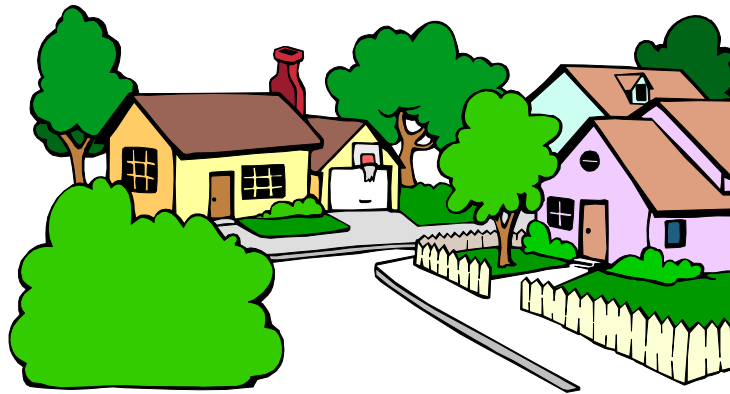


The Manufactured Home Buyer's & Resident's Handbook



Michigan Department of Labor & Economic Growth
Bureau of Construction Codes & Fire Safety
P.O. Box 30254
Lansing, MI 48909
www.michigan.gov/bccfs



Manufactured Home Buyer's & Resident's Handbook

Table of Contents:

Bill of Rights	1
Introduction.....	3
Definitions.....	3
Manufactured Home Warranty and Construction Standards	5
Business Licensing	6
How to Buy a New Manufactured Home.....	6
How to Buy a Previously-Owned Manufactured Home.....	7
Certificate of Manufactured Home Ownership Information	8
Manufactured Home Installation	9
Installer/Serviceers	10
Manufactured Home Community Rules and Regulations.....	10
Manufactured Home Community Evictions	12
In-Community Sales	14
Manufactured Homes Placed on Private Property.....	15
Complaints.....	16

Bill of Rights

As a manufactured home purchaser and a resident of a licensed manufactured home community, you have the following legal rights under the statutes and laws of the State of Michigan:

1. **Right to be free from discrimination** in the terms, conditions and privileges of purchasing/financing a manufactured home and renting a manufactured home community site. [Title VIII of the Civil Rights Act of 1968 (Fair Housing Act)]
2. **Right to a written lease** for a manufactured home community site. [MCL 125.2328(1)(g)]
3. **Right in truth in advertising** for all manufactured homes, community sites, and related equipment. [MCL 125.2327]
4. **Right to cancel a sales contract** (and receive full refund of deposit) on a new or pre-owned manufactured home for a period of seven (7) days. [MAC R125.1403(4)]
5. **Right to a warranty** on all materials and workmanship on a new manufactured home for a one (1) year period. [MCL 125.994]
6. **Right to truth in renting** of a manufactured home community site, including specific statutory disclosures and prohibitions on unlawful terms in lease. [MCL 554.631]
7. **Right to receive community rules and regulations** and all changes, which regulate the conditions of residency in a manufactured home community. [MAC 125.2006]
8. **Right to place a TV antenna or satellite dish** 39 inches or less in diameter on a manufactured home or home site in a manufactured home community for adequate television reception. [FCC 98-273]
9. **Right to accurate utility charges** for all electricity, fuel and water service provided in a manufactured home community. [MCL 125.2328(1)(e)]
10. **Right to be free from unjust evictions** from a manufactured home community. [MCL 600.5775]
11. **Right to an in-person conference** with the manufactured home community owner or operator prior to commencement of formal eviction proceedings. [MCL 600.5777]
12. **Right to form a homeowners' (residents) association.** [MCL 600.5720(1)(c)]
13. **Right to on-site sale** of a manufactured home in a manufactured home community at a price determined by the resident. [MCL 125.2428(1)(h)]

14. **Right to refund of a security deposit** on a manufactured home community site, except for damages to the site or for unpaid rent. [MCL 554.607]
15. **Right to sue** a manufactured home community owner for violation of a resident's rights under the Manufactured Housing Commission Act. [MCL 125.2328(2)]
16. **Right to file a complaint** against a manufactured home retailer, installer/servicer or community with the Michigan Department of Labor & Economic Growth for the investigation and remedy of a violation of a purchaser's/resident's rights. [MAC R125.1192]

This Bill of Rights is a summary of certain rights provided to manufactured home purchasers and to residents of manufactured home communities by Michigan laws and regulations. Reference must be made to the actual text of the cited laws and regulations for a more complete description of these rights, including any conditions to or limitation on the exercise of these rights.

Introduction

Significant changes in the manufactured home industry have made it possible for many people to own a well-built, reasonably priced home. This booklet has been created to assist you in understanding the industry and to answer questions about manufactured home buying and living.

The Mobile Home Commission Act, Public Act 96 of 1987, as amended, sets the standards for the industry and provides protection for the consumer. The Act is administered through the Bureau of Construction Codes & Fire Safety. The mailing address for the Bureau of Construction Codes & Fire Safety is P.O. Box 30254, Lansing, MI 48909 and the telephone number is 517/241-9317.

The Act establishes standards for construction of new communities and additions to existing communities, manufactured home titling, and business practices of the various industry licensees, including manufactured home retailers, installer/servicers and communities. This statute originally cited as P.A. 419 of 1976, as amended, became effective on January 9, 1977, and was amended and adopted again in 1987.

The 11-member Manufactured Housing Commission, which is appointed by the governor, includes representatives from community residents and owners, retailers, manufacturers, local government, the financial community, and organized labor. The commission developed the current Manufactured Housing Commission General Rules, which provide for the licensing of communities, installers/servicers, and retailers, the construction of communities, and the installation of manufactured homes.

Definitions

Binding date: The date that a manufactured home transaction is finalized and a consumer deposit does not have to be returned. This occurs seven days after the date a home purchaser receives a legible copy of the executed purchase agreement or when an application for a certificate of home ownership is executed, whichever is earlier.

Community rules: A written document that outlines the conditions of residency in a manufactured home community and discloses certain information required by the Mobile Home Commission Act.

Consignment: The commitment between the private owner of a manufactured home and manufactured home retailer for the purpose of selling the home.

Consumer deposit: The payment - cash or any other consideration, including a down payment - paid by a consumer to purchase a manufactured home. This payment is subject to return upon proper cancellation of the purchase agreement.

Down payment: All partial payments, whether cash or otherwise, received by or for the benefit of the seller prior to or the same time as the execution of the installment sales contract or the delivery of the home to the purchaser.

In-community sale: Also known as an on-site sale, this is a transaction involving a change in ownership of a home on a site with the agreement that the home will remain in the community.

Installation: Also known as the set-up, is the process of installing the manufactured home on a foundation, which includes leveling, connecting utilities and attaching skirting. (**NOTE:** In this handbook “installation” and “set-up” are used interchangeably.)

Lease: As required by the Mobile Home Commission Act, a written agreement offered at the beginning of tenancy. This contract covers the use, possession and occupancy of a manufactured home, home site or both, and contains all conditions of residency. It may include the rules of the community.

Manufactured home broker: A manufactured home retailer hired as an agent to rent or make sales, leases, or exchanges of manufactured homes.

Manufactured home community: A parcel or tract of land on which three or more manufactured homes are located on a continual, nonrecreational basis and offered to the public. It includes any other structures, fixtures or amenities for use incidental to the occupancy of a manufactured home.

Manufactured home installer/servicer: A person who installs, un-installs, or services manufactured homes for compensation.

Manufactured home retailer: A person who, for compensation, sells, leases, rents or exchanges manufactured homes.

Mobile Home Commission Act, P.A. 96 of 1987, as amended: A Michigan law that regulates the manufactured home industry. It establishes a code, which covers licensing of retailers, communities and installer/servicers, community construction, home warranties and titling. It prescribes the powers and duties of local governments, certain agencies and departments related to the industry.

Net listing: A contract between a private owner and a retailer in which the retailer receives all excess monies over the minimum sale price agreed to by the seller. (**NOTE:** This is illegal under the Mobile Home Commission Act.)

Purchase agreement: A written agreement that discloses the terms and conditions of a manufactured home purchase. Specific identification information about the home should be disclosed as well as other information such as the optional equipment or accessories, the price including taxes and certificate of manufactured home ownership fees and any contingencies.

Resident: A tenant in a manufactured home community.

Warranty: A written guarantee that a new manufactured home is free from defects in materials or workmanship. Both the manufacturer and the retailer selling the home are responsible for taking corrective action at the location of the home, providing the owner contacts one or both in writing not later than one year and 10 days from the date of the delivery.

Work order: A written agreement listing the work to be performed on a manufactured home in order to install or service it.

Year of manufacture: The calendar year in which a manufactured home is constructed.

1. Manufactured Home Warranty and Construction Standards

In June, 1976, the federal Department of Housing and Urban Development (HUD) established requirements for manufactured home construction, found in Section 3280 of HUD's Manufactured Home Construction and Safety Standards. HUD reviews and approves construction plans and inspects each home at least once during the construction phase at the factory. A red metal label is put on the outside of homes which signifies that they were constructed to HUD standards. **All manufactured homes constructed since June 15, 1976, regardless of price or style, must meet these standards.**

Under Michigan's Manufactured Housing Commission Rules, a new home carries a one-year warranty. If there are problems, the new homeowner has one year and 10 days from the delivery date to notify the manufacturer of the home or retailer who sold the home. Any problems should be explained in detail and in writing immediately.

Both the retailer and the manufacturer are responsible for warranty service. The retailer can be contacted for minor corrections, and if part of the transaction, installation problems as well. Under the warranty, the manufacturer is responsible for problems with the manufactured home itself. In some instances, the appliances, such as furnace, range, disposal, dishwasher and water heater, may be under separate warranties. If so, contact the appliance manufacturer, which is listed in the manufactured home owner's manual.

All manufactured homes bought or sold in Michigan must have at least one fire extinguisher and one smoke detector, and depending on unit size, HUD standards require a smoke detector in the area of each bedroom. The fire extinguisher must be approved by the National Fire Protection Association. Whether buying a new or previously owned home, be sure they are included.

HUD standards specify different insulation requirements for three major temperature zones. Many energy saving options also are available, including skirting, which provides some insulation. A home, like a person, however, should breathe, so don't seal your home so tightly that there is no air exchange.

Do not request or allow any service, repair or modification that alters the manufacturer's set-up instructions, or construction and performance standards. This violates and voids the warranty. If considering changes, contact the manufacturer for assistance to see whether the warranty would be affected.

2. Business Licensing

The Act requires annual licensing for those businesses operating in Michigan as retailers, installer/servicers and communities. The license must be displayed at the business location.

Manufactured home retailers can sell new and pre-owned manufactured homes and operate as brokers. The license number for this type of business starts with the letter “**D**.” Installer/servicers can repair or set up manufactured homes and their license number starts with the letter “**I**.” Communities, which rent home sites for manufactured home placement, are also licensed and their number begins with a “**P**.”

3. How to Buy a New Manufactured Home

A purchase agreement is the written contract between the buyer and the seller. For new manufactured homes, the seller is a retailer. The contract should contain all conditions of the sale, including price, based on the cost of the options and accessories, taxes and title fees, and, if appropriate, finance charges and insurance. Make sure everything you want included is written down. If you want a certain brand of appliance, specify it in writing. If the set-up is a part of the transaction, put it in writing. Read all terms and conditions of the agreement before you sign it, and keep a personal copy.

When the agreement is signed, the buyer gives the retailer a **consumer deposit**, which is the payment of cash, check or money order, or other collateral or security which the consumer pays for the right to buy a manufactured home. The retailer must give you an itemized statement of all costs for a home before taking a consumer deposit. **This deposit is subject to return upon cancellation of the purchase agreement under certain conditions.**

The entire consumer deposit must be refunded under the following circumstances:

- You cancel the purchase agreement in writing before the binding date.
- You are rejected for financing by a lending institution. (Your consumer deposit should be returned within 15 banking days.)

The purchase agreement becomes final on the binding date under either of two circumstances, after which the retailer is not required to return your consumer deposit:

- If you sign **ONLY** a purchase agreement. If you change your mind, you **MUST** notify the retailer **in writing** within seven days. This should be done by a certified mailing or by delivering the notice in person. If the latter, **get a receipt**. By doing this, you will get your money back.
- If you sign an application for certificate of manufactured home ownership within seven days of executing the purchase agreement, the sale is final. There is no “grace” period, and the binding date takes effect when you sign the purchase agreement. This eliminates the seven-day cancellation period and your right to change your mind and get your consumer deposit back.

It is **illegal** for retailers to make you use their financing or a specific financial institution. Nor can a retailer require you to buy any type of insurance as a condition for closing on a home. Your financial institution, however, may require insurance as a condition of financing.

4. How to Buy a Previously-Owned Manufactured Home

A pre-owned manufactured home can be a worthwhile consideration. An established, well maintained home in a manufactured home community or on private land may be a real value. There are several ways to buy a pre-owned manufactured home.

A. Some homes are brokered by retailers. Brokering means the home owner and retailer enter into an agreement in which the retailer tries to sell the manufactured home according to the seller's conditions. A retailer acts as a middleman in a brokered transaction, and handles all negotiations between a seller and potential buyer, and transmits the seller's terms to the buyer, and vice versa, until the sale is closed. In return, the retailer receives a commission based on a percentage of the selling price or a set price. **A net listing is a contract between a customer and a retailer in which the retailer receives, as a commission, all money above a minimum sales price agreed to by the customer.** This is an illegal practice.

B. Retailers can also sell pre-owned manufactured homes from their business inventory.

C. You also can buy a manufactured home from a private owner through direct negotiation. The buyer, however, should first check with the community owner or manager to make sure the home can remain on site after the sale, that any secured party will let the buyer assume the existing loan, and that there is no lien on the Certificate of Manufactured Home Ownership (title) of the home.

Use caution when buying a pre-owned manufactured home, and read all paperwork carefully before signing. Most pre-owned homes do not carry any warranty, and if a broker or private seller says one exists, get it in writing! If you are considering a home, which is still in the one-year new warranty period, check the owner's manual. In some cases, the warranty does not continue if there is a change in ownership.

Most pre-owned homes are sold "**as is.**" Therefore, carefully inspect any home you are considering purchasing. All manufactured homes must have at least one smoke detector and fire extinguisher, which the seller must provide. Request that furniture be moved if necessary. Thoroughly check or have checked the household appliances, electric system, plumbing, furnace and water heater, and ask to see them work. If there are signs of water leakage on the ceiling, check the roof. Ask questions!

When a home stays on site in a community after a change in ownership, it is called an in-community sale. If you are considering buying a manufactured home on a community site, make sure you meet the residency requirements before you purchase the home. **It is the buyer's responsibility to apply for residency and be approved.** The home may have to be approved for sale by the community unless the buyer intends to remove it from the community.

5. Certificate of Manufactured Home Ownership Information

All manufactured homes bought or sold in Michigan must have a Certificate of Manufactured Home Ownership formerly known as a Certificate of Title. **This document is the only legal proof of ownership.** It is illegal under the Mobile Home Commission Act to sell a home without it.

When purchasing a home through a retailer, the ownership paperwork must be prepared by the business, and includes a **BCC-944 (formerly C&S-111) Retailer Application for Certificate of Manufactured Home Ownership** and **Statement of Manufactured Home Sale**. Private sales require a **S-110L Application for Certificate of Manufactured Home Ownership**, available at any Secretary of State office.

Before signing any application for Certificate of Manufactured Home Ownership, protect your rights and guard against mistakes by:

- Verifying that the correct serial number of the manufactured home is on the application.
- Never sign an application which is completed except for the serial number.
- Making sure all applicable blanks on the application form are completed.

Sales tax is paid on the selling price of a home purchased from or through a retailer. **Use tax** is paid on the selling price of a home sold privately or purchased out of state. (If furniture is a part of a pre-owned manufactured home purchase, use tax would be paid only on the price of the manufactured home. The furniture price must be shown separately on the bill of sale.) Transactions between family members - immediate family as well as grandparent/children, in-law and step-parent/children relationships and legal guardians - are exempt from use tax. Use tax exemptions also apply when the home is a part of real estate. Be prepared to submit proof when claiming an exemption.

Obtaining a Certificate of Manufactured Home Ownership can take up to two weeks. You must pay sales tax on the selling price of a home along with the \$45 Certificate of Manufactured Home Ownership fee. Certificates of Manufactured Home Ownership can be processed through any Secretary of State office. If you don't get your certificate within 2 weeks, check with the retailer or the Secretary of State office where the paperwork was filed.

In order to obtain a Certificate of Manufactured Home Ownership or information about it, you must have the correct manufactured home serial number. If you lose your certificate, you can get a duplicate for \$15. You must, however, provide the serial number to obtain the duplicate. For ownership history of a manufactured home, contact:

Secretary of State
Information Services Division
Secondary Complex
7064 Crowner Drive
Lansing, Michigan 48918
517/ 322-1624

Manufactured homes constructed to HUD standards have the HUD label number on the red metal label placed on the exterior of the home. In addition, each manufactured home has a serial number which can be located in a variety of places, including near the circuit breaker panel box or fuse box, water heater or furnace, or in closets of the master bedroom or the living room/kitchen area, to name a few.

If the Certificate of Manufactured Home Ownership is lost, or was never properly filed, it still is possible to get it by (1) a court order or (2) obtaining a surety bond. The surety bond form is available at all Secretary of State offices.

The form is completed by the company from which the bond is purchased. Coverage is for twice the value of the home. (**NOTE:** Shop around for the best rate, because premiums vary. Also, check prices with your insurance agent.) The completed form is processed along with the Certificate of Manufactured Home Ownership application after payment of the appropriate tax and fee. The bond is good for five years.

This is an involved process that can be avoided by obtaining the certificate as soon as you purchase your home. **Remember, the certificate is your only legal proof of ownership.**

6. Manufactured Home Installation

The Mobile Home Commission Act and Rules provide the requirements for the **installation, or set up**, of a manufactured home. **It involves the entire process of setting a manufactured home on a foundation.** This includes placing the home on a foundation, leveling and anchoring it, connecting utilities, and attaching skirting. If you have a new home, the manufacturer will provide set-up directions, which must be followed by the installer. If damage occurs from a faulty set-up, your new-home warranty could be affected.

The local building authorities shall inspect a recently installed manufactured home to ensure it is properly installed. An occupancy permit shall be issued if the home meets the appropriate standards.

Although the set-up includes utility connections, the installer/servicer can only do limited electrical work. An installer/servicer must not work on an electrical supply line over 50 amps or where a permanent feeder is used.

Skirting is not required by the Act. However, the manufacturer may recommend it and a manufactured home community may require it. Skirting can also be required by a local ordinance. When used, it should be made of an exterior building material and properly vented according to the manufacturer's instructions. If there are no instructions, there must be a minimum of one vent at the front and the rear of the home and two vents for each side. A removable panel must be located near the utility connections beneath the home to provide full access to this area.

7. Installer/Serviceers

An individual or company that installs or services manufactured homes for compensation must be licensed. The homeowner and installer/serviceer agree to a contract, called a work order, that must list all work to be done, including cost estimates. All conditions relating to the work specifics, including any guarantee, should be in writing. The customer must consent to any changes. While not advisable, verbal consent is acceptable but it must be noted on the work order. If an installer/serviceer is not going to complete the specified job, the consumer must be notified by certified mail.

An installer/serviceer must have a physical place of business, not simply a telephone answering service, secretarial service or post office box. Do not have your home installed or serviced by any business that does not have or will not give you a business address, or show you its license.

8. Manufactured Home Community Rules and Regulations

Manufactured home communities offer a variety of amenities and services for individuals and families. These communities must meet certain construction, health, sanitation, safety, and business practices standards.

Because of changes in law through the years, there are differences in communities. While communities that existed prior to the Mobile Home Commission Act do not have to comply with its construction standards, all must adhere to safety and health requirements including the following:

- **All residents must keep their home sites free of all fire hazards, such as combustible materials under the homes.**
- **All residents must ensure that their home sites have numbers which are easily readable from the street, so that fire or police can spot them quickly.**
- **No parking is allowed within 10 feet of a community fire hydrant.**
- **Your home should have at least one smoke detector and one fire extinguisher.**
- **If your community allows pets, they should not run loose, and your home site must be kept clean of animal waste.**
- **The community must provide the residents with severe weather information, which includes the type of warning system used by the local government, as well as the location of the nearest shelter, if either exist. The Mobile Home Commission Act does not require a community to provide a shelter. This information may be included in the community rules.**
- **Each resident must receive telephone numbers of the community and servicing police and fire agencies. The community may use an answering service, but there must be an available person to respond to emergencies.**

Community residents may organize a **resident's association** to improve communication between community residents and management. Under Michigan law, a community cannot evict a resident for forming or participating in a resident's association, and doing so is considered an illegal retaliatory eviction.

Community rules are the written requirements that govern the relationship between residents and management. They include a home's appearance and condition, rent payment, occupancy information, garbage and rubbish storage and removal and site maintenance, among other things. Each resident must receive a copy, and any community rule can be changed with 30 days advance written notice. Rule changes must be given to each resident.

Any rule that prohibits residents from keeping the pets previously approved under prior community rules - except dangerous animals - cannot be enforced against a community resident unless the rule was proposed and enacted before the new resident was approved for residency. The exception applies only to existing pets. A pet, however, cannot be replaced if the community subsequently prohibits pets.

Manufactured home communities must offer a written lease, at the beginning of tenancy, for each site being rented. A **lease** minimally should contain:

- **Beginning and ending dates of the lease.**
- **Any conditions in effect during the lease, including but not limited to community rules, rental rates and utilities.**

Although the community must offer a lease, the resident does not have to accept one. If declined, the resident must sign a statement of refusal.

A community may collect a security deposit, which cannot be more than 1-1/2 times the monthly rent. If a security deposit is collected, the community management must use inventory checklists at the beginning and ending of the residency to determine any damages. A resident is legally entitled to see the inventory lists of former resident(s) of the site. Current residents should have a copy of their checklists.

The current rental structure, along with all costs affecting the base rent, must be posted in the community office. These costs may include a pet fee, charges for more occupants than the base occupancy number and differences in rent based on site location or size.

Among other Mobile Home Commission Act requirements for manufactured home communities:

- Streets must be maintained in a sound and passable condition.
- Speed signs must be posted in a community, where the speed limit is 15 miles per hour or less. Exceeding this limit is against the law, and police can ticket violators. As necessary, a community must post other traffic signs, particularly "children playing" signs near a play area.

- If the community has playground equipment, it must be inspected monthly during seasons of use. If defects are found, the equipment must be immediately repaired or removed.

Although once legal, entrance and exit fees now are prohibited. The following legal charges are **NOT** considered entrance or exit fees:

- **Security deposit, regulated by the Landlord Tenant Act, P.A. 348 of 1972.**
- **Taxes and local government fees, including specific taxes and occupancy permits.**
- **Public utility deposits.**
- **Utility bills charged directly to a resident.**
- **Rent.**
- **The actual cost for a credit report, if the community decides to get one.**
- **A nonrefundable cleaning fee. (NOTE: The landlord cannot collect more than 1-1/2 times the monthly rent. Example: If site rent is \$200 per month, the landlord could collect: (1) \$300 as a security deposit or (2) \$250 as a security deposit and a \$50 cleaning fee.)**
- **A community-required payment for changing electrical service provided to the home from the electrical pedestal disconnect box, if the change is necessary to meet the Michigan electrical code. This required payment must be disclosed before the current or prospective resident, retailer, or installer/servicer commits to secure a home site.**
- **A community-required payment, if part of the foundation system is longer than 66 feet for a single section home and 56 feet for a multiple section home. This exemption applies on new home sites in communities whose applications for permits to construct were received after June 29, 1994. This payment must be disclosed before the current or prospective resident, retailer, or installer/servicer commits to secure a home site. The home lengths may be altered annually by the commission through an interpretive statement.**
- **A community-required payment for the part of a foundation system different than on the previously occupied home site. This payment must be disclosed before the current or prospective resident, retailer, or installer/servicer commits to secure a home site.**
- **A community-required payment for a foundation system state-approved for community use, but NOT provided by the community. This payment must be disclosed before the current or prospective resident, retailer, or installer/servicer commits to secure a home site.**

9. Manufactured Home Community Evictions

Eviction actions are governed by the Revised Judicature Act, Public Act 236 of 1961, as amended, **NOT** the Mobile Home Commission Act. The Bureau of Construction Codes & Fire Safety does not have the authority to administer the Revised Judicature Act, but to help you understand the rights and responsibilities of the community and resident in an eviction proceeding, offers the following information about the Revised Judicature Act.

A community resident cannot be evicted without just cause. **This does not apply to a resident who has been given a seven-day eviction notice for non-payment of rent.** An eviction for just cause is based on any of the following 11 grounds:

1. Use of a home site for an unlawful purpose.
2. Failing to comply with a lease or agreement reasonably related to any of the following:
 - a. The health, safety, or welfare of the manufactured home community, its employees, or residents.
 - b. The quiet enjoyment of other community residents.
 - c. Maintaining the physical condition or appearance of the community or the homes in the community to protect the value of the community or maintain its aesthetic quality or appearance.
3. Violating rules promulgated by the Michigan Department of Environmental Quality under section 6 of the Mobile Home Commission Act, Public Act 96 of 1987, as amended.
4. Intentional physical injury by the resident to the personnel or other residents of the community, or intentional physical damage by the resident to the property of the community or its residents.
5. Failing to comply with a local ordinance, state law or governmental rule or regulation relating to manufactured homes.
6. Failing to make timely payment of rent or other charges under the lease or rental agreement on three or more occasions during any 12-month period, for which failure the owner or operator has served a written demand for possession for nonpayment of rent (pursuant to section 5714(1)(a) of the Revised Judicature Act, Public Act 236 of 1961, as amended) and the resident has failed or refused to pay the rent or other charges in the time period stated in the written demand for possession. The written demand for possession shall provide a notice to the resident in substantially the following form: "Notice: Three or more late payments of rent during any 12-month period is just cause to evict you." Nothing in this subdivision shall prohibit a resident from asserting -- nor the court from considering -- any good reasons for late payment of rent or other charges.
7. Conduct by the resident on community premises that is substantially annoying to other residents or the community, after a notice and opportunity to stop the conduct.
8. Failing to maintain the home or home site in a reasonable condition consistent with aesthetics appropriate to the community.
9. Condemnation of the manufactured home community.
10. Changes in the use or substantive nature of the community.
11. Public health and safety violations.

These provisions do not prohibit a change of rental payments or terms or conditions of tenancy in a manufactured home community after the termination or expiration of a written lease agreement for the manufactured home site.

The fact that the community has taken action to evict you does not eliminate your responsibility to honor the terms and conditions of your lease or rental agreement. You must continue to pay all rent and charges to management when due during an eviction proceeding. You also are required to maintain your manufactured home and manufactured home site in accordance with community rules.

If you receive an eviction notice, you have 10 days to request, by certified mail, a pre-eviction conference with the community owner or operator or his/her representative, if desired. This conference must be held no later than 20 days after the community owner or operator receives your request.

You also have the right to legal representation at this conference, which will be held in the community at a date and time selected by the community owner or operator. **However, this process does not apply to cases where a resident is being evicted for non-payment of rent.**

If your lease is terminated for just cause, you have 90 days to sell or move your manufactured home. However, the community must give you reasonable access to your site so that you may sell and maintain your home. If the community rejects a bona fide buyer you select, you have an additional 90 days to sell or move. You still, however, must continue to pay all rent and charges when due during this extension period and the original 90-day period. Your failure to do so entitles the operator to seek an immediate writ of restitution. A writ of restitution is a legal requirement that the operator's property be returned to her/him.

The eviction process involves other important factors. The community may disconnect all community-supplied utilities 10 days after the date of the judgment of possession. In addition, failure to provide the community operator with proof that your home has been winterized within 10 days after the judgment of possession gives the community the right to seek an immediate writ of restitution.

A judge presiding over a community eviction case can require the losing party to pay damages to the winner if a provision requiring such damages is included in your lease or rental agreement. Damages cannot exceed \$500 for an action in the district court, or \$300 for each appellate level.

10. In-Community Sales

An in-community sale is a transaction where a change in ownership of a manufactured home on site will occur with the agreement that the home will remain in the community.

A community cannot prohibit the in-community sale of a manufactured home just because of its age and/or size. In addition, all community rules regulating the appearance and condition of a manufactured home to be sold in the community must apply equally to all residents who are selling and cannot be used to obstruct residents' rights to sell their homes. **These rules must be in writing and available to all community residents.**

A potential buyer must be approved as a resident by the community management before purchasing a home. A homeowner may be required to get the community's approval before selling her/his home, unless the home is going to be removed from the community. However, the management cannot interfere unreasonably with the sale of a home if both the prospective resident and home satisfy community requirements. If requested, the community must provide its permission for the home to be sold and stay, and its acceptance of the buyer as a resident, in writing. Community rules cannot prohibit home "For Sale" signs, but may regulate the size, number, and/or placement of "For Sale" signs.

The community may charge a reasonable fee to inspect the manufactured home before sale. The charge may not be more than \$30 or the amount the local municipality charges for a building permit inspection, whichever is higher. Payment of this fee does not mean that the home will be approved for resale.

Any other charges relating to an in-community sale, except for retailer sales commissions, are illegal. If the community terminates a resident's tenancy for just cause and the resident of a home sells his or her home to the owner or operator of the community, or to any entity in which the owner or operator has any interest, the resident has the right to have the home's value appraised. If so appraised, the sale price of the home must not be less than the appraised value.

11. Manufactured Homes Placed on Private Property

While a manufactured home can be placed on land you own, it does not necessarily mean you can place it on any parcel of land. You must check with the local building authorities to determine if zoning and additional installation requirements exist before purchasing the land and the home.

The Mobile Home Commission Act does not take the place of local regulations for placing a home on private property. It is illegal, however, for any local government requirements to discriminate against manufactured homes. While a city, village, township, or county cannot totally exclude all manufactured homes from areas other than communities, they may legally impose reasonable standards concerning health, safety and physical characteristics.

In the 1981 law case Robinson Twp. Vs. Knoll, the Michigan Supreme Court decided to allow manufactured homes in areas other than communities. An acceptable requirement of a local government might be that a manufactured home must compare favorably with other housing in the area. You should examine houses in the neighborhood of your choice to see if your manufactured home would be compatible with them. If not, local government may be within its rights to exclude the home, if provided by ordinance. If the home compares favorably with other houses, it may not reasonably be excluded based on appearance.

The same considerations apply to land in a rural area. Your manufactured home still must compare favorably with other housing, if required by ordinance. The court has decided that a manufactured home can be compared to housing in an area even when the home will be placed on an 80-acre parcel.

Other reasonable requirements may include that the manufactured home be attached to a permanent foundation, adequate living space based on square footage, or site modifications involving insulation or plumbing. It is important to remember that the restrictions must be based on reasonable considerations and not attempts to prohibit or discriminate against manufactured homes.

12. Complaints

When violations of the Mobile Home Commission Act are involved, consumers can file complaints against manufactured home businesses, by contacting the:

**Bureau of Construction Codes & Fire Safety
Office of Local Government & Consumer Services
P.O. Box 30222
Lansing, Michigan 48909
517/ 241-9347**

Before the bureau can conduct an investigation, you must prove that the business has been notified of the problem. You should hand-deliver or send by certified mail a letter to the business specifically stating the problem(s) and giving the business fifteen (15) days to satisfactorily resolve the problem(s). Keep the letter objective and accurately describe facts and dates. Keep copies of the letter for your records and to send with your complaint. It is also helpful to include copies of any documents related to the problem(s).

Complaints about construction, installation, sale, or workmanship of a manufactured home usually should be submitted individually by the homeowner. The same is true for complaints about the construction and management of a manufactured home community. However, complaints concerning common problems shared by a group of community residents can be submitted as one collective complaint, if desired.

The Act does not cover all situations where problems may occur. Most disputes concerning rent are not under the jurisdiction of the Mobile Home Commission Act. However, there is resident protection under the **Landlord Tenant Act (Public Act 348 of 1972)** and the **Truth-in-Renting Act (Public Act 454 of 1978)**. The **Consumer Protection Act (Public Act 331 of 1976)** is also helpful.

Other state agencies may also be able to help you with certain problems. It is possible to take legal action as an individual. If you have a concern about water, sewage, drainage, garbage, rubbish, insects, rodents or other public health related issues, you may contact the:

**Michigan Department of Environmental Quality
Water Bureau - Drinking Water & Environmental Health Section
525 West Allegan Street
P.O. Box 30630
Lansing, MI 48909-8130
517/ 241-1340**

If your concern is related to a Certificate of Manufactured Home Ownership (title), you should contact your local Secretary of State branch office.

Printed under the authority of 1987 PA 96 as amended

Paid with Manufactured Housing Commission Fees

Total Printed: 10,000
Date Printed: July 2005
Printing Cost: \$3,922.20
Per Copy Cost: \$0.392

BCC-PUB 0901

Department of Labor & Economic Growth
Bureau of Construction Codes & Fire Safety
www.michigan.gov/bccfs

Mailing Addresses:

P.O. Box 30254 (Codes: general correspondence)
P.O. Box 30255 (Codes: permits, licenses, and other documents containing payments)
P.O. Box 30700 (Office of Fire Fighter Training)
P.O. Box 30704 (Office of Land Survey and Remonumentation)
P.O. Box 30222 (Office of Local Government and Consumer Services)
Lansing, Michigan 48909

Physical Addresses:

2501 Woodlake Circle, Okemos – Administration; Office of Administrative Services; Office of Management Services; Building Division; Electrical Division; Mechanical Division; Plan Review Division; Office of the State Fire Marshal; and Plumbing Division

6546 Mercantile Way, Lansing - Office of Land Survey and Remonumentation; Office of Local Government and Consumer Services; Office of Fire Fighter Training; Elevator Safety Division; and Boiler Division

Fax Numbers:

Administration - 517/241-9570
Codes - 517/241-9308
Office of Fire Fighter Training – 517/335-4061
Office of Land Survey and Remonumentation – 517/241-6301
Office of Local Government and Consumer Services - 517/241-6371
Permits – 517/373-8547

Telephone Numbers:

Administration	517/241-9302
Office of the State Fire Marshal	517/241-8847
Office of Administrative Services (OAS).....	517/335-2972
Office of Management Services (OMS)	517/241-9313
Boiler Division	517/241-9334
Building Division	517/241-9317
Electrical Division	517/241-9320
Elevator Safety Division.....	517/241-9337
Mechanical Division.....	517/241-9325
Office of Fire Fighter Training	517/373-7981
Office of Land Survey and Remonumentation (OLSR).....	517/241-6321
Office of Local Government and Consumer Services (OLGCS).....	517/241-9347
Plan Review Division	517/241-9328
Plumbing Division.....	517/241-9330