

# HOUSE BILL No. 5183

October 10, 2001, Introduced by Reps. DeRossett, Richardville, Lockwood, Jamnick and Ruth Johnson and referred to the Committee on Commerce.

A bill to amend 1987 PA 96, entitled  
"The mobile home commission act,"  
(MCL 125.2301 to 125.2349) by amending the title and by adding  
sections 26, 26a, 26b, 26c, 26d, and 26e.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to create a mobile home commission; to prescribe its  
3 powers and duties and those of local governments; to provide for  
4 a mobile home code and the licensure, regulation, construction,  
5 operation, and management of mobile home parks, the licensure and  
6 regulation of retail sales dealers, warranties of mobile homes,  
7 and service practices of dealers; to provide for the titling of  
8 mobile homes; TO PROVIDE FOR THE FORMATION OF MOBILE HOME OWNERS  
9 ASSOCIATIONS; TO PRESCRIBE THE POWERS AND DUTIES OF MOBILE HOME  
10 OWNERS ASSOCIATIONS; to prescribe the powers and duties of

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1 certain agencies and departments; to provide remedies and  
2 penalties; to declare the act to be remedial; to repeal this act  
3 on a specific date; and to repeal ~~certain~~ acts and parts of  
4 acts.

5       SEC. 26. IF 20% OF THE RESIDENTS OF A MOBILE HOME PARK SIGN  
6 A PETITION, THE RESIDENTS MAY FORM A MOBILE HOME OWNERS  
7 ASSOCIATION. A COPY OF THE PETITION SHALL BE FILED WITH THE  
8 COUNTY CLERK IN THE COUNTY IN WHICH THE MOBILE HOME PARK IS  
9 LOCATED.

10       SEC. 26A. (1) A MOBILE HOME OWNERS ASSOCIATION SHALL CON-  
11 SIST SOLELY OF RESIDENTS PRESENTLY RESIDING IN THE MOBILE HOME  
12 PARK.

13       (2) A RESIDENT OF A SEASONAL MOBILE HOME PARK SHALL NOT BE A  
14 MEMBER OF THE PARK'S MOBILE HOME OWNERS ASSOCIATION UNLESS THE  
15 RESIDENT HAS RESIDED IN THE SEASONAL MOBILE HOME PARK FOR MORE  
16 THAN 180 DAYS DURING A CALENDAR YEAR.

17       SEC. 26B. A MOBILE HOME OWNERS ASSOCIATION FORMED UNDER  
18 SECTION 26 HAS ALL OF THE FOLLOWING POWERS AND DUTIES:

19       (A) TO SUE AND BE SUED IN ITS OWN NAME.

20       (B) TO PETITION THE MOBILE HOME PARK OWNER OR OPERATOR TO  
21 ADDRESS COMPLAINTS SPECIFIED BY THE MOBILE HOME OWNERS ASSOCIA-  
22 TION WITHIN THE PROCEDURE DESCRIBED IN SECTION 26C.

23       (C) TO COLLECT AND SPEND MEMBERSHIP DUES.

24       (D) TO EXERCISE OTHER POWERS NECESSARY TO CARRY OUT THE PUR-  
25 POSE OF THE MOBILE HOME OWNERS ASSOCIATION'S FORMATION.

1        SEC. 26C. (1) THE MOBILE HOME OWNERS ASSOCIATION SHALL  
2 UTILIZE THE FOLLOWING PROCEDURE TO RESOLVE A COMPLAINT AGAINST A  
3 MOBILE HOME PARK OWNER OR OPERATOR:

4        (A) THE MOBILE HOME OWNERS ASSOCIATION SHALL SUBMIT A WRIT-  
5 TEN STATEMENT TO THE MOBILE HOME PARK OWNER OR OPERATOR BY CERTI-  
6 FIED MAIL. THE WRITTEN STATEMENT SHALL STATE WITH REASONABLE  
7 SPECIFICITY THE NATURE OF THE COMPLAINT AND THE RESOLUTION PRO-  
8 POSED BY THE MOBILE HOME OWNERS ASSOCIATION.

9        (B) WITHIN 10 DAYS OF RECEIPT OF THE STATEMENT BY CERTIFIED  
10 MAIL, THE MOBILE HOME PARK OWNER OR OPERATOR SHALL MAKE ARRANGE-  
11 MENTS FOR A MEETING WITH THE MEMBERS OF THE MOBILE HOME OWNERS  
12 ASSOCIATION. A MEETING HELD UNDER THIS SUBDIVISION SHALL BE HELD  
13 NOT LATER THAN 20 DAYS FROM THE MOBILE HOME PARK OWNER'S OR  
14 OPERATOR'S RECEIPT OF THE STATEMENT BY CERTIFIED MAIL. THE  
15 MOBILE HOME OWNERS ASSOCIATION, THE MOBILE HOME PARK OWNER OR  
16 OPERATOR, OR BOTH MAY BE REPRESENTED BY LEGAL COUNSEL AT A MEET-  
17 ING SCHEDULED UNDER THIS SUBDIVISION.

18        (C) IF THE MOBILE HOME OWNERS ASSOCIATION AND THE MOBILE  
19 HOME PARK OWNER OR OPERATOR ARE UNABLE TO RESOLVE THE COMPLAINT  
20 AT A MEETING SCHEDULED UNDER SUBDIVISION (B), THE MOBILE HOME  
21 OWNERS ASSOCIATION MAY INSTITUTE A CIVIL PROCEEDING IN A COURT OF  
22 COMPETENT JURISDICTION.

23        (2) IF THE NATURE OF THE COMPLAINT IS AN EMERGENCY SITUA-  
24 TION, THE MOBILE HOME OWNERS ASSOCIATION MAY PETITION A COURT OF  
25 COMPETENT JURISDICTION FOR A TEMPORARY RESTRAINING ORDER OR PER-  
26 MANENT INJUNCTION BEFORE SUBMITTING A WRITTEN COMPLAINT TO THE

1 MOBILE HOME PARK OWNER OR OPERATOR. AN EMERGENCY COMPLAINT  
2 INCLUDES, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

3 (A) THE PRESENCE OF AN ENVIRONMENTAL HAZARD THAT THREATENS  
4 THE PUBLIC HEALTH, SAFETY, OR WELFARE.

5 (B) A SEWAGE OR WATER PROBLEM THAT THREATENS THE PUBLIC  
6 HEALTH, SAFETY, OR WELFARE.

7 (C) AN ACT OR OMISSION BY THE MOBILE HOME PARK OWNER OR  
8 OPERATOR THAT THREATENS THE PUBLIC HEALTH, SAFETY, OR WELFARE.

9 SEC. 26D. IF A PARTY TO AN ACTION COMMENCED UNDER SECTION  
10 26C(1)(C) CAN SHOW THAT THE ACTION WAS COMMENCED OR MAINTAINED IN  
11 BAD FAITH, THAT PARTY MAY RECOVER FROM THE PARTY ACTING IN BAD  
12 FAITH COURT COSTS AND REASONABLE ATTORNEY FEES.

13 SEC. 26E. MEMBERSHIP IN A MOBILE HOME OWNERS ASSOCIATION  
14 FORMED UNDER SECTION 26 DOES NOT CONSTITUTE "JUST CAUSE" AS  
15 REQUIRED IN SECTION 5775 OF THE REVISED JUDICATURE ACT OF 1961,  
16 1961 PA 236, MCL 600.5775, FOR TERMINATION OF A RESIDENT'S TEN-  
17 ANCY IN A MOBILE HOME PARK.