

HOUSE BILL NO. 5399

October 14, 2021, Introduced by Reps. Cavanagh, Camilleri, Brenda Carter, Aiyash, Sowerby, Weiss, Cambensy and Cherry and referred to the Committee on Regulatory Reform.

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
by amending sections 4 and 5 (MCL 125.2304 and 125.2305), section 4
as amended by 2015 PA 40 and section 5 as amended by 2006 PA 328.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) The commission may do all of the following:
2 (a) After consultation with and considering comments from
3 representatives of the manufactured housing industry, ~~and other~~
4 ~~interested parties,~~ **residents of mobile home parks, and members of**

1 **the commission who are residents of mobile home parks,** recommend
2 rules to the department to implement and administer this act.

3 (b) Act for the purpose of establishing a uniform policy
4 relating to all phases of mobile home businesses, mobile home
5 parks, and seasonal mobile home parks.

6 (c) Determine the sufficiency of local mobile home ordinances
7 that are designed to provide local governments with superintending
8 control over mobile home businesses, mobile home parks, or seasonal
9 mobile homes parks.

10 (d) Conduct public hearings relating to the powers prescribed
11 in this subsection.

12 (2) The director or an authorized representative of the
13 director shall do all of the following:

14 (a) After consultation with and considering comments from
15 representatives of the manufactured housing industry, ~~and other~~
16 ~~interested parties,~~ **residents of mobile home parks, and members of**
17 **the commission who are residents of mobile home parks,** promulgate
18 rules to implement and administer this act.

19 (b) **On or before October 1, 2021, and every year after that**
20 **date, provide a report to the commission regarding health and**
21 **safety complaints received by the department as described under**
22 **subdivision (i).**

23 (c) ~~(b)~~ Conduct hearings relating to violations of this act or
24 rules promulgated under this act.

25 (d) ~~(c)~~ ~~Make~~ **Conduct** investigations to determine compliance
26 with this act and rules promulgated under this act.

27 (e) ~~(d)~~ Provide assistance to the commission as the commission
28 requires.

29 (f) ~~(e)~~ On not less than a quarterly basis, report to the

1 commission on the expenditure of all fees collected under this act
2 and the relation of those expenditures to the enforcement and
3 administration of this act.

4 **(g)** ~~(f)~~—Post and maintain on the department's website all
5 current guidelines.

6 **(h)** ~~(g)~~—Promptly notify a local government of the issuance,
7 amendment, or rescission of a guideline if the department has
8 knowledge that a mobile home park or seasonal mobile home park is
9 located in, or an application has been filed for the licensure of a
10 park proposed to be located in, the local government. The notice
11 ~~shall~~**must** be sent by first-class mail or ~~electronic mail~~**email** to
12 each of the following:

13 (i) The clerk of the local government.

14 (ii) The chief executive officer of the local government.

15 (iii) The enforcing agency for the local government if, under
16 section 8a or 8b of the Stille-DeRossett-Hale single state
17 construction code act, 1972 PA 230, MCL 125.1508a and 125.1508b,
18 the local government has assumed responsibility for the
19 administration and enforcement within its jurisdiction of that act
20 and the state construction code or a part of the state construction
21 code of limited application.

22 **(i)** ~~(h)~~—If the department receives a complaint about a
23 condition at a mobile home park or seasonal mobile home park that
24 imminently threatens the health or safety of the residents of the
25 park, promptly notify each local government in which the park is
26 located of the details of the complaint.

27 (3) The commission shall not regulate mobile homes that are
28 not located within a mobile home park or a seasonal mobile home
29 park, except as relates to the business, sales, and service

1 practices of mobile home dealers and the business practices of
2 mobile home installers and repairers.

3 Sec. 5. (1) After consultation with and considering comments
4 from representatives of the manufactured housing industry, ~~and~~
5 ~~other interested parties,~~ **residents of mobile home parks, and**
6 **members of the commission who are residents of mobile home parks,**
7 the department shall promulgate the mobile home code subject to
8 section 4. The code ~~shall~~**must** consist of rules governing all of
9 the following:

10 (a) The licensure, density, layout, permits for construction,
11 construction of mobile home parks including standards for roads,
12 utilities, open space, or proposed recreational facilities, and
13 safety measures sufficient to protect health, safety, and welfare
14 of mobile home park residents, except water supply, sewage
15 collection and treatment, and drainage facilities ~~which~~**that** are
16 regulated by the department of ~~environmental quality.~~**environment,**
17 **Great Lakes, and energy.**

18 (b) The business, sales, and service practices of mobile home
19 dealers.

20 (c) The business practices of mobile home installers and
21 repairers.

22 (d) The licensure and regulations of mobile home installers
23 and repairers.

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

26 (f) The regulation of the responsibilities, under the mobile
27 home warranty, of the mobile home components manufacturer, the
28 mobile home assembler or manufacturer, and the mobile home dealer,
29 including the time period and relationships of each under the

1 warranty, and the remedies available, if any, if the responsible
2 parties cease to operate as a business.

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

4 (i) Consumer deposits, except utility deposits from consumers
5 who are direct customers of utilities regulated by the Michigan
6 public service commission.

7 (ii) Detailed listing of furnishings and fixtures by a
8 manufacturer of a new mobile home or a mobile home dealer for a
9 used mobile home.

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

11 (iv) Used mobile homes. A mobile home dealer shall provide
12 detailed listing of its service records for used mobile homes ~~which~~
13 **that** are being sold by the dealer and of which the dealer has
14 knowledge.

15 (h) Applications for and issuance of certificates of title for
16 mobile homes.

17 (2) As part of the code, the department shall also promulgate
18 rules governing the licensure, density, layout, permits for
19 construction, and construction of seasonal mobile home parks,
20 including standards for roads, utilities, open space, proposed
21 recreational facilities, and safety measures sufficient to protect
22 the health, safety, and welfare of seasonal mobile home park
23 residents, except water supply, sewage collection and treatment,
24 and drainage facilities, which shall be regulated by the department
25 of ~~environmental quality~~**environment, Great Lakes, and energy**.

26 (3) The rules promulgated for seasonal mobile home parks may
27 impose a less stringent standard than the rules promulgated for
28 mobile home parks.