

HOUSE BILL No. 4910

July 1, 2003, Introduced by Reps. Hune, Robertson, Hummel, Ward, Stakoe, Stahl, Wenke, Jannick, Minore, Vander Veen, Julian, Steil and Shaffer and referred to the Committee on Local Government and Urban Policy.

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:

HOUSE BILL No. 4910

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 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, **title VI of the**
14 **housing and community development act of 1974, Public Law 93-383,**
15 42 U.S.C. 5401 to 5426.

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

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

1 1974, **title VI of the housing and community development act of**
2 **1974, Public Law 93-383**, 42 U.S.C. 5401 to 5426. A local
3 government ordinance may include reasonable standards relating to
4 a mobile ~~homes~~ **home** located outside of a mobile home ~~park~~
5 **park** or a seasonal mobile home ~~park~~ **park that**
6 **ensures** that a mobile ~~homes compare~~ **home compares** aesthetically
7 to site-built housing located or allowed in the same residential
8 zone.

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

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

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

25 (3) The county drain commissioner shall review and may
26 approve outlet drainage. The county road commission shall review
27 and may approve ingress and egress roads. The county road

1 commission and the county drain commissioner shall adopt and
2 publish standards to implement this subsection. ~~The county road~~
3 ~~commission and the county drain commissioner shall not have~~
4 ~~authority as to interior streets and drainage in the mobile home~~
5 ~~park or seasonal mobile home park, unless the streets or drains~~
6 ~~are dedicated to the public.~~

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

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

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

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

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

27 ~~(2) The department shall review the filing and within 90~~

1 ~~days after filing issue its approval or disapproval. Upon the~~
2 ~~approval of all the reviewing agencies, the department shall~~
3 ~~issue a permit to construct the mobile home park or seasonal~~
4 ~~mobile home park.~~

5 Sec. 13. (1) A person shall not construct a mobile home
6 park or seasonal mobile home park without obtaining a permit
7 issued by the department.

8 (2) Construction may begin ~~upon the granting of~~ **when the**
9 **local governmental unit grants** a permit to construct. ~~by the~~
10 ~~department.~~

11 Enacting section 1. This amendatory act does not take
12 effect unless Senate Bill No. _____ or House Bill No. 4909
13 (request no. 03711'03) of the 92nd Legislature is enacted into
14 law.