



**House
Legislative
Analysis
Section**

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MOBILE HOME COMMISSION

House Bill 4724 (Substitute H-1)
First Analysis (6-16-87)

Sponsor: Rep. Willis Bullard
Committee: Urban Affairs

THE APPARENT PROBLEM:

Whenever an act repeals something, or provides for the future expiration of itself, parts of itself, or all or part of some other act, this fact — according to the attorney general — must be mentioned in the act's title. Accordingly, several years ago, the Legislative Service Bureau began to use boilerplate language that provided this notice. Whether the act provided for an outright repeal of something or a future expiration of something, the title language would include: "and to repeal certain acts and parts of acts." This same language was also used whether the repealer or sunset date applied to the amendatory act itself ("this act"), the underlying parent act ("the act"), or some other act.

According to the attorney general, a reference in the title to the "repeal of certain acts and parts of acts" gives the requisite constitutional notice only when what is being repealed is some act or part of an act other than "this act" or "the act." Until Public Act 299 of 1986, the Mobile Home Commission Act contained a section (constitutionally noted in its title) which stated: "This act shall expire on January 10, 1987." Among other things, Public Act 299 repealed this section, in order to eliminate the existing sunset date and to allow the commission to continue in existence. Unfortunately, Public Act 299, in its title, gave notice to this repeal by using the ill-fated phrase: "and to repeal certain acts and parts of acts." In his recent opinion, the attorney general ruled that this repealer language in the title did not provide sufficient notice of the repeal contained in the act, because the reference to repeal of "certain acts" should have been to "the act."

The effect of the attorney general opinion is that the old sunset date of January 10, 1987, was not repealed by Public Act 299 of 1986. Since attorney general opinions are binding on state agencies until a contrary ruling of the courts, the Mobile Home Commission therefore went out of existence on that date. THE

CONTENT OF THE BILL:

The bill would reenact the Mobile Home Commission Act in essentially the same form as that which was repealed by the attorney general's opinion. The bill would prescribe the powers and duties of the commission and those of local governments, and provide for a mobile home code and the licensure, regulation, construction, operation, and management of mobile home parks, the licensure and regulation of retail sales dealers, warranties of mobile homes, and service practices of dealers. The bill also would provide for the titling of mobile homes, prescribe the powers and duties of certain agencies and departments, provide remedies and penalties, declare the act to be remedial, provide for a retroactive effective date, provide a June 1, 1988 sunset date for the act, and repeal certain other acts and parts of acts.

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that money for the act has already been appropriated. (6-15-87)

ARGUMENTS:

For:

By statute, mobile homes in Michigan are titled by the Mobile Home Commission. Therefore, without the commission, financing a mobile home would be like trying to get financing for a car without a good title from the Secretary of State. Since this is the middle of a "selling season" for mobile homes, the status of the Mobile Home Commission should be legislatively clarified.

For:

Construction standards for homes and other buildings are controlled by locally adopted Building Officials Conference of America (BOCA) codes and enforced by local building inspectors. Standards for mobile homes are established nationally by the Department of Housing and Urban Development (HUD), and the Mobile Home Commission is HUD'S surrogate for the enforcement of those standards in Michigan. The abolition of the Mobile Home Commission would leave the state without any agency — state or local — with the clear authority to enforce mobile home construction standards.

For:

The Mobile Home Commission establishes and enforces state standards for mobile home parks. A mobile home commission is needed to protect the interests of park residents.

Against:

The Mobile Home Commission was originally created to exercise legal control over various aspects of mobile home living: construction of mobile homes; the sale, service, and placement of mobile homes; and the environmental, construction, consumer protection, and public health aspects of mobile home parks. In the area of consumer protection, it was authorized to establish standards for roads, utilities, open spaces, recreational facilities, and safety measures to protect the health, safety, and welfare of mobile home park residents. Many mobile home owners, however, feel that the commission has become merely a tool of the mobile home industry, that their concerns are not being met, and that more time should be spent on this legislation to provide for mobile home owners' input on the act.

POSITIONS:

The Mobile Home Commission supports the bill. (6-11-87)

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The Michigan Mobile Home and Recreational Vehicle
Institute supports the bill. (6-15-87)

The Michigan Townships Association supports the bill.
(6-15-87)

The Michigan Association of Counties supports the bill.
(6-15-87)

The Michigan Mobile Home Owners Association ~~does~~ not
support the bill. (6-12-87)