

**DEPARTMENT OF
LABOR & ECONOMIC GROWTH**

Bureau of Construction Codes

**MANUFACTURED HOUSING
COMMISSION
MANUAL**

Providing for Michigan's Safety in the Built Environment

BUREAU ORGANIZATIONAL HISTORY

The Bureau of Construction Codes (Bureau) is charged with the responsibility of administering and enforcing the public acts listed below, and the rules drafted under the authority of each statute.

- The Stille-DeRossett-Hale Single State Construction Code Act
1972 PA 230
- Construction of School Buildings Act
1937 PA 306
- Boiler Act of 1965
1965 PA 290
- Building Officials and Inspectors Registration Act
1986 PA 54
- Electrical Administrative Act
1956 PA 217
- Elevator Safety Board
1967 PA 227
- Elevator Licensing
1976 PA 333
- Forbes Mechanical Contractors Act
1984 PA 192
- Land Division Act
1967 PA 288
- Mobile Home Commission Act
1987 PA 96
- State Plumbing Act
2002 PA 733

- State Survey and Remonumentation Act
1990 PA 345

The Bureau's primary responsibility is the objective, competent administration and enforcement of these laws. The Bureau is organized to efficiently and effectively fulfill that duty. Each division within the Bureau is staffed with individuals who are technically skilled and experienced to carry out the obligations assigned to the Bureau by each of the twelve (12) acts. To understand how the Bureau's authority and responsibilities have grown, it helps to take a quick look back.

Originally, the Bureau was within the Department of Labor, and was organized with an administrative section and the Electrical and Plumbing Divisions, which were transferred from the Department of Licensing and Regulation.

In January of 1974, the Plan Review Division was established. The Building Division was established in July of 1974, and the Mechanical Division added in early 1975. In October of 1979, a Barrier Free Design Division was instituted and currently operates under the Plan Review Division (PRD).

On October 1, 1980, General Departmental Order 1980-13 transferred the Boiler, Elevator and Ski-Carnival Divisions from the Bureau of Safety and Regulation to the Bureau. The Board of Boiler Rules, the Elevator Safety Board, the Ski Area Safety Board and Carnival-Amusement Safety Board were also transferred, and retained intact all prescribed statutory powers, duties and functions. This transition was designed to promote economic and efficient administration and operation of these programs within the most appropriate bureau.

In January of 1981, the Ski-Carnival Division, the Ski Area Safety Board and the Carnival-Amusement Safety Board were transferred to the Department of Licensing and Regulation by Executive Order 1980-1a.

In January of 1988, an Office of Management Services (OMS) was established within the administrative unit of the Bureau.

In March of 1996, the Governor issued Executive Order 1996-2 establishing the new Department of Consumer and Industry Services (CIS). The Executive Order, which became effective May 15, 1996, reorganized and

combined several agencies, including the former Department of Labor, to consolidate licensing; permitting; and registration functions into one principal department. By the Executive Order, the Bureau was transferred from the Department of Labor to CIS.

A copy of Executive Order 1996-2 is located in Section XV.

In November of 1997, the Office of Local Government and Consumer Services (OLGCS) was created in the Bureau.

The Bureau's responsibilities increased on October 30, 2000, when the Director of CIS reassigned the Manufactured Housing and Land Development Division to the Bureau. The Manufactured Housing function currently operates under the Building Division and the OLGCS; while the Office of Land Survey and Remonumentation administers Land Development.

The Building Division issues licenses for manufactured housing retailers, installer/servicers, and the owners of communities/parks. OLGCS conducts audits of manufactured housing retailers and communities.

On October 1, 2001, the Office of Administrative Services (OAS) was established within the administrative unit of the Bureau.

On March 26, 2003, the Governor merged the Office of Fire Safety with the Bureau, thereby adding the Fire Safety Code Administration Section, and the Fire Safety Field Administration Section to the Bureau's divisions.

To address the safety and security of Michigan residents, the role of Michigan's fire service in the state's emergency management and homeland security efforts was reassessed and reevaluated as a result of Executive Directive 2005-10. Thus, on June 22, 2006, Governor Granholm signed a package of bills creating the Bureau of Fire Services, transferring the State Fire Marshal, Fire Fighters Training Council and all related fire safety programs from the Bureau of Construction Codes.

The Bureau, in administering and enforcing the twelve (12) public acts entrusted to its authority, is charged with the responsibility of seeing that the construction, alteration, demolition, occupancy, and use of buildings, including public and nonpublic schools, is in compliance with statutory

mandates; and also promotes the safety and welfare of Michigan's citizens, particularly regarding protection against fire hazards. The Bureau is organized to efficiently and effectively meet that challenge and fulfill those duties.

A current organization chart of the Bureau and brief descriptions of each division's functions follow.

Boiler Division:

The Boiler Division is responsible for issuing boiler permits, examination and licensing of boiler installers, repairers, and inspectors, conducting inspections of boiler installations and repairs and in-service inspections of existing boilers and boiler accident investigations. The division also provides staff support to the Board of Boiler Rules and handles code questions.

Building Division:

The Building Division is responsible for conducting inspections and issuing certificates of occupancy. The division also has enforcement responsibility for the state building code and also provides building inspections for manufactured housing communities. The program establishes statewide standards for manufactured home community development and manufactured home businesses. The Building Division issues manufactured housing licenses and provides staff support to the Manufactured Housing Commission and handles code questions -- i.e., residential, commercial, foundations, drywall, roofing, footings and foundations, snow loads, demolition, school construction inspections and building code questions.

Electrical Division:

The Electrical Division is responsible for the examination, licensing and renewals of licenses of master and journey electricians, apprenticeship registration, fire alarm specialty technicians, sign specialists, electrical contractors, sign specialty contractors, and fire alarm contractors. Electrical inspectors conduct inspections of electrical wiring and installations. The division also provides staff support to the Electrical Administrative Board and handles electrical code questions.

Elevator Safety Division:

The Elevator Division is responsible for issuing elevator permits, the examination and licensing of elevator journeypersons and contractors, inspections of all elevating devices, complaint investigations and reporting of elevator accidents. The division also provides staff support to the Elevator Safety Board, handles elevator code questions and elevator code book sales.

Mechanical Division:

The Mechanical Division is responsible for the examination, licensing and renewals of licenses of mechanical contractors and inspections of mechanical installations and repairs. The division also provides staff support to the Board of Mechanical Rules and handles code questions --i.e., furnaces, HVAC (heating and air conditioning), duct work, solar heating, refrigeration and underground tanks.

Office of Land Survey and Remonumentation:

The Office of Land Survey and Remonumentation (OLSR) enforces the applicable provisions of the Land Division Act (LDA) to ensure the orderly development of land division in the State of Michigan. Staff conducts final reviews of subdivision plat maps to confirm compliance with the LDA; and authorizes final plats to be submitted to the Register of Deeds for proper recordation.

Pursuant to the State Survey and Remonumentation Act, OLSR administers the statewide program of monumenting and remonumenting the original U.S. government public land identifying and remarking the approximately 300,000 property controlling corners in the State along with handling general questions. All land ownership in Michigan, both public and private, is located from these property-controlling corners.

Office of Local Government and Consumer Services:

The Office of Local Government and Consumer Services (OLGCS) is responsible for investigation of consumer licensing complaints, performance evaluations of local enforcing agencies, applications and ordinances for approval to administer and enforce construction codes locally, registration of construction code inspectors, and approval of training programs for code inspectors. OLGCS also conducts manufactured housing audits, complaint investigation regarding installer/servicers, retailers, and manufacturers, enforcement of administrative action relative to these functions as well as ordinance reviews for manufactured housing communities.

Plan Review Division:

The Plan Review Division has responsibility for the review of building, electrical, mechanical, plumbing, and manufactured housing community plan reviews, all Barrier Free Design exception requests and the Barrier Free Design Board. The division also reviews premanufactured plans and compliance assurance manuals.

Plumbing Division:

The Plumbing Division is responsible for the examination, licensing and renewals of licenses of plumbing contractors, apprenticeship registration, master and journey plumbers and for the inspection of plumbing installations and repair. The division also provides staff support to the State Plumbing Board and handles plumbing code questions--i.e., plumbing fixtures, water distribution, sanitary and storm lines.

Office of Administrative Services:

The Office of Administrative Services is responsible for personnel actions, promulgation of administrative rules, publications, technical bulletins, media coordination, processing Freedom of Information requests under PA 442 of 1976.

Office of Management Services:

The Office of Management Services (OMS) is responsible for the bureau budget, internal controls, performance reporting, document management, permitting, code books sales, and maintaining the bureau's web site.

HISTORY OF CONSTRUCTION CODES IN MICHIGAN

Construction code enforcement on a statewide basis has been in effect in Michigan for a relatively short period of time (since 1974). However, construction regulations, in one form or another, have been around a long time. Early American colonists brought with them a number of safety regulations from Europe such as the construction and maintenance of fireplaces and chimneys, the spacing between houses, materials used in roof coverings, the destruction of vacant buildings, and basic sanitation requirements.

In the early 1900's, major insurance companies encouraged the development of model building codes which were designed to help reduce both the number of deaths and payments on claims for fire losses. Construction code regulations have evolved in response to catastrophes involving large losses of life or property. On a national level, the codes were first applied only to the more complex structures such as hotels, office buildings, theaters, factories, and large apartment buildings.

Enforcement of the codes was left to local government. It was up to the local unit to determine what codes were in effect, or, for that matter, if codes were in effect. In the late 60's, Michigan began looking at their construction regulations.

The State Construction Code Act of 1972 (CCA) is the product of the Michigan Commission on Housing Law Revision (Housing Law Commission). The Housing Law Commission was established by Executive Order on October 28, 1968, to make legislative recommendations concerning the amendment of the Michigan Housing Law. Their report was released in December of 1969, and identified a number of problems.

1. Some 1200 political subdivisions were responsible for establishing and enforcing highly technical standards. This proliferation of differing construction codes had retarded necessary housing construction in Michigan.
2. In terms of geographic area, a majority of the State was not covered by construction codes. Substantial construction was being undertaken with no assurance that buildings met minimum standards.
3. The lack of uniformity of construction standards from community to community made it impossible to take advantage of new technology and new construction techniques. Although most construction codes in effect

were based on a model code, it was found that virtually no jurisdiction adopted a model code without numerous amendments.

4. There was no established procedure for the testing, evaluation and acceptance of new products and construction methods. At that time, the developer of a new product had to first gain approval from the nationally recognized model code body. If the product was in the plumbing or electrical field, approval from the Plumbing or Electrical Boards was necessary. Then the developer had to receive approval from each political subdivision in the State. The process was expensive, cumbersome, and discouraged research and development in the construction field.
5. A fourth weakness was the lack of a procedure for the approval of premanufactured housing and modular units. At that time, the Plumbing and Electrical Divisions inspected units at the factory, but when they arrived on site, they were inspected a second time. This often required dismantling of the unit and the units had to meet a bewildering array of similar, but distinct, building code requirements.
6. One further weakness identified was that construction requirements, except in the larger cities, were developed by groups of construction code officials at the national level with little representation from Michigan or from a broad cross section of the construction industry.

In order to solve these problems, the Housing Law Commission recommended the enactment of the CCA.

It recommended the establishment of a Construction Code Commission (CCC) to consist of members technically skilled and experienced in all phases of the construction industry.

The report also recommended that the CCA define the relationship between the existing Plumbing, Electrical, Elevator, Boiler, and Fire Boards and all licensing functions performed by the Boards would continue. The respective Board would work with the CCC to draft the portions of the State Construction Code related to their particular field; however, the CCC would have final responsibility for the content of the State Construction Code.

This recommendation was not fully accepted. The State Fire Marshal and the Fire Safety Board were not included in the final draft of the CCA or the Elevator and

Boiler Boards. The Plumbing and Electrical Boards were included but maintained their autonomy for licensing functions.

The major responsibility of the CCC was to issue rules that would constitute a State Construction Code. The rules were to be sufficiently broad to cover all aspects of construction, including not only a traditional building code, but also fire, plumbing, electrical, elevator, boiler and other related codes. The Code, however, was not to affect in any way local zoning or land development ordinances. The Code was to be based on nationally recognized standards. Again, in the final draft of the Law, fire, elevator and boiler codes were removed.

The Housing Law Commission recommended that administration of the Code be left with local government. They recommended that the county be the unit of government primarily responsible for administration of the code and that cities, villages, and townships could agree to enforce the codes. Their reasoning was that principal responsibility for code enforcement matters should be left in local hands with the State's role limited to those subjects where uniform action was highly desirable or where expertise was not available except in the larger cities.

When the proposed legislation finally became law on January 1, 1973, most of the Housing Law Commission's recommendations were accepted. The Law included provisions for the approval of products and new methods of construction; procedures for premanufactured units to be built to the State Code and inspected at the factory; provisions for the adoption of state codes; and provisions for units of government to enforce the Code. It set forth provisions for approval of plans; issuance of permits; inspection of construction; appeals and variances. It also set provided enforcement assistance from the State.

The Governor appointed the original nine member Construction Code Commission late in January 1973. The Senate initially rejected all nine members, but confirmed them after amendments to the CCA on June 21, 1973, which included a 10th member who would represent licensed residential builders. This body was subsequently expanded from the original recommendation to include 17 members.

The Construction Code Commission now consists of a designee of the Director of the Department of Labor & Economic Growth (Department); and the chairpersons of the Barrier Free Design Board, the Electrical Administrative Board, the State Plumbing Board, and the Board of Mechanical Rules, who shall be permanent members; and 12 residents of the State to be appointed by the Governor with the advice and consent of the Senate. Appointed members of the CCC shall include 1

person from each of the fields of industrial management, architecture, professional engineering, building contracting, organized labor, premanufactured building; and 3 members representing municipal building inspection; 2 persons from the general public; and a licensed residential builder. A member of the CCC shall be appointed for a term of 2 years, except that a vacancy shall be filled for the unexpired portion of the term.

After implementation, the first task was the adoption of codes. Ideally the Housing Law Commission stated the State Construction Code should be the only construction code in effect throughout the State. However, it recognized that many political subdivisions had adopted other codes. The CCA, therefore, provided that any political subdivision could elect to not have the State Code in effect in their jurisdiction. But, to insure that the citizens were fully protected by a complete and current set of construction regulations, any unit of government making that election would be required to adopt a nationally recognized code with only such amendments reasonable in light of unusual conditions in the area.

As each part of the Code was initially adopted pursuant to the CCA, the county became responsible for the administration and enforcement of that Code. The Law placed the primary responsibility for code administration and enforcement at the county level. Cities, villages, and townships had some options:

1. They could do nothing, in which case the county was responsible for the administration of the Code.
2. They could assume responsibility for the administration and enforcement of the State Code.
3. They could adopt a nationally recognized code without amendment.
4. They could adopt and amend a nationally recognized code; however, the amendments were subject to review by the Construction Code Commission.

The Plumbing and Electrical Codes in effect prior to enactment of the CCA remained in effect until codes were adopted under the CCA. There were, however, population clauses in those Codes so they were not in effect throughout the State.

The Codes were adopted as follows:

- *Building Code, including Barrier Free Design*
Adopted: May 6, 1974

Effective: November 6, 1974

- *Plumbing Code*
Adopted: November 19, 1974
Effective: May 19, 1975
- The Mobile Home Code was adopted in 1975, but was preempted by federal regulations in 1976.
- *Premanufactured Unit Rules*
Effective: June 26, 1975
(Superseded emergency rules promulgated June 28, 1974.)
- *Energy Conservation*
Adopted: December 22, 1976
Effective: June 22, 1977
- *Electrical Code*
Adopted: May 11, 1977
Effective: November 11, 1977
- *Mechanical Code*
Adopted: October 5, 1979
Effective: April 5, 1980

Many were reluctant as the Codes were being developed and made counties assume responsibility for these programs without providing any resources to do so.

Most of the counties assumed responsibility for building codes, or every unit of government within a county assumed responsibility, particularly in southeastern Michigan. But when the Plumbing Code and then the Electrical Code became effective, it was another story.

First, the Plumbing and Electrical Divisions had staff that included inspectors, so the State continued enforcing the Codes. Secondly, counties could not afford to hire inspectors with the expertise required to enforce the Codes. Third, if they could afford to hire them, they couldn't find them.

Many units of government adopted ordinances to enforce codes on paper although nothing was actually done to enforce the codes, or unqualified people were hired. In some cases they simply did nothing, refusing to assume responsibility for code enforcement. This continued until the Mechanical Code went into effect.

Act 371

To clarify the confused lines of enforcement, the Department of Labor worked with the Legislature to amend the CCA to provide for State enforcement of the Codes. Because the Mechanical Code was completely new to many areas of the State, and because there were no inspectors on staff, it was decided that either the Law had to be revised or local government would have to enforce the Codes. No inspectors were to be hired at the State level until there was some authority to enforce the Codes. Also, the CCA at that time, did not apply to State-owned facilities. The Attorney General advised that unless a law specifically stated that State-owned facilities were covered, the law could not be applied.

When amendments were drafted to provide for State enforcement of codes, language was included to require that State-owned facilities be built to State codes and be inspected and be approved.

Act 371 of 1980 became effective on December 30, 1980. It placed the primary responsibility for code enforcement with the Bureau of Construction Codes (Bureau), but allowed local units of government to continue enforcement of codes already in effect if they chose to do so, or they could transfer responsibility back to the State. It established provisions to require new enforcing agencies to seek approval from the Construction Code Commission prior to assuming additional or different codes.

To address the ineffective enforcement of the codes Legislature added two sections to the Law.

One, if a unit of government had not previously enforced a code and decided to, they were now required to complete an application for approval to administer and enforce, and certify that proper services would be provided and qualified staff would be appointed.

Second, a provision was added to provide for State investigation of complaints regarding local administration and enforcement of codes; and to withdraw local responsibility if grounds exist to justify such action.

Act 245

Act 245 of 1999 became effective on December 28, 1999. Among its major modifications to the CCA are:

- The name of the CCA was changed from the State Construction Code Act of 1972 to the Stille-DeRossett-Hale Single State Construction Code Act. The new title reflects that a governmental subdivision may no longer elect to exempt itself from certain parts of the CCA and the State Construction Code by adopting and enforcing a nationally recognized model code. The CCA and the State Construction Code are the exclusive standards to be applied in the design, construction, or use of buildings and structures throughout Michigan.
- The State Construction Code consists of the 2003 Michigan Residential Code, the 2003 Michigan Building Code, the 2003 Michigan Mechanical Code, the 2003 Michigan Plumbing Code, the 2002 Michigan Electrical Code, and the Michigan Uniform Energy Code. Each Michigan Code is a combination of the international code applicable to that specialty with the Michigan-made amendments, additions, or deletions to that international code.
- All governmental subdivisions administering and enforcing a nationally recognized model code other than the Code established by Act 245 of 1999, had to indicate on a Notice of Intent Form, provided by the Bureau, whether the governmental subdivision would now administer and enforce the State Construction Code. If the city, village, or township chooses not to enforce the Code, the State will, unless the county within which the governmental subdivision is located has submitted a Notice of Intent to continue to administer and enforce the CCA and the State Construction Code.
- The Director of the Department of Labor & Economic Growth or the Director's authorized representative has the sole statutory authority to promulgate rules, a responsibility previously held by the Construction Code Commission.

On December 23, 2002, Act 306 of 1937, the law regulating authority over kindergarten through 12th grade, public and nonpublic, school building construction was amended. The change resulted in the Department (and ultimately the Bureau) becoming responsible for the administration and enforcement of the

CCA and the State Construction Code in the construction, remodeling, or reconstruction of school buildings in Michigan.

This new authority involved reviewing plans for proposed construction; and performing the inspections required before a Certificate of Occupancy can be issued.

The amendment to Act 306 of 1937 does instruct that if both the school board and the governing body of the governmental subdivision have annually certified to the Department, that full-time code officials, inspectors, and plan reviewers registered under the Building Officials and Inspectors Registration Act, Act 54 of 1986, will conduct plan reviews and inspections of school buildings, then the Department must delegate the responsibility to the applicable agency.

The amendment to Act 306 of 1937 reinforced the dual responsibility of the Bureau and the Office of Fire Safety to assure construction in Michigan is safe by adding the following provision. “A certificate of occupancy shall not be issued by the appropriate code enforcement agency until a certificate of approval has been issued under the Fire Prevention Code, Act 207 of 1941”.

To improve efficiency in the performance of this dual responsibility, on March 26, 2003, the Governor merged the Office of Fire Safety with the Bureau. The new formal name of the agency became the Bureau of Construction Codes and Fire Safety.

Then on December 7, 2003, by an executive reorganization order, the Governor transferred to the Department and Bureau the State Fire Marshal Division and the Fire Fighters Training Council. This move, contemplated when the CCA was drafted, resulted in one state agency housing Michigan’s construction and fire safety standards, allowing centralized administration, enforcement, and training regarding the codes.

To address the safety and security of Michigan residents, the role of Michigan’s fire service in the state’s emergency management and homeland security efforts was reassessed and reevaluated as a result of Executive Directive 2005-10. Thus, on June 22, 2006, Governor Granholm signed a package of bills creating the Bureau of Fire Services, transferring the State Fire Marshal, Fire Fighters Training Council and all related fire safety programs from the Bureau of Construction Codes.

The history of construction code enforcement in the Great Lakes State reflects the goal achieved of a single state code being objectively administered by a streamlined staff, including technically skilled plan reviewers and inspectors. Building on this past, the story of the future should contain a growth in construction and advances in the protection of the public safety and welfare.

DEPARTMENT OF LABOR AND ECONOMIC GROWTH
CODE OF CONDUCT
FOR
BOARDS, COMMISSIONS, AGENCIES, AUTHORITIES AND COMMITTEES

In an effort to maintain the high standard of conduct expected and deserved by the community and to comply with all applicable state conflicts and ethics laws, every Board, Commission, Agency, Authority and Committee (hereinafter “Board” or “Boards”) within the Department of Labor and Economic Growth (“DLEG”) shall operate under the following Code of Conduct.

Each Board member shall:

1. Comply with DLEG’s Conflict of Interest Policy for boards, Commissions, Agencies, Authorities and committees as well as applicable Michigan law;
2. Disclose any pecuniary, contractual, business, employment or personal interest that the Board member may have in a contract, grant, loan or regulatory matter before the Board, refrain from participating in any discussion, directly or indirectly, with other Board members regarding the pending item and abstain from voting on any motion or resolution relating to the matter. A Board member who is a director, officer, shareholder or employee of an entity that is to be awarded a contract, grant or loan by the Board, or is the subject of a regulatory action before the Board, is hereby deemed to have an interest that warrants disclosure and abstention from participation in discussion or vote on the contract, grant, loan or regulatory matter. Such disclosure shall be made a part of the public record of the Board’s official action.
3. Use state resources, property, and funds under the Board member’s official care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.
4. Refrain from all of the following:
 - a. Divulging to an unauthorized person confidential information acquired in the course of the member’s service on the Board in advance of the time prescribed for its authorized release to the public.
 - b. Representing his or her personal opinion as that of the Board.
 - c. Soliciting or accepting a gift or loan of money, goods, services, or other thing of value for the benefit of a person or organization, other than the State, which tends to influence the manner in which the board member performs official duties.
 - d. Engaging in a business transaction in which the Board member may profit from his or her official position or authority or benefit financially from confidential information which the Board member has obtained or may obtain by reason of that position or authority.
 - e. Rendering services for a private or public interest when that service is incompatible or in conflict with the discharge of the Board member’s official duties.

- f. Participating in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision relating to a business entity in which the Board member has a pecuniary or personal interest.

DEPARTMENT OF LABOR AND ECONOMIC GROWTH
CONFLICT OF INTEREST POLICY
BOARDS, COMMISSIONS, AGENCIES, AUTHORITIES AND COMMITTEES

SECTION ONE

All persons serving as members and designated alternate members of any Board, Commission, Agency, Authority and/or Committee (hereinafter a “Board” or “Boards”) within the Department of labor and Economic Growth (“DLEG”) are public officials who have been appointed by the Governor and who have taken the constitutional oath of office. As public officials, Board members shall perform their official duties in a manner that is consistent with the DLEG Code of Conduct and the conflicts of interest laws of the State of Michigan, which, as may be applicable to a particular Board member, include the following:

- ◆ Article 4, section 10 of the Michigan Constitution of 1963
- ◆ Michigan Incompatible Public Office Statute, MCL 15.181 et seq.
- ◆ Conflicts of Interest Statute, MCL 15.301 et seq.
- ◆ Michigan Contracts of Public Servants with Public Entities Statute, MCL 15.321 et seq. (hereinafter, “Public Servant Act”)
- ◆ Standards of Conduct For Public Officers and Employees (“State Ethics Act”), MCL 15.341 et seq.; and
- ◆ Executive Orders 2003-1 and 2003-19.

SECTION TWO

In addition to the requirements set forth above, with respect to contracts, grants or loans, the Board’s conflict of interest policy shall be as follows:

Any contract, grant or loan that is approved by the Board, and which is entered into or awarded to an entity that has a Board member who is a member, director, officer or employee of the entity, is not a contract, grant or loan prohibited under applicable conflicts of interest law, if all of the following occur:

1. Except as otherwise provided in Section 3(3) of the Public Servant Act, MCL 15.323(3), the affected Board member abstains from participating in any discussion or vote on the contract, grant or loan; and
2. The affected Board member promptly discloses the pecuniary, contractual, business, employment or personal interest in the contract, grant or loan as may be required, and in the manner provided, by the statutory requirements set forth in Section One.

BUILDING OFFICIALS AND INSPECTORS REGISTRATION

Provisional Registration

Applications for provisional registration as a building official, plan reviewer, building inspector, electrical inspector, mechanical inspector or plumbing inspector are reviewed by bureau staff for compliance with Act 54 of 1986 and the related rules.

Staff recommendations for approval of qualified applicants are prepared for the Electrical, Mechanical, and Plumbing Boards. Staff recommendations for qualified building officials, plan reviewers, and building inspectors are prepared for the Construction Code Commission.

Upon board approval a recommendation is submitted to the Construction Code Commission for final approval.

Registration Appeals

Applicants deemed not qualified for registration may appeal the decision to the commission in accordance with section 338.2312 of the act.

Renewal of Registration (Re-registration)

Renewal of registration is required in Section 7 of the Act and R408.30052 for registered building officials, plan reviewers and inspectors.

Section 7 of the Act and Rule 408.30055 prescribe the continuing education requirements and the evidence of successful completion required for re-registration.

Applicants meeting the re-registration requirements and have paid the required fees are renewed.

Approving Educational and Training Programs, Tests and Instructors

Section 4 (2) of the Act specifies the commission, working with the advisory board, barrier free design board, electrical administrative board, board of mechanical rules and the state plumbing board has the responsibility to establish:

- Minimum training and experience standards, qualifications, and classifications of persons engaged in the enforcement of codes and plan reviews.
- Minimum criteria for the approval of educational or training programs and tests.

Rule requirements for educational and training programs, tests and instructors are outlined in Rules 408.30010, 408.30016 and 408.30019.

Providers of an educational or training program or test and instructors shall submit applications with required course material to the bureau for evaluation. Bureau staff reviews the materials for compliance with the Act and Rules. Applications and programs determined to meet the requirements are submitted to the commission for approval.

Approved education and training programs or tests are approved for a limited time period and cannot be modified without prior authorization by the bureau.

Rules 13, 16 and 19 further authorize the commission to withdraw approval of a program, test or instructor when the approval:

- Was issued in error.
- Was issued on the basis of incorrect information.
- When the program, test or instructor are in violation of the rules.

The Mobile Home Commission Act – Act 96 of 1987:
<http://legislature.mi.gov/doc.aspx?mcl-Act-96-of-1987>

Manufactured Housing General Rules:
http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=12501101&Dpt=LG&RngHigh=

<u>DECLARATORY RULING NUMBER</u>	<u>ENTITY</u>	<u>DATE ISSUED</u>
MH-78-1	Bay Cliff Health Camp	11/1/1978
MH-79-2	Foremost Home Brokers, Inc.	No Action
MH-79-3	Foremost Home Brokers, Inc.	8/10/1979
MH-79-4	Foremost Home Brokers, Inc.	No Action
MH-79-5	Chateau Estates	No Action
MH-80-6	Donald Layland	1/9/1980
MH-80-7	Rudgate East Co.	7/1/1980
MH-80-8	English Meadows Mobile Home Village, Ltd.	10/22/1980
MH-81-9	Legal Aid of Western Michigan	No Action
MH-81-10	Rockbridge Farms	3/25/1981
MH-81-11	Lincoln Pines Resort, Inc.	5/13/1981
MH-81-12	Harrison Court, Inc.	10/21/1981
MH-81-13	Warren B. Grosvenor	10/21/1981
MH-81-14	Farley Brothers Nursery, Inc.	10/21/1981
MH-82-15	Lincoln Pines	3/24/1982
MH-83-16	Parkwood Green Mobile Home Park	2/9/1983
**MH-83-16 - Parkwood Green Mobile Home Park—RESCINDED – 8/30/89		
MH-83-17	Camp Gan Israel	4/13/1983
MH-83-18	W.D.T. Investment, Inc.	No Action
MH-85-19	Department of Natural Resources	12/13/1985
MH-86-20	Royal Financial	3/19/1986

<u>DECLARATORY RULING NUMBER</u>	<u>ENTITY</u>	<u>DATE ISSUED</u>
MH-86-21	Stratford Villa	No Action
MH-86-22	No Buck\$, Ltd.	10/29/1986
MH-86-23	Mark LoPatin	No Action
MH-87-24	Grace Youth Camp	6/3/1987
MH-87-25	Gilead Baptist Church	6/3/1987
MH-87-26	Dan Doneth	Withdrawn
MH-89-27	Phil & Lee's Mobile Homes	No Action
MH-89-28	Dykema, Gossett	No Action
MH-89-29	Plymouth Hills' Mobile Home Park	Withdrawn
MH-89-30	Domino's Lodge	10/11/1989
MH-89-31	Father & Son	10/11/1989
MH-89-32	Maxine Capp & Lee Castleton	10/11/1989
MH-89-33	Mobilown	No Action
MH-90-34	Choice Properties, Inc.	Withdrawn
MH-93-35	Meadow Lake Estates Mobile Home Community	11/10/1993
MH-96-36	Webbervilla Mobile Home Park Co.	1/2/1997
MH-97-37	Orchard Cove Mobile Home Park	7/17/1997
MH-02-38	Sun Communities Operating Limited Partnership d/b/a White Oak Manufactured Housing Community	7/31/2002

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU/MOBILE HOME COMMISSION
6546 Mercantile Way
Lansing, Michigan 48910

DECLARATORY RULING NO. 1

John A. Vargo, Executive Director
Bay Cliff Health Camp
Room 230 Harlow Block
Marquette, MI 49855

Re: Bay Cliff Health Camp/Therapy Center for
Handicapped Children/Big Bay, Michigan

Dear Mr. Vargo:

On September 27, 1978, you submitted a request for a declaratory ruling as to the applicability of 1976 PA 419, MCLA 125.1101 et seq; MSA 19.885(1) et seq, hereinafter referred to as the "mobile home commission act", to the operation of the Bay Cliff Health Camp. The request will be responded to pursuant to procedures of the Department of Commerce, Corporation & Securities Bureau/Mobile Home Commission and Section 63 of 1969 PA 306, MCLA 24.201 et seq; MSA 3.569(101) et seq. You included with your submission a statement of facts.

You have informed us that the Bay Cliff Health Camp is a non-profit corporation operating as a summer camp and therapy center for handicapped children. That the mobile homes in the camp were purchased or donated as a more frugal method of providing staff housing. That all the housing facilities including mobile homes are occupied for only 3 months each summer. That all the mobile homes are used exclusively for members of the staff who are required to reside at the camp grounds.

The "mobile home commission act", supra, licenses and regulates mobile home parks subject to its terms. A mobile home park is defined as:

"Sec. 2. (h) 'Mobile home park' means a parcel or tract of land under control of a person upon which 3 or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park."
[Emphasis added]

A mobile home park pursuant to Section 16 of the "mobile home commission act", supra, cannot be operated without a license and stringent requirements must be met before a license may be issued.

The camp in question is under the control of a person, has located on it 3 or more mobile homes, and the mobile homes are used on a nonrecreational basis.

From the facts you furnished, it appears that the mobile homes are not "offered to the public" but are reserved for the exclusive use and occupancy for staff members who are required to reside on the grounds to assist in the summer camp and therapy program for handicapped children.

Therefore, based on the factual assertions you have made which were examined in the light of the "mobile home commission act", supra, it is determined that Bay Cliff Health Camp is not a "mobile home park".

Please be advised that this declaratory ruling is strictly based upon the factual circumstances which you have described in your request and the facts contained herein shall be deemed or construed as a waiver of the requirements of the "mobile home commission act", supra, or rules promulgated thereunder, in regard to

any method of operation or activity not fully disclosed and received
in substance herein.

DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU

By E. C. Mackey
E. C. Mackey, Director

DEPARTMENT OF COMMERCE
MOBILE HOME COMMISSION

By John A. Boll
John A. Boll, Chairperson

Dated: November 1, 1978

STATE OF MICHIGAN

DEPARTMENT OF COMMERCE

CORPORATION & SECURITIES BUREAU/MOBILE HOME COMMISSION
6546 Mercantile Way
Lansing, Michigan 48910

DECLARATORY RULING NO. 3

Hugh Makens
Warner, Norcross & Judd
900 Old Kent Building
One Vandenberg Center
Grand Rapids, Michigan 49503

Re: Foremost Home Brokers, Inc.

Dear Mr. Makens:

On April 24, 1979, you submitted a request for a declaratory ruling as to the applicability of 1976 P.A. 419 as amended, MCLA 125.1101 et seq; MSA 19.885(1) et seq, hereinafter referred to as the "Mobile Home Commission Act", to the operation of Foremost Home Brokers, Inc. The request will be responded to pursuant to rules of the Department of Commerce, Corporation and Securities Bureau/Mobile Home Commission R 125.1175 and Section 63 of 1969 P.A. 306, MCLA 24.201 et seq; MSA 3.569 (1) et seq.

The issue you raise is whether Foremost Home Brokers, Inc., (Foremost) should be required to comply with Mobile Home Commission Rule 125.1224(6) which requires a broker when involved in the consummation of a transaction to collect, record and remit sales tax. Your argument, in support of the position that Foremost should not be required to collect and remit sales tax, is that since the nature of the transaction and Foremost involvement does not in fact come within the Michigan Sales Tax Act and since no express provision is made in 1976 P.A. 419 to subject the transaction to sales tax, Rule 125.1224(6) exceeds statutory authority. You further point out that since the "transfer is not in the ordinary course of transferor's business" the sale is not a "sale at retail" therefore not subject to the Michigan Sales Tax Act.

Following are the facts you identify as being relevant to this issue:

An individual desires to sell his mobile home. The mobile home remains on the lot or site which the individual owns or rents. The individual, either on his own motion, in response to advertising or based on a solicitation by representatives of Foremost Home Brokers, Inc. (Foremost), contacts Foremost requesting that it list the mobile home for sale, in the same manner that any real estate broker would provide a listing for the sale of an individual's home. The broker would then engage in the same type of advertising function that a real estate broker engages in for the sale of a home, i.e., listings in the newspaper, contacts of individuals whose names they may have received, other media advertising, or contact with other brokers. When prospects are found, they would then be brought to the mobile home site and shown through the mobile home. If the potential customer desired to purchase the mobile home, he would make an offer in the same manner that would be made in a normal real estate transaction and the offer would be accepted or rejected by the owner of the mobile home. The broker would serve no other function than the normal introducing and assisting function served by a real estate broker. At the conclusion of the transaction the broker would receive only a commission. No other remuneration of any kind would be received from the seller.

It is our ruling that, under the facts you present, Foremost must comply with Rule 125.1224(6).

The statutory authority for Rule 125.1224(6) is Section 38(1)(b) of 1977 P.A. 419 which provides that a license may be denied or revoked if "the applicants method of business...or sales includes or would include activities which are illegal." Since we were formally advised by Department of Treasury (letter dated April 7, 1978, copy attached) that a transaction in which a broker was involved would be subject to sales tax and therefore to not collect the tax would be an illegal act, a rule making collection and remission of sales tax a condition of sale is not outside the statutory rule making authority of the Commission.

While we do not know the detailed rationale for Department of Treasury (Treasury) determination in this matter, we are aware it was based upon the definition of Mobile Home Broker provided in Rule 125.1101(1)(m) and that the facts you describe seem to clearly fall within this definition. Obviously, any challenge you would make to the determination or rationale of Treasury would have to be made directly to that department. Absent a reversal of that determination we must rule as we have in this matter.

Please be advised that this declaratory ruling is strictly based upon the factual circumstances which you have described in your request and the facts contained herein shall not be deemed or construed as a waiver of

the requirements of the "Mobile Home Commission Act", supra, or rules promulgated thereunder, in regard to any method of operation or activity not fully disclosed and received in substance herein.

DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU

E C Mackey

By _____
E. C. Mackey, Director



DEPARTMENT OF COMMERCE
MOBILE HOME COMMISSION

John A. Boll

By _____
John A. Boll, Chairperson

Dated: August 10, 1979
Lansing, Michigan

MH-80-6

STATE OF MICHIGAN

DEPARTMENT OF COMMERCE

CORPORATION & SECURITIES BUREAU/MOBILE HOME COMMISSION
6546 Mercantile Way
Lansing, Michigan 48910

DECLARATORY RULING NO. 6

Mr. Donald R. Layland
21313 Whittington
Farmington Hills, MI 48024

Re: Exemption from Licensure Under the Mobile Home Commission Act

Dear Mr. Layland:

You stated in your October 9, 1979, letter that you currently have two mobile homes and nine travel trailers and are currently licensed as a campground. You further state that the facility is used on week-ends, extended vacations, and for recreational purposes.

The Mobile Home Commission Act defines a mobile home park as:

"a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual nonrecreational basis and which is offered to the public..."

From the information you present it would be our ruling that you are not a mobile home park within the definition of Public Act 419, but you might be liable to continue as a campground licensed by the Department of Public Health pursuant to Public Act 368, the Campground Act.

DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU

By Carl L. Tyson
Carl L. Tyson, Acting Director

DEPARTMENT OF COMMERCE
MOBILE HOME COMMISSION

By John A. Boll
John A. Boll, Chairperson

Dated: January 9, 1980

STATE OF MICHIGAN

DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU/MOBILE HOME COMMISSION
6546 Mercantile Way
Lansing, Michigan 48910

DECLARATORY RULING NO. 7

Mr. Patrick McKeever, Treasurer
Rudgate East Company
177 West Big Beaver Road
Troy, Michigan 48084

On May 23, 1980, you requested, on behalf of Rudgate East Company, a mobile home park, a declaratory ruling on two proposed procedures and business practices. Your request will be responded to pursuant to Section 63 of the Administrative Procedures Act, P.A. 306 of 1969, as amended, and R 125.1175 of the Mobile Home Commission rules.

1. Spotting Services

(a) Your first request states:

"Driver is to stop at rental office upon entering Rudgate East. Rudgate Maintenance and/or Management will spot home on site using Rudgate equipment. The Rudgate fee of \$100.00 covering any and all services provided shall be paid at or prior to the time the home is delivered to Rudgate East. Homes may not be put on site directly by the dealer."

(b) Analysis and Conclusion:

Because the same amount is charged for spotting services to all new entrants regardless of actual cost and because this charge is a condition for locating in the park, we interpret the charge as an entrance fee in violation of Section 28(1)(a) and Rule 125.2001(a).

2. Storage Shed Requirement

(a) Your second request states:

"Aluminum garden storage shed (new) (minimum 7' x 10') shall be installed not later than 30 days after approval of inspection. Concrete shed pad shall be provided by management at the expense of resident."

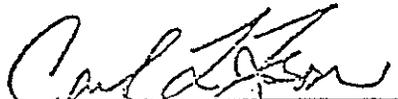
(b) Analysis and Conclusion:

The Mobile Home Commission and the Department of Commerce determines that your proposed rule, as written, violates Section 28(1)(d) of the Mobile Home Commission Act.

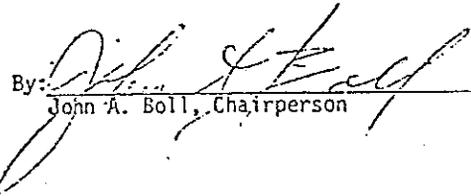
Mr. McKeever
Declaratory Ruling No. 7

Page Two

DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU

By: 
Carl L. Tyson, Acting Director

DEPARTMENT OF COMMERCE
MOBILE HOME COMMISSION

By: 
John A. Boll, Chairperson

Dated: July 1, 1980

MH-80-8

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU
MOBILE HOME COMMISSION
6546 MERCANTILE WAY
LANSING, MICHIGAN 48910

DECLARATORY RULING NO. 8

Mr. Paul Fregolle
6th Floor - One Northland Plaza
Southfield, Michigan 48075

In a letter dated September 23, 1980, you requested on behalf of English Meadows Mobile Home Village, a declaratory ruling regarding certain business practices. Section 63 of the Michigan Administrative Procedures Act, being MCL 24.201 et seq. and rule 125.1175 of the Mobile Home Commission rules provide the authority and procedure for issuing a declaratory ruling.

I. Park Construction.

1. Your first request states:

"Our Park is licensed for 255 spaces (Phase I). Approximately 100 Spaces require final construction, improvements, such as: Concrete Piers, Concrete Patios, On-Site (Asphalt) Paving and Landscaping. The cost of these improvements range from \$1,500.00 to \$2,000.00. We cannot arrange mortgage financing at this time, and we lack funds to install said improvements from rents or the sale of mobile homes. We receive calls and inquiries from mobile home Owners who wish to move into our Park, but we must advise them they cannot because of the need of the foregoing improvements. On occasion, we will be asked by a prospective Tenant if he (they) can install these improvements at their cost. We would like to be able to tell prospective Tenants that they may install said improvements."

- a. "Can we advise prospective Tenants that they may install said improvements?"
- b. "That said improvements must be according to our specifications".
- c. "That same must be installed by either our own labor, or an outside Contractor of our choosing who we have first determined provides the best quality and the best (not necessarily the lowest) prices".

PAGE TWO

- d. "That same may be installed by the prospective Tenants' chosen sub-Contractors, who first must submit an agreement that same will be done according to our specifications. Further, that acceptance after completion must be solely based upon our exclusive determination".
- e. "That we require the Tenant to escrow the agreed upon funds, whether our or the Tenant's sub-Contractors, in an escrow account solely maintained by English Meadows".
- f. "That prior to payment to any Contractors chosen by the Tenant, said Contractor provides us with a written Waiver of Lien".

2. Analysis and conclusion:

This kind of arrangement, in which a tenant must expend a considerable sum of money as a condition to obtaining a mobile home site is considered to constitute an entrance fee in violation of Section 28 (1)(a) of the Mobile Home Commission Act, MCL 125.1101 et seq. and administrative rule 125.2001(a).

Therefore, the answer to question 1(a) is "NO". The issues raised by 1 (b-f) are considered moot because the practice of tenant financing of park construction as a condition of park entry is considered an entrance fee, which is strictly prohibited.

II. Escrow Agreement - Tenant financing

1. Your second request states:

"Can we enter into an agreement with an incoming Tenant whereby we install the improvements; the Tenant pays for same utilizing the escrow account method; we enter into a repayment arrangement, i.e., an unsecured Note, in whole or in part, calling for repayment arrangements to the Tenant which will be individually determined, bearing 9% annual interest"?

PAGE THREE

2. Analysis and conclusion:

This question essential echos the first question proposed by English Meadows. Any such arrangement which requires a tenant to expend money so that a mobile home site may be obtained is considered an entrance fee, which is strictly prohibited. Therefore, the answer to question 2 is "No".

DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU



By E. C. Mackey
E. C. Mackey, Director

DEPARTMENT OF COMMERCE
MOBILE HOME COMMISSION

By John A. Boll
John A. Boll, Chairperson

October 22, 1980

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU
MOBILE HOME COMMISSION
6546 MERCANTILE WAY
LANSING, MICHIGAN 48910

MA-81-10

DECLARATORY RULING NO. 10

Mr. Ronald Lorenz
Rockbridge Farms
9025 Noblet Road
Davison, Michigan 48439

In a letter received on March 6, 1981, you requested a declaratory ruling regarding licensure as a mobile home installer and repairer. This declaratory ruling is issued under Rule 125.1175 of the Mobile Home Commission Rules and Section 63 of the Michigan Administrative Procedures Act, being MCL 24.263; MSA 3.560 (163).

I. Mobile Home Installer or Repairer.

1. Your request essentially asks:
Does a residential builder or residential maintenance and alteration contractor currently licensed by the Department of Licensing & Regulation, pursuant to MCL 339.101 et seq., need to be licensed as a mobile home installer or repairer under the Mobile Home Commission Act (the Act) being MCL 125.1101 et seq. when erecting, constructing, building, replacing, repairing, altering, insulating, setting up, or improving a mobile home.

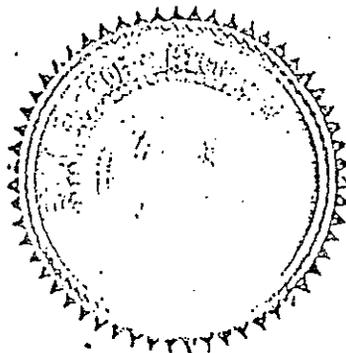
2. Analysis and Conclusion:

Section 5(1), (c,d) of the Act specifies that the Mobile Home Commission shall promulgate rules governing the licensure and business practices of mobile home installers and repairers. Installers and repairers include persons who erect, construct, build, replace, repair, alter, install, set up, or improve mobile homes.

Section 2(d) and 21(4) of the Act define and provide for the license fee for a mobile home installer or repairer.

Based upon the statutory authority provided for by the Mobile Home Commission Act, a contractor currently licensed by the Department of Licensing & Regulation must also be licensed by the Mobile Home Commission when that contractor installs or repairs mobile homes.

Therefore, the answer to your question is "YES".



DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU

By: E C Mackey
E. C. Mackey, Director

DEPARTMENT OF COMMERCE
MOBILE HOME COMMISSION

By: John A. Boll
John A. Boll, Chairperson

DATED: March 25, 1981

MH-811

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU
MOBILE HOME COMMISSION
6546 MERCANTILE WAY
LANSING, MICHIGAN 48910

DECLARATORY RULING NO. 11

Mr. Walter B. Freihofer, Attorney
950 Union Bank Building
Grand Rapids, Michigan 49503

In a letter received on March 19, 1981, you requested a declaratory ruling regarding the status of Lincoln Pines Resort, Inc., Spencer Township, Kent County, i.e., in Lincoln Pines Resort a campground as defined in Section 1250(1)(a) of Act No. 369 of the Public Acts of 1978, as amended, or is it a mobile home park as defined in Section 2(f) of Act No. 419 of 1976, as amended.

I. Your request states that:

1. Phase I (the existing facility) contains 314 spaces. There are 87 mobile homes located in the existing facility but these are occupied on a strictly seasonal basis, for a maximum season from May 1 to October 1. 178 spaces are occupied by travel trailers and there are 43 primitive spaces. There are 6 more mobile homes located in Phase I which are occupied year round. Three of these are occupied by employees of the company and the other 3 are year round, but your client wants to have them there for security reasons. You stated that if it is necessary, year round occupancy of these 6 units could be discontinued and they could be put in seasonal use only. The total of the above spaces is 314.
2. Phase II for which approval is presently being sought from the State Health Department contains 337 spaces, all of which will be occupied on a strictly seasonal basis. Because there has never been any question in the past, your client's engineers have classified the large modern lots as "mobile home sites" and while this designation was used, it really only pertains to the size of those spaces. A more realistic description of the proposed spaces is "large modern", 94, "modern", 193, "primitive", 50. Again, your client would like to be able to have the right to seasonal occupancy for the "large modern" spaces occupied by mobile homes. You urged that the key words in differentiating between a campground and a mobile home park do not relate so much to the actual size of the unit occupied but to the seasonal and recreational use which is being made.

Based on the above, you requested that the Mobile Home Commission and the Corporation and Securities Bureau issue a declaratory ruling that neither Phase I nor Phase II is a mobile home park as defined in the Mobile Home Commission Act.

II. Analysis and Conclusion.

As defined in Section 2(h) of Act No. 419 of 1976, as amended:

"Mobile home park" means a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park".

Based upon this statutory definition mobile homes may be placed within a parcel or tract of land and such are not considered a mobile home park if the homes are occupied on a non-continual basis or such, as being occupied only on a seasonal or recreational basis. Therefore, providing that all mobile homes within the existing Phase I and the proposed Phase II to Lincoln Pines Resort are occupied on a strictly seasonal or recreational basis, or both, and the occupancy is not year round or "continual", and the answer to your request is that neither Phase I nor Phase II is a mobile home park as defined in Section 2(h) of Act No. 419, of 1976, as amended, "Mobile Home Commission Act." Clearly, continuance of the 6 units on a year around basis would cause the facility to be classed as a mobile home park.

Your request raises another issue, which although not directly related to the jurisdiction question, we feel compelled to respond to. You indicate that to describe the size of the lots they have been characterized as "mobile home sites". Such use of the term "mobile home sites" is misleading and therefore prohibited unless the park is properly licensed under the above referenced act.

This declaratory ruling only addresses the issues in relation to Act No. 419 of 1976, as amended. Any request for a declaratory ruling on the issues as they pertain to the status of Lincoln Pines Resort, Inc., under Act No. 368 of 1978, as amended, is to be directed to the Director, Michigan Department of Public Health, which is the state agency responsible for the administration of that act.

DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU

By: E C Mackey
E. C. Mackey, Director

DEPARTMENT OF COMMERCE
MOBILE HOME COMMISSION

By: John A. Boll
John A. Boll, Chairperson

DATED: May 13, 1981

DEPARTMENT OF COMMERCE
CORPORATION AND SECURITIES BUREAU
MOBILE HOME COMMISSION
6546 Mercantile Way
Lansing, Michigan 48910

DECLARATORY RULING NO. MH-81-12

Mr. Antonio Cavaliere, Attorney
23100 Jefferson Avenue
St. Clair Shores, MI 48080

Declaratory Ruling Request

In your correspondence dated April 28, 1981, a request for a declaratory ruling was made relative to several issues raised pertaining to the applicability of the Mobile Home Commission Act, 1976 P.A. 419, as amended, to a specific situation. This declaratory ruling is issued in response to the request of April 28, 1981, and is applicable only to the fact situation as exactly set forth in that request. No reliance may be placed on this ruling in any situation which varies from the facts as represented in the request.

Facts

Harrison Court, Inc., is a non-profit corporation organized to maintain and operate a non-profit cooperative mobile home park, furnishing facility, service, benefits, non-profit for its members. The members are the owners of the individual lots in the park and have since 1964 been operating the park in this cooperative form. It is their practice to elect from among themselves officers and directors to manage the corporation.

Issue

Based upon the above, you requested that the Mobile Home Commission and the Corporation & Securities Bureau issue a declaratory ruling on the applicability of the Mobile Home Commission Act or Code to Harrison Court, Inc.

Analysis

As defined in Section 2(h) of P.A. 419, of 1976, as amended:

"Mobile home park means a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use a temporary trailer park."

Ruling

Reading the statute in its entirety particularly Section 27 and 28, it is apparent that the legislature intended to provide protections in a rental or lease situation. Therefore, based upon this statutory definition, the Commission and the Bureau hold the view that Harrison Court, Inc., would not appear to be encompassed by the definition of a mobile home park as set forth on the preceding page. The department premises this finding upon its interpretation of the context in which the phrase "offered to the public" is used in Section 2(h) of P.A. 419, of 1976, as amended, and as it relates to Section 27 and 28.

This declaratory ruling only addresses the issues in relation to P.A. 419 of 1976, as amended and the Mobile Home Code being R 125.1101 et seq.. The Commission and Bureau take no position on the applicability of this declaratory ruling to other case situations, factual or hypothetical for purposes of legal interpretation. The continuing effectiveness of this ruling is of course subject to modification or revision, in light of future cases or statutory law.

DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU

By:

E C Mackey

E. C. Mackey, Director

DEPARTMENT OF COMMERCE
MOBILE HOME COMMISSION

By:

John A. Boll

John A. Boll, Chairperson

DATED: October 21, 1981
Lansing, Michigan

This document paid for with State funds.



STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
CORPORATION AND SECURITIES BUREAU
MOBILE HOME COMMISSION
6546 Mercantile Way
Lansing, Michigan 48910

DECLARATORY RULING NO. MH-81-13

Mr. Warren B. Grosvenor
Attorney
134 South Phelps Street
Decatur, MI 49045

Declaratory Ruling Request

In your correspondence dated May 21, 1981 a request for a declaratory ruling was made relative to several issues raised pertaining to the applicability of the Mobile Home Commission Act, 1976 P.A. 419, to a specific fact situation. This declaratory ruling is issued in response to the request of May 21, 1981 and is applicable only to the fact situation as exactly set forth in that request. No reliance may be placed on this ruling in any situation which varies from the facts as represented in the request.

Facts

Four mobile homes and two fifth-wheeler travel trailers are situated on a parcel of land approximately 60 acres in area, which is owned jointly by a husband and wife. All of the mobile homes have been located on the property since 1971 and occupied on a seasonal basis for approximately seven to eight months during the year. The two fifth-wheelers are present on the land only during the summer months.

Situated contiguous to the above described property but separated by a county road, are additional lands owned by the same parties. One mobile home has been located on this land since 1971. The owners desire to locate an additional mobile home on this land. The additional mobile home would be occupied on a rental basis year round.

Issue

Whether the existing mobile homes or the addition of the proposed mobile home to be occupied on a year round basis bring the mobile home sites within the definition of mobile home park as specified in Section 2(2) of 1976 P.A. 419, and thereby require licensure under the terms of the Act.

Analysis

A mobile home as defined by 1976 P.A. 419, specifically excludes recreational vehicles. Recreational vehicles are defined by the Act as "...a vehicle primarily designed and used as temporary quarters for recreational camping, or travel purposes, including a vehicle having its own motor power on a vehicle mounted on or drawn by another vehicle."

Declaratory Ruling No, MH-81-13

Page Two

Given this definition, fifth-wheelers fall within the definition of recreational vehicle rather than that of mobile home. Therefore, the question of the fifth-wheelers can be dismissed in considering the issue you have raised.

The next point of consideration is whether the use of the mobile homes which are located on the land but not occupied on a year round basis fall within the terms of the Act's definition of "mobile home park." The Act defines mobile home park as;

"...a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for the purpose regardless of whether a charge is made therefore..."

The issue therefore, rests upon whether the seasonal use of these homes constitutes a continual nonrecreational basis. Given the facts presented in the request, it appears that the units are used in a manner similar to that which exist in a campground situation.

Ruling

Since mobile homes not used on a continual nonrecreational basis are specifically excluded from the definition of "mobile home parks," the Act does not require that such become licensed under the requirements of the Mobile Home Commission Act. A determination that the Act does not apply can be reached without addressing the issue of whether one or two parcels or tracts of land are represented under the fact situation presented in your request, therefore, no ruling will be rendered on that issue. It should be noted however, that where such a determination becomes necessary, the central issue will be the nature of the road or other separation between involved lands.



DEPARTMENT OF COMMERCE
CORPORATION AND SECURITIES BUREAU

By:

E. C. Mackey
E. C. Mackey, Director

MOBILE HOME COMMISSION

By:

John A. Bell
John Bell, Chairperson

Dated: October 21, 1981

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
CORPORATION AND SECURITIES BUREAU
MOBILE HOME COMMISSION
6546 Mercantile Way
Lansing, Michigan 48910

DECLARATORY RULING NO. MH-81-14

Mr. David C. Farley
Farley Brothers Nursery, Inc.
8755 28 Mile Road
Albion, MI 49224

Declaratory Ruling Request

In your correspondence dated September 25, 1981, a request for a declaratory ruling was made relative to the applicability of the Mobile Home Commission Act, 1976, P.A. 419, as amended, to a specified fact situation. This declaratory ruling is issued in response to the request of September 25, 1981 and is applicable only to the fact situation as exactly set forth in that request. No reliance may be placed on this ruling in any situation which varies from the facts as represented in the request.

Facts

Two mobile homes have been installed on a parcel of land. It is the desire of Farley Brothers Nursery, Inc., to install two additional mobile homes on this property. It is intended that these mobile homes would house certain full-time employees of Farley Brothers Nursery, Inc., and their families. It is the expressed practice of this firm to provide rent free housing to certain employees in order to have some of the employees on premise for attention to around-the-clock duties and for security purposes.

Issue

Whether the two existing mobile homes or the addition of two proposed mobile homes to be occupied by employees of Farley Brothers Nursery, Inc., and their families on property owned by this firm are subject to the Mobile Home Commission Act.

Analysis

Mobile Home Park is defined in Section 2(h) of Act No. 419, of 1976, as:

"...a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made, therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park."

Declaratory Ruling Request MH-81-14
October 21, 1981
Page Two

Based upon this statutory definition, the Commission and Bureau hold the view that four mobile homes placed on a parcel of land and exclusively occupied by the employees of Farley Brothers Nursery, Inc., and their families would not appear to constitute a mobile home park as defined. This finding is based upon the interpretation that exclusive use by employees and their families does not constitute "offered to the public" as used in Section 2(h) of Act 419 of 1976, as amended.

Ruling

It is the determination of the Commission and the Bureau that the proposed usage of mobile homes by Farley Brothers Nursery, Inc., as described in your letter of September 25, 1981, would be excluded from the Mobile Home Commission Act, P.A. 419, of 1976, as amended, for the reasons stated herein.

DEPARTMENT OF COMMERCE
CORPORATION AND SECURITIES BUREAU



By: E C Mackey
E. C. Mackey, Director

MOBILE HOME COMMISSION

By: John A. Boll
John A. Boll, Chairperson

Dated: October 21, 1981

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU
MOBILE HOME COMMISSION

6546 Mercantile Way
Lansing, Michigan 48910

DECLARATORY RULING NO. MI 82-15

Mr. Douglas Nagel
Lincoln Pines
4620 40th Street, S.E.
Grand Rapids, MI 49508

Declaratory Ruling Request

In your correspondence dated December 17, 1981, a request for a declaratory ruling was made relative to the applicability of the Mobile Home Commission Act, 1976, P.A. 419, as amended, to a specified fact situation. This declaratory ruling is issued in response to the request of December 17, 1981, and is applicable only to the fact situation as exactly set forth in that request. No reliance may be placed on this ruling in any situation which varies from the facts as represented in the request.

Facts

The following situation is presented: "...eight full-time occupied mobile homes for security and maintenance personnel on a contractual basis. Lincoln Pines Resort, Inc., requests that this scenario be determined not to comprise a mobile home park. Lincoln Pines Resort, Inc., also presents the ensuing additional information in response to a January 5, 1982, request from the Mobile Home Division for clarification of their proposal

- (1) The employment relationship would be that of management, gate watchman, groundskeepers, maintenance, bathhouse janitor, office personnel, security, and general labor, snow removal.
- (2) Contracts vary according to services rendered. Remuneration against rent. A contractual agreement form also forwarded for consideration."

Issue

Would eight full-time occupied mobile homes for security and maintenance personnel on a contractual basis constitute a mobile home park under the Mobile Home Commission Act?

Declaratory Ruling Request MI 82-15
March 24, 1982
Page Two

Analysis

A mobile home park is defined in Section 2(h) of Act No. 419, of 1976, as:

"...a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made, therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park."

Pased upon the statutory definition of a mobile home park the Commission and the Bureau hold the view that eight full-time occupied mobile homes for security and maintenance personnel on a contractual basis as proposed by Lincoln Pines Resort, Inc., would constitute a mobile home park as defined. The interpretive question is whether all eight residents are made employees under the facts and circumstances defined in your request and therefore, the arrangement is something other than an "offer to the public" and the park consequently not subject to the jurisdiction of the statute.

The above finding in regard to this issue is based upon the observation that there is no evidence that tenancy would not be offered to any member of the public who would agree to perform one of or more contractually stipulated duties for graduated rental credit. Therefore, occupancy would appear to be "offered to the public" as contemplated by Section 2(h) of Act 419 of 1976, as amended. Also, we believe that to exclude a park from jurisdiction of the statute based upon employee status founded upon activities and tasks which are in whole or in part associated with normal mobile home park tenancy, would undermine the tenant protection mandates of the statute.

Ruling

It is the determination of the Commission and the Bureau that the proposed usage of mobile homes by Lincoln Pines Resort, Inc., as described in your letter of December 17, 1981, would not be excluded from the Mobile Home Commission Act, P.A. 419 of 1976, as amended, for the reasons stated herein.



MICHIGAN DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU

By: E C Mackey
E. C. Mackey, Director

MOBILE HOME COMMISSION

By: Fred H. Rowe Jr.
Fred H. Rowe Jr., Chairperson

Dated: March 24, 1982

*** RESCINDED 8-30-89 ***

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU
MOBILE HOME COMMISSION

6546 Mercantile Way
Lansing, Michigan 48910

DECLARATORY RULING NO. NH-83-16

Mr. D. Scott Stuart
Attorney at Law
Scholten, Fant & Marquis
Suite 201 - The Phoenix Building
246 River Avenue
Holland, MI 49423

Declaratory Ruling Request

In your correspondence dated November 9, 1982, you requested a declaratory ruling concerning the applicability of the Mobile Home Commission Act, 1976 P.A. 419, as amended, to a specified fact situation. This declaratory ruling is issued in response to the request of November 9, 1982 and applies only to the fact situation set forth in that request. No reliance may be placed on this ruling in any situation in which the facts vary from those stated in this request.

Facts

Two tenants of Parkwood Green Mobile Home (Park) have filed actions in 63rd District Court contesting the validity of 30-day notices of termination issued to each of them by Alliance Management Consultants, Inc., owner of the mobile home park. It is alleged that Alliance offered each of these tenants a six-month lease. One offer was rescinded by Alliance and the other refused. A 12-month lease was subsequently offered to each tenant on or about January 20, 1982. The first tenant failed to respond to the offer, whereas the second tenant did not respond until later. Both tenants had previously been renting on a month-to-month basis.

Alliance claims that it is required to offer a lease to its tenants only once during their tenancy, preferably at commencement, and is under no obligation to accept a lease subsequently requested by the tenant. The tenants contend that Alliance must honor a request for a lease by them at any time.

Issue

When, and for what duration must a lease be offered by a mobile home park landlord?

Analysis

Rule 125.2005 (Rule 1005(1)) of the Michigan Administrative Code states that: "A minimum 1-year lease shall be offered for each mobile home site." The Bureau and Commission construes this rule to require a mobile

Declaratory Ruling Request MH 83-16
Page Two

home landlord to make one offer of a one-year written lease unless there is a substantial change of circumstances such as, but not limited to, a change in ownership or a significant change in park rules. At that point in time a subsequent offer would have to be made to all tenants not on a lease. If the tenant refuses the lease it would be within the mobile home park operator's discretion to accept or refuse a tenant's subsequent request for a lease.

This interpretation assumes there is no confusion in the minds of the tenant, caused by the manner in which the offer is made, as to what is being offered and the time and manner of acceptance anticipated. It should also be made clear that the rule does not mean that only one, one-year lease need be entered into. In other words, the fact that a tenant has entered into one lease that he or she is precluded from entering into subsequent one-year leases. The lease agreement should set the terms and conditions for renewal of the lease.

These findings are based upon the operation of Rule 1005 under the authority of Section 28(1)(g) of Act 419, P.A. 1976, as amended, which prohibits a mobile home park operator from renting or leasing a mobile home or site in a mobile home park without offering a written lease.

Ruling

It is the determination of the Commission and the Bureau that Alliance Management Consultants, Inc., owner of Parkwood Green Mobile Home (Park), is required to offer a minimum one-year written lease to its tenants and under the conditions specified above, may either accept or reject a tenant's subsequent request for a lease.

MICHIGAN DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU

By: E. C. Mackey
E. C. Mackey, Director

MICHIGAN MOBILE HOME COMMISSION

By: Fred Rowe, Jr.
Fred Rowe, Jr., Chairperson

Dated: February 9, 1983

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU
MOBILE HOME COMMISSION
6546 MERCANTILE WAY
DECLARATORY RULING NO. MH-83-17

Rabbi Berel Shemtov
Camp Gan Israel
14000 W. Nine Mile Road
Oak Park, Michigan 48237

Dear Rabbi Shemtov:

Declaratory Ruling Request

In your correspondence dated March 8, 1983, a request for a declaratory ruling was made relative to the applicability of the Mobile Home Commission Act, 1976, PA 419, as amended, to a specified fact situation. This declaratory ruling is issued in response to the request of March 8, 1983, and is applicable only to the fact situation as exactly set forth in that request. No reliance may be placed on this ruling in any situation which varies from the facts as represented in the request.

FACTS

Camp Gan Israel, a nonprofit corporation doing business as a summer camp for underprivileged children, desires to locate eight mobile homes on the grounds of their camp. These mobile homes would house children camping at Camp Gan Israel for a period of two months each summer. You indicate that five additional mobile homes may be installed at a later time.

ISSUE

Would eight mobile homes located in a summer camp owned and operated by a nonprofit corporation and occupied by children for a period of two months each summer constitute a mobile home park under the Mobile Home Commission Act?

ANALYSIS

A mobile home park is defined in Section 2(h) of Act No. 419 of 1976, as amended, as: "...a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park."

Based upon this statutory definition, the Commission and Bureau hold that Camp Gan Israel would not constitute a mobile home park. Camp Gan Israel fails to qualify as a park because it does not satisfy the "continual nonrecreational" requirements.

RULING

It is the determination of the Commission and the Bureau that the proposed usage of mobile homes by Camp Gan Israel, as described in your letter of March 8, 1983, would not be subject to the requirements of the Mobile Home Commission Act, PA 419 of 1976, as amended.

This declaratory ruling only addresses the issue in relation of Act No. 419 of 1976, as amended. Any request for a declaratory ruling on the issues as they pertain to the status of Camp Gan Israel under Act No. 368 of 1978, as amended, is to be directed to the Director, Michigan Department of Public Health, which is the state agency responsible for the administration of that act.

Michigan Department of Commerce
Corporation & Securities Bureau



By E. C. Mackey
E. C. Mackey, Director

Michigan Mobile Home Commission

By Fred N. Rowe, Jr.
Fred N. Rowe, Jr., Chairperson

Dated: April 13, 1983
Lansing, Michigan

STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor

DEPARTMENT OF COMMERCE

DOUG ROSS, Director

CORPORATION & SECURITIES BUREAU

6546 Mercantile Way
P.O. Box 30272
Lansing, Michigan 48909
(517) 373-0880

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
CORPORATION AND SECURITIES BUREAU
MOBILE HOME COMMISSION
6546 Mercantile Way
Lansing, Michigan 48910

DECLARATORY RULING NO. MH-85-19

Mr. John Nelson, P.E.
Supervisor, Design Section
Eng./Water Management Division
Department of Natural Resources
Box 30028
Lansing, Michigan 48909

Dear Mr. Nelson:

Declaratory Ruling Request

In your October 21, 1985, letter to this bureau, you requested a declaratory ruling on the applicability of the Mobile Home Commission Act (1976 PA 419, as amended) to a fact situation described in that letter. This declaratory ruling is this bureau's response to your October 21, 1985, request and applies only to the exact fact situation set forth in that request. No reliance may be placed on this ruling in any situation which varies from the facts presented in your request.

Facts

The Office of Conservation Job Programs, a division of the Michigan Department of Natural Resources, wants to build a residential work camp comprised of eight mobile homes and mobile offices at the edge of the Pigeon River Country State Forest, approximately three miles east of Vanderbilt, Michigan.

These mobile homes and mobile offices will house about 50 members and staff of the Michigan Civilian Conservation Corps. Neither these units nor the sites upon which they will be located will be offered to the public. Camp members will live at the camp in these units on a year-round basis.

Issue

Would eight mobile homes and offices located in a work camp owned and operated by the State of Michigan and exclusively occupied by Michigan Civilian Conservation Corps members and staff on a year-round basis constitute a mobile home park under the Mobile Home Commission Act?

Declaratory Ruling
No. MH-85-19
Page Two

Analysis

A mobile home park is defined in Section 2(h) of Act No. 419 of 1976, as amended, as:

"...a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park."

Based upon this statutory definition, the Commission and the Bureau hold that the Michigan Civilian Conservation Corps Camp would not constitute a mobile home park because it is not offered to the public.

Ruling

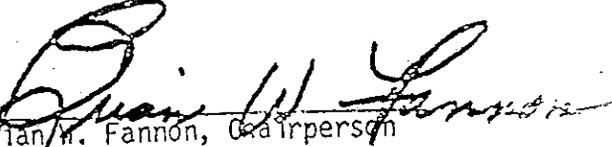
The Bureau determines that the proposed usage of mobile homes by the Michigan Civilian Conservation Corps, as described in your October 21, 1985, letter, is not subject to the requirements of the Mobile Home Commission Act (1976 PA 419, as amended).

This declaratory ruling only addresses the issue as it is governed by PA 419 1976, as amended.

Michigan Department of Commerce
Corporation and Securities Bureau

By: 
Carl L. Tyson, Director

Michigan Mobile Home Commission

By: 
Brian W. Fannon, Chairperson

Dated: December 13, 1985
Lansing, Michigan

STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor

DEPARTMENT OF COMMERCE

DOUG ROSS, Director

CORPORATION & SECURITIES BUREAU

6546 Mercantile Way
P.O. Box 30222
Lansing, Michigan 48909
(517) 373-0880

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
CORPORATION AND SECURITIES BUREAU
MOBILE HOME COMMISSION
6546 Mercantile Way
Lansing, Michigan 48910

DECLARATORY RULING NO. MH-86-20

Mr. Chris G. Potsma, President
Royal Financial, Inc.
2351 East 170th Street
South Holland, Illinois 60473

Dear Mr. Postma:

Declaratory Ruling Request

In your January 23, 1986, letter to this bureau, you requested a declaratory ruling on the applicability of the Mobile Home Commission Act (1976 PA 419, as amended) to a fact situation described in that letter. This declaratory ruling is this bureau's response to your January 23, 1986, request and applies only to the exact fact situation set forth in that request. No reliance may be placed on this ruling in any situation which varies from the facts presented in your request.

Facts

Royal Financial, Inc., locates mobile home retail installment contracts for local and national lenders. Royal Financial also notifies sellers of mobile homes that financing is available to them if those sellers can find a buyer, but does not participate in negotiations between buyers and sellers of mobile homes. Moreover, it does not hold security or earnest money deposits tendered in these transactions. Royal Financial may consider loan applications submitted by mobile home buyers interested in financing. If a buyer requests financing from Royal Financial, the company will take the buyer's application and decide whether to approve credit. If Royal Financial denies credit, it notifies the buyer; if Royal Financial approves credit, it will arrange a closing on behalf of its lender.

Issue

Is Royal Financial, Inc., a mobile home dealer/broker as defined in Rule 101(p) and thereby required to become licensed pursuant to Section 21(1) of the Mobile Home Commission Act (PA 419 of 1976, as amended)?

Declaratory Ruling Request MH-86-20
Page Two

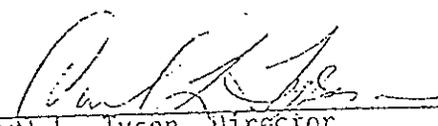
Analysis

Rule 101(p) defines a mobile home dealer as "a person who, with intent to collect or receive a commission, sells or offers for sale, buys or offers to buy, lists or offers to list, or negotiates the purchase of, a mobile home." Based upon this definition the Commission and the Bureau hold that Royal Financial, Inc., would not constitute a mobile home dealer. In the fact situation presented, there is no evidence that Royal Financial is involved in selling, buying, listing, or negotiating the purchase of mobile homes. Consequently, Royal Financial is not subject to the licensing requirements of Section 21(1) of the Mobile Home Commission Act.

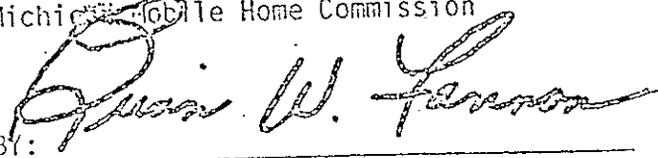
Ruling

The Bureau and the Commission determines that Royal Financial, Inc., as represented in your January 23, 1986, letter, is not subject to the requirement of the Mobile Home Commission Act, PA 419 of 1976, as amended.

Michigan Department of Commerce
Corporation & Securities Bureau

BY: 
Carl L. Lyson, Director

Michigan Mobile Home Commission

BY: 
Brian W. Fannon, Chairperson

DATED: March 19, 1986
Detroit, Michigan



JAMES J. BLANCHARD, Governor

DEPARTMENT OF COMMERCE

DOUG ROSS, Director

6546 Mercantile Way
P.O. Box 30222
Lansing, Michigan 48909
(517) 334-6206STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
CORPORATION & SECURITIES BUREAU
6546 Mercantile Way
Lansing, Michigan 48910

DECLARATORY RULING NO. MH-86-22

Mr. George R. Phillips
Attorney at Law
311 Center Avenue
Shearer Building, Suite 403
Bay City, Michigan 48708Declaratory Ruling Request

In your July 7, 1986 letter to this Bureau, you requested a declaratory ruling on the applicability of the Mobile Home Commission Act (1976 PA 419, as amended) to a fact situation described in that letter. This declaratory ruling is in response to your July 7, 1986 request and applies only to the exact fact situation set forth in that request. No reliance may be placed on this ruling in any situation which varies from the facts presented in your request.

Facts

No Buck\$, Ltd., a closed corporation, wants to build a recreational hunting reserve for the exclusive use of its 10 shareholders.

The property comprising this reserve and a number of mobile homes which will be located upon the land are owned by the corporation. It is represented that only the shareholders are entitled to occupy or hunt upon the land. Moreover, neither access to the land nor any accommodations located upon the land shall be offered to the public.

Issue

Would mobile homes located upon a recreational hunting reserve that is owned and operated by a corporation for the exclusive use of its shareholders constitute a mobile home park under the Mobile Home Commission Act?

Declaratory Ruling
No. MH-86-22
Page Two

Analysis

A mobile home park is defined in Section 2(h) of Act No. 419 of 1976, as amended, as:

"... a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park."

Based upon this statutory definition, the Commission and the Bureau hold that No Buck\$, Ltd., would not constitute a mobile home park because it is not offered to the public.

Ruling

The Bureau determines that the proposed usage of mobile homes by No Buck\$, Ltd., as described in your letter, is not subject to the requirements of the Mobile Home Commission Act (1976 PA 419, as amended).

This declaratory ruling only addresses the issue as it is governed by 1976 PA 419, as amended.

Michigan Department of Commerce
Corporation & Securities Bureau

By: Carl L. Tyson
Carl L. Tyson, Director

Michigan Mobile Home Commission

By: Brian W. Fannon
Brian W. Fannon, Chairperson

Dated: October 29, 1986
Lansing, Michigan



JAMES J. BLANCHARD, Governor

DEPARTMENT OF COMMERCE

DOUG ROSS, Director

CORPORATION & SECURITIES BUREAU
 MOBILE HOME COMMISSION
 6546 Mercantile Way
 Lansing, Michigan 48910

DECLARATORY RULING NO. MH-87-24

CORPORATION & SECURITIES BUREAU
 6546 Mercantile Way
 P.O. Box 30222
 Lansing, Michigan 48909
 (517) 334-6206

Mr. Larry Hard, Maintenance Dir.
 Grace Youth Camp
 Box 313
 Upper Silver Lake
 Mears, Michigan 49436

Dear Mr. Hard:

Declaratory Ruling Request

In your April 13, 1987, letter to this Bureau, you requested a declaratory ruling on the applicability of the Mobile Home Commission Act (PA 419 of 1976, as amended) to a fact situation described in that letter. This declaratory ruling is this Bureau's response to your April 13, 1987, request and applies only to the exact fact situation as represented and set forth herein. No reliance may be placed on this ruling in any situation which varies, in any way, from the facts stated below.

Facts

Grace Youth Camp, a religious summer camp, wants to locate several (more than 3) mobile homes on the grounds of the camp. These mobile homes would house several people (and their families) who would help run the church camp for 2-2 1/2 months each summer. The church camp indicates that year-round housing may be provided in the future to individuals assisting with the camps operation.

Declaratory Ruling

MH-87-24

Page Two

Issue

Would more than 3 mobile homes located in a religious summer camp, which are occupied only by persons and/or their families who work in that camp, for a period of 2-2 1/2 months each summer constitute a mobile home park under the Mobile Home Commission Act?

Analysis

A mobile home park is defined in Section 2(h) of Act No. 419 of 1976, as amended, as:

"...a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park." (Emphasis supplied)

You state that the mobile homes are available only to persons and/or their families who help run the church camp in the summer. Based on this limited occupancy, we do not believe that the Grace Young Camp mobile homes are offered to the public.



JAMES J. BLANCHARD, Governor

DEPARTMENT OF COMMERCE

DOUG ROSS, Director

CORPORATION & SECURITIES BUREAU

6546 Mercantile Way
P.O. Box 30222
Lansing, Michigan 48909
(517) 334-6206

CORPORATION & SECURITIES BUREAU

Mobile Home Commission

6546 Mercantile Way
Lansing, Michigan 48910

DECLARATORY RULING NO. MH-87-25

Pastor Tom Goupil
Gilead Baptist Church
300 N. Delaney Road
Owosso, Michigan 48867

Dear Pastor Goupil:

Declaratory Ruling Request

In your April 30, 1987, letter to this Bureau, you requested a declaratory ruling on the applicability of the Mobile Home Commission Act (PA 419 of 1976, as amended) to a fact situation described in that letter. This declaratory ruling is this Bureau's response to your April 30, 1987, request and applies only to the exact fact situation as represented and set forth herein. No reliance may be placed on this ruling in any situation which varies, in any way, from the facts stated below.

Facts

Gilead Baptist Church proposes to house its church school staff members in mobile homes. The church indicates that the mobile homes would not be offered to the public.

Issue

Would mobile homes provided by a church and used to house church school staff members constitute a mobile home park under the Mobile Home Commission Act if they are not offered to the public?

Declaratory Ruling - MH-87-25

Page Two

Analysis

A mobile home park is defined in Section 2(h) of Act No. 419 of 1976, as amended, as:

"...a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home which is not intended for use as a temporary trailer park." (Emphasis supplied)

You state that the mobile homes are available only to church school staff members. Based on this limited occupancy, we do not believe that the Gilead Baptist Church mobile homes are offered to the public.

Ruling

The Commission and the Bureau determine that the proposed usage of mobile homes by the Gilead Baptist Church, as described in your April 30, 1987, letter, is not subject to the requirements of the Mobile Home Commission Act (PA 419 of 1976, as amended) so long as mobile homes utilized at the camp are not offered to the public.

Declaratory Ruling MH-87-25
Page Three

This declaratory ruling only addresses the issue as it is governed by PA 419 of 1976.

Michigan Department of Commerce
Corporation & Securities Bureau

By Carl L. Tyson
Carl L. Tyson, Director

Michigan Mobile Home Commission

By Brian W. Fannon
Brian W. Fannon, Chairperson

Dated: June 3, 1987
Lansing, Michigan

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
CORPORATION AND SECURITIES BUREAU
MOBILE HOME COMMISSION
6546 Mercantile Way
Lansing, Michigan 48910

DECLARATORY RULING NO. MH-89-30

Haithem K: Sarafa
28523 Lake Park Drive
Farmington Hills, MI 48018

Dear Mr. Sarafa:

Declaratory Ruling Request

In your August 23, 1989, letter, you requested a declaratory ruling on the applicability of the Mobile Home Commission Act (1987 PA 96, as amended) to a fact situation described in that letter. This declaratory ruling is the Bureau and Commission's response to your August 23, 1989, request and applies only to the exact fact situation set forth in that request. No reliance may be placed on this ruling in any situation which varies from the facts presented in your request.

Facts

Domino's Lodge is a company that wants to place 4-8 temporary mobile homes on sites on Drummond Island, off the east coast of Michigan's upper peninsula. These mobile homes would house construction workers and part-time and seasonal workers who are affiliated with Domino's Lodge, either as employees or sub-contractors. They would not, however, be offered to the public.

Declaratory Ruling MH-89-30

Page Two

Issue

Would 4-8 temporarily sited mobile homes located on Drummond Island and used exclusively for housing employees and subcontractors of Domino's Lodge constitute a mobile home park under the Mobile Home Commission Act?

Analysis

A mobile home park is defined in Section 2(i) of 1987 PA 96, as amended, as:

"...a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park."

Based upon this statutory definition, the Commission and the Bureau hold that Domino's Lodge would not constitute a mobile home park because the mobile homes are not offered to the public.

Ruling

The Bureau and Commission determine that the proposed usage of mobile homes by Domino's Lodge, as described in your August 23, 1989, letter, is not subject to the requirements of the Mobile Home Commission Act (1987 PA 96, as amended).

Declaratory Ruling

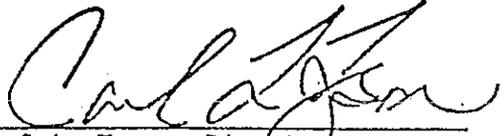
No. MH-89-30

Page Three

This declaratory ruling only addresses the issue as it is governed by 1987
PA 96, as amended.

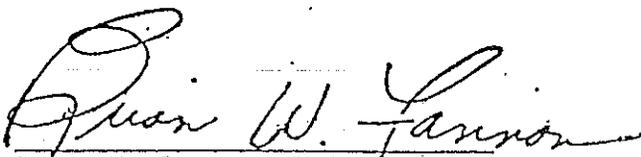
Michigan Department of Commerce
Corporation and Securities Bureau

By:


Carl L. Tyson, Director

Michigan Mobile Home Commission

By:


Brian W. Fannon, Chairperson

Dated: October 11, 1989
Lansing, Michigan

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
CORPORATION AND SECURITIES BUREAU
MOBILE HOME COMMISSION
6546 MERCANTILE WAY
LANSING, MI 48910

DECLARATORY RULING NO. MH-89-31

Mr. Jack Springborn
Father & Sons
Used Auto Parts
2311 Jerome Road
Pittsford, MI 49721

Dear Mr. Springborn:

Declaratory Ruling Request

In your August 24, 1989, letter, you requested a declaratory ruling on the applicability of the Mobile Home Commission Act (1987 PA 96, as amended) to a fact situation described in that letter. This declaratory ruling is the Bureau and Commission's response to your August 24, 1989, request and applies only to the exact fact situation set forth in that request. No reliance may be placed on this ruling in any situation which varies from the facts presented in your request.

Facts

Mr. Jack Springborn currently has two mobile homes on his property. He lives in one, one of his sons lives in the other. Mr. Springborn proposes to site a third mobile home on his property in which another son would live. None of these mobile homes will be offered to the public.

Declaratory Ruling

No. MH-89-31

Page Two

Issue

Would three mobile homes on private land, each occupied by a family member and not offered to the public, constitute a mobile home park under the Mobile Home Commission Act?

Analysis

A mobile home park is defined in Section 2(i) of 1987 PA 96 as amended, as:

"...a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use as a temporary trailer park."

Based upon this statutory definition, the Commission and the Bureau hold that the arrangement you describe would not constitute a mobile home park because it is not offered to the public.

Ruling

The Bureau and Commission determine that the proposed usage of mobile homes described in your August 24, 1989, letter is not subject to the requirements of the Mobile Home Commission Act (1987 PA 96 as amended).

Declaratory Ruling MH-89-31

MH-89-31

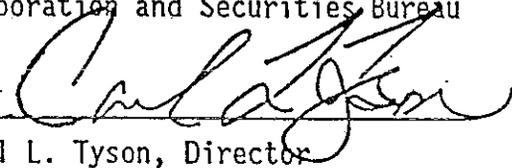
Page Three

However if at any time any of the homes located on the property described in your August 24, 1989, letter are made available to the public the property in question would then constitute a mobile home park.

This declaratory ruling only addresses the issue as it is governed by 1987 PA 96, as amended.

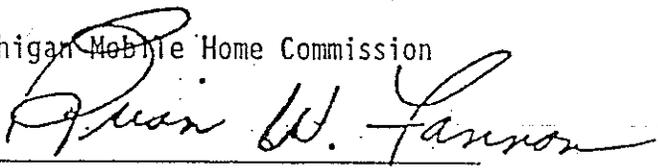
Michigan Department of Commerce
Corporation and Securities Bureau

By:


Carl L. Tyson, Director

Michigan Mobile Home Commission

By:


Brian W. Fannon, Chairperson

Dated: October 11, 1989

Lansing, Michigan

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
CORPORATION AND SECURITIES BUREAU
MOBILE HOME COMMISSION
6546 Mercantile Way
Lansing, MI 48910

DECLARATORY RULING NO. MH-89-32

Maxine Capp and
Lee Castleton
30874 E. U.S. 12
Sturgis, MI 49091

Dear Maxine Capp, and Lee Castleton:

Declaratory Ruling Request

In your September 13, 1989, letter, you requested a declaratory ruling on the applicability of the Mobile Home Commission Act (1987 PA 96, as amended) to a fact situation described in that letter. This declaratory ruling is the Bureau and Commission's response to your September 13, 1989, request and applies only to the exact fact situation set forth in that request. No reliance may be placed on this ruling in any situation which varies from the facts presented in your request.

Facts

Maxine Capp and Lee Castleton own a parcel of land upon which three mobile homes are located. Two of these three sites are occupied by

Declaratory Ruling

MH-89-32

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family members. The third site is unoccupied at the present. Maxine Capp and Lee Castleton propose to allow a non-family member to occupy that site.

Issue

Would the aforementioned proposed use of mobile homes on Ms. Capp and Mr. Castleton's property constitute a mobile home park under the Mobile Home Commission Act?

Analysis

A mobile home park is defined in Section 2 (i) of 1987 PA 96, as amended, as:

"...a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park."

Based upon this statutory definition, the Commission and the Bureau hold that the use described herein would not constitute a mobile home park. In the event that this fact situation changes and more than 2 are rented to the public you would then be considered a mobile home park under the statute.

Declaratory Ruling

MH-89-32

Page Three

Ruling

The Bureau and Commission determine that the proposed usage of mobile homes described in your September 13, 1989, letter, is not subject to the requirements of the Mobile Home Commission Act (1987 PA 96, as amended).

This declaratory ruling only addresses the issue as it is governed by 1987 PA 96, as amended.

Michigan Department of Commerce
Corporation and Securities Bureau

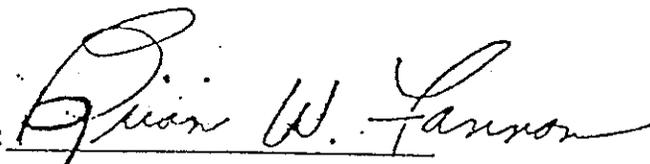
By:



Carl L. Tyson, Director

Michigan Mobile Home Commission

By:



Brian W. Fannon, Chairperson

Dated October 11, 1989

Lansing, Michigan

DECLARATORY RULING MH-93-35

Ms. Janet Swistak
Swistak & Levine
Attorneys at Law
30301 Northwestern Hwy.
Farmington Hills, MI 48334-3233

Dear Ms. Swistak:

Declaratory Ruling Request

In a letter of March 4, 1993 over David M. Levine's signature, your firm on behalf of Meadow Lake Estates Mobile Home Community requested a declaratory ruling on the applicability of the Mobile Home Commission Act (1987 PA 96, as amended) to a fact situation described in that letter. In a letter of July 27, 1993 over your signature, your firm on behalf of Meadow Lake Estates requested an additional declaratory ruling on the applicability of the Act to a fact situation described in that letter.

This declaratory ruling is the Corporation and Securities Bureau's and Mobile Home Commission's response to your firm's March 4, 1993 and July 27, 1993 requests and applies only to the exact fact situation set forth in those requests. No reliance may be placed on this ruling in any situation which varies from the facts presented in your firm's requests.

Facts

Meadow Lake Estates Mobile Home Community is a 400 site, all double wide, mobile home community. Each home must have a minimum floor space of 24' X 48' pursuant to the community's home specification requirements. At no cost or charge to any resident, piers sufficient to accommodate a 28' X 52' (48' actual) double wide mobile home have been installed on each site within the community. If, however, a prospective resident or dealer desires to place on a site a home which either exceeds the home size requirements of the community or has an irregular floor plan configuration and, therefore, pursuant to the manufacturer's installation instructions or the Mobile Home Commission's installation rules, requires piers in addition to those provided by the community, the prospective resident or dealer is charged the actual construction cost for each additional pier (which is currently \$35.00 per pier). No part of this cost is retained by the community.

Prospective residents and dealers are informed of this possible expense at the time they are provided a copy of a Home Specifications directive which enumerates the standards and obligations to be met when bringing a home into Meadow Lake Estates and informs them that additional site concrete work or piers will be their responsibility. They must acknowledge with a signature that they have been informed of and will abide by these requirements and that they agree to order a home which, at a minimum, meets these standards.

The construction plans for Meadow Lake Estates were approved on August 11, 1989 by the Mobile Home and Land Resources (Manufactured Housing) Division. The construction plans provided, as required, that:

Spacing, location, number of piers required and minimum load capacity required will be per manufacturer's written instructions for the home being installed. If the manufacturer's written instructions do not exist, then piers will be installed in accordance with the dimensions of the approved plan.

Additionally, on August 11, 1989, pursuant to R125.1816, Rule 816 (3), the Mobile Home Commission granted a request for a variance to R125.1816, Rule 816 (2) (c), (e), (f), and (g) to permit the manufactured home site individual walkway, on-site parking area, patio, light fixture (if on-site), and permanent foundation to be installed at the time the site is rented or within a reasonable period of time thereafter, to allow the specific site to be customized to accommodate the home that is to be placed upon the site. All homes brought into Meadow Lake Estates had written installation instructions and all homes installed in the community have been installed in accordance with such written instructions.

Issues

The issue raised in your firm's letter of March 4, 1993 is the following:

"Does [Meadow Lake Estates Mobile Home Community] charging a prospective resident or dealer for the construction cost of piers necessary to accommodate a mobile home which needs more piers than the standard set provided by the park owner violate Section 28 (1) (a) of the Mobile Home Commission Act (MCLA 125.2328) and Mobile Home Commission Rule 125.2001 (a) by charging a person an entrance fee as a condition of residing in the community?"

The issue raised in your firm's letter of July 27, 1993 is the following:

"Whether [Meadow Lake Estates Mobile Home Community,] a mobile home community, whose construction plans provide that the spacing, location, number of piers required, and the minimum load capacity required will be per manufacturers written installation instructions for the home being installed, is required to provide, at no cost to dealers or prospective residents, any and all piers to support the home in full compliance with factory recommendations, when such recommendations, due to the dealer's or prospective resident's choice of mobile home size and/or configuration exceed the number of piers provided by the mobile home community, which piers are sufficient to allow the installation of a double wide mobile home meeting the mobile home community size requirements?"

Consistent with your firm's letter of August 6, 1993, the two questions which your firm has asked have been amended with the bracketed words to clarify that this declaratory ruling is applicable only to the exact fact situation described in your firm's letters of March 4, 1993 and July 27, 1993.

Background

Section 28 (1) (a) of the Act reads as follows:

Sec. 28(1) An owner or operator of a mobile home park or seasonal mobile home park shall not engage, nor permit an employee or agent to engage, in any of the following methods, acts, or practices, which are defined in this section as unfair or deceptive practices:

(a) Charging or exacting from a person, directly or indirectly, an entrance fee.

Commission Rule 1001 (a) reads as follows:

Rule 1001. As used in this part:

- (a) "Entrance fee" means a fee charged by a mobile home park as a condition precedent, subsequent, or concurrent to the right to reside in the park. The term does not include any of the following:
- (i) Security deposits.
 - (ii) Fees and taxes charged by a unit of government, except such fees and taxes to be paid by the park which are related to capital improvements.
 - (iii) Deposits for service charged by public utilities.
 - (iv) Utility charges billed directly to the tenant by the park.
 - (v) Rent.
 - (vi) Actual cost of a credit report, if one is obtained.
 - (vii) Such other fees as may, from time to time, be determined by the commission by declaratory ruling, rule, or interpretive statement.
 - (viii) Nonrefundable cleaning fee as allowed by law.

Pursuant to its authority under Rule 1001 (a) (vii), on August 18, 1993, the Mobile Home Commission issued the following interpretative statement:

"The Mobile Home Commission interprets the term "entrance fee" in Rule 1001 (a) as not including a mobile home park requirement that a current or prospective resident, a dealer, or an installer and repairer pay for the construction cost of piers in addition to the piers provided by the park if the additional piers are necessary to install a mobile home in compliance with the manufacturer's installation instructions or the Mobile Home Commission's installation rules. The park requirement for payment must be disclosed to the current or prospective resident, dealer, or installer and repairer prior to the commitment by the resident, dealer, or installer and repairer to secure the lot."

There is no provision in the Mobile Home Commission Act or Rules which requires a mobile home park to provide piers in addition to the piers provided by the park if the additional piers are necessary to install a mobile home in compliance with the manufacturer's installation instructions or the Mobile Home Commission's installation rules.

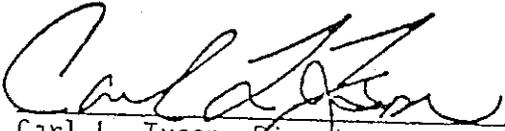
Rulings

The Corporation and Securities Bureau and the Mobile Home Commission determine that the charge for additional piers by Meadow Lake Estates Mobile Home Community which is described in your firm's letter of March 4, 1993 does not violate Section 28 (1) (a) of the Mobile Home Commission Act and Mobile Home Commission Rule 125.2001 (a) by charging an entrance fee as a condition of residing in the community if the charge is disclosed to the prospective resident or dealer prior to the commitment by the prospective resident or dealer to place a home in the community.

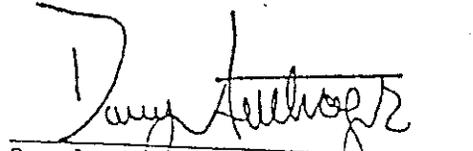
The Bureau and the Commission further determine that Meadow Lake Estates is not required by the Mobile Home Commission Act or Rules to provide additional piers without charge as described in your firm's letter of July 27, 1993.

This declaratory ruling only addresses the issue as it is governed by 1987 PA 96, as amended.

Michigan Department of Commerce
Corporation & Securities Bureau


Carl L. Tyson, Director

Michigan Mobile Home Commission


Douglas A. Schwager, Chairperson

Dated: November 10, 1993
Lansing, Michigan



State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

P.O. Box 30001
Law Building
Lansing, MI 48909-7504
517-373-1820

DECLARATORY RULING MI-96-36

Mr. Paul Weisberger
Fried, Watson & Bugbee, P.C.
30700 Telegraph Road, Suite 3655
Bingham Farms, MI 48025

Dear Mr. Weisberger:

Declaratory Ruling Request

In a letter of October 16, 1996 to Richard VanderMolen, Corporation, Securities and Land Development Bureau Deputy Director for Manufactured Housing, you requested a declaratory ruling on behalf of A. Russell Button, general partner of Webberville Mobile Park Company, on the applicability of the Mobile Home Commission Act (1987 PA 96, as amended) and the rules adopted under the Act to a fact situation described in your letter.

This declaratory ruling is the response of the Director of the Department of Consumer and Industry Services to your October 16, 1996 request and applies only to the exact fact situation set forth in that letter. No reliance may be placed on this ruling in any situation which varies from the facts presented in your request.

Facts

Mr. Button was recently served with nine (9) citations by the Village of Webberville for violating Sections 1806.1, *Footings*, and 108.1, *Inspections*, of the 1994 Uniform Building Code ("UBC"). Prior to the present citations, Mr. Button was issued four (4) citations for various violations of the 1994 UBC, as adopted by Webberville Ordinance No. 136. In both cases, the citations were issued without the Village of Webberville first securing approval of the 1994 UBC from the Mobile Home Commission, pursuant to MCL 125.2307.

The present citations were issued on the grounds that Mr. Button had certain "foundations" that did not conform to the 1994 UBC. Specifically, the citations were issued for failing to have "footings" which conform to Code. The patented concrete pads within Webberville Mobile Home Park, which are not of a basement or crawlspace type, were initially approved by the Department of Public Health and were subsequently approved by the Mobile Home Division.

Webberville Mobile Home Park is a licensed mobile home park governed by the Mobile Home Commission Act (the "Act") and the rules promulgated by the Commission. It is this very Act that dictates the installation requirements for homes found within a mobile home park. Mr. Button follows the Act and the rules as they apply to the mobile home park. However, the

Village of Webberville seeks to enforce the 1994 UBC, although it has not sought approval of the Mobile Home Commission to apply the 1994 UBC to mobile home parks. Additionally, the Village of Webberville seeks to enforce the 1994 UBC against Mr. Button, as the park owner, even though he is not performing the installation of the mobile homes in question.

The building official for Webberville, Jeff Bartrem, has issued violations of Section 1806.1, *Footings*, of the 1994 UBC for mobile home sites that do not have 42" piers installed where the home extends beyond the concrete pad. The requirement of installing 42" piers, and the requirements found within Section 1806.1, are clearly a "higher standard" than that required by the Act or rules, and thus, require approval from the Commission before they can be enforced within Mr. Button's mobile home park. Specifically, it is a "higher standard" than that found in R 125.1602, *Installations*.

The building official also issued Mr. Button citations for "covering before requesting, reviewing and passing a code required inspection" of the mobile home undercarriage and footings. Again, Mr. Button is the mobile park owner, not the installer, and thus, any violation of the local inspection requirement should be directed towards the installer. R 125.1508(d).

It is important to note that Mr. Button does not contest the authority of a local municipality to enforce their approved construction code within a mobile home park as to "optional improvements." R 125.1947.

Issues

The issues raised in your letter of October 16, 1996 are as follows:

1. Does the Village of Webberville have the authority to enforce the Uniform Building Code within a licensed mobile home park, governed by the Mobile Home Commission Act, MCL 125.2301 *et seq.*, without first securing approval from the Mobile Home Commission, pursuant to MCL 125.2307;
2. Is Section 1806.1 of the 1994 Uniform Building Code, *Footings*, as enforced by the Village of Webberville, a "higher standard" than that provided in the Act or the Mobile Home Code, including, but not limited to, R 125.1602, in light of the fact that the Mobile Home Commission has approved the Webberville pad;
3. Is the mobile home park owner responsible under either the Mobile Home Commission Act or the Mobile Home Code for meeting the installation requirements found within R 125.1508, R 125.1602 and R 125.1604; and
4. Does R 125.1602(6) apply to the foundational system found within Mr. Button's mobile home park or does it apply to private mobile homes not within a licensed mobile home park?

Background

Section 7 (1) [125.2307 (1)] of the Act reads as follows:

A local government which proposes a standard related to mobile home parks or seasonal mobile home parks, or related to mobile homes located within a mobile home park or a seasonal mobile home park that is higher than the standard provided in this act or the code; or a standard related to the business, sales, and service practices of mobile home dealers, or the business of mobile home installers and repairers, that is higher than the standard provided in this act or the code shall file the proposed standard with the commission. The commission may promulgate rules to establish the criteria and procedure for implementation of higher standards by a local government. The commission shall review and approve the proposed standard unless the standard is unreasonable, arbitrary, or not in the public interest. If the commission does not approve or disapprove the proposed standard within 60 days after it is filed with the commission, the standard shall be considered approved unless the local government grants the commission additional time to consider the standard. After the proposed standard is approved, the local government may adopt the standard by ordinance. The ordinance shall relate to a specific section of the code.

Rule 101 (1) (q) [R 125.1101 (1) (q)] reads as follows:

"Mobile home accessory" means anything which is joined to a mobile home, which renders it more complete, which accompanies it, which is connected to it, or which performs a function incident to the safety or convenience, or both, of the occupant, such as an attached or detached carport or garage, steps, or decks. An accessory to a mobile home shall be considered an integral part of a mobile home. An accessory shall be constructed pursuant to the standards set forth in the provisions of R 408.30101 et seq. of the Michigan Administrative Code.

Rule 947 (2) [R 125.1947 (2)] reads as follows:

Optional improvements, such as laundries, swimming pools, garages, carports, buildings and other structures, service facilities, and areas for recreational or service use, shall comply with current state or local building codes pertinent to construction, including the obtaining of the appropriate state or local permits pertinent to the facility or structure being constructed.

Section 1806.1 of the 1994 Uniform Building Code reads as follows:

General. Footings and foundations shall be constructed of masonry, concrete or treated wood in conformance with Division II and shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least 6 inches (152mm) above the adjacent finish grade. Footings shall have a minimum depth as indicated in Table 13-I-D unless another depth is recommended by a foundation investigation.

The provisions of this section do not apply to building and foundation systems in those areas subject to scour and water pressure by wind and wave action. Buildings and foundations subject to such loads shall be designed in accordance with approved national standards.

Rule 943 (1) [R 125.1943 (1)] reads as follows:

A mobile home site shall have installed a means by which the mobile home shall be supported on a permanent foundation.

Rule 901 (p) [R 125.1901 (p)] reads as follows:

“Permanent foundation” means a base which is not subject to excessive movement caused by changes in weather or mobile home weight distribution.

Rule 905 (2) (b) [R 125.1905 (2) (b)] reads as follows:

All of the following shall be submitted with the application:

(b) A soil analysis, which shall be provided by a professional engineer and which shall state that the soils are sufficiently stable so as to support the mobile home and the permanent foundation without excessive movement caused by changes in the weather or mobile home weight distribution.

Rule 908 (1) (c) (i) [R 125.1908 (1) (c) (i)] in part reads as follows:

...Specific plans shall include all of the following:

(c) A typical mobile home site at an enlarged scale that shows all the following:

(i) Foundation construction.

Rule 401 (R 125.1401) reads as follows:

A person who installs or repairs mobile homes for compensation shall be licensed as a mobile home installer and repairer.

Rule 602 (6) [R 125.602 (6)] reads as follows:

Mobile homes may be installed on a basement or crawl space-type foundation if the foundation complies with local building codes and ordinances and meets the manufacturer’s specifications for pillar placement and imposed load capacity.

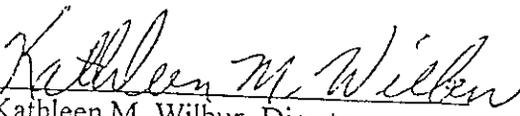
Rulings

As Director of the Department of Consumer and Industry Services, pursuant to my authority under Mobile Home Commission Rule (Rule) 175 (R 125.1175) and Executive Order 1996-2, after receiving a recommendation from the Mobile Home Commission (Commission), I make the following determinations regarding the issues you raised in your letter of October 16, 1996:

1. As indicated in Rules 101 (q) [R 125.1101 (q)] and 947 (2) [R 125.1947 (2)], the Village of Webberville (Village) has the authority to enforce the Uniform Building Code (UBC) within a licensed mobile home park (park) in regards to the construction of mobile home accessories and optional improvements without securing approval from the Commission. However, as indicated in Section 7 (1) [125.2307 (1)] of the Mobile Home Commission Act (Act), the Village does not have the authority to enforce the UBC within a park in regards to construction regulated by the Act and Rules without securing approval from the Commission.
2. Section 1806.1 of the 1994 UBC is a higher standard than is contained in the Act and Rules and has not been approved by the Commission for use by the Village; therefore, it cannot be enforced in parks by the Village. It should be noted that the Manufactured Housing Division rather than the Commission has the authority to approve foundation systems pursuant to Rules 943 (1) [R 125.1943 (1)], 901 (p) [R 125.1901 (p)], 905 (2) (b) [R 125.1905 (2) (b)], and 908 (1) (c) (i) [R 125.1908 (1) (c) (i)]; in the case of Webberville Mobile Park Company, as you noted in your letter, the approval was given by the Department of Public Health on January 25, 1979 prior to the Division assuming that responsibility.
3. As indicated in Rule 401 (R 125.1401), if a person such as a park does not have an installer and repairer license, it may not install a mobile home and is not responsible for the installation by an installer and repairer.
4. Rule 602 (6) [R 125.1602 (6)] only applies to mobile homes sited outside of parks.

This declaratory ruling only addresses the above issues in light of the Act and Rules.

Dated: 1/2/97
Lansing, Michigan


Kathleen M. Wilbur, Director
Michigan Department of
Consumer and Industry Services



State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

Corporation, Securities and
Land Development Bureau

6546 Mercantile Way
P.O. Box 30222
Lansing, Michigan 48909
517-334-6213

Enforcement Division
517-334-6209

Broker Dealer, Agent and
Investment Advisor
517-334-6215

Securities Examination Division
517-334-6200

Property Development Division
517-334-6200

Manufactured Housing Division
517-334-6203

Corporation Division
P.O. Box 30054
Lansing, MI 48909
517-334-6327

Records Information and
Certification Units
1-900-555-0031

Document Review Section
517-334-6302

Annual Report Section
517-334-6300

DECLARATORY RULING MH-97-37

July 10, 1997

Mr. Ernest J. Essad, Jr.
Sills, Law, Essad, Fiedler & Charboneau, P.C.
1550 Woodward Avenue, Ste. 200
Bloomfield Hills MI 48304-3982

Dear Mr. Essad:

Declaratory Ruling Request

In a letter of April 25, 1997 to Richard VanderMolen, Corporation, Securities and Land Development Bureau Deputy Director for Manufactured Housing, you requested a declaratory ruling on behalf of Orchard Cove Mobile Home Park on the applicability of the Mobile Home Commission Act (1987 PA 96, as amended) and the rules adopted under the Act to a fact situation described in your letter.

This declaratory ruling is the response of the Director of the Michigan Department of Consumer and Industry Services to your April 25, 1997 request and applies only to the exact fact situation set forth in that letter. No reliance may be placed on this ruling in any situation which varies from the facts presented in your request.

Facts

Orchard Cove Mobile Home Park is an approved mobile home park in Otisville, Michigan. A site plan was approved by the Village of Otisville and the project was about to proceed when the sewer tap fees were quadrupled in an effort to stop the project. After several attempts to resolve the matter with the Village, Orchard Cove decided to seek an NPDES permit to do its own system. The NPDES permit was granted. Orchard Cove wishes to proceed on phase one of its project by completing its own sanitary system as well as creating 118 lots which have been approved for phase one. An issue has arisen relative to whether or not Orchard Cove must seek a modification of the approved plan by the Village prior to receiving its approval to commence construction by the Manufactured Housing Division. The community has been hostile towards the project (including an attempted rezoning of the project). The layout, number of lots, road configuration, and other approved factors of the plan for phase one are not being modified. The underground system which is to be put in place is a private system and does not affect the municipality, its plant, or adversely affect anyone else in the area as evidenced by the granting of the NPDES permit. The project as contemplated currently would be in compliance with municipal sewage service, acts, laws, and ordinances because, since Orchard Cove is providing itself with a private system, it is not regulated by the local ordinance.

Mr. Ernest J. Essad, Jr.
July 10, 1997
Page Two

Issue

The issue raised in your letter of April 25, 1997 is as follows:

Does the Village of Otisville have the authority to require the resubmission of the preliminary plan of Orchard Cove Mobile Home Park because the park decided to construct its own sewer system instead of connecting to the municipal sewer system as indicated on its preliminary plan?

Background

Section 11 (1), (2), and (4) [125.2307 (1), (2), and (4)] of the Mobile Home Commission Act read as follows:

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

(2) The municipality may grant preliminary approval if the proposed mobile home park or seasonal mobile home park conforms to applicable laws and local ordinances not in conflict with this act and laws and ordinances relative to:

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

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

Ruling

As Director of the Department of Consumer and Industry Services, pursuant to my authority under Mobile Home Commission Rule 175 (R 125.1175) and Executive Order 1996-2, after receiving a recommendation from the Mobile Home Commission, I make the following determination regarding the issue you raised in your letter of April 25, 1997:

Mr. Ernest J. Essad, Jr.
July 10, 1997
Page Three

As indicated in Section 11 (1) of the Mobile Home Commission Act (Act), the preliminary plan must contain the location, layout, general design, and a general description of the project. In addition, Section 11 (2) of the Act gives municipalities authority to grant preliminary plan approval if the proposed construction affects the municipal sewage system while Section 11 (4) gives that authority to local health departments for on site sewage systems. Therefore, Orchard Cove Mobile Home Park does not need to resubmit its preliminary plan to the Village of Otisville because the location, layout, general design, and a general description of the project have not changed and because the authority for approving on site sewage systems belongs to the local health department and not the municipality.

This declaratory ruling only addresses the above issue in light of the Mobile Home Commission Act and Rules.

Dated: 7/17/97
Lansing, Michigan

Kathleen M. Wilbur
Kathleen M. Wilbur, Director
Michigan Department of Consumer and Industry Services



JOHN ENGLER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LANSING

~~XXXXXXXXXXXX~~
~~XXXXXX~~
RONALD M. BASSO
ACTING DIRECTOR

DECLARATORY RULING MH-02-38

July 31, 2002

Mr. Steven D. Winter
winter, plc
100 Talon Centre, Suite 150
Detroit, Michigan 48207

Dear Mr. Winter:

Declaratory Ruling Request

On January 13, 2002, you sent a PETITION FOR HEARING BEFORE AND DECLARATORY RULING BY THE MICHIGAN MANUFACTURED HOUSING COMMISSION (Petition) to the Manufactured Housing Commission (Commission) In the Matter of Sun Communities Operating Limited Partnership, a Michigan limited partnership, d/b/a White Oak Manufactured Housing Community, petitioners, vs. Mt. Morris Township, a Michigan municipal corporation, and Larry Green, an individual and township official, respondents. At the Commission's January 30, 2002 meeting, you withdrew the request for a hearing before the Commission and the Commission tabled the Petition to allow the Bureau of Construction Codes (Bureau) to attempt to resolve the matter. On April 8, 2002, you sent a letter requesting that the Commission remove the Petition from the table because the matter had not been resolved. At its May 8, 2002 meeting, the Commission removed the Petition from the table, considered your request, and then tabled the Petition until its next meeting on June 19, 2002 to allow the Bureau additional time to resolve the matter. At its June 19, 2002 meeting, the matter not having been resolved, the Commission decided to issue a declaratory ruling.

This declaratory ruling is the response of the Commission to your January 13, 2002 Petition and is limited to the facts set forth in the Petition and the Mobile Home Commission Act (Act) and Manufactured Housing Commission General Rules (Rules). It is binding on the Commission, the Bureau and the petitioners unless it is altered or set aside by a court. The Commission may not retroactively change the ruling but may prospectively do so in its discretion. The declaratory ruling is subject to judicial review in the same manner as a Commission final decision or order in a contested case.

Facts

Petitioner Sun Communities Operating Limited Partnership (Sun) is a Michigan limited partnership that owns and operates White Oak Manufactured Housing Community (White Oak), a licensed manufactured home (home) community (community) located in Mt. Morris Township (Mt. Morris), Genesee County, Michigan. Larry Green (Green) is the Mt. Morris building inspector.

During the summer and fall of 2001, several White Oak residents expressed a desire to construct garages on their manufactured home sites (home sites). Mt. Morris, acting through Green, refused to issue building permits for any garages in White Oak.

Sun contacted Green and sought to obtain the necessary building permits without success. Green stated that any garage would have to be set back ten feet from the home on the resident's home site, twenty feet from any home on an adjacent home site, and five feet from the lot line. These standards exceed the standards contained in the Rules.

After unsuccessfully attempting to reach Green for an explanation, Sun's legal counsel contacted the staff of the Bureau to determine whether the standards cited by Green had been approved by the Commission. This inquiry established that, in May of 1998, Mt. Morris asked for informal review of a proposed ordinance including a section 7.05 that incorporated by reference Articles 18, 20, 21, and 24 of Mt. Morris' zoning ordinance where the set backs cited by Green are located. In its May 29, 1998 informal analysis, the staff asked for additional information about the content of the Articles. Mt. Morris responded on July 23, 1998 by requesting Commission approval of a revised proposed ordinance that did not contain section 7.05. On October 14, 1998, the Commission issued an order denying, approving, and approving with modifications the various parts of this proposed ordinance. Mt. Morris subsequently adopted an allegedly conforming ordinance that did not contain section 7.05. However, it did include a set back requirement of ten feet from a home for detached accessories such as garages on adjacent home sites, which is identical to that found in the Rules but different from that cited by Green.

Sun's legal counsel then contacted Green to share the results of its inquiry and ask for a response. Green reiterated his previous position that the set backs he cited earlier were applicable and added that Sun was required to obtain Commission approval of amended construction plans that included the garages. He then referred Sun's legal counsel to Mt. Morris' legal counsel from whom Sun's legal counsel has been unable to obtain an opinion regarding Green's position.

Issues

The issues raised in your petition are as follows:

1. Were the set backs required by Green on behalf of Mt. Morris for garages in White Oak, which are higher standards than those provided in the Act and Rules, approved by the Commission and, consequently, applied to White Oak in compliance with Section 7(1) of the Act?
2. Is the Commission required to approve revised construction plans before the construction of a garage on a home site in White Oak?

Background

Section 4(1)(c) [125.2304(1)(c)] of the Act reads as follows:

“(1) The commission may do all of the following:

“(c) Determine the sufficiency of local mobile home ordinances which are designed to provide local governments with superintending control over mobile home businesses, mobile home parks, or seasonal mobile home parks.”

Section 7(1) [125.2307(1)] of the Act reads as follows:

“A local government which proposes a standard related to mobile home parks or seasonal mobile home parks, or related to mobile homes located within a mobile home park or a seasonal mobile home park that is higher than the standard provided in this act or the code; or a standard related to the business, sales, and service practices of mobile home dealers, or the business of mobile home installers and repairers, that is higher than the standard provided in this act or the code shall file the proposed standard with the commission. The commission may promulgate rules to establish the criteria and procedure for implementation of higher standards by a local government. The commission shall review and approve the proposed standard unless the standard is unreasonable, arbitrary, or not in the public interest. If the commission does not approve or disapprove the proposed standard within 60 days after it is filed with the commission, the standard shall be considered approved unless the local government grants the commission additional time to consider the standard. After the proposed standard is approved, the local government may adopt the standard by ordinance. The ordinance shall relate to a specific section of the code.”

Section 5(1)(a) [125.2305(1)(a)] of the Act reads as follows:

“(1) The commission shall promulgate the mobile home code subject to section 4. The code shall consist of rules governing all of the following:

“(a) The licensure, density, layout, permits for construction, construction of mobile home parks including standards for roads, utilities, open space, or

proposed recreational facilities, and safety measures sufficient to protect health, safety, and welfare of mobile home park residents, except water supply, sewage collection and treatment, and drainage facilities which are regulated by the department of public health.”

Rule 941(1)(c)(ii) [R 125.1941(1)(c)(ii)] of the Rules reads as follows:

“(1) A home shall be in compliance with all of the following minimum distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:

“(c) Ten feet from either of the following:

“(ii) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.”

Rule 941(8) [R 125.1941(8)] of the Rules reads as follows:

“Home site boundary lines are not recognized by these rules.”

Section 12 [125.2312] of the Act reads as follows:

“(1) When all preliminary approvals are made, the developer shall submit the legal documents and the final plans draft to the department.

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

Section 13 [125.2313] of the Act reads as follows:

“(1) A person shall not construct a mobile home park or seasonal mobile home park without obtaining a permit issued by the department.

“(2) Construction may begin upon the granting of a permit to construct by the department.”

Rule 101(1)(a) [R 125.1101(1)(a)] of the Rules reads as follows:

“(1) As used in these rules:

“(a) “Accessory” means anything which is joined to a home, which renders it more complete, which accompanies it, which is connected to it, or which performs a function incident to the safety or convenience, or both, of the occupant, such as an attached or detached carport or garage, steps, or decks. An accessory shall be constructed pursuant to the standards set forth in the provisions of R 408.30101 et seq. of the Michigan Administrative Code.”

Rule 908(1)(c)(i-vi) [R 125.1908(1)(c)(i-vi)] of the Rules reads as follows:

“(1) A complete set of community construction plans shall include specifications and working drawings. The documents shall show the design, location, dimensions, materials, quality of materials, and workmanship standards necessary to construct the proposed community as related to internal road construction, utilities construction, home site construction, density, layout, open spaces, and other improvements to protect the health, safety, and welfare of community residents. Recreational facilities and any optional improvements shall be included in the plans. Specific plans shall include all of the following information:

“(c) A typical home site at an enlarged scale that shows all of the following:

“(i) Foundation construction.

“(ii) Required distances from other structures under R 125.1941.

“(iii) Details and location of sewer and water connections.

“(iv) Details and location of the utility pedestal.

“(v) Home site parking and other improvements.

“(vi) Details showing that subsurface gas distribution lines will not be located under the home and that electric lines will not pass over the home.”

Rule 950(1) and (2)(a)(i) [R125.1950(1) and (2)(a)(i)] of the Rules reads as follows:

“(1) An application for a permit to construct shall be filed with the department for all construction projects that alter an existing community in any manner from the community construction plans and specifications approved under the act, previous Act No. 143 of the Public Acts of 1934, as amended, being §125.751 et seq. of the Michigan Compiled Laws, and known as the trailer coach park act, or Act No. 243 of the Public Acts of 1959, as amended, being §125.1001 et seq. of the Michigan Compiled Laws, and known as the mobile home park act. Alteration projects include, but are not limited to, upgrading, installing, completely reconstructing, extending, or removing utility service systems; community lighting systems, or internal roads.

“(2) The department shall not issue a permit to construct until all of the following are received:

“(a) From the applicant, and as approved by the department, all of the following items:

“(i) Construction plans and specifications.”

Rulings

The Commission, pursuant to R 338.81 of the Michigan Administrative Code, makes the following determination regarding the issues raised in your Petition:

1. The set backs required by Mt. Morris for garages in White Oak, which are higher standards than those provided in the Act and Rules, were not approved by the Commission and, consequently, are being applied to White Oak in violation of Section 7(1) of the Act. Therefore, as indicated in Rule 941(1)(c)(ii), the required set back for a garage in White Oak from a home on an adjacent home site is ten feet. Additionally, there is no required set back for a garage in White Oak from a home on the same home site where the garage is located because none (i.e. a minimum zero set back) was established pursuant to Section 5(1)(a) of the Act. Also, there is no required set back for a garage in White Oak from a home site boundary line because, as indicated in Rule 941(8), home site boundary lines are not recognized.
2. The Commission is not required to approve revised construction plans before construction of a garage on a home site in White Oak because nowhere in the Act or Rules is the Commission given authority to approve construction plans. As indicated in Sections 12 and 13 of the Act, that authority is granted to the department (i.e. Bureau).

The Bureau also is not required to approve revised community construction plans before construction of a garage on a home site in White Oak. As indicated in Rule 950(1) and (2)(a)(i), an application for a permit to construct is required for alteration of an existing community such as White Oak and must be accompanied by construction plans and specifications; garages or other home site modifications are not included as examples of community alterations. As indicated in Rule 908(1)(c), the construction plans for a new or expanding community must include a typical home site; there is no requirement that construction plans for each individual home site be shown which is a recognition that there will be slight differences in individual home sites. As indicated in Rule 101(1)(a), a garage is

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an accessory that must be constructed under a building permit issued and construction plans approved pursuant to the state building code.

Dated: 07-31-02
Lansing, Michigan



F. Gerrit Veldman, Vice-Chairperson
Manufactured Housing Commission

TECHNICAL BULLETINS

Bureau of Construction Codes – Technical Bulletin

Publication Number 2

Manufactured Home Installation Requirements

http://www.michigan.gov/documents/dleg/dleg_bcc_techbu2_223393_7.pdf

Bureau of Construction Codes – Technical Bulletin

Publication Number 25

Electrical Connections of Manufactured Homes

http://www.michigan.gov/documents/dleg/dleg_bcc_techbu25_223406_7.pdf

Bureau of Construction Codes – Technical Bulletin

Publication Number 34

Tie Downs for Manufactured Homes at Retail Centers

http://www.michigan.gov/documents/dleg/dleg_bcc_techbu34_223411_7.pdf

Bureau of Construction Codes – Technical Bulletin

Publication Number 41

The Installation of Water Meters in Manufactured Communities

http://www.michigan.gov/documents/dleg/dleg_bcc_techbu41_223422_7.pdf

Bureau of Construction Codes – Technical Bulletin

Publication Number 51

Manufactured Housing Community Ordinances for the Inspection and Registration of Rental Housing

http://www.michigan.gov/documents/dleg/dleg_bcc_techbu51_229732_7.pdf

CONSTRUCTION CODE

The Stille-DeRossett-Hale Single State Construction Code Act
Act 230 of 1972

<http://legislature.mi.gov/doc.aspx?mcl-act-230-of-1972>