

Manufactured Housing Frequently Asked Questions

1. What information is needed to process an Affidavit of Affixture?

- \$90.00 application fee, payable to: State of Michigan.
- Name of owner(s).
- Property address.
- Manufacturer.
- Model.
- Year of manufacture.
- Serial number (**AOA's will not be processed without a serial number** or number assigned by another legal process such as surety bond, court order, or assigned number issued by the Secretary of State).
- Legal description of property to which the mobile home is affixed can be attached.
- Signature of all owners.
- Notarized with notary's signature.
- Secured parties – 30i(1)(v) “The name of each holder of a security interest in the mobile home, together with the written consent of each holder to the termination of the security interest and the cancellation of the certificate of title under subsection (2), if applicable.”
- Submit Certificate of Title, Certificate of Origin or a surety bond.
 - If a title, certificate of origin or surety bond cannot be obtained:
 - Submit a signed letter from the owner(s) stating why these things cannot be obtained, and the letter shall state, the process that was taken to diligently obtain the title, certificate of origin or surety bond, when ownership transferred and what document provides proof of ownership.
 - Submit documentation that proves that the owner(s) on the Affidavit of Affixture is/are the owner(s) of the manufactured home, such as at least one of the following; warranty deed, sheriff's deed, quit claim deed, bill of sale, and a department approved affidavit of licensed professional signed by one of the following professions: licensed real estate salesperson, licensed real estate broker, associate real estate broker, limited real estate appraiser, state licensed real estate appraiser, certified residential real estate appraiser, certified general real estate appraiser, or an attorney at law.

2. What type of missing or inaccurate information holds up the processing of an Affidavit of Affixture?

- Affidavit is not complete.
- Affidavit is not correct.
- Affidavit is a duplicate of a previously issued affidavit.
- When the applicant copies the affidavit onto legal paper.
- Using another form other than the one prescribed by this department.
- Owner(s) on the title, certificate of origin or proof of ownership documents do not match the owner(s) that are listed on the Affidavit of Affixture.
- Signature(s) on the Affidavit of Affixture do not match the signature(s) on the title, certificate of origin or proof of ownership documents.

- Legal description is not enclosed.
- Title/Certificate of Origin or proof of ownership is not enclosed.
- \$90.00 application fee is not remitted with the affidavit.

3. If you are acting as the owner's agent for an Affidavit of Affixture, what type of information is needed?

- Telephone number of the owner agent.
- "Drafted By" section completed.
- "Return Affidavit of Affixture To" section completed.

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 \$15.00. 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. HUD certification labels containing similar information are stamped on the front cross member of the home chassis, it also can be found on the data plate inside the home. Verification letters may be obtained by calling (703) 481-2010 or going to the website www.ibts.org.

If the Certificate of Manufactured Home Ownership (title) 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 company from which the bond is purchased completes the form. 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.

4. What if I have warranty issues with my manufactured home?

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

placed on the outside of each home, which signifies that it was 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.

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.

5. What should I look for when purchasing a 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.

6. Do I need a Certificate of Manufactured Home Ownership when I buy a manufactured home?

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 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 were 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 \$90.00 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 two 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 \$15.00. You must, however, provide the serial number to obtain the duplicate. For ownership history of a manufactured home, contact:

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7064 Crouner Drive
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If the Certificate of Manufactured Home Ownership title 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 company from which the bond is purchased completes the form. 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.

7. What about manufactured home community evictions?

Eviction actions are governed by the Revised Judicature Act, Public Act 236 of 1961, Section 600.5775 (1)(2), as amended, **NOT** the Mobile Home Commission Act. The Bureau of Construction Codes 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.

8. Who do I contact with a complaint related to the Mobile Home Commission Act?

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

**Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Building Division
P.O. Box 30254
Lansing, Michigan 48909
517-241-9317**

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).

The homeowner should submit complaints about construction, installation, sale, or workmanship of a manufactured home individually. 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 or other public health related issues, you may contact the:

**Michigan Department of Environmental Quality
Resource Management Division
P.O. Box 30241
Lansing, MI 48909
517-335-2690**

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