

SUBSTITUTE FOR
HOUSE BILL NO. 5513

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
by amending sections 2, 4, 7, 16, 17, 43, and 48 (MCL 125.2302,
125.2304, 125.2307, 125.2316, 125.2317, 125.2343, and 125.2348),
section 2 as amended by 2012 PA 588, sections 4, 16, and 17 as
amended by 2006 PA 328, section 7 as amended by 2009 PA 215, and
section 43 as added by 1988 PA 337, and by adding sections 48b and
48d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Campground" means a campground as defined in section
- 3 12501 of the public health code, 1978 PA 368, MCL 333.12501.
- 4 (b) "Code" means all or a part of the mobile home code

1 promulgated ~~pursuant to~~ **UNDER** section 5.

2 (c) "Commission" means the ~~mobile home code~~ **MANUFACTURED**
3 **HOUSING** commission.

4 (d) "Department" means the department of licensing and
5 regulatory affairs, except ~~that department~~ **AS FOLLOWS:**

6 (i) **DEPARTMENT** means the department of state in all of the
7 following circumstances:

8 (A) ~~(i)~~ As used in section 5(1) with respect to rules
9 promulgated under section 5(1)(h).

10 (B) ~~(ii)~~ As used in section 9(5) with respect to rules
11 adjusting fees under section 30a or 30c.

12 (C) ~~(iii)~~ As used in sections 30 to 30i.

13 (ii) **DEPARTMENT, AS USED WITH RESPECT TO POWERS AND DUTIES**
14 **CONCERNING WATER SUPPLY SYSTEMS AND SEWAGE COLLECTION AND DISPOSAL**
15 **SYSTEMS FOR MOBILE HOME PARKS AND SEASONAL MOBILE HOME PARKS, MEANS**
16 **THE DEPARTMENT OF ENVIRONMENTAL QUALITY.**

17 (e) "Installer and repairer" means a person, including a
18 mobile home dealer, who for compensation installs or repairs mobile
19 homes.

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

21 (g) "Mobile home" means a structure ~~, THAT IS~~ transportable in
22 1 or more sections, ~~which is~~ built on a chassis, and designed to be
23 used as a dwelling, with or without permanent foundation, when
24 connected to the required utilities, and includes the plumbing,
25 heating, air-conditioning, and electrical systems contained in the
26 structure.

27 (h) "Mobile home dealer" means a person other than a

1 manufacturer engaged in the business of buying mobile homes for
2 resale, exchange, lease, or rent or offering mobile homes for sale,
3 lease, rent, or exchange to customers.

4 (i) "Mobile home park" means a parcel or tract of land under
5 the control of a person upon which 3 or more mobile homes are
6 located on a continual, nonrecreational basis and which is offered
7 to the public for that purpose regardless of whether a charge is
8 made therefor, together with any building, structure, enclosure,
9 street, equipment, or facility used or intended for use incident to
10 the occupancy of a mobile home.

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

12 (k) "Person" means an individual, partnership, association,
13 trust, or corporation, or any other legal entity or combination of
14 legal entities.

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

19 (m) "Seasonal mobile home park" means a parcel or tract of
20 land under the control of a person upon which 3 or more mobile
21 homes are located on a continual or temporary basis but occupied on
22 a temporary basis only, and which is offered to the public for that
23 purpose regardless of whether a charge is made therefor, together
24 with any building, enclosure, street, equipment, or facility used
25 or intended for use incident to the occupancy of a mobile home.
26 Seasonal mobile home park does not include a campground licensed
27 pursuant to sections 12501 to 12516 of the public health code, 1978

1 PA 368, MCL 333.12501 to 333.12516.

2 (n) "Secured party" means that term as defined in section 9102
3 of the uniform commercial code, 1962 PA 174, MCL 440.9102.

4 (o) "Security interest" means that term as defined in section
5 1201 of the uniform commercial code, 1962 PA 174, MCL 440.1201.

6 **(P) "TECHNICAL BULLETIN" MEANS A DOCUMENT ISSUED BY THE**
7 **DEPARTMENT TO PROMOTE UNIFORM INTERPRETATION AND ENFORCEMENT OF**
8 **THIS ACT AND RULES PROMULGATED UNDER THIS ACT. A RULE PROMULGATED**
9 **OR ORDER ISSUED UNDER THIS ACT IS NOT A TECHNICAL BULLETIN.**

10 (Q) ~~(p)~~ "Termination statement" means that term as defined in
11 section 9102 of the uniform commercial code, 1962 PA 174, MCL
12 440.9102.

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

14 (a) After consultation with and considering comments from
15 representatives of the manufactured housing industry and other
16 interested parties, recommend rules to the department to implement
17 and administer this act.

18 (b) Act for the purpose of establishing a uniform policy
19 relating to all phases of mobile home businesses, mobile home
20 parks, and seasonal mobile home parks.

21 (c) Determine the sufficiency of local mobile home ordinances
22 ~~which~~ **THAT** are designed to provide local governments with
23 superintending control over mobile home businesses, mobile home
24 parks, or seasonal mobile homes parks.

25 (d) Conduct public hearings relating to the powers prescribed
26 in this subsection.

27 (2) The director or an authorized representative of the

1 director shall do all of the following:

2 (a) After consultation with and considering comments from
3 representatives of the manufactured housing industry and other
4 interested parties, promulgate rules to implement and administer
5 this act.

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

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

10 (d) Provide assistance to the commission as the commission
11 requires.

12 (e) On not less than a quarterly basis, ~~the director or an~~
13 ~~authorized representative of the director shall report to the~~
14 commission on the expenditure of all fees collected under this act
15 and the relation of ~~such~~ **THOSE** expenditures to the enforcement and
16 administration of this act.

17 **(F) PREPARE A DETAILED WRITTEN EXPLANATION OF THE POWERS AND**
18 **DUTIES OF LOCAL GOVERNMENTS WITH RESPECT TO MOBILE HOME PARKS,**
19 **SEASONAL MOBILE HOME PARKS, AND MOBILE HOMES AND POST AND MAINTAIN**
20 **THE DOCUMENT ON THE DEPARTMENT'S WEBSITE.**

21 **(G) POST AND MAINTAIN ON THE DEPARTMENT'S WEBSITE ALL CURRENT**
22 **TECHNICAL BULLETINS.**

23 **(H) PROMPTLY NOTIFY A LOCAL GOVERNMENT OF THE ISSUANCE,**
24 **AMENDMENT, OR RESCISSION OF A TECHNICAL BULLETIN IF THE DEPARTMENT**
25 **HAS KNOWLEDGE THAT A MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK**
26 **IS LOCATED IN, OR AN APPLICATION HAS BEEN FILED FOR THE LICENSURE**
27 **OF A PARK PROPOSED TO BE LOCATED IN, THE LOCAL GOVERNMENT. THE**

1 NOTICE SHALL BE SENT BY FIRST-CLASS MAIL OR ELECTRONIC MAIL TO EACH
2 OF THE FOLLOWING:

3 (i) THE CLERK OF THE LOCAL GOVERNMENT.

4 (ii) THE CHIEF EXECUTIVE OFFICER OF THE LOCAL GOVERNMENT.

5 (iii) THE ENFORCING AGENCY FOR THE LOCAL GOVERNMENT IF, UNDER
6 SECTION 8A OR 8B OF THE STILLE-DEROSSETT-HALE SINGLE STATE
7 CONSTRUCTION CODE ACT, 1972 PA 230, MCL 125.1508A AND 125.1508B,
8 THE LOCAL GOVERNMENT HAS ASSUMED RESPONSIBILITY FOR THE
9 ADMINISTRATION AND ENFORCEMENT WITHIN ITS JURISDICTION OF THAT ACT
10 AND THE STATE CONSTRUCTION CODE OR A PART OF THE STATE CONSTRUCTION
11 CODE OF LIMITED APPLICATION.

12 (I) IF THE DEPARTMENT RECEIVES A COMPLAINT ABOUT A CONDITION
13 AT A MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK THAT IMMINENTLY
14 THREATENS THE HEALTH OR SAFETY OF THE RESIDENTS OF THE PARK,
15 PROMPTLY NOTIFY EACH LOCAL GOVERNMENT IN WHICH THE PARK IS LOCATED
16 OF THE DETAILS OF THE COMPLAINT.

17 (3) The commission shall not ~~act for the purpose of regulating~~
18 **REGULATE** mobile homes that are not located within a mobile home
19 park or a seasonal mobile home park, except as relates to the
20 business, sales, and service practices of mobile home dealers and
21 the business practices of mobile home installers and repairers.

22 Sec. 7. (1) Except as provided in subsection (7), a local
23 government that proposes a standard related to mobile home parks or
24 seasonal mobile home parks, or related to mobile homes located
25 within a mobile home park or a seasonal mobile home park, that is
26 higher than the standard provided in this act or the code, or that
27 proposes a standard related to the business, sales, and service

1 practices of mobile home dealers, or the business of mobile home
2 installers and repairers, that is higher than the standard provided
3 in this act or the code, shall file the proposed standard with the
4 commission. Except as provided in subsection (7), the commission
5 may promulgate rules to establish the criteria and procedure for
6 implementation of higher standards by a local government. The
7 commission shall review and approve the proposed standard unless
8 the standard is unreasonable, arbitrary, or not in the public
9 interest. If the commission does not approve or disapprove the
10 proposed standard within 60 days after it is filed with the
11 commission, the standard shall be considered approved unless the
12 local government grants the commission additional time to consider
13 the standard. After the proposed standard is approved, the local
14 government may adopt the standard by ordinance. The ordinance shall
15 relate to a specific section of the code.

16 (2) A local government **IS NOT REQUIRED TO FILE WITH THE**
17 **COMMISSION** A standard related to mobile homes **THAT ARE** not located
18 within a mobile home park or seasonal mobile home park, ~~need not be~~
19 ~~filed with the mobile home commission,~~ unless the standard relates
20 to the business, sales, and service practices of mobile home
21 dealers, or the business of mobile home installers and repairers.

22 (3) A local government ordinance shall not be designed as
23 ~~exclusionary~~ to **EXCLUDE** mobile homes generally, whether the mobile
24 homes are located inside or outside of mobile home parks or
25 seasonal mobile home parks.

26 (4) A local government ordinance shall not contain a standard
27 for the setup or installation of mobile homes that is incompatible

1 with, or is more stringent than, either of the following:

2 (a) The manufacturer's recommended setup and installation
3 specifications.

4 (b) The mobile home setup and installation standards
5 promulgated by the federal department of housing and urban
6 development pursuant to the national manufactured housing
7 construction and safety standards act of 1974, 42 USC 5401 to 5426.

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

12 (6) A local government ~~ordinance shall not contain~~ **ADOPT OR**
13 **ENFORCE AN ORDINANCE PROVISION ESTABLISHING** roof configuration
14 standards or special use zoning requirements that apply only to, or
15 ~~excludes,~~ **EXCLUDE,** mobile homes. A local government ~~ordinance shall~~
16 ~~not contain~~ **ADOPT OR ENFORCE AN ORDINANCE PROVISION ESTABLISHING** a
17 manufacturing or construction standard that is incompatible with,
18 or is more stringent than, a standard promulgated by the federal
19 department of housing and urban development pursuant to the
20 national manufactured housing construction and safety standards act
21 of 1974, 42 USC 5401 to 5426. A local government ordinance may
22 ~~include~~ **ESTABLISH** reasonable standards relating to mobile homes
23 located outside of mobile home parks or seasonal mobile home parks
24 which ensure that mobile homes compare aesthetically to site-built
25 housing located or allowed in the same residential zone.

26 (7) ~~Notwithstanding anything in section 17 that may be to the~~
27 ~~contrary, a~~ A local government may adopt an ordinance to inspect

1 **PROVIDE FOR INSPECTION OF** mobile homes for safety, ~~within~~ **WHETHER**
 2 **THE MOBILE HOMES ARE LOCATED WITHIN OR OUTSIDE** a mobile home park ~~7~~
 3 ~~a~~ **OR** seasonal mobile home park. ~~, or mobile homes located outside a~~
 4 ~~mobile home park or a seasonal mobile home park if the mobile home~~
 5 ~~being inspected is~~ **IF THE INSPECTION PROGRAM IS LIMITED TO MOBILE**
 6 **HOMES** being rented to a tenant by the owner of the mobile home, ~~-~~
 7 ~~The~~ **THE** local government may propose a means to determine which
 8 mobile homes located within its jurisdiction are being rented to
 9 ~~tenants~~ **A TENANT** by the owner, including, but not limited to,
 10 imposition of a registration or a licensing requirement for renting
 11 ~~A mobile homes~~ **HOME** to ~~tenants~~ **A TENANT**. A local government may
 12 inspect ~~A mobile homes~~ **HOME** rented to ~~tenants~~ **A TENANT** by the owner
 13 for safety if the safety inspection ordinance applies to all other
 14 rental housing within the local ~~governmental unit~~ **GOVERNMENT**. If a
 15 local government inspects mobile homes ~~rented to tenants by the~~
 16 ~~owner~~ for safety, the period between inspections shall not be less
 17 than 3 years unless the local government is responding to a
 18 complaint from a tenant. An inspection shall not be conducted on a
 19 mobile home for which an occupancy permit ~~has been~~ **WAS** issued by
 20 the local government in the preceding 3 years unless the local
 21 government is responding to a complaint from a tenant. ~~Inspections~~
 22 ~~for safety~~ **THE LOCAL GOVERNMENT** shall not require enforcement of
 23 any mobile home construction standards that are ~~greater~~ **HIGHER** than
 24 those applicable to the mobile home under the national manufactured
 25 housing construction and safety standards act of 1974, 42 USC 5401
 26 to 5426, or standards or codes to which the mobile home was
 27 constructed if it was constructed before application of the

1 national manufactured housing construction and safety standards act
2 of 1974, 42 USC 5401 to 5426. ~~As used in this section, "inspection~~
3 ~~for safety" means an inspection of a rental mobile home that is AN~~

4 **INSPECTION FOR SAFETY UNDER THIS SECTION SHALL BE** limited to
5 ensuring the proper functioning, or protection, of the following:

6 (a) Furnace.

7 (b) Water heater.

8 (c) Electrical wiring.

9 (d) ~~Proper sanitation~~ **SANITATION** and plumbing.

10 (e) Ventilation.

11 (f) Heating equipment.

12 (g) Structural integrity.

13 (h) Smoke alarms.

14 Sec. 16. (1) A person shall not operate a mobile home park or
15 seasonal mobile home park without a license. **THE TERM OF A LICENSE**
16 **IS 3 YEARS. THE DEPARTMENT SHALL ISSUE A LICENSE ONLY IF ALL OF THE**
17 **FOLLOWING REQUIREMENTS ARE MET:**

18 (A) **THE APPLICANT SUBMITS A COMPLETE LICENSE APPLICATION.**

19 (B) **CERTIFICATIONS AND RECOMMENDATIONS OF APPROPRIATE AGENCIES**
20 **AND LOCAL GOVERNMENTS ARE SUBMITTED TO AND APPROVED BY THE**
21 **DEPARTMENT.**

22 (C) **IF THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK IS**
23 **DETERMINED TO BE A DISTRESSED PARK UNDER RULES PROMULGATED UNDER**
24 **SUBSECTION (2), THE APPLICANT PROVIDES FINANCIAL ASSURANCE REQUIRED**
25 **UNDER THOSE RULES.**

26 (D) **THE APPLICANT PAYS THE FEE SET FORTH IN SUBSECTION (4).**

27 (E) **THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK WAS**

1 APPROVED AS BEING IN SUBSTANTIAL COMPLIANCE AFTER ITS MOST RECENT
2 INSPECTION UNDER SECTION 17.

3 ~~—— (2) Upon completion, review, and approval of certifications,~~
4 ~~the department shall grant a license to operate a mobile home park~~
5 ~~or seasonal mobile home park.~~

6 (2) THE COMMISSION SHALL PROMULGATE RULES TO DO ALL OF THE
7 FOLLOWING:

8 (A) PROVIDE STANDARDS AND PROCEDURES FOR THE COMMISSION TO
9 DETERMINE WHETHER A MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK
10 THAT IS NOT IN SUBSTANTIAL COMPLIANCE WITH THE RULES PROMULGATED
11 UNDER SECTIONS 5 AND 6 IS A DISTRESSED PARK. THE STANDARDS AND
12 PROCEDURES SHALL PROVIDE THE OWNER WITH AN OPPORTUNITY FOR AN
13 EVIDENTIARY HEARING AND REQUIRE THE COMMISSION TO CONSIDER AT LEAST
14 ALL OF THE FOLLOWING:

15 (i) THE LENGTH OF TIME THE MOBILE HOME PARK OR SEASONAL MOBILE
16 HOME PARK HAS NOT BEEN IN SUBSTANTIAL COMPLIANCE WITH THE RULES
17 PROMULGATED UNDER SECTIONS 5 AND 6.

18 (ii) WHETHER THE OWNER OR OPERATOR WAS NOTIFIED AND HAD
19 SUFFICIENT OPPORTUNITY TO BRING THE MOBILE HOME PARK OR SEASONAL
20 MOBILE HOME PARK INTO SUBSTANTIAL COMPLIANCE.

21 (iii) ANY IMMINENT THREAT TO THE HEALTH OR SAFETY OF THE
22 RESIDENTS OF THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK.

23 (iv) WHETHER THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK
24 HAS BEEN OR IS LIKELY TO BE ABANDONED BY THE OWNER OR OPERATOR.

25 (B) REQUIRE THE OWNER OF A DISTRESSED MOBILE HOME PARK OR
26 SEASONAL MOBILE HOME PARK TO POST FINANCIAL ASSURANCE IN THE FORM
27 OF A BOND, CASH DEPOSIT, OR OTHER FINANCIAL ARRANGEMENT TO ENSURE

1 THE REPAIR AND CLEANUP OF THE MOBILE HOME PARK OR SEASONAL MOBILE
2 HOME PARK, INCLUDING THE REPAIR OF SUBSTANDARD OR NONCOMPLYING
3 PARK-OWNED UTILITY SYSTEMS AND THE REMOVAL AND DISPOSAL OF
4 ABANDONED MOBILE HOMES, SCRAP MATERIAL, OR OTHER WASTE.

5 (3) NOT MORE THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THE
6 AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE COMMISSION SHALL
7 SUBMIT A REPORT ON PROGRESS ON RULE PROMULGATION UNDER SUBSECTION
8 (2) TO THE STANDING COMMITTEES OF THE SENATE AND HOUSE OF
9 REPRESENTATIVES WITH PRIMARY RESPONSIBILITY FOR LEGISLATION
10 AFFECTING MOBILE HOME PARKS.

11 (4) ~~(3) A 3-year license shall be granted and renewed by the~~
12 ~~department based upon the certifications and recommendations of the~~
13 ~~appropriate agencies and local governments. The fee for the 3-year~~
14 ~~A license to operate a mobile home park is \$225.00, plus an~~
15 ~~additional \$3.00 for each home site in excess of 25 home sites in~~
16 ~~the mobile home park, or any lesser amount established pursuant to~~
17 ~~section 9(5). The fee for a 3-year license to operate a seasonal~~
18 ~~mobile home park is \$120.00, plus an additional \$1.50 for each home~~
19 ~~site in excess of 25 home sites in the seasonal mobile home park,~~
20 ~~or any lesser amount established pursuant to section 9(5).~~

21 (5) ~~(4)~~—If a person submits a timely application for renewal
22 of a license and pays the appropriate fee, the person may continue
23 to operate a mobile home park or seasonal mobile home park unless
24 notified that the application for renewal is not approved.

25 (6) ~~(5)~~—A campground ~~which~~ **THAT** is currently licensed under
26 sections 12501 to 12516 of the public health code, 1978 PA 368, MCL
27 333.12501 to 333.12516, **AND** was previously licensed under the

1 **FORMER** licensing provisions of 1959 PA 243, MCL 125.1035 to
2 125.1043, as a seasonal trailer park ~~and which currently meets the~~
3 ~~seasonal trailer park construction standards under 1959 PA 243, MCL~~
4 ~~125.1035 to 125.1043,~~ may apply for and shall be licensed as a
5 seasonal mobile home park under this act if the campground meets
6 all other requirements for licensure under this act as a seasonal
7 mobile home park.

8 Sec. 17. (1) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (2), THE**
9 ~~department of environmental quality or its authorized~~
10 ~~representative shall conduct a~~ **AN ANNUAL** physical inspection of
11 mobile home parks and seasonal mobile home parks in accordance with
12 standards established by the department. ~~of environmental quality.~~
13 ~~If the mobile home park or seasonal mobile home park is approved,~~
14 ~~the department shall issue a license pursuant to section 16.~~ **THE**
15 **DEPARTMENT SHALL PREPARE A REPORT DOCUMENTING THE FINDINGS OF THE**
16 **INSPECTION AND SUBMIT A COPY OF THE REPORT TO EACH LOCAL GOVERNMENT**
17 **IN WHICH THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK IS**
18 **LOCATED.**

19 (2) ~~Except~~ **THE DEPARTMENT SHALL ENTER INTO A CONTRACT FOR**
20 **INSPECTION OF MOBILE HOME PARKS AND SEASONAL MOBILE HOME PARKS WITH**
21 **ANY COUNTY HEALTH DEPARTMENT THAT CHOOSES TO PERFORM THE**
22 **INSPECTIONS. THE DEPARTMENT MUST PAY REASONABLE COSTS TO ANY COUNTY**
23 **HEALTH DEPARTMENT CONDUCTING THE INSPECTIONS.**

24 (3) **EXCEPT AS PROVIDED IN SUBSECTION (2) AND SECTION 7 AND**
25 **EXCEPT** for purposes of issuing a license or renewing a license
26 pursuant to this act, a local government ~~may not make an inspection~~
27 ~~unless it~~ **SHALL NOT INSPECT A MOBILE HOME PARK OR SEASONAL MOBILE**

1 **HOME PARK UNLESS THE LOCAL UNIT** has reason to believe that this
 2 act, the code, or rules promulgated pursuant to this act were
 3 violated.

4 Sec. 43. (1) If, after notice and a hearing as provided in the
 5 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
 6 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
 7 ~~Compiled Laws, 1969 PA 306, MCL 24.201 TO 24.328,~~ a person is
 8 determined to have violated this act, the commission may impose 1
 9 or more of the following penalties:

10 (a) Censure.

11 (b) Probation.

12 (c) ~~Placement of a limitation on a license.~~ **LICENSE LIMITATION.**

13 (d) ~~Suspension of a license.~~ **LICENSE SUSPENSION.** The
 14 commission may request the appointment of a receiver when taking
 15 action under this subdivision.

16 (e) ~~Revocation of a license.~~ **LICENSE REVOCATION.** The
 17 commission may request the appointment of a receiver when taking
 18 action under this subdivision.

19 (f) ~~Denial of a license.~~ **LICENSE DENIAL.**

20 (g) A civil fine of not more than ~~\$10,000.00.~~ **\$50,000.00.**

21 (h) ~~A requirement that restitution be made.~~ **RESTITUTION.**

22 (2) A fine collected under this section shall be deposited
 23 with the state treasurer and credited to the mobile home ~~commission~~
 24 **CODE** fund **CREATED IN SECTION 9.**

25 (3) **IF THE DEPARTMENT DETERMINES THAT THE OWNER OR OPERATOR OF**
 26 **A MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK HAS VIOLATED THIS**
 27 **PART OR RULES PROMULGATED UNDER THIS PART BY FAILING TO MAINTAIN OR**

1 REPAIR ANY INFRASTRUCTURE OR FACILITIES OF THE MOBILE HOME PARK OR
2 SEASONAL MOBILE HOME PARK, THE DEPARTMENT SHALL GIVE NOTICE OF THE
3 DETERMINATION BY PERSONAL SERVICE OR FIRST-CLASS MAIL TO THE LOCAL
4 GOVERNMENTS WHERE THE MOBILE HOME PARK IS LOCATED, THE OWNER, THE
5 OPERATOR, AND, IF FINANCIAL ASSURANCE IN THE FORM OF A BOND HAS
6 BEEN POSTED UNDER RULES PROMULGATED UNDER SECTION 16(2), THE SURETY
7 EXECUTING THE BOND. IF THE SPECIFIED MAINTENANCE OR REPAIR IS NOT
8 PERFORMED BY THE OWNER, OPERATOR, OR SURETY WITHIN 60 DAYS AFTER
9 SERVICE OF THE NOTICE, THE DEPARTMENT MAY ENTER THE MOBILE HOME
10 PARK OR SEASONAL MOBILE HOME PARK AND PERFORM THE SPECIFIED
11 MAINTENANCE OR REPAIR, AND THE OWNER, OPERATOR, AND ANY SURETY ARE
12 JOINTLY AND SEVERALLY LIABLE FOR ALL EXPENSES INCURRED. THE
13 DEPARTMENT SHALL CERTIFY THE CLAIM TO THE OWNER, OPERATOR, AND ANY
14 SURETY, LISTING IN THE CLAIM THE ITEMS OF EXPENSE IN PERFORMING THE
15 MAINTENANCE OR REPAIR, AND SHALL DRAW ON ANY FINANCIAL ASSURANCE
16 FOR THE PAYMENT OF THE CLAIM. THE DEPARTMENT SHALL NOTIFY THE LOCAL
17 GOVERNMENT WHERE THE MOBILE HOME PARK IS LOCATED WHEN THE SPECIFIED
18 MAINTENANCE OR REPAIR HAS BEEN COMPLETED.

19 (4) ~~(3)~~—This section does not prohibit actions FROM being
20 taken under other sections of this act.

21 (5) ~~(4)~~—The pursuit in court of the lawful rights of a
22 licensee does not constitute a violation of this act, regardless of
23 the outcome of the court action.

24 Sec. 48. (1) ~~Subject to section 49, Act No. 419 of the Public~~
25 ~~Acts of 1976, being sections 125.1101 to 125.1147 of the Michigan~~
26 ~~Compiled Laws, is repealed.~~ IF THE DEPARTMENT ORDERS THE OWNER OR
27 OPERATOR OF A MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK TO

1 CORRECT A VIOLATION THAT IMMINENTLY THREATENS THE HEALTH OR SAFETY
2 OF THE RESIDENTS OF THE PARK OR THE PUBLIC AND THE OWNER OR
3 OPERATOR FAILS TO COMPLY WITH THE ORDER, THE DEPARTMENT OR THE
4 LOCAL GOVERNMENT MAY BRING AN ACTION TO ENFORCE THE APPLICABLE
5 REGULATIONS AND TO ABATE OR ENJOIN THE VIOLATION.

6 (2) IF THE VIOLATION IS NOT CORRECTED AND IMMINENTLY THREATENS
7 THE HEALTH OR SAFETY OF THE RESIDENTS OF THE MOBILE HOME PARK OR
8 SEASONAL MOBILE HOME PARK OR THE PUBLIC, THE DEPARTMENT OR THE
9 LOCAL GOVERNMENT MAY FILE A MOTION FOR A PRELIMINARY INJUNCTION OR
10 OTHER TEMPORARY RELIEF APPROPRIATE TO REMOVE THE THREAT WHILE THE
11 ACTION IS PENDING.

12 (3) THE DEPARTMENT OR THE LOCAL GOVERNMENT SHALL SERVE A COPY
13 OF THE COMPLAINT AND A SUMMONS ON EACH OWNER AND LIENHOLDER OF
14 RECORD, AND ANY OPERATOR, OF THE MOBILE HOME PARK OR SEASONAL
15 MOBILE HOME PARK THAT CAN BE IDENTIFIED BY THE DEPARTMENT OR THE
16 LOCAL GOVERNMENT WITH THE EXERCISE OF REASONABLE DILIGENCE. THE
17 LOCAL GOVERNMENT SHALL ALSO FILE A NOTICE OF THE ACTION WITH THE
18 REGISTER OF DEEDS FOR THE COUNTY WHERE THE PARK IS LOCATED.

19 (4) THE COURT SHALL MAKE ORDERS AND DETERMINATIONS CONSISTENT
20 WITH THE OBJECTIVES OF THIS ACT. THE COURT MAY ENJOIN THE
21 MAINTENANCE OF AN UNSAFE, UNHEALTHY, OR UNSANITARY CONDITION, OR A
22 VIOLATION OF THE APPLICABLE REGULATIONS, AND MAY ORDER THE
23 DEFENDANT TO PERFORM MAINTENANCE AND REPAIRS OR MAKE OTHER
24 CORRECTIONS INCLUDING REMOVAL OF A BUILDING OR STRUCTURE NECESSARY
25 TO ABATE THE CONDITION. THE COURT MAY AUTHORIZE THE DEPARTMENT OR
26 THE LOCAL GOVERNMENT TO PERFORM MAINTENANCE OR REPAIRS OR TO REMOVE
27 A BUILDING OR STRUCTURE OWNED OR OPERATED BY THE OWNER OR OPERATOR

1 OF THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK. HOWEVER, THE
2 COURT SHALL NOT AUTHORIZE REMOVAL OF A BUILDING OR STRUCTURE UNLESS
3 THE COST OF REPAIR OF THE BUILDING OR STRUCTURE WILL BE GREATER
4 THAN THE STATE EQUALIZED VALUE OF THE BUILDING OR STRUCTURE.

5 (5) IF THE EXPENSE OF MAINTENANCE, REPAIR, OR REMOVAL IS NOT
6 OTHERWISE PROVIDED FOR, THE COURT MAY ENTER AN ORDER APPROVING THE
7 EXPENSE AND PLACE A LIEN ON THE REAL PROPERTY FOR THE PAYMENT OF
8 THE EXPENSE. THE ORDER MAY ESTABLISH THE LIEN AS A SENIOR LIEN,
9 EXCEPT AS TO TAX AND ASSESSMENT LIENS, AND EXCEPT AS TO A MORTGAGE
10 OF FIRST PRIORITY RECORDED PRIOR TO ALL OTHER LIENS OF RECORD. THE
11 ORDER MAY ALSO SPECIFY THE TIME AND MANNER FOR FORECLOSURE OF THE
12 LIEN IF THE LIEN IS NOT SATISFIED. TO PERFECT THE LIEN, A COPY OF
13 THE ORDER SHALL BE FILED WITH THE REGISTER OF DEEDS FOR THE COUNTY
14 WHERE THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK IS LOCATED
15 WITHIN 10 DAYS AFTER ENTRY OF THE ORDER.

16 SEC. 48B. (1) IN ACCORDANCE WITH THE RULES PROMULGATED UNDER
17 SECTION 16(2), THE DEPARTMENT OR THE LOCAL HEALTH DEPARTMENT MAY
18 FILE AN EMERGENCY PETITION WITH THE CIRCUIT COURT TO PLACE A MOBILE
19 HOME PARK OR SEASONAL MOBILE HOME PARK UNDER THE CONTROL OF A
20 RECEIVER. THE COURT MAY GRANT THE PETITION IF THE COURT FINDS THAT
21 THE HEALTH OR SAFETY OF THE RESIDENTS OF THE PARK IS SERIOUSLY
22 THREATENED BY CONDITIONS EXISTING WHEN THE PETITION WAS FILED OR
23 WILL BE SERIOUSLY THREATENED IF THE CONDITIONS ARE NOT CORRECTED.

24 (2) IF THE COURT APPOINTS A RECEIVER, THE RECEIVER SHALL BE
25 THE DIRECTOR OF THE LOCAL HEALTH DEPARTMENT OR HIS OR HER DESIGNEE,
26 THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY, THE
27 DIRECTOR OF THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, OR

1 ANOTHER STATE AGENCY OR PERSON DESIGNATED BY THE DIRECTOR OF THE
2 DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS. THE RECEIVER SHALL
3 USE THE INCOME AND ASSETS OF THE MOBILE HOME PARK OR SEASONAL
4 MOBILE HOME PARK TO MAINTAIN AND OPERATE THE PARK AND TO ATTEMPT TO
5 CORRECT THE CONDITIONS THAT THREATEN THE HEALTH OR SAFETY OF
6 RESIDENTS OF THE PARK OR WILL THREATEN THEIR HEALTH OR SAFETY IF
7 NOT CORRECTED.

8 (3) IF REQUESTED BY THE RECEIVER, THE DEPARTMENT OF LICENSING
9 AND REGULATORY AFFAIRS OR THE DEPARTMENT OF ENVIRONMENTAL QUALITY
10 SHALL PROVIDE AVAILABLE PERSONNEL TO CONSULT WITH THE RECEIVER ON
11 THE FULFILLMENT OF THE RECEIVER'S DUTIES.

12 (4) THE RECEIVERSHIP SHALL BE TERMINATED WHEN THE RECEIVER AND
13 THE COURT CERTIFY THAT THE CONDITIONS THAT PROMPTED THE APPOINTMENT
14 HAVE BEEN CORRECTED OR, IF THE MOBILE HOME PARK OR SEASONAL MOBILE
15 HOME PARK CEASES OPERATION, WHEN THE RESIDENTS ARE SAFELY PLACED IN
16 OTHER HOUSING, WHICHEVER OCCURS FIRST.

17 (5) UPON TERMINATION OF THE RECEIVERSHIP, THE RECEIVER SHALL
18 RENDER A COMPLETE ACCOUNTING TO THE COURT.

19 SEC. 48D. IF THE CONDITION OF A MOBILE HOME PARK OR SEASONAL
20 MOBILE HOME PARK IS AN IMMINENT DANGER TO THE HEALTH OR LIVES OF
21 INDIVIDUALS, THE LOCAL HEALTH DEPARTMENT MAY ISSUE AN ORDER UNDER
22 SECTION 2451 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.2451,
23 INCLUDING, BUT NOT LIMITED TO, AN ORDER REQUIRING THE MOBILE HOME
24 PARK OR SEASONAL MOBILE HOME PARK TO CEASE OPERATION OR PROHIBITING
25 THE PRESENCE OF INDIVIDUALS AT ALL OR PART OF THE PARK BECAUSE OF
26 THE CONDITION OF THE PARK.