

HOUSE BILL NO. 5401

October 14, 2021, Introduced by Reps. Garza, Camilleri, Brenda Carter, Aiyash, Sowerby, Weiss, Cambensy, Cherry and Cavanagh 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 or operator of a mobile home park or**
2 **seasonal mobile home park shall notify, in accordance with**
3 **subsection (2) or (3), the department, the residents of all mobile**
4 **homes in the mobile home park or seasonal mobile home park, and the**
5 **municipality in which the mobile home park or seasonal mobile home**

1 park is situated or, if none, the county in which the mobile home
2 park or seasonal mobile home park is situated, of the mobile home
3 park or seasonal mobile home park owner's or operator's intent to
4 change the use of the land comprising the mobile home park or
5 seasonal mobile home park or to sell the mobile home park or
6 seasonal mobile home park.

7 (2) If the residents of the mobile homes in a mobile home park
8 or seasonal mobile home park have not formed either a homeowners'
9 association or a cooperative and the owner or operator of the
10 mobile home park or seasonal mobile home park intends to sell the
11 mobile home park or seasonal mobile home park, the notification
12 required under subsection (1) must be made only once for any
13 particular contract to sell or trade and must be by written notice
14 mailed to each mobile home resident at the address shown on the
15 rental agreement with the owner or operator of the mobile home park
16 or seasonal mobile home park at least 10 days prior to the first
17 scheduled closing for the sale or trade.

18 (3) If the residents of the mobile homes in a mobile home park
19 or seasonal mobile home park have formed either a homeowners'
20 association or a cooperative, not less than 30 days and not more
21 than 1 year prior to an owner or operator of a mobile home park or
22 seasonal mobile home park either entering into a written listing
23 agreement with a licensed real estate broker for the sale of the
24 mobile home park or seasonal mobile home park or making an offer to
25 sell the mobile home park or seasonal mobile home park to any
26 party, the owner or operator of the mobile home park or seasonal
27 mobile home park shall provide to the president, secretary, and
28 treasurer of the homeowners' association or cooperative written
29 notice of the mobile home park or seasonal mobile home park owner's

1 or operator's intention to sell the mobile home park or seasonal
2 mobile home park. The notice must be sent by first-class mail or by
3 personal delivery.

4 (4) An owner or operator of a mobile home park or seasonal
5 mobile home park is not required to satisfy subsection (3) unless
6 all of the following conditions are met:

7 (a) The homeowners' association or cooperative has first
8 furnished the owner or operator of the mobile home park or seasonal
9 mobile home park with written notice of the name and address of the
10 president, secretary, and treasurer of the homeowners' association
11 or cooperative to whom the notice of intent to sell must be given.

12 (b) The homeowners' association or cooperative has first
13 notified the owner or operator of the mobile home park or seasonal
14 mobile home park in writing that the residents of the mobile homes
15 in the mobile home park or seasonal mobile home park are interested
16 in purchasing the mobile home park or seasonal mobile home park.
17 The initial notice by the homeowners' association or cooperative
18 must be made prior to the written listing or the extension of an
19 offer to sell the mobile home park or seasonal mobile home park by
20 the owner or operator of the mobile home park or seasonal mobile
21 home park, and the homeowners' association or cooperative shall
22 give subsequent notice at least once each year after the initial
23 notice that the residents of the mobile homes in the mobile home
24 park or seasonal mobile home park are interested in purchasing the
25 mobile home park or seasonal mobile home park.

26 (c) The homeowners' association or cooperative has furnished
27 the owner or operator of the mobile home park or seasonal mobile
28 home park with a written notice, within 5 days, of any change in
29 the name or address of officers of the homeowners' association or

1 cooperative to whom the notice of sale is to be given.

2 (5) During the notice period required by subsection (3), the
3 owner or operator of the mobile home park or seasonal mobile home
4 park may consider any offer to purchase the mobile home park or
5 seasonal mobile home park that has been made by the homeowners'
6 association or cooperative described in that subsection, as long as
7 the homeowners' association or cooperative is open to all the
8 residents of the mobile homes in the mobile home park or seasonal
9 mobile home park. The owner or operator of the mobile home park or
10 seasonal mobile home park may consider any reasonable offer made by
11 a homeowners' association or cooperative representing the residents
12 of the mobile homes in the mobile home park or seasonal mobile home
13 park and negotiate in good faith with them. If an agreement to
14 purchase the mobile home park or seasonal mobile home park is
15 reached during the notice period specified in subsection (3), the
16 homeowners' association or cooperative has a reasonable time beyond
17 the expiration of such period, if necessary, to obtain financing
18 for the purchase. A homeowners' association or cooperative may
19 assign any rights the residents of the mobile homes in the mobile
20 home park or seasonal mobile home park possess under this section
21 to the municipality or county, as applicable, in which the mobile
22 home park or seasonal mobile home park is located, a local housing
23 authority, or a local nonprofit entity specializing in the
24 provision or preservation of affordable housing.

25 (6) An owner or operator of a mobile home park or seasonal
26 mobile home park that sells a mobile home park or seasonal mobile
27 home park pursuant to this section shall, within 30 days after the
28 sale of the mobile home park or seasonal mobile home park, notify
29 the department in writing of the sale of the mobile home park or

1 seasonal mobile home park. The written notice required under this
2 subsection must include the name and contact information of the new
3 owner of the mobile home park or seasonal mobile home park. The new
4 owner of the mobile home park or seasonal mobile home park shall,
5 within 30 days of the sale of the mobile home park or seasonal
6 mobile home park, apply for a license to operate the mobile home
7 park or seasonal mobile home park as required under this act.

8 (7) A resident of a mobile home in a mobile home park or
9 seasonal mobile home park who alleges that an owner or operator of
10 a mobile home park or seasonal mobile home park failed to comply
11 with the notice provision in this section may bring an action in a
12 court of competent jurisdiction to recover actual damages plus
13 reasonable attorney fees.

14 (8) As used in this section, "licensed real estate broker"
15 means a real estate broker licensed under article 25 of the
16 occupational code, 1980 PA 299, MCL 339.2501 to 339.2518.