

# HOUSE BILL NO. 6007

July 23, 2020, Introduced by Reps. Hertel, Cherry, Kahle, Sneller, Mueller and Frederick and referred to the Committee on Regulatory Reform.

A bill to amend 1987 PA 96, entitled  
"The mobile home commission act,"  
(MCL 125.2301 to 125.2350) by adding section 30j.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 30j. (1) An owner of a mobile home park at which a mobile  
2 home owned by another person is located may declare the mobile home  
3 abandoned if all of the following conditions are met:

4       (a) A court of competent jurisdiction issued an order pursuant  
5 to chapter 57 of the revised judicature act of 1961, 1961 PA 236,



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1 MCL 600.5701 to 600.5759, or chapter 57a of the revised judicature  
2 act of 1961, 1961 PA 236, MCL 600.5771 to 600.5785, restoring  
3 possession of the premises to the mobile home park owner.

4 (b) Either the mobile home on the premises has been  
5 continuously unoccupied for at least 90 days after the court issued  
6 the order under subsection (1)(a) or rent has not been paid for at  
7 least 10 days after the court issued the order under subsection  
8 (1)(a).

9 (c) Any indebtedness that is secured by the mobile home or is  
10 related to a lease agreement or terms of tenancy between the mobile  
11 home park owner and the mobile home owner is delinquent.

12 (2) Before declaring a mobile home abandoned but after meeting  
13 the requirements of subsection (1), the mobile home park owner must  
14 affix a notice of intent to declare the mobile home abandoned on  
15 the mobile home and must send the notice of intent to declare the  
16 mobile home abandoned by certified United States Postal Service  
17 mail to the mobile home owner, all persons identified on the lease  
18 agreement between the mobile home park owner and the mobile home  
19 owner, and all lienholders at the addresses listed on the mobile  
20 home owner's title. The mobile home park owner shall file the  
21 notice of intent to declare the mobile home abandoned with the  
22 secretary of state.

23 (3) A mobile home park owner shall do all of the following  
24 upon filing a notice under subsection (2):

25 (a) Calculate whether the fair market value of the mobile home  
26 exceeds the sum of the amount of rent due and unpaid for the  
27 premises occupied by the mobile home, any unpaid fees, and any  
28 unpaid amount for utility services that are owed to the mobile home  
29 park by the mobile home owner.



1 (b) If the mobile home park owner determines that the fair  
2 market value of the mobile home exceeds the sum of the amount of  
3 rent due and unpaid for the premises occupied by the mobile home,  
4 any unpaid fees, and any unpaid amount for utility services that  
5 are owed to the mobile home park by the mobile home owner, the  
6 mobile home park owner shall make a good-faith effort to notify the  
7 mobile home owner that he or she is entitled to receive  
8 compensation from the mobile home park that is equal to the fair  
9 market value of the mobile home minus the sum of the amount of rent  
10 due and unpaid for the premises occupied by the mobile home, any  
11 unpaid fees, and any unpaid amount for utility services that are  
12 owed to the mobile home park by the mobile home owner.

13 (4) Upon receiving a notice of intent to declare a mobile home  
14 abandoned, the secretary of state shall, within 10 days of the  
15 receipt of the notice, send a written notice by United States  
16 Postal Service mail to the mobile home owner at all current  
17 addresses the secretary of state has in its records for the mobile  
18 home owner. The written notice sent by the secretary of state shall  
19 contain all of the following:

20 (a) A statement explaining the requirements of this section.

21 (b) The secretary of state's contact information if the mobile  
22 home owner intends to contest the declaration that the mobile home  
23 is abandoned.

24 (c) A statement explaining that the mobile home owner may  
25 contest the declaration that the mobile home is abandoned before a  
26 court of competent jurisdiction.

27 (5) Upon receipt of a notice of intent to declare the mobile  
28 home abandoned, the mobile home owner or a lienholder may enter  
29 into the mobile home park to remove the mobile home. A mobile home



owner or a lienholder removing the mobile home under this subsection is responsible to the mobile home park owner for any damage to the mobile home park resulting from removing the mobile home, including any amount owed to the mobile home park.

(6) If the mobile home remains in the mobile home park for at least thirty days after the date the written notice required to be sent by the secretary of state under subsection (4) is postmarked, both of the following apply:

(a) Subject to subsection (10), all liens on the mobile home are extinguished.

(b) The mobile home park owner may declare the mobile home abandoned and may apply to the secretary of state to obtain title to the mobile home.

(7) If a mobile home park owner applies for a title to the mobile home under this section, the mobile home park shall include with the application for a title an affidavit that includes all of the following statements:

(a) That the affiant is the licensed owner of the mobile home park in which the mobile home is located.

(b) That the title of the mobile home is being transferred to the licensed owner of the mobile home park in which the mobile home is located.

(c) That the mobile home park owner complied with all of the requirements of this section.

(d) That the mobile home park owner is not aware of any challenge to the declaration that the mobile home is abandoned or any proceeding in a court of competent jurisdiction challenging the declaration that the mobile home is abandoned.

(8) The secretary of state may require that the mobile home



1 park provide proof of its compliance with this section in the  
2 application to transfer the title of the mobile home to the mobile  
3 home park owner.

4 (9) The secretary of state shall, 10 days after the secretary  
5 of state receives application to transfer the title of the mobile  
6 home to the mobile home park, issue title to the mobile home park  
7 owner.

8 (10) If there is evidence of a United States Postal Service  
9 mail return receipt showing proof of delivery of the notice  
10 described in subsection (2) from each lienholder required to be  
11 notified under subsection (2), a title issued by the secretary of  
12 state to the mobile home park is free of all liens.

13 (11) As part of the transfer of title to an abandoned mobile  
14 home, the owner of a mobile home is entitled to the fair market  
15 value of the mobile home minus the sum of the amount of rent due  
16 and unpaid for the premises occupied by the mobile home, any unpaid  
17 fees, and any unpaid amount for utility services that are owed to  
18 the mobile home park by the mobile home owner.

19 Enacting section 1. This amendatory act does not take effect  
20 unless all of the following bills of the 100th Legislature are  
21 enacted into law:

22 (a) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
23 05128'19).

24 (b) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
25 05146'19 \*).

26 (c) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
27 05273'19 \*).

28 (d) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
29 06638'20 \*).



1 (e) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
2 07323'20).

