

**SUBSTITUTE FOR
HOUSE BILL NO. 4304**

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 subdivision (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 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 send a written
11 notice to the mobile home owner that he or she is entitled to
12 receive the amount of the excess from the mobile home park, subject
13 to any liens on the mobile home, that is equal to the fair market
14 value of the mobile home minus the sum of the amount of rent due
15 and 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. A written notice sent
18 pursuant to this subsection must include a check for the amount of
19 the excess and a written statement in at least 12-point boldfaced
20 type that substantially conforms to the following:

21 "This payment is being sent to you pursuant to section 30j of
22 the mobile home commission act, 1987 PA 96, MCL 125.2330j. The
23 amount is determined by subtracting the amount of rent due and
24 unpaid for the premises occupied by your mobile home, any unpaid
25 fees, and any unpaid utility service fees that you owe to the
26 mobile home park from the fair market value of your mobile home.

27 If you accept this payment, by cashing the check, depositing
28 the check into your bank account, or negotiating the check, you
29 agree and acknowledge that the calculation of the fair market value



1 of your mobile home is accurate and that you are releasing the
2 mobile home park from any further liability that arises under
3 section 30j of the mobile home commission act, 1987 PA 96, MCL
4 125.2330j.

5 If you do not agree with the calculation of the fair market
6 value of your mobile home, you have the right to do both of the
7 following:

8 1. Refuse acceptance of this payment by not cashing the check,
9 depositing the check into your bank account, or negotiating the
10 check.

11 2. Dispute the mobile home park's calculation of the fair
12 market value of your mobile home by bringing an action in a court
13 of competent jurisdiction to recover any excess amount you allege
14 that is owed to you.".

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

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

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

27 (c) A statement explaining that the mobile home owner may
28 contest the declaration that the mobile home is abandoned before a
29 court of competent jurisdiction.



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

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

18 (7) If a mobile home that is encumbered by a lien remains in
19 the mobile home park for at least 60 days after the date of the
20 notice required to be sent by the owner of the mobile home park
21 under subsection (2)(c) is postmarked, the lienholder must inform
22 the mobile home park owner that the lienholder will not retain
23 ownership of the mobile home, remove the mobile home from the
24 mobile home park, or provide a written or electronic notice to the
25 mobile home park owner of the lienholder's intent to retain
26 ownership of the mobile home and remove the mobile home from the
27 mobile home park. If the lienholder notifies the mobile home park
28 owner that the lienholder intends to retain ownership of the mobile
29 home, the lienholder may, upon the payment of rent and fees that



1 have accrued from the date of the notice under subsection (2) (c),
2 keep the mobile home in the mobile home park as long as the
3 lienholder pays standard monthly lot rent, utility service fees,
4 and other normal charges from the date of the notice under
5 subsection (2) (c) until the mobile home is removed from the mobile
6 home park or sold to a new owner who enters into a lease agreement
7 with the mobile home park owner. A payment made under this
8 subsection is subject to late fees, nonsufficient fund fees, and
9 other service charges provided under the mobile home park's rent or
10 fee schedule. If the lienholder fails to meet the requirements of
11 this subsection or informs the mobile home park that the lienholder
12 will not retain ownership of the mobile home, all liens on the
13 mobile home are extinguished and the mobile home park owner may
14 declare the mobile home abandoned and may apply to the secretary of
15 state to obtain title to the mobile home.

16 (8) If a mobile home park owner applies for a title to the
17 mobile home under this section, the mobile home park owner shall
18 include with the application for a title an affidavit that includes
19 all of the following statements:

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

22 (b) That the title of the mobile home is being transferred to
23 the licensed owner of the mobile home park in which the mobile home
24 is located.

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

27 (d) That the mobile home park owner is not aware of any
28 challenge to the declaration that the mobile home is abandoned or
29 any proceeding in a court of competent jurisdiction challenging the



1 declaration that the mobile home is abandoned.

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

6 (10) The secretary of state shall, 10 days after receipt of
7 the complete application to transfer the title of the mobile home
8 to the mobile home park owner, issue title to the mobile home park
9 owner.

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

16 (12) As part of the transfer of title to an abandoned mobile
17 home, the owner of a mobile home is entitled, subject to any liens,
18 to the fair market value of the mobile home minus the sum of the
19 amount of rent due and unpaid for the premises occupied by the
20 mobile home, any unpaid fees, and any unpaid utility service fees
21 to the mobile home park by the mobile home owner. If a mobile home
22 park owner takes title to a mobile home under the process outlined
23 in this section and the amount calculated under subsection (2)(a)
24 is less than zero, the lienholder has no further payment obligation
25 with regard to the mobile home and is not responsible for any
26 additional fees or costs owed to the mobile home park. If a mobile
27 home park owner takes title to a mobile home under the process
28 outlined in this section and the amount calculated under subsection
29 (2)(a) is greater than zero, the mobile home park owner shall do



1 all of 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 (13) An owner of a mobile home not located within a mobile
22 home park may apply for a certificate of title under section 30a.

23 Enacting section 1. This amendatory act does not take effect
24 unless all of the following bills of the 101st Legislature are
25 enacted into law:

- 26 (a) House Bill No. 4298.
27 (b) House Bill No. 4299.
28 (c) House Bill No. 4300.
29 (d) House Bill No. 4301.



- 1 (e) House Bill No. 4302.
- 2 (f) House Bill No. 4303.

