

HOUSE BILL NO. 5157

October 17, 2023, Introduced by Reps. Hill, Rheingans, Byrnes, Brixie, Scott, Hope, Wegela, Wilson and Whitsett and referred to the Committee on Regulatory Reform.

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
by amending the title and sections 2, 3, 4, 5, 6, 7, 14, and 16
(MCL 125.2302, 125.2303, 125.2304, 125.2305, 125.2306, 125.2307,
125.2314, and 125.2316), section 2 as amended by 2022 PA 33,
sections 4 and 16 as amended by 2015 PA 40, sections 5 and 6 as
amended by 2006 PA 328, and section 7 as amended by 2009 PA 215,
and by adding sections 16b and 16c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

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

12 Sec. 2. As used in this act:

13 (a) "Campground" means a campground as defined in section
 14 12501 of the public health code, 1978 PA 368, MCL 333.12501.

15 (b) "Code" means all or a part of the mobile home code
 16 promulgated under section 5.

17 (c) "Commission" means the manufactured housing commission.

18 (d) **"Complete license application" means an application that**
 19 **contains all licensing information required under section 16,**
 20 **including any applicable licensing fees or any administrative fines**
 21 **previously assessed against the applicant by the department or**
 22 **commission that remain unpaid at the time of the license**
 23 **application, if applicable, unless the administrative fines are**
 24 **pending administrative appeal under the department's rules or the**
 25 **administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to**
 26 **24.328.**

27 (e) ~~(d)~~—"Department" means the department of licensing and
 28 regulatory affairs, except as follows:

29 (i) Department means the department of state in all of the

1 following circumstances:

2 (A) As used in section 5(1) with respect to rules promulgated
3 under section 5(1) (h) .

4 (B) As used in section 9(5) with respect to rules adjusting
5 fees under section 30a or 30c.

6 (C) As used in sections 30 to 30i and 30k.

7 (ii) Department, as used with respect to **all** powers and duties
8 concerning water supply systems and sewage collection and disposal
9 systems for mobile home parks and seasonal mobile home parks, means
10 the department of environment, Great Lakes, and energy.

11 (f) ~~(e)~~—"Guideline" means that term as defined in section 3 of
12 the administrative procedures act of 1969, 1969 PA 306, MCL 24.203.

13 (g) ~~(f)~~—"Installer and repairer" means a person, including a
14 mobile home dealer, that for compensation installs or repairs
15 mobile homes.

16 (h) **"Licensed real estate broker" means a real estate broker**
17 **licensed under article 25 of the occupational code, 1980 PA 299,**
18 **MCL 339.2501 to 339.2518.**

19 (i) ~~(g)~~—"Local government" means a county or municipality.

20 (j) **"Material deficiency" means a violation of this act or an**
21 **administrative rule promulgated under this act that threatens the**
22 **health, safety, or welfare of the residents of the mobile home park**
23 **or seasonal mobile home park.**

24 (k) ~~(h)~~—"Mobile home" means **a—any of the following:**

25 (i) **A structure that is built before June 5, 1976 and is**
26 **transportable in 1 or more sections, built on a chassis, and**
27 **designed to be used as a dwelling, with or without a permanent**
28 **foundation, when connected to the required utilities, and includes**
29 **the plumbing, heating, air-conditioning, and electrical systems**

1 contained in the structure.

2 (ii) A structure that meets all of the following requirements:

3 (A) Is built on or after June 5, 1976.

4 (B) Complies with the manufactured housing construction and
5 safety standards act of 1974, 42 USC 5401 to 5426.

6 (C) Displays the required red certification label on the
7 exterior of each transportable section.

8 (l) ~~(i)~~—"Mobile home dealer" means a person other than a
9 manufacturer engaged in the business of buying mobile homes for
10 resale, exchange, lease, or rent or offering mobile homes for sale,
11 lease, rent, or exchange to customers.

12 (m) ~~(j)~~—"Mobile home park" means a parcel or tract of land
13 under the control of a person upon which 3 or more mobile homes are
14 located on a continual, nonrecreational basis and ~~which~~**that** is
15 offered to the public for that purpose regardless of whether a
16 charge is made for the parcel or tract of land, together with any
17 building, structure, enclosure, street, equipment, or facility used
18 or intended for use incident to the occupancy of a mobile home.

19 (n) ~~(k)~~—"Municipality" means a city, village, or township.

20 (o) ~~(l)~~—"Person" means an individual, partnership, association,
21 trust, or corporation, or any other legal entity or combination of
22 legal entities.

23 (p) "Person that has a beneficial interest" means a person
24 that is a managerial employee of the applicant and has a direct or
25 indirect ownership interest of more than 10% in the applicant's
26 mobile home park or seasonal mobile home park. For purposes of this
27 subdivision, a person that has a beneficial interest is any of the
28 following for each applicant:

29 (i) For an individual or sole proprietorship, the individual or

1 sole proprietor.

2 (ii) For a partnership or limited liability partnership, all
3 partners.

4 (iii) For a limited partnership or limited liability limited
5 partnership, all general and limited partners, excluding a limited
6 partner that holds a direct or indirect ownership interest of 10%
7 or less and does not exercise control over or participate in the
8 management of the partnership.

9 (iv) For a limited liability company, all members and managers,
10 excluding a member that holds a direct or indirect ownership
11 interest of 10% or less and does not exercise control over or
12 participate in the management of the company.

13 (v) For a privately held corporation, all corporate officers
14 or persons with equivalent titles, directors, and stockholders,
15 excluding a corporate officer, director, or stockholder that holds
16 a direct or indirect ownership interest of 10% or less.

17 (vi) For a publicly held corporation, all corporate officers or
18 persons with equivalent titles, directors, and stockholders,
19 excluding a corporate officer, director, or stockholder that holds
20 a direct or indirect ownership interest of 10% or less.

21 (vii) For a nonprofit corporation, all individuals and entities
22 with membership or shareholder rights in accordance with the
23 nonprofit corporation's articles of incorporation or bylaws.

24 (viii) For a trust, all trustees or persons that control or
25 direct the affairs of the trust, including any beneficiary that
26 receives or has the right to receive more than 10% of the gross or
27 net profit of the trust during any full or partial calendar year.

28 (q) ~~(m)~~ "Recreational vehicle" means a ~~vehicle primarily~~
29 ~~designed and used as temporary living quarters for recreational,~~

1 ~~camping, or travel purposes, including a vehicle having its own~~
 2 ~~motor power or a vehicle mounted on or drawn by another vehicle.~~**any**
 3 **of the following:**

4 **(i) A vehicle that meets all of the following requirements:**

5 **(A) Is built on a single chassis.**

6 **(B) Is designated to be self-propelled or permanently towable**
 7 **by a light duty truck, car, or sports utility vehicle.**

8 **(C) Is regulated by the National Highway Traffic Safety**
 9 **Administration as a vehicle or vehicle equipment.**

10 **(D) Does not require a special highway use permit for**
 11 **operation on the highways.**

12 **(E) Is designated and marketed as primarily not for use as a**
 13 **permanent dwelling but as temporary living quarters for**
 14 **recreational, camping, travel, or seasonal use.**

15 **(F) Is easily transported and set up on a daily basis by an**
 16 **individual.**

17 **(ii) Has been certified and has the appropriate label that**
 18 **shows that it has been built using the standards for recreational**
 19 **vehicles as described in NFPA 1192. For purposes of this**
 20 **subdivision, a recreational vehicle does not include a mobile home.**

21 **(r) ~~(n)~~—"Seasonal mobile home park" means a parcel or tract of**
 22 **land under the control of a person upon which 3 or more mobile**
 23 **homes are located on a continual or temporary basis but occupied on**
 24 **a temporary basis only, and ~~which~~ **that is offered to the public for**
 25 **that purpose regardless of whether a charge is made for the parcel**
 26 **or tract of land, together with any building, enclosure, street,**
 27 **equipment, or facility used or intended for use incident to the**
 28 **occupancy of a mobile home. Seasonal mobile home park does not**
 29 **include a campground licensed under sections 12501 to 12516 of the****

1 public health code, 1978 PA 368, MCL 333.12501 to 333.12516.

2 (s) ~~(e)~~—"Secured party" means that term as defined in section
3 9102 of the uniform commercial code, 1962 PA 174, MCL 440.9102.

4 (t) ~~(p)~~—"Security interest" means that term as defined in
5 section 1201 of the uniform commercial code, 1962 PA 174, MCL
6 440.1201.

7 (u) ~~(q)~~—"Termination statement" means that term as defined in
8 section 9102 of the uniform commercial code, 1962 PA 174, MCL
9 440.9102.

10 (v) **"Unjustifiable rent increase" means, except as otherwise**
11 **provided in section 16c, a net increase in combined lot rent and**
12 **other fees above the increase in the Consumer Price Index.**

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

15 (2) The commission consists of 11 members appointed by the
16 governor with the advice and consent of the senate, each of whom
17 ~~shall~~ **must** be a citizen of this state.

18 (3) The members of the commission shall include each of the
19 following:

20 (a) A representative of an organization whose membership
21 consists of mobile home residents.

22 (b) A representative of financial institutions.

23 (c) ~~Two operators~~ **An owner** of a licensed mobile home park.
24 ~~having 100 or more sites and 1 operator of a licensed mobile home~~
25 ~~park having less than 100 sites.~~

26 (d) A representative of organized labor.

27 (e) An elected official of a local government.

28 (f) A licensed mobile home dealer.

29 (g) ~~One~~ **A** resident of a licensed mobile home park. ~~having 100~~

1 ~~or more sites and 1 resident of a licensed mobile home park having~~
 2 ~~less than 100 sites.~~

3 (h) A manufacturer of mobile homes.

4 (i) **A representative of a legal aid group.**

5 (j) **A representative of a housing advocacy organization.**

6 (k) **A director of a state department or the designee of the**
 7 **director.**

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

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

19 (6) The **legislature shall establish annually a** per diem
 20 compensation ~~of for~~ **the members of the** commission and ~~the a~~
 21 schedule for reimbursement of expenses. ~~shall be established~~
 22 ~~annually by the legislature.~~

23 (7) Six members of the commission constitute a quorum for all
 24 purposes, notwithstanding the existence of a vacancy in the
 25 commission's membership. Action may be taken by the commission by a
 26 vote of a majority of the members appointed and serving. Meetings
 27 of the commission may be called by the chairperson or by 3 members
 28 **of the commission** on 3 business days' actual notice. At least 1
 29 meeting ~~shall must~~ be held each calendar quarter. The commission

1 may hold meetings anywhere in this state.

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

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

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

14 (a) After **seeking** consultation with ~~and considering comments~~
15 ~~from representatives of the manufactured housing industry~~**local**
16 **governments** and other interested parties, recommend rules to the
17 department to implement and administer this act.

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

21 (c) Determine the sufficiency of local mobile home ordinances
22 that are designed to provide local governments with superintending
23 control over mobile home businesses, mobile home parks, or seasonal
24 mobile homes parks.

25 (d) Conduct public hearings relating to the powers prescribed
26 in this subsection.

27 (2) ~~The director or an authorized representative of the~~
28 ~~director~~**department** shall do all of the following:

29 (a) **Employ an appropriate number of employees with the**

1 appropriate qualifications as required to implement and enforce
 2 this act and the rules promulgated under this act, including, but
 3 not limited to, staff to conduct community inspections, review
 4 financial information, manage the licensing process, and
 5 investigate potential violations of this act and the rules
 6 promulgated under this act.

7 (b) ~~(a)~~—After consultation with and considering comments from
 8 representatives of the manufactured housing industry and other
 9 interested parties, promulgate rules to implement and administer
 10 this act.

11 (c) ~~(b)~~—Conduct hearings relating to violations of this act or
 12 rules promulgated under this act.

13 (d) ~~(e)~~—Make investigations to determine compliance with this
 14 act and rules promulgated under this act.

15 (e) ~~(d)~~—Provide assistance to the commission as the commission
 16 requires.

17 (f) ~~(e) On not less than a quarterly basis,~~ **At every quarterly**
 18 **meeting of the commission,** report to the commission on the
 19 expenditure of all fees collected under this act and the relation
 20 of those expenditures to the enforcement and administration of this
 21 act.

22 (g) ~~(f)~~—Post and maintain on the department's website all
 23 current guidelines.

24 (h) ~~(g)~~—Promptly notify a local government of the issuance,
 25 amendment, or rescission of a guideline if the department has
 26 knowledge that a mobile home park or seasonal mobile home park is
 27 located in, or an application has been filed for the licensure of a
 28 park proposed to be located in, the local government. The notice
 29 ~~shall~~ **must** be sent by first-class mail or ~~electronic mail~~ **email** to

1 each of the following:

2 (i) The clerk of the local government.

3 (ii) The chief executive officer of the local government.

4 (iii) The enforcing agency for the local government if, under
5 section 8a or 8b of the Stille-DeRossett-Hale single state
6 construction code act, 1972 PA 230, MCL 125.1508a and 125.1508b,
7 the local government has assumed responsibility for the
8 administration and enforcement within its jurisdiction of that act
9 and the state construction code or a part of the state construction
10 code of limited application.

11 (i) ~~(h)~~—If the department receives a complaint about a
12 condition at a mobile home park or seasonal mobile home park that
13 imminently threatens the health or safety of the residents of the
14 park, promptly notify each local government in which the park is
15 located of the details of the complaint.

16 (3) The commission shall not regulate mobile homes that are
17 not located within a mobile home park or a seasonal mobile home
18 park, except as relates to the business, sales, and service
19 practices of mobile home dealers and the business practices of
20 mobile home installers and repairers.

21 **(4) No later than July 1, 2024, the department shall establish**
22 **or cause to be established a database of mobile home park or**
23 **seasonal mobile home park owners that includes every licensed**
24 **mobile home park or seasonal mobile home park owner's contact**
25 **information, license number, and current licensing status. The**
26 **department shall make the database available to the public on the**
27 **department's website. The database must include each mobile home**
28 **park or seasonal mobile home park owner that has a license to**
29 **operate a mobile home park or seasonal mobile home park. The**

1 department must establish a method in which the public may submit a
2 reporting form on its website regarding potentially unlicensed
3 mobile home park or seasonal mobile home park owners and the
4 department must update the public database within 30 days of a
5 change in licensure status. To the extent it complies with the
6 requirements of this subsection and subsection (5), the department
7 may utilize an existing database.

8 (5) The database described in subsection (4) must provide a
9 means by which a mobile home park or seasonal mobile home park
10 owner may update the mobile home park or seasonal mobile home park
11 owner's contact information. Every mobile home park or seasonal
12 mobile home park owner must designate an individual who is an
13 owner, officer, director, or employee of the mobile home park or
14 seasonal mobile home park owner as the mobile home park or seasonal
15 mobile home park owner's designee to communicate with the
16 department and must provide that individual's contact information
17 to the department, including the individual's current street
18 address, monitored email address, and operational telephone number.
19 A mobile home park or seasonal mobile home park owner must notify
20 the department within 30 days if the mobile home park or seasonal
21 mobile home park owner sells a mobile home park or seasonal mobile
22 home park and if the mobile home park or seasonal mobile home park
23 owner's designee changes or dies. If a mobile home park or seasonal
24 mobile home park owner fails to update the information required in
25 this subsection, the department shall, on the mobile home park or
26 seasonal mobile home park owner's subsequent application to renew
27 the mobile home park or seasonal mobile home park owner's license,
28 assess an additional processing fee of \$100.00 to update the
29 information required in this subsection in order to process the

1 license application. If a mobile home park or seasonal mobile home
2 park owner fails to update the information required in this
3 subsection more than once and after the department assesses the
4 additional \$100.00 processing fee required under this subsection,
5 the department shall consider the subsequent failure to update the
6 information required under this subsection as a condition for
7 licensure under section 16.

8 Sec. 5. (1) ~~After~~ **No later than July 1, 2025, after seeking**
9 consultation with ~~and considering comments from representatives of~~
10 ~~the manufactured housing industry~~ **the commission, local**
11 **governments**, and other interested parties, the department shall
12 ~~promulgate~~ **revise** the mobile home code subject to section 4. The
13 **revisions to the** code ~~shall~~ **must** consist of rules governing all of
14 the following:

15 (a) The ~~licensure,~~ density, layout, permits for construction,
16 construction of mobile home parks including standards for **fire**
17 **hydrants**, roads, **road signs**, utilities, open ~~space,~~ **spaces**, or
18 proposed **community buildings and** recreational facilities, and
19 safety measures sufficient to protect health, safety, and welfare
20 of mobile home park residents, except water supply, sewage
21 collection and treatment, and drainage facilities ~~which~~ **that** are
22 regulated by the department of ~~environmental quality.~~ **environment,**
23 **Great Lakes, and energy.**

24 (b) The business, sales, and service practices of mobile home
25 dealers, **including requiring advertisements to contain contact**
26 **information, as well as placing parameters on dealer sales**
27 **financing practices and terms, claims, and conditions to the sale**
28 **of a mobile home.**

29 (c) The business practices of mobile home installers and

1 repairers, including training and licensing requirements for
 2 individuals who install and repair mobile homes in mobile home
 3 parks or seasonal mobile home parks.

4 ~~(d) The licensure and regulations of mobile home installers~~
 5 ~~and repairers.~~

6 **(d)** ~~(e)~~—The setup and installation of mobile homes inside
 7 mobile home parks or seasonal mobile home parks.

8 **(e)** ~~(f)~~—The regulation of the responsibilities, under the
 9 mobile home warranty, of the mobile home components manufacturer,
 10 the mobile home assembler or manufacturer, and the mobile home
 11 dealer, including the time period and relationships of each under
 12 the warranty, and the remedies available, if any, if the
 13 responsible parties cease to operate as a business.

14 **(f)** ~~(g)~~—Abuses relating to all of the following:

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

18 (ii) Detailed listing of furnishings and fixtures by a
 19 manufacturer of a new mobile home or a mobile home dealer for a
 20 used mobile home.

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

22 (iv) Used mobile homes. A mobile home dealer shall provide
 23 detailed listing of its service records for used mobile homes ~~which~~
 24 **that** are being sold by the dealer and of which the dealer has
 25 knowledge.

26 **(g)** ~~(h)~~—Applications for and issuance of certificates of title
 27 for mobile homes.

28 **(h) Inspections, including audit inspections of mobile home**
 29 **parks and seasonal mobile home parks.**

1 (i) Retailers and retailers' agents practices as well as
 2 prohibited practices, including violations of this act and the
 3 rules promulgated under this act, acting on an unlicensed person's
 4 behalf, allowing a license to be used by an unlicensed person,
 5 disclosure of retailers' interest to third parties, and disclosure
 6 of retailers' interest in transactions.

7 (2) As part of the code, the department shall also promulgate
 8 rules governing the licensure, density, layout, permits for
 9 construction, and construction of seasonal mobile home parks,
 10 including standards for **fire hydrants, roads, road signs,**
 11 utilities, open ~~space,~~ **spaces,** proposed **community buildings and**
 12 recreational facilities, and safety measures sufficient to protect
 13 the health, safety, and welfare of seasonal mobile home park
 14 residents, except water supply, sewage collection and treatment,
 15 and drainage facilities ~~, which shall be~~ **that are** regulated by the
 16 department of ~~environmental quality.~~ **environment, Great Lakes, and**
 17 **energy.**

18 (3) The rules promulgated for seasonal mobile home parks may
 19 impose a less stringent standard than the rules promulgated for
 20 mobile home parks.

21 (4) All administrative rules promulgated by the department or
 22 the commission under this act and not rescinded on the effective
 23 date of the amendatory act that added this subsection are
 24 authorized, valid, and enforceable and must remain in effect until
 25 July 1, 2025 or the date on which the department promulgates
 26 administrative rules pursuant to the amendatory act that added this
 27 subsection, whichever is earlier.

28 Sec. 6. (1) The department of environment, Great Lakes, and
 29 energy has the authority to promulgate rules regarding water supply

1 systems, sewage collection, and disposal systems for mobile home
 2 parks and seasonal mobile home parks to ensure that the health and
 3 safety of residents of mobile home parks and seasonal mobile home
 4 parks are protected. The department of environment, Great Lakes,
 5 and energy may enter into an agreement with a local unit of
 6 government to enforce the rules promulgated under this act.

7 (2) After consultation with and considering comments from
 8 representatives of the manufactured housing industry and other
 9 interested parties, the department of ~~environmental quality~~
 10 **environment, Great Lakes, and energy** shall promulgate rules for
 11 mobile home parks and seasonal mobile home parks setting forth
 12 minimum standards regulating:

- 13 (a) Water supply system.
- 14 (b) Sewage collection and disposal system.
- 15 (c) Drainage.
- 16 (d) Garbage and rubbish storage and disposal.
- 17 (e) Insect and rodent control.
- 18 (f) General operation, maintenance, and safety.
- 19 (g) Certification of compliance under section 17.

20 (3) ~~(2)~~—Representatives of local government shall act in an
 21 advisory capacity in the promulgation of the code.

22 (4) ~~(3)~~—The commission shall consult with appropriate state
 23 and local governments in developing the procedures for effective
 24 coordination of efforts. The commission shall recommend procedures
 25 to the governor and the legislature for coordinating state agency
 26 decisions and activities pertaining to this act.

27 Sec. 7. (1) Except as provided in subsection (7), a local
 28 government that proposes a standard related to mobile home parks or
 29 seasonal mobile home parks, or related to mobile homes located

1 within a mobile home park or a seasonal mobile home park, that is
 2 higher than the standard provided in this act or the code, or that
 3 proposes a standard related to the business, sales, and service
 4 practices of mobile home dealers, or the business of mobile home
 5 installers and repairers, that is higher than the standard provided
 6 in this act or the code, shall file the proposed standard with the
 7 commission. Except as provided in subsection (7), the commission
 8 may promulgate rules to establish the criteria and procedure for
 9 implementation of higher standards by a local government. The
 10 commission shall review and approve the proposed standard unless
 11 the standard is unreasonable, arbitrary, or not in the public
 12 interest. If the commission does not approve or disapprove the
 13 proposed standard within 60 days after it is filed with the
 14 commission, the standard ~~shall be~~ **is** considered approved unless the
 15 local government grants the commission additional time to consider
 16 the standard. After the proposed standard is approved, the local
 17 government may adopt the standard by ordinance. The ordinance ~~shall~~
 18 **must** relate to a specific section of the code.

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

25 (3) A local government ordinance ~~shall~~ **must** not be designed as
 26 exclusionary to mobile homes generally whether the mobile homes are
 27 located inside or outside of mobile home parks or seasonal mobile
 28 home parks.

29 (4) A local government ordinance ~~shall~~ **must** not contain a

1 standard for the setup or installation of mobile homes that is
 2 incompatible with, or is more stringent than, either of the
 3 following:

4 (a) The manufacturer's recommended setup and installation
 5 specifications.

6 (b) The mobile home setup and installation standards
 7 promulgated by the ~~federal department of housing and urban~~
 8 ~~development pursuant to~~ **United States Department of Housing and**
 9 **Urban Development under** the national manufactured housing
 10 construction and safety standards act of 1974, 42 USC 5401 to 5426.

11 (5) In the absence of any setup or installation specifications
 12 or standards for foundations as set forth in subsection (4) (a) or
 13 (b), the local government standards for site-built housing ~~shall~~
 14 apply.

15 (6) A local government ordinance ~~shall~~ **must** not contain roof
 16 configuration standards or special use zoning requirements that
 17 apply only to, or excludes, mobile homes. A local government
 18 ordinance ~~shall~~ **must** not contain a manufacturing or construction
 19 standard that is incompatible with, or is more stringent than, a
 20 standard promulgated by the ~~federal department of housing and urban~~
 21 ~~development pursuant to~~ **United States Department of Housing and**
 22 **Urban Development under** the national manufactured housing
 23 construction and safety standards act of 1974, 42 USC 5401 to 5426.

24 A local government ordinance may include reasonable standards
 25 relating to mobile homes located outside of mobile home parks or
 26 seasonal mobile home parks ~~which~~ **that** ensure that mobile homes
 27 compare aesthetically to site-built housing located or allowed in
 28 the same residential zone.

29 (7) Notwithstanding ~~anything in any provision in~~ section 17

1 ~~that may be~~ to the contrary, a local government may adopt an
2 ordinance to inspect mobile homes for safety within a mobile home
3 park, a seasonal mobile home park, or mobile homes located outside
4 a mobile home park or a seasonal mobile home park if the mobile
5 home being inspected is being rented to a tenant by ~~the owner of~~
6 the mobile home **owner**. The local government may propose a means to
7 determine which mobile homes located within its jurisdiction are
8 being rented to tenants by the owner, including, but not limited
9 to, imposition of a registration or a licensing requirement for
10 renting mobile homes to tenants. A local government may inspect
11 mobile homes rented to tenants by the owner for safety if the
12 safety inspection ordinance applies to all other rental housing
13 within the local governmental unit. If a local government inspects
14 mobile homes rented to tenants by the owner for safety, the period
15 between inspections ~~shall~~**must** not be less than 3 years unless the
16 local government is responding to a complaint from a tenant. An
17 inspection ~~shall~~**must** not be conducted on a mobile home for which
18 an occupancy permit has been issued by the local government in the
19 preceding 3 years unless the local government is responding to a
20 complaint from a tenant. Inspections for safety ~~shall~~**must** not
21 require enforcement of any mobile home construction standards that
22 are greater than those applicable to the mobile home under the
23 national manufactured housing construction and safety standards act
24 of 1974, 42 USC 5401 to 5426, or standards or codes to which the
25 mobile home was constructed if it was constructed before
26 application of the national manufactured housing construction and
27 safety standards act of 1974, 42 USC 5401 to 5426. As used in this
28 section, "inspection for safety" means an inspection of a rental
29 mobile home that is limited to ensuring the proper functioning, or

1 protection, of the following:

- 2 (a) Furnace.
- 3 (b) Water heater.
- 4 (c) Electrical wiring.
- 5 (d) Proper sanitation and plumbing.
- 6 (e) Ventilation.
- 7 (f) Heating equipment.
- 8 (g) Structural integrity.
- 9 (h) Smoke alarms.

10 **(8) A local government may adopt an ordinance to require an**
11 **owner of a mobile home park or seasonal mobile home park to post a**
12 **surety bond to cover expenses for health and safety issues that may**
13 **need to be addressed in the mobile home park or seasonal mobile**
14 **home park.**

15 Sec. 14. Upon completion of the construction of the mobile
16 home park or seasonal mobile home park, the owner ~~or operator~~ of
17 the **mobile home park or seasonal mobile home park** and a registered
18 professional engineer or architect shall file with the department
19 an affidavit certifying that the mobile home park or seasonal
20 mobile home park, lot, and work were completed in accordance with
21 the approved specifications and plans.

22 Sec. 16. **(1) No later than July 1, 2025, after seeking**
23 **consultation with the commission, local governments, and other**
24 **interested parties, the department shall revise and promulgate**
25 **rules governing the licensure of owners of mobile home parks and**
26 **seasonal mobile home parks, including determining standards to meet**
27 **the licensing requirements of this section.**

28 **(2) ~~(1)~~ A person shall not ~~operate~~ own a mobile home park or**
29 **seasonal mobile home park without a license. ~~The~~ For purposes of**

1 this act, a person must obtain a license for each mobile home park
2 or seasonal mobile home park owned by the person. A license issued
3 by the department on or before December 31, 2022 expires on
4 December 31, 2024. Beginning January 1, 2025, the term of a license
5 is ~~3 years. The~~ 1 year. Subject to subsection (4), the department
6 shall within 60 calendar days after receiving a completed license
7 application issue a license ~~only~~ if all of the following
8 requirements are met:

9 (a) The applicant submits a complete license application that
10 meets all of the following requirements: -

11 (i) Shows the financial ability of the applicant to own and
12 operate the mobile home park or seasonal mobile home park by
13 submitting documentation, as required by the department, to
14 demonstrate the applicant's financial viability to operate and
15 maintain the mobile home park or seasonal mobile home park in
16 accordance with financial standards as promulgated by rule.

17 (ii) Affirms the applicant's ability to comply with the
18 applicable laws, rules, and regulations of this state.

19 (iii) Affirms that the applicant and any person that holds a
20 beneficial interest in the applicant's mobile home park or seasonal
21 mobile home park have not been denied a license to own a mobile
22 home park or seasonal mobile home park, or a permit or other
23 governmental permission to operate a mobile home park or seasonal
24 mobile home park, or had a license to own a mobile home park or
25 seasonal mobile home park, or a permit or other governmental
26 permission to operate a mobile home park or seasonal mobile home
27 park suspended, canceled, or revoked by this state or other
28 governmental agency within the past 7 years, or demonstrates that a
29 suspended, canceled, or revoked license, permit, or other

1 governmental permission has since been reinstated or reissued. An
2 application must not be denied under this subparagraph for either
3 or both of the following reasons:

4 (A) Within the past 7 years, the applicant and any person that
5 holds a beneficial interest in the applicant's mobile home park or
6 seasonal mobile home park filed an application that was denied on
7 the basis of failing to meet the requirements of subparagraph (i),
8 if the current application meets the requirements of subparagraph
9 (i).

10 (B) Within the past 7 years, the applicant and any person that
11 holds a beneficial interest in the applicant's mobile home park or
12 seasonal mobile home park filed an application that was denied on
13 the basis of failing to meet the requirements of subparagraph (v),
14 if the current application meets the requirements of subparagraph
15 (v).

16 (iv) Affirms that the applicant and any person that holds a
17 beneficial interest in the applicant's mobile home park or seasonal
18 mobile home park have not been convicted of a crime involving
19 fraud, deceit, or nonfeasance within the past 7 years.

20 (v) Affirms that the applicant and any person that holds a
21 beneficial interest in the applicant's mobile home park or seasonal
22 mobile home park do not have a record of unjustifiable rent
23 increases within the past 7 years.

24 (vi) Affirms that before submitting the application, each
25 mobile home park or seasonal mobile home park owned by the
26 applicant, and any person that holds a beneficial interest in the
27 applicant's mobile home park or seasonal mobile home park was in
28 substantial compliance with the standards established by the
29 department during the most recent inspection conducted by the

1 department pursuant to section 17 and that all material
2 deficiencies identified by the department during that inspection
3 had been corrected.

4 (vii) Includes the name, working telephone number, mailing
5 address, and working email address of an individual who is
6 responsible for receiving and responding to communications for the
7 mobile home park or seasonal mobile home park.

8 (viii) If a mobile home park or seasonal mobile home park is
9 owned by a foreign corporation, provides the department with
10 appropriate documentation to show it is authorized to do business
11 in this state, and has filed with the commission a consent to
12 service of process in a form prescribed by the commission pursuant
13 to section 35.

14 (ix) Provides proof of ownership of or an option to purchase
15 the mobile home park or seasonal mobile home park.

16 (x) Lists the name of any person that holds a beneficial
17 interest in the mobile home park or seasonal mobile home park.

18 (b) Certifications and recommendations of appropriate agencies
19 and local governments required to operate a mobile home park or
20 seasonal mobile home park are submitted to and approved by the
21 department. Nothing in this subdivision prohibits the assignment of
22 a certificate or recommendation from an agency or local government
23 to the owner of a mobile home park or seasonal mobile home park for
24 the purposes of complying with this subdivision.

25 (c) The applicant ~~pays~~ and any person that holds a beneficial
26 interest in the applicant's mobile home park or seasonal mobile
27 home park pay the ~~fee~~ fees set forth in subsection ~~(4)~~ (8) or (9),
28 and any administrative fines previously assessed against the
29 applicant or any person that holds a beneficial interest in the

1 applicant's mobile home park or seasonal mobile home park by the
2 department or commission that remain unpaid at the time of the
3 license application, if applicable.

4 (d) The mobile home park or seasonal mobile home park was
5 approved as being in substantial compliance after its most recent
6 inspection under section 17 **and that all material deficiencies**
7 **identified by the department during that inspection had been**
8 **corrected.**

9 ~~(2) The commission shall promulgate rules to do all of the~~
10 ~~following:~~

11 ~~(a) Provide standards and procedures for the commission to~~
12 ~~determine whether a mobile home park or seasonal mobile home park~~
13 ~~that is not in substantial compliance with the rules promulgated~~
14 ~~under sections 5 and 6 is a distressed park. The standards and~~
15 ~~procedures shall provide the owner with an opportunity for an~~
16 ~~evidentiary hearing and require the commission to consider at least~~
17 ~~all of the following:~~

18 ~~(i) The length of time the mobile home park or seasonal mobile~~
19 ~~home park has not been in substantial compliance with the rules~~
20 ~~promulgated under sections 5 and 6.~~

21 ~~(ii) Whether the owner or operator was notified and had~~
22 ~~sufficient opportunity to bring the mobile home park or seasonal~~
23 ~~mobile home park into substantial compliance.~~

24 ~~(iii) Any imminent threat to the health or safety of the~~
25 ~~residents of the mobile home park or seasonal mobile home park.~~

26 ~~(iv) Whether the mobile home park or seasonal mobile home park~~
27 ~~has been or is likely to be abandoned by the owner or operator.~~

28 ~~(b) Require the owner of a distressed mobile home park or~~
29 ~~seasonal mobile home park to post financial assurance in the form~~

1 ~~of a bond, cash deposit, or other financial arrangement to ensure~~
2 ~~the repair and cleanup of the mobile home park or seasonal mobile~~
3 ~~home park, including the repair of substandard or noncomplying~~
4 ~~park-owned utility systems and the removal and disposal of~~
5 ~~abandoned mobile homes, scrap material, or other waste.~~

6 ~~(3) Not more than 180 days after the effective date of the~~
7 ~~amendatory act that added this subsection, the commission shall~~
8 ~~submit a report on progress on rule promulgation under subsection~~
9 ~~(2) to the standing committees of the senate and house of~~
10 ~~representatives with primary responsibility for legislation~~
11 ~~affecting mobile home parks.~~

12 **(e) Beginning July 1, 2024, the applicant has been previously**
13 **issued a provisional license or a license to own the mobile home**
14 **park or seasonal mobile home park.**

15 **(3) The department shall require a signed affidavit from the**
16 **applicant that attests to the veracity of the information in**
17 **subsection (2) (a) (i) to (x) and may require the applicant to submit**
18 **additional documentation to support the information provided under**
19 **subsection (2) (a) (i) to (x). The department shall deny the**
20 **application if the department determines that the applicant does**
21 **not meet the requirements attested to under subsection (2) (a) (i) to**
22 **(x).**

23 **(4) To determine whether an applicant and any person that**
24 **holds a beneficial interest in the applicant's mobile home park or**
25 **seasonal mobile home park is eligible for a license under this**
26 **section, the department may conduct a background check on the**
27 **applicant and a person that holds a beneficial interest in the**
28 **applicant's mobile home park or seasonal mobile home park using the**
29 **law enforcement information network as provided under the C.J.I.S**

1 policy council act, 1974 PA 163, MCL 28.211 to 28.215, or the
2 internet criminal history access tool (ICHAT) maintained by the
3 department of state police. Notwithstanding subsection (1), after
4 fingerprints have been submitted to the appropriate agency, the
5 department has an additional 60 days to issue a license if
6 necessary to accommodate the process of obtaining a background
7 check. As used in this subsection, "background check" means a
8 criminal history check that examines federal and state government
9 records in a manner that allows for the successful identification
10 of a criminal conviction that involves fraud, deceit, or
11 nonfeasance.

12 (5) A licensed owner of a mobile home park or seasonal mobile
13 home park shall post a copy of a license issued under this section
14 in a conspicuous place in an area that is accessible to the
15 residents of the mobile home park or seasonal mobile home park. If
16 the department determines that an owner of a mobile home park or
17 seasonal mobile home park violated this subsection, the department
18 may impose an administrative fine of not more than \$5,000.00, after
19 notice and a hearing as provided under the administrative
20 procedures act of 1969, 1969 PA 306, MCL 24.201 to MCL 24.328.

21 (6) Beginning July 1, 2024, a person that seeks to license a
22 mobile home park or seasonal mobile home park that has not been
23 previously licensed to that person under subsection (2) shall apply
24 for a provisional license for that mobile home park or seasonal
25 mobile home park. The provisional license is valid for 1 year and
26 may be extended or renewed for an additional 1 year. A provisional
27 license is required for each mobile home park or seasonal mobile
28 home park owned by a person that has not been previously licensed
29 under subsection (2). The department shall issue a provisional

1 license under this subsection if the applicant meets the
 2 requirements of subsection (2)(a) to (c) but does not meet the
 3 requirement of subsection (2)(d). The department shall not issue 3
 4 provisional licenses within a 10-year period. A provisional license
 5 issued under this subsection entitles the holder of the provisional
 6 license to all of the rights, privileges, requirements, and
 7 penalties that are applicable to the holder of a license issued
 8 under subsection (2).

9 (7) Within 1 year after the issuance of a provisional license
 10 under subsection (6), the department shall inspect and identify any
 11 violation of this act regarding the ownership or operation of a
 12 mobile home park or seasonal mobile home park by the owner of that
 13 mobile home park or seasonal mobile home park issued a provisional
 14 license under subsection (6). The department shall notify the owner
 15 of the mobile home park or seasonal mobile home park issued a
 16 provisional license of any violation found during the inspection
 17 and provide a notice as required under section 37.

18 (8) ~~(4)~~ The ~~fee~~ **fees** for a license ~~to operate~~ **issued under**
 19 **subsection (2) are as follows:**

20 (a) **Until September 30, 2023, as follows:**

21 (i) **To own** a mobile home park is \$225.00, plus an additional
 22 \$3.00 for each home site in excess of 25 home sites in the mobile
 23 home park. ~~, or any lesser amount established pursuant to section~~
 24 ~~9(5). The fee for a license to operate~~

25 (ii) **To own** a seasonal mobile home park is \$120.00, plus an
 26 additional \$1.50 for each home site in excess of 25 home sites in
 27 the seasonal mobile home park. ~~, or any lesser amount established~~
 28 ~~pursuant to section 9(5).~~

29 (b) **Beginning October 1, 2023 through December 30, 2024, as**

1 follows:

2 (i) To own a mobile home park is \$500.00 plus an additional
3 \$5.00 for each home site in excess of 25 home sites in the mobile
4 home park.

5 (ii) To own a seasonal mobile home park is \$300.00 plus an
6 additional \$3.00 for each home site in excess of 25 home sites in
7 the seasonal mobile home park.

8 (c) Beginning December 31, 2024, as follows:

9 (i) To own a mobile home park is \$750.00 plus an additional
10 \$7.00 for each home site in excess of 25 home sites in the mobile
11 home park.

12 (ii) To own a seasonal mobile home park is \$400.00 plus an
13 additional \$4.00 for each home site in excess of 25 home sites in
14 the seasonal mobile home park.

15 (9) Beginning July 1, 2024, the fee for a provisional license
16 issued under subsection (6) for a mobile home park is \$750.00 plus
17 an additional \$7.00 for each home site in excess of 25 home sites
18 in the mobile home park. Beginning July 1, 2024, the fee for a
19 provisional license issued under subsection (6) for a seasonal
20 mobile home park is \$400.00 plus an additional \$4.00 for each home
21 site in excess of 25 home sites in the seasonal mobile home park.

22 (10) ~~(5)~~—If a person submits a timely application for renewal
23 of a license issued under subsection (2) and pays the appropriate
24 ~~fee,~~ fees and any administrative fines previously assessed against
25 the person by the department or commission that remain unpaid at
26 the time of the application for renewal of the license, if
27 applicable, the person may continue to ~~operate~~ own a mobile home
28 park or seasonal mobile home park unless notified that the
29 application for renewal is not approved. **An application for renewal**

1 of a license must meet the requirements of a license application
2 under subsection (2). The department may assess a late renewal fee
3 of up to 50% of the license application fee if an application for
4 renewal of a license is submitted more than 7 days after the
5 expiration of the license.

6 (11) If the department determines that a license application
7 submitted pursuant to subsection (2) is incomplete, the department
8 shall send a written notice to the applicant that identifies the
9 missing information in the license application. The applicant must
10 provide the missing information identified in the written notice to
11 the department within 6 months after the receipt of the written
12 notice from the department. If an applicant fails to provide the
13 missing information as provided under this subsection, the license
14 application is void and the applicant shall submit a new license
15 application.

16 (12) An unlicensed owner of a mobile home park or seasonal
17 mobile home park, or a subsidiary, agent, attorney, representative,
18 employee, or affiliate of the owner of the mobile home park or
19 seasonal mobile home park, or any other person that is responsible
20 for the day-to-day operation of the mobile home park or seasonal
21 mobile home park or is under common control of the mobile home park
22 or seasonal mobile home park with the owner of the mobile home park
23 or seasonal mobile home park shall not collect rent or take any
24 action for possession against residents of the mobile home park or
25 seasonal mobile home park. If the tenant pays the utility service
26 fees directly to the utility service provider, the tenant must
27 continue to pay the utility service fees directly to the utility
28 service provider. Beginning on the effective date of the amendatory
29 act that added this subsection, no rent or fees may be recovered by

1 an owner of a mobile home park or seasonal mobile home park for any
2 period of time the mobile home park or seasonal mobile home park is
3 unlicensed. A resident of a mobile home park or seasonal mobile
4 home park may bring an action on the resident's own behalf for a
5 violation of this subsection in a court of competent jurisdiction.
6 Remedies available include, but are not limited to, an injunction
7 by a court of record prohibiting further violations, actual damages
8 incurred by the tenant, and punitive damages as determined by a
9 jury or the court. Actual damages include, but are not limited to,
10 rent and fees paid to the owner of the mobile home park or seasonal
11 mobile home park during the period that the owner of the mobile
12 home park or seasonal mobile home park was unlicensed. This
13 subsection does not authorize a resident of the mobile home park or
14 seasonal mobile home park to withhold rent or utility service fees
15 determined by a court to be due and payable to a receiver appointed
16 pursuant to this section.

17 (13) If it is determined that an owner of a mobile home park
18 or seasonal mobile home park is unlicensed and there is no complete
19 license application under review by the department, the department,
20 lienholder, other affected person, or a resident of the mobile home
21 park or seasonal mobile home park may petition the circuit court in
22 the county in which the mobile home park or seasonal mobile home
23 park is located to appoint a receiver to operate the mobile home
24 park or seasonal mobile home park during the period in which the
25 owner of the mobile home park or seasonal mobile home park is
26 unlicensed. If the court finds that the owner of the mobile home
27 park or seasonal mobile home park is unlicensed and there is no
28 complete license application under review by the department, the
29 court shall appoint a receiver to operate the mobile home park or

1 seasonal mobile home park. The court shall determine the fair
2 compensation for the receiver. A receiver appointed pursuant to
3 this subsection must be a person currently licensed to own a mobile
4 home park or seasonal mobile home park in accordance with this act
5 or a person that meets the requirements for licensure under this
6 act, as determined by the court. A receiver may not be the owner of
7 the mobile home park or seasonal mobile home park, or a subsidiary,
8 agent, attorney, representative, employee, or affiliate of the
9 owner of the mobile home park or seasonal mobile home park, or any
10 other person that is responsible for the day-to-day operation of
11 the mobile home park or seasonal mobile home park or is under
12 common control of the mobile home park or seasonal mobile home park
13 with the owner of the mobile home park or seasonal mobile home
14 park. Subject to court approval, a receiver appointed pursuant to
15 this subsection shall do any of the following:

16 (a) Repair, renovate, or rehabilitate the mobile home park or
17 seasonal mobile home park as needed to make the mobile home park or
18 seasonal mobile home park comply with this act.

19 (b) Manage the mobile home park or seasonal mobile home park.

20 (c) Collect rent, utility service fees, and other fees from
21 the residents of the mobile home park or seasonal mobile home park,
22 as determined by the court, and pay the expenses of the mobile home
23 park or seasonal mobile home park that are necessary to ensure
24 continuing operation and services.

25 (d) Pursue necessary legal remedies against a resident of the
26 mobile home park or seasonal mobile home park that fails to pay
27 rent, utility service fees, or other fees or comply with this act.
28 Legal remedies that may be pursued against a resident of the mobile
29 home park or seasonal mobile home park pursuant to this subdivision

1 include, but are not limited to, the institution of summary
2 proceedings to recover possession of the premises from the resident
3 of the mobile home park or seasonal mobile home park.

4 (e) Exercise other powers the court considers proper to the
5 effective administration of the receivership.

6 (14) A person licensed or required to be licensed to own a
7 mobile home park or seasonal mobile home park under this act is
8 responsible for meeting all the requirements for licensure and
9 complying with this act or rules promulgated under this act.

10 (15) ~~(6)~~ A campground that is currently licensed under
11 sections 12501 to 12516 of the public health code, 1978 PA 368, MCL
12 333.12501 to 333.12516, and was previously licensed under the
13 former licensing provisions of 1959 PA 243, MCL 125.1035 to
14 125.1043, as a seasonal trailer park may apply for and ~~shall~~ **must**
15 be granted a license as a seasonal mobile home park under this act
16 if the campground meets all other requirements for licensure under
17 this act as a seasonal mobile home park.

18 **Sec. 16b. (1) An owner of a mobile home park or seasonal**
19 **mobile home park shall notify the department of any of the**
20 **following within 30 days after its occurrence:**

21 (a) A change of ownership.

22 (b) A change of the mailing or electronic business address of
23 the licensed owner of the mobile home park or seasonal mobile home
24 park.

25 (2) An owner of a mobile home park or seasonal mobile home
26 park that sells a mobile home park or seasonal mobile home park
27 shall, within 30 days after the sale, provide the department with a
28 copy of the sales contract or any recorded deed and notify the
29 department of all of the following:

1 (a) The identity of the buyer of the mobile home park or
2 seasonal mobile home park, including the contact information of the
3 buyer.

4 (b) The date of the sale.

5 (c) Any change in the seller's contact information.

6 (3) The department in consultation with the commission shall
7 promulgate rules pursuant to the administrative procedures act of
8 1969, 1969 PA 306, MCL 24.201 to 24.328, to do all of the
9 following:

10 (a) Provide standards and procedures for the department to
11 determine whether a mobile home park or seasonal mobile home park
12 that is not in substantial compliance with the rules promulgated
13 under sections 5 and 6 is a distressed park. The standards and
14 procedures must provide the owner of the mobile home park or
15 seasonal mobile home park with an opportunity for an evidentiary
16 hearing and to appeal the determinations of the department and
17 require the department to consider, at least, all of the following
18 during the evidentiary hearing:

19 (i) The length of time the mobile home park or seasonal mobile
20 home park has not been in substantial compliance with the rules
21 promulgated under sections 5 and 6.

22 (ii) Whether the owner of the mobile home park or seasonal
23 mobile home park was notified and had sufficient opportunity to
24 bring the mobile home park or seasonal mobile home park into
25 substantial compliance.

26 (iii) Any imminent threat to the health or safety of the
27 residents of the mobile home park or seasonal mobile home park.

28 (iv) Whether the mobile home park or seasonal mobile home park
29 has been or is likely to be abandoned by the owner.

1 (b) Require the owner of a distressed mobile home park or
2 seasonal mobile home park to post financial assurance in the form
3 of a bond, cash deposit, or other financial arrangement to ensure
4 the repair and cleanup of the mobile home park or seasonal mobile
5 home park, including the repair of substandard or noncomplying
6 park-owned utility systems and the removal and disposal of
7 abandoned mobile homes, scrap material, or other waste.

8 (4) An owner of a distressed mobile home park or seasonal
9 mobile home park may appeal the determinations of the department
10 under this section to the circuit court in the county in which the
11 mobile home park or seasonal mobile home park is located within 10
12 days after the date of the determination. The department of
13 attorney general shall represent the department in any appeal under
14 this section.

15 Sec. 16c. (1) An owner of a mobile home or seasonal mobile
16 home park may seek approval from the commission for a rent increase
17 by submitting documentation to the commission that shows that
18 increases in operating and capital expenditures require an increase
19 in rent in order to maintain a reasonable rate of return.

20 (2) The commission shall approve the request, unless the
21 documentation provided by the owner of the mobile home park or
22 seasonal mobile home park does not demonstrate the need for the
23 rent increase. Notwithstanding any provision of this act, a rent
24 increase approved by the commission under this section that results
25 in a net increase in combined lot rent and other fees above the
26 increase in the Consumer Price Index is not an unjustifiable rent
27 increase.

28 Enacting section 1. This amendatory act does not take effect
29 unless all of the following bills of the 102nd Legislature are

1 enacted into law:

2 (a) Senate Bill No. _____ or House Bill No. 5160 (request no.
3 03683'23 *).

4 (b) Senate Bill No. _____ or House Bill No. 5159 (request no.
5 03699'23 *).

6 (c) Senate Bill No. _____ or House Bill No. 5158 (request no.
7 03700'23 *).

8 (d) Senate Bill No. _____ or House Bill No. 5161 (request no.
9 03701'23 *).