

HOUSE BILL NO. 4299

February 23, 2021, Introduced by Reps. Kahle, Mueller, Sneller, Cherry, Witwer, Hertel and Clements and referred to the Committee on Regulatory Reform.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 16b. (1) Notwithstanding any provision of law to the**
2 **contrary, if the department denies a license application under**
3 **section 16, the department shall give written notice of the denial**
4 **by registered mail to the applicant stating reasons for the denial**
5 **and the right to appeal the denial to the commission. An applicant**

1 denied a license may request an appeal before the commission on the
2 denial not later than 15 business days after the United States
3 Postal Service confirms delivery or attempted delivery of the
4 denial. On receipt of the applicant's appeal, the commission shall
5 hold a hearing on the appeal and issue a determination to the
6 department. The commission shall issue the determination within 120
7 days of the applicant's appeal. If the commission makes a
8 determination that is different from the department's decision, the
9 commission shall issue a written opinion stating the reasons for
10 the determination, including the applicable statutory provision or
11 promulgated rules it relied upon in making that determination. On
12 receipt of the commission's determination, the department shall do
13 either of the following:

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

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

18 (2) If the commission fails to issue a determination under
19 subsection (1) within 120 days of the applicant's appeal, the
20 department shall consider the commission's failure to issue the
21 determination as a determination to issue the license, unless the
22 commission meeting was unable to be held due to an inability of a
23 majority of its members to attend and would have failed to have a
24 quorum.

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

28 (a) A change of ownership.

29 (b) A change of the mailing or electronic business address of

1 the licensed owner of the mobile home park or seasonal mobile home
2 park.

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

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

11 (b) The date of the sale.

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

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

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

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

28 (ii) Whether the owner of the mobile home park or seasonal
29 mobile home park was notified and had sufficient opportunity to

1 bring the mobile home park or seasonal mobile home park into
2 substantial compliance.

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

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

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

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

17 (a) Senate Bill No. ____ or House Bill No. 4301 (request no.
18 00774'21).

19 (b) Senate Bill No. ____ or House Bill No. 4304 (request no.
20 00775'21).

21 (c) Senate Bill No. ____ or House Bill No. 4300 (request no.
22 01198'21).

23 (d) Senate Bill No. ____ or House Bill No. 4303 (request no.
24 01312'21).

25 (e) Senate Bill No. ____ or House Bill No. 4298 (request no.
26 01319'21).

27 (f) Senate Bill No. ____ or House Bill No. 4302 (request no.
28 01469'21).