

HOUSE BILL No. 4181

February 9, 1999, Introduced by Reps. Schermesser, DeHart, Hansen, Lockwood, Hale, O'Neil, Mans and Wojno and referred to the Committee on Economic Development.

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
by amending sections 3, 5, 17, 41, 42, and 43 (MCL 125.2303,
125.2305, 125.2317, 125.2341, 125.2342, and 125.2343), section 43
as added by 1988 PA 337.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) The mobile home commission is created within
2 the department. ~~of commerce.~~

3 (2) The commission consists of 11 members, EACH OF WHOM
4 SHALL BE A CITIZEN OF THIS STATE, appointed by the governor with
5 the advice and consent of the ~~senate, each of whom shall be a~~
6 ~~citizen of this state~~ HOUSE OF REPRESENTATIVES.

7 (3) The members of the commission shall include each of the
8 following:

1 (a) ~~A representative~~ TWO REPRESENTATIVES of an
2 organization whose membership consists of mobile home residents.

3 (b) A representative of financial institutions.

4 (c) ~~Two operators~~ ONE OPERATOR of a licensed mobile home
5 park having 100 or more sites and 1 operator of a licensed mobile
6 home park having less than 100 sites.

7 (d) A representative of organized labor.

8 (e) An elected official of a local government.

9 (f) A licensed mobile home dealer.

10 (g) One resident of a licensed mobile home park having 100
11 or more sites and 1 resident of a licensed mobile home park
12 having less than 100 sites.

13 (h) A manufacturer of mobile homes.

14 (4) A person appointed to be a member under subsection
15 (3)(a), (d), (e), OR (g), or a member of that person's immediate
16 family, shall not have ~~more than a 1%~~ AN ownership interest in
17 or income benefit from a manufacturer of mobile homes, a retail
18 seller of mobile homes, a licensed mobile home park, or a sup-
19 plier of ancillary products or services to the mobile home
20 industry.

21 (5) The term of each member shall be for 3 years. A vacancy
22 in the office of a member shall be filled by the governor for the
23 remainder of the unexpired term, not more than 1 month after the
24 vacancy is created, in the same manner as the original
25 appointment.

1 (6) The per diem compensation of the commission and the
2 schedule for reimbursement of expenses shall be established
3 annually by the legislature.

4 (7) Six members of the commission constitute a quorum for
5 all purposes, notwithstanding the existence of a vacancy in the
6 commission's membership. Action may be taken by the commission
7 by a vote of a majority of the members appointed and serving.
8 Meetings of the commission may be called by the chairperson or by
9 3 members on 3 business days' actual notice. At least 1 meeting
10 shall be held each calendar quarter. The commission may hold
11 meetings anywhere in this state.

12 (8) The commission shall elect a member of the commission
13 THAT IS NOT AN OPERATOR OF A LICENSED MOBILE HOME PARK as its
14 chairperson and another member as its vice-chairperson. The
15 duties and powers of the chairperson and vice-chairperson shall
16 be as prescribed in the commission's rules.

17 (9) A member of the commission may be removed from office by
18 the governor for inefficiency, neglect of duty, or misconduct or
19 malfeasance in office. A member of the commission who has a
20 direct pecuniary interest in a matter before the commission shall
21 disclose that interest before the commission taking action with
22 respect to the matter, which disclosure shall become a part of
23 the record of the commission's official proceedings.

24 Sec. 5. (1) The commission shall promulgate the mobile home
25 code subject to section 4. The code shall consist of rules gov-
26 erning all of the following:

1 (a) The licensure, density, layout, permits for
2 construction, construction of mobile home parks including
3 standards for roads, utilities, open space, or proposed recrea-
4 tional facilities, and safety measures sufficient to protect
5 health, safety, and welfare of mobile home park residents, except
6 water supply, sewage collection and treatment, and drainage
7 facilities ~~which~~ THAT are regulated by the department of
8 ~~public health~~ ENVIRONMENTAL QUALITY.

9 (b) The business, sales, and service practices of mobile
10 home dealers.

11 (c) The business practices of mobile home installers and
12 repairers.

13 (d) The licensure and regulations of mobile home installers
14 and repairers.

15 (e) The setup and installation of mobile homes inside mobile
16 home parks or seasonal mobile home parks.

17 (f) The regulation of the responsibilities, under the mobile
18 home warranty, of the mobile home components manufacturer, the
19 mobile home assembler or manufacturer, and the mobile home
20 dealer, including the time period and relationships of each under
21 the warranty, and the remedies available, if any, if the respon-
22 sible parties cease to operate as a business.

23 (g) Abuses relating to all of the following:

24 (i) Consumer deposits, except utility deposits from consum-
25 ers who are direct customers of utilities regulated by the
26 Michigan public service commission.

1 (ii) Detailed listing of furnishings and fixtures by a
2 manufacturer of a new mobile home or a mobile home dealer for a
3 used mobile home.

4 (iii) Disclosure and delivery of manufacturer's warranties.

5 (iv) Used mobile homes. A mobile home dealer shall provide
6 detailed listing of its service records for used mobile homes
7 ~~which~~ THAT are being sold by the dealer and of which the dealer
8 has knowledge.

9 (h) Applications for and issuance of certificates of title
10 for mobile homes.

11 ~~-(2) As part of the code, the commission shall also promul-~~
12 ~~gate rules governing the licensure, density, layout, permits for~~
13 ~~construction, and construction of seasonal mobile home parks,~~
14 ~~including standards for roads, utilities, open space, proposed~~
15 ~~recreational facilities, and safety measures sufficient to pro-~~
16 ~~tect the health, safety, and welfare of seasonal mobile home park~~
17 ~~residents, except water supply, sewage collection and treatment,~~
18 ~~and drainage facilities, which shall be regulated by the depart-~~
19 ~~ment of public health.~~

20 (2) ~~-(3)-~~ The rules promulgated for seasonal mobile home
21 parks may impose a less stringent standard than the rules promul-
22 gated for mobile home parks.

23 (3) THE STANDARDS CONTAINED IN THE CODE SHALL NOT BE LESS
24 STRINGENT THAN THOSE FOR SIMILAR STRUCTURES AS SET FORTH IN THE
25 CODE ESTABLISHED UNDER THE STATE CONSTRUCTION CODE ACT OF 1972,
26 1972 PA 230, MCL 125.1501 TO 125.1531.

1 Sec. 17. (1) The department of ~~public health~~
2 ENVIRONMENTAL QUALITY or its authorized representative shall
3 conduct an annual physical inspection of mobile home parks and
4 seasonal mobile home parks in accordance with standards estab-
5 lished by the department of ~~public health~~ ENVIRONMENTAL
6 QUALITY. INSPECTIONS ON RENTAL UNITS SHALL BE ANNUAL OR UPON
7 TERMINATION OF THE TENANCY, IF THE TENANCY IS TERMINATED BEFORE 1
8 YEAR AFTER THE RENTAL AGREEMENT. THE DEPARTMENT OF ENVIRONMENTAL
9 QUALITY SHALL NOTIFY THE LOCAL UNIT OF GOVERNMENT IN WHICH THE
10 MOBILE HOME PARK IS LOCATED REGARDING AN INSPECTION CONDUCTED ON
11 RENTAL UNITS OR A MOBILE HOME PARK UNDER THIS SECTION. IF THE
12 DEPARTMENT OF ENVIRONMENTAL QUALITY DOES NOT CONDUCT AN INSPEC-
13 TION IN THE MANNER MANDATED UNDER THIS ACT OR IN THE TIME INCRE-
14 MENTS REQUIRED UNDER THIS SECTION, A LOCAL UNIT OF GOVERNMENT MAY
15 CONDUCT THE INSPECTION AND IS ENTITLED TO REIMBURSEMENT BY THE
16 DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE COST OF THAT
17 INSPECTION. If the mobile home park or seasonal mobile home park
18 is approved, the department of ~~public health~~ ENVIRONMENTAL
19 QUALITY shall issue a certification of compliance to the depart-
20 ment ~~of commerce~~ that the park is licensable.

21 (2) Except for purposes of issuing a license or renewing a
22 license pursuant to this act, a local UNIT OF government may
23 ~~not~~ make an inspection ~~unless~~ IF it has reason to believe
24 that this act, the code, or rules promulgated pursuant to this
25 act were violated OR ARE LIKELY TO BE VIOLATED UNDER THE APPARENT
26 CIRCUMSTANCES. THE COST OF AN INSPECTION CONDUCTED UNDER THIS
27 SUBSECTION SHALL BE PAID TO THE LOCAL UNIT OF GOVERNMENT BY THE

1 DEPARTMENT OF ENVIRONMENTAL QUALITY. THE DEPARTMENT OF
2 ENVIRONMENTAL QUALITY SHALL ACCEPT THE FACTUAL RESULTS OF AN
3 INSPECTION CONDUCTED BY A LOCAL UNIT OF GOVERNMENT UNLESS IT IS
4 CLEARLY ERRONEOUS.

5 Sec. 41. The department, a prosecuting attorney, ~~or~~ A
6 municipal attorney, OR ANOTHER PERSON AGGRIEVED BY A VIOLATION OF
7 THIS ACT may bring an action in a court of competent jurisdiction
8 against a person to enjoin that person from engaging or continu-
9 ing in a violation of this act ~~,~~ OR a rule promulgated under
10 this act.

11 Sec. 42. A person who violates this act or the code promul-
12 gated under this act is guilty of a misdemeanor punishable by a
13 fine of not more than ~~-\$500.00-~~ \$1,000.00 per day for each sepa-
14 rate violation or imprisonment for not more than 1 year, or
15 both.

16 Sec. 43. (1) If, after notice and a hearing as provided in
17 the administrative procedures act of 1969, ~~Act No. 306 of the~~
18 ~~Public Acts of 1969, being sections 24.201 to 24.328 of the~~
19 ~~Michigan Compiled Laws,~~ 1969 PA 306, MCL 24.201 TO 24.328, a
20 person is determined to have violated this act, the commission
21 may impose 1 or more of the following penalties:

22 (a) Censure.

23 (b) Probation.

24 (c) Placement of a limitation on a license.

25 (d) Suspension of a license. The commission may request the
26 appointment of a receiver when taking action under this
27 subdivision.

1 (e) Revocation of a license. The commission may request the
2 appointment of a receiver when taking action under this
3 subdivision.

4 (f) Denial of a license.

5 (g) ~~A civil~~ AN ADMINISTRATIVE fine of not more than
6 \$10,000.00 PER VIOLATION.

7 (h) A requirement that restitution be made.

8 (2) ~~A~~ AN ADMINISTRATIVE fine collected under this section
9 shall be deposited with the state treasurer and credited to the
10 mobile home commission fund.

11 (3) This section does not prohibit actions being taken under
12 other sections of this act.

13 (4) The pursuit OR DEFENSE in court of the lawful rights of
14 a licensee does not constitute a violation of this act —
15 regardless of the outcome of the court action.