

# SENATE BILL No. 109

January 27, 2005, Introduced by Senators BASHAM and BRATER and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending sections 7, 16, 17, and 45 (MCL 125.2307, 125.2316, 125.2317, and 125.2345).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 7. (1) A local government ~~which~~ **THAT** proposes a  
2 standard related to mobile home parks or seasonal mobile home  
3 parks, or related to mobile homes located within a mobile home park  
4 or a seasonal mobile home park that is higher than the standard  
5 provided in this act or the code, ~~—~~ or a standard related to the  
6 business, sales, and service practices of mobile home dealers, or  
7 the business of mobile home installers and repairers, that is  
8 higher than the standard provided in this act or the code, shall

1 file the proposed standard with the commission. The commission may  
2 promulgate rules to establish the criteria and procedure for  
3 implementation of higher standards by a local government. The  
4 commission shall review and approve the proposed standard unless  
5 the standard is unreasonable, arbitrary, or not in the public  
6 interest. If the commission does not approve or disapprove the  
7 proposed standard within 60 days after it is filed with the  
8 commission, the standard ~~shall be~~ **IS** considered approved unless  
9 the local government grants the commission additional time to  
10 consider the standard. After the proposed standard is approved, the  
11 local government may adopt the standard by ordinance. The ordinance  
12 shall relate to a specific section of the code. **A LOCAL ZONING**  
13 **ORDINANCE IS NOT CONSIDERED A STANDARD THAT IS SUBJECT TO THIS**  
14 **SUBSECTION AND IS NOT REVIEWABLE BY THE COMMISSION.**

15 (2) A local government **IS NOT REQUIRED TO FILE A LOCAL**  
16 **GOVERNMENT** standard related to mobile homes not located within a  
17 mobile home park or seasonal mobile home park ~~need not be filed~~  
18 with the ~~mobile home~~ commission ~~—~~, unless the standard relates  
19 to the business, sales, and service practices of mobile home  
20 dealers ~~—~~ or the business of mobile home installers and  
21 repairers.

22 (3) A local government ~~ordinance shall not be designed as~~  
23 **SHALL NOT DESIGN A LOCAL GOVERNMENT ORDINANCE THAT IS** exclusionary  
24 to mobile homes generally whether the mobile homes are located  
25 inside or outside of mobile home parks or seasonal mobile home  
26 parks.

27 (4) A local government ordinance shall not contain a standard

1 for the setup or installation of mobile homes that is incompatible  
2 with, or is more stringent than, either of the following:

3 (a) The manufacturer's recommended setup and installation  
4 specifications.

5 (b) The mobile home setup and installation standards  
6 promulgated by the federal department of housing and urban  
7 development pursuant to the national manufactured housing  
8 construction and safety standards act of 1974, 42 ~~U.S.C.~~ **USC** 5401  
9 to 5426.

10 (5) In the absence of any setup or installation specifications  
11 or standards for foundations as set forth in subsection (4)(a) or  
12 (b), the local government standards for site-built housing shall  
13 apply.

14 (6) A local government ordinance shall not contain roof  
15 configuration standards or special use zoning requirements that  
16 apply only to, or excludes, mobile homes. A local government  
17 ordinance shall not contain a manufacturing or construction  
18 standard that is incompatible with, or is more stringent than, a  
19 standard promulgated by the federal department of housing and urban  
20 development pursuant to the national manufactured housing  
21 construction and safety standards act of 1974, 42 ~~U.S.C.~~ **USC** 5401  
22 to 5426.

23 (7) A local government ordinance may include reasonable  
24 standards relating to mobile homes located outside of mobile home  
25 parks or seasonal mobile home parks ~~which~~ **THAT** ensure that mobile  
26 homes compare aesthetically to site-built housing located or  
27 allowed in the same residential zone.

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

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

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

9           (4) If a person submits a timely application for renewal of a  
10 license and pays the appropriate fee, the person may continue to  
11 operate a mobile home park or seasonal mobile home park unless  
12 notified that the application for renewal is not approved.

13           (5) A campground which is currently licensed under sections  
14 12501 to 12516 of the public health code, ~~Act No. 368 of the~~  
15 ~~Public Acts of 1978, being sections 333.12501 to 333.12516 of the~~  
16 ~~Michigan Compiled Laws— 1978 PA 368, MCL 333.12501 TO 333.12516,~~  
17 ~~was previously licensed under the licensing provisions of Act No.~~  
18 ~~243 of the Public Acts of 1959, being sections 125.1035 to 125.1043~~  
19 ~~of the Michigan Compiled Laws as a seasonal trailer park and which~~  
20 **AND** currently meets the seasonal trailer park construction  
21 standards under ~~Act No. 243 of the Public Acts of 1959— 1959 PA~~  
22 **243, MCL 125.1001 TO 125.1051**, may apply for and shall be licensed  
23 as a seasonal mobile home park under this act if the campground  
24 meets all other requirements for licensure under this act as a  
25 seasonal mobile home park.

26           **(6) A PERSON OPERATING A LICENSED MOBILE HOME PARK OR SEASONAL**  
27 **MOBILE HOME PARK SHALL ANNUALLY PROVIDE TO THE LOCAL GOVERNMENT**

1 WITHIN WHICH THE PARK IS LOCATED A LIST OF THE NAMES OF THE  
2 RESIDENTS AND MOBILE HOMES IN THE PARK.

3 Sec. 17. ~~(1) The department of public health~~ A LOCAL  
4 GOVERNMENT WITHIN WHICH A MOBILE HOME PARK OR SEASONAL MOBILE HOME  
5 PARK IS LOCATED or its authorized representative shall conduct an  
6 annual physical inspection of THE mobile home ~~parks and~~ PARK OR  
7 seasonal mobile home ~~parks~~ PARK in accordance with standards  
8 established by the department of ~~public health~~ ENVIRONMENTAL  
9 QUALITY. If the mobile home park or seasonal mobile home park is  
10 approved, the ~~department of public health~~ LOCAL GOVERNMENT shall  
11 issue a certification of compliance to the department ~~of commerce~~  
12 that the park is licensable.

13 ~~———— (2) Except for purposes of issuing a license or renewing a~~  
14 ~~license pursuant to this act, a local government may not make an~~  
15 ~~inspection unless it has reason to believe that this act, the code,~~  
16 ~~or rules promulgated pursuant to this act were violated.~~

17 Sec. 45. (1) This act shall not be construed to prohibit the  
18 prosecution or punishment of a person for conduct ~~which~~ THAT  
19 constitutes a crime by statute or at common law.

20 (2) This act shall not be construed to prohibit a municipality  
21 from ~~enforcing~~ DOING ANY OF THE FOLLOWING:

22 (A) ENFORCING its local ordinances. ~~or from taking any other~~

23 (B) TAKING appropriate action to protect the public health,  
24 safety, or welfare as authorized by law or its charter.

25 (C) PLACING RESTRICTIONS ON NONPERMANENT RESIDENTS.