



SENATE BILL No. 1169

September 19, 1996, Introduced by Senator BULLARD and referred to the Committee on Local, Urban and State Affairs.

A bill to amend sections 5771 and 5775 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," as added by Act No. 336 of the Public Acts of 1988, being sections 600.5771 and 600.5775 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 5771 and 5775 of Act No. 236 of the
2 Public Acts of 1961, as added by Act No. 336 of the Public Acts
3 of 1988, being sections 600.5771 and 600.5775 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 5771. As used in this chapter:

6 (A) "JUST CAUSE" MEANS 1 OR MORE OF THE FOLLOWING:

7 (i) USE OF A MOBILE HOME SITE BY THE TENANT FOR AN UNLAWFUL
8 PURPOSE.

1 (ii) FAILURE BY THE TENANT TO COMPLY WITH A LEASE OR
2 AGREEMENT BY WHICH THE TENANT HOLDS THE PREMISES OR WITH A RULE
3 OR REGULATION OF THE MOBILE HOME PARK, ADOPTED PURSUANT TO THE
4 LEASE OR AGREEMENT, WHICH RULE OR REGULATION IS REASONABLY
5 RELATED TO ANY OF THE FOLLOWING:

6 (A) THE HEALTH, SAFETY, OR WELFARE OF THE MOBILE HOME PARK,
7 ITS EMPLOYEES, OR TENANTS.

8 (B) THE QUIET ENJOYMENT OF THE OTHER TENANTS OF THE MOBILE
9 HOME PARK.

10 (C) MAINTAINING THE PHYSICAL CONDITION OR APPEARANCE OF THE
11 MOBILE HOME PARK OR THE MOBILE HOMES LOCATED IN THE MOBILE HOME
12 PARK TO PROTECT THE VALUE OF THE MOBILE HOME PARK OR TO MAINTAIN
13 ITS AESTHETIC QUALITY OR APPEARANCE.

14 (iii) A VIOLATION BY THE TENANT OF RULES PROMULGATED BY THE
15 MICHIGAN DEPARTMENT OF PUBLIC HEALTH UNDER SECTION 6 OF THE
16 MOBILE HOME COMMISSION ACT, ACT NO. 96 OF THE PUBLIC ACTS OF
17 1987, BEING SECTION 125.2306 OF THE MICHIGAN COMPILED LAWS.

18 (iv) INTENTIONAL PHYSICAL INJURY BY THE TENANT TO THE PER-
19 SONNEL OR OTHER TENANTS OF THE MOBILE HOME PARK, OR INTENTIONAL
20 PHYSICAL DAMAGE BY THE TENANT TO THE PROPERTY OF THE MOBILE HOME
21 PARK OR OF ITS OTHER TENANTS.

22 (v) FAILURE OF THE TENANT TO COMPLY WITH A LOCAL ORDINANCE,
23 STATE LAW, OR GOVERNMENTAL RULE OR REGULATION RELATING TO MOBILE
24 HOMES.

25 (vi) FAILURE OF THE TENANT TO MAKE TIMELY PAYMENT OF RENT OR
26 OTHER CHARGES UNDER THE LEASE OR RENTAL AGREEMENT BY WHICH THE
27 TENANT HOLDS THE PREMISES ON 3 OR MORE OCCASIONS DURING ANY

1 12-MONTH PERIOD, FOR WHICH FAILURE THE OWNER OR OPERATOR HAS
2 SERVED A WRITTEN DEMAND FOR POSSESSION FOR NONPAYMENT OF RENT
3 PURSUANT TO SECTION 5714(1)(A) AND THE TENANT HAS FAILED OR
4 REFUSED TO PAY THE RENT OR OTHER CHARGES WITHIN THE TIME PERIOD
5 STATED IN THE WRITTEN DEMAND FOR POSSESSION. THE WRITTEN DEMAND
6 FOR POSSESSION SHALL PROVIDE A NOTICE TO THE TENANT IN SUBSTAN-
7 TIALY THE FOLLOWING FORM: "NOTICE: THREE OR MORE LATE PAYMENTS
8 OF RENT DURING ANY 12-MONTH PERIOD IS JUST CAUSE TO EVICT YOU."
9 NOTHING IN THIS SUBDIVISION SHALL PROHIBIT A TENANT FROM ASSERT-
10 ING, AND THE COURT FROM CONSIDERING, ANY MERITORIOUS DEFENSES TO
11 LATE PAYMENT OF RENT OR OTHER CHARGES.

12 (vii) CONDUCT BY THE TENANT UPON THE MOBILE HOME PARK
13 PREMISES WHICH CONSTITUTES A SUBSTANTIAL ANNOYANCE TO OTHER
14 TENANTS OR TO THE MOBILE HOME PARK, AFTER NOTICE AND AN OPPORTU-
15 NITY TO CURE.

16 (viii) FAILURE OF THE TENANT TO MAINTAIN THE MOBILE HOME OR
17 MOBILE HOME SITE IN A REASONABLE CONDITION CONSISTENT WITH AES-
18 THETICS APPROPRIATE TO THE PARK.

19 (ix) CONDEMNATION OF THE MOBILE HOME PARK.

20 (x) CHANGES IN THE USE OR SUBSTANTIVE NATURE OF THE MOBILE
21 HOME PARK.

22 (xi) PUBLIC HEALTH AND SAFETY VIOLATIONS BY THE TENANT.

23 (B) ~~(a)~~ "Mobile home" means a mobile home as defined in
24 section 2 of the mobile home commission act, Act No. 96 of the
25 Public Acts of 1987, being section 125.2302 of the Michigan
26 Compiled Laws.

1 (C) ~~(b)~~ "Mobile home park" means a mobile home park as
2 defined in section 2 of Act No. 96 of the Public Acts of 1987,
3 but does not include a seasonal mobile home park as defined in
4 section 2 of Act No. 96 of the Public Acts of 1987.

5 Sec. 5775. (1) The tenancy of a tenant in a mobile home
6 park shall not be terminated unless there is just cause for the
7 termination.

8 ~~(2) For the purpose of this chapter, "just cause" means +~~
9 ~~or more of the following:~~

10 ~~(a) Use of a mobile home site by the tenant for an unlawful~~
11 ~~purpose.~~

12 ~~(b) Failure by the tenant to comply with a lease or agree-~~
13 ~~ment by which the tenant holds the premises or with a rule or~~
14 ~~regulation of the mobile home park, adopted pursuant to the lease~~
15 ~~or agreement, which rule or regulation is reasonably related to~~
16 ~~any of the following:~~

17 ~~(i) The health, safety, or welfare of the mobile home park,~~
18 ~~its employees, or tenants.~~

19 ~~(ii) The quiet enjoyment of the other tenants of the mobile~~
20 ~~home park.~~

21 ~~(iii) Maintaining the physical condition or appearance of~~
22 ~~the mobile home park or the mobile homes located in the mobile~~
23 ~~home park to protect the value of the mobile home park or to~~
24 ~~maintain its aesthetic quality or appearance.~~

25 ~~(c) A violation by the tenant of rules promulgated by the~~
26 ~~Michigan department of public health under section 6 of the~~

~~1 mobile home commission act, Act No. 96 of the Public Acts of
2 1987, being section 125.2306 of the Michigan Compiled Laws.~~

~~3 (d) Intentional physical injury by the tenant to the person
4 nel or other tenants of the mobile home park, or intentional
5 physical damage by the tenant to the property of the mobile home
6 park or of its other tenants.~~

~~7 (e) Failure of the tenant to comply with a local ordinance,
8 state law, or governmental rule or regulation relating to mobile
9 homes.~~

~~10 (f) Failure of the tenant to make timely payment of rent or
11 other charges under the lease or rental agreement by which the
12 tenant holds the premises on 3 or more occasions during any
13 12 month period, for which failure the owner or operator has
14 served a written demand for possession for nonpayment of rent
15 pursuant to section 5714(1)(a) and the tenant has failed or
16 refused to pay the rent or other charges within the time period
17 stated in the written demand for possession. The written demand
18 for possession shall provide a notice to the tenant in substan-
19 tially the following form: "Notice: Three or more late payments
20 of rent during any 12 month period is just cause to evict you."
21 Nothing in this subdivision shall prohibit a tenant from assert-
22 ing, and the court from considering, any meritorious defenses to
23 late payment of rent or other charges.~~

~~24 (g) Conduct by the tenant upon the mobile home park premises
25 which constitutes a substantial annoyance to other tenants or to
26 the mobile home park, after notice and an opportunity to cure.~~

1 ~~(h) Failure of the tenant to maintain the mobile home or~~
2 ~~mobile home site in a reasonable condition consistent with~~
3 ~~aesthetics appropriate to the park.~~

4 ~~(i) Condemnation of the mobile home park.~~

5 ~~(j) Changes in the use or substantive nature of the mobile~~
6 ~~home park.~~

7 ~~(k) Public health and safety violations by the tenant.~~

8 (2) ~~(3)~~ This section does not prohibit a change of the
9 rental payments or the terms or conditions of tenancy in a mobile
10 home park following the termination or expiration of a written
11 lease agreement for the mobile home site.

12 (3) THIS SECTION DOES NOT APPLY TO THE TERMINATION OF A TEN-
13 ANCY IN A MOBILE HOME PARK IF THE TENANT IS LEASING BOTH THE
14 MOBILE HOME SITE AND THE MOBILE HOME FROM THE OWNER OR OPERATOR
15 OF THE MOBILE HOME PARK.