

SUBSTITUTE FOR
HOUSE BILL NO. 4299

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
(MCL 125.2301 to 125.2350) by adding section 16b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16b. (1) Notwithstanding any provision of law to the
2 contrary, if the department denies a license application under
3 section 16, the department shall give written notice of the denial
4 by registered mail to the applicant stating reasons for the denial,
5 including the applicable statutory provision or promulgated rules
6 it relied upon in making that determination, and the right to
7 appeal the denial to the commission. An applicant denied a license
8 may request an appeal before the commission on the denial not later
9 than 15 business days after the United States Postal Service

1 confirms delivery or attempted delivery of the denial. On receipt
2 of the applicant's appeal, the department shall set a date and
3 place for the commission to hear the appeal, which may be at any
4 regular meeting or at any special meeting of the commission duly
5 called for that purpose. The commission shall issue a determination
6 on the appeal within 120 days of the applicant's appeal. The
7 department must take all possible actions to ensure that the
8 commission timely complies with this section. If the commission
9 makes a determination that is different from the department's
10 decision, the commission shall issue a written opinion stating the
11 reasons for the determination, including the applicable statutory
12 provision or promulgated rules it relied upon in making that
13 determination. On receipt of the commission's determination, the
14 department shall do either of the following:

15 (a) Issue the license to the applicant if the determination
16 states that the department must issue the license.

17 (b) Decline to issue the license if the determination rejects
18 the applicant's appeal.

19 (2) If the department fails to set a date and place for the
20 commission to hear the appeal and the commission fails to hear the
21 applicant's appeal within 120 days of the applicant's request for
22 an appeal, both of the following apply:

23 (a) The department shall refund to the applicant any fees paid
24 under section 16.

25 (b) The department shall waive any fees due to the department
26 under section 16 for the subsequent licensing period.

27 (3) A licensed owner of a mobile home park or seasonal mobile
28 home park shall notify the department of any of the following
29 within 30 days of its occurrence:

1 (a) A change of ownership.

2 (b) A change of the mailing or electronic business address of
3 the licensed owner of the mobile home park or seasonal mobile home
4 park.

5 (4) An owner of a mobile home park or seasonal mobile home
6 park that sells a mobile home park or seasonal mobile home park
7 shall, within 30 days of the sale, provide the department with a
8 copy of the sales contract or any recorded deed and notify the
9 department of all of the following:

10 (a) The identity of the buyer of the mobile home park or
11 seasonal mobile home park, including the contact information of the
12 buyer.

13 (b) The date of the sale.

14 (c) Any change in the seller's contact information.

15 (5) The department in consultation with the commission shall
16 promulgate rules pursuant to the administrative procedures act of
17 1969, 1969 PA 306, MCL 24.201 to 24.328, to do all of the
18 following:

19 (a) Provide standards and procedures for the commission to
20 determine whether a mobile home park or seasonal mobile home park
21 that is not in substantial compliance with the rules promulgated
22 under sections 5 and 6 is a distressed park. The standards and
23 procedures must provide the owner of the mobile home park or
24 seasonal mobile home park with an opportunity for an evidentiary
25 hearing and require the commission to consider, at least, all of
26 the following:

27 (i) The length of time the mobile home park or seasonal mobile
28 home park has not been in substantial compliance with the rules
29 promulgated under sections 5 and 6.

(ii) Whether the owner of the mobile home park or seasonal mobile home park was notified and had sufficient opportunity to bring the mobile home park or seasonal mobile home park into substantial compliance.

(iii) Any imminent threat to the health or safety of the residents of the mobile home park or seasonal mobile home park.

(iv) Whether the mobile home park or seasonal mobile home park has been or is likely to be abandoned by the owner.

(b) Require the owner of a distressed mobile home park or seasonal mobile home park to post financial assurance in the form of a bond, cash deposit, or other financial arrangement to ensure the repair and cleanup of the mobile home park or seasonal mobile home park, including the repair of substandard or noncomplying park-owned utility systems and the removal and disposal of abandoned mobile homes, scrap material, or other waste.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 101st Legislature are enacted into law:

(a) House Bill No. 4298.

(b) House Bill No. 4300.

(c) House Bill No. 4301.

(d) House Bill No. 4302.

(e) House Bill No. 4303.

(f) House Bill No. 4304.