

# SENATE BILL No. 544

June 4, 2003, Introduced by Senator GARCIA and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1987 PA 96, entitled  
"The mobile home commission act,"  
by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 11, 12,  
13, 14, 16, 16a, 17, 18, 21, 22, 23, 24, 25, 27, 28, 28a, 28b,  
28c, 29, 30, 30a, 30b, 30c, 30d, 30e, 30f, 30g, 30h, 31, 38, and  
43 (MCL 125.2301, 125.2302, 125.2303, 125.2304, 125.2305,  
125.2306, 125.2307, 125.2311, 125.2312, 125.2313, 125.2314,  
125.2316, 125.2316a, 125.2317, 125.2318, 125.2321, 125.2322,  
125.2323, 125.2324, 125.2325, 125.2327, 125.2328, 125.2328a,  
125.2328b, 125.2328c, 125.2329, 125.2330, 125.2330a, 125.2330b,  
125.2330c, 125.2330d, 125.2330e, 125.2330f, 125.2330g, 125.2330h,  
125.2331, 125.2338, and 125.2343), section 28 as amended by 1993  
PA 241 and sections 28a, 28b, 28c, and 43 as added and section 38  
as amended by 1988 PA 337; and to repeal acts and parts of acts.

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

## TITLE

1  
2 An act to create a ~~mobile home~~ **manufactured housing**  
3 commission; to prescribe its powers and duties and ~~those~~  
4 **certain powers** of local governments; to provide for a ~~mobile~~  
5 ~~home~~ **manufactured housing** code and the licensure, regulation,  
6 construction, operation, and management of ~~mobile~~ **manufactured**  
7 home parks, the licensure and regulation of retail sales dealers,  
8 warranties of ~~mobile~~ **manufactured** homes, and service practices  
9 of dealers; to provide for the titling of ~~mobile~~ **manufactured**  
10 homes; to prescribe ~~the~~ powers and duties of certain agencies  
11 and departments; to provide remedies and penalties; to declare  
12 the act to be remedial; ~~to repeal this act on a specific date;~~  
13 and to repeal ~~certain~~ acts and parts of acts.

14 Sec. 1. This act shall be known and may be cited as "the  
15 ~~mobile home~~ **manufactured housing** commission act".

16 Sec. 2. As used in this act:

17 (a) "Campground" means a campground as defined in  
18 section 12501 of the public health code, ~~Act No. 368 of the~~  
19 ~~Public Acts of 1978, being section 333.12501 of the Michigan~~  
20 ~~Compiled Laws~~ **1978 PA 368, MCL 333.12501.**

21 (b) "Code" means all or a part of the ~~mobile home~~  
22 **manufactured housing** code promulgated ~~pursuant to~~ **as required**  
23 **in** section 5.

24 (c) "Commission" means the ~~mobile home code~~ **manufactured**  
25 **housing** commission **created under section 3.**

26 (d) "Department" means the department of ~~commerce~~ **consumer**  
27 **and industry services.**

1 (e) "Installer and repairer" means a person, including a  
2 ~~mobile~~ **manufactured** home dealer, who for compensation installs  
3 or repairs ~~mobile~~ **manufactured** homes.

4 (f) "Local government" means a county or municipality.

5 (g) ~~"Mobile"~~ **"Manufactured home"** means a structure,  
6 transportable in 1 or more sections, ~~which~~ **that** is built on a  
7 chassis and designed to be used as a dwelling with or without  
8 permanent foundation, when connected to the required utilities,  
9 and includes the plumbing, heating, air-conditioning, and  
10 electrical systems contained in the structure. **Manufactured home**  
11 **includes a manufactured home as defined in section 603(6) of the**  
12 **national manufactured housing construction and safety standards**  
13 **act of 1974, title VI of the housing and community development**  
14 **act of 1974, Public Law 93-383, 42 U.S.C. 5402.**

15 (h) ~~"Mobile"~~ **"Manufactured home dealer"** means a person  
16 other than a manufacturer engaged in the business of buying  
17 ~~mobile~~ **manufactured** homes for resale, exchange, lease, or rent  
18 or offering ~~mobile~~ **manufactured** homes for sale, lease, rent, or  
19 exchange to customers.

20 (i) ~~"Mobile"~~ **"Manufactured home park"** means a parcel or  
21 tract of land under the control of a person upon which 3 or more  
22 ~~mobile~~ **manufactured** homes are located on a continual,  
23 nonrecreational basis and ~~which~~ **that** is offered to the public  
24 for that purpose regardless of whether a charge is made  
25 ~~therefor~~ **for that purpose**, together with ~~any~~ **a** building,  
26 structure, enclosure, street, equipment, or facility used or  
27 intended for use incident to the occupancy of a ~~mobile~~

1 **manufactured** home.

2 (j) "Municipality" means a city, village, or township.

3 (k) "Person" means an individual, partnership, association,  
4 trust, or corporation, or ~~any~~ other legal entity or combination  
5 of legal entities.

6 (l) "Recreational vehicle" means a vehicle primarily  
7 designed and used as temporary living quarters for recreational,  
8 camping, or travel purposes, including a vehicle having its own  
9 motor power or a vehicle mounted on or drawn by another vehicle.

10 (m) "Seasonal ~~mobile~~ **manufactured** home park" means a  
11 parcel or tract of land under the control of a person upon which  
12 3 or more ~~mobile~~ **manufactured** homes are located on a continual  
13 or temporary basis but occupied on a temporary basis only ~~—~~ and  
14 ~~which~~ **that** is offered to the public for that purpose regardless  
15 of whether a charge is made ~~therefor~~ **for that purpose**, together  
16 with ~~any~~ a building, enclosure, street, equipment, or facility  
17 used or intended for use incident to the occupancy of a ~~mobile~~  
18 **manufactured** home. Seasonal ~~mobile~~ **manufactured** home park does  
19 not include a campground licensed ~~pursuant~~ **according** to  
20 sections 12501 to 12516 of the public health code, ~~Act No. 368~~  
21 ~~of the Public Acts of 1978, being sections 333.12501 to 333.12516~~  
22 ~~of the Michigan Compiled Laws— 1978 PA 368, MCL 333.12501 to~~  
23 **333.12516.**

24 (n) "Security interest", "security agreement", "secured  
25 party", and "termination statement" have the same meanings as in  
26 the uniform commercial code, ~~Act No. 174 of the Public Acts of~~  
27 ~~1962, being sections 440.1101 to 440.11102 of the Michigan~~

1 ~~Compiled Laws~~ 1962 PA 174, MCL 440.1101 to 440.11102.

2       Sec. 3. (1) The ~~mobile home~~ **manufactured housing**  
3 commission is created within the department. ~~of commerce.~~

4       (2) The commission consists of 11 members appointed by the  
5 governor with the advice and consent of the senate, each of whom  
6 shall be a citizen of this state.

7       (3) The members of the commission shall include each of the  
8 following:

9       (a) A representative of an organization whose membership  
10 consists of ~~mobile~~ **manufactured** home residents.

11       (b) A representative of financial institutions.

12       (c) ~~Two~~ **Three** operators of a licensed ~~mobile~~ **manufactured**  
13 home park. ~~having 100 or more sites and 1 operator of a licensed~~  
14 ~~mobile home park having less than 100 sites.~~

15       ~~(d) A representative of organized labor.~~

16       (d) ~~(e) An~~ **Two locally** elected ~~official of a local~~  
17 ~~government~~ **officials.**

18       (e) ~~(f)~~ A licensed ~~mobile~~ **manufactured** home dealer.

19       (f) ~~(g) One resident~~ **Two residents** of a licensed ~~mobile~~  
20 **manufactured** home park. ~~having 100 or more sites and 1 resident~~  
21 ~~of a licensed mobile home park having less than 100 sites.~~

22       (g) ~~(h)~~ A manufacturer of ~~mobile~~ **manufactured** homes.

23       (4) A person appointed to be a member under  
24 subsection (3)(a), (d), ~~(e), (g)~~ **or (f)**, or a member of that  
25 person's immediate family shall not have more than a 1% ownership  
26 interest in or income benefit from a manufacturer of ~~mobile~~  
27 **manufactured** homes, a retail seller of ~~mobile~~ **manufactured**

1 homes, a licensed ~~mobile~~ **manufactured** home park, or a supplier  
2 of ancillary products or services to the ~~mobile~~ **manufactured**  
3 home industry.

4 (5) The term of each member shall be for 3 years. A vacancy  
5 in the office of a member shall be filled by the governor for the  
6 remainder of the unexpired term, not more than 1 month after the  
7 vacancy is created, in the same manner as the original  
8 appointment.

9 (6) The per diem compensation of the commission and the  
10 schedule for reimbursement of expenses shall be established  
11 annually by the legislature.

12 (7) Six members of the commission constitute a quorum for all  
13 purposes, notwithstanding the existence of a vacancy in the  
14 commission's membership. Action may be taken by the commission  
15 by a vote of a majority of the members appointed and serving.  
16 Meetings of the commission may be called by the chairperson or by  
17 3 members on 3 business days' actual notice. At least 1 meeting  
18 shall be held each calendar quarter. The commission may hold  
19 meetings anywhere in this state.

20 (8) The commission shall elect a member of the commission as  
21 its chairperson and another member as its vice-chairperson. The  
22 duties and powers of the chairperson and vice-chairperson ~~shall~~  
23 ~~be~~ **are** as prescribed in the commission's rules.

24 (9) A member of the commission may be removed from office by  
25 the governor for inefficiency, neglect of duty, or misconduct or  
26 malfeasance in office. A member of the commission who has a  
27 direct pecuniary interest in a matter before the commission shall

1 disclose that interest before the commission taking action with  
2 respect to the matter. ~~—, which—~~ **The** disclosure shall become a  
3 part of the record of the commission's official proceedings.

4 Sec. 4. (1) The commission may do all of the following:

5 (a) Promulgate rules to implement and administer this act.

6 (b) Act for the purpose of establishing a uniform policy  
7 relating to all phases of ~~—mobile—~~ **manufactured** home businesses,  
8 ~~—mobile—~~ **manufactured** home parks, and seasonal ~~—mobile~~  
9 **manufactured** home parks.

10 (c) Determine the sufficiency of local ~~—mobile—~~ **manufactured**  
11 home ordinances ~~—which—~~ **that** are designed to provide a local  
12 ~~—governments—~~ **government** with superintending control over  
13 ~~—mobile—~~ **manufactured** home businesses, ~~—mobile—~~ **manufactured** home  
14 parks, or seasonal ~~—mobile—homes—~~ **manufactured home** parks.

15 (d) Conduct public hearings relating to the powers prescribed  
16 in this subsection.

17 (2) The director of ~~—commerce—~~ **consumer and industry services**  
18 or an authorized representative of the director shall do all of  
19 the following:

20 (a) Administer the rules promulgated by the commission.

21 (b) Conduct hearings relating to violations of this act or  
22 rules promulgated under this act.

23 (c) Make investigations to determine compliance with this act  
24 and rules promulgated under this act.

25 (d) Provide assistance to the commission as the commission  
26 requires.

27 (3) The commission shall not act for the purpose of

1 regulating ~~mobile~~ **manufactured** homes that are not located  
2 within a ~~mobile~~ **manufactured** home park or a seasonal ~~mobile~~  
3 **manufactured** home park, except as relates to the business, sales,  
4 and service practices of ~~mobile~~ **manufactured** home dealers and  
5 the business practices of ~~mobile~~ **manufactured** home installers  
6 and repairers.

7       Sec. 5. (1) The commission shall promulgate the ~~mobile~~  
8 ~~home~~ **manufactured housing** code subject to section 4. The code  
9 shall consist of rules governing all of the following:

10       (a) The licensure, density, layout, permits for construction,  
11 **and** construction of ~~mobile~~ **manufactured** home parks including  
12 standards for roads, utilities, open space, or proposed  
13 recreational facilities, and safety measures sufficient to  
14 protect health, safety, and welfare of ~~mobile~~ **manufactured** home  
15 park residents. ~~—except~~ **The rules do not govern** water supply,  
16 sewage collection and treatment, and drainage facilities ~~—which~~  
17 ~~are regulated by~~ **that** the department of ~~public health~~  
18 **environmental quality regulates.**

19       (b) The business, sales, and service practices of ~~mobile~~  
20 **manufactured** home dealers.

21       (c) The business practices of ~~mobile~~ **manufactured** home  
22 installers and repairers.

23       (d) The licensure and ~~—regulations~~ **regulation** of ~~mobile~~  
24 **manufactured** home installers and repairers.

25       (e) The setup and installation of ~~mobile~~ **manufactured** homes  
26 inside ~~mobile~~ **manufactured** home parks or seasonal ~~mobile~~  
27 **manufactured** home parks.



1 (f) The regulation of the responsibilities, under the  
 2 ~~mobile~~ **manufactured** home warranty, of the ~~mobile~~ **manufactured**  
 3 home components manufacturer, the ~~mobile~~ **manufactured** home  
 4 assembler or manufacturer, and the ~~mobile~~ **manufactured** home  
 5 dealer, including the time period and relationships of each under  
 6 the warranty, and the remedies available, if any, if the  
 7 responsible parties cease to operate as a business.

8 (g) Abuses relating to all of the following:

9 (i) Consumer deposits, except utility deposits from consumers  
 10 who are direct customers of utilities regulated by the Michigan  
 11 public service commission.

12 (ii) Detailed listing of furnishings and fixtures by a  
 13 manufacturer of a new ~~mobile~~ **manufactured** home or a ~~mobile~~  
 14 **manufactured** home dealer for a used ~~mobile~~ **manufactured** home.

15 (iii) Disclosure and delivery of manufacturer's warranties.

16 (iv) Used ~~mobile~~ **manufactured** homes. A ~~mobile~~  
 17 **manufactured** home dealer shall provide detailed listing of its  
 18 service records for used ~~mobile~~ **manufactured** homes ~~which that~~  
 19 are being sold by the dealer and ~~of which that~~ the dealer has  
 20 knowledge of.

21 (h) Applications for and issuance of certificates of title  
 22 for ~~mobile~~ **manufactured** homes.

23 (2) As part of the code, the commission shall also promulgate  
 24 rules governing the licensure, density, layout, permits for  
 25 construction, and construction of seasonal ~~mobile~~ **manufactured**  
 26 home parks. ~~including~~ **The rules shall govern** standards for  
 27 roads, utilities, open space, proposed recreational facilities,

1 and safety measures sufficient to protect the health, safety, and  
 2 welfare of seasonal ~~mobile~~ **manufactured** home park residents. —  
 3 ~~except~~ **The rules shall not govern** water supply, sewage  
 4 collection and treatment, and drainage facilities —, ~~which shall~~  
 5 ~~be regulated by~~ **that** the department of ~~public health~~  
 6 **environmental quality regulates.**

7 (3) ~~The~~ **In** rules promulgated for seasonal ~~mobile~~  
 8 **manufactured** home parks, **the commission** may impose a less  
 9 stringent standard than the rules promulgated for ~~mobile~~  
 10 **manufactured** home parks.

11 Sec. 6. (1) The department of ~~public health~~ **environmental**  
 12 **quality** shall promulgate rules for ~~mobile~~ **manufactured** home  
 13 parks and seasonal ~~mobile~~ **manufactured** home parks setting forth  
 14 minimum standards regulating:

- 15 (a) Water supply system.
- 16 (b) Sewage collection and disposal system.
- 17 (c) Drainage.
- 18 (d) Garbage and rubbish storage and disposal.
- 19 (e) Insect and rodent control.
- 20 (f) General operation, maintenance, and safety.
- 21 (g) Certification of compliance under section 17.

22 (2) Representatives of local government shall act in an  
 23 advisory capacity in the promulgation of the code.

24 (3) The commission shall consult with appropriate state and  
 25 local governments in developing the procedures for effective  
 26 coordination of efforts. The commission shall recommend  
 27 procedures to the governor and the legislature for coordinating

1 state agency decisions and activities pertaining to this act.

2       Sec. 7. (1) ~~A local government which proposes a standard~~  
3 ~~related to mobile home parks or seasonal mobile home parks, or~~  
4 ~~related to mobile homes located within a mobile home park or a~~  
5 ~~seasonal mobile home park that is higher than the standard~~  
6 ~~provided in this act or the code; or a standard related to the~~  
7 ~~business, sales, and service practices of mobile home dealers, or~~  
8 ~~the business of mobile home installers and repairers, that is~~  
9 ~~higher than the standard provided in this act or the code shall~~  
10 ~~file the proposed standard with the commission. A local~~  
11 **government that proposes 1 or more of the following standards**  
12 **shall file the proposed standard with the commission:**

13       (a) A standard related to manufactured home parks or seasonal  
14 manufactured home parks, or manufactured homes located within a  
15 manufactured home park or a seasonal manufactured home park, that  
16 is higher than a standard provided in this act or the code.

17       (b) A standard related to the business, sales, and service  
18 practices of manufactured home dealers, or the business of  
19 manufactured home installers and repairers, that is higher than  
20 the standard provided in this act or the code.

21       (2) The commission may promulgate rules to establish the  
22 criteria and procedure for implementation of ~~a higher standards~~  
23 **standard** by a local government. The commission shall review and  
24 approve the proposed standard unless the standard is  
25 unreasonable, arbitrary, or not in the public interest. If the  
26 commission does not approve or disapprove the proposed standard  
27 within 60 days after it is filed with the commission, the

1 standard ~~shall be considered~~ **is** approved unless the local  
2 government grants the commission additional time to consider the  
3 standard. After the proposed standard is approved, the local  
4 government may adopt the standard by ordinance. The ordinance  
5 ~~shall~~ **must** relate to a specific section of the code.

6 (3) ~~-(2)-~~ A local government standard related to ~~mobile~~  
7 **manufactured** homes not located within a ~~mobile~~ **manufactured**  
8 home park or seasonal ~~mobile~~ **manufactured** home park need not be  
9 filed with the ~~mobile home~~ **manufactured housing** commission,  
10 unless the standard relates to the business, sales, and service  
11 practices of ~~mobile~~ **manufactured** home dealers, or the business  
12 of ~~mobile~~ **manufactured** home installers and repairers.

13 (4) ~~-(3)-~~ A local government ordinance shall not be designed  
14 as exclusionary to ~~mobile~~ **manufactured** homes generally whether  
15 the ~~mobile~~ **manufactured** homes are located inside or outside of  
16 ~~mobile~~ **manufactured** home parks or seasonal ~~mobile~~  
17 **manufactured** home parks.

18 (5) ~~-(4)-~~ A local government ordinance shall not contain a  
19 standard for the setup or installation of ~~mobile~~ **manufactured**  
20 homes that is incompatible with, or is more stringent than,  
21 either of the following:

22 (a) The manufacturer's recommended setup and installation  
23 specifications.

24 (b) The ~~mobile~~ **manufactured** home setup and installation  
25 standards promulgated by the federal department of housing and  
26 urban development ~~pursuant to~~ **under** the national manufactured  
27 housing construction and safety standards act of 1974, **title VI**

1 of the housing and community development act of 1974, Public Law  
2 93-383, 42 U.S.C. 5401 to 5426.

3 (6) ~~-(5)-~~ In the absence of ~~any~~ setup or installation  
4 specifications or standards for foundations as set forth in  
5 subsection ~~-(4)(a)-~~ **(5)(a)** or (b), the local government standards  
6 for site-built housing ~~shall~~ apply.

7 (7) ~~-(6)-~~ A local government ordinance shall not contain roof  
8 configuration standards or special use zoning requirements that  
9 apply only to, or ~~excludes, mobile~~ **that exclude, manufactured**  
10 homes. A local government ordinance shall not contain a  
11 manufacturing or construction standard that is incompatible with,  
12 or is more stringent than, a standard promulgated by the federal  
13 department of housing and urban development ~~pursuant to~~ **under**  
14 the national manufactured housing construction and safety  
15 standards act of 1974, **title VI of the housing and community**  
16 **development act of 1974, Public Law 93-383, 42 U.S.C. 5401 to**  
17 5426. A local government ordinance may include reasonable  
18 standards relating to ~~mobile homes~~ **a manufactured home** located  
19 outside of ~~mobile~~ **a manufactured home** ~~parks~~ **park** or a  
20 seasonal ~~mobile~~ **manufactured** home ~~parks which ensure~~ **park**  
21 **that ensures** that ~~mobile homes compare~~ **a manufactured home**  
22 **compares** aesthetically to site-built housing located or allowed  
23 in the same residential zone.

24 Sec. 11. (1) A person who desires to develop a ~~mobile~~  
25 **manufactured** home park or a seasonal ~~mobile~~ **manufactured** home  
26 park shall submit a preliminary plan to the appropriate  
27 municipality, local health department, county road commission,

1 and county drain commissioner for preliminary approval. The  
2 preliminary plan shall include the location, **the** layout, **the**  
3 general design, and a general description of the project. The  
4 preliminary plan shall not include detailed construction plans.

5 (2) The municipality may grant preliminary approval if the  
6 proposed ~~mobile~~ **manufactured** home park or seasonal ~~mobile~~  
7 **manufactured** home park conforms to applicable laws and local  
8 ordinances not in conflict with this act and laws and ordinances  
9 relative to **all of the following**:

10 (a) Land use and zoning.

11 (b) Municipal water supply, sewage service, and drainage.

12 (c) Compliance with local fire ordinances and state fire  
13 laws.

14 (3) The county drain commissioner shall review and may  
15 approve outlet drainage. The county road commission shall review  
16 and may approve ingress and egress roads. The county road  
17 commission and the county drain commissioner shall adopt and  
18 publish standards to implement this subsection. The county road  
19 commission and the county drain commissioner ~~shall~~ **do** not have  
20 authority as to interior streets and drainage in the ~~mobile~~  
21 **manufactured** home park or seasonal ~~mobile~~ **manufactured** home  
22 park, unless the streets or drains are dedicated to the public.

23 (4) The local health department shall grant preliminary  
24 approval, under the guidance of the department of ~~public health,~~  
25 ~~for on-site water and sewage service and~~ **environmental quality,**  
26 **for** general site suitability.

27 (5) If a reviewing agency as provided in this section has not

1 returned the preliminary plan to the developer, either approved,  
2 modified, or disapproved within 60 days after it receives the  
3 preliminary plan, the preliminary plan ~~shall be~~ **is** considered  
4 approved.

5 (6) Coordination of ~~approvals~~ **approval** by state and local  
6 governments shall be provided by the director of ~~public health~~  
7 **the department of environmental quality** before ~~it~~ **the**  
8 **department of environmental quality** may grant construction  
9 approval.

10 (7) The developer shall submit the preliminary approval with  
11 the final plans to the department of ~~public health~~  
12 **environmental quality** for review before the department ~~of~~  
13 ~~commerce~~ may issue a construction permit.

14 (8) If the municipality's system for water supply and sewage  
15 service is established and accessible, the manufactured home park  
16 developer or seasonal manufactured home park developer is  
17 required to utilize that system. If the municipality establishes  
18 a system for water supply or sewage service after the  
19 manufactured home park or seasonal manufactured home park is  
20 constructed, the manufactured home park or seasonal manufactured  
21 home park is required to utilize the municipality's system only  
22 if the park makes a substantial change to its system. This  
23 subsection applies only to a manufactured home park or a seasonal  
24 manufactured home park constructed after January 1, 2004.

25 Sec. 12. (1) When all preliminary approvals are made, the  
26 developer shall submit the legal documents and the final plans  
27 draft to the department.

1 (2) The department shall review the filing and, within  
2 90 days after filing, issue its approval or disapproval. Upon  
3 the approval of all the reviewing agencies, the department shall  
4 issue a permit to construct the ~~mobile~~ **manufactured** home park  
5 or seasonal ~~mobile~~ **manufactured** home park.

6 Sec. 13. (1) A person shall not construct a ~~mobile~~  
7 **manufactured** home park or seasonal ~~mobile~~ **manufactured** home  
8 park without obtaining a permit issued by the department.

9 (2) Construction may begin ~~upon the granting of~~ **when the**  
10 **department grants** a permit to construct. ~~by the department.~~

11 Sec. 14. Upon completion of the construction of ~~the~~  
12 ~~mobile~~ **a manufactured** home park or seasonal ~~mobile~~  
13 **manufactured** home park, the owner or operator of the park and a  
14 ~~registered~~ **licensed** professional engineer or architect shall  
15 file with the department an affidavit certifying that the  
16 ~~mobile~~ **manufactured** home park or seasonal ~~mobile~~ **manufactured**  
17 home park, lot, and work were completed in accordance with the  
18 approved specifications and plans.

19 Sec. 16. (1) A person shall not operate a ~~mobile~~  
20 **manufactured** home park or seasonal ~~mobile~~ **manufactured** home  
21 park without a license.

22 (2) Upon completion, review, and approval of certifications,  
23 the department shall grant a license to operate a ~~mobile~~  
24 **manufactured** home park or seasonal ~~mobile~~ **manufactured** home  
25 park.

26 (3) An annual license shall be granted and renewed by the  
27 department based upon the certifications and recommendations of



1 the appropriate agencies and local governments.

2 (4) If a person submits a timely application for renewal of a  
3 license and pays the appropriate fee, the person may continue to  
4 operate a ~~mobile~~ **manufactured** home park or seasonal ~~mobile~~  
5 **manufactured** home park unless notified that the application for  
6 renewal is not approved.

7 (5) A campground ~~which~~ **that** is currently licensed under  
8 sections 12501 to 12516 of the public health code, ~~Act No. 368~~  
9 ~~of the Public Acts of 1978, being sections 333.12501 to 333.12516~~  
10 ~~of the Michigan Compiled Laws~~ **1978 PA 368, MCL 333.12501 to**  
11 **333.12516, that** was previously licensed under the licensing  
12 provisions of ~~Act No. 243 of the Public Acts of 1959, being~~  
13 ~~sections 125.1035 to 125.1043 of the Michigan Compiled Laws~~ **1959**  
14 **PA 243, MCL 125.1035 to 125.1043,** as a seasonal trailer park, and  
15 ~~which~~ **that** currently meets the seasonal trailer park  
16 construction standards under ~~Act No. 243 of the Public Acts of~~  
17 ~~1959~~ **1959 PA 243, MCL 125.1035 to 125.1043,** may apply for and  
18 shall be licensed as a seasonal ~~mobile~~ **manufactured** home park  
19 under this act if the campground meets all other requirements for  
20 licensure under this act as a seasonal ~~mobile~~ **manufactured** home  
21 park.

22 Sec. 16a. ~~Mobile~~ **Manufactured** homes located in a seasonal  
23 ~~mobile~~ **manufactured** home park may be occupied on a full-time  
24 basis from April 1 to October 31, but shall not be occupied for  
25 more than 15 consecutive days in ~~any~~ **a** 30-day period from  
26 November 1 to March 31.

27 Sec. 17. (1) The department of ~~public health~~

1 **environmental quality** or its authorized representative shall  
2 conduct an annual physical inspection of ~~mobile~~ **manufactured**  
3 home parks and seasonal ~~mobile~~ **manufactured** home parks in  
4 accordance with standards established by the department of  
5 ~~public health~~ **environmental quality**. If the ~~mobile~~  
6 **manufactured** home park or seasonal ~~mobile~~ **manufactured** home  
7 park is approved, the department of ~~public health~~ **environmental**  
8 **quality** shall issue a certification of compliance to the  
9 department ~~of commerce~~ that the park is licensable.

10 (2) Except for purposes of issuing a license or renewing a  
11 license ~~pursuant to~~ **under** this act, a local government may not  
12 make an inspection unless it has reason to believe that this act,  
13 the code, or rules promulgated ~~pursuant to~~ **under** this act were  
14 violated.

15 Sec. 18. (1) A variance in the design and construction of a  
16 ~~mobile~~ **manufactured** home park or seasonal ~~mobile~~ **manufactured**  
17 home park may be granted upon notice of the request to the local  
18 government and the department of ~~public health~~ **environmental**  
19 **quality** at the time of filing with the department. ~~of commerce~~.  
20 If the local government grants a variance ~~which~~ **that** would  
21 permit activities violative of the minimum standards of the code,  
22 the local government shall file with the department a copy of the  
23 variance order and an explanation of the reason for the granting  
24 of the order. The department may approve or disapprove the  
25 variance or revoke the variance upon notice and hearing.

26 (2) After a public hearing, the department may grant a  
27 specific variance to a substantive requirement of the code if the

1 literal application of the substantive requirement would result  
 2 in an exceptional, practical difficulty to the applicant, and if  
 3 the specific condition justifying the variance is neither so  
 4 general nor recurrent in nature as to make an amendment of the  
 5 code with respect to the condition reasonably practical or  
 6 desirable.

7 (3) The department may attach in writing a condition in  
 8 connection with the granting of a variance that in its judgment  
 9 is necessary to protect the health, safety, and welfare of the  
 10 people of this state. The variance shall not exceed the minimum  
 11 necessary to alleviate the exceptional, practical difficulty.

12 (4) ~~A~~ **Only a local government may grant a** variance to a  
 13 local ordinance, zoning requirement, or local rule. ~~may be~~  
 14 ~~granted only by a local government.~~

15 (5) ~~A~~ **Only the commission may grant a** variance to a rule  
 16 promulgated under this act. ~~may be granted only by the~~  
 17 ~~commission.~~

18 Sec. 21. (1) A ~~mobile~~ **manufactured** home dealer shall not  
 19 engage in the retail sale of a ~~mobile~~ **manufactured** home without  
 20 a license.

21 (2) A ~~mobile~~ **manufactured** home dealer, ~~mobile~~  
 22 **manufactured** home installer, or repairer may obtain an initial or  
 23 renewal license by filing with the commission an application  
 24 together with consent to service of process in a form prescribed  
 25 by the commission ~~pursuant~~ **according** to section 35.

26 (3) An initial or renewal license under this act shall be  
 27 issued for not more than 1 year. Licenses shall expire on

1 October 1.

2 (4) The annual license fee for a ~~mobile~~ **manufactured** home  
3 dealer is \$150.00 or ~~any other~~ a lesser amount established  
4 ~~pursuant~~ **according** to section 9(5).

5 (5) The annual license fee for a ~~mobile~~ **manufactured** home  
6 installer or repairer is \$50.00 or ~~any other~~ a lesser amount  
7 established ~~pursuant~~ **according** to section 9(5).

8 (6) A licensed ~~mobile~~ **manufactured** home dealer, ~~mobile~~  
9 **manufactured** home installer, or repairer may file an application  
10 for the license of a successor, whether or not the successor is  
11 then in existence, for the unexpired portion of the year. The  
12 commission may grant or deny the application.

13 (7) A licensee who submits a timely application for renewal  
14 of a license and pays the appropriate fee may continue sales of  
15 ~~mobile~~ **manufactured** homes unless notified that the application  
16 for renewal is not approved.

17 Sec. 22. The commission may promulgate rules to require a  
18 licensed ~~mobile~~ **manufactured** home dealer to post a surety bond  
19 in an amount up to \$10,000.00 for each sales location and may  
20 determine conditions of the bond. An appropriate deposit of cash  
21 or securities shall be accepted in lieu of a bond ~~which~~ **that** is  
22 required.

23 Sec. 23. A licensed ~~mobile~~ **manufactured** home dealer shall  
24 make and keep accounts, and other records as the commission  
25 prescribes by rule. The records required shall be preserved for  
26 3 years unless the commission otherwise prescribes by rule for  
27 particular types of records. If the information contained in a

1 record filed with the commission is or becomes inaccurate or  
2 incomplete in ~~any~~ a material respect, the licensee promptly  
3 shall file a correcting amendment.

4 Sec. 24. A ~~mobile~~ **manufactured** home dealer shall not **do 1**  
5 **or more of the following:**

6 (a) Advertise or represent a ~~mobile~~ **manufactured** home as  
7 other than calendar or model year.

8 (b) Misapply consumer deposits on a ~~mobile~~ **manufactured**  
9 home or a ~~mobile~~ **manufactured** home park.

10 (c) Fail to place deposits, down payments, or similar  
11 payments for the purchase or right to purchase a ~~mobile~~  
12 **manufactured** home in a separate escrow account subject to return  
13 upon cancellation of the purchase order by the prospective  
14 purchaser under the rules or orders as the commission promulgates  
15 or issues unless the dealer ~~shall post~~ **posts** a bond or a  
16 deposit of cash or securities for protection of these payments in  
17 an amount acceptable to the commission.

18 (d) Fail to disclose to the department ~~any~~ direct or  
19 indirect business relationships with financial and loan  
20 institutions, banks, and insurance companies.

21 Sec. 25. (1) The commission shall promulgate rules relating  
22 to the responsibility of the ~~mobile~~ **manufactured** home dealer,  
23 ~~mobile~~ **manufactured** home installer, and the ~~mobile~~  
24 **manufactured** home park or seasonal ~~mobile~~ **manufactured** home  
25 park owner for installation and setup of a ~~mobile~~ **manufactured**  
26 home.

27 (2) A person licensed under ~~any~~ **1 or more** of the following

1 acts shall not be required to be licensed as a ~~mobile~~  
 2 **manufactured** home installer and repairer in order to perform work  
 3 on ~~mobile~~ **manufactured** homes for which the person is licensed,  
 4 unless the work performed also includes the setup, installation,  
 5 or general repair of ~~mobile~~ **manufactured** homes:

6 (a) The electrical administrative act, ~~Act No. 217 of the~~  
 7 ~~Public Acts of 1956, being sections 338.881 to 338.892 of the~~  
 8 ~~Michigan Compiled Laws 1956 PA 217, MCL 338.881 to 338.892.~~

9 (b) ~~Act No. 266 of the Public Acts of 1929, being sections~~  
 10 ~~338.901 to 338.917 of the Michigan Compiled Laws 2002 PA 733,~~  
 11 **MCL 338.3511 to 338.3569.**

12 (c) The Forbes mechanical contractors act, ~~Act No. 192 of~~  
 13 ~~the Public Acts of 1984, being sections 338.971 to 338.988 of the~~  
 14 ~~Michigan Compiled Laws 1984 PA 192, MCL 338.971 to 338.988.~~

15 (3) The electrical administrative act, ~~Act No. 217 of the~~  
 16 ~~Public Acts of 1956, being sections 338.881 to 338.892 of the~~  
 17 ~~Michigan Compiled Laws 1956 PA 217, MCL 338.881 to 338.892, Act~~  
 18 ~~No. 266 of the Public Acts of 1929, being sections 338.901 to~~  
 19 ~~338.917 of the Michigan Compiled Laws 1929 PA 266, MCL 338.901~~  
 20 **to 338.917,** and the Forbes mechanical contractors act, ~~Act~~  
 21 ~~No. 192 of the Public Acts of 1984, being sections 338.971 to~~  
 22 ~~338.988 of the Michigan Compiled Laws 1984 PA 192, MCL 338.971~~  
 23 **to 338.988,** ~~shall~~ **do** not apply to the setup or installation of  
 24 a ~~mobile~~ **manufactured** home and the following connections or  
 25 replacement or repair of the following connections, by a licensed  
 26 ~~mobile~~ **manufactured** home installer and repairer:

27 (a) Factory-installed electrical wiring, devices, appliances,

1 or appurtenances to available electrical meters or pedestals.

2 (b) Factory-installed piping, fixtures, plumbing appliances,  
3 and plumbing appurtenances to sanitary drainage or storm drainage  
4 facilities, venting systems, or public or private water supply  
5 systems.

6 (c) Factory-installed process piping, heating and cooling  
7 equipment, and systems or supply lines to available service  
8 meters or mains.

9 Sec. 27. (1) A person shall not, in connection with the  
10 offer, sale, purchase, or rental of a ~~mobile~~ **manufactured** home,  
11 ~~mobile~~ **manufactured** home site, or **related** equipment, ~~relating~~  
12 ~~thereto~~ **do either of the following:**

13 (a) Employ a devise, scheme, or artifice to defraud.

14 (b) Make an untrue statement of material fact or omit to  
15 state a material fact necessary to make the statement not  
16 misleading, ~~in the light of~~ **under** the circumstances ~~under~~ **in**  
17 which ~~it~~ **the statement** is made.

18 (2) A person shall not willfully authorize, direct, or aid in  
19 publication, advertisement, distribution, or circulation of a  
20 statement or representation concerning a ~~mobile~~ **manufactured**  
21 home, ~~mobile~~ **manufactured** home site, or equipment relating  
22 thereto, ~~which~~ **that** misrepresents the facts concerning the  
23 ~~mobile~~ **manufactured** home, ~~mobile~~ **manufactured** home site, or  
24 **related** equipment. ~~relating thereto.~~

25 (3) A person with knowledge that an advertisement, pamphlet,  
26 prospectus, or letter concerning a ~~mobile~~ **manufactured** home,  
27 ~~mobile~~ **manufactured** home site, or **related** equipment ~~relating~~

1 ~~thereto~~ contains a written statement that is false or  
 2 fraudulent, shall not issue, circulate, publish, or distribute  
 3 the advertisement, pamphlet, prospectus, or letter concerning a  
 4 ~~mobile~~ **manufactured** home, ~~mobile~~ **manufactured** home site, or  
 5 **related** equipment. ~~relating thereto.~~

6 (4) A person shall not willfully make ~~any~~ a material  
 7 misrepresentation in the sale of a ~~mobile~~ **manufactured** home,  
 8 ~~mobile~~ **manufactured** home site, or **related** equipment. ~~relating~~  
 9 ~~thereto.~~

10 Sec. 28. (1) An owner or operator of a ~~mobile~~ **manufactured**  
 11 home park or seasonal ~~mobile~~ **manufactured** home park shall not  
 12 engage, or permit an employee or agent to engage, in ~~any of~~ the  
 13 following unfair or deceptive methods, acts, or practices:

14 (a) Directly or indirectly charging or collecting from a  
 15 person an entrance fee.

16 (b) Requiring a person to directly or indirectly purchase a  
 17 ~~mobile~~ **manufactured** home from another person as a condition of  
 18 entrance to, or lease or rental of, a ~~mobile~~ **manufactured** home  
 19 park or seasonal ~~mobile~~ **manufactured** home park space.

20 (c) Directly or indirectly charging or collecting from a  
 21 person a refundable or nonrefundable exit fee.

22 (d) Requiring or coercing a person to purchase, rent, or  
 23 lease goods or services from another person as a condition of  
 24 ~~any~~ **1 or more** of the following:

25 (i) Entering into a park or lease.

26 (ii) Selling a ~~mobile~~ **manufactured** home through the park  
 27 owner or operator, or his or her agent or designee upon leaving a



1 ~~mobile~~ **manufactured** home park or seasonal ~~mobile~~ **manufactured**  
2 home park.

3 (iii) Renting space in a ~~mobile~~ **manufactured** home park or  
4 seasonal ~~mobile~~ **manufactured** home park.

5 (e) Directly or indirectly charging or collecting from a  
6 person money or other thing of value for electric, fuel, or water  
7 service without the use of that service by a resident or tenant  
8 being first accurately and consistently measured, unless that  
9 service is included in the rental charge as an incident of  
10 tenancy.

11 (f) Conspiring, combining, agreeing, aiding, or abetting in  
12 the employment of a method, act, or practice that violates this  
13 act.

14 (g) Renting or leasing a ~~mobile~~ **manufactured** home or site  
15 in a ~~mobile~~ **manufactured** home park or seasonal ~~mobile~~  
16 **manufactured** home park without offering a written lease.

17 (h) Subject to section 28a, prohibiting a resident from  
18 selling his or her ~~mobile~~ **manufactured** home on-site for a price  
19 determined by that resident, if the purchaser qualifies for  
20 tenancy and the ~~mobile~~ **manufactured** home meets the conditions  
21 of written park rules or regulations. This subdivision does not  
22 apply to seasonal ~~mobile~~ **manufactured** home parks.

23 (i) Subject to reasonable ~~mobile~~ **manufactured** home park or  
24 seasonal ~~mobile~~ **manufactured** home park rules governing the  
25 location, size, and style of exterior television antenna,  
26 prohibiting a person from installing or maintaining an exterior  
27 television antenna on a ~~mobile~~ **manufactured** home within the

1 park unless the ~~mobile~~ **manufactured** home park or seasonal  
2 ~~mobile~~ **manufactured** home park provides park residents, without  
3 charge, a central television antenna for UHF-VHF reception.

4 (2) A tenant of a ~~mobile~~ **manufactured** home park or seasonal  
5 ~~mobile~~ **manufactured** home park may bring an action on his or her  
6 own behalf for a violation of this section.

7 (3) If the commission has reason to suspect that the owner of  
8 a ~~mobile~~ **manufactured** home park or seasonal ~~mobile~~  
9 **manufactured** home park is engaged in conduct that violates  
10 existing water utility tariffs or qualifies the owner of a  
11 ~~mobile~~ **manufactured** home park or seasonal ~~mobile~~ **manufactured**  
12 home park for regulation as a water utility, the commission shall  
13 promptly send a written report of the alleged violation to the  
14 Michigan public service commission.

15 Sec. 28a. (1) ~~Mobile~~ **Manufactured** home park rules or  
16 regulations may include provisions governing the physical  
17 condition of ~~mobile homes~~ **a manufactured home** and the aesthetic  
18 characteristics of ~~mobile homes~~ **a manufactured home** in relation  
19 to the ~~mobile~~ **manufactured** home park in which they are located,  
20 subject to all of the following:

21 (a) The age or size of a ~~mobile~~ **manufactured** home shall not  
22 be used as the sole basis for refusing to allow an on-site,  
23 in-park sale or for refusing to allow the ~~mobile~~ **manufactured**  
24 home to remain on-site. The burden of going forward in a suit  
25 against the ~~mobile~~ **manufactured** home park owner or operator for  
26 violation of this subdivision is on the resident.

27 (b) The standards incorporated in the written park rules or

1 regulations governing the physical condition and aesthetic  
2 characteristics of ~~mobile homes~~ **a manufactured home** in the  
3 ~~mobile~~ **manufactured** home park ~~shall apply~~ **applies** equally to  
4 all residents.

5 (c) A ~~mobile~~ **manufactured** home sold on-site shall conform  
6 with ~~Act No. 133 of the Public Acts of 1974, being sections~~  
7 ~~125.771 to 125.774 of the Michigan Compiled Laws~~ **1974 PA 133,**  
8 **MCL 125.771 to 125.774.**

9 (d) ~~Any~~ **A** charge connected to the on-site, in-park sale of  
10 a ~~mobile~~ **manufactured** home, other than the inspection fee  
11 permitted under subdivision (e) and the commission or fee charged  
12 by a ~~mobile~~ **manufactured** home dealer licensed under this act  
13 who is engaged by the seller to transact the sale, is **considered**  
14 an entrance or exit fee in violation of section 28.

15 (e) A park owner or operator may charge a reasonable fee to  
16 inspect the ~~mobile~~ **manufactured** home before sale. The charge  
17 shall not be more than \$30.00, or the amount charged for building  
18 permit inspections by the municipality in which the ~~mobile~~  
19 **manufactured** home is located, whichever is higher.

20 (f) The standards governing the physical condition of ~~mobile~~  
21 ~~homes~~ **a manufactured home** and the aesthetic characteristics of  
22 ~~mobile homes~~ **a manufactured home** in the ~~mobile~~ **manufactured**  
23 home park, as incorporated in the written park rules, shall not  
24 be designed to defeat the intent of this section.

25 (2) Subsection (1)(f) ~~shall~~ **does** not apply if the ~~mobile~~  
26 **manufactured** home park is changing its method of doing business  
27 and provides not less than 1 year's notice, unless a different

1 notice period is otherwise provided by law, of the proposed  
 2 change to all affected ~~mobile~~ **manufactured** home park  
 3 residents. A change in a ~~mobile~~ **manufactured** home park's  
 4 method of doing business includes, but is not limited to, ~~any~~ 1  
 5 **or more** of the following:

6 (a) Conversion to a ~~mobile~~ **manufactured** home park  
 7 condominium ~~pursuant~~ **according** to the condominium act, ~~Act~~  
 8 ~~No. 59 of the Public Acts of 1978, being sections 559.101 to~~  
 9 ~~559.275 of the Michigan Compiled Laws 1978 PA 59, MCL 559.101 to~~  
 10 **559.276.**

11 (b) Conversion to total rental of both ~~mobile~~ **manufactured**  
 12 home site and park-owned ~~mobile~~ **manufactured** homes.

13 (c) Changes in use of the land on which the ~~mobile~~  
 14 **manufactured** home park is located.

15 (3) Notwithstanding subsection (1) or (2), a ~~mobile~~  
 16 **manufactured** home park may require a ~~mobile~~ **manufactured** home  
 17 to be moved to a comparable site within the ~~mobile~~ **manufactured**  
 18 home park, at the expense of the ~~mobile~~ **manufactured** home  
 19 park.

20 (4) If, after termination of a resident's tenancy for just  
 21 cause as provided in chapter 57a of the revised judicature act of  
 22 1961, ~~Act No. 236 of the Public Acts of 1961, being sections~~  
 23 ~~600.5771 to 600.5785 of the Michigan Compiled Laws 1961 PA 236,~~  
 24 **MCL 600.5771 to 600.5785**, the resident of a ~~mobile~~ **manufactured**  
 25 home park sells his or her ~~mobile~~ **manufactured** home to the  
 26 owner or operator of the ~~mobile~~ **manufactured** home park, or to  
 27 ~~any~~ **an** entity in which the owner or operator has ~~any~~ **an**

1 interest, the resident ~~shall have~~ **has** the right to have the  
2 ~~mobile~~ **manufactured** home's value appraised and, if so  
3 appraised, the sale price of the ~~mobile~~ **manufactured** home shall  
4 not be less than the appraised value.

5 (5) Except as provided in subsection (1)(a), a ~~mobile~~  
6 **manufactured** home park owner or operator, or both, has the burden  
7 of going forward to show compliance with subsection (1).

8 Sec. 28b. A ~~mobile~~ **manufactured** home park rule that does  
9 either of the following shall not be enforced against a resident,  
10 unless the rule was proposed and in force before the resident was  
11 approved for tenancy in the ~~mobile~~ **manufactured** home park:

12 (a) Prohibits those children who were previously approved  
13 under prior park rules from residing in the ~~mobile~~ **manufactured**  
14 home park. A rule prohibiting children, or additional children,  
15 shall not be enforced against persons who were residents of the  
16 ~~mobile~~ **manufactured** home park at the time the rule was adopted  
17 until after 1 year's notice to those persons.

18 (b) Prohibits a resident from keeping those pets ~~which~~ **that**  
19 were previously approved under prior park rules, except dangerous  
20 animals.

21 Sec. 28c. (1) A lease or rental agreement or rules or  
22 regulations that are adopted ~~pursuant~~ **according** to a lease or  
23 rental agreement may include a provision that requires liquidated  
24 damages to be awarded to the prevailing party in a contested  
25 action to terminate a tenancy in a ~~mobile~~ **manufactured** home  
26 park for just cause under section 5775 of the revised judicature  
27 act of 1961, ~~Act No. 236 of the Public Acts of 1961, being~~

1 ~~section 600.5775 of the Michigan Compiled Laws 1961 PA 236,~~  
2 **MCL 600.5775.**

3 (2) A provision allowed under subsection (1) may require  
4 liquidated damages of not more than \$500.00 for an action in the  
5 district court and not more than \$300.00 for each appellate  
6 level. Liquidated damages shall not be construed to be a  
7 penalty.

8 Sec. 29. (1) A utility company shall notify the department  
9 10 days before shutoff of service for nonpayment, including  
10 sewer, water, gas, or electric service, when the service is being  
11 supplied to the licensed owner or operator of a ~~mobile~~  
12 **manufactured** home park or seasonal ~~mobile~~ **manufactured** home  
13 park for the use and benefit of the park's tenants.

14 (2) A municipality shall not charge a manufactured home park  
15 or a seasonal manufactured home park more to provide a water  
16 supply system or sewage service than the amount the municipality  
17 charges other customers to provide the same type of service.

18 Sec. 30. (1) After December 31, 1978, every ~~mobile~~  
19 **manufactured** home located in this state ~~shall be~~ **is** subject to  
20 the certificate of title provisions of this act, except for ~~any~~  
21 a new ~~mobile~~ **manufactured** home owned by a manufacturer or  
22 licensed ~~mobile~~ **manufactured** home dealer and held for sale.

23 (2) After December 31, 1978, a certificate of title for a  
24 ~~mobile~~ **manufactured** home issued by the secretary of state  
25 before January 1, 1979, ~~pursuant~~ **according** to ~~Act No. 300 of~~  
26 ~~the Public Acts of 1949, being sections 257.1 to 257.923 of the~~  
27 ~~Michigan Compiled Laws shall be~~ **the Michigan vehicle code, 1949**

1 PA 300, MCL 257.1 to 257.923, is considered ~~to be~~ a certificate  
2 of title issued by the department under this act and ~~shall be~~  
3 is subject to all of the provisions of this act ~~respecting~~  
4 regarding certificates of title.

5 (3) After December 31, 1978, a ~~mobile~~ **manufactured** home  
6 shall not be sold or transferred except by transfer of the  
7 certificate of title for the ~~mobile~~ **manufactured** home ~~pursuant~~  
8 ~~to~~ **under** this act.

9 Sec. 30a. (1) An owner of a ~~mobile~~ **manufactured** home  
10 ~~which~~ **that** is subject to the certificate of title provisions of  
11 this act shall ~~make application~~ **apply** to the department for the  
12 issuance of a certificate of title for the ~~mobile~~ **manufactured**  
13 home upon the appropriate form furnished by the department,  
14 accompanied by a fee of \$45.00 or ~~any~~ **a** lesser amount  
15 established ~~pursuant~~ **according** to section 9(5). The  
16 application shall bear the signature of the owner written in ink,  
17 shall be acknowledged by the owner before a person authorized to  
18 take acknowledgments, and shall contain **all of the following**:

19 (a) The name and address of the owner.

20 (b) A description of the ~~mobile~~ **manufactured** home,  
21 including the name of the manufacturer, the year and model, and  
22 the manufacturer's serial number or, in the absence of a serial  
23 number, a number assigned by the department. A number assigned  
24 by the department shall be permanently placed on the ~~mobile~~  
25 **manufactured** home in the manner and place designated by the  
26 department.

27 (c) A statement of the names and addresses of the holders of

1 ~~any~~ security interests in the ~~mobile~~ **manufactured** home, in  
2 the order of ~~their~~ priority.

3 (d) Further information as may reasonably be required by the  
4 department to enable it to determine whether the owner of the  
5 ~~mobile~~ **manufactured** home is entitled to a certificate of title  
6 for the ~~mobile~~ **manufactured** home.

7 (2) If the department is not satisfied as to the ownership of  
8 the ~~mobile~~ **manufactured** home, before issuing a certificate of  
9 title for it, the department may require the applicant to file a  
10 properly executed surety bond in a form prescribed by the  
11 department, executed by the applicant and a company authorized to  
12 conduct a surety business in this state. The bond shall be in an  
13 amount equal to twice the value of the ~~mobile~~ **manufactured** home  
14 as determined by the department and shall be conditioned to  
15 indemnify or reimburse the department, ~~any~~ a prior owner, ~~any~~  
16 a holder of a security interest in the ~~mobile~~ **manufactured**  
17 home, and ~~any~~ a subsequent purchaser of the ~~mobile~~  
18 **manufactured** home, and their successors in interest, against  
19 ~~any~~ expense, loss, or damage, including reasonable attorney's  
20 fees, by reason of the issuance of a certificate of title to the  
21 ~~mobile~~ **manufactured** home or on account of ~~any~~ a defect in the  
22 right, title, or interest of the applicant in and to the ~~mobile~~  
23 **manufactured** home. Each interested person has a right of action  
24 to recover on the bond for a breach of its conditions, but the  
25 aggregate liability of the surety to all persons ~~shall~~ **does** not  
26 exceed the amount of the bond. The bond shall be returned at the  
27 end of 5 years, or before 5 years if the currently valid



1 certificate of title is surrendered to the department, unless the  
2 department has received notification ~~of the pendency of~~ **that** an  
3 action **is pending** to recover on the bond.

4 (3) The department shall examine and determine the  
5 genuineness, regularity, and legality of an application for a  
6 certificate of title for a ~~mobile~~ **manufactured** home and of any  
7 other application lawfully made to the department. ~~—, and~~ **The**  
8 **department** may in all cases ~~make investigation~~ **investigate** or  
9 require additional information as ~~may be considered~~ **it**  
10 **considers** necessary. ~~—, and~~ **The department** shall reject ~~any~~ **an**  
11 application if not satisfied of the genuineness, regularity, or  
12 legality of it or the truth of ~~any~~ **a** statement contained in it,  
13 or for any other reason, when authorized by law.

14 (4) The fee for obtaining a duplicate, replacement, or  
15 corrected title, for placing or terminating a lien on the title,  
16 or for placing a name on the title is \$15.00 or ~~any other~~ **a**  
17 lesser amount established ~~pursuant~~ **according** to section 9(5).

18 Sec. 30b. (1) The department upon receipt of the required  
19 application and fees shall issue a certificate of title except as  
20 otherwise provided.

21 (2) The certificate of title shall contain ~~upon~~ **on** its face  
22 the date issued, the name and address of the owner, a description  
23 of the ~~mobile~~ **manufactured** home as determined by the  
24 department, a statement of all security interests in the ~~mobile~~  
25 **manufactured** home as set forth in the application, the date on  
26 which the application was filed, and other information as the  
27 department may require.

1       (3) The certificate of title shall contain ~~upon~~ **on** the  
2 reverse side forms for assignment of title or interest and  
3 warranty of title by the owner with space for notation of  
4 security interests in the ~~mobile~~ **manufactured** home at the time  
5 of a transfer to be signed in ink, and other forms as the  
6 department may consider necessary to facilitate the effective  
7 administration of this section. The certificate shall bear the  
8 seal of the department.

9       (4) The certificate of title shall be mailed or delivered to  
10 the owner or other person as the owner may direct in a separate  
11 instrument, in the form ~~as the department shall prescribe~~ **the**  
12 **department prescribes.**

13       Sec. 30c. (1) If the owner of a ~~mobile~~ **manufactured** home  
14 transfers or assigns the owner's title or interest to the  
15 ~~mobile~~ **manufactured** home, the owner shall ~~indorse~~ **endorse** on  
16 the back of the certificate of title an assignment of the  
17 ~~mobile~~ **manufactured** home with warranty of title with a  
18 statement of all security interests in the ~~mobile~~ **manufactured**  
19 home. ~~—, and~~ **The owner** shall ~~cause~~ **mail or deliver** the  
20 certificate ~~to be mailed or delivered~~ to the department or to  
21 the purchaser or transferee at the time of the delivery to the  
22 purchaser or transferee of the ~~mobile~~ **manufactured** home.

23       (2) Upon the delivery of a ~~mobile~~ **manufactured** home and the  
24 transfer, sale, or assignment of the title or interest in a  
25 ~~mobile~~ **manufactured** home, the effective date of the transfer of  
26 title or interest ~~shall be~~ **is** the date of execution of either  
27 the application for title or the certificate of title.

1           (3) The purchaser or transferee, unless the purchaser or  
 2 transferee is a licensed dealer, shall ~~cause to be presented~~  
 3 **present** to the department the certificate of title accompanied by  
 4 ~~the 1 of the following~~ applicable ~~fee, as follows~~ **fees**:

5           (a) Except as provided in subdivision (b) or (c), \$45.00.

6           (b) Except as provided in subdivision (c), \$15.00, if the  
 7 sale, assignment, or other transfer will require the addition or  
 8 deletion from the certificate of title of ~~any~~ **1 or more** of the  
 9 following:

10           (i) The owner's spouse.

11           (ii) A person related to the owner within the fourth degree  
 12 of consanguinity as computed by the civil law method.

13           (iii) A person related to the owner's spouse within the  
 14 fourth degree of consanguinity as computed by the civil law  
 15 method.

16           (c) ~~Any other~~ **A** lesser amount established ~~pursuant~~  
 17 **according** to section 9(5).

18           (4) Upon presentation of the certificate of title accompanied  
 19 by the applicable fee, a new certificate of title shall be  
 20 issued. A certificate of title issued under subsection (3) and  
 21 this subsection shall be mailed or delivered to the owner or ~~any~~  
 22 ~~other~~ **another** person **as** the owner ~~may direct~~ **directs** in a  
 23 separate instrument in a form as ~~prescribed by~~ the department  
 24 **prescribes**.

25           (5) If a security interest is reserved or created at the time  
 26 of the transfer, the parties shall comply with section 30d.

27           (6) If the transferee of a ~~mobile~~ **manufactured** home is a

1 ~~mobile~~ **manufactured** home dealer who holds the ~~mobile~~  
2 **manufactured** home for resale, the dealer ~~shall~~ **is** not ~~be~~  
3 required to forward the certificate of title to the department,  
4 but the dealer shall retain possession of the assigned  
5 certificate of title. Upon transfer of the dealer's title or  
6 interest to another person, the dealer shall execute and  
7 acknowledge an assignment and warranty of title upon the  
8 certificate of title and deliver it to the person to whom the  
9 transfer is made if the person is a licensed dealer; otherwise,  
10 application for a new title shall be made by the transferor as  
11 provided in section 30a(1).

12       Sec. 30d. (1) If an owner named in a certificate of title  
13 creates a security interest in the ~~mobile~~ **manufactured** home  
14 described in the certificate, **all of the following apply:**

15       (a) The owner shall immediately execute an application in the  
16 form ~~prescribed by~~ the department **prescribes** showing the name  
17 and address of the holder of the security interest and deliver  
18 the certificate of title, application, and a fee of \$1.00  
19 together with a copy of the application ~~which~~ **that** need not be  
20 signed, to the holder of the security interest.

21       (b) The holder of the security interest shall ~~cause~~ **mail or**  
22 **deliver** the certificate of title, application, and fee and the  
23 copy of the application ~~to be mailed or delivered~~ to the  
24 department.

25       (c) The department shall indicate on the copy of the  
26 application the date and place of filing of the application and  
27 return the copy to the person presenting it.

1 (d) Upon receipt of the certificate of title, application,  
2 and the required fee, the department shall issue a new  
3 certificate in the form provided by section 30b setting forth the  
4 name and address of each holder of a security interest in the  
5 mobile home for which a termination statement has not been filed  
6 and the date ~~on which~~ **that** the application first stating the  
7 security interest was filed, and mail the certificate to the  
8 owner.

9 (2) A holder of a security interest may assign, absolutely or  
10 otherwise, the security interest to a person other than the owner  
11 without affecting the interest of the owner or the validity of  
12 the security interest, but a person without notice of the  
13 assignment is protected in dealing with the holder of the  
14 security interest as the holder of the security interest. The  
15 assignee may have the certificate of title ~~indorsed~~ **endorsed**  
16 with the assignee named as the holder of the security interest by  
17 providing the department with a copy of the assignment instrument  
18 but the failure of the assignee to do so ~~shall~~ **does** not affect  
19 the validity of the security interest or the assignment of the  
20 security interest.

21 (3) The filing under this section or under section 30a of an  
22 application for a certificate of title showing the name and  
23 address of the holder of a security interest in a ~~mobile~~  
24 **manufactured** home is equivalent to the filing of a financing  
25 statement with respect to the security interest under article 9  
26 of the uniform commercial code, ~~Act No. 174 of the Public Acts~~  
27 ~~of 1962, being sections 440.9101 to 440.9994 of the Michigan~~

1 ~~Compiled Laws~~ 1962 PA 174, MCL 440.9101 to 440.9994.

2 (4) ~~When~~ If there is not an outstanding obligation or  
 3 commitment to make advances, incur obligations, or otherwise give  
 4 value, secured or to be secured by a security interest in a  
 5 ~~mobile~~ **manufactured** home, the secured party shall, within  
 6 10 days after satisfaction of the obligation and, in any event  
 7 within 30 days, execute a termination statement in the form  
 8 ~~prescribed by~~ the department **prescribes** and mail or deliver the  
 9 termination statement to the owner or other person as the owner  
 10 may direct. The owner other than a dealer holding the ~~mobile~~  
 11 **manufactured** home for resale, shall promptly ~~cause~~ **mail or**  
 12 **deliver** the certificate, all termination statements, and an  
 13 application for certificate of title accompanied by a fee of  
 14 \$1.00 ~~to be mailed or delivered~~ to the department. ~~—, which~~  
 15 **The department** shall issue a new certificate.

16 Sec. 30e. (1) If the interest of the owner in a ~~mobile~~  
 17 **manufactured** home is terminated by the enforcement of a security  
 18 agreement, the transferee of the owner's interest shall promptly  
 19 mail or deliver to the department the last certificate of title,  
 20 if the transferee ~~has possession of~~ **possesses** it; ~~—, an~~  
 21 application for a new certificate in the form ~~prescribed by~~ the  
 22 department ~~—, prescribes~~; and an affidavit made by or on behalf  
 23 of the holder of the security interest so enforced that the  
 24 ~~mobile~~ **manufactured** home was repossessed, that the interest of  
 25 the owner was lawfully terminated by enforcement of the security  
 26 agreement, and whether the holder has delivered the last  
 27 certificate of title to the transferee of the owner's interest,

1 naming the transferee, or if not, the reason delivery was not  
2 made and the ~~then~~ location of the certificate of title so far  
3 as known to the holder. If the holder of the security interest  
4 succeeds to the interest of the owner and holds the ~~mobile~~  
5 **manufactured** home for resale, the holder shall not be required to  
6 secure a new certificate of title but, upon transfer to another  
7 person, shall promptly mail or deliver to the transferee or to  
8 the department the certificate, if in the holder's possession,  
9 the affidavit, and other documents required to be sent to the  
10 department by the transferee.

11 (2) If the interest of the owner in a ~~mobile~~ **manufactured**  
12 home is terminated by sale ~~pursuant to~~ **through** a levy of  
13 execution, attachment, or other process of a court, the  
14 transferee of the owner's interest shall promptly mail or deliver  
15 to the department the last certificate of title, if the  
16 transferee ~~has possession of~~ **possesses** it; ~~—~~ an application  
17 for a new certificate of title in the form ~~prescribed by~~ the  
18 department **prescribes**; and an affidavit, upon a form ~~prescribed~~  
19 ~~by~~ the department **prescribes**, made by the officer of the court  
20 who conducted the sale, setting forth the date of the sale, ~~and~~  
21 the name of the purchaser, and whether the officer has delivered  
22 the certificate of title to the purchaser ~~and~~ **or**, if not, the  
23 reason delivery was not made and the ~~then~~ location of the  
24 certificate of title so far as known to the officer.

25 (3) A person holding a certificate of title ~~where~~ **if** the  
26 interest of the owner named in the certificate has been  
27 terminated in the manner provided by subsection (1) or (2) shall

1 mail or deliver the certificate to the department upon its  
2 request. The delivery of the certificate ~~pursuant~~ **in response**  
3 to the request of the department does not affect the rights of  
4 the person surrendering the certificate, and the action of the  
5 department in issuing a new certificate of title is not  
6 conclusive ~~upon any~~ **on the** rights of an owner or holder of a  
7 security interest named in the old certificate.

8 (4) The department, upon receipt of an application for a new  
9 certificate of title by a transferee in the manner provided by  
10 subsection (1) or (2), with proof of the transfer, the required  
11 fee, and ~~any~~ other documents required by law, shall issue a new  
12 certificate of title in the name of the transferee as owner,  
13 setting forth all security interests noted on the last  
14 certificate of title as having priority over the security  
15 agreement so enforced and shall mail or deliver the new  
16 certificate to the owner. If the outstanding certificate of  
17 title is not delivered, the department shall make demand for the  
18 outstanding certificate of title from the holder.

19 Sec. 30f. The department shall retain and appropriately  
20 file every surrendered certificate of title. The file shall be  
21 maintained ~~so as to permit~~ **in a manner that permits** the tracing  
22 of title of the ~~mobile~~ **manufactured** home designated in a  
23 surrendered certificate for a period of 10 years.

24 Sec. 30g. (1) The department may cancel or refuse to issue  
25 a certificate of title **if 1 or more of the following apply:**

26 (a) ~~If the~~ **The** department is satisfied that the certificate  
27 of title was fraudulently or erroneously issued.



1 (b) ~~If the~~ **The** department determines that the holder of the  
2 certificate has made or is making ~~an~~ unlawful use of the  
3 certificate.

4 (c) ~~If the~~ **The** department determines that the required fee  
5 has not been paid and the fee is not paid upon reasonable notice  
6 or demand.

7 (d) ~~If the~~ **The** department is authorized under ~~any other~~  
8 **another** provision of this act.

9 (e) ~~Upon receipt of~~ **The department receives** notification  
10 from another state or foreign country that a certificate of title  
11 issued by the department has been surrendered by the owner in  
12 conformity with the laws of the other state or foreign country.

13 (f) ~~If it~~ **It** is shown by satisfactory evidence that  
14 delivery of a ~~mobile~~ **manufactured** home in the possession of a  
15 dealer was not made to the applicant to whom the certificate was  
16 issued.

17 (2) Before a cancellation under subsection (1)(a), (b), or  
18 (d) is made, the person affected shall be given notice and an  
19 opportunity to be heard.

20 Sec. 30h. The commission in consultation with the secretary  
21 of state shall promulgate rules, ~~which~~ **that** shall further  
22 define and distinguish between the term ~~mobile~~ **manufactured**  
23 home as used in this act and the term trailer coach as used in  
24 the Michigan vehicle code, ~~Act No. 300 of the Public Acts of~~  
25 ~~1949, being sections 257.1 to 257.923 of the Michigan Compiled~~  
26 ~~Laws~~ **1949 PA 300, MCL 257.1 to 257.923.**

27 Sec. 31. A person who offers, sells, or purchases a

1 ~~mobile~~ **manufactured** home or equipment or a ~~mobile~~  
 2 **manufactured** home site in violation of this act or the code may  
 3 have an action brought against him or her to rescind the  
 4 transaction and recover damages.

5       Sec. 38. (1) The department may issue an order to show  
 6 cause why an order imposing sanctions or penalties allowed under  
 7 this act should not be issued by the commission if the department  
 8 finds **both** that the order is in the public interest ~~—~~ and ~~any~~  
 9 **1 or more** of the following:

10       (a) An application filed pertaining to a license, a  
 11 disclosure statement, or a related document filed with the  
 12 department in connection with a ~~mobile~~ **manufactured** home  
 13 license ~~—~~ is incomplete in ~~any~~ **a** material respect or contains  
 14 a statement ~~which~~ **that** is false or misleading, in the light of  
 15 the circumstances under which it is made.

16       (b) A provision of this act, or a rule, order, or condition  
 17 lawfully imposed under this act, was not complied with or was  
 18 violated in connection with the offering by the person filing the  
 19 document; the developer, dealer, or operator; a partner, officer,  
 20 director, proprietor, or manager of the developer, dealer, or  
 21 operator; or a person directly or indirectly controlling, or  
 22 directly controlled by, the developer, dealer, or operator.

23       (c) The project worked or tended to work a fraud or deception  
 24 or would so operate, or the project would create an unreasonable  
 25 risk to **a** prospective ~~tenants~~ **tenant**, as defined by rules  
 26 promulgated by the commission.

27       (d) The developer, dealer, or operator; a partner, officer,

1 director, proprietor, or manager of the developer, dealer, or  
 2 operator; a person directly or indirectly controlling, or  
 3 directly controlled by, the developer, dealer, or operator; or a  
 4 person identified in the application for a license ~~—~~ or **in** a  
 5 disclosure statement ~~—~~ was within the ~~past~~ 10 years  
 6 **immediately preceding the date of the order** convicted of an  
 7 offense under this act, ~~or~~ is the subject of an administrative  
 8 order issued under this act, or had a civil judgment entered  
 9 against him or her as a result of a violation of this act or a  
 10 rule promulgated or order issued ~~pursuant to~~ **under** this act,  
 11 and the department determines that the involvement of the person  
 12 in the sale or development of the project creates an unreasonable  
 13 risk to **a prospective tenant or a manufactured**  
 14 **home purchaser.**

15 (e) The developer, dealer, or operator; a partner, officer,  
 16 director, proprietor, or manager of the developer, **dealer, or**  
 17 **operator;** a person directly controlling, or directly controlled  
 18 by, or indirectly the developer, dealer, or operator; or a person  
 19 identified in the application for a license ~~—~~ or **in** a  
 20 disclosure statement ~~—~~ was convicted of a violation, or **was** the  
 21 subject of an administrative order or civil judgment as a result  
 22 of a violation, of a statute regulating the offering of  
 23 securities or franchises or licensing or regulating builders,  
 24 real estate brokers, or real estate salespersons, or **was**  
 25 **convicted** of **a** violation of the land sales act, ~~Act No. 286 of~~  
 26 ~~the Public Acts of 1972, being sections 565.801 to 565.835 of the~~  
 27 ~~Michigan Compiled Laws~~ **1972 PA 286, MCL 565.801 to 565.835,** or a

1 rule promulgated or an order issued under that act.

2 (f) The applicant's method of business, construction,  
3 development, or sales includes or would include activities  
4 ~~which~~ **that** are illegal.

5 (g) The applicant failed to pay the proper fee.

6 (h) The applicant failed to comply with the state warranty  
7 laws.

8 (2) ~~When~~ **If** it appears to the department that a person  
9 engaged in an act or practice constituting a violation of this  
10 act or a rule promulgated or order issued under this act, the  
11 department may issue a notice to show cause why a cease and  
12 desist order should not be issued.

13 (3) After 10 days' notice and opportunity for hearing, the  
14 department may stop construction as to part or all of a project  
15 if continuing the building will cause irreparable harm to  
16 residents and prospective residents of the project.

17 Sec. 43. (1) If, after notice and a hearing as provided in  
18 the administrative procedures act of 1969, ~~Act No. 306 of the~~  
19 ~~Public Acts of 1969, being sections 24.201 to 24.328 of the~~  
20 ~~Michigan Compiled Laws~~ **1969 PA 306, MCL 24.201 to 24.328**, a  
21 person is determined to have violated this act, the commission  
22 may impose 1 or more of the following penalties:

23 (a) Censure.

24 (b) Probation.

25 (c) Placement of a limitation on a license.

26 (d) Suspension of a license. The commission may request the  
27 appointment of a receiver when taking action under this

1 subdivision.

2 (e) Revocation of a license. The commission may request the  
3 appointment of a receiver when taking action under this  
4 subdivision.

5 (f) Denial of a license.

6 (g) A civil fine of not more than \$10,000.00.

7 (h) A requirement that restitution be made.

8 (2) A fine collected under this section shall be deposited  
9 with the state treasurer and credited to the ~~mobile home~~  
10 **manufactured housing** commission fund.

11 (3) This section does not prohibit actions being taken under  
12 other sections of this act.

13 (4) The pursuit in court of the lawful rights of a licensee  
14 does not constitute a violation of this act, regardless of the  
15 outcome of the court action.

16 Enacting section 1. Section 49 of the mobile home  
17 commission act, 1987 PA 96, MCL 125.2349, is repealed.