

SENATE BILL No. 339

May 29, 1991, Introduced by Senators DI NELLO, CARL, O'BRIEN, KOIVISTO and DUNASKISS and referred to the Committee on State Affairs and Military/Veterans Affairs.

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~~ OR permit an
7 employee or agent to engage, in any of the following UNFAIR OR
8 DECEPTIVE methods, acts, or practices: ~~—, which are defined in~~
9 ~~this section as unfair or deceptive practices:—~~

1 (a) ~~Charging or exacting~~ DIRECTLY OR INDIRECTLY CHARGING
 2 OR COLLECTING from a person ~~, directly or indirectly,~~ an
 3 entrance fee.

4 (b) Requiring a person to ~~purchase~~ directly or indirectly
 5 PURCHASE a mobile home from ~~any other~~ ANOTHER person as a con-
 6 dition of entrance to, or lease or rental of, a mobile home park
 7 or seasonal mobile home park space.

8 (c) ~~Charging or exacting~~ DIRECTLY OR INDIRECTLY CHARGING
 9 OR COLLECTING from a person ~~, directly or indirectly, an exit~~
 10 ~~fee, whether~~ A refundable or nonrefundable EXIT FEE.

11 (d) Requiring, coercing, or inducing a person to ~~purchase,~~
 12 DO ANY OF THE FOLLOWING:

13 (i) PURCHASE, rent, or lease goods or services from another
 14 person as a condition ~~for~~ OF entering into a park or lease. ~~—~~
 15 ~~or upon leaving the mobile home park or seasonal mobile home park~~
 16 ~~to sell~~

17 (ii) SELL a mobile home through the park owner or operator,
 18 or his or her agent or designee ~~, or for the rental of~~ UPON
 19 LEAVING A MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK.

20 (iii) RENT space in a mobile home park or seasonal mobile
 21 home park.

22 (e) ~~Charging or exacting~~ DIRECTLY OR INDIRECTLY CHARGING
 23 OR COLLECTING from a person ~~, directly or indirectly,~~ money or
 24 other thing of value for ~~the provision or distribution of an~~
 25 electric, fuel, or water service without the use of ~~the~~ THAT
 26 service by a resident or tenant being first accurately and
 27 consistently measured, ~~in relation to the actual amount of the~~

1 ~~use by the resident or tenant,~~ unless ~~the electric, fuel, or~~
2 ~~water~~ THAT service is ~~being~~ included in the rental charge as
3 an incident of tenancy.

4 (f) Conspiring, combining, agreeing, ~~or arranging with~~
5 ~~another person to employ, or aid or abet the employing of, any~~
6 AIDING, OR ABETTING IN THE EMPLOYMENT OF A method, act, or prac-
7 tice ~~which is in violation of~~ THAT VIOLATES this act.

8 (g) ~~Renting or leasing~~ ENTERING AN UNWRITTEN AGREEMENT TO
9 RENT OR LEASE a mobile home or A site in a mobile home park or
10 seasonal mobile home park. ~~without offering a written lease.~~

11 (h) Subject to section 28a, ~~denying~~ PROHIBITING a resident
12 ~~the right to sell~~ FROM SELLING TO A PURCHASER his or her mobile
13 home ~~, on-site , at~~ FOR a price determined by ~~him or her, to~~
14 ~~any purchaser,~~ THAT RESIDENT, if the purchaser qualifies for
15 tenancy and the mobile home meets the conditions of written park
16 rules or regulations. This subdivision does not apply to sea-
17 sonal mobile home parks.

18 (I) CHARGING OR COLLECTING FROM A PERSON A FEE IN ADDITION
19 TO RENTAL CHARGES IF THE FEE IS BASED ON THE NUMBER OF PERSONS
20 OCCUPYING A MOBILE HOME AND IF THE RESIDENT IS SEPARATELY
21 INVOICED FOR AND PAYS ALL UTILITY SERVICE CHARGES FOR THAT MOBILE
22 HOME, INCLUDING ELECTRICAL, FUEL, WATER, AND SEWAGE COSTS.

23 (2) A tenant of a mobile home park or seasonal mobile home
24 park may bring an action ~~in his or her own right~~ ON HIS OR HER
25 OWN BEHALF for a violation of this section.

26 (3) If the commission has reason to suspect that the owner
27 of a mobile home park or seasonal mobile home park is engaged in

1 ~~any~~ conduct ~~which~~ THAT violates existing water utility
2 tariffs or qualifies the owner of a mobile home park or seasonal
3 mobile home park for regulation as a water utility, the commis-
4 sion shall promptly send a written report of the alleged viola-
5 tion to the Michigan public service commission.