

**SUBSTITUTE FOR
HOUSE BILL NO. 6007**

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
(MCL 125.2301 to 125.2350) by adding section 30j.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30j. (1) An owner of a mobile home park at which a mobile
2 home owned by another person is located may declare the mobile home
3 abandoned if all of the following conditions are met:

4 (a) A court of competent jurisdiction issued an order pursuant
5 to chapter 57 of the revised judicature act of 1961, 1961 PA 236,
6 MCL 600.5701 to 600.5759, or chapter 57a of the revised judicature
7 act of 1961, 1961 PA 236, MCL 600.5771 to 600.5785, restoring
8 possession of the premises to the mobile home park owner.

9 (b) Either the mobile home has been continuously unoccupied



1 for at least 90 days after the court issued the order under
2 subsection (1) (a) or rent has not been paid for at least 10 days
3 after the court issued the order under subsection (1) (a).

4 (c) Any indebtedness that is secured by the mobile home or is
5 related to a lease agreement or terms of the tenancy between the
6 mobile home park owner and the mobile home owner is delinquent.

7 (d) The mobile home park owner has a license to own the mobile
8 home park under section 16.

9 (2) Before declaring a mobile home abandoned but after meeting
10 the requirements of subsection (1), the mobile home park owner must
11 do all of the following:

12 (a) Using industry standards, calculate the fair market value
13 of the mobile home and determine whether the fair market value of
14 the mobile home exceeds the sum of the amount of rent due and
15 unpaid for the premises occupied by the mobile home, any unpaid
16 fees, and any unpaid utility service fees that are owed to the
17 mobile home park by the mobile home owner.

18 (b) Affix a notice of intent to declare the mobile home
19 abandoned on the mobile home.

20 (c) Send a copy of the notice of intent to declare the mobile
21 home abandoned and a copy of the complete appraisal or other
22 valuation document on which the mobile home park owner relied on to
23 determine the fair market value of the mobile home by certified
24 United States Postal Service mail to the mobile home owner, all
25 persons identified on the lease agreement between the mobile home
26 park owner and the mobile home owner, all forwarding addresses
27 provided by the mobile home owner to the mobile home park owner,
28 and all lienholders at the addresses listed on the mobile home
29 owner's title.



1 (d) File a copy of the notice of intent to declare the mobile
2 home abandoned with the secretary of state.

3 (3) If the mobile home park owner determines that the fair
4 market value of the mobile home, as calculated under subsection
5 (2)(a), exceeds the sum of the amount of rent due and unpaid for
6 the premises occupied by the mobile home, any unpaid fees, and any
7 unpaid utility service fees that are owed to the mobile home park
8 by the mobile home owner, the mobile home park owner shall, upon
9 filing the notice of intent to declare the mobile home abandoned
10 under subsection (2), make a good-faith effort to notify the mobile
11 home owner that he or she is entitled to receive the amount of the
12 excess from the mobile home park, subject to any liens on the
13 mobile home, that is equal to the fair market value of the mobile
14 home minus the sum of the amount of rent due and unpaid for the
15 premises occupied by the mobile home, any unpaid fees, and any
16 unpaid utility service fees that are owed to the mobile home park
17 by the mobile home owner.

18 (4) Upon receiving a notice of intent to declare a mobile home
19 abandoned, the secretary of state shall, within 10 days of the
20 receipt of the notice, send a written notice by United States
21 Postal Service mail to the mobile home owner and any lienholder at
22 all current addresses the secretary of state has in its records for
23 the mobile home owner and the lienholder. The written notice sent
24 by the secretary of state under this subsection must contain all of
25 the following:

26 (a) A statement explaining the requirements of this section.

27 (b) The secretary of state's contact information if the mobile
28 home owner intends to contest the declaration that the mobile home
29 is abandoned.



1 (c) A statement explaining that the mobile home owner may
2 contest the declaration that the mobile home is abandoned before a
3 court of competent jurisdiction.

4 (5) Upon receipt of a notice of intent to declare the mobile
5 home abandoned, the mobile home owner or a lienholder may enter
6 into the mobile home park to remove the mobile home. A mobile home
7 owner or a lienholder removing the mobile home under this
8 subsection is responsible to the mobile home park owner for all
9 actual damages to the mobile home park that result from the removal
10 of the mobile home and any amount owed under subsection (7). On
11 request of the mobile home owner or a lienholder, the mobile home
12 park owner must provide an itemized receipt that details the actual
13 damages to the mobile home park and any amount owed under
14 subsection (7).

15 (6) If a mobile home that is not encumbered by a lien remains
16 in the mobile home park for at least 30 days after the date the
17 written notice required to be sent by the secretary of state under
18 subsection (4) is postmarked, the mobile home park owner may
19 declare the mobile home abandoned and may apply to the secretary of
20 state to obtain title to the mobile home.

21 (7) If a mobile home that is encumbered by a lien remains in
22 the mobile home park for at least 60 days after the date of the
23 notice required to be sent by the owner of the mobile home park
24 under subsection (2)(c) is postmarked, the lienholder must either
25 remove the mobile home from the mobile home park or provide a
26 written or electronic notice to the mobile home park owner of the
27 lienholder's intent to remove the mobile home. The mobile home park
28 owner may allow the mobile home to remain in the mobile home park,
29 if allowed under the lease agreement, until the lienholder removes



1 the mobile home. If the lienholder does not remove the mobile home
2 within the period described in this subsection, the lienholder must
3 pay the mobile home park owner the utility service fees for utility
4 services provided to the mobile home within that period and any
5 rent and fees due and owed in an amount not to exceed the payments
6 required by the lease agreement. A payment made under this
7 subsection must be made in accordance with the lease agreement, is
8 due at the intervals set forth in the lease agreement, and is
9 subject to late fees, nonsufficient fund fees, and other service
10 charges provided under the mobile home park's rent or fee schedule.
11 If there is no lease agreement between the mobile home park and the
12 mobile home owner, the lienholder must pay the standard lot rent
13 and other fees applicable to lots in that mobile home park that
14 accrue from the date the notice required to be sent by the owner of
15 the mobile home park under subsection (2)(c) is postmarked to the
16 date the mobile home is removed from the mobile home park. If the
17 lienholder fails to meet the requirements of this subsection, all
18 liens on the mobile home are extinguished and the mobile home park
19 owner may declare the mobile home abandoned and may apply to the
20 secretary of state to obtain title to the mobile home.

21 (8) If a mobile home park owner applies for a title to the
22 mobile home under this section, the mobile home park owner shall
23 include with the application for a title an affidavit that includes
24 all of the following statements:

25 (a) That the affiant is the licensed owner of the mobile home
26 park in which the mobile home is located.

27 (b) That the title of the mobile home is being transferred to
28 the licensed owner of the mobile home park in which the mobile home
29 is located.



1 (c) That the mobile home park owner complied with all of the
2 requirements of this section.

3 (d) That the mobile home park owner is not aware of any
4 challenge to the declaration that the mobile home is abandoned or
5 any proceeding in a court of competent jurisdiction challenging the
6 declaration that the mobile home is abandoned.

7 (9) The secretary of state may require that the mobile home
8 park owner provide proof of its compliance with this section in the
9 application to transfer the title of the mobile home to the mobile
10 home park owner.

11 (10) The secretary of state shall, 10 days after receipt of
12 the complete application to transfer the title of the mobile home
13 to the mobile home park owner, issue title to the mobile home park
14 owner.

15 (11) Except as otherwise provided in subsection (7), if there
16 is evidence of a United States Postal Service mail return receipt
17 showing proof of delivery of the notice described in subsection (2)
18 from each lienholder required to be notified under subsection (2),
19 a title issued by the secretary of state to the mobile home park
20 owner is free of all liens.

21 (12) As part of the transfer of title to an abandoned mobile
22 home, the owner of a mobile home is entitled, subject to any liens,
23 to the fair market value of the mobile home minus the sum of the
24 amount of rent due and unpaid for the premises occupied by the
25 mobile home, any unpaid fees, and any unpaid utility service fees
26 to the mobile home park by the mobile home owner. If a mobile home
27 park owner takes title to a mobile home under the process outlined
28 in this section and the amount calculated under subsection (2)(a)
29 is greater than zero, the mobile home park owner shall do all of



1 the following:

2 (a) If the mobile home is not subject to a lien, within 90
3 days of receiving title, the mobile home park owner shall make a
4 good-faith effort to pay to the mobile home owner from which the
5 mobile home park owner received the title the amount calculated
6 under subsection (2) (a).

7 (b) If the mobile home is subject to a lien, within 90 days of
8 receiving title, the mobile home park owner shall pay to any
9 lienholder the amount for which the lienholder has provided written
10 evidence to the mobile home park owner as due and owing to that
11 lienholder. If any balance remains after the payment, the mobile
12 home park owner shall make a good-faith effort to pay the remaining
13 balance to the owner of the mobile home from which the mobile home
14 park owner received the title.

15 (c) If the owner of the mobile home from which the mobile home
16 park owner received the title does not claim the amount due under
17 subdivision (a) or the balance remaining under subdivision (b), the
18 mobile home park owner shall remit those amounts to the department
19 of treasury in accordance with the uniform unclaimed property act,
20 1995 PA 29, MCL 567.221 to 567.265.

21 Enacting section 1. This amendatory act does not take effect
22 unless all of the following bills of the 100th Legislature are
23 enacted into law:

24 (a) House Bill No.6003.

25 (b) House Bill No.6004.

26 (c) House Bill No.6005.

27 (d) House Bill No.6006.

28 (e) House Bill No.6008.

