

HOUSE BILL No. 6158

September 22, 1998, Introduced by Reps. Schermesser, Bogardus, Wojno, Hale and DeHart and referred to the Committee on Urban Policy and Economic Development.

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
by amending sections 3, 5, 17, 41, 42, and 43 (MCL 125.2303,
125.2305, 125.2317, 125.2341, 125.2342, and 125.2343), section 43
as added by 1988 PA 337.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) The mobile home commission is created within
2 the department. ~~of commerce.~~

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

6 (3) The members of the commission shall include each of the
7 following:

8 (a) ~~A representative~~ TWO REPRESENTATIVES of an
9 organization whose membership consists of mobile home residents.

1 (b) A representative of financial institutions.

2 (c) ~~Two operators~~ ONE OPERATOR of a licensed mobile home
3 park having 100 or more sites and 1 operator of a licensed mobile
4 home park having less than 100 sites.

5 (d) A representative of organized labor.

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

7 (f) A licensed mobile home dealer.

8 (g) One resident of a licensed mobile home park having 100
9 or more sites and 1 resident of a licensed mobile home park
10 having less than 100 sites.

11 (h) A manufacturer of mobile homes.

12 (4) A person appointed to be a member under subsection
13 (3)(a), (d), (e), (g), or a member of that person's immediate
14 family shall not have ~~more than a 1%~~ AN ownership interest in
15 or income benefit from a manufacturer of mobile homes, a retail
16 seller of mobile homes, a licensed mobile home park, or a sup-
17 plier of ancillary products or services to the mobile home
18 industry.

19 (5) The term of each member shall be for 3 years. A vacancy
20 in the office of a member shall be filled by the governor for the
21 remainder of the unexpired term, not more than 1 month after the
22 vacancy is created, in the same manner as the original
23 appointment.

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

1 (7) Six members of the commission constitute a quorum for
2 all purposes, notwithstanding the existence of a vacancy in the
3 commission's membership. Action may be taken by the commission
4 by a vote of a majority of the members appointed and serving.
5 Meetings of the commission may be called by the chairperson or by
6 3 members on 3 business days' actual notice. At least 1 meeting
7 shall be held each calendar quarter. The commission may hold
8 meetings anywhere in this state.

9 (8) The commission shall elect a member of the commission
10 THAT IS NOT AN OPERATOR OF A LICENSED MOBILE HOME PARK as its
11 chairperson and another member as its vice-chairperson. The
12 duties and powers of the chairperson and vice-chairperson shall
13 be as prescribed in the commission's rules.

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

21 Sec. 5. (1) The commission shall promulgate the mobile home
22 code subject to section 4. The code shall consist of rules gov-
23 erning all of the following:

24 (a) The licensure, density, layout, permits for construc-
25 tion, construction of mobile home parks including standards for
26 roads, utilities, open space, or proposed recreational
27 facilities, and safety measures sufficient to protect health,

1 safety, and welfare of mobile home park residents — except
2 water supply, sewage collection and treatment, and drainage
3 facilities which are regulated by the department of ~~public~~
4 ~~health~~ ENVIRONMENTAL QUALITY.

5 (b) The business, sales, and service practices of mobile
6 home dealers.

7 (c) The business practices of mobile home installers and
8 repairers.

9 (d) The licensure and regulations of mobile home installers
10 and repairers.

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

13 (f) The regulation of the responsibilities, under the mobile
14 home warranty, of the mobile home components manufacturer, the
15 mobile home assembler or manufacturer, and the mobile home
16 dealer, including the time period and relationships of each under
17 the warranty, and the remedies available, if any, if the respon-
18 sible parties cease to operate as a business.

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

20 (i) Consumer deposits, except utility deposits from consum-
21 ers who are direct customers of utilities regulated by the
22 Michigan public service commission.

23 (ii) Detailed listing of furnishings and fixtures by a manu-
24 facturer of a new mobile home or a mobile home dealer for a used
25 mobile home.

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

1 (iv) Used mobile homes. A mobile home dealer shall provide
2 detailed listing of its service records for used mobile homes
3 which are being sold by the dealer and of which the dealer has
4 knowledge.

5 (h) Applications for and issuance of certificates of title
6 for mobile homes.

7 ~~-(2) As part of the code, the commission shall also promul-~~
8 ~~gate rules governing the licensure, density, layout, permits for~~
9 ~~construction, and construction of seasonal mobile home parks,~~
10 ~~including standards for roads, utilities, open space, proposed~~
11 ~~recreational facilities, and safety measures sufficient to pro-~~
12 ~~tect the health, safety, and welfare of seasonal mobile home park~~
13 ~~residents, except water supply, sewage collection and treatment,~~
14 ~~and drainage facilities, which shall be regulated by the depart-~~
15 ~~ment of public health.~~

16 (2) ~~-(3)-~~ The rules promulgated for seasonal mobile home
17 parks may impose a less stringent standard than the rules promul-
18 gated for mobile home parks.

19 (3) THE STANDARDS CONTAINED IN THE CODE SHALL NOT BE LESS
20 STRINGENT THAN THOSE FOR SIMILAR STRUCTURES AS SET FORTH IN THE
21 CODE ESTABLISHED UNDER THE STATE CONSTRUCTION CODE ACT OF 1972,
22 1972 PA 230, MCL 125.1501 TO 125.1531.

23 Sec. 17. (1) The department of ~~public health~~
24 ENVIRONMENTAL QUALITY or its authorized representative shall con-
25 duct an annual physical inspection of mobile home parks and sea-
26 sonal mobile home parks in accordance with standards established
27 by the department of ~~public health~~ ENVIRONMENTAL QUALITY.

1 INSPECTIONS ON RENTAL UNITS SHALL BE ANNUAL OR UPON TERMINATION
2 OF THE TENANCY, IF THE TENANCY IS TERMINATED BEFORE 1 YEAR SINCE
3 THE RENTAL AGREEMENT. THE DEPARTMENT OF ENVIRONMENTAL QUALITY
4 SHALL NOTIFY THE LOCAL UNIT OF GOVERNMENT IN WHICH THE MOBILE
5 HOME PARK IS LOCATED REGARDING ANY INSPECTION CONDUCTED ON RENTAL
6 UNITS OR A MOBILE HOME PARK UNDER THIS SECTION. IF THE DEPART-
7 MENT OF ENVIRONMENTAL QUALITY DOES NOT CONDUCT AN INSPECTION IN
8 THE MANNER MANDATED UNDER THIS ACT OR IN THE TIME INCREMENTS
9 REQUIRED UNDER THIS SECTION, A LOCAL UNIT OF GOVERNMENT MAY CON-
10 DUCT THE INSPECTION AND IS ENTITLED TO REIMBURSEMENT BY THE
11 DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE COST OF THAT
12 INSPECTION. If the mobile home park or seasonal mobile home park
13 is approved, the department of ~~public health~~ ENVIRONMENTAL
14 QUALITY shall issue a certification of compliance to the depart-
15 ment ~~of commerce~~ that the park is licensable.

16 (2) Except for purposes of issuing a license or renewing a
17 license pursuant to this act, a local UNIT OF government may
18 ~~not~~ make an inspection ~~unless~~ IF it has reason to believe
19 that this act, the code, or rules promulgated pursuant to this
20 act were violated OR ARE LIKELY TO BE VIOLATED UNDER THE APPARENT
21 CIRCUMSTANCES. THE COST OF AN INSPECTION CONDUCTED UNDER THIS
22 SUBSECTION SHALL BE PAID TO THE LOCAL UNIT OF GOVERNMENT BY THE
23 DEPARTMENT OF ENVIRONMENTAL QUALITY. THE DEPARTMENT OF ENVIRON-
24 MENTAL QUALITY SHALL ACCEPT THE FACTUAL RESULTS OF AN INSPECTION
25 CONDUCTED BY A LOCAL UNIT OF GOVERNMENT UNLESS IT IS CLEARLY
26 ERRONEOUS.

1 Sec. 41. The department, a prosecuting attorney, ~~or~~
2 municipal attorney, OR ANY OTHER PERSON AGGRIEVED BY A VIOLATION
3 OF THIS ACT may bring an action in a court of competent jurisdic-
4 tion against a person to enjoin that person from engaging or con-
5 tinuing in a violation of this act ~~,~~ OR a rule promulgated
6 under this act.

7 Sec. 42. A person who violates this act or the code promul-
8 gated under this act is guilty of a misdemeanor punishable by a
9 fine of not more than ~~\$500.00~~ \$1,000.00 per day for each sepa-
10 rate violation or imprisonment for not more than 1 year, or
11 both.

12 Sec. 43. (1) If, after notice and a hearing as provided in
13 the administrative procedures act of 1969, ~~Act No. 306 of the~~
14 ~~Public Acts of 1969, being sections 24.201 to 24.328 of the~~
15 ~~Michigan Compiled Laws,~~ 1969 PA 306, MCL 24.201 TO 24.328, a
16 person is determined to have violated this act, the commission
17 may impose 1 or more of the following penalties:

18 (a) Censure.

19 (b) Probation.

20 (c) Placement of a limitation on a license.

21 (d) Suspension of a license. The commission may request the
22 appointment of a receiver when taking action under this
23 subdivision.

24 (e) Revocation of a license. The commission may request the
25 appointment of a receiver when taking action under this
26 subdivision.

1 (f) Denial of a license.

2 (g) ~~A civil~~ AN ADMINISTRATIVE fine of not more than
3 \$10,000.00 PER VIOLATION.

4 (h) A requirement that restitution be made.

5 (2) ~~A~~ AN ADMINISTRATIVE fine collected under this section
6 shall be deposited with the state treasurer and credited to the
7 mobile home commission fund.

8 (3) This section does not prohibit actions being taken under
9 other sections of this act.

10 (4) The pursuit OR DEFENSE in court of the lawful rights of
11 a licensee does not constitute a violation of this act —
12 regardless of the outcome of the court action.