

**MOBILE HOMES: AMENDMENTS TO  
MOBILE HOME COMMISSION ACT**

**House Bill 4909**

**Sponsor: Rep. David Robertson**

**House Bill 4910**

**Sponsor: Rep. Joe Hune**

**Committee: Local Government and  
Urban Policy**

**Complete to 7-23-03**

**A SUMMARY OF HOUSE BILLS 4909 AND 4910 AS INTRODUCED 7-1-03**

These bills would amend the Mobile Home Commission Act (MCL 125.2304 et al.), generally speaking, to shift the responsibility for establishing certain regulatory standards, for the approval of mobile home park plans, and for issuing mobile home park construction permits from the level of state government to local government. The two bills are tie-barred, meaning neither could take effect unless both did.

House Bill 4900 would make the following changes.

- Currently, the state's Mobile Home Commission is required to promulgate the mobile home code, and the code is to consist of rules governing, among other things, the manufacture, sale, installation, and repair of mobile homes and the licensure of mobile home parks. The act currently says that one set of rules in the code is to consist of rules governing "the licensure, density, layout, permits for construction, [and] construction of mobile home parks [and seasonal mobile home parks], including standards for roads, utilities, open space, or proposed recreational facilities, and safety measures sufficient to protect the health, safety, and welfare of mobile home park residents, except water supply, sewage collection and treatment, and drainage facilities [which are currently the responsibility of the Department of Environmental Quality.]" The bill would eliminate most of the provision quoted above, specifying only that the rules to be promulgated by the state commission would govern "licensure" of mobile home parks.

- The bill would require the local government (instead of the Department of Environmental Quality) to promulgate rules setting forth minimum standards for mobile home parks and seasonal mobile home parks regulating the water supply system; sewage collection and disposal system; drainage; garbage and rubbish storage and disposal; insect and rodent control; and general operation, maintenance, and safety. The Department of Environmental Quality is currently responsible for promulgating those rules, as well as rules establishing standards for the certification of compliance under Section 17 of the act, which concerns the annual physical inspection of parks. The bill would leave the DEQ with responsibility only for certification of compliance standards but not the other listed features. (The bill would also replace references in the act to the Department of Public Health with references to the DEQ to reflect current practice since the responsibilities were shifted by executive order.)

- The act currently contains a provision that allows rules promulgated for seasonal mobile home parks to impose a less stringent standard than the rules for mobile home parks. The bill would eliminate this provision.

House Bill 4910 would do the following.

- The bill would specify that construction could not begin on a mobile home park until a permit to construct was granted by the local governmental unit. Currently, the permit to construct a mobile home park is issued by the Department of Consumer and Industry Services (CIS) upon the department's approval of the legal documents and final draft plans submitted by the developer and upon the approval of other specified local reviewing agencies. Under the bill, CIS would no longer review the filing by the developer for approval or disapproval. The bill would still, however, require the issuance of a permit by CIS before a mobile home park could be constructed, but also specifies that construction could not begin until a permit to construct was granted by the local governmental unit. (The bill would also update the act by replacing references to the Department of Commerce with references to its successor, the Department of Consumer and Industry Services.)

- The act currently requires a person who desires to develop a mobile home park or seasonal mobile home park to submit a preliminary plan to the appropriate municipality, local health department, county road commission, and county drain commissioner for preliminary approval. The bill would remove the word "preliminary" in each case. When all the approvals of the developer's plan had been made by the local agencies (with the guidance and coordination of the DEQ), the developer would submit the legal documents and final draft plans to CIS.

[Currently, the act allows the municipality to determine if a mobile home park conforms to applicable laws and local ordinances (not in conflict with the state act) and laws and ordinances relative to land use and zoning; municipal water supply, sewage service, and drainage; and local fire ordinances and state fire laws. The county drain commissioner reviews the plan for outlet drainage. The county road commission reviews ingress and egress roads. The local health department reviews, under the guidance of the DEQ, on-site water and sewer service and general site suitability. In each of the provisions describing these reviews, the bill would remove current references to "preliminary" plans and "preliminary approvals".]

- The act says that the county drain commissioner is to review and can approve outlet drainage and the county road commission can approve ingress and egress roads (and the two agencies can adopt and publish standards to carry out these functions). At present, however, the act says that the county agencies do "not have authority as to interior streets and drainage in the mobile home park or seasonal mobile home park, unless the streets or drains are dedicated to the public". The bill would delete the provision in quotation marks that currently limits the authority of the county agencies.

- House Bill 4910 would also amend the provision that deals with a local government proposing a standard for a mobile home park or seasonal mobile home park that is higher than the standard found in the Mobile Home Commission Act or in the mobile home code. Currently, a local unit can file such a standard with the state commission, and the commission is to approve the standard unless the standard is "unreasonable, arbitrary, or not in the public interest". The bill would require the approval of the standard unless the standard "is proven to be

exclusionary”. The bill also says that if the commission denied a proposed standard, a finding of fact “proving exclusion” would have to be provided to the local government. The local government would have to be given the opportunity to respond to the commission’s finding of fact at a public hearing.

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■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.