

House Bills 4113 and 4121
Sponsor: Rep. Ruth Ann Jamnick
Committee: Commerce

Complete to 2-18-03

A SUMMARY OF HOUSE BILL 4113 AS INTRODUCED 1-29-03 AND HOUSE BILL 4121 AS INTRODUCED 1-30-03

The Mobile Home Commission Act provides for the licensing and regulation of mobile home parks and of mobile homes. House Bill 4121 would amend the act (MCL 125.2301 et al.) in a number of ways, notably to substitute the terms "manufactured home" and "manufactured housing" for the term "mobile home". The act would be renamed the Manufactured Housing Commission Act. Similarly, the Mobile Home Commission would be renamed the Manufactured Housing Commission. House Bill 4113 would amend sections of the Revised Judicature Act of 1961 (MCL 600.4704 et al.) that deal with tenancy in mobile home parks, to adopt the same terminology found in House Bill 4121. House Bill 4113 is tie-barred to House Bill 4121, meaning it could not take effect unless House Bill 4121 was also enacted.

The term "manufactured home" would have the same definition in the act as the term "mobile home" does at present, with the addition that for a manufactured home manufactured after June 15, 1976, the term would include a structure constructed in accordance with the federal National Manufactured Housing Construction and Safety Standards Act of 1974.

Nomenclature. House Bill 4121 would contain a number of changes in terminology, including the substitution of "community" for "park" (as in manufactured home community rather than mobile home park); "retailer" for "dealer"; "servicer" for "repairer"; "certificate of ownership" for "certificate of title"; "customer" for "consumer"; and "resident" for "tenant". References to the Department of Public Health would be replaced by references to the Department of Environmental Quality (which reflects current practice). Also, references to the Department of Commerce would be replaced by references to the Department of Consumer and Industry Services. (House Bill 4113 would continue to use the term "tenant" rather than adopting the term "resident".)

Repossession. The act currently prohibits someone who owns or operates a mobile home park from engaging in, or allowing an employee or agent to engage in, various unfair or deceptive practices. House Bill 4121 would add to this list 1) requiring a repossessioning lender to pay a homeowner's debt incurred before repossession of the manufactured home; and 2) prohibiting a repossessioning lender from selling a manufactured home on-site.

No Minimum Home Value. The act currently allows mobile home park rules and regulations to include provisions governing the physical condition and the aesthetic characteristics of mobile homes in relation to the park in which they are located. However, the age or size of a home cannot be used as the sole basis for refusing to allow an on-site, in-park sale or for refusing to allow a home to remain on site. The bill would specify that the community

rules or regulations could not establish minimum value or minimum sale price of a manufactured home as a condition to an in-community sale of the home.

Municipal Fines. House Bill 5121 would allow a municipality to impose a civil fine of not more than \$100 against a person who was not in compliance with the licensure requirements of the Manufactured Housing Commission Act.

Repealer. The bill would repeal Section 49 of the act. That section was added when the Mobile Home Commission Act was reenacted in 1987 after an earlier attempt to extend the sunset in the original act was declared unconstitutional by the attorney general due to a defect in the act's title. It is a declaration of the legislature's intent to validate the mobile home commission's existence and actions during the period of uncertainty that resulted from that situation.

Analyst: C. Couch

■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.