

# HOUSE BILL No. 4868

June 19, 2003, Introduced by Rep. Jamnick and referred to the Committee on Commerce.

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) "Commission" means the mobile home commission created in  
5 section 3 of the mobile home commission act, 1987 PA 96, MCL  
6 125.2303.

7       (b) "Manufactured home" means a structure, transportable in 1  
8 or more sections, that is built on a chassis and designed to be  
9 used as a dwelling with or without permanent foundation, when  
10 connected to the required utilities, and includes the plumbing,  
11 heating, air-conditioning, and electrical systems contained in

1 the structure. Manufactured home includes a manufactured home as  
2 defined in section 603(6) of the national manufactured housing  
3 construction and safety standards act of 1974, title VI of the  
4 housing and community development act of 1974, Public Law 93-383,  
5 42 U.S.C. 5402.

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

14 (d) "Park owner" means an owner or operator of a manufactured  
15 home park.

16 (e) "Park resident" means an owner of a manufactured home who  
17 rents a lot in a manufactured home park. Park resident includes  
18 a member of the manufactured home owner's household.

19 (f) "Utility service" means electric, fuel oil, natural or  
20 propane gas, sewer, waste disposal, or water service.

21 Sec. 3. (1) A park owner shall not deal directly or  
22 indirectly in new or used manufactured home sales.

23 (2) A park owner shall not offer a monetary incentive to a  
24 potential purchaser of a manufactured home within the  
25 manufactured home park.

26 Sec. 4. A park owner shall not make or enforce a rule,  
27 regulation, or rental agreement provision that does either of the

1 following:

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

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

7 (c) Requires a park resident to remove a manufactured home  
8 from a manufactured home park for the purpose of manufactured  
9 home park renovation or modernization.

10 Sec. 5. (1) A park owner shall not directly or indirectly  
11 prohibit the use of a "for sale" sign within a manufactured home  
12 park. A park owner may impose either of the following  
13 restrictions on a "for sale" sign being displayed within a  
14 manufactured home park:

15 (a) Size.

16 (b) Location.

17 (2) A park owner shall not directly or indirectly prohibit  
18 the use of a sign for a political party, political candidate, or  
19 political issue endorsement within a manufactured home park. A  
20 park owner may impose 1 or more of the following restrictions on  
21 a sign endorsing a political party, political candidate, or  
22 political issue:

23 (a) Size.

24 (b) Location.

25 (c) Length of time a sign may be displayed.

26 (3) A park owner who violates a provision of this section is  
27 subject to a civil fine of not more than \$10,000.00 for each

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. 6. A park owner shall not prohibit a park resident  
6 from parking in his or her driveway a small commercial vehicle  
7 that is used by the resident in his or her occupation.

8 Sec. 7. (1) A park owner shall not threaten a park resident  
9 with an unlawful eviction in violation of section 5775 of the  
10 revised judicature act of 1961, 1961 PA 236, MCL 600.5775. A  
11 park owner shall not initiate an unlawful eviction against a park  
12 resident.

13 (2) A person who violates this section is guilty of a  
14 misdemeanor punishable by imprisonment for not more than 90 days  
15 or a fine of not more than \$10,000.00, or both.

16 Sec. 8. A park owner shall not charge a park resident for  
17 installing a utility meter on that resident's manufactured home.  
18 A park owner shall not charge a park resident a surcharge for the  
19 purpose of billing the utility service to the park resident.

20 Sec. 9. If park residents have established a homeowners  
21 association within the manufactured home park, an increase in  
22 home lot rentals does not take effect until the park owner and  
23 the homeowners association agree on the amount of increase. If  
24 the park owner and the homeowners association cannot reach an  
25 agreement, the parties shall submit the dispute to binding  
26 arbitration for resolution of the matter. The arbitration fees  
27 shall be shared equally by the park owner and the homeowners

1 association.

2       Sec. 10. A park owner shall provide a park resident with 90  
3 days' notice before implementing an increase in a fee, charge, or  
4 other type of assessment relating to a manufactured home park  
5 residency.

6       Sec. 11. The park owner shall not establish a rule or  
7 regulation that is unreasonable, arbitrary, or capricious.

8       Sec. 12. The attorney general or an affected individual may  
9 bring an action to enforce this act in a court of competent  
10 jurisdiction in the county where the defendant resides or does  
11 business.

12       Enacting section 1. This act does not take effect unless  
13 Senate Bill No. \_\_\_\_\_ or House Bill No. 4869 (request  
14 no. 04093'03) of the 92nd Legislature is enacted into law.