

HOUSE BILL No. 4459

March 8, 2005, Introduced by Reps. Accavitti, Wojno, Byrnes, Ward, Condino, Hune, Casperson, Miller, Anderson, Tobocman, Vagnozzi, Gillard, Farrah, Leland, Phillips, Donigan, Plakas, Kehrl, Sak, Stahl, Stewart, Lipsey and Hopgood and referred to the Committee on Local Government and Urban Policy.

A bill to establish and protect the rights of manufactured home park tenants; to prescribe the powers and duties of certain agencies and departments; and to provide remedies and penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "manufactured home owners' residency act".

3 Sec. 2. As used in this act:

4 (a) "Manufactured home" means a structure, transportable in 1
5 or more sections, that is built on a chassis and designed to be
6 used as a dwelling with or without permanent foundation, when
7 connected to the required utilities, and includes the plumbing,
8 heating, air-conditioning, and electrical systems contained in the
9 structure. Manufactured home includes a manufactured home as

1 defined in section 603(6) of the national manufactured housing
2 construction and safety standards act of 1974, title VI of the
3 housing and community development act of 1974, 42 USC 5402.

4 (b) "Manufactured home park" means a parcel or tract of land
5 under the control of a person upon which 3 or more manufactured
6 homes are located on a continual, nonrecreational basis that is
7 licensed or licensable for use as a manufactured home park by this
8 state and that is offered to the public for that purpose regardless
9 of whether a charge is made for that purpose, together with a
10 building, structure, enclosure, street, equipment, or facility used
11 or intended for use incident to the occupancy of a manufactured
12 home.

13 (c) "Park owner" means an owner or operator of a manufactured
14 home park.

15 (d) "Park resident" means an owner of a manufactured home who
16 rents a lot in a manufactured home park. Park resident includes a
17 member of the manufactured home owner's household.

18 (e) "Utility service" means electric, fuel oil, natural or
19 propane gas, sewer, waste disposal, or water service.

20 Sec. 3. (1) A park owner shall allow a park resident the right
21 to sell the park resident's manufactured home within the
22 manufactured home park at a price determined by the resident if the
23 purchaser qualifies for tenancy and the manufactured home is in
24 compliance with park rules and regulations.

25 (2) A park owner shall not make or enforce a rule, regulation,
26 policy, or rental agreement provision that does 1 or more of the
27 following:

1 (a) Requires a park resident to remove the manufactured home
2 from the manufactured home park solely on the basis of a sale or
3 proposed sale of that resident's manufactured home.

4 (b) Requires a park resident to remove a manufactured home
5 from a manufactured home park for the purpose of manufactured home
6 park renovation or remodeling.

7 Sec. 4. (1) A park owner shall allow the placement of up to 2
8 "for sale" signs measuring less than 18 inches by 24 inches in the
9 windows of a manufactured home or on a manufactured home if the
10 home has been inspected and approved for sale in the manufactured
11 home park in accordance with applicable manufactured home park
12 rules and regulations.

13 (2) A park owner may prohibit the placement of more than 2
14 political yard signs per manufactured home site and may prohibit
15 the placement of political yard signs that exceed measurements of
16 22 inches by 28 inches. For purposes of this subsection, "political
17 yard sign" means a campaign sign that demonstrates a position on
18 current candidates for public elected office or current proposals
19 for public vote.

20 (3) A park owner shall not restrict the right of a resident to
21 hear from public officials and political candidates on the premises
22 of a manufactured home park.

23 Sec. 5. If a park owner chooses to develop rules to regulate
24 the size and weight of trucks within the manufactured housing
25 community, the rules shall not prohibit commercial pickup trucks
26 solely on the basis of the fact that it is a commercial pickup
27 truck.

1 Sec. 6. A park owner shall not threaten or initiate an
2 eviction against a park resident in violation of section 5775 of
3 the revised judicature act of 1961, 1961 PA 236, MCL 600.5775, and
4 other applicable law.

5 Sec. 7. A park owner shall not prohibit a resident from
6 organizing a homeowners association for any purpose. A park owner
7 shall not deny the use of common areas of a manufactured home park
8 to a homeowners association, if the homeowners association agrees
9 to use common areas on the same terms and under the same conditions
10 that the common areas are made available to other residents.
11 Permissible terms and conditions include, but are not limited to,
12 payment of rental fees and damage deposits and agreement to
13 undertake cleanup responsibilities.

14 Sec. 8. A park owner that charges park residents for utilities
15 may offer a discount incentive to a park resident for early payment
16 of utility bills.

17 Sec. 9. A park owner shall provide a park resident with 30
18 days' written notice before implementing an increase in a fee,
19 charge, or other type of assessment relating to a manufactured home
20 park residency.

21 Sec. 10. (1) A park owner who violates a provision of this act
22 is subject to a civil fine of not more than \$500.00 for each
23 violation. The total amount of civil fines assessed to a park owner
24 under this subsection shall not exceed \$5,000.00 in a calendar
25 year. A civil fine imposed under this subsection shall be paid to
26 the state treasurer for deposit in the general fund. A civil fine
27 imposed under this subsection is in addition to, but not limited

1 by, a criminal penalty prescribed in this act.

2 (2) The attorney general or an affected individual may bring
3 an action to enforce this act in a court of competent jurisdiction
4 in the county where the defendant resides or does business. A
5 person whose rights are affected because of a violation of this act
6 is entitled to recover actual damages or \$250.00, whichever is
7 greater. The court may also consider equitable remedies, including,
8 but not limited to, injunctive relief.