

HOUSE BILL NO. 5398

October 14, 2021, Introduced by Reps. Cambensy, Camilleri, Cavanagh, Brenda Carter, Aiyash, Sowerby, Weiss and Cherry and referred to the Committee on Regulatory Reform.

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
by amending section 28a (MCL 125.2328a), as added by 1988 PA 337.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 28a. (1) Mobile home park rules or regulations may
2 include provisions governing the physical condition of mobile homes
3 and the aesthetic characteristics of mobile homes in relation to
4 the mobile home park in which they are located, subject to all of
5 the following:

1 (a) The age or size of a mobile home ~~shall~~**must** not be used as
2 the sole basis for refusing to allow an on-site, in-park sale or
3 for refusing to allow the mobile home to remain on-site. The burden
4 of going forward in a suit against the mobile home park owner or
5 operator for violation of this subdivision is on the resident.

6 (b) The standards incorporated in the written park rules or
7 regulations governing the physical condition and aesthetic
8 characteristics of mobile homes in the mobile home park ~~shall~~**must**
9 apply equally to all residents.

10 (c) A mobile home sold on-site ~~shall~~**must** conform with ~~Act No.~~
11 ~~133 of the Public Acts of 1974, being sections 125.771 to 125.774~~
12 ~~of the Michigan Compiled Laws.~~**1974 PA 133, MCL 125.771 to 125.774.**

13 (d) Any charge connected to the on-site, in-park sale of a
14 mobile home, other than the inspection fee permitted under
15 subdivision (e) and the commission or fee charged by a mobile home
16 dealer licensed under this act who is engaged by the seller to
17 transact the sale, is an entrance or exit fee in violation of
18 section 28.

19 (e) A park owner or operator may charge a reasonable fee to
20 inspect the mobile home before sale. The charge ~~shall~~**must** not be
21 more than \$30.00, or the amount charged for building permit
22 inspections by the municipality in which the mobile home is
23 located, whichever is higher.

24 (f) The standards governing the physical condition of mobile
25 homes and the aesthetic characteristics of mobile homes in the
26 mobile home park, as incorporated in the written park rules, ~~shall~~
27 **must** not be designed to defeat the intent of this section.

28 (g) **Standards governing the physical condition or aesthetic**
29 **characteristics of mobile homes in the mobile home park must not**

1 prohibit the installation and use of air conditioning equipment
 2 attached to the mobile home, including, but not limited to, air
 3 conditioning equipment that is temporarily or permanently installed
 4 in a window of a mobile home.

5 (2) Mobile home park rules or regulations must not include any
 6 provision that has the result of preventing a resident from
 7 maintaining, by means of heating or cooling equipment, or
 8 otherwise, the ambient temperature in the resident's mobile home at
 9 levels adequate to protect the safety and health of the resident,
 10 as determined by the department.

11 (3) ~~(2)~~ Subsection (1)(f) ~~shall~~**must** not apply if the mobile
 12 home park is changing its method of doing business and provides not
 13 less than 1 year's notice, unless a different notice period is
 14 otherwise provided by law, of the proposed change to all affected
 15 mobile home park residents. A change in a mobile home park's method
 16 of doing business includes, but is not limited to, any of the
 17 following:

18 (a) Conversion to a mobile home park condominium ~~pursuant to~~
 19 **under** the condominium act, ~~Act No. 59 of the Public Acts of 1978,~~
 20 ~~being sections 559.101 to 559.275 of the Michigan Compiled~~
 21 ~~Laws.~~ **1978 PA 59, MCL 559.101 to 559.276.**

22 (b) Conversion to total rental of both mobile home site and
 23 park-owned mobile homes.

24 (c) Changes in use of the land on which the mobile home park
 25 is located.

26 (4) ~~(3)~~ Notwithstanding subsection (1), ~~or~~ (2), **or (3)**, a
 27 mobile home park may require a mobile home to be moved to a
 28 comparable site within the mobile home park, at the expense of the
 29 mobile home park.

1 (5) ~~(4)~~ If, after termination of a resident's tenancy for just
2 cause as provided in chapter 57a of the revised judicature act of
3 1961, ~~Act No. 236 of the Public Acts of 1961, being sections~~
4 ~~600.5771 to 600.5785 of the Michigan Compiled Laws, 1961 PA 236,~~
5 **MCL 600.5771 to 600.5785**, the resident of a mobile home park sells
6 his or her mobile home to the owner or operator of the mobile home
7 park, or to any entity in which the owner or operator has ~~any~~**an**
8 interest, the resident ~~shall have~~**has** the right to have the mobile
9 home's value appraised and, if so appraised, the sale price of the
10 mobile home ~~shall~~**must** not be less than the appraised value.

11 (6) ~~(5)~~ Except as provided in subsection (1)(a), a mobile home
12 park owner or operator, or both, has the burden of going forward to
13 show compliance with ~~subsection~~**subsections** (1) **and** (2).