

HOUSE BILL No. 5169

October 10, 2001, Introduced by Reps. DeRossett, Richardville, Jamnick and Lockwood and referred to the Committee on Commerce.

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 11, 12,
13, 14, 16, 16a, 17, 18, 21, 22, 23, 24, 25, 27, 28, 28a, 28b,
28c, 29, 30, 30a, 30b, 30c, 30d, 30e, 30f, 30g, 30h, 31, 38, and
43 (MCL 125.2301, 125.2302, 125.2303, 125.2304, 125.2305,
125.2306, 125.2307, 125.2311, 125.2312, 125.2313, 125.2314,
125.2316, 125.2316a, 125.2317, 125.2318, 125.2321, 125.2322,
125.2323, 125.2324, 125.2325, 125.2327, 125.2328, 125.2328a,
125.2328b, 125.2328c, 125.2329, 125.2330, 125.2330a, 125.2330b,
125.2330c, 125.2330d, 125.2330e, 125.2330f, 125.2330g, 125.2330h,
125.2331, 125.2338, and 125.2343), section 28 as amended by 1993
PA 241 and sections 28a, 28b, 28c, and 43 as added and section 38
as amended by 1988 PA 337; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to create a ~~mobile home~~ MANUFACTURED HOUSING com-
3 mission; to prescribe its powers and duties and those of local
4 governments; to provide for a ~~mobile home~~ MANUFACTURED HOUSING
5 code and the licensure, regulation, construction, operation, and
6 management of ~~mobile~~ MANUFACTURED home ~~parks~~ COMMUNITIES, the
7 licensure and regulation of ~~retail sales dealers~~ RETAILERS,
8 warranties of ~~mobile~~ MANUFACTURED homes, and INSTALLATION serv-
9 ice practices of ~~dealers~~ INSTALLERS AND SERVICERS; to provide
10 for the ~~titling~~ OWNERSHIP of ~~mobile~~ MANUFACTURED homes; to
11 prescribe the powers and duties of certain agencies and depart-
12 ments; to provide remedies and penalties; to declare the act to
13 be remedial; ~~to repeal this act on a specific date;~~ and to
14 repeal ~~certain~~ acts and parts of acts.

15 Sec. 1. This act shall be known and may be cited as "the
16 ~~mobile home~~ MANUFACTURED HOUSING commission act".

17 Sec. 2. As used in this act:

18 (a) "Campground" means a campground as defined in section
19 12501 of the public health code, ~~Act No. 368 of the Public Acts~~
20 ~~of 1978, being section 333.12501 of the Michigan Compiled Laws~~
21 1978 PA 368, MCL 333.12501.

22 (b) "Code" means all or a part of the ~~mobile home~~
23 MANUFACTURED HOUSING code promulgated ~~pursuant to~~ UNDER section
24 5.

25 (c) "Commission" means the ~~mobile home code~~ MANUFACTURED
26 HOUSING commission CREATED UNDER SECTION 3.

1 (d) "Department" means the department of ~~commerce~~ CONSUMER
2 AND INDUSTRY SERVICES.

3 (e) "Installer and ~~repairer~~ SERVICER" means a person,
4 including a ~~mobile~~ MANUFACTURED home ~~dealer~~ RETAILER, who for
5 compensation installs or ~~repairs mobile~~ SERVICES MANUFACTURED
6 homes.

7 (f) "Local government" means a county or municipality.

8 (g) ~~"Mobile"~~ "MANUFACTURED home" means a structure, trans-
9 portable in 1 or more sections, ~~which~~ THAT is built on a chas-
10 sis and designed to be used as a dwelling with or without per-
11 manent foundation, when connected to the required utilities, and
12 includes the plumbing, heating, air-conditioning, and electrical
13 systems contained in the structure. FOR A MANUFACTURED HOME MAN-
14 UFACTURED AFTER JUNE 15, 1976, "MANUFACTURED HOME" INCLUDES A
15 STRUCTURE CONSTRUCTED IN ACCORDANCE WITH THE NATIONAL MANUFAC-
16 TURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974,
17 TITLE VI OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974,
18 PUBLIC LAW 93-383, 42 U.S.C. 5401 TO 5426.

19 (h) ~~"Mobile"~~ "MANUFACTURED home ~~dealer~~ RETAILER" means a
20 person other than a manufacturer engaged in the business of
21 buying ~~mobile~~ MANUFACTURED homes for resale, exchange, lease,
22 or rent or offering ~~mobile~~ MANUFACTURED homes for sale, lease,
23 rent, or exchange to customers.

24 (i) ~~"Mobile"~~ "MANUFACTURED home ~~park~~ COMMUNITY" means a
25 parcel or tract of land under the control of a person upon which
26 3 or more ~~mobile~~ MANUFACTURED homes are located on a continual,
27 nonrecreational basis and ~~which~~ THAT is offered to the public

1 for that purpose regardless of whether a charge is made
2 ~~therefor~~ FOR PLACING A MANUFACTURED HOME ON THE LAND, together
3 with ~~any~~ A building, structure, enclosure, street, equipment,
4 or facility used or intended for use incident to the occupancy of
5 a ~~mobile~~ MANUFACTURED home.

6 (j) "Municipality" means a city, village, or township.

7 (k) "Person" means an individual, partnership, association,
8 trust, or corporation, or ~~any~~ other legal entity or combination
9 of legal entities.

10 (l) "Recreational vehicle" means a vehicle primarily
11 designed and used as temporary living quarters for recreational,
12 camping, or travel purposes, including a vehicle having its own
13 motor power or a vehicle mounted on or drawn by another vehicle.

14 (m) "Seasonal ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY"
15 means a parcel or tract of land under the control of a person
16 upon which 3 or more ~~mobile~~ MANUFACTURED homes are located on a
17 continual or temporary basis but occupied on a temporary basis
18 only ~~—~~ and ~~which~~ THAT is offered to the public for that pur-
19 pose regardless of whether a charge is made ~~therefor~~ FOR PLAC-
20 ING A MANUFACTURED HOME ON THE LAND, together with ~~any~~ A build-
21 ing, enclosure, street, equipment, or facility used or intended
22 for use incident to the occupancy of a ~~mobile~~ MANUFACTURED
23 home. Seasonal ~~mobile~~ MANUFACTURED home park does not include
24 a campground licensed ~~pursuant to~~ UNDER sections 12501 to 12516
25 of the public health code, ~~Act No. 368 of the Public Acts of~~
26 1978, ~~being sections 333.12501 to 333.12516 of the Michigan~~
27 ~~Compiled Laws~~ 1978 PA 368, MCL 333.12501 TO 333.12516.

1 (n) "Security interest", "security agreement", "secured
2 party", and "termination statement" have the same meanings as in
3 the uniform commercial code, ~~Act No. 174 of the Public Acts of~~
4 ~~1962, being sections 440.1101 to 440.11102 of the Michigan~~
5 ~~Compiled Laws~~ 1962 PA 174, MCL 440.1101 TO 440.11102.

6 Sec. 3. (1) The ~~mobile home~~ MANUFACTURED HOUSING commis-
7 sion is created within the department. ~~of commerce.~~

8 (2) The commission consists of 11 members appointed by the
9 governor with the advice and consent of the senate, each of whom
10 shall be a citizen of this state.

11 (3) The members of the commission shall include each of the
12 following:

13 (a) A representative of an organization whose membership
14 consists of ~~mobile~~ MANUFACTURED home residents.

15 (b) A representative of financial institutions.

16 (c) Two operators of a licensed ~~mobile~~ MANUFACTURED home
17 ~~park having~~ COMMUNITY THAT HAS 100 or more sites and 1 operator
18 of a licensed ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY having
19 less than 100 sites.

20 (d) A representative of organized labor.

21 (e) An elected official of a local government.

22 (f) A licensed ~~mobile~~ MANUFACTURED home ~~dealer~~
23 RETAILER.

24 (g) One resident of a licensed ~~mobile~~ MANUFACTURED home
25 ~~park having~~ COMMUNITY THAT HAS 100 or more sites and 1 resident
26 of a licensed ~~mobile~~ MANUFACTURED home ~~park having~~ COMMUNITY
27 THAT HAS less than 100 sites.

1 (h) A manufacturer of ~~mobile~~ MANUFACTURED homes.

2 (4) A person appointed to be a member under subsection
3 (3)(a), (d), (e), (g), or a member of that person's immediate
4 family shall not have more than a 1% ownership interest in or
5 income benefit from a manufacturer of ~~mobile~~ MANUFACTURED
6 homes, a retail seller of ~~mobile~~ MANUFACTURED homes, a licensed
7 ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY, or a supplier of
8 ancillary products or services to the ~~mobile~~ MANUFACTURED home
9 industry.

10 (5) The term of each member ~~shall be for~~ IS 3 years. A
11 vacancy in the office of a member shall be filled by the governor
12 for the remainder of the unexpired term, not more than 1 month
13 after the vacancy is created, in the same manner as the original
14 appointment.

15 (6) The per diem compensation of the commission and the
16 schedule for reimbursement of expenses shall be established annu-
17 ally by the legislature.

18 (7) Six members of the commission constitute a quorum for
19 all purposes, notwithstanding the existence of a vacancy in the
20 commission's membership. Action may be taken by the commission
21 by a vote of a majority of the members appointed and serving.
22 Meetings of the commission may be called by the chairperson or by
23 3 members on 3 business days' actual notice. At least 1 meeting
24 shall be held each calendar quarter. The commission may hold
25 meetings anywhere in this state.

26 (8) The commission shall elect a member of the commission as
27 its chairperson and another member as its vice-chairperson. The

1 duties and powers of the chairperson and vice-chairperson ~~shall~~
2 ~~be~~ ARE as prescribed in the commission's rules.

3 (9) A member of the commission may be removed from office by
4 the governor for inefficiency, neglect of duty, or misconduct or
5 malfeasance in office. A member of the commission who has a
6 direct pecuniary interest in a matter before the commission shall
7 disclose that interest before the commission taking action with
8 respect to the matter. ~~, which~~ THE disclosure shall become a
9 part of the record of the commission's official proceedings.

10 Sec. 4. (1) The commission may do all of the following:

11 (a) Promulgate rules to implement and administer this act.

12 (b) ~~Act for the purpose of establishing~~ ESTABLISH a uni-
13 form policy relating to all phases of ~~mobile~~ MANUFACTURED home
14 businesses, ~~mobile~~ MANUFACTURED home ~~parks~~ COMMUNITIES, and
15 seasonal ~~mobile~~ MANUFACTURED home ~~parks~~ COMMUNITIES.

16 (c) Determine the sufficiency of local ~~mobile~~ MANUFACTURED
17 home ordinances ~~which~~ THAT are designed to provide local gov-
18 ernments with superintending control over ~~mobile homes~~
19 MANUFACTURED HOME businesses, ~~mobile~~ MANUFACTURED home ~~parks~~
20 COMMUNITIES, or seasonal ~~mobile homes parks~~ MANUFACTURED HOME
21 COMMUNITIES.

22 (d) Conduct public hearings relating to the powers pre-
23 scribed in this subsection.

24 (2) The director of ~~commerce~~ THE DEPARTMENT or an autho-
25 rized representative of the director shall do all of the
26 following:

1 (a) Administer the rules promulgated by the ~~commission~~
2 DEPARTMENT.

3 (b) Conduct hearings relating to violations of this act or
4 rules promulgated under this act.

5 (c) Make investigations to determine compliance with this
6 act and rules promulgated under this act.

7 (d) Provide assistance to the commission as the commission
8 requires.

9 (3) The commission ~~shall~~ DOES not ~~act for the purpose of~~
10 ~~regulating mobile~~ REGULATE MANUFACTURED homes that are not
11 located within a ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY or a
12 seasonal ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY, except as
13 relates to the business, sales, and service practices of ~~mobile~~
14 MANUFACTURED home ~~dealers~~ RETAILERS and the business AND
15 INSTALLATION practices of ~~mobile~~ MANUFACTURED home installers
16 and ~~repairers~~ SERVICERS.

17 Sec. 5. (1) The commission shall promulgate the ~~mobile~~
18 ~~home~~ MANUFACTURED HOUSING code subject to section 4. The code
19 shall consist of rules governing all of the following:

20 (a) The licensure, density, layout, permits for construc-
21 tion, AND construction of ~~mobile~~ MANUFACTURED home ~~parks~~
22 COMMUNITIES including standards for roads, utilities, open space,
23 or proposed recreational facilities, and safety measures suffi-
24 cient to protect health, safety, and welfare of ~~mobile~~
25 MANUFACTURED home ~~park~~ COMMUNITY residents. ~~, except~~ THE
26 RULES DO NOT GOVERN water supply, sewage collection and
27 treatment, and drainage facilities ~~which are regulated by~~ THAT

1 the department of ~~public health~~ ENVIRONMENTAL QUALITY
2 REGULATES.

3 (b) The business, sales, and service practices of ~~mobile~~
4 MANUFACTURED home ~~dealers~~ RETAILERS.

5 (c) The business practices of ~~mobile~~ MANUFACTURED home
6 installers and ~~repairers~~ SERVICERS.

7 (d) The licensure and ~~regulations~~ REGULATION of ~~mobile~~
8 MANUFACTURED home installers and ~~repairers~~ SERVICERS.

9 (e) The setup and installation of ~~mobile~~ MANUFACTURED
10 homes inside ~~mobile~~ MANUFACTURED home ~~parks~~ COMMUNITIES or
11 seasonal ~~mobile~~ MANUFACTURED home ~~parks~~ COMMUNITIES.

12 (f) The regulation of the responsibilities, under the
13 ~~mobile~~ MANUFACTURED home warranty, of the ~~mobile~~ MANUFACTURED
14 home components manufacturer, the ~~mobile~~ MANUFACTURED home
15 assembler or manufacturer, and the ~~mobile~~ MANUFACTURED home
16 ~~dealer~~ RETAILER, including the time period and relationships of
17 each under the warranty, and the remedies available, if any, if
18 the responsible parties cease to operate as a business.

19 (g) Abuses relating to all of the following:

20 (i) ~~Consumer~~ CUSTOMER deposits, except utility deposits
21 from ~~consumers~~ CUSTOMERS who are direct customers of utilities
22 regulated by the Michigan public service commission.

23 (ii) Detailed listing of furnishings and fixtures by a manu-
24 facturer of a new ~~mobile~~ MANUFACTURED home or a ~~mobile~~
25 MANUFACTURED home ~~dealer~~ RETAILER for a ~~used mobile~~ PREOWNED
26 MANUFACTURED home.

1 (iii) Disclosure and delivery of manufacturer's warranties.

2 (iv) ~~Used mobile~~ PREOWNED MANUFACTURED homes. A ~~mobile~~
 3 MANUFACTURED home ~~dealer~~ RETAILER shall provide A detailed
 4 listing of its service records for ~~used mobile~~ PREOWNED
 5 MANUFACTURED homes ~~which~~ THAT are being sold by the ~~dealer~~
 6 RETAILER and ~~of which~~ THAT the ~~dealer~~ RETAILER has knowledge
 7 OF.

8 (h) Applications for and issuance of certificates of ~~title~~
 9 OWNERSHIP for ~~mobile~~ MANUFACTURED homes.

10 (2) As part of the code, the commission shall also promul-
 11 gate rules governing the licensure, density, layout, permits for
 12 construction, and construction of seasonal ~~mobile~~ MANUFACTURED
 13 home ~~parks, including~~ COMMUNITIES. THE RULES SHALL GOVERN stan-
 14 dards for roads, utilities, open space, proposed recreational
 15 facilities, and safety measures sufficient to protect the health,
 16 safety, and welfare of seasonal ~~mobile~~ MANUFACTURED home ~~park~~
 17 COMMUNITY residents. ~~, except~~ THE RULES SHALL NOT GOVERN water
 18 supply, sewage collection and treatment, and drainage facilities
 19 ~~, which shall be regulated by~~ THAT the department of ~~public~~
 20 ~~health~~ ENVIRONMENTAL QUALITY REGULATES.

21 (3) ~~The~~ IN rules promulgated for seasonal ~~mobile~~
 22 MANUFACTURED home ~~parks~~ COMMUNITIES, THE DEPARTMENT may impose
 23 a less stringent standard than the rules promulgated for ~~mobile~~
 24 MANUFACTURED home ~~parks~~ COMMUNITIES.

25 Sec. 6. (1) The department of ~~public health~~ ENVIRONMENTAL
 26 QUALITY shall promulgate rules for ~~mobile~~ MANUFACTURED home
 27 ~~parks~~ COMMUNITIES and seasonal ~~mobile~~ MANUFACTURED home

1 ~~parks~~ COMMUNITIES setting forth minimum standards regulating
 2 ALL OF THE FOLLOWING:

3 (a) Water supply system.

4 (b) Sewage collection and disposal system.

5 (c) Drainage.

6 (d) Garbage and rubbish storage and disposal.

7 (e) Insect and rodent control.

8 (f) General operation, maintenance, and safety.

9 (g) Certification of compliance under section 17.

10 (2) Representatives of local government shall act in an
 11 advisory capacity in the promulgation of the code.

12 (3) The commission shall consult with appropriate state and
 13 local governments in developing the procedures for effective
 14 coordination of efforts. The commission shall recommend proce-
 15 dures to the governor and the legislature for coordinating state
 16 agency decisions and activities pertaining to this act.

17 Sec. 7. (1) A local government ~~which~~ THAT proposes a
 18 standard related to ~~mobile~~ MANUFACTURED home ~~parks~~
 19 COMMUNITIES or seasonal ~~mobile~~ MANUFACTURED home ~~parks~~
 20 COMMUNITIES, or related to ~~mobile~~ MANUFACTURED homes located
 21 within a ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY or a sea-
 22 sonal ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY, that is higher
 23 than the standard provided in this act or the code; or a standard
 24 related to the business, sales, and service practices of ~~mobile~~
 25 MANUFACTURED home ~~dealers~~ RETAILERS, or the business AND
 26 INSTALLATION PRACTICES of ~~mobile~~ MANUFACTURED home installers
 27 and ~~repairers~~ SERVICERS, that is higher than the standard

1 provided in this act or the code shall file the proposed standard
2 with the commission. The commission may promulgate rules to
3 establish the criteria and procedure for implementation of A
4 higher ~~standards~~ STANDARD by a local government. The commis-
5 sion shall review and approve the proposed standard unless the
6 standard is unreasonable, arbitrary, or not in the public
7 interest. If the commission does not approve or disapprove the
8 proposed standard within 60 days after it is filed with the com-
9 mission, the standard ~~shall be considered~~ IS approved unless
10 the local government grants the commission additional time to
11 consider the standard. After the proposed standard is approved,
12 the local government may adopt the standard by ordinance. The
13 ordinance shall relate to a specific section of the code.

14 (2) A local government standard related to ~~mobile~~
15 MANUFACTURED homes not located within a ~~mobile~~ MANUFACTURED
16 home ~~park~~ COMMUNITY or seasonal ~~mobile~~ MANUFACTURED home
17 ~~park~~ COMMUNITY need not be filed with the ~~mobile home~~
18 MANUFACTURED HOUSING commission, unless the standard relates to
19 the business, sales, and service practices of ~~mobile~~
20 MANUFACTURED home ~~dealers~~ RETAILERS, or the business AND
21 INSTALLATION PRACTICES of ~~mobile~~ MANUFACTURED home installers
22 and ~~repairers~~ SERVICERS.

23 (3) A local government ordinance shall not be designed as
24 exclusionary to ~~mobile~~ MANUFACTURED homes generally whether the
25 ~~mobile~~ MANUFACTURED homes are located inside or outside of
26 ~~mobile~~ MANUFACTURED home ~~parks~~ COMMUNITIES or seasonal
27 ~~mobile~~ MANUFACTURED home ~~parks~~ COMMUNITIES.

1 (4) A local government ordinance shall not contain a
2 standard for the setup or installation of ~~mobile~~ MANUFACTURED
3 homes that is incompatible with, or is more stringent than,
4 either of the following:

5 (a) The manufacturer's recommended setup and installation
6 specifications.

7 (b) The ~~mobile~~ MANUFACTURED home setup and installation
8 standards promulgated by the federal department of housing and
9 urban development ~~pursuant to~~ UNDER the national manufactured
10 housing construction and safety standards act of 1974, TITLE VI
11 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, PUBLIC LAW
12 93-383, 42 U.S.C. 5401 to 5426.

13 (5) In the absence of ~~any~~ setup or installation specifica-
14 tions or standards for foundations as set forth in subsection
15 (4)(a) or (b), the local government standards for site-built
16 housing ~~shall~~ apply.

17 (6) A local government ordinance shall not contain roof con-
18 figuration standards or special use zoning requirements that
19 apply only to, or ~~excludes~~ EXCLUDE, ~~mobile~~ MANUFACTURED
20 homes. A local government ordinance shall not contain a manufac-
21 turing or construction standard that is incompatible with, or is
22 more stringent than, a standard promulgated by the federal
23 department of housing and urban development ~~pursuant to~~ UNDER
24 the national manufactured housing construction and safety stan-
25 dards act of 1974, TITLE VI OF THE HOUSING AND COMMUNITY DEVELOP-
26 MENT ACT OF 1974, PUBLIC LAW 93-383 42 U.S.C. 5401 to 5426. A
27 local government ordinance may include reasonable standards

1 relating to ~~mobile~~ MANUFACTURED homes located outside of
2 ~~mobile~~ MANUFACTURED home ~~parks~~ COMMUNITIES or seasonal
3 ~~mobile~~ MANUFACTURED home ~~parks which~~ COMMUNITIES THAT ensure
4 that ~~mobile~~ MANUFACTURED homes compare aesthetically to
5 site-built housing located or allowed in the same residential
6 zone.

7 Sec. 11. (1) A person who desires to develop a ~~mobile~~
8 MANUFACTURED home ~~park~~ COMMUNITY or a seasonal ~~mobile~~
9 MANUFACTURED home ~~park~~ COMMUNITY shall submit a preliminary
10 plan to the DEPARTMENT OF ENVIRONMENTAL QUALITY AND TO THE appro-
11 priate municipality, ~~local health department,~~ county road com-
12 mission, and county drain commissioner for preliminary approval.
13 The preliminary plan shall include the location, THE layout, THE
14 general design, and a general description of the project. The
15 preliminary plan shall not include detailed construction plans.

16 (2) The municipality may grant preliminary approval if the
17 proposed ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY or seasonal
18 ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY conforms to applica-
19 ble laws and local ordinances not in conflict with this act and
20 laws and ordinances relative to ALL OF THE FOLLOWING:

21 (a) Land use and zoning.

22 (b) Municipal water supply, sewage service, and drainage.

23 (c) Compliance with local fire ordinances and state fire
24 laws.

25 (3) The county drain commissioner shall review and may
26 approve outlet drainage. The county road commission shall review
27 and may approve ingress and egress roads. The county road

1 commission and the county drain commissioner shall adopt and
2 publish standards to implement this subsection. The county road
3 commission and the county drain commissioner ~~shall~~ DO not have
4 authority as to interior streets and drainage in the ~~mobile~~
5 MANUFACTURED home ~~park~~ COMMUNITY or seasonal ~~mobile~~
6 MANUFACTURED home ~~park~~ COMMUNITY, unless the streets or drains
7 are dedicated to the public.

8 (4) The local health department shall grant preliminary
9 approval, under the guidance of the department of ~~public health~~
10 ENVIRONMENTAL QUALITY, for on-site water and sewage service and
11 general site suitability.

12 (5) If a reviewing agency as provided in this section has
13 not returned the preliminary plan to the developer, either
14 approved, modified, or disapproved, within 60 days after it
15 receives the preliminary plan, the preliminary plan ~~shall be~~ IS
16 considered approved.

17 (6) Coordination of approvals by state and local governments
18 shall be provided by the director of ~~public health~~
19 ENVIRONMENTAL QUALITY before ~~it~~ THAT DEPARTMENT may grant con-
20 struction approval.

21 (7) The developer shall submit the preliminary approval with
22 the final plans to the department of ~~public health~~
23 ENVIRONMENTAL QUALITY for review before the department of
24 ~~commerce~~ CONSUMER AND INDUSTRY SERVICES may issue a construc-
25 tion permit.

1 Sec. 12. (1) When all preliminary approvals are made, the
2 developer shall submit the legal documents and the final plans
3 draft to the department.

4 (2) The department shall review the filing and within 90
5 days after filing issue its approval or disapproval. Upon the
6 approval of all the reviewing agencies, the department shall
7 issue a permit to construct the ~~mobile~~ MANUFACTURED home ~~park~~
8 COMMUNITY or seasonal ~~mobile~~ MANUFACTURED home ~~park~~
9 COMMUNITY.

10 Sec. 13. (1) A person shall not construct a ~~mobile~~
11 MANUFACTURED home ~~park~~ COMMUNITY or seasonal ~~mobile~~
12 MANUFACTURED home ~~park~~ COMMUNITY without obtaining a permit
13 issued by the department.

14 (2) Construction may begin ~~upon the granting of~~ WHEN THE
15 DEPARTMENT GRANTS a permit to construct. ~~by the department.~~

16 Sec. 14. Upon completion of the construction of ~~the~~
17 ~~mobile~~ A MANUFACTURED home ~~park~~ COMMUNITY or seasonal ~~mobile~~
18 MANUFACTURED home ~~park~~ COMMUNITY, the owner or operator of the
19 ~~park~~ COMMUNITY and a registered professional engineer or archi-
20 tect shall file with the department an affidavit certifying that
21 the ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY or seasonal
22 ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY, lot, and work were
23 completed in accordance with the approved specifications and
24 plans.

25 Sec. 16. (1) A person shall not operate a ~~mobile~~
26 MANUFACTURED home ~~park~~ COMMUNITY or seasonal ~~mobile~~
27 MANUFACTURED home ~~park~~ COMMUNITY without a license.

1 (2) Upon completion, review, and approval of certifications,
2 the department shall grant a license to operate a ~~mobile~~
3 MANUFACTURED home ~~park~~ COMMUNITY or seasonal ~~mobile~~
4 MANUFACTURED home ~~park~~ COMMUNITY.

5 (3) An annual license shall be granted and renewed by the
6 department based upon the certifications and recommendations of
7 the appropriate agencies and local governments.

8 (4) If a person submits a timely application for renewal of
9 a license and pays the appropriate fee, the person may continue
10 to operate a ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY or sea-
11 sonal ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY unless notified
12 that the application for renewal is not approved.

13 (5) A campground ~~which~~ THAT is currently licensed under
14 sections 12501 to 12516 of the public health code, ~~Act No. 368~~
15 ~~of the Public Acts of 1978, being sections 333.12501 to 333.12516~~
16 ~~of the Michigan Compiled Laws 1978 PA 368, MCL 333.12501 TO~~
17 ~~333.12516, THAT was previously licensed under the licensing pro-~~
18 ~~visions of Act No. 243 of the Public Acts of 1959, being sec-~~
19 ~~tions 125.1035 to 125.1043 of the Michigan Compiled Laws 1959 PA~~
20 ~~243, MCL 125.1035 TO 125.1043, as a seasonal trailer park, and~~
21 ~~which~~ THAT currently meets the seasonal trailer park construc-
22 tion standards under ~~Act No. 243 of the Public Acts of 1959~~
23 ~~1959 PA 243, MCL 125.1035 TO 125.1043, may apply for and shall be~~
24 licensed as a seasonal ~~mobile~~ MANUFACTURED home ~~park~~
25 COMMUNITY under this act if the campground meets all other
26 requirements for licensure under this act as a seasonal ~~mobile~~
27 MANUFACTURED home ~~park~~ COMMUNITY.

1 Sec. 16a. ~~Mobile homes~~ A MANUFACTURED HOME located in a
2 seasonal ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY may be occu-
3 pied on a full-time basis from April 1 to October 31, but shall
4 not be occupied for more than 15 consecutive days in any 30-day
5 period from November 1 to March 31.

6 Sec. 17. (1) The department of ~~public health~~
7 ENVIRONMENTAL QUALITY or its authorized representative shall con-
8 duct an annual physical inspection of ~~mobile~~ MANUFACTURED home
9 ~~parks~~ COMMUNITIES and seasonal ~~mobile~~ MANUFACTURED home
10 ~~parks~~ COMMUNITIES in accordance with standards established by
11 the department of ~~public health~~ ENVIRONMENTAL QUALITY. If the
12 ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY or seasonal ~~mobile~~
13 MANUFACTURED home ~~park~~ COMMUNITY is approved, the department of
14 ~~public health~~ ENVIRONMENTAL QUALITY shall issue a certification
15 of compliance to the department of ~~commerce~~ CONSUMER AND INDUS-
16 TRY SERVICES that the ~~park~~ COMMUNITY is licensable.

17 (2) Except for purposes of issuing a license or renewing a
18 license ~~pursuant to~~ UNDER this act, a local government ~~may~~
19 SHALL not make an inspection unless it has reason to believe that
20 this act, the code, or rules promulgated ~~pursuant to~~ UNDER this
21 act were violated.

22 Sec. 18. (1) A variance in the design and construction of a
23 ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY or seasonal ~~mobile~~
24 MANUFACTURED home ~~park~~ COMMUNITY may be granted upon notice of
25 the request to the local government and the department of ~~public~~
26 ~~health~~ ENVIRONMENTAL QUALITY, IF THE VARIANCE HAS OR MAY HAVE AN
27 IMPACT ON DEPARTMENT OF ENVIRONMENTAL QUALITY RULES, at the time

1 of filing with the department of ~~commerce~~ CONSUMER AND INDUSTRY
2 SERVICES. ~~If the local government grants a variance which would~~
3 ~~permit activities violative of the minimum standards of the code,~~
4 ~~the local government shall file with the department a copy of the~~
5 ~~variance order and an explanation of the reason for the granting~~
6 ~~of the order. The department may approve or disapprove the vari-~~
7 ~~ance or revoke the variance upon notice and hearing.~~

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

16 (3) The ~~department~~ COMMISSION may attach in writing a con-
17 dition in connection with the granting of a variance that in its
18 judgment is necessary to protect the health, safety, and welfare
19 of the people of this state. The variance shall not exceed the
20 minimum necessary to alleviate the exceptional, practical
21 difficulty.

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

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

1 Sec. 21. (1) A ~~mobile~~ MANUFACTURED home ~~dealer~~ RETAILER
2 shall not engage in the retail sale of a ~~mobile~~ MANUFACTURED
3 home without a license.

4 (2) A ~~mobile~~ MANUFACTURED home ~~dealer, mobile~~ RETAILER,
5 OR A MANUFACTURED home installer ~~,~~ or ~~repairer~~ SERVICER, may
6 obtain an initial or renewal license by filing with the commis-
7 sion an application together with consent to service of process
8 in a form prescribed by the commission ~~pursuant to~~ UNDER sec-
9 tion 35.

10 (3) An initial or renewal license under this act shall be
11 issued for not more than 1 year. Licenses ~~shall~~ expire on
12 October 1.

13 (4) The annual license fee for a ~~mobile~~ MANUFACTURED home
14 ~~dealer~~ RETAILER is \$150.00 or ~~any other~~ A lesser amount
15 established ~~pursuant to~~ UNDER section 9(5).

16 (5) The annual license fee for a ~~mobile~~ MANUFACTURED home
17 installer or repairer is \$50.00 or ~~any other~~ A lesser amount
18 established ~~pursuant to~~ UNDER section 9(5).

19 (6) A licensed ~~mobile~~ MANUFACTURED home ~~dealer, mobile~~
20 RETAILER, OR A MANUFACTURED home installer ~~,~~ or ~~repairer~~
21 SERVICER, may file an application for the license of a successor,
22 whether or not the successor is then in existence, for the unex-
23 pired portion of the year. The commission may grant or deny the
24 application.

25 (7) A licensee who submits a timely application for renewal
26 of a license and pays the appropriate fee may continue sales of

1 ~~mobile~~ MANUFACTURED homes unless notified that the application
2 for renewal is not approved.

3 Sec. 22. The commission may promulgate rules to require a
4 licensed ~~mobile~~ MANUFACTURED home ~~dealer~~ RETAILER to post a
5 surety bond in an amount up to \$10,000.00 for each sales location
6 and may determine conditions of the bond. An appropriate deposit
7 of cash or securities shall be accepted in lieu of a REQUIRED
8 bond. ~~which is required.~~

9 Sec. 23. A licensed ~~mobile~~ MANUFACTURED home ~~dealer~~
10 RETAILER shall make and keep accounts, and other records as the
11 commission prescribes by rule. The records required shall be
12 preserved for 3 years unless the commission otherwise prescribes
13 by rule for particular types of records. If the information con-
14 tained in a record filed with the commission is or becomes inac-
15 curate or incomplete in ~~any~~ A material respect, the licensee
16 promptly shall file a correcting amendment.

17 Sec. 24. A ~~mobile~~ MANUFACTURED home ~~dealer~~ RETAILER
18 shall not DO ANY OF THE FOLLOWING:

19 (a) Advertise or represent a ~~mobile~~ MANUFACTURED home as
20 other than calendar or model year.

21 (b) Misapply ~~consumer~~ CUSTOMER deposits on a ~~mobile~~
22 MANUFACTURED home or a ~~mobile~~ MANUFACTURED home ~~park~~
23 COMMUNITY.

24 (c) Fail to place deposits, down payments, or similar pay-
25 ments for the purchase or right to purchase a ~~mobile~~
26 MANUFACTURED home in a separate escrow account subject to return
27 upon cancellation of the purchase order by the prospective

1 purchaser under the rules or orders as the commission promulgates
2 or issues unless the ~~dealer shall post~~ RETAILER POSTS a bond or
3 a deposit of cash or securities for protection of these payments
4 in an amount acceptable to the commission.

5 (d) Fail to disclose to the department ~~any~~ direct or indi-
6 rect business relationships with financial and loan institutions,
7 banks, and insurance companies.

8 Sec. 25. (1) The commission shall promulgate rules relating
9 to the responsibility of the ~~mobile~~ MANUFACTURED home ~~dealer,~~
10 ~~mobile~~ RETAILER, THE MANUFACTURED home installer AND SERVICER,
11 and the ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY or seasonal
12 ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY owner for installa-
13 tion and setup of a ~~mobile~~ MANUFACTURED home.

14 (2) A person licensed under ~~any~~ 1 OR MORE of the following
15 acts ~~shall~~ IS not ~~be~~ required to be licensed as a ~~mobile~~
16 MANUFACTURED home installer and ~~repairer~~ SERVICER in order to
17 perform work on ~~mobile~~ MANUFACTURED homes for which the person
18 is licensed, unless the work performed also includes the setup,
19 installation, or general ~~repair~~ SERVICING of ~~mobile~~
20 MANUFACTURED homes:

21 (a) The electrical administrative act, ~~Act No. 217 of the~~
22 ~~Public Acts of 1956, being sections 338.881 to 338.892 of the~~
23 ~~Michigan Compiled Laws~~ 1956 PA 217, MCL 338.881 TO 338.892.

24 (b) ~~Act No. 266 of the Public Acts of 1929, being sections~~
25 ~~338.901 to 338.917 of the Michigan Compiled Laws~~ 1929 PA 266,
26 MCL 338.901 TO 338.917.

1 (c) The Forbes mechanical contractors act, ~~Act No. 192 of~~
2 ~~the Public Acts of 1984, being sections 338.971 to 338.988 of the~~
3 ~~Michigan Compiled Laws~~ 1984 PA 192, MCL 338.971 TO 338.988.

4 (3) The electrical administrative act, ~~Act No. 217 of the~~
5 ~~Public Acts of 1956, being sections 338.881 to 338.892 of the~~
6 ~~Michigan Compiled Laws, Act No. 266 of the Public Acts of 1929,~~
7 ~~being sections 338.901 to 338.917 of the Michigan Compiled Laws~~
8 1956 PA 217, MCL 338.881 TO 338.892, 1929 PA 266, MCL 338.901 TO
9 338.917, and the Forbes mechanical contractors act, ~~Act No. 192~~
10 ~~of the Public Acts of 1984, being sections 338.971 to 338.988 of~~
11 ~~the Michigan Compiled Laws, shall~~ 1984 PA 192, MCL 338.971 TO
12 338.988, DO not apply to the setup or installation of a ~~mobile~~
13 MANUFACTURED home and the following connections, or replacement
14 or ~~repair~~ SERVICING of the following connections, by a licensed
15 ~~mobile~~ MANUFACTURED home installer and ~~repairer~~ SERVICER:

16 (a) Factory-installed electrical wiring, devices, appli-
17 ances, or appurtenances to available electrical meters or
18 pedestals.

19 (b) Factory-installed piping, fixtures, plumbing appliances,
20 and plumbing appurtenances to sanitary drainage or storm drainage
21 facilities, venting systems, or public or private water supply
22 systems.

23 (c) Factory-installed process piping, heating and cooling
24 equipment, and systems or supply lines to available service
25 meters or mains.

26 Sec. 27. (1) ~~A person shall not, in~~ IN connection with
27 the offer, sale, purchase, or rental of a ~~mobile~~ MANUFACTURED

1 home, ~~mobile~~ MANUFACTURED home site, or RELATED equipment,
2 ~~relating thereto~~ A PERSON SHALL NOT DO EITHER OF THE
3 FOLLOWING:

4 (a) Employ a devise, scheme, or artifice to defraud.

5 (b) Make an untrue statement of material fact or omit to
6 state a material fact necessary to make the statement not mis-
7 leading, in the light of the circumstances under which it is
8 made.

9 (2) A person shall not willfully authorize, direct, or aid
10 in publication, advertisement, distribution, or circulation of a
11 statement or representation concerning a ~~mobile~~ MANUFACTURED
12 home, ~~mobile~~ MANUFACTURED home site, or RELATED equipment
13 ~~relating thereto, which~~ THAT misrepresents the facts concerning
14 the ~~mobile~~ MANUFACTURED home, ~~mobile~~ MANUFACTURED home site,
15 or RELATED equipment. ~~relating thereto.~~

16 (3) A person with knowledge that an advertisement, pamphlet,
17 prospectus, or letter concerning a ~~mobile~~ MANUFACTURED home,
18 ~~mobile~~ MANUFACTURED home site, or RELATED equipment ~~relating~~
19 ~~thereto~~ contains a written statement that is false or fraudulent
20 — shall not issue, circulate, publish, or distribute the adver-
21 tisement, pamphlet, prospectus, or letter concerning a ~~mobile~~
22 MANUFACTURED home, ~~mobile~~ MANUFACTURED home site, or RELATED
23 equipment. ~~relating thereto.~~

24 (4) A person shall not willfully make ~~any~~ A material mis-
25 representation in the sale of a ~~mobile~~ MANUFACTURED home,
26 ~~mobile~~ MANUFACTURED home site, or RELATED equipment. ~~relating~~
27 ~~thereto.~~

1 Sec. 28. (1) An owner or operator of a ~~mobile~~ MANUFACTURED
2 home ~~park~~ COMMUNITY or seasonal ~~mobile~~ MANUFACTURED home
3 ~~park~~ COMMUNITY shall not engage, or permit an employee or agent
4 to engage, in any of the following unfair or deceptive methods,
5 acts, or practices:

6 (a) Directly or indirectly charging or collecting from a
7 person an entrance fee.

8 (b) Requiring a person to directly or indirectly purchase a
9 ~~mobile~~ MANUFACTURED home from another person as a condition of
10 entrance to, or lease or rental of, a ~~mobile~~ MANUFACTURED home
11 ~~park~~ COMMUNITY or seasonal ~~mobile~~ MANUFACTURED home ~~park~~
12 COMMUNITY space.

13 (c) Directly or indirectly charging or collecting from a
14 person a refundable or nonrefundable exit fee.

15 (d) Requiring or coercing a person to purchase, rent, or
16 lease goods or services from another person as a condition of any
17 of the following:

18 (i) Entering into a ~~park~~ COMMUNITY or lease.

19 (ii) Selling a ~~mobile~~ MANUFACTURED home through the ~~park~~
20 COMMUNITY owner or operator —, or his or her agent or designee
21 upon leaving a ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY or
22 seasonal ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY.

23 (iii) Renting space in a ~~mobile~~ MANUFACTURED home ~~park~~
24 COMMUNITY or seasonal ~~mobile~~ MANUFACTURED home ~~park~~
25 COMMUNITY.

26 (e) Directly or indirectly charging or collecting from a
27 person money or other thing of value for electric, fuel, or water

1 service without the RESIDENT'S OR TENANT'S use of that service
2 ~~by a resident or tenant~~ being first accurately and consistently
3 measured, unless that service is included in the rental charge as
4 an incident of tenancy.

5 (f) Conspiring, combining, agreeing, aiding, or abetting in
6 the employment of a method, act, or practice that violates this
7 act.

8 (g) Renting or leasing a ~~mobile~~ MANUFACTURED home or site
9 in a ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY or seasonal
10 ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY without offering a
11 written lease.

12 (h) Subject to section 28a, prohibiting a resident from
13 selling his or her ~~mobile~~ MANUFACTURED home on-site for a price
14 determined by that resident, if the purchaser qualifies for ten-
15 ancy and the ~~mobile~~ MANUFACTURED home meets the conditions of
16 written ~~park~~ COMMUNITY rules or regulations. This subdivision
17 does not apply to seasonal ~~mobile~~ MANUFACTURED home ~~parks~~
18 COMMUNITIES.

19 (i) Subject to reasonable ~~mobile~~ MANUFACTURED home ~~park~~
20 COMMUNITY or seasonal ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY
21 rules governing the location, size, and style of exterior televi-
22 sion antenna, prohibiting a person from installing or maintaining
23 an exterior television antenna on a ~~mobile~~ MANUFACTURED home
24 within the ~~park~~ COMMUNITY unless the ~~mobile~~ MANUFACTURED home
25 ~~park~~ COMMUNITY or seasonal ~~mobile~~ MANUFACTURED home ~~park~~
26 COMMUNITY provides ~~park~~ residents, without charge, a central
27 television antenna for UHF-VHF reception.

1 (J) REQUIRING A REPOSSESSING LENDER TO PAY A HOMEOWNER'S
2 DEBT THAT WAS INCURRED BEFORE REPOSSESSION OF THE MANUFACTURED
3 HOME.

4 (K) PROHIBITING A REPOSSESSING LENDER FROM SELLING A MANU-
5 FACTURED HOME ON-SITE.

6 (2) A ~~tenant~~ RESIDENT of a ~~mobile~~ MANUFACTURED home
7 ~~park~~ COMMUNITY or seasonal ~~mobile~~ MANUFACTURED home ~~park~~
8 COMMUNITY may bring an action on his or her own behalf for a vio-
9 lation of this section.

10 (3) If the commission has reason to suspect that the owner
11 of a ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY or seasonal
12 ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY is engaged in conduct
13 that violates existing water utility tariffs or qualifies the
14 owner of a ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY or sea-
15 sonal ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY for regulation
16 as a water utility, the commission shall promptly send a written
17 report of the alleged violation to the Michigan public service
18 commission.

19 Sec. 28a. (1) ~~Mobile~~ MANUFACTURED home ~~park~~ COMMUNITY
20 rules or regulations may include provisions governing the physi-
21 cal condition of ~~mobile~~ MANUFACTURED homes and the aesthetic
22 characteristics of ~~mobile~~ MANUFACTURED homes in relation to the
23 ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY in which they are
24 located, subject to all of the following:

25 (a) The age or size of a ~~mobile~~ MANUFACTURED home shall
26 not be used as the sole basis for refusing to allow an on-site,
27 ~~in-park~~ IN-COMMUNITY sale or for refusing to allow the ~~mobile~~

1 MANUFACTURED home to remain on-site. THE COMMUNITY RULES OR
2 REGULATIONS SHALL NOT ESTABLISH A MINIMUM VALUE OR A MINIMUM SALE
3 PRICE FOR A MANUFACTURED HOME AS A CONDITION TO AN IN-COMMUNITY
4 SALE OF THE HOME. The burden of going forward in a suit against
5 the ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY owner or operator
6 for violation of this subdivision is on the resident.

7 (b) The standards incorporated in the written ~~park~~
8 COMMUNITY rules or regulations governing the physical condition
9 and aesthetic characteristics of ~~mobile~~ MANUFACTURED homes in
10 the ~~mobile~~ MANUFACTURED home ~~park shall~~ COMMUNITY apply
11 equally to all residents.

12 (c) A ~~mobile~~ MANUFACTURED home sold on-site shall conform
13 with ~~Act No. 133 of the Public Acts of 1974, being sections~~
14 ~~125.771 to 125.774 of the Michigan Compiled Laws~~ 1974 PA 133,
15 MCL 125.771 TO 125.774.

16 (d) ~~Any~~ A charge connected to the on-site, ~~in-park~~
17 IN-COMMUNITY sale of a ~~mobile~~ MANUFACTURED home, other than the
18 inspection fee permitted under subdivision (e) and the commission
19 or fee charged by a ~~mobile~~ MANUFACTURED home ~~dealer~~ RETAILER
20 licensed under this act who is engaged by the seller to transact
21 the sale, is an entrance or exit fee in violation of section 28.

22 (e) A ~~park~~ COMMUNITY owner or operator may charge a rea-
23 sonable fee to inspect the ~~mobile~~ MANUFACTURED home before
24 sale. The charge shall not be more than \$30.00, or the amount
25 charged for A building permit ~~inspections~~ INSPECTION by the
26 municipality in which the ~~mobile~~ MANUFACTURED home is located,
27 whichever is higher.

1 (f) The standards governing the physical condition of
2 ~~mobile~~ MANUFACTURED homes and the aesthetic characteristics of
3 ~~mobile~~ MANUFACTURED homes in the ~~mobile~~ MANUFACTURED home
4 ~~park~~ COMMUNITY, as incorporated in the written ~~park~~ COMMUNITY
5 rules, shall not be designed to defeat the intent of this
6 section.

7 (2) Subsection (1)(f) ~~shall~~ DOES not apply if the ~~mobile~~
8 MANUFACTURED home ~~park~~ COMMUNITY is changing its method of
9 doing business and provides not less than 1 year's notice, unless
10 a different notice period is otherwise provided by law, of the
11 proposed change to all affected ~~mobile~~ MANUFACTURED home ~~park~~
12 COMMUNITY residents. A change in a ~~mobile~~ MANUFACTURED home
13 ~~park's~~ COMMUNITY'S method of doing business includes, but is
14 not limited to, ~~any~~ 1 OR MORE of the following:

15 (a) Conversion to a ~~mobile~~ MANUFACTURED home ~~park~~
16 COMMUNITY condominium ~~pursuant to~~ UNDER the condominium act,
17 ~~Act No. 59 of the Public Acts of 1978, being sections 559.101 to~~
18 ~~559.275 of the Michigan Compiled Laws~~ 1978 PA 59, MCL 559.101 TO
19 559.276.

20 (b) Conversion to total rental of both ~~mobile~~ MANUFACTURED
21 home site and ~~park-owned mobile~~ COMMUNITY-OWNED MANUFACTURED
22 homes.

23 (c) Changes in use of the land on which the ~~mobile~~
24 MANUFACTURED home ~~park~~ COMMUNITY is located.

25 (3) Notwithstanding subsection (1) or (2), a ~~mobile~~
26 MANUFACTURED home ~~park~~ COMMUNITY may require a ~~mobile~~
27 MANUFACTURED home to be moved to a comparable site within the

1 ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY, at the expense of
 2 the ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY.

3 (4) If, after termination of a resident's tenancy for just
 4 cause as provided in chapter 57a of the revised judicature act of
 5 1961, ~~Act No. 236 of the Public Acts of 1961, being sections~~
 6 ~~600.5771 to 600.5785 of the Michigan Compiled Laws~~ 1961 PA 236,
 7 MCL 600.5771 TO 600.5785, the resident of a ~~mobile~~ MANUFACTURED
 8 home ~~park~~ COMMUNITY sells his or her ~~mobile~~ MANUFACTURED home
 9 to the owner or operator of the ~~mobile~~ MANUFACTURED home ~~park~~
 10 COMMUNITY, or to ~~any~~ AN entity in which the owner or operator
 11 has ~~any~~ AN interest, the resident ~~shall have~~ HAS the right to
 12 have the ~~mobile~~ MANUFACTURED home's value appraised and, if so
 13 appraised, the sale price of the ~~mobile~~ MANUFACTURED home shall
 14 not be less than the appraised value.

15 (5) Except as provided in subsection (1)(a), a ~~mobile~~
 16 MANUFACTURED home ~~park~~ COMMUNITY owner or operator, or both,
 17 has the burden of going forward to show compliance with subsec-
 18 tion (1).

19 Sec. 28b. A ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY
 20 rule that does either of the following shall not be enforced
 21 against a resident, unless the rule was proposed and in force
 22 before the resident was approved for tenancy in the ~~mobile~~
 23 MANUFACTURED home ~~park~~ COMMUNITY:

24 (a) Prohibits ~~those children~~ A CHILD who ~~were~~ WAS previ-
 25 ously approved under prior ~~park~~ COMMUNITY rules from residing
 26 in the ~~mobile~~ MANUFACTURED home ~~park~~ COMMUNITY. A rule
 27 prohibiting ~~children~~ A CHILD, or AN additional ~~children~~

1 CHILD, shall not be enforced against ~~persons~~ A PERSON who ~~were~~
2 ~~residents~~ WAS A RESIDENT of the ~~mobile~~ MANUFACTURED home
3 ~~park~~ COMMUNITY at the time the rule was adopted until after
4 1 year's notice to ~~those persons~~ THAT PERSON.

5 (b) Prohibits a resident from keeping ~~those pets which~~
6 ~~were~~ A PET THAT WAS previously approved under prior ~~park~~
7 COMMUNITY rules, except A dangerous ~~animals~~ ANIMAL.

8 Sec. 28c. (1) A lease or rental agreement or rules or regu-
9 lations that are adopted ~~pursuant to~~ UNDER a lease or rental
10 agreement may include a provision that requires AWARDING liqui-
11 dated damages ~~to be awarded~~ to the prevailing party in a con-
12 tested action to terminate a tenancy in a ~~mobile~~ MANUFACTURED
13 home ~~park~~ COMMUNITY for just cause under section 5775 of the
14 revised judicature act of 1961, ~~Act No. 236 of the Public Acts~~
15 ~~of 1961, being section 600.5775 of the Michigan Compiled Laws~~
16 1961 PA 236, MCL 600.5775.

17 (2) A provision allowed under subsection (1) may require
18 liquidated damages of not more than \$500.00 for an action in the
19 district court and not more than \$300.00 for each appellate
20 level. Liquidated damages shall not be construed to be a
21 penalty.

22 Sec. 29. A utility company shall notify the department 10
23 days before shutoff of service for nonpayment, including sewer,
24 water, gas, or electric service, when the service is being sup-
25 plied to the licensed owner or operator of a ~~mobile~~
26 MANUFACTURED home ~~park~~ COMMUNITY or seasonal ~~mobile~~

1 MANUFACTURED home ~~park~~ COMMUNITY for the use and benefit of the
2 ~~park's~~ COMMUNITY'S tenants.

3 Sec. 30. (1) After December 31, 1978, every ~~mobile~~
4 MANUFACTURED home located in this state ~~shall be~~ IS subject to
5 the certificate of ~~title~~ OWNERSHIP provisions of this act,
6 except for ~~any~~ A new ~~mobile~~ MANUFACTURED home owned by a man-
7 ufacturer or licensed ~~mobile~~ MANUFACTURED home ~~dealer~~
8 RETAILER and held for sale.

9 (2) After December 31, 1978, a certificate of title for a
10 ~~mobile~~ MANUFACTURED home issued by the secretary of state
11 before January 1, 1979, ~~pursuant to Act No. 300 of the Public~~
12 ~~Acts of 1949, being sections 257.1 to 257.923 of the Michigan~~
13 ~~Compiled Laws~~ UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
14 257.1 TO 257.923, ~~shall be~~ IS considered ~~to be~~ a certificate
15 of ~~title~~ OWNERSHIP issued by the department under this act and
16 ~~shall be~~ IS subject to all of the provisions of this act
17 ~~respecting~~ REGARDING certificates of ~~title~~ OWNERSHIP.

18 (3) After December 31, 1978, a ~~mobile~~ MANUFACTURED home
19 shall not be sold or transferred except by transfer of the cer-
20 tificate of ~~title~~ OWNERSHIP for the ~~mobile~~ MANUFACTURED home
21 ~~pursuant to~~ UNDER this act.

22 Sec. 30a. (1) An owner of a ~~mobile~~ MANUFACTURED home
23 ~~which~~ THAT is subject to the certificate of ~~title~~ OWNERSHIP
24 provisions of this act shall ~~make application~~ APPLY to the
25 department for the issuance of a certificate of ~~title~~ OWNERSHIP
26 for the ~~mobile~~ MANUFACTURED home upon the appropriate form
27 furnished by the department, accompanied by a fee of \$45.00 or

1 ~~any~~ A lesser amount established ~~pursuant to~~ UNDER section
2 9(5). The application shall bear the signature of the owner
3 written in ink, shall be acknowledged by the owner before a
4 person authorized to take acknowledgments, and shall contain ALL
5 OF THE FOLLOWING:

6 (a) The name and address of the owner.

7 (b) A description of the ~~mobile~~ MANUFACTURED home, includ-
8 ing the name of the manufacturer, the year and model, and the
9 manufacturer's serial number or, in the absence of a serial
10 number, a number assigned by the department. A number assigned
11 by the department shall be permanently placed on the ~~mobile~~
12 MANUFACTURED home in the manner and place designated by the
13 department.

14 (c) A statement of the ~~names and addresses of the holders~~
15 ~~of any security interests in the mobile~~ NAME AND ADDRESS OF EACH
16 HOLDER OF A SECURITY INTEREST IN THE MANUFACTURED home, in the
17 order of ~~their~~ priority.

18 (d) Further information as may reasonably be required by the
19 department to enable it to determine whether the owner of the
20 ~~mobile~~ MANUFACTURED home is entitled to a certificate of
21 ~~title~~ OWNERSHIP for the ~~mobile~~ MANUFACTURED home.

22 (2) If the department is not satisfied as to the ownership
23 of ~~the mobile~~ A MANUFACTURED home, before issuing a certificate
24 of ~~title~~ OWNERSHIP for it, the department may require the
25 applicant to file a properly executed surety bond in a form pre-
26 scribed by the department, executed by the applicant and a
27 company authorized to conduct a surety business in this state.

1 The bond shall be in an amount equal to twice the value of the
2 ~~mobile~~ MANUFACTURED home as determined by the department and
3 shall be conditioned to indemnify or reimburse the department,
4 ~~any~~ A prior owner, ~~any~~ A holder of a security interest in the
5 ~~mobile~~ MANUFACTURED home, and ~~any~~ A subsequent purchaser of
6 the ~~mobile~~ MANUFACTURED home, and their successors in interest,
7 against ~~any~~ expense, loss, or damage, including reasonable
8 attorney's fees, by reason of the issuance of a certificate of
9 ~~title~~ OWNERSHIP to the ~~mobile~~ MANUFACTURED home or on account
10 of ~~any~~ A defect in the right, ~~title~~ OWNERSHIP, or interest of
11 the applicant in and to the ~~mobile~~ MANUFACTURED home. Each
12 interested person has a right of action to recover on the bond
13 for a breach of its conditions, but the aggregate liability of
14 the surety to all persons shall not exceed the amount of the
15 bond. The bond shall be returned at the end of 5 years, or
16 before 5 years if the currently valid certificate of ~~title~~
17 OWNERSHIP is surrendered to the department, unless the department
18 has received notification ~~of the pendency of~~ THAT an action IS
19 PENDING to recover on the bond.

20 (3) The department shall examine and determine the genuine-
21 ness, regularity, and legality of an application for a certifi-
22 cate of ~~title~~ OWNERSHIP for a ~~mobile~~ MANUFACTURED home and of
23 any other application lawfully made to the department. ~~and~~
24 THE DEPARTMENT may in all cases ~~make investigation~~ INVESTIGATE
25 or require additional information as ~~may be considered~~ IT
26 CONSIDERS necessary, and shall reject ~~any~~ AN application if not
27 satisfied ~~of~~ AS TO the genuineness, regularity, or legality of

1 it or the truth of ~~any~~ A statement contained in it, or for any
2 other reason, when authorized by law.

3 (4) The fee for obtaining a duplicate, replacement, or cor-
4 rected ~~title~~ CERTIFICATE OF OWNERSHIP, for placing or terminat-
5 ing a lien on the ~~title~~ CERTIFICATE OF OWNERSHIP, or for plac-
6 ing a name on the ~~title~~ CERTIFICATE OF OWNERSHIP is \$15.00 or
7 ~~any other~~ A lesser amount established ~~pursuant to~~ UNDER sec-
8 tion 9(5).

9 Sec. 30b. (1) The department upon receipt of the required
10 application and fees shall issue a certificate of ~~title~~
11 OWNERSHIP except as otherwise provided.

12 (2) The certificate of ~~title~~ OWNERSHIP shall contain upon
13 its face the date issued, the name and address of the owner, a
14 description of the ~~mobile~~ MANUFACTURED home as determined by
15 the department, a statement of all security interests in the
16 ~~mobile~~ MANUFACTURED home as set forth in the application, the
17 date on which the application was filed, and other information as
18 the department may require.

19 (3) The certificate of ~~title~~ OWNERSHIP shall contain
20 ~~upon~~ ON the reverse side forms for assignment of ~~title~~
21 OWNERSHIP or interest and warranty of ~~title~~ OWNERSHIP by the
22 owner with space for notation of security interests in the
23 ~~mobile~~ MANUFACTURED home at the time of a transfer to be signed
24 in ink, and other forms as the department ~~may consider~~
25 CONSIDERS necessary to facilitate the effective administration of
26 this section. The certificate shall bear the DEPARTMENT'S seal.
27 ~~of the department.~~

1 (4) The certificate of ~~title~~ OWNERSHIP shall be mailed or
2 delivered to the owner or other person as the owner may direct in
3 a separate instrument, in the form ~~as~~ the department ~~shall~~
4 ~~prescribe~~ PRESCRIBES.

5 Sec. 30c. (1) If the owner of a ~~mobile~~ MANUFACTURED home
6 transfers or assigns the owner's ~~title~~ OWNERSHIP or interest to
7 the ~~mobile~~ MANUFACTURED home, the owner shall ~~indorse~~ ENDORSE
8 on the back of the certificate of ~~title~~ OWNERSHIP an assignment
9 of the ~~mobile~~ MANUFACTURED home with warranty of ~~title~~
10 OWNERSHIP with a statement of all security interests in the
11 ~~mobile~~ MANUFACTURED home. ~~, and~~ THE OWNER shall ~~cause~~ MAIL
12 OR DELIVER the certificate ~~to be mailed or delivered~~ to the
13 department or to the purchaser or transferee at the time of the
14 delivery to the purchaser or transferee of the ~~mobile~~
15 MANUFACTURED home.

16 (2) Upon the delivery of a ~~mobile~~ MANUFACTURED home and
17 the transfer, sale, or assignment of the ~~title~~ OWNERSHIP or
18 interest in a ~~mobile~~ MANUFACTURED home, the effective date of
19 the transfer of ~~title~~ OWNERSHIP or interest ~~shall be~~ IS the
20 date of execution of either the application for ~~title~~
21 CERTIFICATE OF OWNERSHIP or the certificate of ~~title~~
22 OWNERSHIP.

23 (3) The purchaser or transferee, unless the purchaser or
24 transferee is a licensed ~~dealer~~ RETAILER, shall ~~cause to be~~
25 ~~presented~~ PRESENT to the department the certificate of ~~title~~
26 OWNERSHIP accompanied by 1 OF the FOLLOWING applicable ~~fee, as~~
27 ~~follows~~ FEES:

1 (a) Except as provided in subdivision (b) or (c), \$45.00.

2 (b) Except as provided in subdivision (c), \$15.00, if the
3 sale, assignment, or other transfer will require the addition or
4 deletion from the certificate of ~~title~~ OWNERSHIP of ~~any~~ 1 OR
5 MORE of the following:

6 (i) The owner's spouse.

7 (ii) A person related to the owner within the fourth degree
8 of consanguinity as computed by the civil law method.

9 (iii) A person related to the owner's spouse within the
10 fourth degree of consanguinity as computed by the civil law
11 method.

12 (c) ~~Any other~~ A lesser amount established ~~pursuant to~~
13 UNDER section 9(5).

14 (4) Upon presentation of the certificate of ~~title~~
15 OWNERSHIP accompanied by the applicable fee, a new certificate of
16 ~~title~~ OWNERSHIP shall be issued. A certificate of ~~title~~
17 OWNERSHIP issued under subsection (3) and this subsection shall
18 be mailed or delivered to the owner or ~~any other~~ ANOTHER person
19 the owner ~~may direct~~ DIRECTS in a separate instrument in a form
20 as ~~prescribed by~~ the department PRESCRIBES.

21 (5) If a security interest is reserved or created at the
22 time of the transfer, the parties shall comply with section 30d.

23 (6) If the transferee of a ~~mobile~~ MANUFACTURED home is a
24 ~~mobile~~ MANUFACTURED home ~~dealer~~ RETAILER who holds the
25 ~~mobile~~ MANUFACTURED home for resale, the ~~dealer shall~~
26 RETAILER IS not ~~be~~ required to forward the certificate of
27 ~~title~~ OWNERSHIP to the department, but the ~~dealer~~ RETAILER

1 shall retain possession of the assigned certificate of ~~title~~
2 OWNERSHIP. Upon transfer of the ~~dealer's title~~ RETAILER'S
3 OWNERSHIP or interest to another person, the ~~dealer~~ RETAILER
4 shall execute and acknowledge an assignment and warranty of
5 ~~title~~ OWNERSHIP upon the certificate of ~~title~~ OWNERSHIP and
6 deliver it to the person to whom the transfer is made if the
7 person is a licensed ~~dealer otherwise~~ RETAILER. OTHERWISE, THE
8 TRANSFEROR SHALL MAKE application for a new ~~title shall be made~~
9 ~~by the transferor~~ CERTIFICATE OF OWNERSHIP as provided in sec-
10 tion 30a(1).

11 Sec. 30d. (1) If an owner named in a certificate of ~~title~~
12 OWNERSHIP creates a security interest in the ~~mobile~~
13 MANUFACTURED home described in the certificate, ALL OF THE FOL-
14 LOWING APPLY:

15 (a) The owner shall immediately execute an application in
16 the form ~~prescribed by~~ the department PRESCRIBES showing the
17 name and address of the holder of the security interest. ~~and~~
18 THE OWNER SHALL deliver the certificate of ~~title~~ OWNERSHIP,
19 application, and a fee of \$1.00 together with a copy of the
20 application, which ~~need not~~ DOES NOT NEED TO be signed, to the
21 holder of the security interest.

22 (b) The holder of the security interest shall ~~cause~~ MAIL
23 OR DELIVER the certificate of ~~title~~ OWNERSHIP, application, and
24 fee and the copy of the application ~~to be mailed or delivered~~
25 to the department.

1 (c) The department shall indicate on the copy of the
2 application the date and place of filing of the application and
3 return the copy to the person presenting it.

4 (d) Upon receipt of the certificate of ~~title~~ OWNERSHIP,
5 application, and the required fee the department shall issue a
6 new certificate in the form ~~provided~~ PRESCRIBED by section 30b
7 setting forth the name and address of each holder of a security
8 interest in the ~~mobile~~ MANUFACTURED home for which a termina-
9 tion statement has not been filed and the date ~~on which~~ THAT
10 the application first stating the security interest was filed,
11 and mail the certificate to the owner.

12 (2) A holder of a security interest may assign, absolutely
13 or otherwise, the security interest to a person other than the
14 owner without affecting the interest of the owner or the validity
15 of the security interest, but a person without notice of the
16 assignment is protected in dealing with the holder of the secur-
17 ity interest as the holder of the security interest. The
18 assignee may have the certificate of ~~title indorsed~~ OWNERSHIP
19 ENDORSED with the assignee named as the holder of the security
20 interest by providing the department with a copy of the assign-
21 ment instrument but the failure of the assignee to do so ~~shall~~
22 DOES not affect the validity of the security interest or the
23 assignment of the security interest.

24 (3) The filing under this section or under section 30a of an
25 application for a certificate of ~~title~~ OWNERSHIP showing the
26 name and address of the holder of a security interest in a
27 ~~mobile~~ MANUFACTURED home is equivalent to the filing of a

1 financing statement with respect to the security interest under
2 article 9 of the uniform commercial code, ~~Act No. 174 of the~~
3 ~~Public Acts of 1962, being sections 440.9101 to 440.9994 of the~~
4 ~~Michigan Compiled Laws~~ 1962 PA 174, MCL 440.9101 TO 440.9994.

5 (4) ~~When~~ IF there is not an outstanding obligation or com-
6 mitment to make advances, incur obligations, or otherwise give
7 value, secured or to be secured by a security interest in a
8 ~~mobile~~ MANUFACTURED home, the secured party shall, within 10
9 days after satisfaction of the obligation and, in any event
10 within 30 days, execute a termination statement in the form
11 ~~prescribed by~~ the department PRESCRIBES and mail or deliver the
12 termination statement to the owner or other person as the owner
13 may direct. The owner, other than a ~~dealer~~ RETAILER holding
14 the ~~mobile~~ MANUFACTURED home for resale, shall promptly ~~cause~~
15 MAIL OR DELIVER the certificate, all termination statements, and
16 an application for certificate of ~~title~~ OWNERSHIP accompanied
17 by a fee of \$1.00 ~~to be mailed or delivered~~ to the department.
18 ~~, which~~ THE DEPARTMENT shall issue a new certificate.

19 Sec. 30e. (1) If the interest of the owner in a ~~mobile~~
20 MANUFACTURED home is terminated by the enforcement of a security
21 agreement, the transferee of the owner's interest shall promptly
22 mail or deliver to the department the last certificate of ~~title~~
23 OWNERSHIP, if the transferee ~~has possession of~~ POSSESSES it, an
24 application for a new certificate in the form ~~prescribed by~~ the
25 department PRESCRIBES, and an affidavit made by or on behalf of
26 the holder of the security interest so enforced STATING that the
27 ~~mobile~~ MANUFACTURED home was repossessed, that the interest of

1 the owner was lawfully terminated by enforcement of the security
2 agreement, and whether the holder has delivered the last certifi-
3 cate of ~~title~~ OWNERSHIP to the transferee of the owner's inter-
4 est, naming the transferee, or if not, the reason delivery was
5 not made and the ~~then~~ location of the certificate of ~~title~~
6 OWNERSHIP so far as known to the holder. If the holder of the
7 security interest succeeds to the interest of the owner and holds
8 the ~~mobile~~ MANUFACTURED home for resale, the holder ~~shall~~ IS
9 not ~~be~~ required to secure a new certificate of ~~title~~
10 OWNERSHIP but, upon transfer to another person, shall promptly
11 mail or deliver to the transferee or to the department the cer-
12 tificate, if in the holder's possession, the affidavit, and other
13 documents required to be sent to the department by the
14 transferee.

15 (2) If the interest of the owner in a ~~mobile~~ MANUFACTURED
16 home is terminated by sale ~~pursuant to~~ UNDER a levy of execu-
17 tion, attachment, or other process of a court, the transferee of
18 the owner's interest shall promptly mail or deliver to the
19 department the last certificate of ~~title~~ OWNERSHIP, if the
20 transferee ~~has possession of~~ POSSESSES it, an application for
21 a new certificate of ~~title~~ OWNERSHIP in the form ~~prescribed~~
22 ~~by~~ the department PRESCRIBES, and an affidavit, upon a form
23 ~~prescribed by~~ the department PRESCRIBES, made by the officer of
24 the court who conducted the sale, setting forth the date of the
25 sale, ~~and~~ the name of the purchaser, and whether the officer
26 has delivered the certificate of ~~title~~ OWNERSHIP to the
27 purchaser. ~~and if not,~~ IF THE CERTIFICATE OF OWNERSHIP WAS NOT

1 DELIVERED TO THE PURCHASER, THE OFFICER SHALL STATE IN THE
2 AFFIDAVIT the reason delivery was not made and the ~~then~~ loca-
3 tion of the certificate of ~~title~~ OWNERSHIP so far as known to
4 the officer.

5 (3) A person holding a certificate of ~~title where~~
6 OWNERSHIP IN WHICH the interest of the owner named in the certif-
7 icate has been terminated in the manner provided by subsection
8 (1) or (2) shall mail or deliver the certificate to the depart-
9 ment upon its request. The delivery of the certificate ~~pursuant~~
10 ~~to~~ AT the request of the department does not affect the rights
11 of the person surrendering the certificate, and the action of the
12 department in issuing a new certificate of ~~title~~ OWNERSHIP is
13 not conclusive ~~upon any~~ ON THE rights of an owner or holder of
14 a security interest named in the old certificate.

15 (4) ~~The department, upon~~ UPON receipt of an application
16 for a new certificate of ~~title~~ OWNERSHIP by a transferee in the
17 manner provided by subsection (1) or (2), with proof of the
18 transfer, the required fee, and any other documents required by
19 law, THE DEPARTMENT shall issue a new certificate of ~~title~~
20 OWNERSHIP in the name of the transferee as owner, setting forth
21 all security interests noted on the last certificate of ~~title~~
22 OWNERSHIP as having priority over the security agreement so
23 enforced and shall mail or deliver the new certificate to the
24 owner. If the outstanding certificate of ~~title~~ OWNERSHIP is
25 not delivered, the department shall make demand for the outstand-
26 ing certificate of ~~title~~ OWNERSHIP from the holder.

1 Sec. 30f. The department shall retain and appropriately
2 file every surrendered certificate of ~~title~~ OWNERSHIP. The
3 file shall be maintained ~~so as to permit~~ IN A MANNER THAT
4 PERMITS the tracing of ~~title~~ OWNERSHIP of the ~~mobile~~
5 MANUFACTURED home designated in a surrendered certificate for a
6 period of 10 years.

7 Sec. 30g. (1) The department may cancel or refuse to issue
8 a certificate of ~~title~~ OWNERSHIP UNDER 1 OR MORE OF THE FOLLOW-
9 ING CIRCUMSTANCES:

10 (a) If the department is satisfied that the certificate of
11 ~~title~~ OWNERSHIP was fraudulently or erroneously issued.

12 (b) If the department determines that the holder of the cer-
13 tificate has made or is making ~~an~~ unlawful use of the
14 certificate.

15 (c) If the department determines that the required fee has
16 not been paid and the fee is not paid upon reasonable notice or
17 demand.

18 (d) If the department is authorized under ~~any other~~
19 ANOTHER provision of this act.

20 (e) ~~Upon receipt of~~ IF THE DEPARTMENT RECEIVES notifica-
21 tion from another state or foreign country that a certificate of
22 ~~title~~ OWNERSHIP issued by the department has been surrendered
23 by the owner in conformity with the laws of the other state or
24 foreign country.

25 (f) If it is shown by satisfactory evidence that delivery of
26 a ~~mobile~~ MANUFACTURED home in the possession of a dealer was
27 not made to the applicant to whom the certificate was issued.

1 (2) Before a cancellation under subsection (1)(a), (b), or
 2 (d) is made, the person affected shall be given notice and an
 3 opportunity to be heard.

4 Sec. 30h. The commission in consultation with the secretary
 5 of state shall promulgate rules. ~~, which~~ THE RULES PROMULGATED
 6 BY THE COMMISSION shall further define and distinguish between
 7 the term ~~mobile~~ MANUFACTURED home as used in this act and the
 8 term trailer coach as used in the Michigan vehicle code, ~~Act~~
 9 ~~No. 300 of the Public Acts of 1949, being sections 257.1 to~~
 10 ~~257.923 of the Michigan Compiled Laws~~ 1949 PA 300, MCL 257.1 TO
 11 257.923.

12 Sec. 31. A person who offers, sells, or purchases a
 13 ~~mobile~~ MANUFACTURED home or equipment or a ~~mobile~~
 14 MANUFACTURED home site in violation of this act or the code may
 15 have an action brought against him or her to rescind the transac-
 16 tion and recover damages.

17 Sec. 38. (1) The department may issue an order to show
 18 cause why an order imposing sanctions or penalties allowed under
 19 this act should not be issued by the commission if the department
 20 finds BOTH that the order is in the public interest ~~,~~ and ~~any~~
 21 1 OR MORE of the following:

22 (a) An application filed pertaining to a license, a disclo-
 23 sure statement, or a related document filed with the department
 24 in connection with a ~~mobile~~ MANUFACTURED home license ~~,~~ is
 25 incomplete in ~~any~~ A material respect or contains a statement
 26 ~~which~~ THAT is false or misleading, in the light of the
 27 circumstances under which it is made.

1 (b) A provision of this act, or a rule, order, or condition
2 lawfully imposed under this act, was not complied with or was
3 violated in connection with the offering by the person filing the
4 document; the developer, ~~dealer~~ RETAILER, or operator; a part-
5 ner, officer, director, proprietor, or manager of the developer,
6 ~~dealer~~ RETAILER, or operator; or a person directly or indi-
7 rectly controlling, or directly controlled by, the developer,
8 ~~dealer~~ RETAILER, or operator.

9 (c) The project worked or tended to work a fraud or decep-
10 tion or would so operate, or the project would create an unrea-
11 sonable risk to A prospective ~~tenants~~ RESIDENT, as defined by
12 rules promulgated by the commission.

13 (d) The developer, ~~dealer~~ RETAILER, or operator; a part-
14 ner, officer, director, proprietor, or manager of the developer,
15 ~~dealer~~ RETAILER, or operator; a person directly or indirectly
16 controlling or directly controlled by the developer, ~~dealer~~
17 RETAILER, or operator; or a person identified in the application
18 for a license ~~—~~ or IN a disclosure statement ~~—~~ was within the
19 past 10 years IMMEDIATELY BEFORE THE DATE OF THE ORDER convicted
20 of an offense under this act, ~~or~~ is the subject of an adminis-
21 trative order issued under this act, or had a civil judgment
22 entered against him or her as a result of a violation of this act
23 or a rule promulgated or order issued ~~pursuant to~~ UNDER this
24 act, and the department determines that the involvement of the
25 person in the sale or development of the project creates an
26 unreasonable risk to A prospective ~~tenants~~ RESIDENT or ~~mobile~~
27 MANUFACTURED home ~~purchasers~~ PURCHASER.

1 (e) The developer, ~~dealer~~ RETAILER, or operator; a
2 partner, officer, director, proprietor, or manager of the devel-
3 oper; a person directly or indirectly controlling or directly
4 controlled by the developer, ~~dealer~~ RETAILER, or operator; or a
5 person identified in the application for a license ~~,~~ or IN a
6 disclosure statement ~~,~~ was convicted of a violation or WAS the
7 subject of an administrative order or civil judgment as a result
8 of a violation of a statute regulating the offering of securities
9 or franchises or licensing or regulating builders, real estate
10 brokers, or real estate salespersons, or of violation of the land
11 sales act, ~~Act No. 286 of the Public Acts of 1972, being sec-~~
12 ~~tions 565.801 to 565.835 of the Michigan Compiled Laws 1972 PA~~
13 286, MCL 565.801 TO 565.835, or a rule promulgated or an order
14 issued under that act.

15 (f) The applicant's method of business, construction, devel-
16 opment, or sales includes or would include activities ~~which~~
17 THAT are illegal.

18 (g) The applicant failed to pay the proper fee.

19 (h) The applicant failed to comply with the state warranty
20 laws.

21 (2) ~~When~~ IF it appears to the department that a person
22 engaged in an act or practice constituting a violation of this
23 act or a rule promulgated or order issued under this act, the
24 department may issue a notice to show cause why a cease and
25 desist order should not be issued.

26 (3) After 10 days' notice and opportunity for hearing, the
27 department may stop construction as to part or all of a project

1 if continuing the building will cause irreparable harm to
2 residents and prospective residents of the project.

3 Sec. 43. (1) If, after notice and a hearing as provided in
4 the administrative procedures act of 1969, ~~Act No. 306 of the~~
5 ~~Public Acts of 1969, being sections 24.201 to 24.328 of the~~
6 ~~Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328, a
7 person is determined to have violated this act, the commission
8 may impose 1 or more of the following penalties:

9 (a) Censure.

10 (b) Probation.

11 (c) Placement of a limitation on a license.

12 (d) Suspension of a license. The commission may request the
13 appointment of a receiver when taking action under this
14 subdivision.

15 (e) Revocation of a license. The commission may request the
16 appointment of a receiver when taking action under this
17 subdivision.

18 (f) Denial of a license.

19 (g) A civil fine of not more than \$10,000.00.

20 (h) A requirement that restitution be made.

21 (2) A fine collected under this section shall be deposited
22 with the state treasurer and credited to the ~~mobile home~~
23 MANUFACTURED HOUSING commission fund.

24 (3) This section does not prohibit ~~actions~~ AN ACTION being
25 taken under ~~other sections~~ ANOTHER SECTION of this act.

1 (4) The pursuit in court of the lawful rights of a licensee
2 does not constitute a violation of this act, regardless of the
3 outcome of the court action.

4 Enacting section 1. Section 49 of the mobile home commis-
5 sion act, 1987 PA 96, MCL 125.2349, is repealed.