ~~mobile~~ **manufactured** home  
9 park or seasonal ~~mobile~~ **manufactured** home park space.

10 (c) Directly or indirectly charging or collecting from a  
11 person a refundable or nonrefundable exit fee.

12 (d) Requiring or coercing a person to purchase, rent, or  
13 lease goods or services from another person as a condition of  
14 ~~any~~ **1 or more** of the following:

15 (i) Entering into a park or lease.

16 (ii) Selling a ~~mobile~~ **manufactured** home through the park  
17 owner or operator, or his or her agent or designee upon leaving a  
18 ~~mobile~~ **manufactured** home park or seasonal ~~mobile~~ **manufactured**  
19 home park.

20 (iii) Renting space in a ~~mobile~~ **manufactured** home park or  
21 seasonal ~~mobile~~ **manufactured** home park.

22 (e) Directly or indirectly charging or collecting from a  
23 person money or other thing of value for electric, fuel, or water  
24 service without the use of that service by a resident or tenant  
25 being first accurately and consistently measured, unless that  
26 service is included in the rental charge as an incident of  
27 tenancy.

1 (f) Conspiring, combining, agreeing, aiding, or abetting in  
2 the employment of a method, act, or practice that violates this  
3 act.

4 (g) Renting or leasing a ~~mobile~~ **manufactured** home or site  
5 in a ~~mobile~~ **manufactured** home park or seasonal ~~mobile~~  
6 **manufactured** home park without offering a written lease.

7 (h) Subject to section 28a, prohibiting a resident from  
8 selling his or her ~~mobile~~ **manufactured** home on-site for a price  
9 determined by that resident, if the purchaser qualifies for  
10 tenancy and the ~~mobile~~ **manufactured** home meets the conditions  
11 of written park rules or regulations. This subdivision does not  
12 apply to seasonal ~~mobile~~ **manufactured** home parks.

13 (i) Subject to reasonable ~~mobile~~ **manufactured** home park or  
14 seasonal ~~mobile~~ **manufactured** home park rules governing the  
15 location, size, and style of exterior television antenna,  
16 prohibiting a person from installing or maintaining an exterior  
17 television antenna on a ~~mobile~~ **manufactured** home within the  
18 park unless the ~~mobile~~ **manufactured** home park or seasonal  
19 ~~mobile~~ **manufactured** home park provides park residents, without  
20 charge, a central television antenna for UHF-VHF reception.

21 (2) A tenant of a ~~mobile~~ **manufactured** home park or seasonal  
22 ~~mobile~~ **manufactured** home park may bring an action on his or her  
23 own behalf for a violation of this section.

24 (3) If the commission has reason to suspect that the owner of  
25 a ~~mobile~~ **manufactured** home park or seasonal ~~mobile~~  
26 **manufactured** home park is engaged in conduct that violates  
27 existing water utility tariffs or qualifies the owner of a

1 ~~mobile~~ **manufactured** home park or seasonal ~~mobile~~ **manufactured**  
2 home park for regulation as a water utility, the commission shall  
3 promptly send a written report of the alleged violation to the  
4 Michigan public service commission.

5       Sec. 28a. (1) ~~Mobile~~ **Manufactured** home park rules or  
6 regulations may include provisions governing the physical  
7 condition of ~~mobile homes~~ **a manufactured home** and the aesthetic  
8 characteristics of ~~mobile homes~~ **a manufactured home** in relation  
9 to the ~~mobile~~ **manufactured** home park in which they are located,  
10 subject to all of the following:

11       (a) The age or size of a ~~mobile~~ **manufactured** home shall not  
12 be used as the sole basis for refusing to allow an on-site,  
13 in-park sale or for refusing to allow the ~~mobile~~ **manufactured**  
14 home to remain on-site. The burden of going forward in a suit  
15 against the ~~mobile~~ **manufactured** home park owner or operator for  
16 violation of this subdivision is on the resident.

17       (b) The standards incorporated in the written park rules or  
18 regulations governing the physical condition and aesthetic  
19 characteristics of ~~mobile homes~~ **a manufactured home** in the  
20 ~~mobile~~ **manufactured** home park ~~shall apply~~ **applies** equally to  
21 all residents.

22       (c) A ~~mobile~~ **manufactured** home sold on-site shall conform  
23 with ~~Act No. 133 of the Public Acts of 1974, being sections~~  
24 ~~125.771 to 125.774 of the Michigan Compiled Laws~~ **1974 PA 133,**  
25 **MCL 125.771 to 125.774.**

26       (d) ~~Any~~ **A** charge connected to the on-site, in-park sale of  
27 a ~~mobile~~ **manufactured** home, other than the inspection fee

1 permitted under subdivision (e) and the commission or fee charged  
2 by a ~~mobile~~ **manufactured** home dealer licensed under this act  
3 who is engaged by the seller to transact the sale, is **considered**  
4 an entrance or exit fee in violation of section 28.

5 (e) A park owner or operator may charge a reasonable fee to  
6 inspect the ~~mobile~~ **manufactured** home before sale. The charge  
7 shall not be more than \$30.00, or the amount charged for building  
8 permit inspections by the municipality in which the ~~mobile~~  
9 **manufactured** home is located, whichever is higher.

10 (f) The standards governing the physical condition of ~~mobile~~  
11 ~~homes~~ **a manufactured home** and the aesthetic characteristics of  
12 ~~mobile homes~~ **a manufactured home** in the ~~mobile~~ **manufactured**  
13 home park, as incorporated in the written park rules, shall not  
14 be designed to defeat the intent of this section.

15 (2) Subsection (1)(f) ~~shall~~ **does** not apply if the ~~mobile~~  
16 **manufactured** home park is changing its method of doing business  
17 and provides not less than 1 year's notice, unless a different  
18 notice period is otherwise provided by law, of the proposed  
19 change to all affected ~~mobile~~ **manufactured** home park  
20 residents. A change in a ~~mobile~~ **manufactured** home park's  
21 method of doing business includes, but is not limited to, ~~any~~ 1  
22 **or more** of the following:

23 (a) Conversion to a ~~mobile~~ **manufactured** home park  
24 condominium ~~pursuant~~ **according** to the condominium act, ~~Act~~  
25 ~~No. 59 of the Public Acts of 1978, being sections 559.101 to~~  
26 ~~559.275 of the Michigan Compiled Laws~~ **1978 PA 59, MCL 559.101 to**  
27 **559.276.**

1 (b) Conversion to total rental of both ~~mobile~~ **manufactured**  
2 home site and park-owned ~~mobile~~ **manufactured** homes.

3 (c) Changes in use of the land on which the ~~mobile~~  
4 **manufactured** home park is located.

5 (3) Notwithstanding subsection (1) or (2), a ~~mobile~~  
6 **manufactured** home park may require a ~~mobile~~ **manufactured** home  
7 to be moved to a comparable site within the ~~mobile~~ **manufactured**  
8 home park, at the expense of the ~~mobile~~ **manufactured** home  
9 park.

10 (4) If, after termination of a resident's tenancy for just  
11 cause as provided in chapter 57a of the revised judicature act of  
12 1961, ~~Act No. 236 of the Public Acts of 1961, being sections~~  
13 ~~600.5771 to 600.5785 of the Michigan Compiled Laws~~ **1961 PA 236,**  
14 **MCL 600.5771 to 600.5785,** the resident of a ~~mobile~~ **manufactured**  
15 home park sells his or her ~~mobile~~ **manufactured** home to the  
16 owner or operator of the ~~mobile~~ **manufactured** home park, or to  
17 ~~any~~ **an** entity in which the owner or operator has ~~any~~ **an**  
18 interest, the resident ~~shall have~~ **has** the right to have the  
19 ~~mobile~~ **manufactured** home's value appraised and, if so  
20 appraised, the sale price of the ~~mobile~~ **manufactured** home shall  
21 not be less than the appraised value.

22 (5) Except as provided in subsection (1)(a), a ~~mobile~~  
23 **manufactured** home park owner or operator, or both, has the burden  
24 of going forward to show compliance with subsection (1).

25 Sec. 28b. A ~~mobile~~ **manufactured** home park rule that does  
26 either of the following shall not be enforced against a resident,  
27 unless the rule was proposed and in force before the resident was

1 approved for tenancy in the ~~mobile~~ **manufactured** home park:

2 (a) Prohibits those children who were previously approved  
3 under prior park rules from residing in the ~~mobile~~ **manufactured**  
4 home park. A rule prohibiting children, or additional children,  
5 shall not be enforced against persons who were residents of the  
6 ~~mobile~~ **manufactured** home park at the time the rule was adopted  
7 until after 1 year's notice to those persons.

8 (b) Prohibits a resident from keeping those pets ~~which~~ **that**  
9 were previously approved under prior park rules, except dangerous  
10 animals.

11 Sec. 28c. (1) A lease or rental agreement or rules or  
12 regulations that are adopted ~~pursuant~~ **according** to a lease or  
13 rental agreement may include a provision that requires liquidated  
14 damages to be awarded to the prevailing party in a contested  
15 action to terminate a tenancy in a ~~mobile~~ **manufactured** home  
16 park for just cause under section 5775 of the revised judicature  
17 act of 1961, ~~Act No. 236 of the Public Acts of 1961, being~~  
18 ~~section 600.5775 of the Michigan Compiled Laws~~ **1961 PA 236,**  
19 **MCL 600.5775.**

20 (2) A provision allowed under subsection (1) may require  
21 liquidated damages of not more than \$500.00 for an action in the  
22 district court and not more than \$300.00 for each appellate  
23 level. Liquidated damages shall not be construed to be a  
24 penalty.

25 Sec. 29. (1) A utility company shall notify the department  
26 10 days before shutoff of service for nonpayment, including  
27 sewer, water, gas, or electric service, when the service is being

1 supplied to the licensed owner or operator of a ~~mobile~~  
2 **manufactured** home park or seasonal ~~mobile~~ **manufactured** home  
3 park for the use and benefit of the park's tenants.

4 (2) A municipality shall not charge a manufactured home park  
5 or a seasonal manufactured home park a higher rate to provide a  
6 water supply system or sewage service than the amount the  
7 municipality charges other customers to provide the same type of  
8 service.

9 Sec. 30. (1) After December 31, 1978, every ~~mobile~~  
10 **manufactured** home located in this state ~~shall be~~ **is** subject to  
11 the certificate of title provisions of this act, except for ~~any~~  
12 a new ~~mobile~~ **manufactured** home owned by a manufacturer or  
13 licensed ~~mobile~~ **manufactured** home dealer and held for sale.

14 (2) After December 31, 1978, a certificate of title for a  
15 ~~mobile~~ **manufactured** home issued by the secretary of state  
16 before January 1, 1979, ~~pursuant~~ **according** to ~~Act No. 300 of~~  
17 ~~the Public Acts of 1949, being sections 257.1 to 257.923 of the~~  
18 ~~Michigan Compiled Laws shall be~~ **the Michigan vehicle code, 1949**  
19 **PA 300, MCL 257.1 to 257.923, is** considered ~~to be~~ a certificate  
20 of title issued by the department under this act and ~~shall be~~  
21 **is** subject to all of the provisions of this act ~~respecting~~  
22 **regarding** certificates of title.

23 (3) After December 31, 1978, a ~~mobile~~ **manufactured** home  
24 shall not be sold or transferred except by transfer of the  
25 certificate of title for the ~~mobile~~ **manufactured** home ~~pursuant~~  
26 ~~to~~ **under** this act.

27 Sec. 30a. (1) An owner of a ~~mobile~~ **manufactured** home

1 ~~which~~ **that** is subject to the certificate of title provisions of  
2 this act shall ~~make application~~ **apply** to the department for the  
3 issuance of a certificate of title for the ~~mobile~~ **manufactured**  
4 home upon the appropriate form furnished by the department,  
5 accompanied by a fee of \$45.00 or ~~any~~ **a** lesser amount  
6 established ~~pursuant~~ **according** to section 9(5). The  
7 application shall bear the signature of the owner written in ink,  
8 shall be acknowledged by the owner before a person authorized to  
9 take acknowledgments, and shall contain **all of the following:**

10 (a) The name and address of the owner.

11 (b) A description of the ~~mobile~~ **manufactured** home,  
12 including the name of the manufacturer, the year and model, and  
13 the manufacturer's serial number or, in the absence of a serial  
14 number, a number assigned by the department. A number assigned  
15 by the department shall be permanently placed on the ~~mobile~~  
16 **manufactured** home in the manner and place designated by the  
17 department.

18 (c) A statement of the names and addresses of the holders of  
19 ~~any~~ security interests in the ~~mobile~~ **manufactured** home, in  
20 the order of ~~their~~ priority.

21 (d) Further information as may reasonably be required by the  
22 department to enable it to determine whether the owner of the  
23 ~~mobile~~ **manufactured** home is entitled to a certificate of title  
24 for the ~~mobile~~ **manufactured** home.

25 (2) If the department is not satisfied as to the ownership of  
26 the ~~mobile~~ **manufactured** home, before issuing a certificate of  
27 title for it, the department may require the applicant to file a

1 properly executed surety bond in a form prescribed by the  
2 department, executed by the applicant and a company authorized to  
3 conduct a surety business in this state. The bond shall be in an  
4 amount equal to twice the value of the ~~mobile~~ **manufactured** home  
5 as determined by the department and shall be conditioned to  
6 indemnify or reimburse the department, ~~any~~ a prior owner, ~~any~~  
7 a holder of a security interest in the ~~mobile~~ **manufactured**  
8 home, and ~~any~~ a subsequent purchaser of the ~~mobile~~  
9 **manufactured** home, and their successors in interest, against  
10 ~~any~~ expense, loss, or damage, including reasonable attorney's  
11 fees, by reason of the issuance of a certificate of title to the  
12 ~~mobile~~ **manufactured** home or on account of ~~any~~ a defect in the  
13 right, title, or interest of the applicant in and to the ~~mobile~~  
14 **manufactured** home. Each interested person has a right of action  
15 to recover on the bond for a breach of its conditions, but the  
16 aggregate liability of the surety to all persons ~~shall~~ **does** not  
17 exceed the amount of the bond. The bond shall be returned at the  
18 end of 5 years, or before 5 years if the currently valid  
19 certificate of title is surrendered to the department, unless the  
20 department has received notification ~~of the pendency of~~ **that** an  
21 action **is pending** to recover on the bond.

22 (3) The department shall examine and determine the  
23 genuineness, regularity, and legality of an application for a  
24 certificate of title for a ~~mobile~~ **manufactured** home and of any  
25 other application lawfully made to the department. ~~and~~ **The**  
26 **department** may in all cases ~~make investigation~~ **investigate** or  
27 require additional information as ~~may be considered~~ **it**

1 **considers** necessary. ~~—, and—~~ **The department** shall reject ~~—any—~~ **an**  
2 application if not satisfied of the genuineness, regularity, or  
3 legality of it or the truth of ~~—any—~~ **a** statement contained in it,  
4 or for any other reason, when authorized by law.

5 (4) The fee for obtaining a duplicate, replacement, or  
6 corrected title, for placing or terminating a lien on the title,  
7 or for placing a name on the title is \$15.00 or ~~—any other—~~ **a**  
8 lesser amount established ~~—pursuant—~~ **according** to section 9(5).

9 Sec. 30b. (1) The department upon receipt of the required  
10 application and fees shall issue a certificate of title except as  
11 otherwise provided.

12 (2) The certificate of title shall contain ~~—upon—~~ **on** its face  
13 the date issued, the name and address of the owner, a description  
14 of the ~~—mobile—~~ **manufactured** home as determined by the  
15 department, a statement of all security interests in the ~~—mobile~~  
16 **manufactured** home as set forth in the application, the date on  
17 which the application was filed, and other information as the  
18 department may require.

19 (3) The certificate of title shall contain ~~—upon—~~ **on** the  
20 reverse side forms for assignment of title or interest and  
21 warranty of title by the owner with space for notation of  
22 security interests in the ~~—mobile—~~ **manufactured** home at the time  
23 of a transfer to be signed in ink, and other forms as the  
24 department may consider necessary to facilitate the effective  
25 administration of this section. The certificate shall bear the  
26 seal of the department.

27 (4) The certificate of title shall be mailed or delivered to

1 the owner or other person as the owner may direct in a separate  
2 instrument, in the form ~~as the department shall prescribe~~ **the**  
3 **department prescribes.**

4 Sec. 30c. (1) If the owner of a ~~mobile~~ **manufactured** home  
5 transfers or assigns the owner's title or interest to the  
6 ~~mobile~~ **manufactured** home, the owner shall ~~indorse~~ **endorse** on  
7 the back of the certificate of title an assignment of the  
8 ~~mobile~~ **manufactured** home with warranty of title with a  
9 statement of all security interests in the ~~mobile~~ **manufactured**  
10 home. ~~, and~~ **The owner** shall ~~cause~~ **mail or deliver** the  
11 certificate ~~to be mailed or delivered~~ to the department or to  
12 the purchaser or transferee at the time of the delivery to the  
13 purchaser or transferee of the ~~mobile~~ **manufactured** home.

14 (2) Upon the delivery of a ~~mobile~~ **manufactured** home and the  
15 transfer, sale, or assignment of the title or interest in a  
16 ~~mobile~~ **manufactured** home, the effective date of the transfer of  
17 title or interest ~~shall be~~ **is** the date of execution of either  
18 the application for title or the certificate of title.

19 (3) The purchaser or transferee, unless the purchaser or  
20 transferee is a licensed dealer, shall ~~cause to be presented~~  
21 **present** to the department the certificate of title accompanied by  
22 ~~the~~ **1 of the following** applicable ~~fee, as follows~~ **fees:**

23 (a) Except as provided in subdivision (b) or (c), \$45.00.

24 (b) Except as provided in subdivision (c), \$15.00, if the  
25 sale, assignment, or other transfer will require the addition or  
26 deletion from the certificate of title of ~~any~~ **1 or more** of the  
27 following:

1 (i) The owner's spouse.

2 (ii) A person related to the owner within the fourth degree  
3 of consanguinity as computed by the civil law method.

4 (iii) A person related to the owner's spouse within the  
5 fourth degree of consanguinity as computed by the civil law  
6 method.

7 (c) ~~Any other~~ **A** lesser amount established ~~pursuant~~  
8 **according** to section 9(5).

9 (4) Upon presentation of the certificate of title accompanied  
10 by the applicable fee, a new certificate of title shall be  
11 issued. A certificate of title issued under subsection (3) and  
12 this subsection shall be mailed or delivered to the owner or ~~any~~  
13 ~~other~~ **another** person **as** the owner ~~may direct~~ **directs** in a  
14 separate instrument in a form as ~~prescribed by~~ the department  
15 **prescribes**.

16 (5) If a security interest is reserved or created at the time  
17 of the transfer, the parties shall comply with section 30d.

18 (6) If the transferee of a ~~mobile~~ **manufactured** home is a  
19 ~~mobile~~ **manufactured** home dealer who holds the ~~mobile~~  
20 **manufactured** home for resale, the dealer ~~shall~~ **is** not ~~be~~  
21 required to forward the certificate of title to the department,  
22 but the dealer shall retain possession of the assigned  
23 certificate of title. Upon transfer of the dealer's title or  
24 interest to another person, the dealer shall execute and  
25 acknowledge an assignment and warranty of title upon the  
26 certificate of title and deliver it to the person to whom the  
27 transfer is made if the person is a licensed dealer; otherwise,

1 application for a new title shall be made by the transferor as  
2 provided in section 30a(1).

3 Sec. 30d. (1) If an owner named in a certificate of title  
4 creates a security interest in the ~~mobile~~ **manufactured** home  
5 described in the certificate, **all of the following apply:**

6 (a) The owner shall immediately execute an application in the  
7 form ~~prescribed by~~ the department **prescribes** showing the name  
8 and address of the holder of the security interest and deliver  
9 the certificate of title, application, and a fee of \$1.00  
10 together with a copy of the application ~~which~~ **that** need not be  
11 signed, to the holder of the security interest.

12 (b) The holder of the security interest shall ~~cause~~ **mail or**  
13 **deliver** the certificate of title, application, and fee and the  
14 copy of the application ~~to be mailed or delivered~~ to the  
15 department.

16 (c) The department shall indicate on the copy of the  
17 application the date and place of filing of the application and  
18 return the copy to the person presenting it.

19 (d) Upon receipt of the certificate of title, application,  
20 and the required fee, the department shall issue a new  
21 certificate in the form provided by section 30b setting forth the  
22 name and address of each holder of a security interest in the  
23 mobile home for which a termination statement has not been filed  
24 and the date ~~on which~~ **that** the application first stating the  
25 security interest was filed, and mail the certificate to the  
26 owner.

27 (2) A holder of a security interest may assign, absolutely or

1 otherwise, the security interest to a person other than the owner  
2 without affecting the interest of the owner or the validity of  
3 the security interest, but a person without notice of the  
4 assignment is protected in dealing with the holder of the  
5 security interest as the holder of the security interest. The  
6 assignee may have the certificate of title ~~indorsed~~ **endorsed**  
7 with the assignee named as the holder of the security interest by  
8 providing the department with a copy of the assignment instrument  
9 but the failure of the assignee to do so ~~shall~~ **does** not affect  
10 the validity of the security interest or the assignment of the  
11 security interest.

12 (3) The filing under this section or under section 30a of an  
13 application for a certificate of title showing the name and  
14 address of the holder of a security interest in a ~~mobile~~  
15 **manufactured** home is equivalent to the filing of a financing  
16 statement with respect to the security interest under article 9  
17 of the uniform commercial code, ~~Act No. 174 of the Public Acts~~  
18 ~~of 1962, being sections 440.9101 to 440.9994 of the Michigan~~  
19 ~~Compiled Laws~~ **1962 PA 174, MCL 440.9101 to 440.9994.**

20 (4) ~~When~~ **If** there is not an outstanding obligation or  
21 commitment to make advances, incur obligations, or otherwise give  
22 value, secured or to be secured by a security interest in a  
23 ~~mobile~~ **manufactured** home, the secured party shall, within  
24 10 days after satisfaction of the obligation and, in any event  
25 within 30 days, execute a termination statement in the form  
26 ~~prescribed by~~ the department **prescribes** and mail or deliver the  
27 termination statement to the owner or other person as the owner

1 may direct. The owner other than a dealer holding the ~~mobile~~  
2 **manufactured** home for resale, shall promptly ~~cause~~ **mail or**  
3 **deliver** the certificate, all termination statements, and an  
4 application for certificate of title accompanied by a fee of  
5 \$1.00 ~~to be mailed or delivered~~ to the department. ~~, which~~  
6 **The department** shall issue a new certificate.

7       Sec. 30e. (1) If the interest of the owner in a ~~mobile~~  
8 **manufactured** home is terminated by the enforcement of a security  
9 agreement, the transferee of the owner's interest shall promptly  
10 mail or deliver to the department the last certificate of title,  
11 if the transferee ~~has possession of~~ **possesses** it; ~~, an~~  
12 application for a new certificate in the form ~~prescribed by~~ the  
13 department ~~, prescribes~~; and an affidavit made by or on behalf  
14 of the holder of the security interest so enforced that the  
15 ~~mobile~~ **manufactured** home was repossessed, that the interest of  
16 the owner was lawfully terminated by enforcement of the security  
17 agreement, and whether the holder has delivered the last  
18 certificate of title to the transferee of the owner's interest,  
19 naming the transferee, or if not, the reason delivery was not  
20 made and the ~~then~~ location of the certificate of title so far  
21 as known to the holder. If the holder of the security interest  
22 succeeds to the interest of the owner and holds the ~~mobile~~  
23 **manufactured** home for resale, the holder shall not be required to  
24 secure a new certificate of title but, upon transfer to another  
25 person, shall promptly mail or deliver to the transferee or to  
26 the department the certificate, if in the holder's possession,  
27 the affidavit, and other documents required to be sent to the

1 department by the transferee.

2 (2) If the interest of the owner in a ~~mobile~~ **manufactured**  
3 home is terminated by sale ~~pursuant to~~ **through** a levy of  
4 execution, attachment, or other process of a court, the  
5 transferee of the owner's interest shall promptly mail or deliver  
6 to the department the last certificate of title, if the  
7 transferee ~~has possession of~~ **possesses** it; ~~—~~ an application  
8 for a new certificate of title in the form ~~prescribed by~~ the  
9 department **prescribes**; and an affidavit, upon a form ~~prescribed~~  
10 ~~by~~ the department **prescribes**, made by the officer of the court  
11 who conducted the sale, setting forth the date of the sale, ~~and~~  
12 the name of the purchaser, and whether the officer has delivered  
13 the certificate of title to the purchaser ~~and~~ **or**, if not, the  
14 reason delivery was not made and the ~~then~~ location of the  
15 certificate of title so far as known to the officer.

16 (3) A person holding a certificate of title ~~where~~ **if** the  
17 interest of the owner named in the certificate has been  
18 terminated in the manner provided by subsection (1) or (2) shall  
19 mail or deliver the certificate to the department upon its  
20 request. The delivery of the certificate ~~pursuant~~ **in response**  
21 to the request of the department does not affect the rights of  
22 the person surrendering the certificate, and the action of the  
23 department in issuing a new certificate of title is not  
24 conclusive ~~upon any~~ **on the** rights of an owner or holder of a  
25 security interest named in the old certificate.

26 (4) The department, upon receipt of an application for a new  
27 certificate of title by a transferee in the manner provided by

1 subsection (1) or (2), with proof of the transfer, the required  
2 fee, and ~~any~~ other documents required by law, shall issue a new  
3 certificate of title in the name of the transferee as owner,  
4 setting forth all security interests noted on the last  
5 certificate of title as having priority over the security  
6 agreement so enforced and shall mail or deliver the new  
7 certificate to the owner. If the outstanding certificate of  
8 title is not delivered, the department shall make demand for the  
9 outstanding certificate of title from the holder.

10 Sec. 30f. The department shall retain and appropriately  
11 file every surrendered certificate of title. The file shall be  
12 maintained ~~so as to permit~~ **in a manner that permits** the tracing  
13 of title of the ~~mobile~~ **manufactured** home designated in a  
14 surrendered certificate for a period of 10 years.

15 Sec. 30g. (1) The department may cancel or refuse to issue  
16 a certificate of title **if 1 or more of the following apply:**

17 (a) ~~If the~~ **The** department is satisfied that the certificate  
18 of title was fraudulently or erroneously issued.

19 (b) ~~If the~~ **The** department determines that the holder of the  
20 certificate has made or is making ~~an~~ unlawful use of the  
21 certificate.

22 (c) ~~If the~~ **The** department determines that the required fee  
23 has not been paid and the fee is not paid upon reasonable notice  
24 or demand.

25 (d) ~~If the~~ **The** department is authorized under ~~any other~~  
26 **another** provision of this act.

27 (e) ~~Upon receipt of~~ **The department receives** notification

1 from another state or foreign country that a certificate of title  
2 issued by the department has been surrendered by the owner in  
3 conformity with the laws of the other state or foreign country.

4 (f) ~~If it~~ **It** is shown by satisfactory evidence that  
5 delivery of a ~~mobile~~ **manufactured** home in the possession of a  
6 dealer was not made to the applicant to whom the certificate was  
7 issued.

8 (2) Before a cancellation under subsection (1)(a), (b), or  
9 (d) is made, the person affected shall be given notice and an  
10 opportunity to be heard.

11 Sec. 30h. The commission in consultation with the secretary  
12 of state shall promulgate rules, ~~which~~ **that** shall further  
13 define and distinguish between the term ~~mobile~~ **manufactured**  
14 home as used in this act and the term trailer coach as used in  
15 the Michigan vehicle code, ~~Act No. 300 of the Public Acts of~~  
16 ~~1949, being sections 257.1 to 257.923 of the Michigan Compiled~~  
17 ~~Laws~~ **1949 PA 300, MCL 257.1 to 257.923.**

18 Sec. 31. A person who offers, sells, or purchases a  
19 ~~mobile~~ **manufactured** home or equipment or a ~~mobile~~  
20 **manufactured** home site in violation of this act or the code may  
21 have an action brought against him or her to rescind the  
22 transaction and recover damages.

23 Sec. 38. (1) The department may issue an order to show  
24 cause why an order imposing sanctions or penalties allowed under  
25 this act should not be issued by the commission if the department  
26 finds **both** that the order is in the public interest ~~—~~ and ~~any~~  
27 **1 or more** of the following:

1 (a) An application filed pertaining to a license, a  
2 disclosure statement, or a related document filed with the  
3 department in connection with a ~~mobile~~ **manufactured** home  
4 license ~~—~~ is incomplete in ~~any~~ **a** material respect or contains  
5 a statement ~~which~~ **that** is false or misleading, in the light of  
6 the circumstances under which it is made.

7 (b) A provision of this act, or a rule, order, or condition  
8 lawfully imposed under this act, was not complied with or was  
9 violated in connection with the offering by the person filing the  
10 document; the developer, dealer, or operator; a partner, officer,  
11 director, proprietor, or manager of the developer, dealer, or  
12 operator; or a person directly or indirectly controlling, or  
13 directly controlled by, the developer, dealer, or operator.

14 (c) The project worked or tended to work a fraud or deception  
15 or would so operate, or the project would create an unreasonable  
16 risk to **a** prospective ~~tenants~~ **tenant**, as defined by rules  
17 promulgated by the commission.

18 (d) The developer, dealer, or operator; a partner, officer,  
19 director, proprietor, or manager of the developer, dealer, or  
20 operator; a person directly or indirectly controlling, or  
21 directly controlled by, the developer, dealer, or operator; or a  
22 person identified in the application for a license ~~—~~ or **in a**  
23 disclosure statement ~~—~~ was within the ~~past~~ 10 years  
24 **immediately preceding the date of the order** convicted of an  
25 offense under this act, ~~or~~ is the subject of an administrative  
26 order issued under this act, or had a civil judgment entered  
27 against him or her as a result of a violation of this act or a

1 rule promulgated or order issued ~~pursuant to~~ **under** this act,  
2 and the department determines that the involvement of the person  
3 in the sale or development of the project creates an unreasonable  
4 risk to **a** prospective ~~tenants~~ **tenant** or ~~mobile~~ **a manufactured**  
5 home ~~purchasers~~ **purchaser**.

6 (e) The developer, dealer, or operator; a partner, officer,  
7 director, proprietor, or manager of the developer, **dealer, or**  
8 **operator**; a person directly controlling, or directly controlled  
9 by, or indirectly the developer, dealer, or operator; or a person  
10 identified in the application for a license ~~—~~ or **in a**  
11 disclosure statement ~~—~~ was convicted of a violation, or **was** the  
12 subject of an administrative order or civil judgment as a result  
13 of a violation, of a statute regulating the offering of  
14 securities or franchises or licensing or regulating builders,  
15 real estate brokers, or real estate salespersons, or **was**  
16 **convicted** of **a** violation of the land sales act, ~~Act No. 286 of~~  
17 ~~the Public Acts of 1972, being sections 565.801 to 565.835 of the~~  
18 ~~Michigan Compiled Laws~~ **1972 PA 286, MCL 565.801 to 565.835**, or a  
19 rule promulgated or an order issued under that act.

20 (f) The applicant's method of business, construction,  
21 development, or sales includes or would include activities  
22 ~~which~~ **that** are illegal.

23 (g) The applicant failed to pay the proper fee.

24 (h) The applicant failed to comply with the state warranty  
25 laws.

26 (2) ~~When~~ **If** it appears to the department that a person  
27 engaged in an act or practice constituting a violation of this

1 act or a rule promulgated or order issued under this act, the  
2 department may issue a notice to show cause why a cease and  
3 desist order should not be issued.

4 (3) After 10 days' notice and opportunity for hearing, the  
5 department may stop construction as to part or all of a project  
6 if continuing the building will cause irreparable harm to  
7 residents and prospective residents of the project.

8 Sec. 43. (1) If, after notice and a hearing as provided in  
9 the administrative procedures act of 1969, ~~Act No. 306 of the~~  
10 ~~Public Acts of 1969, being sections 24.201 to 24.328 of the~~  
11 ~~Michigan Compiled Laws— 1969 PA 306, MCL 24.201 to 24.328,~~ a  
12 person is determined to have violated this act, the commission  
13 may impose 1 or more of the following penalties:

14 (a) Censure.

15 (b) Probation.

16 (c) Placement of a limitation on a license.

17 (d) Suspension of a license. The commission may request the  
18 appointment of a receiver when taking action under this  
19 subdivision.

20 (e) Revocation of a license. The commission may request the  
21 appointment of a receiver when taking action under this  
22 subdivision.

23 (f) Denial of a license.

24 (g) A civil fine of not more than \$10,000.00.

25 (h) A requirement that restitution be made.

26 (2) A fine collected under this section shall be deposited  
27 with the state treasurer and credited to the ~~mobile home~~

1 **manufactured housing** commission fund.

2       (3) This section does not prohibit actions being taken under  
3 other sections of this act.

4       (4) The pursuit in court of the lawful rights of a licensee  
5 does not constitute a violation of this act, regardless of the  
6 outcome of the court action.

7       Enacting section 1. Section 49 of the mobile home  
8 commission act, 1987 PA 96, MCL 125.2349, is repealed.