

# HOUSE BILL No. 4605

April 12, 1989, Introduced by Reps. Harrison, Saunders, Watkins, Kilpatrick, Joe Young, Sr., Berman, DeMars, Stallworth, Perry Bullard, Joe Young, Jr., Emerson, Hollister and Wallace and referred to the Committee on Appropriations.

A bill to amend sections 2, 3, 4, 11, 17, and 18 of Act No. 96 of the Public Acts of 1987, entitled "The mobile home commission act," being sections 125.2302, 125.2303, 125.2304, 125.2311, 125.2317, and 125.2318 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 3, 4, 11, 17, and 18 of Act No. 96  
2 of the Public Acts of 1987, being sections 125.2302, 125.2303,  
3 125.2304, 125.2311, 125.2317, and 125.2318 of the Michigan  
4 Compiled Laws, are amended to read as follows:

5 Sec. 2. As used in this act:

6 (a) "Campground" means a campground as defined in section  
7 12501 of the public health code, Act No. 368 of the Public Acts  
8 of 1978, being section 333.12501 of the Michigan Compiled Laws.

1 (b) "Code" means all or a part of the mobile home code  
2 promulgated pursuant to section 5.

3 (c) "Commission" means the mobile home code commission.

4 (d) "Department" means the department of ~~commerce~~ HOUSING  
5 AND URBAN AND RURAL DEVELOPMENT.

6 (e) "Installer and repairer" means a person, including a  
7 mobile home dealer, who for compensation installs or repairs  
8 mobile homes.

9 (f) "Local government" means a county or municipality.

10 (g) "Mobile home" means a structure, transportable in 1 or  
11 more sections, which is built on a chassis and designed to be  
12 used as a dwelling with or without permanent foundation, when  
13 connected to the required utilities, and includes the plumbing,  
14 heating, air-conditioning, and electrical systems contained in  
15 the structure.

16 (h) "Mobile home dealer" means a person other than a manu-  
17 facturer engaged in the business of buying mobile homes for  
18 resale, exchange, lease, or rent or offering mobile homes for  
19 sale, lease, rent, or exchange to customers.

20 (i) "Mobile home park" means a parcel or tract of land under  
21 the control of a person upon which 3 or more mobile homes are  
22 located on a continual, nonrecreational basis and which is  
23 offered to the public for that purpose regardless of whether a  
24 charge is made therefor, together with any building, structure,  
25 enclosure, street, equipment, or facility used or intended for  
26 use incident to the occupancy of a mobile home.

1 (j) "Municipality" means a city, village, or township.

2 (k) "Person" means an individual, partnership, association,  
3 trust, or corporation, or any other legal entity or combination  
4 of legal entities.

5 (l) "Recreational vehicle" means a vehicle primarily  
6 designed and used as temporary living quarters for recreational,  
7 camping, or travel purposes, including a vehicle having its own  
8 motor power or a vehicle mounted on or drawn by another vehicle.

9 (m) "Seasonal mobile home park" means a parcel or tract of  
10 land under the control of a person upon which 3 or more mobile  
11 homes are located on a continual or temporary basis but occupied  
12 on a temporary basis only, and which is offered to the public for  
13 that purpose regardless of whether a charge is made therefor,  
14 together with any building, enclosure, street, equipment, or  
15 facility used or intended for use incident to the occupancy of a  
16 mobile home. Seasonal mobile home park does not include a camp-  
17 ground licensed pursuant to sections 12501 to 12516 of the public  
18 health code, Act No. 368 of the Public Acts of 1978, being sec-  
19 tions 333.12501 to 333.12516 of the Michigan Compiled Laws.

20 (n) "Security interest", "security agreement", "secured  
21 party", and "termination statement" have the same meanings as in  
22 the uniform commercial code, Act No. 174 of the Public Acts of  
23 1962, being sections 440.1101 to 440.11102 of the Michigan  
24 Compiled Laws.

25 Sec. 3. (1) The mobile home commission is created within  
26 the department of ~~commerce~~ HOUSING AND URBAN AND RURAL  
27 DEVELOPMENT.

1       (2) The commission consists of 11 members appointed by the  
2 governor with the advice and consent of the senate, each of whom  
3 shall be a citizen of this state.

4       (3) The members of the commission shall include ~~each~~ ALL  
5 of the following:

6       (a) A representative of an organization whose membership  
7 consists of mobile home residents.

8       (b) A representative of financial institutions.

9       (c) Two operators of a licensed mobile home park having 100  
10 or more sites and 1 operator of a licensed mobile home park  
11 having less than 100 sites.

12       (d) A representative of organized labor.

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

14       (f) A licensed mobile home dealer.

15       (g) One resident of a licensed mobile home park having 100  
16 or more sites and 1 resident of a licensed mobile home park  
17 having less than 100 sites.

18       (h) A manufacturer of mobile homes.

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

26       (5) The term of each member shall be ~~for~~ 3 years. A  
27 vacancy in the office of a member shall be filled by the governor

1 for the remainder of the unexpired term, not more than 1 month  
2 after the vacancy is created, in the same manner as the original  
3 appointment.

4 (6) The per diem compensation of the commission and the  
5 schedule for reimbursement of expenses shall be established annu-  
6 ally by the legislature.

7 (7) Six members of the commission constitute a quorum for  
8 all purposes, notwithstanding the existence of a vacancy in the  
9 commission's membership. Action may be taken by the commission  
10 by a vote of a majority of the members appointed and serving.  
11 Meetings of the commission may be called by the chairperson or by  
12 3 members on 3 business days' actual notice. At least 1 meeting  
13 shall be held each calendar quarter. The commission may hold  
14 meetings anywhere in this state.

15 (8) The commission shall elect a member of the commission as  
16 its chairperson and another member as its vice-chairperson. The  
17 duties and powers of the chairperson and vice-chairperson shall  
18 be as prescribed in the commission's rules.

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

26 Sec. 4. (1) The commission may do all of the following:

1 (a) Promulgate rules to implement 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 ordi-  
6 nances which are designed to provide local governments with  
7 superintending control over mobile home businesses, mobile home  
8 parks, or seasonal mobile homes parks.

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

11 (2) The director of ~~commerce~~ HOUSING AND URBAN AND RURAL  
12 DEVELOPMENT or an authorized representative of the director shall  
13 do all of the following:

14 (a) Administer the rules promulgated by the commission.

15 (b) Conduct hearings relating to violations of this act or  
16 rules promulgated under this act.

17 (c) Make investigations to determine compliance with this  
18 act and rules promulgated under this act.

19 (d) Provide assistance to the commission as the commission  
20 requires.

21 (3) The commission shall not act for the purpose of regulat-  
22 ing mobile homes that are not located within a mobile home park  
23 or a seasonal mobile home park, except as relates to the busi-  
24 ness, sales, and service practices of mobile home dealers and the  
25 business practices of mobile home installers and repairers.

26 Sec. 11. (1) A person who desires to develop a mobile home  
27 park or a seasonal mobile home park shall submit a preliminary

1 plan to the appropriate municipality, local health department,  
2 county road commission, and county drain commissioner for prelim-  
3 inary approval. The preliminary plan shall include the location,  
4 layout, general design, and a general description of the  
5 project. The preliminary plan shall not include detailed con-  
6 struction plans.

7 (2) The municipality may grant preliminary approval if the  
8 proposed mobile home park or seasonal mobile home park conforms  
9 to applicable laws and local ordinances not in conflict with this  
10 act and laws and ordinances relative to:

11 (a) Land use and zoning.

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

13 (c) Compliance with local fire ordinances and state fire  
14 laws.

15 (3) The county drain commissioner shall review and may  
16 approve outlet drainage. The county road commission shall review  
17 and may approve ingress and egress roads. The county road com-  
18 mission and the county drain commissioner shall adopt and publish  
19 standards to implement this subsection. The county road commis-  
20 sion and the county drain commissioner shall not have authority  
21 as to interior streets and drainage in the mobile home park or  
22 seasonal mobile home park, unless the streets or drains are dedi-  
23 cated to the public.

24 (4) The local health department shall grant preliminary  
25 approval, under the guidance of the department of public health,  
26 for on-site water and sewage service and general site  
27 suitability.

1       (5) If a reviewing agency as provided in this section has  
2 not returned the preliminary plan to the developer, either  
3 approved, modified, or disapproved within 60 days after it  
4 receives the preliminary plan, the preliminary plan shall be con-  
5 sidered approved.

6       (6) Coordination of approvals by state and local governments  
7 shall be provided by the director of public health before it may  
8 grant construction approval.

9       (7) The developer shall submit the preliminary approval with  
10 the final plans to the department of public health for review  
11 before the department of ~~commerce~~ HOUSING AND URBAN AND RURAL  
12 DEVELOPMENT may issue a construction permit.

13       Sec. 17. (1) The department of public health or its autho-  
14 rized representative shall conduct an annual physical inspection  
15 of mobile home parks and seasonal mobile home parks in accordance  
16 with standards established by the department of public health.  
17 If the mobile home park or seasonal mobile home park is approved,  
18 the department of public health shall issue a certification of  
19 compliance to the department of ~~commerce~~ HOUSING AND URBAN AND  
20 RURAL DEVELOPMENT 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 government may not make an  
23 inspection unless it has reason to believe that this act, the  
24 code, or rules promulgated pursuant to this act were violated.

25       Sec. 18. (1) A variance in the design and construction of a  
26 mobile home park or seasonal mobile home park may be granted upon  
27 notice of the request to the local government and the department



1 of public health at the time of filing with the department of  
2 ~~commerce~~ HOUSING AND URBAN AND RURAL DEVELOPMENT. If the local  
3 government grants a variance which would permit activities viola-  
4 tive of the minimum standards of the code, the local government  
5 shall file with the department a copy of the variance order and  
6 an explanation of the reason for the granting of the order. The  
7 department may approve or disapprove the variance or revoke the  
8 variance upon notice and hearing.

9       (2) After a public hearing the department may grant a spe-  
10 cific variance to a substantive requirement of the code if the  
11 literal application of the substantive requirement would result  
12 in an exceptional, practical difficulty to the applicant, and if  
13 the specific condition justifying the variance is neither so gen-  
14 eral nor recurrent in nature as to make an amendment of the code  
15 with respect to the condition reasonably practical or desirable.

16       (3) The department may attach in writing a condition in con-  
17 nection with the granting of a variance that in its judgment is  
18 necessary to protect the health, safety, and welfare of the  
19 people of this state. The variance shall not exceed the minimum  
20 necessary to alleviate the exceptional, practical difficulty.

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

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