

**SENATE BILL NO. 255**

February 27, 1997, Introduced by Senator BULLARD and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5771 and 5775 (MCL 600.5771 and 600.5775), as added by 1988 PA 336.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 5771. As used in this chapter:
- 2       (A) "JUST CAUSE" MEANS 1 OR MORE OF THE FOLLOWING:
- 3       (i) USE OF A MOBILE HOME SITE BY THE TENANT FOR AN UNLAWFUL
- 4 PURPOSE.
- 5       (ii) FAILURE BY THE TENANT TO COMPLY WITH A LEASE OR AGREE-
- 6 MENT BY WHICH THE TENANT HOLDS THE PREMISES OR WITH A RULE OR
- 7 REGULATION OF THE MOBILE HOME PARK, ADOPTED PURSUANT TO THE LEASE
- 8 OR AGREEMENT, WHICH RULE OR REGULATION IS REASONABLY RELATED TO
- 9 ANY OF THE FOLLOWING:

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

3 (B) THE QUIET ENJOYMENT OF THE OTHER TENANTS OF THE MOBILE  
4 HOME PARK.

5 (C) MAINTAINING THE PHYSICAL CONDITION OR APPEARANCE OF THE  
6 MOBILE HOME PARK OR THE MOBILE HOMES LOCATED IN THE MOBILE HOME  
7 PARK TO PROTECT THE VALUE OF THE MOBILE HOME PARK OR TO MAINTAIN  
8 ITS AESTHETIC QUALITY OR APPEARANCE.

9 (iii) A VIOLATION BY THE TENANT OF RULES PROMULGATED BY THE  
10 MICHIGAN DEPARTMENT OF PUBLIC HEALTH UNDER SECTION 6 OF THE  
11 MOBILE HOME COMMISSION ACT, 1987 PA 96, MCL 125.2306.

12 (iv) INTENTIONAL PHYSICAL INJURY BY THE TENANT TO THE PER-  
13 SONNEL OR OTHER TENANTS OF THE MOBILE HOME PARK, OR INTENTIONAL  
14 PHYSICAL DAMAGE BY THE TENANT TO THE PROPERTY OF THE MOBILE HOME  
15 PARK OR OF ITS OTHER TENANTS.

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

19 (vi) FAILURE OF THE TENANT TO MAKE TIMELY PAYMENT OF RENT OR  
20 OTHER CHARGES UNDER THE LEASE OR RENTAL AGREEMENT BY WHICH THE  
21 TENANT HOLDS THE PREMISES ON 3 OR MORE OCCASIONS DURING ANY  
22 12-MONTH PERIOD, FOR WHICH FAILURE THE OWNER OR OPERATOR HAS  
23 SERVED A WRITTEN DEMAND FOR POSSESSION FOR NONPAYMENT OF RENT  
24 PURSUANT TO SECTION 5714(1)(A) AND THE TENANT HAS FAILED OR  
25 REFUSED TO PAY THE RENT OR OTHER CHARGES WITHIN THE TIME PERIOD  
26 STATED IN THE WRITTEN DEMAND FOR POSSESSION. THE WRITTEN DEMAND  
27 FOR POSSESSION SHALL PROVIDE A NOTICE TO THE TENANT IN

1 SUBSTANTIALLY THE FOLLOWING FORM: "NOTICE: THREE OR MORE LATE  
2 PAYMENTS OF RENT DURING ANY 12-MONTH PERIOD IS JUST CAUSE TO  
3 EVICT YOU." NOTHING IN THIS SUBDIVISION SHALL PROHIBIT A TENANT  
4 FROM ASSERTING, AND THE COURT FROM CONSIDERING, ANY MERITORIOUS  
5 DEFENSES TO LATE PAYMENT OF RENT OR OTHER CHARGES.

6 (vii) CONDUCT BY THE TENANT UPON THE MOBILE HOME PARK  
7 PREMISES WHICH CONSTITUTES A SUBSTANTIAL ANNOYANCE TO OTHER  
8 TENANTS OR TO THE MOBILE HOME PARK, AFTER NOTICE AND AN OPPORTU-  
9 NITY TO CURE.

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

13 (ix) CONDEMNATION OF THE MOBILE HOME PARK.

14 (x) CHANGES IN THE USE OR SUBSTANTIVE NATURE OF THE MOBILE  
15 HOME PARK.

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

17 (B) ~~-(a)-~~ "Mobile home" means a mobile home as defined in  
18 section 2 of the mobile home commission act, ~~Act No. 96 of the~~  
19 ~~Public Acts of 1987, being section 125.2302 of the Michigan~~  
20 ~~Compiled Laws~~ 1987 PA 96, MCL 125.2302.

21 (C) ~~-(b)-~~ "Mobile home park" means a mobile home park as  
22 defined in section 2 of ~~Act No. 96 of the Public Acts of 1987~~  
23 THE MOBILE HOME COMMISSION ACT, 1987 PA 96, MCL 125.2302, but  
24 does not include a seasonal mobile home park as defined in sec-  
25 tion 2 of ~~Act No. 96 of the Public Acts of 1987~~ THE MOBILE HOME  
26 COMMISSION ACT, 1987 PA 96, MCL 125.2302.

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

4       ~~(2) For the purpose of this chapter, "just cause" means 1~~  
5 ~~or more of the following:~~

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

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

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

15       ~~(ii) The quiet enjoyment of the other tenants of the mobile~~  
16 ~~home park.~~

17       ~~(iii) Maintaining the physical condition or appearance of~~  
18 ~~the mobile home park or the mobile homes located in the mobile~~  
19 ~~home park to protect the value of the mobile home park or to~~  
20 ~~maintain its aesthetic quality or appearance.~~

21       ~~(c) A violation by the tenant of rules promulgated by the~~  
22 ~~Michigan department of public health under section 6 of the~~  
23 ~~mobile home commission act, Act No. 96 of the Public Acts of~~  
24 ~~1987, being section 125.2306 of the Michigan Compiled Laws.~~

25       ~~(d) Intentional physical injury by the tenant to the person-~~  
26 ~~nel or other tenants of the mobile home park, or intentional~~

1 ~~physical damage by the tenant to the property of the mobile home~~  
2 ~~park or of its other tenants.~~

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

6 ~~(f) Failure of the tenant to make timely payment of rent or~~  
7 ~~other charges under the lease or rental agreement by which the~~  
8 ~~tenant holds the premises on 3 or more occasions during any~~  
9 ~~12-month period, for which failure the owner or operator has~~  
10 ~~served a written demand for possession for nonpayment of rent~~  
11 ~~pursuant to section 5714(1)(a) and the tenant has failed or~~  
12 ~~refused to pay the rent or other charges within the time period~~  
13 ~~stated in the written demand for possession. The written demand~~  
14 ~~for possession shall provide a notice to the tenant in substan-~~  
15 ~~tially the following form: "Notice: Three or more late payments~~  
16 ~~of rent during any 12-month period is just cause to evict you."~~  
17 ~~Nothing in this subdivision shall prohibit a tenant from assert-~~  
18 ~~ing, and the court from considering, any meritorious defenses to~~  
19 ~~late payment of rent or other charges.~~

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

23 ~~(h) Failure of the tenant to maintain the mobile home or~~  
24 ~~mobile home site in a reasonable condition consistent with aes-~~  
25 ~~thetics appropriate to the park.~~

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

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

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

4       (2) ~~—(3)—~~ This section does not prohibit a change of the  
5 rental payments or the terms or conditions of tenancy in a mobile  
6 home park following the termination or expiration of a written  
7 lease agreement for the mobile home site.

8       (3) THIS SECTION DOES NOT APPLY TO THE TERMINATION OF A TEN-  
9 ANCY IN A MOBILE HOME PARK IF THE TENANT IS LEASING BOTH THE  
10 MOBILE HOME SITE AND THE MOBILE HOME FROM THE OWNER OR OPERATOR  
11 OF THE MOBILE HOME PARK OR TO THE TERMINATION OF A TENANCY PURSUANT  
TO SECTION 5714(1) (A), (B), (D), (E), (F), OR (G).