

HOUSE BILL No. 5513

May 1, 2014, Introduced by Reps. Schor, Slavens, Barnett, LaVoy, Driskell, Irwin and Geiss
and referred to the Committee on Regulatory Reform.

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

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

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

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

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

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

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

(ii) DEPARTMENT MEANS THE DEPARTMENT OF ENVIRONMENTAL QUALITY AS USED IN THIS ACT WITH RESPECT TO POWERS AND DUTIES CONCERNING WATER SUPPLY SYSTEMS AND SEWAGE COLLECTION AND DISPOSAL SYSTEMS FOR MOBILE HOME PARKS AND SEASONAL MOBILE HOME PARKS.

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

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

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

(h) "Mobile home dealer" means a person other than a manufacturer engaged in the business of buying mobile homes for

1 resale, exchange, lease, or rent or offering mobile homes for sale,
2 lease, rent, or exchange to customers.

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

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

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

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

18 (m) "Seasonal mobile home park" means a parcel or tract of
19 land under the control of a person upon which 3 or more mobile
20 homes are located on a continual or temporary basis but occupied on
21 a temporary basis only, and which is offered to the public for that
22 purpose regardless of whether a charge is made therefor, together
23 with any building, enclosure, street, equipment, or facility used
24 or intended for use incident to the occupancy of a mobile home.
25 Seasonal mobile home park does not include a campground licensed
26 pursuant to sections 12501 to 12516 of the public health code, 1978
27 PA 368, MCL 333.12501 to 333.12516.

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

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

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

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

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

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

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

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

(C) ~~(d)~~—Conduct public hearings relating to the powers prescribed in this subsection.

(2) The director or an authorized representative of the director shall do all of the following:

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

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

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

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

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

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

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

22 (H) PROMPTLY NOTIFY A LOCAL GOVERNMENT OF THE ISSUANCE,
23 AMENDMENT, OR RESCISSION OF A TECHNICAL BULLETIN IF THE DEPARTMENT
24 HAS KNOWLEDGE THAT A MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK
25 IS LOCATED IN, OR AN APPLICATION HAS BEEN FILED FOR THE LICENSURE
26 OF A PARK PROPOSED TO BE LOCATED IN, THE LOCAL GOVERNMENT. THE
27 NOTICE SHALL BE SENT BY FIRST-CLASS MAIL OR ELECTRONIC MAIL TO EACH

1 OF THE FOLLOWING:

2 (i) THE CLERK OF THE LOCAL GOVERNMENT.

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

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

11 (I) IF THE DEPARTMENT RECEIVES A COMPLAINT ABOUT A MOBILE HOME
12 PARK OR SEASONAL MOBILE HOME PARK, PROMPTLY NOTIFY EACH LOCAL
13 GOVERNMENT IN WHICH THE PARK IS LOCATED OF THE DETAILS OF THE
14 COMPLAINT.

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

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

~~in this act or the code, shall file the proposed standard with the commission. Except as provided in subsection (7), the commission may promulgate rules to establish the criteria and procedure for implementation of higher standards by a local government. The commission shall review and approve the proposed standard unless the standard is unreasonable, arbitrary, or not in the public interest. If the commission does not approve or disapprove the proposed standard within 60 days after it is filed with the commission, the standard shall be considered approved unless the local government grants the commission additional time to consider the standard. After the proposed standard is approved, the local government may adopt the standard by ordinance. The ordinance shall relate to a specific section of the code.~~

~~—— (2) A local government standard related to mobile homes not located within a mobile home park or seasonal mobile home park need not be filed with the mobile home commission, unless the standard relates to the business, sales, and service practices of mobile home dealers, or the business of mobile home installers and repairers.~~

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

(2) ~~(4)~~ A local government ordinance shall not contain a standard for the setup or installation of mobile homes that is incompatible with, or is more stringent than, either of the following:

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

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

7 (3) ~~(5)~~ In the absence of any setup or installation
8 specifications or standards for foundations as set forth in
9 subsection ~~(4)(a)~~ **(2) (A)** or (b), the local government standards for
10 site-built housing ~~shall~~ apply.

11 (4) ~~(6)~~ A local government ordinance shall not contain roof
12 configuration standards or special use zoning requirements that
13 apply only to, or ~~excludes~~, **EXCLUDE**, mobile homes. A local
14 ~~government ordinance shall not contain a manufacturing or~~
15 ~~construction standard that is incompatible with, or is more~~
16 ~~stringent than, a standard promulgated by the federal department of~~
17 ~~housing and urban development pursuant to the national manufactured~~
18 ~~housing construction and safety standards act of 1974, 42 USC 5401~~
19 ~~to 5426. A local government ordinance may include reasonable~~
20 ~~standards relating to mobile homes located outside of mobile home~~
21 ~~parks or seasonal mobile home parks which ensure that mobile homes~~
22 ~~compare aesthetically to site built housing located or allowed in~~
23 ~~the same residential zone.~~

24 (5) ~~(7)~~ Notwithstanding anything in section 17, that may be to
25 the contrary, a local government may adopt an ordinance to inspect
26 **PROVIDE FOR INSPECTION AT** mobile homes for safety, ~~within~~ **WHETHER**
27 **THE MOBILE HOMES ARE LOCATED WITHIN OR OUTSIDE** a mobile home park 7

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

~~for safety" means an inspection of a rental mobile home that is~~ **AN**
INSPECTION FOR SAFETY UNDER THIS SECTION SHALL BE limited to
ensuring the proper functioning, or protection, of the following:

- (a) Furnace.
- (b) Water heater.
- (c) Electrical wiring.
- (d) ~~Proper sanitation~~ **SANITATION** and plumbing.
- (e) Ventilation.
- (f) Heating equipment.
- (g) Structural integrity.
- (h) Smoke alarms.

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

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

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

(C) **THE APPLICANT PROVIDES FINANCIAL ASSURANCE AS DESCRIBED**
UNDER SUBSECTION (2).

(D) **THE APPLICANT PAYS THE FEE SET FORTH IN SUBSECTION (3).**

(E) **THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK WAS**
APPROVED AFTER ITS MOST RECENT INSPECTION UNDER SECTION 17.

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

1 (2) THE FINANCIAL ASSURANCE REQUIRED UNDER SUBSECTION (1)
2 SHALL BE IN THE FORM OF A CERTIFICATE OF DEPOSIT, CASH, CERTIFIED
3 CHECK, IRREVOCABLE BANK LETTER OF CREDIT, OR SURETY BOND ACCEPTABLE
4 TO THE DEPARTMENT AND SHALL COVER THE ESTIMATED COST OF MAINTENANCE
5 AND REPAIRS TO THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK
6 OVER THE NEXT 3 YEARS. AN OPERATOR WHO ELECTS TO USE A CERTIFICATE
7 OF DEPOSIT AS BOND SHALL RECEIVE ANY ACCRUED INTEREST ON THAT
8 CERTIFICATE OF DEPOSIT UPON RELEASE OF THE BOND BY THE DEPARTMENT.
9 AN OPERATOR WHO ELECTS TO POST CASH AS A BOND SHALL EARN INTEREST
10 ON THE BOND. THE INTEREST SHALL ACCRUE QUARTERLY AT THE SAME RATE
11 AS INTEREST ON THE STATE COMMON CASH FUND. INTEREST SHALL BE PAID
12 TO THE OPERATOR UPON RELEASE OF THE BOND BY THE DEPARTMENT. TO THE
13 EXTENT THAT INTEREST EARNINGS EXCEED THE RATE SET FORTH IN THIS
14 SUBSECTION, THE EXCESS INTEREST SHALL BE DEPOSITED IN THE MOBILE
15 HOME CODE FUND CREATED IN SECTION 9.

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

26 (4) If a person submits a timely application for renewal of a
27 license and pays the appropriate fee, the person may continue to

1 operate a mobile home park or seasonal mobile home park unless
2 notified that the application for renewal is not approved.

3 (5) A campground which is currently licensed under sections
4 12501 to 12516 of the public health code, 1978 PA 368, MCL
5 333.12501 to 333.12516, **AND** was previously licensed under the
6 **FORMER** licensing provisions of 1959 PA 243, MCL 125.1035 to
7 125.1043, as a seasonal trailer park ~~and which currently meets the~~
8 ~~seasonal trailer park construction standards under 1959 PA 243, MCL~~
9 ~~125.1035 to 125.1043,~~ may apply for and shall be licensed as a
10 seasonal mobile home park under this act if the campground meets
11 all other requirements for licensure under this act as a seasonal
12 mobile home park.

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

23 (2) Except for purposes of issuing a license or renewing a
24 license pursuant to this act, a local government ~~may not make an~~
25 ~~inspection unless it~~ **SHALL NOT INSPECT A MOBILE HOME PARK OR**
26 **SEASONAL MOBILE HOME PARK UNLESS ANY OF THE FOLLOWING APPLY:**

27 (A) **THE LOCAL UNIT** has reason to believe that this act, the

code, or rules promulgated pursuant to this act were violated.

(B) THE DEPARTMENT FAILED TO PERFORM AN ANNUAL INSPECTION UNDER SUBSECTION (1) AND THE INSPECTION HAS NOT BEEN PERFORMED BY ANOTHER LOCAL GOVERNMENT. THE LOCAL GOVERNMENT MAY CHARGE THE OPERATOR OF THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK A FEE TO COVER THE ACTUAL REASONABLE COST OF PERFORMING AN INSPECTION OR MAY RECOVER THE COST FROM THE DEPARTMENT.

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

(a) Censure.

(b) Probation.

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

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

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

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

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

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

(2) A fine collected under this section shall be deposited with the state treasurer and credited to the mobile home ~~commission~~

1 CODE fund CREATED IN SECTION 9.

2 (3) IF THE DEPARTMENT DETERMINES THAT THE OPERATOR OF A MOBILE
3 HOME PARK OR SEASONAL MOBILE HOME PARK HAS VIOLATED THIS PART OR
4 RULES PROMULGATED UNDER THIS PART BY FAILING TO MAINTAIN OR REPAIR
5 ANY INFRASTRUCTURE OR FACILITIES OF THE MOBILE HOME PARK OR
6 SEASONAL MOBILE HOME PARK, THE DEPARTMENT SHALL GIVE NOTICE OF THE
7 DETERMINATION BY PERSONAL SERVICE OR FIRST-CLASS MAIL TO THE LOCAL
8 GOVERNMENTS WHERE THE MOBILE HOME PARK IS LOCATED, THE OWNER, THE
9 OPERATOR, AND, IF THE FINANCIAL ASSURANCE UNDER SECTION 16(2) IS IN
10 THE FORM OF A BOND, THE SURETY EXECUTING THE BOND. IF THE OWNER,
11 OPERATOR, AND SURETY FAIL TO PERFORM THE SPECIFIED MAINTENANCE AND
12 REPAIR WITHIN 60 DAYS AFTER SERVICE OF THE NOTICE, THE DEPARTMENT
13 MAY ENTER THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK AND
14 PERFORM THE SPECIFIED MAINTENANCE AND REPAIR, AND THE OWNER,
15 OPERATOR, AND ANY SURETY ARE JOINTLY AND SEVERALLY LIABLE FOR ALL
16 EXPENSES INCURRED. THE DEPARTMENT SHALL CERTIFY THE CLAIM TO THE
17 OWNER, OPERATOR, AND ANY SURETY, LISTING IN THE CLAIM THE ITEMS OF
18 EXPENSE IN PERFORMING THE MAINTENANCE OR REPAIR, AND SHALL DRAW ON
19 THE FINANCIAL ASSURANCE FOR THE PAYMENT OF THE CLAIM. THE
20 DEPARTMENT SHALL NOTIFY THE LOCAL GOVERNMENT WHERE THE MOBILE HOME
21 PARK IS LOCATED WHEN THE SPECIFIED MAINTENANCE AND REPAIRS HAVE
22 BEEN COMPLETED.

23 (4) ~~(3)~~—This section does not prohibit actions being taken
24 under other sections of this act.

25 (5) ~~(4)~~—The pursuit in court of the lawful rights of a
26 licensee does not constitute a violation of this act, regardless of
27 the outcome of the court action.

1 Sec. 48. (1) ~~Subject to section 49, Act No. 419 of the Public~~
2 ~~Acts of 1976, being sections 125.1101 to 125.1147 of the Michigan~~
3 ~~Compiled Laws, is repealed.~~ IF A LOCAL GOVERNMENT ISSUES TO THE
4 OPERATOR OF A MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK A
5 NOTICE OF VIOLATION OF AN ORDINANCE RELATED TO MOBILE HOME PARKS OR
6 SEASONAL MOBILE HOME PARKS AND THE OPERATOR FAILS TO COMPLY WITH
7 THE ORDER CONTAINED IN THE NOTICE OF VIOLATION, THE LOCAL
8 GOVERNMENT MAY BRING AN ACTION TO ENFORCE THE ORDINANCE AND TO
9 ABATE OR ENJOIN THE VIOLATION.

10 (2) IF THE VIOLATION IS UNCORRECTED AND ENDANGERS THE HEALTH
11 AND SAFETY OF THE OCCUPANTS OF THE MOBILE HOME PARK OR SEASONAL
12 MOBILE HOME PARK, OR IF THERE ARE NO OCCUPANTS AND THE VIOLATION
13 ENDANGERS THE HEALTH AND SAFETY OF THE PUBLIC, THE LOCAL GOVERNMENT
14 SHALL FILE A MOTION FOR A PRELIMINARY INJUNCTION OR OTHER TEMPORARY
15 RELIEF APPROPRIATE TO REMOVE THE DANGER DURING THE PENDENCY OF THE
16 ACTION.

17 (3) THE LOCAL GOVERNMENT SHALL SERVE A COPY OF THE COMPLAINT
18 AND A SUMMONS ON EACH OWNER AND LIENHOLDER OF RECORD THAT CAN BE
19 IDENTIFIED BY THE LOCAL GOVERNMENT WITH THE EXERCISE OF REASONABLE
20 DILIGENCE. THE LOCAL GOVERNMENT SHALL ALSO FILE A NOTICE OF THE
21 PENDENCY OF THE ACTION WITH THE REGISTER OF DEEDS FOR THE COUNTY
22 WHERE THE MOBILE HOME PARK OR SEASONAL MOBILE HOME PARK IS LOCATED.

23 (4) THE COURT SHALL MAKE ORDERS AND DETERMINATIONS CONSISTENT
24 WITH THE OBJECTIVES OF THE ORDINANCE. THE COURT MAY ENJOIN THE
25 MAINTENANCE OF AN UNSAFE, UNHEALTHY, OR UNSANITARY CONDITION, OR A
26 VIOLATION OF THE ORDINANCE, AND MAY ORDER THE DEFENDANT TO PERFORM
27 MAINTENANCE AND REPAIRS OR MAKE OTHER CORRECTIONS INCLUDING REMOVAL

1 OF A BUILDING OR STRUCTURE NECESSARY TO ABATE THE CONDITION. THE
2 COURT MAY AUTHORIZE THE LOCAL GOVERNMENT TO PERFORM MAINTENANCE OR
3 REPAIRS OR TO REMOVE A BUILDING OR STRUCTURE OWNED OR OPERATED BY
4 THE OWNER OR OPERATOR OF THE MOBILE HOME PARK OR SEASONAL MOBILE
5 HOME PARK. HOWEVER, THE COURT SHALL NOT AUTHORIZE REMOVAL OF A
6 BUILDING OR STRUCTURE UNLESS THE COST OF REPAIR OF THE BUILDING OR
7 STRUCTURE WILL BE GREATER THAN THE STATE EQUALIZED VALUE OF THE
8 BUILDING OR STRUCTURE.

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

20 SEC. 48B. (1) THE LOCAL HEALTH DEPARTMENT MAY FILE AN
21 EMERGENCY PETITION WITH THE CIRCUIT COURT TO PLACE A MOBILE HOME
22 PARK OR SEASONAL MOBILE HOME PARK UNDER THE CONTROL OF A RECEIVER.
23 THE COURT MAY GRANT THE PETITION IF THE COURT FINDS THAT THE HEALTH
24 OR SAFETY OF THE RESIDENTS OF THE PARK WOULD BE SERIOUSLY
25 THREATENED IF A CONDITION EXISTING AT THE TIME THE PETITION WAS
26 FILED IS PERMITTED TO CONTINUE.

27 (2) IF THE COURT APPOINTS A RECEIVER, THE RECEIVER SHALL BE

1 THE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, THE DIRECTOR OF
2 THE DEPARTMENT OF COMMUNITY HEALTH, THE DIRECTOR OF THE LOCAL
3 HEALTH DEPARTMENT OR HIS OR HER DESIGNEE, OR ANOTHER STATE AGENCY
4 OR PERSON DESIGNATED BY THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY
5 HEALTH. THE RECEIVER SHALL USE THE INCOME AND ASSETS OF THE MOBILE
6 HOME PARK OR SEASONAL MOBILE HOME PARK TO MAINTAIN AND OPERATE THE
7 PARK AND TO ATTEMPT TO CORRECT THE CONDITIONS THAT CONSTITUTE A
8 THREAT TO THE HEALTH OR SAFETY OF RESIDENTS.

9 (3) IF REQUESTED BY THE RECEIVER, THE DEPARTMENT OF COMMUNITY
10 HEALTH SHALL PROVIDE AVAILABLE PERSONNEL TO CONSULT WITH THE
11 RECEIVER ON 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.