

HOUSE BILL NO. 6006

July 23, 2020, Introduced by Reps. Sneller, Cherry, Kahle, Mueller, Hertel and Frederick and referred to the Committee on Regulatory Reform.

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
by amending sections 4 and 43 (MCL 125.2304 and 125.2343), as
amended by 2015 PA 40.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 4. (1) The commission may do all of the following:
- 2 (a) After consultation with and considering comments from
- 3 representatives of the manufactured housing industry and other
- 4 interested parties, **including, but not limited to, residents of**
- 5 **mobile home parks**, recommend rules to the department to implement



1 and administer this act.

2 (b) Act for the purpose of establishing a uniform policy
3 relating to all phases of mobile home businesses, mobile home
4 parks, and seasonal mobile home parks.

5 (c) Determine the sufficiency of local mobile home ordinances
6 that are designed to provide local governments with superintending
7 control over mobile home businesses, mobile home parks, or seasonal
8 mobile homes parks.

9 (d) Conduct public hearings relating to the powers prescribed
10 in this subsection.

11 (2) ~~The director or an authorized representative of the~~
12 ~~director~~**department** shall do all of the following:

13 (a) **Employ not less than 3 full-time inspectors and 1 full-**
14 **time auditor, along with such additional staff as required to**
15 **implement and enforce this act and the rules promulgated under this**
16 **act.**

17 (b) ~~(a)~~After consultation with and considering comments from
18 representatives of the manufactured housing industry and other
19 interested parties, promulgate rules to implement and administer
20 this act.

21 (c) ~~(b)~~Conduct hearings relating to violations of this act or
22 rules promulgated under this act.

23 (d) ~~(c)~~Make investigations to determine compliance with this
24 act and rules promulgated under this act.

25 (e) ~~(d)~~Provide assistance to the commission as the commission
26 requires.

27 (f) ~~(e)~~On not less than a quarterly basis, report to the
28 commission on the expenditure of all fees collected under this act
29 and the relation of those expenditures to the enforcement and



1 administration of this act.

2 (g) ~~(f)~~—Post and maintain on the department's website all
3 current guidelines.

4 (h) ~~(g)~~—Promptly notify a local government of the issuance,
5 amendment, or rescission of a guideline if the department has
6 knowledge that a mobile home park or seasonal mobile home park is
7 located in, or an application has been filed for the licensure of a
8 park proposed to be located in, the local government. The notice
9 shall be sent by first-class mail or electronic mail to each of the
10 following:

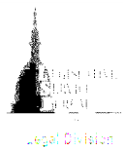
11 (i) The clerk of the local government.

12 (ii) The chief executive officer of the local government.

13 (iii) The enforcing agency for the local government if, under
14 section 8a or 8b of the Stille-DeRossett-Hale single state
15 construction code act, 1972 PA 230, MCL 125.1508a and 125.1508b,
16 the local government has assumed responsibility for the
17 administration and enforcement within its jurisdiction of that act
18 and the state construction code or a part of the state construction
19 code of limited application.

20 (i) ~~(h)~~—If the department receives a complaint about a
21 condition at a mobile home park or seasonal mobile home park that
22 imminently threatens the health or safety of the residents of the
23 park, promptly notify each local government in which the park is
24 located of the details of the complaint.

25 (3) The commission shall not regulate mobile homes that are
26 not located within a mobile home park or a seasonal mobile home
27 park, except as relates to the business, sales, and service
28 practices of mobile home dealers and the business practices of
29 mobile home installers and repairers.



(4) Not later than January 1, 2022, the department shall establish or cause to be established a database of owners and operators of mobile home parks and seasonal mobile home parks that includes contact information for the owners and operators and is available to the public on the department's website. An owner or operator shall annually update their contact information and shall also update their contact information within 30 days of a change of ownership. The database shall provide a means by which an owner or operator may annually update the owner's or operator's contact information. The department shall update its published list of mobile home parks at least once a month.

Sec. 43. (1) If, after notice and a hearing as provided in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, a person is determined to have violated this act, the commission may impose 1 or more of the following penalties:

(a) Censure.

(b) Probation.

(c) License limitation.

(d) License suspension. The commission may request the appointment of a receiver when taking action under this subdivision.

(e) License revocation. The commission may request the appointment of a receiver when taking action under this subdivision.

(f) License denial.

(g) An administrative fine of not more than \$5,000.00.

(h) ~~(g)~~ A civil fine of not more than \$50,000.00.

(i) ~~(h)~~ Restitution.

(2) If the department determines that a mobile home park



1 located in this state is owned or operated by a person that does
2 not have a license issued by the department to own or operate that
3 mobile home park, the department shall provide written notice to
4 the unlicensed owner or operator of the mobile home park. The
5 written notice provided under this subsection must require the
6 unlicensed owner or operator of the mobile home park to apply to
7 the department for licensure within 30 days of the date of the
8 notice. If the unlicensed owner or operator of the mobile home park
9 does not apply for licensure within the 30-day period provided
10 under this subsection, the department shall commence proceedings to
11 impose a fine on the unlicensed owner or operator of the mobile
12 home park. If the department determines that a person owned or
13 operated a mobile home park or seasonal mobile home park without a
14 license as required under section 16, the department shall impose a
15 fine of not more than \$100,000.00 after notice and a hearing as
16 provided under the administrative procedure act of 1969, 1969 PA
17 306, MCL 24.201 to 24.328.

18 (3) ~~(2)~~—A fine collected under this section shall be deposited
19 with the state treasurer and credited to the mobile home code fund
20 created in section 9.

21 (4) ~~(3)~~—If the department determines that the owner or
22 operator of a mobile home park or seasonal mobile home park has
23 violated this act or rules promulgated under this act by failing to
24 maintain or repair any infrastructure or facilities of the mobile
25 home park or seasonal mobile home park, the department shall give
26 notice of the determination by personal service or first-class mail
27 to the local governments where the mobile home park is located, the
28 owner, the operator, and, if financial assurance in the form of a
29 bond has been posted under rules promulgated under section 16(2),



the surety executing the bond. If the owner, operator, or surety does not perform or commence the specified maintenance or repair within 60 days after service of the notice, the department or its authorized representative may enter the mobile home park or seasonal mobile home park and perform the specified maintenance or repair. At the request of the owner, operator, or surety, the department may grant an extension of up to an additional 90 days. The owner, operator, and any surety are jointly and severally liable for all expenses incurred by the department or its authorized representative in performing the specified maintenance or repair. The department shall certify the claim to the owner, operator, and any surety, listing in the claim the items of expense in performing the maintenance or repair, and shall draw on any financial assurance for the payment of the claim. The department shall notify the local government where the mobile home park is located when the specified maintenance or repair has been completed.

(5) ~~(4)~~—This section does not prohibit actions from being taken under other sections of this act.

(6) ~~(5)~~—The pursuit in court of the lawful rights of a licensee does not constitute a violation of this act, regardless of the outcome of the court action.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 100th Legislature are enacted into law:

(a) Senate Bill No.____ or House Bill No.____ (request no. 05128'19).

(b) Senate Bill No.____ or House Bill No.____ (request no. 05273'19 *).



1 (c) Senate Bill No. ____ or House Bill No. ____ (request no.
2 05282'19).

3 (d) Senate Bill No. ____ or House Bill No. ____ (request no.
4 06638'20 *).

5 (e) Senate Bill No. ____ or House Bill No. ____ (request no.
6 07323'20).

