

HOUSE BILL No. 5654

April 2, 1990, Introduced by Reps. Stallworth, Hoffman, Bartnik, Stopczynski, Murphy, DeMars, Gubow and Willis Bullard and referred to the Committee on Public Utilities.

A bill to amend section 28 of Act No. 96 of the Public Acts of 1987, entitled

"The mobile home commission act,"

as amended by Act No. 337 of the Public Acts of 1988, being section 125.2328 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 28 of Act No. 96 of the Public Acts of
2 1987, as amended by Act No. 337 of the Public Acts of 1988, being
3 section 125.2328 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 28. (1) An owner or operator of a mobile home park or
6 seasonal mobile home park shall not engage ~~—~~ nor permit an
7 employee or agent to engage ~~—~~ in any of the following methods,
8 acts, or practices, which are defined in this section as unfair
9 or deceptive practices:

1 (a) Charging or exacting from a person, directly or
2 indirectly, an entrance fee.

3 (b) Requiring a person to purchase directly or indirectly a
4 mobile home from any other person as a condition of entrance to,
5 or lease or rental of, a mobile home park or seasonal mobile home
6 park space.

7 (c) Charging or exacting from a person, directly or indi-
8 rectly, an exit fee, whether refundable or nonrefundable.

9 (d) Requiring, coercing, or inducing a person to purchase,
10 rent, or lease goods or services from another person as a condi-
11 tion for entering into a park or lease, or upon leaving the
12 mobile home park or seasonal mobile home park to sell a mobile
13 home through the park owner or operator, or his or her agent or
14 designee, or for the rental of space in a mobile home park or
15 seasonal mobile home park.

16 (e) Charging or exacting from a person, directly or indi-
17 rectly, money or other thing of value for the provision or dis-
18 tribution of an electric, fuel, or water service without the use
19 of the service by a resident or tenant being first accurately and
20 consistently measured in relation to the actual amount of the use
21 by the resident or tenant, unless the electric, fuel, or water
22 service is being included in the rental charge as an incident of
23 tenancy.

24 (f) Conspiring, combining, agreeing, or arranging with
25 another person to employ, or aid or abet the employing of, any
26 method, act, or practice ~~which~~ THAT is in violation of this
27 act.

1 (g) Renting or leasing a mobile home or site in a mobile
2 home park or seasonal mobile home park without offering a written
3 lease.

4 (h) Subject to section 28a, denying a resident the right to
5 sell his or her mobile home, on-site, at a price determined by
6 him or her, to any purchaser, if the purchaser qualifies for ten-
7 ancy and the mobile home meets the conditions of written park
8 rules or regulations. This subdivision does not apply to sea-
9 sonal mobile home parks.

10 (I) CHARGING OR EXACTING FROM A PERSON, DIRECTLY OR INDI-
11 RECTLY, A FEE FOR WATER USAGE THAT EXCEEDS THE HIGHER OF THE
12 FOLLOWING:

13 (i) THE AMOUNTS CHARGED BY THE MUNICIPALITY IN WHICH THE
14 MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK IS LOCATED FOR THE
15 COMMODITY COST AND ADMINISTRATIVE COST OF SINGLE FAMILY RESIDEN-
16 TIAL WATER USE.

17 (ii) THE MAXIMUM STATEWIDE OR REGIONAL RATE ESTABLISHED BY
18 THE PUBLIC SERVICE COMMISSION PURSUANT TO SECTION 4 OF ACT NO. 19
19 OF THE PUBLIC ACTS OF 1967, BEING SECTION 486.554 OF THE MICHIGAN
20 COMPILED LAWS.

21 (2) A tenant of a mobile home park or seasonal mobile home
22 park may bring an action in his or her own right for a violation
23 of this section.

24 ~~(3) If the commission has reason to suspect that the owner~~
25 ~~of a mobile home park or seasonal mobile home park is engaged in~~
26 ~~any conduct which violates existing water utility tariffs or~~
27 ~~qualifies the owner of a mobile home park or seasonal mobile home~~

~~1 park for regulation as a water utility, the commission shall~~
~~2 promptly send a written report of the alleged violation to the~~
~~3 Michigan public service commission.~~

4 Section 2. This amendatory act shall not take effect unless
5 Senate Bill No. _____ or House Bill No. _____ (request
6 no. 03749'89) of the 85th Legislature is enacted into law.