

MOBILE HOME COMMISSION ACT

House Bill 4181

Sponsor: Rep. Gloria Schermesser

Committee: Economic Development

Complete to 3-3-99

A SUMMARY OF HOUSE BILL 4181 AS INTRODUCED 2-9-99

Under current law, the Mobile Home Commission is created within the Department of Consumer and Industry Services, and charged with promulgating the Mobile Home Code, including rules governing licensure, density, layout, permits for construction, construction of mobile home parks (including standards for roads, utilities, open space, or proposed recreational facilities), and safety measures to protect the residents, except for certain measures regulated by other government agencies.

House Bill 4181 would amend the Mobile Home Commission Act to alter the composition of the commission, and to require that the governor appoint commission members with the advice and consent of the House of Representatives, rather than the Senate. The bill would also specify that the Department of Environmental Quality (DEQ), rather than the Department of Public Health (DPH), would regulate mobile home park construction standards regarding water supply, sewage, and drainage facilities; and would perform annual physical inspections for mobile home parks, seasonal mobile home parks, and rental units. The bill would also amend current provisions regarding the Mobile Home Code, mobile home park inspections, and fines and penalties for violations of the act, as follows:

Mobile Home Commission. Currently, the act specifies that the mobile home commission membership include, among other persons, one representative of a mobile home residents' organization and two licensed mobile home park operators. The bill would specify, instead, that the membership include two representatives of a mobile home residents' organization and one licensed mobile home park operator. The act also prohibits a commission member, or a member of that person's immediate family, from having more than a one percent ownership interest in, or income from, a mobile home manufacturer. House Bill 4181 would specify, instead, that no interest or income from a mobile home manufacturer would be permitted. In addition, the bill would specify that the commission chairperson could not be a licensed mobile home park operator.

Mobile Home Code. The bill would delete the current requirement that the code include rules regulating seasonal mobile home parks, but would retain a provision allowing rules for seasonal mobile home parks to impose less stringent standards than the rules for regular mobile home parks. In addition, the bill would specify that the standards contained in the Mobile Home Code could not be less stringent than those for similar structures that are specified in a code established under the State Construction Code Act (MCL 125.1501 et al.).

Inspections of Mobile Home Parks. The bill would specify that rental units in mobile home parks would have to be inspected annually, or upon termination of a tenancy, in situations involving rental agreements that were terminated within a year. In addition, the DEQ would have to notify the local unit of government regarding inspections of rental units or mobile home parks. Further, the bill would specify that a local unit of government could conduct these inspections if the department did not do so in the manner, and within the time specified, under the bill, and the local unit of government would be entitled to reimbursement by the department for the inspection costs.

Currently, the act specifies that a local unit of government may make an inspection if it has reason to believe that the act, the code, or rules promulgated under the act, have been violated. The bill would add to this provision situations where the act, code, or rules were likely to be violated. The local government would also be entitled to compensation from the DEQ for the cost of such inspections. In addition, the department would have to accept the factual results of the local government's inspection, unless it was clearly erroneous.

Penalties. Currently, the act specifies that a violation of the act or the code is punishable by a fine of up to \$500 per day for each violation, or imprisonment for up to one year, or both. The bill would increase the fine to \$1,000 per day. The act also specifies that those entitled to bring an action to enjoin a person from violating the provisions of the act include the department, a prosecuting attorney, or a municipal attorney. The bill would include, in addition, any person who had been aggrieved by a violation of the act.

The act also specifies that the Mobile Home Commission, after notice and a hearing, may impose certain penalties on violators, including the imposition of a civil fine of up to \$10,000, which must be credited to the Mobile Home Commission Fund. The bill would clarify that the fine would be an administrative fine. The act also specifies that the pursuit in court of a licensee's lawful rights cannot constitute a violation of the act, regardless of the outcome of the court action. The bill would include a "defense in court" under this provision.

MCL 125.2302 et al.

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.