

HOUSE BILL No. 5082

September 25, 2003, Introduced by Rep. Whitmer and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
by amending sections 5, 6, 11, 16, 17, and 18 (MCL 125.2305,
125.2306, 125.2311, 125.2316, 125.2317, and 125.2318).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) ~~The~~ **Subject to section 4, the** commission
2 shall promulgate the mobile home code. ~~subject to section 4.~~
3 The code shall consist of rules governing all of the following:
4 (a) The licensure, density, layout, permits for construction,
5 construction of mobile home parks including standards for roads,
6 utilities, open space, or proposed recreational facilities, and
7 safety measures sufficient to protect health, safety, and welfare
8 of mobile home park residents, except water supply, sewage
9 collection and treatment, and drainage facilities ~~which are~~
10 ~~regulated by~~ **that** the department of ~~public health~~

1 environmental quality regulates.

2 (b) The business, sales, and service practices of mobile home
3 dealers.

4 (c) The business practices of mobile home installers and
5 repairers.

6 (d) The licensure and ~~regulations~~ **regulation** of mobile home
7 installers and repairers.

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

10 (f) The regulation of the responsibilities, under the mobile
11 home warranty, of the mobile home components manufacturer, the
12 mobile home assembler or manufacturer, and the mobile home
13 dealer, including the time period and relationships of each under
14 the warranty, and the remedies available, if any, if the
15 responsible parties cease to operate as a business.

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

17 (i) Consumer deposits, except utility deposits from consumers
18 who are direct customers of utilities regulated by the Michigan
19 public service commission.

20 (ii) Detailed listing of furnishings and fixtures by a
21 manufacturer of a new mobile home or a mobile home dealer for a
22 used mobile home.

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

24 (iv) Used mobile homes. A mobile home dealer shall provide
25 detailed listing of its service records for used mobile homes
26 ~~which~~ **that** are being sold by the dealer and ~~of which~~ **that** the
27 dealer has knowledge.

1 (h) Applications for and issuance of certificates of title
2 for mobile homes.

3 (2) As part of the code, the commission shall also promulgate
4 rules governing the licensure, density, layout, permits for
5 construction, and construction of seasonal mobile home parks,
6 including standards for roads, utilities, open space, proposed
7 recreational facilities, and safety measures sufficient to
8 protect the health, safety, and welfare of seasonal mobile home
9 park residents, except water supply, sewage collection and
10 treatment, and drainage facilities ~~—, which shall be regulated~~
11 ~~by that the department of —public health—~~ **environmental quality**
12 **regulates.**

13 (3) ~~The~~ **In** rules promulgated for seasonal mobile home
14 parks, **the department** may impose a less stringent standard than
15 the rules promulgated for mobile home parks.

16 Sec. 6. (1) The department of ~~—public health—~~ **environmental**
17 **quality** shall promulgate rules for mobile home parks and seasonal
18 mobile home parks setting forth minimum standards regulating **all**
19 **of the following:**

- 20 (a) Water supply system.
- 21 (b) Sewage collection and disposal system.
- 22 (c) Drainage.
- 23 (d) Garbage and rubbish storage and disposal.
- 24 (e) Insect and rodent control.
- 25 (f) General operation, maintenance, and safety.
- 26 (g) Certification of compliance under section 17.
- 27 (2) Representatives of local government shall act in an

1 advisory capacity in the promulgation of the code.

2 (3) The commission shall consult with appropriate state and
3 local governments in developing the procedures for effective
4 coordination of efforts. The commission shall recommend
5 procedures to the governor and the legislature for coordinating
6 state agency decisions and activities pertaining to this act.

7 (4) Subject to adjustment under subsection (5), and beginning
8 October 1, 2003, the department of environmental quality shall
9 impose on each park owner an annual fee of \$3.50 for each
10 licensed site in a mobile home park or seasonal mobile home park,
11 payable by September 30 of each year. The department of
12 environmental quality shall charge a park owner who fails to pay
13 this fee by September 30 a penalty of 9% per year until the fee
14 and penalty are paid in full. The department of treasury shall
15 collect a penalty charged under this subsection.

16 (5) The department of environmental quality shall adjust the
17 fee under subsection (4) each year by an amount determined by the
18 state treasurer to reflect the cumulative annual percentage
19 change in the Detroit consumer price index.

20 (6) The manufactured housing fund is created in the state
21 treasury. The department of environmental quality shall
22 administer the fund. The state treasurer shall deposit any money
23 received or collected under subsection (4) into the fund and may
24 accept additional money for the fund from any source. Money in
25 the fund at the end of the state fiscal year shall not revert to
26 the general fund but shall be carried over in the fund to the
27 next fiscal year.

1 (7) The department of environmental quality shall use money
2 in the manufactured housing fund only to implement its
3 responsibilities under this act and the administrative rules
4 promulgated under this act.

5 Sec. 11. (1) A person who desires to develop a mobile home
6 park or a seasonal mobile home park shall submit a preliminary
7 plan to the appropriate municipality, local health department,
8 county road commission, and county drain commissioner for
9 preliminary approval. The preliminary plan shall include the
10 location, layout, general design, and a general description of
11 the project. The preliminary plan shall not include detailed
12 construction plans.

13 (2) The municipality may grant preliminary approval if the
14 proposed mobile home park or seasonal mobile home park conforms
15 to applicable laws and local ordinances not in conflict with this
16 act and laws and ordinances relative to **all of the following:**

17 (a) Land use and zoning.

18 (b) Municipal water supply, sewage service, and drainage.

19 (c) Compliance with local fire ordinances and state fire
20 laws.

21 (3) The county drain commissioner shall review and may
22 approve outlet drainage. The county road commission shall review
23 and may approve ingress and egress roads. The county road
24 commission and the county drain commissioner shall adopt and
25 publish standards to implement this subsection. The county road
26 commission and the county drain commissioner ~~shall~~ **do** not have
27 authority as to interior streets and drainage in the mobile home

1 park or seasonal mobile home park, unless the streets or drains
2 are dedicated to the public.

3 (4) The local health department shall grant preliminary
4 approval, under the guidance of the department of ~~public health~~
5 **environmental quality**, for on-site water and sewage service. ~~and~~
6 ~~general site suitability.~~

7 (5) If a reviewing agency as provided in this section has not
8 returned the preliminary plan to the developer, either approved,
9 modified, or disapproved within 60 days after it receives the
10 preliminary plan, the preliminary plan ~~shall be~~ **is** considered
11 approved.

12 (6) Coordination of approvals by state and local governments
13 shall be provided by the director of ~~public health~~ **the**
14 **department** before it may grant construction approval.

15 (7) The developer shall submit the preliminary approval with
16 the final plans to the department ~~of public health~~ for review
17 before the department ~~of commerce~~ may issue a construction
18 permit.

19 Sec. 16. (1) A person shall not operate a mobile home park
20 or seasonal mobile home park without a license.

21 (2) Upon completion, review, and approval of certifications,
22 the department shall grant a license to operate a mobile home
23 park or seasonal mobile home park.

24 (3) An annual license shall be granted and renewed by the
25 department based upon the certifications and recommendations of
26 the appropriate agencies and local governments.

27 (4) If a person submits a timely application for renewal of a

1 license and pays the appropriate fee, the person may continue to
2 operate a mobile home park or seasonal mobile home park unless
3 notified that the application for renewal is not approved.

4 (5) A campground ~~which~~ **that** is currently licensed under
5 sections 12501 to 12516 of the public health code, ~~Act No. 368~~
6 ~~of the Public Acts of 1978, being sections 333.12501 to 333.12516~~
7 ~~of the Michigan Compiled Laws, 1978 PA 368, MCL 333.12501 to~~
8 **333.12516, that** was previously licensed under the licensing
9 provisions of ~~Act No. 243 of the Public Acts of 1959, being~~
10 ~~sections 125.1035 to 125.1043 of the Michigan Compiled Laws 1959~~
11 **PA 243, MCL 125.1035 to 125.1043,** as a seasonal trailer park and
12 ~~which~~ **that** currently meets the seasonal trailer park
13 construction standards under ~~Act No. 243 of the Public Acts of~~
14 ~~1959 1959 PA 243, MCL 125.1035 to 125.1043,~~ may apply for and
15 shall be licensed as a seasonal mobile home park under this act
16 if the campground meets all other requirements for licensure
17 under this act as a seasonal mobile home park.

18 Sec. 17. (1) The ~~department of public~~ **local** health
19 **department** or its authorized representative ~~shall~~ **may** conduct
20 an annual physical inspection of mobile home parks and seasonal
21 mobile home parks in accordance with standards established by the
22 department. ~~of public health.~~ If the mobile home park or
23 seasonal mobile home park is approved, the ~~department of public~~
24 **local** health **department** shall ~~issue a certification of~~
25 ~~compliance to~~ **notify** the department ~~of commerce~~ that the park
26 is licensable.

27 (2) Except for purposes of issuing a license or renewing a

1 license ~~pursuant to~~ **under** this act, a local government may not
2 make an inspection unless it has reason to believe that this act,
3 the code, or rules promulgated ~~pursuant to~~ **under** this act were
4 violated.

5 Sec. 18. (1) A variance in the design and construction of a
6 mobile home park or seasonal mobile home park may be granted upon
7 notice of the request to the local government ~~and the department~~
8 ~~of public health~~ at the time of filing with the department. ~~of~~
9 ~~commerce.~~ If the local government grants a variance which would
10 permit activities violative of the minimum standards of the code,
11 the local government shall file with the department a copy of the
12 variance order and an explanation of the reason for the granting
13 of the order. The department may approve or disapprove the
14 variance or revoke the variance upon notice and hearing.

15 (2) After a public hearing the department may grant a
16 specific variance to a substantive requirement of the code if the
17 literal application of the substantive requirement would result
18 in an exceptional, practical difficulty to the applicant, and if
19 the specific condition justifying the variance is neither so
20 general nor recurrent in nature as to make an amendment of the
21 code with respect to the condition reasonably practical or
22 desirable.

23 (3) The department may attach in writing a condition in
24 connection with the granting of a variance that in its judgment
25 is necessary to protect the health, safety, and welfare of the
26 people of this state. The variance shall not exceed the minimum
27 necessary to alleviate the exceptional, practical difficulty.

1 (4) A variance to a local ordinance, zoning requirement, or
2 local rule may be granted only by a local government.

3 (5) A variance to a rule promulgated under this act may be
4 granted only by the commission.