

HOUSE BILL NO. 5159

October 17, 2023, Introduced by Reps. Andrews, Rheingans, Byrnes, Brixie, Scott, Hope, Wegela, Wilson and Whitsett and referred to the Committee on Regulatory Reform.

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending sections 17, 18, 25, 28, 28a, and 29 (MCL 125.2317, 125.2318, 125.2325, 125.2328, 125.2328a, and 125.2329), section 17 as amended by 2015 PA 40, section 25 as amended by 2016 PA 410, section 28 as amended by 1993 PA 241, and section 28a as added by 1988 PA 337, and by adding section 28d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17. (1) The department or its authorized representative
2 shall conduct a physical inspection of mobile home parks and

1 seasonal mobile home parks in accordance with standards established
 2 by the department. The department **may enter into an agreement with**
 3 **a local government in which the mobile home park or seasonal mobile**
 4 **home park is located that allows the local government to conduct an**
 5 **inspection described under this subsection. If the department or**
 6 **its authorized representative conducts an inspection under this**
 7 **subsection, the department or its authorized representative shall**
 8 prepare a report documenting the findings of the inspection and
 9 submit a copy of the report to each local government in which the
 10 mobile home park or seasonal mobile home park is located. **A report**
 11 **documenting the findings of the inspection may be used for**
 12 **licensing determinations.**

13 (2) Except **as otherwise provided in subsection (1) or** for
 14 purposes of issuing a license or renewing a license ~~pursuant to~~
 15 **under** this act, a local government shall not inspect a mobile home
 16 park or seasonal mobile home park unless the local unit has reason
 17 to believe that this act, the code, or rules promulgated ~~pursuant~~
 18 ~~to~~**under** this act were violated.

19 (3) **If the department determines that a mobile home park or**
 20 **seasonal mobile home park needs to be reinspected, the department**
 21 **may charge a reinspection fee. The department may promulgate rules**
 22 **to establish the reinspection fees charged under this subsection.**

23 Sec. 18. (1) A variance in the design and construction of a
 24 mobile home park or seasonal mobile home park may be granted ~~upon~~
 25 **on** notice of the request to the local government and the department
 26 of ~~public health and human services~~ **and human services** at the time of filing with the
 27 department. ~~of commerce.~~ If the local government grants a variance
 28 ~~which that~~ would permit activities ~~violative of that~~ **violate** the
 29 minimum standards of the code, the local government shall file with

1 the department a copy of the variance order and an explanation of
2 the reason for the granting of the order. The department may
3 approve or disapprove the variance or revoke the variance ~~upon~~
4 **after** notice and hearing.

5 (2) After a public hearing the department may grant a specific
6 variance to a substantive requirement of the code if the literal
7 application of the substantive requirement would result in an
8 exceptional, practical difficulty to the applicant, and if the
9 specific condition justifying the variance is neither so general
10 nor recurrent in nature as to make an amendment of the code with
11 respect to the condition reasonably practical or desirable.

12 (3) The department may attach in writing a condition in
13 connection with the granting of a variance that in its judgment is
14 necessary to protect the health, safety, and welfare of the people
15 of this state. The variance ~~shall~~**must** not exceed the minimum
16 necessary to alleviate the exceptional, practical difficulty.

17 (4) A variance to a local ordinance, zoning requirement, or
18 local rule may be granted only by a local government.

19 (5) A variance to a rule promulgated under this act may be
20 granted only by the commission.

21 **(6) The owner of the mobile home park or seasonal mobile home**
22 **park must retain a record or written documentation of any variance**
23 **granted under this act for as long as the variance is in effect.**

24 Sec. 25. (1) The commission shall promulgate rules relating to
25 the responsibility of the mobile home dealer, **the** mobile home
26 installer **and repairer**, and the mobile home park or seasonal mobile
27 home park owner for installation and setup of a mobile home.

28 **(2) The department shall promote effective and uniform**
29 **enforcement of this act and the mobile home code by enhancing the**

1 proficiency and skills of mobile home installers and repairers.
2 Subject to subsection (3), the department shall promulgate rules
3 relating to all of the following for mobile home installers and
4 repairers:

5 (a) Minimum training and experience standards, qualifications,
6 and classification of responsibilities.

7 (b) Minimum criteria for the approval of educational or
8 training courses or programs. If the department finds that a
9 proposed educational or training course or program is acceptable
10 under the minimum criteria established under this subdivision, the
11 department shall approve the proposed educational or training
12 course or program for a limited period of time and with any
13 appropriate qualifications established by the department.

14 (c) Applicable fees to review materials regarding educational
15 or training courses or programs, training tests, and instructor
16 qualifications.

17 (3) The commission may make recommendations to the department
18 regarding the rules promulgated under subsection (2). The
19 department shall consider the recommendations but has the final
20 responsibility and authority to approve the rules promulgated under
21 subsection (2).

22 (4) ~~(2)~~—A person licensed under article 7, 8, or 11 of the
23 skilled trades regulation act, **2016 PA 407**, MCL 339.5701 to
24 339.5739, 339.5801 to 339.5819, and 339.6101 to 339.6133, is not
25 required to be licensed as a mobile home installer and repairer in
26 order to perform work on mobile homes for which the person is
27 licensed, unless the work performed also includes the setup,
28 installation, or general repair of mobile homes.

29 (5) ~~(3)~~—Articles 7, 8, and 11 of the skilled trades regulation

1 act, **2016 PA 407**, MCL 339.5701 to 339.5739, 339.5801 to 339.5819,
 2 and 339.6101 to 339.6133, do not apply to the setup or installation
 3 of a mobile home and the following connections or replacement or
 4 repair of the following connections, by a licensed mobile home
 5 installer and repairer:

6 (a) Factory-installed electrical wiring, devices, appliances,
 7 or appurtenances to available electrical meters or pedestals.

8 (b) Factory-installed piping, fixtures, plumbing appliances,
 9 and plumbing appurtenances to sanitary drainage or storm drainage
 10 facilities, venting systems, or public or private water supply
 11 systems.

12 (c) Factory-installed process piping, heating and cooling
 13 equipment, and systems or supply lines to available service meters
 14 or mains.

15 Sec. 28. (1) An owner ~~or operator~~ of a mobile home park or
 16 seasonal mobile home park shall not engage, or permit an employee
 17 or agent to engage, in any of the following unfair or deceptive
 18 methods, acts, or practices:

19 (a) Directly or indirectly charging or collecting from a
 20 person ~~an entrance~~ a fee **to enter into a mobile home park or a**
 21 **seasonal mobile home park.**

22 (b) Requiring a person to directly or indirectly purchase a
 23 mobile home from another person as a condition of entrance to, or
 24 **the** lease or rental of **a space within**, a mobile home park or
 25 seasonal mobile home park space.

26 (c) Directly or indirectly charging or collecting from a
 27 person a refundable or nonrefundable ~~exit~~ fee **to exit the mobile**
 28 **home park or seasonal mobile home park.**

29 (d) Requiring or coercing a person to purchase, rent, or lease

1 goods or services from another person as a condition of any of the
2 following:

3 (i) Entering into ~~a~~**the mobile home park or seasonal mobile**
4 **home park or a** lease.

5 (ii) Selling a mobile home through the **mobile home park or**
6 **seasonal mobile home** park owner ~~or operator,~~ ~~or his or her~~**the**
7 **mobile home park or seasonal mobile home park owner's** agent or
8 designee upon leaving a mobile home park or seasonal mobile home
9 park.

10 (iii) Renting space in a mobile home park or seasonal mobile
11 home park.

12 (e) Directly or indirectly charging or collecting from a
13 person money or other thing of value for electric, fuel, or water
14 service without the use of that service by a resident or tenant
15 being first accurately and consistently measured, unless that
16 service is included in ~~the~~**a** rental charge as an incident of
17 tenancy.

18 (f) Conspiring, combining, agreeing, aiding, or abetting in
19 the employment of a method, act, or practice that violates this
20 act.

21 (g) Renting or leasing a mobile home or site in a mobile home
22 park or seasonal mobile home park without offering a written lease.

23 (h) Subject to section 28a, prohibiting a resident from
24 selling ~~his or her~~**the resident's** mobile home on-site for a price
25 determined by that resident, if the purchaser qualifies for tenancy
26 and the mobile home meets the conditions of written **mobile home**
27 **park or seasonal mobile home** park rules or regulations. This
28 subdivision does not apply to seasonal mobile home parks.

29 (i) Subject to reasonable mobile home park or seasonal mobile

1 home park rules governing the location, size, and style of exterior
2 television ~~antenna, antennas~~, prohibiting a person from installing
3 or maintaining an exterior television antenna on a mobile home
4 within the **mobile home park or seasonal mobile home park** unless the
5 mobile home park or seasonal mobile home park provides ~~park~~**the**
6 **residents of the mobile home park or seasonal mobile home park,**
7 without charge, a central television antenna for UHF-VHF reception.

8 (j) **Charging more for utility services beyond that which is**
9 **charged by the utility service provider.**

10 (k) **Requiring a tenant to use an electronic billing or payment**
11 **system as the only method for the payment of rent.**

12 (l) **Assessing a fee or charge to a tenant for the tenant's**
13 **refusal or inability to use an electronic billing or payment system**
14 **used by the owner of the mobile home park or seasonal mobile home**
15 **park for the payment of rent.**

16 (m) **Using an electronic billing or payment system that**
17 **requires a tenant to waive individual or collective rights or**
18 **remedies provided by law.**

19 (n) **Using an electronic billing or payment system that**
20 **collects, or requires access to, a tenant's personal data or data**
21 **stored on a tenant's device beyond that which is necessary to make**
22 **a payment.**

23 (o) **Except as otherwise provided in this subdivision, charging**
24 **fees or penalties that are not associated with the costs of**
25 **occupancy. If fees or penalties are charged, the fees or penalties**
26 **must be reasonably related to costs incurred by the owner of the**
27 **mobile home park or seasonal mobile home park to protect the health**
28 **and safety of residents of the mobile home park or seasonal mobile**
29 **home park as a result of noncompliance with this act or rules or**

1 **regulations promulgated under this act.**

2 (2) A ~~tenant~~**resident** of a mobile home park or seasonal mobile
3 home park may bring an action on ~~his or her~~**the resident's** own
4 behalf for a violation of this section.

5 (3) If the commission has reason to suspect that the owner of
6 a mobile home park or seasonal mobile home park is engaged in
7 conduct that violates existing water utility tariffs or qualifies
8 the owner of a mobile home park or seasonal mobile home park for
9 regulation as a water utility, the commission shall promptly send a
10 written report of the alleged violation to the Michigan public
11 service commission.

12 (4) **The owner of the mobile home park or seasonal mobile home**
13 **park shall make available to a resident of the mobile home park or**
14 **seasonal mobile home park, upon request, the utility rates and**
15 **charges that are directly related to the resident's usage.**

16 Sec. 28a. (1) Mobile home park rules or regulations may
17 include provisions governing the physical condition of mobile homes
18 and the aesthetic characteristics of mobile homes in relation to
19 the mobile home park in which they are located, subject to all of
20 the following:

21 (a) The age or size of a mobile home ~~shall~~**must** not be used as
22 the sole basis for refusing to allow an on-site, in-park sale or
23 for refusing to allow the mobile home to remain on-site. The burden
24 of going forward in a suit against the mobile home park owner ~~or~~
25 ~~operator~~ for violation of this subdivision is on the resident.

26 (b) The standards incorporated in the written park rules or
27 regulations governing the physical condition and aesthetic
28 characteristics of mobile homes in the mobile home park ~~shall~~ apply
29 equally to all residents.

1 (c) A mobile home sold on-site ~~shall~~**must** conform with ~~Act No.~~
 2 ~~133 of the Public Acts of 1974, being sections 125.771 to 125.774~~
 3 ~~of the Michigan Compiled Laws.~~**1974 PA 133, MCL 125.771 to 125.774.**

4 (d) Any charge connected to the on-site, in-park sale of a
 5 mobile home, other than the inspection fee permitted under
 6 subdivision (e) and the commission or fee charged by a mobile home
 7 dealer licensed under this act who is engaged by the seller to
 8 transact the sale, is an entrance or exit fee ~~in violation of that~~
 9 **violates** section 28.

10 (e) ~~A park~~**The owner or operator of a mobile home park** may
 11 charge a reasonable fee to inspect the mobile home before sale. The
 12 charge ~~shall~~**must** not be more than \$30.00, or the amount charged
 13 for building permit inspections by the municipality in which the
 14 mobile home is located, whichever is higher.

15 (f) The standards governing the physical condition of mobile
 16 homes and the aesthetic characteristics of mobile homes in the
 17 mobile home park, as incorporated in the written park rules, ~~shall~~
 18 **must** not be designed to defeat the intent of this section.

19 (2) Subsection (1)(f) ~~shall~~**does** not apply if the mobile home
 20 park is changing its method of doing business and provides not less
 21 than 1 year's notice, unless a different notice period is otherwise
 22 provided by law, of the proposed change to all affected mobile home
 23 park residents. A change in a mobile home park's method of doing
 24 business includes, but is not limited to, any of the following:

25 (a) Conversion to a mobile home park condominium ~~pursuant to~~
 26 **under** the condominium act, ~~Act No. 59 of the Public Acts of 1978,~~
 27 ~~being sections 559.101 to 559.275 of the Michigan Compiled Laws.~~
 28 **1978 PA 59, MCL 559.101 to 559.276.**

29 (b) Conversion to total rental of both mobile home site and

1 park-owned mobile homes.

2 (c) Changes in use of the land on which the mobile home park
3 is located.

4 (3) Notwithstanding subsection (1) or (2), a mobile home park
5 may require a mobile home to be moved to a comparable site within
6 the mobile home park, at the expense of the mobile home park.

7 (4) If, after termination of a resident's tenancy for just
8 cause as provided in chapter 57a of the revised judicature act of
9 1961, ~~Act No. 236 of the Public Acts of 1961, being sections~~
10 ~~600.5771 to 600.5785 of the Michigan Compiled Laws, 1961 PA 236,~~
11 **MCL 600.5771 to 600.5785**, the resident of a mobile home park sells
12 ~~his or her~~ **the resident's** mobile home to the owner ~~or operator~~ of
13 the mobile home park, or to any entity in which the owner ~~or~~
14 ~~operator~~ has any interest, the resident ~~shall have~~ **has** the right to
15 have the mobile home's value appraised and, if ~~so~~ appraised, the
16 sale price of the mobile home ~~shall~~ **must** not be less than the
17 appraised value.

18 (5) Except as provided in subsection (1)(a), **an owner of a**
19 mobile home park ~~owner or operator, or both,~~ has the burden of
20 going forward to show compliance with subsection (1).

21 **Sec. 28d. (1) An owner of a mobile home park or seasonal**
22 **mobile home park shall offer a lease or rental agreement with a**
23 **term of no less than 1 year to a prospective tenant or tenant.**
24 **Nothing in this subsection prohibits an owner of a mobile home park**
25 **or seasonal mobile home park from entering into a monthly lease or**
26 **rental agreement with a prospective tenant or tenant.**

27 (2) Not less than 30 days before a lease or a rental agreement
28 with a duration of 1 year or greater expires, an owner of a mobile
29 home park or seasonal mobile home park shall deliver to the tenant

1 a written or electronic notice identifying the date the lease or
2 rental agreement ends and offering a renewal of the lease or a new
3 lease or rental agreement.

4 (3) A lease or rental agreement between an owner of a mobile
5 home park or seasonal mobile home park and a tenant for a duration
6 that is less than 1 year must include language that a lease or
7 rental agreement of a duration of 1 year or more was offered but
8 was declined.

9 (4) A lease or rental agreement between an owner of a mobile
10 home park or seasonal mobile home park and a tenant must include
11 language that an unlicensed owner of a mobile home park or seasonal
12 mobile home park shall not collect rent or take any action for
13 possession against residents in accordance with section 16.

14 (5) A lease or rental agreement under this act must comply
15 with the truth in renting act, 1978 PA 454, MCL 554.631 to 554.641.
16 A person that violates this subsection is liable as provided in
17 section 42.

18 (6) A resident of a mobile home park or seasonal mobile home
19 park may bring an action on the resident's own behalf for a
20 violation of this section in a court of competent jurisdiction.

21 (7) Subsections (1) and (2) do not apply to a lease or rental
22 agreement for a mobile home or seasonal mobile home that is owned
23 by a mobile home park or seasonal mobile home park or a subsidiary
24 of the mobile home park or seasonal mobile home park in which the
25 mobile home or seasonal mobile home is located.

26 Sec. 29. A utility company shall notify the department 10 days
27 before shutoff of service for nonpayment, including sewer, water,
28 gas, or electric service, when the service is being supplied to the
29 licensed owner ~~or operator~~ of a mobile home park or seasonal mobile

1 home park for the use and benefit of the ~~park's tenants.~~**residents**
2 **of the mobile home park or seasonal mobile home park.**

3 Enacting section 1. This amendatory act does not take effect
4 unless all of the following bills of the 102nd Legislature are
5 enacted into law:

6 (a) Senate Bill No. _____ or House Bill No. 5157 (request no.
7 00827'23 *).

8 (b) Senate Bill No. _____ or House Bill No. 5160 (request no.
9 03683'23 *).

10 (c) Senate Bill No. _____ or House Bill No. 5158 (request no.
11 03700'23 *).

12 (d) Senate Bill No. _____ or House Bill No. 5161 (request no.
13 03701'23 *).