



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 5449 (Substitute S-1 as reported)

Sponsor: Representative TC Clements

House Committee: Regulatory Reform

Senate Committee: Regulatory Reform

CONTENT

The bill would amend the Mobile Home Commission Act to prescribe a process by which the owner of a mobile home and the real property on which it was located who had lost or never received the certificate of title to the mobile home could establish that the mobile home was affixed to the real property.

Specifically, under the bill, if a mobile home were affixed to real property and the party claiming to own the mobile home also owned the real property, and the mobile home had been located on the real property for 15 years or more, but the owner of the mobile home either lost or never received the certificate of title to the mobile home when the owner of the mobile home acquired the real property with the mobile home already affixed to it, the mobile home would be considered affixed to the real property free of any interests that previously attached to the mobile home.

The Department of State (SOS) would have to approve an affidavit of affixture as submitted if the owner of the mobile home submitted to the SOS an affidavit of missing title that contained certain required information, including a description of the mobile home that included the mobile home's or manufacturer's serial number, and paid any required fees to issue the affidavit of affixture.

If an affiant did not know the manufacturer's serial number, the bill would prescribe a process for the SOS to determine the serial number or issue a replacement serial number. The affiant would have to pay any fees required to obtain a serial number or a replacement serial number.

The bill specifies that the SOS would not be liable for damages in a civil action for the approval of an affidavit of affixture if the approval was in accordance with the Act.

MCL 125.2302 et al.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State government and no significant fiscal impact on local units of government. Under the bill, the SOS likely would collect additional certificate of title fees for newly registered mobile homes. The current title fee is \$90. The amount of revenue collected would depend on the number of homes for which affidavits were successfully submitted. The revenue would be deposited in the Mobile Home Code Fund and would be used to administer the Mobile Home Commission Act. The SOS may incur minor costs associated with records examination, but this likely would be covered by existing appropriations.

In addition, local courts could experience minor savings due to fewer property owners seeking court orders in pursuit of mobile home titles.

Date Completed: 2-10-22

Fiscal Analyst: Elizabeth Raczkowski

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Bill Analysis @ www.senate.michigan.gov/sfa

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