

SENATE BILL No. 1256

May 25, 2004, Introduced by Senators GARCIA, BRATER, CROUSEY, BASHAM, HAMMERSTROM, GILBERT, SCHAUER, HARDIMAN and JELINEK 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, 11, 12, and 13 (MCL 125.2307, 125.2311, 125.2312, and 125.2313).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SENATE BILL No. 1256

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

1 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, **make recommendations**, and approve the
5 proposed standard unless the standard is ~~unreasonable,~~
6 ~~arbitrary, or not in the public interest~~ **proven to be**
7 **exclusionary to manufactured home communities.** If a proposed
8 standard is denied by the commission, a finding of fact proving
9 exclusion shall be provided to the local government applicant.
10 The applicant shall have the opportunity to respond to the
11 finding of fact of the commission at a public hearing to be held
12 in accordance with the notice requirements of the open meetings
13 act, 1976 PA 267, MCL 15.261 to 15.275. If the commission does
14 not approve or disapprove the proposed standard within 60 days
15 after it is filed with the commission, the standard ~~shall be~~
16 ~~considered~~ **is** approved unless the local government grants the
17 commission additional time to consider the standard. After the
18 proposed standard is approved, the local government may adopt the
19 standard by ordinance. The ordinance ~~shall~~ **must** relate to a
20 specific section of the code.

21 (2) A local government standard related to mobile homes not
22 located within a mobile home park or seasonal mobile home park
23 need not be filed with the mobile home commission, unless the
24 standard relates to the business, sales, and service practices of
25 mobile home dealers, or the business of mobile home installers
26 and repairers.

27 (3) A local government ordinance shall not be designed as

1 exclusionary to mobile homes generally whether the mobile homes
2 are located inside or outside of mobile home parks or seasonal
3 mobile home parks.

4 (4) A local government ordinance shall not contain a standard
5 for the setup or installation of mobile homes that is
6 incompatible with, or is more stringent than, either of the
7 following:

8 (a) The manufacturer's recommended setup and installation
9 specifications.

10 (b) The mobile home setup and installation standards
11 promulgated by the federal department of housing and urban
12 development pursuant to the national manufactured housing
13 construction and safety standards act of 1974, 42 ~~U.S.C.~~ **USC**
14 5401 to 5426.

15 (5) In the absence of ~~any~~ setup or installation
16 specifications or standards for foundations as set forth in
17 subsection (4)(a) or (b), the local government standards for
18 site-built housing ~~shall~~ apply.

19 (6) A local government ordinance shall not contain roof
20 configuration standards or special use zoning requirements that
21 apply only to, or ~~excludes~~ **that exclude**, mobile homes. A local
22 government ordinance shall not contain a manufacturing or
23 construction standard that is incompatible with, or is more
24 stringent than, a standard promulgated by the federal department
25 of housing and urban development pursuant to the national
26 manufactured housing construction and safety standards act of
27 1974, 42 ~~U.S.C.~~ **USC** 5401 to 5426. A local government ordinance

1 may include reasonable standards relating to a mobile ~~homes~~
2 **home** located outside of a mobile home ~~parks~~ **park** or a seasonal
3 mobile home ~~parks which ensure~~ **park that ensures** that a mobile
4 ~~homes compare~~ **home compares** aesthetically to site-built housing
5 located or allowed in the same residential zone.

6 Sec. 11. (1) A person who desires to develop a mobile home
7 park or a seasonal mobile home park shall submit a ~~preliminary~~
8 plan to the appropriate municipality, local health department,
9 county road commission, and county drain commissioner for
10 ~~preliminary~~ approval. The ~~preliminary~~ plan shall include the
11 location, **the** layout, **the** general design, and a general
12 description of the project. The ~~preliminary~~ plan shall not
13 include detailed construction plans.

14 (2) The municipality may grant ~~preliminary~~ approval if the
15 proposed mobile home park or seasonal mobile home park conforms
16 to applicable laws and local ordinances not in conflict with this
17 act and laws and ordinances relative to **all of the following**:

- 18 (a) Land use and zoning.
19 (b) Municipal water supply, sewage service, and drainage.
20 (c) Compliance with local fire ordinances and state fire
21 laws.

22 (3) The county drain commissioner shall review and may
23 approve outlet drainage. The county road commission shall review
24 and may approve ingress and egress roads. The county road
25 commission and the county drain commissioner shall adopt and
26 publish standards to implement this subsection. ~~The county road~~
27 ~~commission and the county drain commissioner shall not have~~

1 ~~authority as to interior streets and drainage in the mobile home~~
2 ~~park or seasonal mobile home park, unless the streets or drains~~
3 ~~are dedicated to the public.~~

4 (4) The local health department shall grant ~~preliminary~~
5 approval, under the guidance of the department of ~~public health~~
6 **environmental quality**, for on-site water and sewage service and
7 general site suitability.

8 (5) If a reviewing agency as provided in this section has not
9 returned the ~~preliminary~~ plan to the developer, either
10 approved, modified, or disapproved within 60 days after it
11 receives the ~~preliminary~~ plan, the ~~preliminary~~ plan shall be
12 considered approved.

13 (6) Coordination of ~~approvals~~ **approval** by state and local
14 governments shall be provided by the director of ~~public health~~
15 **the department of environmental quality** before it may grant
16 construction approval.

17 (7) The developer shall submit the ~~preliminary~~ approval
18 with the final plans to the department of ~~public health~~
19 **environmental quality** for review before the department ~~of~~
20 ~~commerce~~ may issue a ~~construction permit~~ **license**.

21 Sec. 12. ~~(1)~~ When all ~~preliminary~~ approvals are made,
22 the developer shall submit the legal documents and the final
23 plans draft to the department.

24 ~~(2)~~ ~~The department shall review the filing and within 90~~
25 ~~days after filing issue its approval or disapproval. Upon the~~
26 ~~approval of all the reviewing agencies, the department shall~~
27 ~~issue a permit to construct the mobile home park or seasonal~~

