

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5513**

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
by amending sections 2, 4, 7, 16, 17, 43, and 48 (MCL 125.2302,
125.2304, 125.2307, 125.2316, 125.2317, 125.2343, and 125.2348),
section 2 as amended by 2012 PA 588, sections 4, 16, and 17 as
amended by 2006 PA 328, section 7 as amended by 2009 PA 215, and
section 43 as added by 1988 PA 337, and by adding section 48b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Campground" means a campground as defined in section
- 3 12501 of the public health code, 1978 PA 368, MCL 333.12501.
- 4 (b) "Code" means all or a part of the mobile home code
- 5 promulgated ~~pursuant to~~ **UNDER** section 5.
- 6 (c) "Commission" means the ~~mobile home code~~ **MANUFACTURED**
- 7 **HOUSING** commission.

(d) "Department" means the department of licensing and regulatory affairs, except ~~that department~~ **AS FOLLOWS:**

(i) **DEPARTMENT** means the department of state in all of the following circumstances:

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

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

(C) ~~(iii)~~ As used in sections 30 to 30i.

(ii) **DEPARTMENT, AS USED WITH RESPECT TO POWERS AND DUTIES CONCERNING WATER SUPPLY SYSTEMS AND SEWAGE COLLECTION AND DISPOSAL SYSTEMS FOR MOBILE HOME PARKS AND SEASONAL MOBILE HOME PARKS, MEANS THE DEPARTMENT OF ENVIRONMENTAL QUALITY.**

(e) "Installer and repairer" means a person, including a mobile home dealer, who for compensation installs or repairs mobile homes.

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

(g) "Mobile home" means a structure ~~—~~ **THAT IS** transportable in 1 or more sections, ~~which is~~ built on a chassis, and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

(h) "Mobile home dealer" means a person other than a manufacturer engaged in the business of buying mobile homes for resale, exchange, lease, or rent or offering mobile homes for sale, lease, rent, or exchange to customers.

1 (i) "Mobile home park" means a parcel or tract of land under
2 the control of a person upon which 3 or more mobile homes are
3 located on a continual, nonrecreational basis and which is offered
4 to the public for that purpose regardless of whether a charge is
5 made therefor, together with any building, structure, enclosure,
6 street, equipment, or facility used or intended for use incident to
7 the occupancy of a mobile home.

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

9 (k) "Person" means an individual, partnership, association,
10 trust, or corporation, or any other legal entity or combination of
11 legal entities.

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

16 (m) "Seasonal mobile home park" means a parcel or tract of
17 land under the control of a person upon which 3 or more mobile
18 homes are located on a continual or temporary basis but occupied on
19 a temporary basis only, and which is offered to the public for that
20 purpose regardless of whether a charge is made therefor, together
21 with any building, enclosure, street, equipment, or facility used
22 or intended for use incident to the occupancy of a mobile home.
23 Seasonal mobile home park does not include a campground licensed
24 pursuant to sections 12501 to 12516 of the public health code, 1978
25 PA 368, MCL 333.12501 to 333.12516.

26 (n) "Secured party" means that term as defined in section 9102
27 of the uniform commercial code, 1962 PA 174, MCL 440.9102.

1 (o) "Security interest" means that term as defined in section
2 1201 of the uniform commercial code, 1962 PA 174, MCL 440.1201.

3 (P) **"TECHNICAL BULLETIN" MEANS A DOCUMENT ISSUED BY THE**
4 **DEPARTMENT TO PROMOTE UNIFORM INTERPRETATION AND ENFORCEMENT OF**
5 **THIS ACT AND RULES PROMULGATED UNDER THIS ACT. A RULE PROMULGATED**
6 **OR ORDER ISSUED UNDER THIS ACT IS NOT A TECHNICAL BULLETIN.**

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

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

11 (a) After consultation with and considering comments from
12 representatives of the manufactured housing industry and other
13 interested parties, recommend rules to the department to implement
14 and administer this act.

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

18 (c) Determine the sufficiency of local mobile home ordinances
19 ~~which~~ **THAT** are designed to provide local governments with
20 superintending control over mobile home businesses, mobile home
21 parks, or seasonal mobile homes parks.

22 (d) Conduct public hearings relating to the powers prescribed
23 in this subsection.

24 (2) The director or an authorized representative of the
25 director shall do all of the following:

26 (a) After consultation with and considering comments from
27 representatives of the manufactured housing industry and other

1 interested parties, promulgate rules to implement and administer
2 this act.

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

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

7 (d) Provide assistance to the commission as the commission
8 requires.

9 (e) On not less than a quarterly basis, ~~the director or an~~
10 ~~authorized representative of the director shall report~~ to the
11 commission on the expenditure of all fees collected under this act
12 and the relation of ~~such~~ **THOSE** expenditures to the enforcement and
13 administration of this act.

14 **(F) PREPARE A DETAILED WRITTEN EXPLANATION OF THE POWERS AND**
15 **DUTIES OF LOCAL GOVERNMENTS WITH RESPECT TO MOBILE HOME PARKS,**
16 **SEASONAL MOBILE HOME PARKS, AND MOBILE HOMES AND POST AND MAINTAIN**
17 **THE DOCUMENT ON THE DEPARTMENT'S WEBSITE.**

18 **(G) POST AND MAINTAIN ON THE DEPARTMENT'S WEBSITE ALL CURRENT**
19 **TECHNICAL BULLETINS.**

20 **(H) PROMPTLY NOTIFY A LOCAL GOVERNMENT OF THE ISSUANCE,**
21 **AMENDMENT, OR RESCISSION OF A TECHNICAL BULLETIN IF THE DEPARTMENT**
22 **HAS KNOWLEDGE THAT A MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK**
23 **IS LOCATED IN, OR AN APPLICATION HAS BEEN FILED FOR THE LICENSURE**
24 **OF A PARK PROPOSED TO BE LOCATED IN, THE LOCAL GOVERNMENT. THE**
25 **NOTICE SHALL BE SENT BY FIRST-CLASS MAIL OR ELECTRONIC MAIL TO EACH**
26 **OF THE FOLLOWING:**

27 **(i) THE CLERK OF THE LOCAL GOVERNMENT.**

1 (ii) THE CHIEF EXECUTIVE OFFICER OF THE LOCAL GOVERNMENT.

2 (iii) THE ENFORCING AGENCY FOR THE LOCAL GOVERNMENT IF, UNDER
3 SECTION 8A OR 8B OF THE STILLE-DEROSSETT-HALE SINGLE STATE
4 CONSTRUCTION CODE ACT, 1972 PA 230, MCL 125.1508A AND 125.1508B,
5 THE LOCAL GOVERNMENT HAS ASSUMED RESPONSIBILITY FOR THE
6 ADMINISTRATION AND ENFORCEMENT WITHIN ITS JURISDICTION OF THAT ACT
7 AND THE STATE CONSTRUCTION CODE OR A PART OF THE STATE CONSTRUCTION
8 CODE OF LIMITED APPLICATION.

9 (I) IF THE DEPARTMENT RECEIVES A COMPLAINT ABOUT A CONDITION
10 AT A MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK THAT IMMINENTLY
11 THREATENS THE HEALTH OR SAFETY OF THE RESIDENTS OF THE PARK,
12 PROMPTLY NOTIFY EACH LOCAL GOVERNMENT IN WHICH THE PARK IS LOCATED
13 OF THE DETAILS OF THE COMPLAINT.

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

19 Sec. 7. (1) Except as provided in subsection (7), a local
20 government that proposes a standard related to mobile home parks or
21 seasonal mobile home parks, or related to mobile homes located
22 within a mobile home park or a seasonal mobile home park, that is
23 higher than the standard provided in this act or the code, or that
24 proposes a standard related to the business, sales, and service
25 practices of mobile home dealers, or the business of mobile home
26 installers and repairers, that is higher than the standard provided
27 in this act or the code, shall file the proposed standard with the

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

13 (2) A local government **IS NOT REQUIRED TO FILE WITH THE**
14 **COMMISSION** A standard related to mobile homes **THAT ARE** not located
15 within a mobile home park or seasonal mobile home park, ~~need not be~~
16 ~~filed with the mobile home commission,~~ unless the standard relates
17 to the business, sales, and service practices of mobile home
18 dealers, or the business of mobile home installers and repairers.

19 (3) A local government ordinance shall not be designed as
20 ~~exclusionary~~ to **EXCLUDE** mobile homes generally, whether the mobile
21 homes are located inside or outside of mobile home parks or
22 seasonal mobile home parks.

23 (4) A local government ordinance shall not contain a standard
24 for the setup or installation of mobile homes that is incompatible
25 with, or is more stringent than, either of the following:

26 (a) The manufacturer's recommended setup and installation
27 specifications.

(b) The mobile home setup and installation standards promulgated by the federal department of housing and urban development pursuant to the national manufactured housing construction and safety standards act of 1974, 42 USC 5401 to 5426.

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

(6) A local government ~~ordinance shall not contain~~ **ADOPT OR ENFORCE AN ORDINANCE PROVISION ESTABLISHING** roof configuration standards or special use zoning requirements that apply only to, or ~~excludes,~~ **EXCLUDE,** mobile homes. A local government ~~ordinance shall not contain~~ **ADOPT OR ENFORCE AN ORDINANCE PROVISION ESTABLISHING** a manufacturing or construction standard that is incompatible with, or is more stringent than, a standard promulgated by the federal department of housing and urban development pursuant to the national manufactured housing construction and safety standards act of 1974, 42 USC 5401 to 5426. A local government ordinance may ~~include~~ **ESTABLISH** reasonable standards relating to mobile homes located outside of mobile home parks or seasonal mobile home parks which ensure that mobile homes compare aesthetically to site-built housing located or allowed in the same residential zone.

(7) Notwithstanding ~~anything in section 17, that may be to the contrary,~~ a local government may adopt an ordinance to ~~inspect~~ **PROVIDE FOR INSPECTION OF** mobile homes for safety, ~~within~~ **WHETHER THE MOBILE HOMES ARE LOCATED WITHIN OR OUTSIDE** a mobile home park ~~7~~ **a** ~~OR seasonal mobile home park. 7, or mobile homes located outside a~~

~~mobile home park or a seasonal mobile home park if the mobile home~~
~~being inspected is~~ **IF THE INSPECTION PROGRAM IS LIMITED TO MOBILE**
~~HOMES~~ being rented to a tenant by the owner of the mobile home, -
~~The~~ **THE** local government may propose a means to determine which
mobile homes located within its jurisdiction are being rented to
~~tenants~~ **A TENANT** by the owner, including, but not limited to,
imposition of a registration or a licensing requirement for renting
A mobile homes ~~HOME~~ to ~~tenants~~ **A TENANT**. A local government may
inspect **A** mobile homes ~~HOME~~ rented to ~~tenants~~ **A TENANT** by the owner
for safety if the safety inspection ordinance applies to all other
rental housing within the local ~~governmental unit~~ **GOVERNMENT**. If a
local government inspects mobile homes ~~rented to tenants by the~~
~~owner~~ for safety, the period between inspections shall not be less
than 3 years unless the local government is responding to a
complaint from a tenant. An inspection shall not be conducted on a
mobile home for which an occupancy permit ~~has been~~ **WAS** issued by
the local government in the preceding 3 years unless the local
government is responding to a complaint from a tenant. ~~Inspections~~
~~for safety~~ **THE LOCAL GOVERNMENT** shall not require enforcement of
any mobile home construction standards that are ~~greater~~ **HIGHER** than
those applicable to the mobile home under the national manufactured
housing construction and safety standards act of 1974, 42 USC 5401
to 5426, or standards or codes to which the mobile home was
constructed if it was constructed before application of the
national manufactured housing construction and safety standards act
of 1974, 42 USC 5401 to 5426. ~~As used in this section, "inspection~~
~~for safety" means an inspection of a rental mobile home that is~~ **AN**

1 INSPECTION FOR SAFETY UNDER THIS SECTION SHALL BE limited to
2 ensuring the proper functioning, or protection, of the following:

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

11 Sec. 16. (1) A person shall not operate a mobile home park or
12 seasonal mobile home park without a license. **THE TERM OF A LICENSE**
13 **IS 3 YEARS. THE DEPARTMENT SHALL ISSUE A LICENSE ONLY IF ALL OF THE**
14 **FOLLOWING REQUIREMENTS ARE MET:**

15 (A) THE APPLICANT SUBMITS A COMPLETE LICENSE APPLICATION.

16 (B) CERTIFICATIONS AND RECOMMENDATIONS OF APPROPRIATE AGENCIES
17 AND LOCAL GOVERNMENTS ARE SUBMITTED TO AND APPROVED BY THE
18 DEPARTMENT.

19 (C) IF THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK IS
20 DETERMINED TO BE A DISTRESSED PARK UNDER RULES PROMULGATED UNDER
21 SUBSECTION (2), THE APPLICANT PROVIDES FINANCIAL ASSURANCE REQUIRED
22 UNDER THOSE RULES.

23 (D) THE APPLICANT PAYS THE FEE SET FORTH IN SUBSECTION (4).

24 (E) THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK WAS
25 APPROVED AS BEING IN SUBSTANTIAL COMPLIANCE AFTER ITS MOST RECENT
26 INSPECTION UNDER SECTION 17.

27 ~~— (2) Upon completion, review, and approval of certifications,~~

1 ~~the department shall grant a license to operate a mobile home park~~
2 ~~or seasonal mobile home park.~~

3 (2) THE COMMISSION SHALL PROMULGATE RULES TO DO ALL OF THE
4 FOLLOWING:

5 (A) PROVIDE STANDARDS AND PROCEDURES FOR THE COMMISSION TO
6 DETERMINE WHETHER A MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK
7 THAT IS NOT IN SUBSTANTIAL COMPLIANCE WITH THE RULES PROMULGATED
8 UNDER SECTIONS 5 AND 6 IS A DISTRESSED PARK. THE STANDARDS AND
9 PROCEDURES SHALL PROVIDE THE OWNER WITH AN OPPORTUNITY FOR AN
10 EVIDENTIARY HEARING AND REQUIRE THE COMMISSION TO CONSIDER AT LEAST
11 ALL OF THE FOLLOWING:

12 (i) THE LENGTH OF TIME THE MOBILE HOME PARK OR SEASONAL MOBILE
13 HOME PARK HAS NOT BEEN IN SUBSTANTIAL COMPLIANCE WITH THE RULES
14 PROMULGATED UNDER SECTIONS 5 AND 6.

15 (ii) WHETHER THE OWNER OR OPERATOR WAS NOTIFIED AND HAD
16 SUFFICIENT OPPORTUNITY TO BRING THE MOBILE HOME PARK OR SEASONAL
17 MOBILE HOME PARK INTO SUBSTANTIAL COMPLIANCE.

18 (iii) ANY IMMINENT THREAT TO THE HEALTH OR SAFETY OF THE
19 RESIDENTS OF THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK.

20 (iv) WHETHER THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK
21 HAS BEEN OR IS LIKELY TO BE ABANDONED BY THE OWNER OR OPERATOR.

22 (B) REQUIRE THE OWNER OF A DISTRESSED MOBILE HOME PARK OR
23 SEASONAL MOBILE HOME PARK TO POST FINANCIAL ASSURANCE IN THE FORM
24 OF A BOND, CASH DEPOSIT, OR OTHER FINANCIAL ARRANGEMENT TO ENSURE
25 THE REPAIR AND CLEANUP OF THE MOBILE HOME PARK OR SEASONAL MOBILE
26 HOME PARK, INCLUDING THE REPAIR OF SUBSTANDARD OR NONCOMPLYING
27 PARK-OWNED UTILITY SYSTEMS AND THE REMOVAL AND DISPOSAL OF

1 ABANDONED MOBILE HOMES, SCRAP MATERIAL, OR OTHER WASTE.

2 (3) NOT MORE THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THE
3 AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE COMMISSION SHALL
4 SUBMIT A REPORT ON PROGRESS ON RULE PROMULGATION UNDER SUBSECTION
5 (2) TO THE STANDING COMMITTEES OF THE SENATE AND HOUSE OF
6 REPRESENTATIVES WITH PRIMARY RESPONSIBILITY FOR LEGISLATION
7 AFFECTING MOBILE HOME PARKS.

8 (4) ~~(3) A 3-year license shall be granted and renewed by the~~
9 ~~department based upon the certifications and recommendations of the~~
10 ~~appropriate agencies and local governments. The fee for the 3-year~~
11 ~~A license to operate a mobile home park is \$225.00, plus an~~
12 ~~additional \$3.00 for each home site in excess of 25 home sites in~~
13 ~~the mobile home park, or any lesser amount established pursuant to~~
14 ~~section 9(5). The fee for a 3-year license to operate a seasonal~~
15 ~~mobile home park is \$120.00, plus an additional \$1.50 for each home~~
16 ~~site in excess of 25 home sites in the seasonal mobile home park,~~
17 ~~or any lesser amount established pursuant to section 9(5).~~

18 (5) ~~(4)~~ If a person submits a timely application for renewal
19 of a license and pays the appropriate fee, the person may continue
20 to operate a mobile home park or seasonal mobile home park unless
21 notified that the application for renewal is not approved.

22 (6) ~~(5)~~ A campground ~~which~~ **THAT** is currently licensed under
23 sections 12501 to 12516 of the public health code, 1978 PA 368, MCL
24 333.12501 to 333.12516, **AND** was previously licensed under the
25 **FORMER** licensing provisions of 1959 PA 243, MCL 125.1035 to
26 125.1043, as a seasonal trailer park ~~and which currently meets the~~
27 ~~seasonal trailer park construction standards under 1959 PA 243, MCL~~

1 ~~125.1035 to 125.1043,~~ may apply for and shall be licensed as a
 2 seasonal mobile home park under this act if the campground meets
 3 all other requirements for licensure under this act as a seasonal
 4 mobile home park.

5 Sec. 17. (1) The department ~~of environmental quality~~ or its
 6 authorized representative shall conduct a ~~an~~ **AN ANNUAL** physical
 7 inspection of mobile home parks and seasonal mobile home parks in
 8 accordance with standards established by the department. ~~of~~
 9 ~~environmental quality. If the mobile home park or seasonal mobile~~
 10 ~~home park is approved, the department shall issue a license~~
 11 ~~pursuant to section 16.~~ **THE DEPARTMENT SHALL PREPARE A REPORT**
 12 **DOCUMENTING THE FINDINGS OF THE INSPECTION AND SUBMIT A COPY OF THE**
 13 **REPORT TO EACH LOCAL GOVERNMENT IN WHICH THE MOBILE HOME PARK OR**
 14 **SEASONAL MOBILE HOME PARK IS LOCATED.**

15 (2) Except for purposes of issuing a license or renewing a
 16 license pursuant to this act, a local government ~~may not make an~~
 17 ~~inspection unless it~~ **SHALL NOT INSPECT A MOBILE HOME PARK OR**
 18 **SEASONAL MOBILE HOME PARK UNLESS THE LOCAL UNIT** has reason to
 19 believe that this act, the code, or rules promulgated pursuant to
 20 this act were violated.

21 Sec. 43. (1) If, after notice and a hearing as provided in the
 22 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
 23 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
 24 ~~Compiled Laws, 1969 PA 306, MCL 24.201 TO 24.328,~~ a person is
 25 determined to have violated this act, the commission may impose 1
 26 or more of the following penalties:

27 (a) Censure.

1 (b) Probation.

2 (c) ~~Placement of a limitation on a license.~~**LICENSE LIMITATION.**

3 (d) ~~Suspension of a license.~~**LICENSE SUSPENSION.** The
4 commission may request the appointment of a receiver when taking
5 action under this subdivision.

6 (e) ~~Revocation of a license.~~**LICENSE REVOCATION.** The
7 commission may request the appointment of a receiver when taking
8 action under this subdivision.

9 (f) ~~Denial of a license.~~**LICENSE DENIAL.**

10 (g) A civil fine of not more than ~~\$10,000.00.~~**\$50,000.00.**

11 (h) ~~A requirement that restitution be made.~~**RESTITUTION.**

12 (2) A fine collected under this section shall be deposited
13 with the state treasurer and credited to the mobile home ~~commission~~
14 **CODE fund CREATED IN SECTION 9.**

15 (3) **IF THE DEPARTMENT DETERMINES THAT THE OWNER OR OPERATOR OF**
16 **A MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK HAS VIOLATED THIS**
17 **PART OR RULES PROMULGATED UNDER THIS PART BY FAILING TO MAINTAIN OR**
18 **REPAIR ANY INFRASTRUCTURE OR FACILITIES OF THE MOBILE HOME PARK OR**
19 **SEASONAL MOBILE HOME PARK, THE DEPARTMENT SHALL GIVE NOTICE OF THE**
20 **DETERMINATION BY PERSONAL SERVICE OR FIRST-CLASS MAIL TO THE LOCAL**
21 **GOVERNMENTS WHERE THE MOBILE HOME PARK IS LOCATED, THE OWNER, THE**
22 **OPERATOR, AND, IF FINANCIAL ASSURANCE IN THE FORM OF A BOND HAS**
23 **BEEN POSTED UNDER RULES PROMULGATED UNDER SECTION 16(2), THE SURETY**
24 **EXECUTING THE BOND. IF THE SPECIFIED MAINTENANCE OR REPAIR IS NOT**
25 **PERFORMED BY THE OWNER, OPERATOR, OR SURETY WITHIN 60 DAYS AFTER**
26 **SERVICE OF THE NOTICE, THE DEPARTMENT MAY ENTER THE MOBILE HOME**
27 **PARK OR SEASONAL MOBILE HOME PARK AND PERFORM THE SPECIFIED**

1 MAINTENANCE OR REPAIR, AND THE OWNER, OPERATOR, AND ANY SURETY ARE
2 JOINTLY AND SEVERALLY LIABLE FOR ALL EXPENSES INCURRED. THE
3 DEPARTMENT SHALL CERTIFY THE CLAIM TO THE OWNER, OPERATOR, AND ANY
4 SURETY, LISTING IN THE CLAIM THE ITEMS OF EXPENSE IN PERFORMING THE
5 MAINTENANCE OR REPAIR, AND SHALL DRAW ON ANY FINANCIAL ASSURANCE
6 FOR THE PAYMENT OF THE CLAIM. THE DEPARTMENT SHALL NOTIFY THE LOCAL
7 GOVERNMENT WHERE THE MOBILE HOME PARK IS LOCATED WHEN THE SPECIFIED
8 MAINTENANCE OR REPAIR HAS BEEN COMPLETED.

9 (4) ~~(3)~~—This section does not prohibit actions FROM being
10 taken under other sections of this act.

11 (5) ~~(4)~~—The pursuit in court of the lawful rights of a
12 licensee does not constitute a violation of this act, regardless of
13 the outcome of the court action.

14 Sec. 48. (1) ~~Subject to section 49, Act No. 419 of the Public~~
15 ~~Acts of 1976, being sections 125.1101 to 125.1147 of the Michigan~~
16 ~~Compiled Laws, is repealed.~~ IF THE DEPARTMENT ORDERS THE OWNER OR
17 OPERATOR OF A MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK TO
18 CORRECT A VIOLATION THAT IMMINENTLY THREATENS THE HEALTH OR SAFETY
19 OF THE RESIDENTS OF THE PARK OR THE PUBLIC AND THE OWNER OR
20 OPERATOR FAILS TO COMPLY WITH THE ORDER, THE DEPARTMENT OR THE
21 LOCAL GOVERNMENT MAY BRING AN ACTION TO ENFORCE THE APPLICABLE
22 REGULATIONS AND TO ABATE OR ENJOIN THE VIOLATION.

23 (2) IF THE VIOLATION IS NOT CORRECTED AND IMMINENTLY THREATENS
24 THE HEALTH OR SAFETY OF THE RESIDENTS OF THE MOBILE HOME PARK OR
25 SEASONAL MOBILE HOME PARK OR THE PUBLIC, THE DEPARTMENT OR THE
26 LOCAL GOVERNMENT MAY FILE A MOTION FOR A PRELIMINARY INJUNCTION OR
27 OTHER TEMPORARY RELIEF APPROPRIATE TO REMOVE THE THREAT WHILE THE

1 ACTION IS PENDING.

2 (3) THE DEPARTMENT OR THE LOCAL GOVERNMENT SHALL SERVE A COPY
3 OF THE COMPLAINT AND A SUMMONS ON EACH OWNER AND LIENHOLDER OF
4 RECORD, AND ANY OPERATOR, OF THE MOBILE HOME PARK OR SEASONAL
5 MOBILE HOME PARK THAT CAN BE IDENTIFIED BY THE DEPARTMENT OR THE
6 LOCAL GOVERNMENT WITH THE EXERCISE OF REASONABLE DILIGENCE. THE
7 LOCAL GOVERNMENT SHALL ALSO FILE A NOTICE OF THE ACTION WITH THE
8 REGISTER OF DEEDS FOR THE COUNTY WHERE THE PARK IS LOCATED.

9 (4) THE COURT SHALL MAKE ORDERS AND DETERMINATIONS CONSISTENT
10 WITH THE OBJECTIVES OF THIS ACT. THE COURT MAY ENJOIN THE
11 MAINTENANCE OF AN UNSAFE, UNHEALTHY, OR UNSANITARY CONDITION, OR A
12 VIOLATION OF THE APPLICABLE REGULATIONS, AND MAY ORDER THE
13 DEFENDANT TO PERFORM MAINTENANCE AND REPAIRS OR MAKE OTHER
14 CORRECTIONS INCLUDING REMOVAL OF A BUILDING OR STRUCTURE NECESSARY
15 TO ABATE THE CONDITION. THE COURT MAY AUTHORIZE THE DEPARTMENT OR
16 THE LOCAL GOVERNMENT TO PERFORM MAINTENANCE OR REPAIRS OR TO REMOVE
17 A BUILDING OR STRUCTURE OWNED OR OPERATED BY THE OWNER OR OPERATOR
18 OF THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK. HOWEVER, THE
19 COURT SHALL NOT AUTHORIZE REMOVAL OF A BUILDING OR STRUCTURE UNLESS
20 THE COST OF REPAIR OF THE BUILDING OR STRUCTURE WILL BE GREATER
21 THAN THE STATE EQUALIZED VALUE OF THE BUILDING OR STRUCTURE.

22 (5) IF THE EXPENSE OF MAINTENANCE, REPAIR, OR REMOVAL IS NOT
23 OTHERWISE PROVIDED FOR, THE COURT MAY ENTER AN ORDER APPROVING THE
24 EXPENSE AND PLACE A LIEN ON THE REAL PROPERTY FOR THE PAYMENT OF
25 THE EXPENSE. THE ORDER MAY ESTABLISH THE LIEN AS A SENIOR LIEN,
26 EXCEPT AS TO TAX AND ASSESSMENT LIENS, AND EXCEPT AS TO A MORTGAGE
27 OF FIRST PRIORITY RECORDED PRIOR TO ALL OTHER LIENS OF RECORD. THE

1 ORDER MAY ALSO SPECIFY THE TIME AND MANNER FOR FORECLOSURE OF THE
2 LIEN IF THE LIEN IS NOT SATISFIED. TO PERFECT THE LIEN, A COPY OF
3 THE ORDER SHALL BE FILED WITH THE REGISTER OF DEEDS FOR THE COUNTY
4 WHERE THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK IS LOCATED
5 WITHIN 10 DAYS AFTER ENTRY OF THE ORDER.

6 SEC. 48B. IF THE CONDITION OF A MOBILE HOME PARK OR SEASONAL
7 MOBILE HOME PARK IS AN IMMINENT DANGER TO THE HEALTH OR LIVES OF
8 INDIVIDUALS, THE LOCAL HEALTH DEPARTMENT MAY ISSUE AN ORDER UNDER
9 SECTION 2451 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.2451,
10 INCLUDING, BUT NOT LIMITED TO, AN ORDER REQUIRING THE MOBILE HOME
11 PARK OR SEASONAL MOBILE HOME PARK TO CEASE OPERATION OR PROHIBITING
12 THE PRESENCE OF INDIVIDUALS AT ALL OR PART OF THE PARK BECAUSE OF
13 THE CONDITION OF THE PARK.