

DEPARTMENT OF LABOR & ECONOMIC GROWTH

DIRECTOR'S OFFICE

MANUFACTURED HOUSING

(By authority conferred on the director of the department of labor & economic growth by 1987 PA 96, MCL 125.2301 and Executive Reorganization Orders No.1996-2, 2003-1, and 2006-2, MCL 445.2001, 445.2011, and 445.1981)

PART 1. GENERAL PROVISIONS

R 125.1101 Definitions.

Rule 101. (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 to R 408.30121 of the Michigan Administrative Code.

(b) "Act" means 1987 PA 96, MCL 125.2301 to 125.2350 and known as the mobile home commission act.

(c) "Advertising" means the publication of, or causing to be published, by any means of communication, all material that is prepared for public distribution and consumption, including any sign used by a licensee. A licensee shall use the name under which it's doing business in all advertisements. The term does not include applications for licensing or stockholder communications, such as any of the following:

- (i) Annual reports.
- (ii) Interim financial reports.
- (iii) Proxy materials.
- (iv) Registration statements.
- (v) Securities.
- (vi) Business or financial prospectuses.

(d) "Certificate of manufactured home ownership" means a document which is issued by the department or its authorized representative and which establishes lawful transfer and ownership of a home.

(e) "Closing" means the procedure in which final documents are executed.

(f) "Commission" means the manufactured housing commission.

(g) "Common sidewalk" means a sidewalk in a community that is intended for the common use of all residents in the community.

(h) "Community" means both a "mobile home park" and a "seasonal mobile home park" as defined in the act.

(i) "Consumer" means a retail purchaser.

(j) "Consumer deposit" means all payments of cash or by personal check, money order, certified or cashier's check, credit card or similar instrument, or other collateral or security paid to a retailer prior to closing by the consumer for the right to purchase a home subject to return upon cancellation of the purchase agreement.

(k) "Department" means the Michigan department of labor & economic growth.

(l) "Director" means the director of the Michigan department of labor & economic growth.

(m) "Final documents" include termination statements, or releases of lien, purchase agreements, installment loan contracts, manufacturer's invoices, closing statements, shipping records, delivery receipts, and escrow disbursement documents.

(n) "Home" has the same meaning as "manufactured home," which has the same meaning as "mobile home" as defined in the act. A new home is a home for which a certificate of manufactured home ownership should have been issued under the act.

(o) "Homeowner" means the person or persons listed on the certificate of manufactured home ownership and on the security agreement, if one exists, for the home.

- (p) "Home site" means the entire area that is designated to be used for a specific home.
 - (q) "Individual sidewalk" means a private sidewalk which extends from the common sidewalk, driveway, or internal road to the home site and which is intended for the use of the home site resident.
 - (r) "Installer and servicer" has the same meaning as "installer and repairer" as defined in the act.
 - (s) "Internal road" means a road which is contained within the boundaries of a community and which is under the care, custody, and control of the community.
 - (t) "Location" means a staffed sales office that lists or sells, or lists and sells, new or pre-owned homes.
 - (u) "Manufactured housing commission" has the same meaning as "commission" as defined in the act.
 - (v) "Operator" means an individual 18 years of age or older who is an officer of a corporation, a manager or member, if member managed, of a limited liability company, a general partner, a copartner, or a sole proprietor.
 - (w) "Optional improvement" means an amenity in new community construction or existing licensed community expansion that is not required under the community construction rules contained in these rules.
 - (x) "Payments" does not include payments collected by a retailer on behalf of either a lender, in order for financing to be approved, or a state or local governmental agency, in order to apply for permits, and forwarded by the retailer to the lender or governmental agency.
 - (y) "Permanent foundation" means a base upon which a home is placed that is not subject to excessive movement caused by changes in weather or home weight distribution.
 - (z) "Purchase agreement," for the purpose of records maintained under these rules, means an express written agreement in which a person agrees to buy, and another person agrees to sell, a home and includes specific home identification information, which shall include all of the following information:
 - (i) Year of manufacture or year on previous certificate of manufactured home ownership.
 - (ii) Serial number if available.
 - (iii) Name of manufacturer.
 - (iv) Model name or number.
 - (v) The agreed to price of the home.
 - (vi) Each buyer-selected option and accessory.
 - (vii) Other costs to the buyer, such as taxes and certificate of manufactured home ownership fees.
 - (aa) "Purchaser" means a retail purchaser.
 - (bb) "Retailer" has the same meaning as "mobile home dealer" as defined in the act. A community that rents or leases homes within the community is not required to be licensed as a retailer, but shall comply with the retailer business practices rules. A lender that only sells homes it has repossessed is not required to be licensed as a retailer. A community that only sells homes that have been abandoned or for which a title has been transferred without consideration or in lieu of rent owed is not required to be licensed as a retailer.
 - (cc) "Rubbish" means not putrescible solid wastes, except ashes, consisting of either combustible or noncombustible wastes, such as paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.
 - (dd) "Seasonal community" has the same meaning as "seasonal mobile home park" as defined in the act.
 - (ee) "Successor" means a person who obtains all of the assets and liabilities of a former owner.
 - (ff) "Terminate" means ceasing activities authorized under the terms and powers of a license specified in the act.
 - (gg) "Year of manufacture" means the calendar year in which a home is manufactured.
- (2) Terms defined in the act have the same meanings when used in these rules.

History: 1979 AC; 1980 AACS; 1982 AACS; 1984 AACS; 1985 AACS; 1991 AACS; 1998 AACS; 2003 AACS; 2008 AACS.

R 125.1102 Adoption by reference

Rule 102. The following standards are referenced in these rules and are adopted by reference in this rule:

(a) The standards of the United States department of housing and urban development, 24 C.F.R. part 1700 to 1799, revised April 1, 2006, and parts 3280 and 3282, revised April 1, 2006, under the national manufactured housing construction and safety standards act of 1974, as amended, 42 U.S.C. §601 to §628. Copies of the adopted standards may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C., 20204, at no cost. Copies may also be obtained from, or are available for inspection at, the Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, at no cost.

(b) Part 3282 of the manufactured home procedural and enforcement regulations, revised April 1, 2006, promulgated under the national manufactured housing construction and safety standards act of 1974 is adopted by reference in these rules and is available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, at a cost as of the time of adoption of these amendatory rules of \$15.00.

(c) ASTM standard C 90-99, printed June 1999, is adopted by reference in these rules and is available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, at a cost as of the time of adoption of these amendatory rules of \$29.00.

(d) The United States department of housing and urban development standards entitled "Manufactured Home Construction and Safety Standards," revised April 1, 2006, are adopted by reference in these rules. Copies of the standards may be obtained at no cost from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, or from the Department of Labor & Economic Growth, Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909.

(e) The American Society for Testing and Materials (ASTM) specification F1487-05, August 15, 2005, edition, is adopted by reference in these rules and is available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan, 48864. A copy of this specification may be purchased or inspected from the American Society for Testing and Materials, 100 Barr Harbor, West Conshohocken, PA 19428-2959, at a cost as of the time of adoption of these amendatory rules of \$52.00.

(f) The 2003 edition, international fire code, appendix D, figure D103.1 dealing with dead end fire apparatus access roads, is adopted by reference in these rules. The code is available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan, 48864. The code may be purchased from the International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, D.C. 20001, at a cost as of the time of adoption of these amendatory rules of \$74.00.

(g) The guide for design of pavement structures, March 1993 printing and the March 1, 1998 supplement as published by the American association of state highway and transportation officials (AASHTO), is adopted by reference in these rules and is available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American Association of State Highway & Transportation Officials, 444 North Capitol Street N.W., Suite 249, Washington, DC 20001, at a cost as of the time of adoption of these amendatory rules of \$150.00.

(h) The requirements of American water works association standards C700-02, effective January 1, 2003, entitled "Cold Water Meters - Displacement Type" (the cost at the time of adoption of these rules is \$54.00); C708-05, effective June 1, 2005, entitled "Cold Water Meters - Multijet Type" (the cost at the time of adoption of these rules is \$37.00); and C710-02, effective January 1, 2003, entitled "Cold Water Meters - Displacement Type Plastic Main Case" (the cost at the time of adoption of these rules is \$37.00). These standards are adopted in these rules by reference and are available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.

History: 2008 AACCS.

R 125.1103 Rescinded.

History: 1985 AACS; 1998 AACS.

R 125.1105 Commission; voting.

Rule 105. Each member of the commission shall have 1 vote.

History: 1979 AC; 1998 AACS.

R 125.1106 Commission; conflict of interest.

Rule 106. A commissioner or commission committee member shall not participate in a decision or discussion leading to a decision relating to a business entity in which the commissioner or commission committee member has a financial or personal interest. However, a commissioner or commission committee member may be present in the meeting room during the discussion and decision.

History: 2003 AACS.

R 125.1110 Commission; meeting; quorum; agenda.

Rule 110.(1) A quorum shall be required to conduct commission business.

(2) The chairperson and the executive director of the commission shall determine the meeting agenda. A member may place an item on the tentative agenda 14 days before the scheduled meeting date.

(3) A meeting shall be called by the chairperson. Except in emergency circumstances, the call for a meeting, specifying the time and place of the meeting, shall be personally communicated or mailed to each member of the commission not less than 7 days before the date of the meeting.

(4) The vice-chairperson shall fulfill the duties of the chairperson if the chairperson is absent.

(5) The chairperson shall appoint committees of the commission, subject to commission approval.

(6) A meeting of the commission or a committee shall be conducted under Robert's Rules of Order.

History: 1979 AC; 1991 AACS; 1998 AACS.

R 125.1115 Commission; meeting; public participation.

Rule 115. Testimony or comments, or both, presented by a member of the public during a commission meeting shall be limited to 10 minutes for an individual representing an organization and limited to 6 minutes for an individual not representing an organization. The individual presiding over the meeting may grant 10 additional minutes to anyone. Additional comments may be submitted to the commission in writing.

History: 1979 AC; 1998 AACS.

R 125.1120 Proposed higher standard; filing; approval and disapproval; adoption by ordinance.

Rule 120. (1) Under the act, local governments proposing a higher standard than specified in these rules shall, after public hearing, file the proposed standard with the department for the commission's review and approval.

(2) The filing shall be in letter form and shall contain, but not be limited to, all of the following information:

(a) The current specific standard for which a higher standard is being proposed.

(b) The proposed higher standard.

(c) A statement or statements setting forth the reasons for a standard that is higher than the existing standard.

(d) A statement or statements that the proposed higher standard is not designed to generally exclude homes or persons who engage in any aspect pertaining to the business of homes.

(e) A statement or statements comparing the proposed higher standard with the standard applicable to other types of housing. The standard applicable to other types of housing shall be submitted with the statement or statements.

(f) Any other information and data that provides justification for the proposed higher standard.

(3) The commission shall approve or disapprove the proposed higher standard within 60 days after the standard is filed with the commission and shall notify the local government, in writing, of its decision. If the commission denies the request, then the local government is entitled to a hearing before the commission or its designated representative under 1969 PA 306, MCL 24.271 to 24.328.

(4) If the commission does not approve or disapprove the proposed higher standard within 60 days after the standard is filed with the commission at the department, then the standard shall be considered approved unless the local government has granted the commission additional time to consider the proposal.

(5) After receipt of approval, or if the 60 days or extended time limit has lapsed, the local government may adopt the standard by ordinance.

History: 1979 AC; 1980 ACS; 1998 AACS; 2003 AACS; 2008 MR 11, Eff. Sept. 2, 2008.

R 125.1125 Proposed higher standard; intent to deny; order.

Rule 125. (1) The commission may deny a proposed higher standard by local government under the provisions of the act. The department shall notify the local government by certified mail or personal delivery of the preliminary order of intent to deny. The preliminary order of intent to deny constitutes notification within the 60-day time limit, and extension if any, under the act.

(2) The preliminary order of intent to deny shall automatically be final 15 days after the date of receipt of the order by a local government, unless the local government requests, in writing, a hearing before the commission or its designated representative under the provisions of 1969 PA 306, MCL 24.271 to 24.328.

History: 1979 AC; 1991 AACS; 1998 AACS; 2003 AACS; 2008 MR 11, Eff. Sept. 2, 2008.

R 125.1130 Aggrieved persons; hearing.

Rule 130. A person who is aggrieved by a decision of a local government shall be given an opportunity for a hearing under the act, provided that a written request is received by the department not more than 60 days from the date a decision is rendered by the local government.

History: 1979 AC; 1980 AACS; 1985 AACS; 1991 AACS; 1998 AACS; 2003 AACS; 2008 AACS.

R 125.1135 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1140 Rescinded.

History: 1979 AC; 1980 AACS; 1998 AACS.

R 125.1145 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1150 Rescinded.

History: 1979 AC; 1991 AACS; 1998 AACS.

R 125.1155 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1160 Rescinded.

History: 1979 AC; 1980 AACS; 1998 AACS.

R 125.1165 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1170 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1175 Declaratory rulings.

Rule 175. The commission and the department, at the request of an interested person, may issue a declaratory ruling in accordance with the department of labor and economic growth declaratory ruling procedures prescribed in R 338.81.

R 125.1185 Home Construction Standards.

Rule 185. (1) All new homes sold within Michigan shall comply with the construction standards promulgated by the United States department of housing and urban development, 24 C.F.R. part 1700 to 1799, and parts 3280 and 3282, under the national manufactured housing construction and safety standards act of 1974, as amended, 42 U.S.C. §601 to §628. The standards are adopted by reference in R 125.1102 of these rules. (2) All new or pre-owned United States department of housing and urban development-approved homes brought into or sold within the state of Michigan shall be in compliance with the requirements for the appropriate roof load. All homes sited on July 16, 1998 may be sold on the home site.

(3) The dividing line between the south roof load zone (20 pounds per square foot) and the middle roof load zone (30 pounds per square foot) shall be the centerline of highway M-55 west from Tawas City to the intersection of highway M-115 and then northwest along the centerline of M-115 to Frankfort. The beginning and end of the dividing line shall be at waters' edge.

History: 1979 AC; 1998 AACS; 2001 AACS; 2008 AACS.

R 125.1185 Home Construction Standards.

Rule 185. (1) All new homes sold within Michigan shall comply with the construction standards promulgated by the United States department of housing and urban development, 24 C.F.R. part 1700 to 1799, and parts 3280 and 3282, under the national manufactured housing construction and safety standards act of 1974, as amended, 42 U.S.C. §601 to §628. The standards are adopted by reference in R 125.1102 of these rules. (2) All new or pre-owned United States department of housing and urban development-approved homes brought into or sold within the state of Michigan shall be in compliance with the requirements for the appropriate roof load. All homes sited on July 16, 1998 may be sold on the home site.

(3) The dividing line between the south roof load zone (20 pounds per square foot) and the middle roof load zone (30 pounds per square foot) shall be the centerline of highway M-55 west from Tawas City to the intersection of highway M-115 and then northwest along the centerline of M-115 to Frankfort. The beginning and end of the dividing line shall be at waters' edge.

History: 1982 AACS; 1991 AACS; 1998 AACS; 2003 AACS; 2008 MR 11, Eff. Sept. 2, 2008.

R 125.1190 Inspections.

Rule 190. (1) The department, or its authorized representative, shall not conduct an inspection under the act or these rules without upon arrival, identifying itself to the developer, owner, operator, or authorized representative of the home business to be inspected. An inspection which is an audit shall not be conducted without first mailing a written notice to the developer, owner, or operator of the home business at least 10 days before the audit, unless the developer, owner, or operator waives the notice requirement in writing. "Inspection," for the purpose of this rule, means, but is not limited to, drive-throughs, walk-throughs, compliance inspections, or any other means from which visual or oral information would be obtained pertaining to the management or operation, or both, or any other aspect of the home business in which the person being inspected is engaged.

(2) This rule does not apply to investigations conducted under section 36(1)(a) of the act.

History: 1979 AC; 1998 AACS.

R 125.1191 Rescinded.

History: 1980 AACS; 1998 AACS.

R 125.1192 Posting of complaint notice.

Rule 192. A licensee shall post, in a conspicuous place, the following statement for resolving complaints:

"Under the Mobile Home Commission Act you have the right to file a complaint that pertains to violations of that act or rules published under the act. Before a complaint can be filed under the act or rules, you must notify the manufactured home manufacturer, community, retailer, or installer and servicer in writing that a problem exists. If a reasonable response is not received within 10 business days of receipt of your complaint, you may file a complaint with the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, Office of Local Government and Consumer Services, P.O. Box 30254, Lansing, Michigan 48909. Please note that only complaints about violations of the mobile home commission act or rules can be accepted by the Department. Examples of complaints may regard any of the following:

1. Purchase of manufactured homes, goods, or services and applicable warranties.
2. Lease or rental agreements.
3. Manufactured home communities.
4. Metering of utilities.
5. Manufactured home installation and service.

Complaints pertaining to manufactured home community rent costs do not fall under the authority of the act."

History: 1980 AACS; 1991 AACS; 1998 AACS; 2003 AACS; 2008 MR 11, Eff. Sept. 2, 2008.

R 125.1192a Complaint Process

Rule 192a. (1) The complainant shall send an alleged complaint to the respondent in writing of the alleged violation, giving the respondent 10 business days to respond.

(2) A person may file a complaint with the department, on a form prescribed by the department, pertaining to a violation of the act and rules.

(3) The department shall send the complaint to the respondent if the department determines there is a potential violation of the act or rules.

(4) The respondent shall respond to the complaint in writing to the department within 10 business days after receipt from the department or attempted delivery of the complaint.

(5) If the respondent does not respond to the complaint in writing within 10 business days after receipt, the department shall send the complaint to the alleged respondent a second time.

(6) The respondent shall respond to the complaint in writing to the department within 5 business days after receipt from the department under subrule (5) of this rule.

(7) If the respondent does not respond to the complaint under subrule (6) of this rule, then the department shall send an order to answer via certified mail to the respondent directing a response.

(8) Under subrule (7) of this rule, the respondent shall respond to the order to answer within 10 business days after receipt from the department or attempted delivery of the complaint.

(9) If the respondent does not respond to the order to answer under subrule (8) of this rule, then the department shall initiate administrative action against the respondent.

(10) If the respondent responds to the complaint or order to answer, the department shall send the response to the complainant.

(11) The complainant shall respond to the response in writing to the department within 10 business days after receipt.

(12) If the complainant does not respond to the response within 10 business days after its receipt, or notifies the department in writing that the response is satisfactory, then the department shall close the complaint file.

(13) If the complainant notifies the department in writing that the response is not satisfactory, then the department shall determine whether the respondent has violated the act or these rules.

(14) If the department determines that the respondent has not violated the act or rules, then the department shall notify the complainant and the respondent in writing and shall close the complaint file.

(15) If the department determines that the respondent has violated the act or rules, then the department shall notify the complainant and the respondent in writing of the required remedial action and the deadline by which the remedial action shall be completed.

(16) When the remedial action is complete, the respondent shall notify the department in writing and provide documentation that the remedial action is complete.

(17) If the department is satisfied that the remedial action is complete, then the department shall notify the respondent and complainant of this determination and then shall close the file.

History: 2003 MR 14, Eff. Aug. 1, 2003.

R 125.1193 Rescinded.

History: 1980 AACS; 1998 AACS.

R 125.1194 Rescinded.

History: 1980 AACS; 1998 AACS.

R 125.1195 Rescinded.

History: 1979 AC; 1985 AACS; 1991 AACS; 1998 AACS.

R 125.1197 Rescinded.

History: 1980 AACS; 1998 AACS.

R 125.1200 Rescinded.

History: 1979 AC; 1980 AACS; 1998 AACS.

R 125.1200a Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1200b Rescinded.

History: 1991 AACS; 1998 AACS.

R 125.1200c Rescinded.

History: 1991 AACS; 1998 AACS.

PART 2. LICENSING

R 125.1201 Rescinded.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1202 Application; truthful completion.

Rule 202. An applicant for a license under the act shall complete the application truthfully and shall not misrepresent any material fact on the application.

History: 1979 AC; 1998 AACS.

R 125.1202a Rescinded.

History: 1998 AACS; 2003 AACS.

R 125.1202b Disclosure.

Rule 202b. Under the act, if filing an application under the act or these rules, all general partners or copartners in a partnership; officers of a corporation; managers or members, if member managed of a limited liability company; or sole proprietors shall provide all of the following information:

(a) A conviction or administrative or civil judgment rendered against them within 10 years before the date of the application in connection with any aspect of the business of homes, which includes, but is not limited to, sales, brokering, installation, servicing, financing, and insuring homes or any aspect of community ownership, management, operation, development, or construction.

(b) A conviction or administrative or civil judgment rendered against them within 10 years before the date of application in connection with a violation of a statute regulating the offering of securities or franchises or regulating builders, real estate brokers, or real estate agents or a violation of 1972 PA 286, MCL 565.801 to 565.835.

(c) Information necessary to conduct a criminal record check on a form provided by the department.

History: 1998 AACS; 2003 AACS; 2008 AACS.

R 125.1202c Operator.

Rule 202c. On the application for licensure, a person shall identify an operator, who shall sign the application and be directly responsible for the operation of the licensee.

History: 2003 AACS.

R 125.1203 Rescinded.

History: 1979 AC; 1980 AACS; 2003 AACS.

R 125.1204 Applications; changes.

Rule 204. An applicant shall file a change to a licensing application with the department within 30 days after the change is made.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1204a Additional licenses; filing of information.

Rule 204a. If a person holds a license issued under the act and subsequently applies for an additional license issued under the act, then the applicant need file only that information not on file with the department in addition to the appropriate application and fee.

History: 1998 AACS.

R 125.1205 Rescinded.

History: 1979 AC; 1991 AACS; 1998 AACS.

R 125.1206 Rescinded.

History: 1979 AC; 1980 AACS.

R 125.1207 Rescinded.

History: 1979 AC; 1985 AACS; 1998 AACS.

R 125.1207a Rescinded.

History: 1991 AACS; 1998 AACS.

R 125.1208 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1209 License issuance licensee's true and assumed names required to appear on license; duplicate license.

Rule 209. A license may be issued to a person who meets the requirements of the act and these rules. The licensee's true name and assumed name shall appear on the license.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1210 Rescinded.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1211 Rescinded.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1211a Use of similar names on license prohibited; exception.

Rule 211a. A new licensee may not conduct business under a name which is so similar to the name under which an existing licensee is conducting business that it would be confusing to the public. This rule does not apply to an existing licensee that receives a new license of the same type or adds another location to its license.

History: 1998 AACS; 2003 AACS.

R 125.1211b License display.

Rule 211b. A license issued under the act and these rules shall be conspicuously displayed at the location shown on the license.

History: 1998 AACS.

R 125.1212 License; request for renewal; fee.

Rule 212. An application for license renewal shall be on a form provided by the department and shall be accompanied by the fee prescribed by the act.

History: 1979 AC; 1980 AACS; 1998 AACS; 2003 AACS; 2008 MR 11, Eff. Sept. 2, 2008.

R 125.1213 Temporary original license.

Rule 213. The department may authorize or issue temporary original licenses as evidence of proper licensing. The department shall prescribe the information that the license shall contain.

History: 1979 AC; 1998 AACS.

R 125.1213a License; failure to renew; expiration.

Rule 213a (1) If a licensee fails to file a license renewal application with the department before October 1, then the license held shall expire in compliance with the act.

(2) An initial or renewal license under the act shall be issued for 3 years. Licenses shall expire on October 1 of the current licensing cycle.

History: 1998 AACS; 2003 AACS; 2008 AACS.

R 125.1214 Operation after expiration of license.

Rule 214. A licensee may continue to operate as previously licensed using only its expired wall license as evidence of proper licensing if its completed application for renewal, with proper fee, has been received by the department before October 1 of the current licensing cycle.

History: 1979 AC; 1998 AACS; 2008 AACS.

R 125.1214a Disposal of interest in home business; notice.

Rule 214a. A licensee shall notify the department, in writing, within 10 days after having sold, transferred, given away, or otherwise disposed of a home business. The notice shall include the name, address, and telephone number of the new owner of the home business.

History: 1998 AACS.

R 125.1214b Employment of operator of licensee whose license is suspended or revoked prohibited.

Rule 214b. A licensee shall not employ an individual who was an operator of a licensee whose license has been suspended or revoked under the act during the time of suspension or revocation.

History: 1998 AACS.

R 125.1214c Return of suspended or revoked license.

Rule 214c. The holder of a license or licenses issued under the act shall return the license or licenses to the department within 5 days of notification of suspension or revocation. Return shall be made either personally, for which receipt shall be obtained, or by certified mail.

History: 1998 AACS; 2003 AACS.

R 125.1214d Local government; licensing.

Rule 214d. A local government shall not require a person licensed under the act to obtain a local license or to register its license unless the requirement is established by ordinance and the ordinance is approved by the commission under the provisions of the act.

History: 1998 AACS; 2003 AACS; 2008 AACS.

R 125.1214e Original license required to engage in retail sale of homes.

Rule 214e. An applicant shall submit a completed licensing application to the department on a form prescribed by the department before the date on which the applicant intends to be a retailer.

History: 1998 AACS; 2003 AACS.

R 125.1214f Surety bonds; cancellation.

Rule 214f. (1) A surety bond of \$10,000.00 or a deposit of \$10,000.00 in cash or securities, made payable to the "State of Michigan," on a form prescribed by the department, is required for each retailer location, up to a maximum surety bond or deposit of \$100,000.00 for all locations of the same retailer.

(2) If a surety bond is not in effect, then the retailer shall stop all sales activity.

History: 1998 AACS; 2003 AACS; 2008 AACS.

R 125.1214g Retailer's license; license amendments; application for amendments.

Rule 214g. (1) An applicant shall obtain a license for each location from which the applicant proposes to operate by filing the completed application form prescribed by the department.

(2) Separate applications shall be filed for each sales location.

History: 1998 AACS; 2003 AACS.

R 125.1214h Temporary retailer location.

Rule 214h. (1) A retailer shall notify the department in writing of a temporary sales location such as a shopping center, public show, or other similar limited-term general public event for home exhibition and sales.

(2) The exhibition and sales shall not exceed 20 calendar days at any one time and shall not exceed a total of 60 calendar days within a 12-month period.

(3) The notice shall include the name of the event, address, and inclusive dates for the exhibition and sales.

History: 1998 AACCS; 2003 AACCS.

R 125.1214i Installer and servicer; licensing required.

Rule 214i. (1) An applicant shall submit a completed licensing application to the department on a form prescribed by the department before the date on which the applicant intends to be an installer and servicer.

(2) A person who, for compensation installs or disassembles the installation of homes, including their nonpermanently affixed steps, skirting, and anchoring systems, or who services homes, for which service another Michigan license is not required, shall be licensed as an installer and servicer.

(3) Before applying for an original or renewal installer and servicer license, the operator shall complete 12 hours of department-approved installation programs throughout the current licensing cycle.

History: 1998 AACCS; 2003 AACCS; 2008 AACCS.

R 125.1214j Rescinded.

History: 1998 AACCS; 2003 AACCS.

R 125.1214k Community license application.

Rule 214k. (1) If a licensing application is for a new community or an expansion to an existing community, then the applicant shall submit a completed application to the department on a form prescribed by the department.

(2) If a licensing application is for a community that is or was licensed to another person, then the applicant shall submit a completed application to the department on a form prescribed by the department not more than 30 days after the date the community is conveyed by deed or land contract.

(3) After conveyance, the applicant is responsible for operation of the community.

History: 1998 AACCS; 2003 AACCS.

R 125.1214l Rescinded.

History: 1998 AACCS; 2003 AACCS; rescinded 2008 AACCS.

R 125.1214m Rescinded.

History: 1998 AACCS; 2003 AACCS.

R 125.1214n New community and additional home sites license; application; issuance; conditions.

Rule 214n. (1) Except as provided in subrule (2) of this rule, before the department issues an initial license for a new community or adds additional home sites to the community's existing license, all of the following shall be certified to be complete under the provisions of the act:

(a) Internal roads servicing the completed home sites. The owner may construct the final lift of the road in the next construction season if a bond covering the cost of constructing the final lift is delivered to the department before licensure. The bond shall be made payable to the "State of Michigan."

(b) Home site individual sidewalk.

(c) Common sidewalks, if provided, servicing the completed home sites.

(d) Parking servicing the home site.

(e) Patios, if provided.

(f) Permanent foundations.

(g) Internal road lighting servicing the completed home sites.

(h) At a minimum, the stabilization of the soil on the completed home sites to prevent, as much as possible, erosion and soil runoff.

(2) Upon approval by the department, all of the following may be constructed after licensing of a home site for the purpose of customizing the home site to a specific home:

(a) The home site individual sidewalk.

(b) Parking on the home site.

(c) Patio, if provided.

(d) Light fixture, if on the home site.

(e) Permanent foundation.

(3) The applicant shall file all of the following documents with the license application for a new community or additional home sites:

(a) An affidavit signed by the community owner or operator and an engineer or architect stating that the construction was completed according to the approved plans and specifications under the provisions of the act. If the community owner or operator elects to complete the home site under the provisions of subrule (2) of this rule, then the affidavit shall specifically state that the home site construction shall be completed before the home is occupied and shall be completed according to the approved plans and specifications. The affidavit shall cite the specific home sites to be licensed by home site number.

(b) Certification of the community sewer system by home site number under the provisions of R 325.3391.

(c) Certification of the community-owned electrical system by home site number under the provisions of R 325.3391.

(4) Before the department may issue a license, the department shall receive certification of the home sites by the Michigan department of environmental quality and the Michigan department of labor and economic growth under the provisions of the act.

(5) It is a violation of this rule and the act if any home that is placed on a home site is occupied by residents before the home site is licensed. In a licensed community, each home site that has a home occupied by residents shall be licensed whether or not it is being offered to the public.

History: 1998 AACS; 2003 AACS; 2008 AACS.

R 125.1215 Rescinded.

History: 1979 AC; 1980 AACS.

R 125.1216 Rescinded.

History: 1979 AC; 1984 AACS; 1985 AACS; 1991 AACS; 1999 AACS.

R 125.1217 Rescinded.

History: 1979 AC; 1980 AACS; 1984 AACS; 1991 AACS; 1999 AACS.

R 125.1218 Rescinded.

History: 1979 AC; 1980 AACS; 1983 AACS; 1991 AACS; 1999 AACS.

R 125.1218a Rescinded.

History: 1979 AC; 1991 AACS; 1999 AACS.

R 125.1219 Rescinded.

History: 1979 AC; 1999 AACS.

R 125.1220 Rescinded.

History: 1979 AC; 1999 AACS.

R 125.1221 Rescinded.

History: 1979 AC; 1999 AACS.

R 125.1222 Rescinded.

History: 1979 AC; 1991 AACS; 1999 AACS.

R 125.1223 Rescinded.

History: 1954 ACS 96, Eff. July 12, 1978; 1979 AC; rescinded 1999 MR 11, Eff. Nov. 17, 1999.

R 125.1224 Rescinded.

History: 1979 AC; 1980 AACS; 1985 AACS; 1999 AACS.

R 125.1224a Rescinded.

History: 1982 AACS; 1984 AACS; 1999 AACS.

R 125.1224b Rescinded.

History: 1982 AACS; 1999 AACS.

R 125.1225 Rescinded.

History: 1979 AC; 1985 AACS; 1999 AACS.

R 125.1225a Rescinded.

History: 1983 AACS; 1984 AACS.

R 125.1226 Rescinded.

History: 1979 AC; 1980 AACS; 1985 AACS; 1991 AACS; 1999 AACS.

R 125.1227 Rescinded.

History: 1979 AC; 1999 AACS.

R 125.1227a Rescinded.

History: 1980 AACS; 1985 AACS; 1999 AACS.

R 125.1228 Rescinded.

History: 1979 AC; 1985 AACS; 1999 AACS.

R 125.1229 Rescinded.

History: 1980 AACS; 1985 AACS; 1999 AACS.

R 125.1230 Rescinded.

History: 1980 AACS; 1985 AACS; 1999 AACS.

R 125.1231 Rescinded.

History: 1985 AACS; 1999 AACS.

R 125.1232 Rescinded.

History: 1985 AACS; 1999 AACS.

PART 3. FEES

R 125.1301 Rescinded.

History: Rescinded 1954 ACS 100, Eff. Sept. 5, 1979.

R 125.1302 Certificate of manufactured home ownership; application; fees.

Rule 302. (1) An application for a certificate of manufactured home ownership and the appropriate fee shall be filed on a form prescribed by the department with the department or its authorized representative within 30 days after the closing of the sale transaction. In addition, a late fee of \$15.00 shall be charged if the application is filed after the 30-day limit. The payment of a late fee does not preclude administrative action being taken against the purchaser or the purchaser's authorized representative.

History: 1980 AACS; 1990 AACS; 1998 AACS; 2003 AACS.

R 125.1303 Certificate of title; cancellation; fees.

Rule 303. An affidavit required under the act, executed for the purpose of canceling a certificate of title shall be filed with the department with a fee of \$90.00.

History: 2003 AACS; 2008 AACS.

R 125.1305 Community license; renewal.

Rule 305. (1) Each applicant for a community license or for a license renewal shall make application for the license or the license renewal on a form provided by the department. Except for a seasonal community, the nonrefundable fee for the 3-year license is \$225.00, plus an additional \$3.00 for each home site in excess of 25 home sites in the community. For a seasonal community, the nonrefundable fee for the 3-year license is \$120.00, plus an additional \$1.50 for each home site in excess of 25 home sites in the community.

(2) The fee shall be submitted with the application to the department.

History: 1979 AC; 1982 AACS; 1998 AACS; 2008 MR 11, Sept. 2, 2008.

R 125.1310 Rescinded.

History: 1979 AC; 1982 AACS; 1998 AACS; 2003 AACS.

R 125.1315 Community construction and conversion fees.

Rule 315. (1) The following nonrefundable fees shall accompany the documents submitted under R 125.1905 for new community construction or for expansion of an existing licensed community:

(a) Application for plans approval and a permit to construct....\$185.00 plus an additional \$4.00 for each home site over 25 home sites, to a maximum of \$1,000.00.

(b) Application for an extension of a permit to construct\$185.00.

(2) A nonrefundable fee of \$505.00, plus an additional \$4.00 for each home condominium home site over 25 home sites, that is to be constructed, shall accompany the documents that are submitted for the construction of a new home condominium or the expansion of an existing home condominium.

(3) For an existing community that converts to a home condominium with an increase in the number of home sites within the community, the accompanying nonrefundable fee shall be \$505.00, plus an additional \$4.00 for each home condominium home site over 25 home sites, to a maximum of \$1,480.00.

(4) A nonrefundable fee of \$50.00 shall accompany an application for a permit to construct that is submitted under the provisions of R 125.1950.

History: 1979 AC; 1980 AACS; 1982 AACS; 1991 AACS; 1998 AACS.

R 125.1320 Rescinded.

History: 1979 AC; 1998 AACS; 2003 AACS.

PART 4. RETAILER BUSINESS PRACTICES

R 125.1401 Advertising; prohibited activities.

Rule 401. A retailer, in connection with the sale of homes, equipment, or accessories, shall not, directly or indirectly, engage in any of the following activities:

(a) Advertise a home for sale if the name of the retailer does not appear in the advertisement. A home committed by a home owner to a retailer for sale may be advertised if the offer visibly states that the home is "offered on consignment."

(b) Advertise a home and falsely offer any year of manufacture, make, type, model, serial number, fixed location, price, equipment, or terms or make a claim or condition to the sale of a home that is not truthful.

(c) Advertise the phrase "close out," "final clearance," or "going out of business" or similar phrases in connection with home sales unless the phrase is true. A retailer who is going out of business shall comply with the provisions of 1961 PA 39, MCL 442.211 which includes regulation of the sales activities of businesses that are going out of business.

(d) Advertise the term "authorized retailer" if the retailer is not a manufacturer's authorized retailer or advertise as a franchised retailer if the retailer is not a registered franchised retailer under 1974 PA 269, MCL 445.1501.

(e) Advertise a home by making inaccurate, misleading, or false comparisons with competitors' services, prices, products, quality, or business methods.

(f) Use a picture or photograph of a home in advertising if the picture or photograph does not represent a home of the same year of manufacture, make, and model and does not contain all the standard equipment of the model that is actually being offered for sale at the price quoted in the advertisement.

(g) Advertise a home for sale in a manner that conveys or creates an erroneous impression as to which home is being offered at the advertised price.

(h) Advertise the statement "write your own deal" or "name your own price" or similar statements, unless the statements are true and a buyer can, in fact, negotiate his or her own price.

(i) Advertise the phrase "at cost," "below cost," "below wholesale," "below invoice," "above cost," "above wholesale," or "above invoice" or similar phrases, unless the phrases are true. As used in this subsection, "cost" means the actual price paid by a retailer to a manufacturer for a specific home as that price appears on the retailer invoice received from the manufacturer.

(j) Advertise a specified trade-in amount or range of amounts for a pre-owned home without offering the advertised trade-in amount or range of amounts regardless of the condition of the pre-owned home when presented to the retailer for trade-in by a prospective customer, unless the statement "subject to condition appraisal" is contained in the advertisement.

(k) Advertise that "no retailer has lower prices," "the retailer is never undersold," or statements of similar meaning, unless the statements are true.

(l) Advertise in a manner that is false or misleading as to what a new home guarantee, warranty, or protection includes.

(m) Advertise the phrase "manufacturer's warranty," unless referring to a new home covered by a bona fide written manufacturer's warranty.

(n) Advertise equipment, accessories, or other merchandise as "free" if the cost, or any part of the cost, is included in the quoted price of the home.

(o) Advertise the phrase "no credit rejected" or "we finance everyone" or similar phrases, unless the phrases are true.

(p) Advertise the offering of a rebate or referral bonus unless true.

(q) Advertise a home as new, unless it has never been occupied. (r) Advertise, or infer by advertising, that a home is "repossessed," unless it is true.

(s) Advertise in any manner which infers that a purchaser will be receiving benefits of an existing loan on a home if the benefits do not exist.

(t) Advertise pre-owned homes as carrying an unused portion of the original manufacturer's warranty, unless this is true.

(u) Advertise the terms of financing a home, unless the advertisement is in compliance with all of the requirements of the federal truth in lending act, 15 U.S.C. §601 et seq., and the accompanying regulation Z, 12 C.F.R. part 226 et seq.

(v) Advertise under any other name than that which appears on the retailer license.

(w) Advertise for the buying of a home without the telephone number and the name of the retailer.

History: 1979 AC; 1998 AACS; 2003 AACS; 2008 AACS.

R 125.1402 Accounts and records; record of homes bought, sold, or exchanged; content; application for certificate of manufactured home ownership; purchase agreement; retention of additional records; consumer deposit records; accounts and records inspection; bond, cash, or security deposit records.

Rule 402. (1) In addition to accounts and records that are required by local ordinances, by other laws, or as prescribed elsewhere in these rules, a retailer shall maintain a record of all homes bought, sold, or exchanged for 4 years. The record shall include all of the following entries:

- (a) The date each home is taken into inventory.
 - (b) The name and address of the person from whom the home was obtained.
 - (c) The purchase or stock number of the home.
 - (d) The identification number of the home.
 - (e) The manufacturer's trade name.
 - (f) The year of manufacture and model name or number of the home.
 - (g) The dates bought, sold, and exchanged.
 - (h) The name and address of the purchaser.
- (2) If a retailer is selling or brokering the home, except to another retailer that will be holding the home for resale, the retailer or its authorized representative shall prepare and file an application for a certificate of manufactured home ownership, which shall include any lien held against the home. If a retailer is selling or brokering the sale of a home that it was holding for resale, except to another retailer that will be holding the home for resale, it shall also file the application for a certificate of manufactured home ownership. The application shall be on a form prescribed by the department.
- (3) All sales of a home shall be executed by purchase agreement.
 - (4) A retailer shall retain all of the following documents for 4 years:
 - (a) A copy of the manufacturer's invoice for each new home.
 - (b) A copy of each purchase agreement, as defined in these rules, with any attachments needed to complete the purchase agreement for each home bought, sold, and exchanged.
 - (c) The retailer's copy of the validated application for a certificate of manufactured home ownership.
 - (d) Service records for each home sold. If the home is pre-owned, all records that the retailer may have knowledge of shall be retained.
 - (e) A list of all options purchased with a specific home, unless otherwise contained in the purchase agreement.
 - (f) A copy of the retail installment sales agreement for all retailer-arranged financing.
 - (5) A retailer that maintains an escrow account shall maintain a separate record of consumer deposits at its principal place of business for 4 years. The records shall consist of all of the following:
 - (a) A record that shows the chronological sequence in which consumer deposits are received and disbursed.
 - (b) For consumer deposits received, the record shall include all of the following information:
 - (i) The date of receipt.
 - (ii) The name of the individual who is giving the consumer deposit.
 - (iii) The name of the individual receiving the consumer deposit.
 - (iv) The amount.
 - (c) If the consumer deposit is in the form of collateral or security other than cash or a cash negotiable instrument, then the record shall specifically identify the collateral or security, and the cash value shall be the same as contained in the purchase agreement.
 - (d) For disbursements, the record shall include all of the following information:
 - (i) The date.
 - (ii) The payee.
 - (iii) The check number.
 - (iv) The amount.
 - (e) A running balance shall be shown after each entry of receipt and disbursement.
 - (6) A retailer who maintains a bond, cash, or security deposits in place of an escrow account shall maintain a record for 4 years consisting of the following:
 - (a) For consumer deposits received, the record shall include all of the following information:
 - (i) The date of receipt.
 - (ii) The name of the individual who is giving the consumer deposit.

- (iii) The name of the individual receiving the consumer deposit.
- (iv) The amount.
- (b) If the consumer deposit is collateral or security other than cash or a cash negotiable instrument, then the record shall specifically identify the collateral or security, and the cash value shall be the same as contained in the purchase agreement.
- (c) For disbursements, the record shall include all of the following information:
 - (i) The date.
 - (ii) The payee.
 - (iii) The check number.
 - (iv) The amount.
- (7) The retail installment contract shall disclose all arrangements made between the retailer and the consumer regarding the consumer deposit, such as any of the following:
 - (a) Trade-ins.
 - (b) Rebates.
 - (c) Promissory notes.
 - (d) Cash.

History: 1979 AC; 1991 AACS; 1998 AACS; 2003 AACS.

R 125.1403 Consumer deposits; providing consumer with executed purchase agreement; recording amount of consumer deposit; refunds; notice to consumer of intent to cancel purchase agreement; accepting deposits and agreements in name of retailer; escrow accounts; alternative to escrow account; notice of refund on purchase agreement.

Rule 403. (1) Before receiving a consumer deposit, a retailer shall give the consumer an executed purchase agreement.

(2) Unless the retailer has a consumer deposit bond or cash or security deposits under subrule (9) of this rule, a consumer deposit shall be placed in an escrow account and remain there until the closing. After the closing, the retailer may transfer the deposit to a general account.

(3) A retailer shall record the exact amount of the consumer deposit on each request for financing that is sent to a lending institution.

(4) A retailer shall refund to a consumer the total amount of a consumer deposit on the purchase of a home not more than 15 banking days after a request for financing has been rejected by the lending institution or if the consumer cancels the purchase agreement before the binding date under subrule (13) of this rule. The consumer shall notify the retailer, in writing, of his or her intent to cancel the purchase agreement. The notification shall be delivered to the retailer by certified mail postmarked before the close of the business day on the binding date to be eligible for return of the consumer deposit. A retailer has no obligation to refund the consumer deposit if the consumer cancels the purchase agreement of a new or pre-owned home after the binding date. As used in this subrule, "binding date" means either 7 days after the date that a purchaser of a home receives a legible copy of the executed purchase agreement or the time at which the purchase agreement is executed if an application for certificate of manufactured home ownership is executed within 7 days.

(5) An employee who accepts consumer deposits and purchase agreements in the name of a retailer is authorized by the retailer to accept the deposits.

(6) As a condition of licensing, a retailer shall establish an escrow account, post a consumer deposit bond, or deposit cash or other securities in compliance with the provisions of the act for the protection of consumer deposits received by the retailer.

(7) If a retailer establishes an escrow account, the retailer shall place all consumer cash deposits or similar negotiable instruments of the consumer's deposit in the escrow account by the end of the second banking day following receipt. Escrow accounts shall be maintained as checking accounts.

(8) A retailer may maintain an escrow account at each location where it maintains records. A retailer may maintain not more than \$500.00 of its own funds in each deposit escrow account to cover bank service charges and to avoid the account being closed or overdrawn if there are no other funds in the account. The funds shall be accounted for in a bookkeeping system as prescribed in these rules.

(9) In place of an escrow account, a retailer may maintain, for each location, a consumer deposit bond or cash or security deposits in an amount equal to the highest monthly receipts of consumer cash

deposits and cash value of other security recorded over the previous 3 years. If the highest monthly receipts formula is used to determine the amount of the bond or deposit, then the amount of the bond or deposit shall be adjusted to reflect the previous 3 years' experience before a license is renewed. If at any time the consumer deposits received exceed the amount of the bond or deposit established under the formula, then the retailer shall immediately increase the amount of the bond or deposit or escrow the excess amount.

(10) If a retailer posts a bond or deposits cash or other securities, then the retailer who files an initial application shall maintain the bond, cash, or other securities at a minimum of \$10,000.00 per location until sufficient data is available to comply with the formula. If the retailer has more than 1 location, then the required bonds or deposits may be combined into 1 bond or deposit.

(11) All bonds shall be made payable to the "State of Michigan" on a form prescribed by the department and shall accompany an application for a retailer's license. All cash or security deposits shall be deposited with the State of Michigan upon application for a retailer's license. If the application is for a renewal license only, and if a copy of the bond is on file and the bond is continuous or if the cash or securities are on deposit, then this subrule shall not apply.

(12) If a retailer establishes an escrow account, then the retailer shall file, with the department, on a form prescribed by the department, an affidavit attesting to the fact that account has been established. The affidavit shall be filed as an enclosure to the retailer license application.

(13) The front of each purchase agreement shall contain the following statement in not less than 8-point, boldfaced, all caps type:

"Seven days after the purchaser receives a legible copy of the executed purchase agreement, or if any time within the 7 days an application for a certificate of manufactured home ownership is fully executed, the sale is final and the retailer is not obligated to refund the consumer deposit if the purchaser subsequently cancels the agreement. If the purchaser elects to cancel the purchase agreement within the 7 day limit and an application for a certificate of manufactured home ownership has not been fully executed, the purchaser shall notify the retailer in writing by certified mail postmarked before the end of the seventh day to be eligible for full refund of the consumer deposit."

History: 1979 AC; 1998 AACS; 2003 AACS; 2008 AACS.

R 125.1404 Prohibited business practices.

Rule 404. (1) In addition to other laws and rules promulgated for the purpose of regulating business practices, a retailer shall not engage in any of the following practices:

(a) Without the express written consent of the purchaser, alter or substitute a home purchased from inventory for which a purchase agreement has been executed by all parties to the transaction. The purchaser's consent shall become an attachment to the purchase agreement.

(b) Without the express written consent of the purchaser, alter, substitute, or remove a part, option, accessory, or item of standard equipment of a home purchased from inventory for which a purchase agreement has been executed by all parties to the transaction. The purchaser's consent shall become an attachment to the purchase agreement.

(c) Without the express written consent of the purchaser, alter, or substitute a part or entry of, a purchase or financing agreement after the agreement has been executed by all parties to the transaction. The purchaser's consent shall become an attachment to the purchase or financing agreement.

(2) A retailer shall comply with the provisions of 1976 PA 331 MCL 445.901 et seq.

History: 1979 AC; 1980 AACS; 1998 AACS; 2003 AACS.

R 125.1405 Retail installment sales agreements; retailer-obtained financing or insurance; payment of floor plan lender; pay off of loan.

Rule 405. (1) A retail installment sales agreement utilized by a retailer shall conform to the federal consumer credit protection act, Public Law 90-321, 15 U.S.C. §1601 et seq., and to 1966 PA 224, MCL 445.851 et seq.

(2) A retailer shall not require retailer-obtained financing or insurance of a home as a condition of sale.

(3) A retailer shall pay its floor plan lender for a home within 15 days after the retailer receives payment for the home from a purchaser or a purchaser's lender.

(4) A retailer shall pay off a loan on a home within 15 days after taking the home in trade or receiving payment for the home unless the requirement is waived by the homeowner, borrower, and the lender holding the loan on the home.

History: 1954 ACS 96, Eff. July 26, 1978; 1979 AC; 1998 MR 7, Eff. July 16, 1998; 2003 MR 14, Eff. Aug. 1, 2003.

R 125.1406 Rescinded.

History: 1979 AC; 1980 AACS.

R 125.1407 Retailer termination.

Rule 407. (1) Immediately upon determining to terminate, a retailer shall do all of the following:

(a) By certified mail, notify the department of its proposed termination:

(b) By certified mail, notify each purchaser of a new or pre-owned home who within 1 year before the proposed termination date, purchased a home from the retailer that the retailer shall be terminated. The notification shall clearly state the responsibilities for future service and repair under guarantees and warranties, financial claims, and all other retailer claims and obligations previously issued under the purchase agreement.

(2) A terminated retailer shall retain all accounts and records prescribed by these rules for 4 years after the date of retailer termination.

(3) If required, a retailer who terminates shall surrender all accounts and records to the department.

(4) The person from whom records are requested shall provide the records to the department not later than 15 days after the date the person receives written notice of the request, unless advised otherwise by the department.

(5) A retailer that is terminating shall post a sign which states that the retailer is terminating.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1408 Warranties and service.

Rule 408. (1) A manufacturer shall warrant that a new home is free from failures to conform, as defined in Part 3282 - manufactured home procedural and enforcement regulations, promulgated under the national manufactured housing construction and safety standards act of 1974, and was delivered to the retailer in that condition. The standard is adopted by reference in R 125.1102 of these rules.

(2) A retailer shall warrant that a new home is free from failures to conform, as defined in Part 3282 - manufactured home procedural and enforcement regulations promulgated under the national manufactured housing construction and safety standards act of 1974, as referenced in subrule (1) of this rule, which occurred after the manufacturer delivered the home to the retailer but before home installation begins.

(3) A manufacturer and retailer shall warrant that they shall take appropriate corrective action at the site of the home for breach of their respective warranty obligations that become evident within 1 year from the later of the date of the completed installation or purchase of the home. However, the purchaser must give written notice to the manufacturer or retailer not later than 1 year and 10 days after the date of completed installation or purchase.

(4) The warranty shall include the appliances situated in the home, unless the appliances are covered by a warranty from the appliance manufacturer that equals or exceeds the warranty provided in subrules (1), (2), and (3) of this rule.

History: 1979 AC; 1998 AACS; 2003 AACS; 2008 AACS.

R 125.1409 Retailer acting as broker; responsibilities.

Rule 409. (1) A retailer acting as a broker who obtains a home listing shall give a true copy of the listing agreement to the listing homeowner. A listing agreement shall be completed by the retailer acting as a broker before it is signed by the listing homeowner.

(2) A listing agreement shall set forth an expiration date. A listing agreement shall not contain a provision requiring the listing homeowner to notify the retailer acting as a broker of the listing homeowner's intention to cancel the listing on or after the expiration date.

(3) A retailer acting as a broker shall deliver to an offeror a signed copy of the offer to purchase immediately after it is signed by the offeror. Upon receipt of the written offer to purchase, a retailer acting as a broker shall promptly deliver the written offer to purchase to the seller. Upon obtaining a proper acceptance of the offer to purchase that is signed by the seller, the retailer acting as a broker shall promptly deliver true copies of the acceptance to the purchaser and the seller. A retailer acting as a broker shall certify, in writing, that all conditions of the home transaction are included in the offer to purchase.

(4) A retailer acting as a broker who is involved in the consummation of a home transaction shall furnish the buyer and seller with a complete and detailed closing statement which is signed by the retailer acting as a broker and which shows all receipts and disbursements of the transaction.

(5) A retailer acting as a broker shall not close a home transaction contrary to the terms or conditions of the offer to purchase, unless the written amendments are approved and signed by the purchaser and the seller.

(6) A person seeking an exclusion to the definition and rules of a retailer shall show proof of the exclusion.

(7) In addition to accounts and records prescribed by these rules, a retailer acting as a broker shall retain copies of all of the following for a period of 4 years:

- (a) Listing agreements.
- (b) Offers to purchase.
- (c) Validated receipts for applications for a certificate of manufactured home ownership.
- (d) Closing statements.
- (e) Leasing agreements.
- (f) Consumer deposit accounts and records.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1410 Retailer; place of business.

Rule 410. A retailer shall maintain a physical location in Michigan from which it conducts business. A post office box, secretarial service, telephone answering service, or similar entity does not constitute a physical location.

History: 1979 AC; 1980 AACS; 1991 AACS; 1998 AACS; 2003 AACS.

R 125.1411 Retailer or agent; prohibited activities.

Rule 411. (1) A retailer or agent of a retailer shall not do any of the following:

(a) Aid or abet an unlicensed person to evade the provisions of the act or these rules.

(b) Knowingly combine or conspire with, or be acting as an agent, partner, or associate for, an unlicensed person.

(c) Allow one's license to be used by an unlicensed person.

(d) Be acting as or be an apparent licensed retailer for an undisclosed person or persons who do or will control or direct, or who may have the right to control or direct, directly or indirectly, the business operations or performance, or both, of the licensee.

(e) Buy or acquire, directly or indirectly, an interest in a home that is listed with the retailer, unless the true position of the retailer or agent is clearly made known in writing, to the listing owner.

(f) Acquire, directly or indirectly, an option to purchase a particular home, unless the true position of the retailer or agent is clearly known through a written notice to the homeowner of the particular home who requested the services of the retailer or agent to transact the brokering of the particular home.

(g) When buying or acquiring an interest in a home, directly or indirectly, charge or accept from the seller, directly or indirectly, a commission, fee, or other valuable consideration as a result of the sale of the home in the transaction without receiving the seller's previous written consent to the specified consideration, given after the notice provided in subdivision (f) of this subrule.

(h) Enter into a net listing agreement with a homeowner or seller in which the retailer receives, as its payment, all monies in excess of the minimum sales price agreed upon by the retailer and the seller.

(2) Upon a request by the department, a retailer shall present proof of compliance with this rule.

(3) A retailer shall not purchase or otherwise acquire a home from a person unless the certificate of manufactured home ownership for the home is conveyed to the retailer by the current homeowner or homeowners, their legal heirs, or their designated agent.

(4) A retailer shall not enter into a listing agreement with any person other than the person or persons indicated on the certificate of manufactured home ownership, their legal heirs, or their designated agent.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1412 Rescinded.

History: 1979 AC; 1980 AACS.

R 125.1413 "Other transfer" explained.

Rule 413. "Other transfer," as used in section 30c(3)(b) of the act, includes the following transfer: If a homeowner dies owning 1 or more homes that have a total value of not more than \$10,000.00 and does not leave other property that requires the procurement of letters administration or letters testamentary under section 114 of 1978 PA 642, MCL 700.14 then the surviving husband or wife or heir in the order named in section 115 of 1978 PA 642, MCL 700.15 may apply for a certificate of manufactured home ownership. Before applying, the surviving husband or wife or heir shall provide the department proper proof of the death of the homeowner. The surviving husband or wife or heir shall also attach an affidavit to the proof of death that sets forth the fact that the prospective applicant is the surviving husband or wife or heir. Upon proper petition, the department shall furnish the applicant with a certificate of manufactured home ownership.

History: 1979 AC; 1991 AACS; 1998 AACS; 2003 AACS.

R 125.1414 Business practices; retailers acting as brokers; standard of conduct.

Rule 414. The standard of conduct with respect to the business practices of a retailer acting as a broker shall conform to that of a fiduciary to the seller of the home.

History: 1991 AACS; 1998 AACS.

R 125.1415 Retailer; disclosures in purchase and listing agreements.

Rule 415. A retailer shall do both of the following:

(a) Disclose in the listing agreement that the home offered is located on a home site in a community and, if required, that the seller has obtained approval for the sale of the home on the home site in the community. The listing agreement shall also disclose the compensation to be received by the retailer upon closing.

(b) Disclose in the purchase agreement that the purchaser has obtained approval for his or her tenancy in the community.

History: 1998 AACS; 2003 AACS.

R 125.1416 Rescinded.

History: 1998 AACS; 2003 AACS.

R 125.1417 Retailer; supervision and control.

Rule 417. (1) It shall be a failure upon the part of a retailer to exercise supervision and control of an employee if the retailer has knowledge that a provision of the act or these rules pertaining to regulation of retailers is being violated by an employee and immediate action is not taken to correct the violation so as to insure compliance with the act or these rules.

(2) A retailer shall have the burden of proof to show compliance with this rule.

History: 1998 AACS; 2003 AACS.

R 125.1418 Certificate of manufactured home ownership transfer; power of attorney.

Rule 418. (1) The department may accept an executed power of attorney by a seller of a pre-owned home in place of the homeowner's signature on the current certificate of manufactured home ownership for transfer of the certificate.

(2) The power of attorney shall be attached to the existing certificate.

(3) The execution of the power of attorney shall be required only when the certificate is held by a person other than the homeowner and the retailer is the entity effecting a payoff to the certificate holder.

(4) The power of attorney shall be executed on a form provided by the department.

History: 1998 AACS.

R 125.1419 Certificate of origin; addendum to application for certificate of manufactured home ownership.

Rule 419. (1) The certificate of origin shall be attached as an addendum to the application for a certificate of manufactured home ownership when filing for an original certificate of manufactured home ownership.

(2) For the purpose of complying with subrule (1) of this rule, the certificate of origin shall be immediately surrendered by the lender holding such certificate to the retailer upon request.

(3) The department may authorize the issuance of a certificate of manufactured home ownership without the manufacturer's certificate of origin if the department is satisfied as to the ownership of a home and is unable to obtain the certificate.

History: 1998 AACS; 2003 AACS.

PART 5. INSTALLER AND SERVICER BUSINESS PRACTICES

R 125.1501 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1501a "Work order" defined.

Rule 501a. As used in this part, "work order" means an express written agreement in which a person agrees to install or service a home and includes the installer and servicer's license number.

History: 2003 AACS.

R 125.1502 Advertising.

Rule 502. (1) Advertising by an installer and servicer shall not misrepresent facts.

(2) An installer and servicer shall not advertise the term "authorized factory service" or "authorized manufacturer's service representative" or similar terms if the installer and servicer does not have the express written manufacturer's authorization.

History: 1979 AC; 1998 AACS.

R 125.1503 Place of business.

Rule 503. An installer and servicer shall maintain a physical location in Michigan from which it conducts business. A post office box, secretarial service, telephone answering service, or similar entity does not constitute a physical location.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1503a Warranty.

Rule 503a. (1) An installer and servicer shall warrant that a new home is free from failures to conform, as defined in Part 3282 - manufactured home procedural and enforcement regulations promulgated under the national manufactured housing construction and safety standards act of 1974, which occurred during the installation of the home. This standard is adopted by reference in R 125.1408.

(2) An installer and servicer shall warrant that it shall take appropriate corrective action at the site of the home for breach of its warranty obligations that become evident within 1 year from the later of the date of the completed installation or purchase. However, the purchaser must give written notice to the manufacturer, retailer, or installer and servicer not later than 1 year and 10 days after date of completed installation or purchase.

History: 2003 AACS.

R 125.1504 Work orders; estimates; warranties; abandonment.

Rule 504. (1) All installation and service of a home shall be executed under a work order. The conditions set forth in a work order may vary according to type of work required and desired specifications, but at a minimum shall include the specific work to be performed and itemized costs based on information available at the time the work order is executed. The work order may be used for separate cost estimates or as a receipt for customer deposits. All conditions of the installation or service shall be included in the work order.

(2) All estimates for installation and service of a home shall be executed under a work order.

(3) Changes in a work order shall not be made by an installer and servicer without the express written consent of the customer.

(4) If, for any reason, an installer and servicer intends to abandon a work order, the installer and servicer shall notify each customer for which it has outstanding obligations under the conditions of the work order of the exact reason for abandonment. Notice shall be in writing and by certified mail. Abandonment of a work order by an installer and servicer includes, but is not limited to, the following acts or omissions:

(a) Failure to start and complete work according to the conditions of the work order, unless the express written consent of the customer is given.

(b) Failure to request, within 7 days after the work order has been executed, the necessary permits to perform the work agreed upon in the work order, unless the express written consent of the customer is given.

(c) Failure to maintain the schedule of performance agreed upon in the work order without good cause, unless the express written consent of the customer is given.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1505 Retention of documents.

Rule 505. (1) All of the following documents shall be retained by an installer and servicer for 4 years:

- (a) Accounts and records required by local ordinances, other laws, and these rules.
- (b) A copy of each work order with attachments.

(2) All accounts and records that are required by these rules to be retained shall be available for inspection by an authorized representative of the department during normal business hours.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1506 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1507 Voluntary termination; retention of accounts and records.

Rule 507. (1) An installer and servicer may terminate after notifying by certified mail both of the following entities of its intent to terminate and the proposed date of termination:

- (a) The department.
 - (b) Each customer to which it has outstanding obligations pursuant to the conditions of a work order and warranty.
- (2) A terminated installer and servicer shall retain all accounts and records prescribed by these rules for 4 years after the date of termination.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1508 Unlawful practices.

Rule 508. (1) Without the express written consent of a customer, an installer and servicer shall not install or service a home or a part, option, accessory, or item of standard equipment of a home that, to the best of its knowledge, will result in an alteration or substitution to the manufacturer's installation, construction, and performance standard in effect at the time of manufacture. The customer's consent shall be attached to the work order.

(2) If a customer desires installation or service that alters or substitutes the manufacturer's standard, then the engaged installer and servicer shall notify the customer by certified mail or personal delivery, that, to the best of its knowledge, the desired installation or service alters or substitutes the manufacturer's standard and that the alteration or substitution may void the manufacturer's warranty.

(3) An installer and servicer shall not do any of the following:

- (a) Divert money or other security that is received for the prosecution or completion of an installation or service, or both, of a home or a part, option, accessory, or item of equipment of a home under the conditions of the work order.
- (b) Fail to account for or remit money in the installer and servicer's possession that belongs to others.
- (c) Willfully depart from or disregard plans, specifications, or the conditions set forth in the work order without the written consent of the customer.
- (d) Willfully violate or disregard the building laws, codes, and ordinances of the state or a political subdivision of the state, including failing to obtain the permits that are required for the installation or service, or both, of a home.
- (e) Fail to deliver to a customer the customer's signed work order executed upon completion of the installation or service performed under the conditions of the work order.
- (f) Fail to deliver to a customer the entire executed work order, including itemized costs of materials and other charges arising out of, or incidental to, the work order for the installation or service, or both, of a home before the work commences.
- (g) Aid or abet an unlicensed person to evade the provisions of the act or rules promulgated under the act; knowingly combine or conspire with, or be acting as agent, partner, or associate for, an unlicensed person; allow one's license to be used by an unlicensed person; or be acting as, or be an

apparent licensed installer and servicer for, an undisclosed person who does or will control or direct, or who may have the right to control or direct, directly or indirectly, the business operations or performance, or both, of the licensee.

History: 1979 AC; 1980 AACS; 1991 AACS; 1998 AACS; 2003 AACS.

PART 6. HOME INSTALLATION

R 125.1601 Definitions.

Rule 601. As used in this part:

(a) "Anchoring equipment" means straps, cables, turnbuckles, chains, including tension devices, or other securing devices that are used with ties to secure a home to ground anchors.

(b) "Anchoring system" means a combination of ties, anchoring equipment, and ground anchors that will, when properly installed, resist the movement of an emplaced home caused by wind forces.

(c) "Cap" means a 2-inch or more solid concrete block, a 2-inch or less solid pressure-treated wood or hardwood block that resists decay, or a 1/4-inch or more solid steel plate that is placed on top of the pier. The dimensions of the cap shall be the same width and length of the pier.

(d) "Factory installed" means any construction or installation of any integral part of a home at the site of manufacture or at the site of installation and includes any of the following:

(i) Water supply hookup from the water riser to the water supply inlet.

(ii) Sewer system hookup from the sewer riser to the drain or drains outlet.

(iii) Fuel supply systems hookup from the service supply connection to the fuel supply inlet.

(iv) Electrical supply line from the main service line to the home service entry if the connection is a simple plug-in and does not require direct wiring or exceed a service of 50 amps.

(e) "Footing" means that part of the foundation system that lies directly on the ground or below the surface of the ground and on which the piers are placed. If a footing is below the surface of the ground, it shall be 16 inches or more in diameter and at least 42 inches below grade. The footing may be less than a 42-inch depth if supported by a soils analysis. A footing shall be constructed in compliance with R 408.30401 et seq. of the Michigan building code.

(f) "Foundation system" means a combination of footings, piers, caps and shims that will, when properly installed, support a home.

(g) "Ground anchor" means any device designed to transfer the home anchoring loads to the ground or foundation.

(h) "Installation" means the process of setting a home, including its non-permanently affixed steps, skirting, and anchoring systems, on a foundation footing. The term includes all of the following:

(i) Leveling.

(ii) Stabilizing, if required.

(iii) Connecting utilities, including water meters, under subdivision (d) of this rule.

(i) "Pier" means the vertical portion of the home support system between the footing and the home frame, exclusive of caps and shims.

(j) "Shim" means a tapered wedge of hardwood or other approved material which has a maximum thickness of 1 inch, which is a minimum of 3 inches wide and 6 inches long, and which, when driven in tightly in pairs between the cap and the home frame I-beams, performs as a lending and stabilizing device.

(k) "Stabilizing system" means a combination of properly installed anchoring and support systems.

(l) "Tie" means a strap, cable, or a securing device that is used to connect a home to ground anchors.

History: 1979 AC; 1991 AACS; 1998 AACS; 2003 AACS.

R 125.1602 Installation.

Rule 602. (1) For all new homes brought into or sold in Michigan, the manufacturer shall provide express written instructions for the installation of each home specifying the location and required design load capacity of the piers and the location and the required design load capacity of any other

recommended stabilizing systems, if required. All homes shall be installed according to the manufacturer's installation instructions. The person installing a home has the option of installing a plastic vapor barrier on the ground under the home, unless the manufacturer's installation instructions specifically mandate the placement of the vapor barrier. Crossbeaming shall not be allowed under a home installed after July 16, 1998, unless approved by the manufacturer of the home. In the case of a pre-owned home, the approval also may be given by a licensed design professional registered in compliance with the requirements of 1980 PA 299, MCL 339.101 to 339.2721.

(2) In the absence of the manufacturer's installation instructions, the installation of homes shall be in compliance with specifications prepared by a licensed design professional registered in compliance with the requirements of 1980 PA 299, MCL 339.101 to 339.2721 or, if a licensed design professional is not available, in compliance with all of the following specifications:

- (a) All grass shall be removed and the foundation footing shall be installed on or in stable soil.
- (b) Piers shall be installed directly under each main frame beam, unless crossbeamed after approval from the manufacturer of the home or a licensed design professional registered in compliance with 1980 PA 299, MCL 339.101 to 339.2721.
- (c) Footing and pier spacing shall not exceed the minimum span identified in table A-1 and a positive grade shall be established.

Table A-1

Soil Capacity	1500 PSF	2000 PSF	2500 PSF	3000 PSF	3500 PSF	4000 PSF
Footing Size (a)(f)	24"x24"x6"	22"x22"x6"	20"x20"x6"	18"x18"x6"	16"x16"x6"	16"x16"x6"
Spacing:						
Main Beams	6' (ii)(iii)	6' (ii)(iii)	6' (ii)(iii)	8' (ii)(iii)	8' (ii)(iii)	8' (ii)(iii)
Perimeter	(v)	(v)	(v)	(v)	(v)	(v)
Marriage Beam	8' (ii)(iv)	8' (ii)(iv)	8' (ii)(iv)	10' (ii)(iv)	10' (ii)(iv)	10' (ii)(iv)

(i) All footings shall extend 42 inches below actual grade. The footing may be less than the 42-inch depth if supported by a soil analysis. A footing shall be installed in compliance with R 408.30401 et seq. of the Michigan building code.

(ii) Piers shall be located under each main beam and marriage line beam starting within 2 feet from the end of each beam then spaced according to this table.

(iii) Piers may be offset up to 1 foot to allow for such obstruction as axles (if permanently attached to frame).

(iv) Additional piers shall be added on each end of every opening in the marriage wall which is 4 foot or larger and shall be considered columns.

(v) Perimeter piers shall be installed on sidewall openings greater than 4 foot and exterior doors.

(vi) Footing shape may be other than square. Maintain equal amount of footing area.

(d) Piers shall be installed under the center beam/marriage line of multisectional homes at all interior openings of more than 4 feet on the marriage wall and at each end of the marriage line.

(e) The piers nearest each end of the home shall be within 2 feet of either end of the home frame.

(f) Concrete block piers shall be constructed of at least 8-inch by 8-inch by 16-inch blocks and placed on the foundation footing. The blocks shall be placed with the open cells vertical. A cap shall be placed on top of the pier. A wood plate that has the same dimensions as the pier and cap may be placed on top of

the cap for additional leveling. Shims may be fitted and driven tight between the wood plate or cap and the main frame I-beam and shall not take up more than 1 inch of vertical height.

(g) Pier tiering shall comply with all of the following requirements:

(i) Piers 30 inches in height or less above a footing may be single-tier construction composed of 8-inch by 8-inch by 16-inch open cell concrete blocks that conform to ASTM standard C 90-99. The standard is adopted by reference in R 125.1102 of these rules. Blocks shall be capped with 2-inch by 8-inch by 16-inch hardwood or treated wood, with a solid concrete block cap, or with a 1/4-inch solid steel plate. Blocks shall be set with the openings vertical.

(ii) Piers that are more than 30 inches in height above a footing shall be double-tier construction with blocks interlocked and capped with a 4-inch by 16-inch by 16-inch solid concrete cap.

(iii) The concrete blocks of double-tier piers that are more than 80 inches in height above a footing shall be filled with concrete and steel reinforcing rods.

(h) Piers shall be installed perpendicular to the main frame of the home and shall not be offset from the foundation footing.

(3) Crossover heat ducts shall not lie on the ground. Heat duct strapping shall not restrict the opening.

(4) A home shall not be placed in a designated floodway, as determined by the Michigan department of environmental quality.

(5) An anchoring system shall be installed on a home.

(6) Permits shall be obtained for the construction of footings and accessories and the installation of homes from the enforcing agency charged with the administration and enforcement of the codes pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501 to 125.1531.

History: 1979 AC; 1982 AACs; 1983 AACs; 1985 AACs; 1998 AACs; 2003 AACs; 2008 AACs.

R 125.1602a Installation; systems compatibility.

Rule 602a. All components used in the installation of a home, such as foundation footings and piers, shall be uniform in construction .

History: 1980 AACs; 1998 AACs; 2003 AACs.

R 125.1603 Utility hookups.

Rule 603. All utility hookups to a home shall be in compliance with the following minimum standards:

(a) Water: Each home shall be connected to the service outlet by semirigid tubing, such as copper tubing or approved plastic piping. The minimum size of the threaded inlet connection shall be 3/4 of an inch . An easily accessible, hand-manipulated shutoff valve shall be installed on the water supply inlet to the home. A water supply protection device, such as a heat tape, which is approved to be sold or for use in this state by the state construction code commission and which is designed for use with homes, shall be installed at the time the home is installed on a home site to prevent service lines, valves, and riser pipes from freezing. The water service riser shall be insulated and covered to prevent the loss of heat. If an extension cord is used, it shall be listed by underwriters laboratories or by a similar organization and shall be approved for exterior use. The protection device shall be installed in compliance with the manufacturer's specifications as approved by the state construction code commission. It is the responsibility of the resident to provide protection for the water line from 1 inch beyond the underside of the home to 30 inches below the surface of the ground within the water crock or to the bottom of the crock, whichever is less.

(b) Home fuel supply systems shall be in compliance with all of the following provisions:

(i) Furnaces, hot water heaters, appliances, or any item of equipment that uses gas shall be fully compatible with the type of gas used. All fuel-burning appliances, except ranges, ovens, illuminating appliances, clothes dryers, solid fuel-burning fireplaces, and solid fuel-burning fireplace stoves, shall be installed to provide for the complete separation of the combustion system from the interior atmosphere of the home. Combustion air inlets and flue gas outlets shall be listed or certified as components of the appliance. The required separation may be obtained by installing direct vent system (sealed combustion system) appliances or by installing appliances within enclosures so as to separate

the appliance combustion system and venting system from the interior atmosphere of the home and ensuring that there is no door, removable access panel, or other opening into the enclosure from the inside of the home and that any opening for ducts, piping, wiring, or similar items is sealed. This paragraph applies to the installation of the systems specified in this paragraph in new and pre-owned homes.

(ii) An easily accessible, approved, hand-manipulated shutoff valve controlling the flow of gas to the entire gas piping system shall be installed as close as possible to the service meter or supply connection of the liquefied petroleum gas container. Approved piping that has a 1/2-inch or more inside diameter shall be used for any gas line. After the home is connected to the service meter or supply connection, the piping system shall be tested to not less than 10 inches nor more than 14 inches of water column (1/2 psi). An appliance connection shall be tested for leakage with soapy water or bubble solution.

(iii) A fuel supply system other than gas shall be in compliance with state codes.

(iv) Fuel supply meters, regulators, shutoff valves, and pedestals shall not be located under a home or within a skirted area.

(v) Natural gas, liquefied petroleum gas (LPG), and fuel oil piping that connects the home to the service pedestal or tank shall be installed underground if the distance between the pedestal or tank and the home is more than 2 feet.

(c) Drain: Schedule 40 ABS or PVC plastic pipe that has the same diameter as the drain outlet shall be installed from the home outlet to the home site sewer service riser. The drain line shall be supported at not less than 4-foot intervals. Plumber's strapping shall be used for support where possible. All joints shall be sealed to preclude leaks. There shall be an approved seal at the sewer riser. All drain lines shall have a cleanout installed within 2 feet of each drain outlet.

(d) If the calculated load is more than 50 amperes or if a permanent electrical supply line is used, then the line shall be connected by a person who is licensed under the provisions of 1956 PA 217, MCL 338.881 et seq.

(e) Electrical meters and pedestals shall not be located under a home or within a skirted area.

(f) An electrical supply line shall not be installed so as to lie on the surface of the ground or permit the cord or line to hang over the home. For all homes installed before July 17, 1985, the line shall not be suspended less than 7 feet from the ground above designated pedestrian walkways. For all homes installed on or after July 17, 1985, if the distance between the electrical pedestal and the home is 2 feet or more, then the line shall be placed underground according to state codes.

History: 1979 AC; 1980 AACS; 1982 AACS; 1985 AACS; 1990 AACS; 1991 AACS; 1998 AACS; 2003 AACS.

R 125.1604 Skirting.

Rule 604. (1) Home skirting shall be vented in accordance with the manufacturer's installation instructions. In the absence of instructions, louvered or similar vents shall have a minimum of 600 square inches of open space per 1,000 square feet of living space. A minimum of 1 vent shall be placed at the front and rear of the home and 2 at each exposed side. Access panels of sufficient size to allow full access to utility hookups located beneath the home shall be installed. Skirting, if any, shall be an exterior building material.

(2) Skirting shall be installed in a manner so as to resist damage under normal weather conditions, including damage caused by freezing and frost, wind, snow, and rain.

(3) A local government may require the installation of skirting without obtaining the commission's approval, under section 7 of the act, if the requirement is established by ordinance and the ordinance is in compliance with the requirements of this rule.

History: 1979 AC; 1991 AACS; 1998 AACS.

R 125.1604a Compliance responsibility.

Rule 604a. A community is responsible for ensuring compliance with the spacing requirements in R 125.1941, R 125.1944, and R 125.1947a(3) for the installation of homes within the community.

History: 1998 AACCS; 2003 AACCS.

R 125.1604b Rescinded.

History: 1998 AACCS; 2003 AACCS.

R 125.1605 Anchoring systems.

Rule 605. (1) A home anchoring system that is sold or manufactured or installed within this state shall be in compliance with all of the following provisions:

(a) Be designed and constructed in compliance with the United States department of housing and urban development standards entitled "Manufactured Home Construction and Safety Standards," which are adopted by reference in R 125.1102 of these rules.

(b) Be installed in compliance with its manufacturer's specifications.

(c) Be approved to be sold and for use within this state by the state construction code commission.

(2) An anchoring system that is sold in this state shall be certified, in writing, by its manufacturer as meeting the standards required by these rules.

(3) An anchoring system manufacturer shall furnish, and ship with each approved anchor system, information pertaining to the type or types of soil the system has been tested and certified to be installed in and instructions as to the method of installation and the periodic maintenance required.

(4) The model number shall be permanently marked on each anchor system.

History: 1979 AC; 1982 AACCS; 1985 AACCS; 1991 AACCS; 1998 AACCS; 2003 AACCS; 2008 AACCS.

R 125.1606 Rescinded.

History: 1979 AC; 1998 AACCS; 2003 AACCS.

R 125.1607 Anchoring systems; changes in design, construction, and materials.

Rule 607. Changes in design, construction, and materials used in an approved home anchoring system shall not be made. If changes are made to an approved home anchoring system by the manufacturer, then the revised anchoring system shall be resubmitted to the state construction code commission for approval.

History: 1979 AC; 1998 AACCS; 2003 AACCS.

R 125.1608 Rescinded.

History: 1979 AC; 1991 AACCS; 1998 AACCS; 2003 AACCS.

R 125.1609 Rescinded.

History: 1980 AACCS; 1991 AACCS.

R 125.1610 Heat tape; approval to be sold or for use.

Rule 610. Heat tape, also known as heating cable, shall not be sold or installed for use on a home by a person licensed under the act, unless the heat tape is approved to be sold or for use in this state by the state construction code commission under 1972 PA 230, MCL 125.1501 to 125.1531, and known as the

Stille-DeRossett-Hale single state construction code act, and 1994 PA 129, MCL 125.2501 to 125.2508, and known as the heating cable safety act.

History: 1998 AACCS; 2008 AACCS.

PART 7. COMMUNITY SAFETY

R 125.1701 Annual inspection.

Rule 701. (1) An annual inspection shall be conducted of a mobile home park or seasonal mobile home park, as prescribed in section 17 of the act.

(2) An inspection report shall document the findings of the inspection.

History: 1979 AC; 1980 AACCS; 1985 AACCS; 1998 AACCS; 2003 AACCS; 2008 MR 11, Sept. 2, 2008.

R 125.1701a Certification of status of compliance.

Rule 701a. (1) The initial certification of compliance shall be issued by the department of environmental quality when applicable.

(2) A mobile home park or seasonal mobile home park shall be reviewed annually. The review shall be based upon a completed annual inspection report and other pertinent information. The certification shall contain 1 of the following recommendations:

(a) The mobile home park or seasonal mobile home park is eligible for license renewal.

(b) The mobile home park or seasonal mobile home park is eligible for license renewal, provided that certain conditions are met. The conditions shall be listed on the certification.

(c) The mobile home park or seasonal mobile home park is not eligible for license renewal. Items not in compliance with the act or rules shall be listed on the certification. The applicant shall be notified of the items of noncompliance.

History: 2008 AACCS.

R 125.1702 Swimming pools.

Rule 702. Swimming pools shall be in compliance with 1978 PA 368, MCL 333.1101 et seq. and R 325.2111 et seq. of the department of environmental quality rules for public swimming pools.

History: 1979 AC; 1991 AACCS; 1998 AACCS; 2003 AACCS.

R 125.1702a Fire safety.

Rule 702a. The community management shall notify each resident in writing, upon occupancy, of all of the following:

(a) The home site shall be kept free of fire hazards, including combustible materials under the home.

(b) Fire hydrants shall be placed within a community according to local city or township ordinances. The vehicular parking on internal roads is prohibited within 15 feet of a hydrant in compliance with the requirements of 1949 PA 300, MCL 257.1 to 257.923.

(c) Each home site shall be numbered and clearly marked for positive identification. Each number shall be easily readable from the road servicing the home site.

(d) 1974 PA 133, MCL 125.771 to 125.774 which provides for home fire protection, requires that all homes manufactured, sold, or brought into this state shall be equipped with at least 1 fire extinguisher approved by the national fire protection association and 1 smoke detector approved by the state construction code commission. The homeowner of a home brought into this state for use as a dwelling shall have 90 days to comply with this act.

History: 1979 AC; 1991 AACS; 1998 AACS; 2003 AACS; 2008 MR 11, Eff. Sept.2, 2008.

R 125.1703 Speed limits; traffic signs; internal road signs.

Rule 703. (1) Speed limits on community internal roads shall be posted at a minimum at all community entrances intersecting public roads within 100 feet of the entrance or before the first intersection, and shall be enforced in compliance with the requirements of 1949 PA 300, MCL 257.1.

(2) All internal roads shall be clearly marked with traffic signs, except that all community egress roads shall be clearly marked with a regulation stop sign at the point of intersection with a public road.

(3) Internal roads shall be named and so identified by signs located at all internal road intersections.

History: 1979 AC; 1998 AACS; 2008 AACS.

R 125.1704 Emergency telephone numbers.

Rule 704. Immediately upon occupancy, the community shall provide each resident with a list containing, but not limited to, all of the following information:

(a) The telephone number of the servicing firefighting agency.

(b) The telephone number of the servicing law enforcement agency.

(c) The telephone number of the community office, including any normal business hours and emergency telephone number where a representative of the community can be reached after normal business hours. A representative of the community shall be available to respond to emergencies.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1705 Playgrounds and recreational and athletic areas.

Rule 705. (1) Each playground and recreational and athletic area shall be kept free of safety hazards. Playground equipment shall meet the American Society for Testing and Materials (ASTM) specification F1487-05, which is adopted by reference in R 125.1102 of these rules.

(2) Playground areas and equipment shall be inspected for defects by the community or its authorized representative once each calendar month when the playground equipment is in use. All defective equipment shall be removed, rendered unusable, or repaired immediately.

(3) A written record of the inspection shall be maintained at the community office. The record shall contain, but is not limited to, the date of inspection, defects noted, if any, date corrected, and the name of the individual performing the inspection. These records shall be maintained in accordance with R 125.2007.

History: 1979 AC; 1998 AACS; 2003 AACS; 2008 AACS.

R 125.1706 Severe weather warning; shelters.

Rule 706. Immediately upon occupancy, the community shall provide each community resident with written information indicating whether the local government provides a severe weather warning system or designated shelters and, if provided, describing the system and giving the nearest shelter location.

History: 1979 AC; 1998 AACS.

R 125.1707 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1708 Electrical maintenance.

Rule 708. (1) The community shall keep every building or structure or part thereof and any part of the community-owned electrical system in good repair.

(2) The community shall maintain yard lights that are part of the community lighting system unless otherwise disclosed in the community rules established by each community.

(3) Any part of the community electrical system that may present a real or potential safety hazard shall be immediately disconnected and repaired in compliance with R 408.30801 et seq. of the Michigan electrical code, or shall be condemned so as to protect against injury or loss of life.

(4) The homeowner shall ensure that the electrical supply line from the home to the pedestal is kept in good repair and in a serviceable condition. The line shall be approved for home use.

(5) Upon a determination of an electrical problem, the community shall, if the electrical system is community-owned, disconnect the home from the electrical pedestal on individually metered home sites. If direct billing by the servicing utility company is made, then the utility company shall disconnect the home's electrical service.

(6) An electrical supply line shall not be installed so as to lie on the surface of the ground or permit the cord or line to hang over the home. For all homes installed before July 17, 1985, the line shall not be suspended less than 7 feet from the ground above designated pedestrian walkways. For all homes installed on or after July 17, 1985, if the distance between the electrical pedestal and the home is 2 feet or more, then the line shall be placed underground according to state codes.

History: 1979 AC; 1985 AACS; 1991 AACS; 1998 AACS; 2003 AACS.

R 125.1709 Maintaining community internal roads, walkways, driveways, and permanent foundations.

Rule 709. (1) The community does not have to maintain its internal roads, walkways, driveways, and permanent foundations free of cracks, but the community shall maintain its internal roads, walkways, driveways, and permanent foundations in a sound condition reasonably free of all of the following:

(a) Holes.

(b) Upheavals.

(c) Buckling.

(d) Depressions.

(e) Rutting or channeling of the wearing surface.

(f) Shifting of the driving or walking surface or foundation base and subbase.

(g) Improper grading.

(2) The community shall maintain all of its internal roads serving licensed and occupied home sites in a passable condition.

History: 1985 AACS; 1991 AACS; 1998 AACS.

R 125.1710 Utility service disconnect.

Rule 710. (1) Disconnected fuel service lines shall be locked off or plugged so as to prevent leakage.

(2) Disconnected electrical service lines shall be removed from the home site and the home site pedestal circuit breaker master switch shall be placed in the off position. If a fuse system is installed, then the master fuse shall be removed. The protective cover of the circuit breaker or fuse box shall be secured.

History: 1985 AACS; 1998 AACS.

R 125.1711 Floodplain limits.

Rule 711. A mobile home park or seasonal mobile home park shall be well drained. A pad, a dwelling unit, and a park maintenance and service building shall be above the elevation of the contour defining the flood plain limits for a hypothetical flood having a reoccurrence frequency of once in about 100 years. No portion of a street that provides access to a site in a mobile home park or seasonal mobile home park shall be at an elevation lower than 1 foot below the elevation of the 100-year contour.

History: 2008 AACS.

R 125.1712 Street grade.

Rule 712. A street in a mobile home park or seasonal mobile home park shall be sloped at a minimum grade of 0.4 percent to an approved storm water catch basin or other approved outlet.

History: 2008 AACS.

R 125.1713 Drainage swale; grade.

Rule 713. A grassed swale to conduct drainage shall have a minimum grade of not less than 1 percent.

History: 2008 AACS.

R 125.1714 Site drainage.

Rule 714. (1) If possible, drainage from a mobile home site or other surface area shall be directed to the street but may be directed to an approved outlet when the site topography makes drainage to the street impractical. Drainage may be routed across adjacent lots to approved outlets. A mobile home pad shall be elevated not less than 6 inches above that portion of the street or the drainage outlet at the lot boundary to which the site drainage is directed.

(2) Storm sewers and storm water drainage systems shall be designed and installed according to the department of environmental quality R 325.3342 to R 325.3346. Storm sewers and storm water drainage systems shall be inspected by the department of labor and economic growth.

History: 2008 AACS.

R 125.1715 Storage.

Rule 715. (1) A storage container for garbage shall be watertight and shall preclude infestation of insects and rodents.

(2) Rubbish shall be properly contained and stored. The area for storage shall be kept in a manner suitable to preclude infestation of insects and rodents. Where dumpsters are used, they shall be placed on a paved area that shall extend a minimum of 2 feet in all directions from the dumpsters. Water used in cleaning a dumpster shall be discharged to a sanitary sewer system.

(3) A storage container for garbage and rubbish shall be cleaned with sufficient frequency to preclude the attraction of insects and rodents.

(4) The storage of garbage and rubbish shall not create a harborage or food source for insects or rodents.

History: 2008 AACS.

R 125.1716 Frequency of removal.

Rule 716. Garbage and rubbish shall be removed from a mobile home park or seasonal mobile home park at least once a week, or more often if the container lid or lids will not properly close.

History: 2008 AACS.

R 125.1717 Insect and rodent control.

Rule 717. The owner and manager of a mobile home park or seasonal mobile home park shall routinely inspect the park to observe any possible evidence of an insect or rodent infestation. When such evidence is found, measures compatible with proper pest control practice shall be taken to reduce the infestation

to a level where insects or rodents no longer exert an adverse affect on the health and well-being of park residents.

History: 2008 AACS.

R 125.1718 Operation, maintenance, and safety.

Rule 718. The operator of a mobile home park or seasonal mobile home park shall maintain the mobile home park or seasonal mobile home park, its facilities, and the equipment in a sanitary and safe condition in conformance with the provisions of the act and these rules.

History: 2008 AACS.

R 125.1719. Water supply systems.

Rule 719. Water supply systems shall be designed and installed in accordance with the department of environmental quality R 325.3321. Water supply systems not under the authority of the department of environmental quality shall be inspected by the department of labor and economic growth.

History: 2008 AACS.

R 125.1720. Sewage collection and disposal systems.

Rule 720. Sewage collection and disposal systems shall be designed, installed, and maintained in accordance with the department of environmental quality R 325.3331 to R 325.3335. Sewage collection and disposal systems not under the authority of the department of environmental quality shall be inspected by the department of labor and economic growth.

History: 2008 AACS.

PART 8. MOBILE HOME PARK LICENSING

R 125.1801 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1802 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1803 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1804 Rescinded.

History: 1979 AC; 1980 AACS; 1998 AACS.

R 125.1805 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1806 Rescinded.

History: 1979 AC; 1980 AACS.

R 125.1807 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1808 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1809 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1810 Rescinded.

History: 1979 AC; 1980 AACS; 1998 AACS.

R 125.1811 Rescinded.

History: 1979 AC; 1980 AACS; 1998 AACS.

R 125.1812 Rescinded.

History: 1979 AC; 1985 AACS; 1998 AACS.

R 125.1813 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1814 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1815 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1816 Rescinded.

History: 1979 AC; 1985 AACS; 1991 AACS; 1998 AACS.

R 125.1817 Rescinded.

History: 1979 AC; 1985 AACS; 1991 AACS; 1998 AACS.

R 125.1818 Rescinded.

History: 1982 AACS; 1991 AACS; 1998 AACS.

PART 9. COMMUNITY CONSTRUCTION

R 125.1901 Definitions.

Rule 901. As used in this part:

- (a) "Access point" means the main community ingress and egress road.
- (b) "Alley" means a public or private right-of-way that serves and is dedicated as rear access to a parcel or parcels of land.
- (c) "Ingress and egress road" means the internal road that connects a public road with the remainder of the internal road system of a community.
- (d) "Meter" means a nationally recognized and approved device that measures the quantity of water, electricity, natural gas, liquefied petroleum gas, or fuel oil used.
- (e) "Parking bay" means any area in which more than 2 parking spaces are provided other than on a home site.
- (f) "Plans approval and permit to construct" means a department order upon approval of an application for a plans approval and permit to construct that permits the construction of a community or home condominium, permits a licensed community or existing home condominium to add home sites, or approves the as-built plans of a licensed community for subsequent conversion to a home condominium. The order also permits the construction within the community or condominium of optional improvements, but does not relieve the developer or owner from the responsibility of obtaining the required permits under other statutes or regulations pertaining to the optional improvement to be constructed. The order does not relieve the developer or owner from obtaining building, electrical, mechanical, and plumbing permits if required.
- (g) "Public thoroughfare" means a public road that provides access to a community.

History: 1979 AC; 1985 AACS; 1991 AACS; 1998 AACS; 2003 AACS; 2008 MR 11, Eff. Sept. 2, 2008.

R 125.1902 Rescinded.

History: 1979 AC; 1985 AACS; 1991 AACS.

R 125.1902a Home condominium; application; conversion of existing community to home condominium.

Rule 902a. (1) An application for the construction of a home condominium project shall be submitted to the department by the developer in compliance with section 127 of 1978 PA 1959, MCL 559.227.

(2) The application for the construction of a new home condominium or the expansion of an existing home condominium shall be filed under R 125.1909.

(3) An applicant applying for approval of construction plans and a permit to construct for the conversion of a community to a home condominium with expansion shall file the application according to R 125.1905.

(4) An existing community that does not meet the standards of construction set forth in this part and R 325.3311 et seq. of the Michigan Administrative Code may be converted to a home condominium if it is

brought into compliance with the standards under a plans approval and permit to construct or if a variance is approved by the commission under R 125.1948.

History: 1985 AACS; 1998 AACS; 2003 AACS.

R 125.1903 Rescinded.

History: 1979 AC; 1998 AACS.

R 125.1904 Rescinded.

History: 1979 AC; 1991 AACS; 1998 AACS.

R 125.1904a Preliminary plan; disapproval.

Rule 904a. (1) A municipality, county road commission, county drain commissioner, or local health department shall not disapprove a preliminary plan, as defined in the act, based on a local standard that is higher than the standards contained in these rules, unless the higher standards are approved by the commission under the provisions of the act and R 125.1120.

(2) If a preliminary plan is disapproved by the agencies listed in subrule (1) of this rule based on a local standard which is higher than the standards contained in these rules and which has not been approved by the commission, then the developer may petition the commission for review of the disapproval under R 125.1130. If the commission finds that the local standards are in conflict with the standards contained in these rules, then the developer may substitute the commission's finding for the disapproval of the agencies listed in subrule (1) of this rule under the act.

History: 1980 AACS; 1991 AACS; 1998 AACS; 2003 AACS; 2008 MR 11, Eff. Sept.2, 2008.

R 125.1905 Plans approval and permit to construct; application for approval; issuance of approval or intent to deny; validity; transferability.

Rule 905. (1) The department shall not issue a plans approval and permit to construct until all of the following are received from the developer and are approved by the department:

(a) Two copies of the community construction plans and specifications under R 125.1906 to R 125.1909.

(b) The fee specified in R 125.1315.

(c) On a form prescribed by the department, an application and required exhibits completely and accurately filled out and executed.

(2) All of the following exhibits shall be submitted with the application:

(a) Copies of all existing and proposed easements or dedications, if any. If easements or dedications do not exist, then the developer shall submit a statement to that effect with the application.

(b) A soils analysis, which shall be provided by a professional engineer, shall state that the soils are sufficiently stable so as to support the home and the permanent foundation.

(c) Evidence of title to the property, such as title insurance, a deed, a land contract, an owner's affidavit, or, if the property is not owned by the developer, the owner's affidavit attesting to ownership and the granting of permission to develop the community project. If the developer has an option to purchase the property or is leasing the property, then the developer shall submit a copy of the purchase option or leasing agreement.

(3) Before the department issues a plans approval and permit to construct, the Michigan department of environmental quality shall issue to the department a construction plan approval pertaining to the public health aspects of the construction under the act, including all of the following approvals:

(a) Preliminary approvals of the local health department, county road commission, county drain commissioner, and municipality or an affidavit from the developer which states that the statutory time limit

of 60 days, under the act, has expired without the unit of local government taking the appropriate action.

(b) Approval from the department of environmental quality, in compliance with the requirements of 1994 PA 451, MCL 324.101 to 324.90106 if the project lies in a floodplain.

(c) Approval from the department of environmental quality, in compliance with the requirements of 1979 PA 203, MCL 281.701 if the project lies in a wetlands area.

(4) The department shall issue a plans approval and permit to construct or intent to deny order within 90 days after receipt of a complete application or the plans are considered approved. The application shall be in compliance with the requirements in subrules (1), (2), and (3) of this rule.

(5) A plans approval and permit to construct shall be valid for 5 years after the date of the issuance and may, upon application, review of the previously approved construction plans for compliance with these rules, and approval of the application, be renewed by the department if the last renewal does not expire more than 10 years after the initial plans approval and permit to construct was issued.

(6) A permit to construct is transferable upon approval by the department.

(7) The department shall maintain the plans approval and permit to construct and a copy of the approved plans and specifications as a permanent record. A copy of the approved plans and specifications shall be at the construction site or readily available during construction.

History: 1979 AC; 1980 AACS; 1985 AACS; 1991 AACS; 1998 AACS; 2003 AACS; 2008 AACS.

R 125.1906 Construction plans; drawings; preparation and contents.

Rule 906. An architect or engineer who is licensed to practice in this state shall prepare the drawings that constitute the plans. More than 1 architect or engineer licensed in this state may prepare different segments of the same community construction plans. Submissions for review shall be 24-inch by 36-inch reproductions of original drawings. Each sheet shall contain the name of the community and the name and address of the firm responsible for the preparation of the sheet. The plans shall be sealed and signed by the licensee in responsible charge in accordance with 1980 PA 299, MCL 339.101 to 339.2721.

History: 1979 AC; 1991 AACS; 1998 AACS; 2008 AACS.

R 125.1907 Construction plans; preparation requirements.

Rule 907. When preparing community construction plans, the architect or engineer shall comply with all of the following provisions:

(a) A scale shall be used in preparing the drawings.

(b) Each sheet shall be numbered and the total number of sheets in the set shall be shown.

(c) All prints of plans submitted for review shall be free of unnecessary background and shall be legible for photo reduction.

(d) The scale of each drawing shall be depicted on each sheet, where applicable.

(e) All sheets shall be dated.

(f) The name of the community shall be shown on each sheet.

(g) Match lines shall be used when the survey plan, site plan, or floor plans are shown on more than 1 sheet.

History: 1979 AC; 1991 AACS; 1998 AACS.

R 125.1908 Construction plans; contents.

Rule 908. (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:

- (a) A cover sheet that contains all of the following:
 - (i) The name and location of the community.
 - (ii) A comprehensive sheet index.
 - (iii) List of abbreviations.
 - (iv) Schedule of symbols.
 - (v) A location map of the project depicting its relationship to the surrounding area.
- (b) A site plan that shows all of the following:
 - (i) The location of all structures, sidewalks, internal roads, parking, and public road frontage.
 - (ii) The dimensions and identity of all existing and proposed easements and encroachments.
 - (iii) A survey bench mark shown by symbol and referenced to an official bench mark of the national geodetic survey or the United States geological survey, which are based on the national geodetic vertical datum of 1929.
 - (iv) Identification of all contiguous properties or waterways.
 - (v) If the community lies within or abuts a 100-year floodplain, floodplain data showing the 100-year contour line to the point where it intersects with the boundaries of the community or its limits, whichever is greater. Where a floodplain area exists, it shall be clearly labeled with the words "floodplain area."
- (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 except alterations to existing communities may comply with R 125.1947a(3).
 - (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 subsurface gas lines and electric lines.
- (d) Except in a seasonal community, a community lighting plan showing the location of all light fixtures and a detail of the fixture to be installed, including a note indicating compliance with the illumination requirements under R 125.1929. In a seasonal community, a community lighting plan showing the location of all light fixtures, if provided, and a detail of the fixture to be installed.
 - (2) Where appropriate, plans may be combined if legibility is not impaired.
 - (3) The plans shall contain site drainage details and locations in accordance with R 125.1711 to R 125.1714 of these rules.

History: 1979 AC; 1980 AACS; 1985 AACS; 1991 AACS; 1998 AACS; 2003 AACS; 2008 AACS.

R 125.1909 Construction plans; identifying home sites and optional improvements.

Rule 909. Individual home sites and optional improvements shall be identified as follows:

- (a) Each home site within a community shall be numbered consecutively starting with the number 1. If a community is an existing community, then the numbers shall be continuous, with no duplication.
- (b) Other than the home sites, each structure or optional improvement shall be identified by its title.

History: 1979 AC; 1991 AACS; 1998 AACS.

R 125.1910 Rescinded.

History: 1979 AC; 1991 AACS; 1998 AACS.

R 125.1911 Rescinded.

History: 1979 AC; 1991 AACS.

R 125.1912 Filing changes in plans with department; notice of approval or disapproval.

Rule 912. A developer shall file 2 copies of bulletins, addendums, or shop drawings depicting changes with the department for approval before any physical changes are made. The department shall notify the developer of approval or disapproval within 20 days after receipt of the change. The department shall return 1 copy to the developer.

History: 1979 AC; 1991 AACS; 1998 AACS; 2003 AACS.

R 125.1913 Rescinded.

History: 1979 AC; 1985 AACS; 1991 AACS; 1998 AACS; 2003 AACS.

R 125.1914 Rescinded.

History: 1979 AC; 1991 AACS.

R 125.1915 Rescinded.

History: 1979 AC; 1985 AACS.

R 125.1916 Facilitating review of application for plans approval and permit to construct.

Rule 916. To facilitate the review of the application for plans approval and permit to construct, the department may require the developer to submit engineering reports, site reports, topographic and other maps, and other data.

History: 1979 AC; 1985 AACS; 1998 AACS.

R 125.1917 Construction reports, tests, and other data; availability to department.

Rule 917. All reports, tests, or other data used to determine construction suitability or structural stability shall be available to the department or its authorized representative upon request.

History: 1979 AC.

R 125.1918 Field inspections.

Rule 918. The department shall make field inspections necessary for an accurate evaluation and review of the community before, during, or after construction to ensure compliance with these rules and the approved plans.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1919 Rescinded.

History: 1979 AC; 1985 AACS; 1991 AACS.

R 125.1920 Internal roads; general requirements; local conditions.

Rule 920. (1) Internal roads shall be approved by the department when they are in compliance with all of the following general requirements:

(a) Internal roads shall be constructed in compliance with R 125.1922(1).

(b) Internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement. The easement shall be recorded before an internal road is approved by the department. Sole access by an alley is prohibited.

(c) Dead end internal roads shall terminate with one of the configurations listed in the 2003 edition, international fire code, appendix D, figure D103.1 dealing with dead end fire apparatus access roads, which is adopted by reference in R 125.1102 of these rules.

Parking shall not be permitted within the turning area, which shall be posted within the turning area.

(d) A safe-sight distance of 200 feet shall be provided at intersections.

(e) Offsets at intersections or intersections of more than 2 internal roads are prohibited.

(f) Internal roads shall have driving surfaces with widths not less than the following:

(i) No parking.....21 feet.

(ii) Parallel parking, 1 side.....31 feet.

(iii) Parallel parking, 2 sides.....41 feet.

(2) All entrances to new communities or new entrances to expanded communities shall be a minimum of 33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road and shall be constructed as follows:

(a) All turning lanes shall be a minimum of 11 feet in width and 60 feet in depth measured from the edge of the pavement of the public road into the community.

(b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.

(c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority. The intersection of the public road and ingress and egress road shall not have squared corners.

(d) Alternative designs that provide for adequate ingress and egress shall be approved by the department.

History: 1979 AC; 1980 AACS; 1991 AACS; 1998 AACS; 2003 AACS; 2008 MR 11, Eff. Sept. 2, 2008.

R 125.1921 Rescinded.

History: 1979 AC; 1991 AACS.

R 125.1922 Internal roads; construction materials.

Rule 922. (1) An internal road shall be constructed of concrete, bituminous asphalt, or, where permitted by local regulations, compacted road gravel in compliance with the guide for design of pavement structures, as published by the American association of state highway and transportation officials (AASHTO), which is adopted by reference in R 125.1102 of these rules.

(2) The community developer may use other suitable materials of equal quality if approved by the department.

History: 1979 AC; 1991 AACS; 1998 AACS; 2003 AACS; 2008 MR 11, Eff. Sept.2, 2008.

R 125.1923 Internal roads; curbing.

Rule 923. A developer may install curbing on all internal roads. If curbing is used, it shall be constructed of concrete or asphalt.

History: 1979 AC; 1991 AACS; 1998 AACS.

R 125.1924 Driveways.

Rule 924. Improved hard surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings; to delivery and collection points for fuel, refuse, and

other materials; and elsewhere as needed. The minimum width shall be 10 feet. The entrance shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

History: 1979 AC.

R 125.1925 Resident vehicle parking.

Rule 925. (1) All home sites shall be provided with 2 parking spaces.

(2) If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:

(a) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than 10 feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the 2 parking spaces shall not be less than 20 feet and the length shall not be less than 20 feet. In either method, the length shall be measured from the closest edge of the back of the curb, the paving surface, or the common sidewalk, if provided.

(b) A parking space shall be hard-surfaced.

(3) If vehicle parking is provided off the home site, then the parking spaces shall be adjacent to the home site and shall be in compliance with R 125.1926(2) and (3).

History: 1979 AC; 1980 AACS; 1998 AACS; 2003 AACS.

R 125.1926 Additional parking facilities.

Rule 926. (1) A minimum of 1 parking space for every 3 home sites shall be provided for visitor parking. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve. The 500 feet shall be measured along a road or sidewalk.

(2) If parking bays are provided, then they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.

(3) If parking facilities are provided off the home site in bays and at office or other facilities, then they shall be in compliance with R 408.30427.

History: 1979 AC; 1991 AACS; 1998 AACS; 2003 AACS.

R 125.1927 Rescinded.

History: 1979 AC; 1991 AACS; 1998 AACS.

R 125.1928 Sidewalks.

Rule 928. If a developer provides sidewalks, then the sidewalks shall be designed, constructed, and maintained for safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. A sidewalk system shall be in compliance with all of the following requirements:

(a) If constructed, sidewalks shall have a minimum width of 3 feet and shall be constructed in compliance with the requirements of 1973 PA 8, MCL 125.1361 et seq., an act which regulates sidewalks for handicappers.

(b) Except in a seasonal community, an individual sidewalk shall be constructed between at least 1 entrance, or patio, porch, or deck, if provided, and the parking spaces on the home site or parking bay, whichever is provided, or common sidewalk, if provided.

(c) In a community built under construction plans and specifications approved under a previous act, an individual sidewalk which is lengthened shall be the same width for its full length and at least equal in width for its full length to the original individual sidewalk.

History: 1979 AC; 1985 AACS; 1991 AACS; 1998 AACS; 2003 AACS.

R 125.1929 Vehicular and sidewalk systems; illumination levels.

Rule 929. Except in a seasonal community, all vehicular and sidewalk systems within a community shall be illuminated as follows:

(a) Access points shall be lighted. If the adjacent public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the thoroughfare.

(b) At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall be not less than .15 footcandles.

(c) Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 footcandles.

History: 1979 AC; 1991 AACS; 1998 AACS; 2003 AACS.

R 125.1930 Rescinded.

History: 1979 AC; 1985 AACS.

R 125.1931 Proof of compliance with rules.

Rule 931. A community shall show proof of compliance with these rules upon request of the department or its authorized representative.

History: 1979 AC; 1998 AACS.

R 125.1932 Community electrical system.

Rule 932. A community electrical system shall, at a minimum, be designed, installed, operated, and maintained in compliance with the rules entitled "Electrical Lines and Equipment," being R 460.811 to R460.815 and according to the construction, installation, and safety standards of the servicing public service company. A community is responsible for installing the electrical system up to and including the meter and its disconnect in new or existing communities. In addition, all of the following provisions shall be complied with:

(a) Primary and secondary distribution lines shall be installed underground.

(b) The system shall be designed to provide, at a minimum, 100 amp service according to applicable standards.

(c) A home site shall have an approved individual weatherproof meter installed. A community master meter shall not be used.

History: 1979 AC; 1998 AACS.

R 125.1933 Electrical system.

Rule 933. A home site shall have an approved easily accessible electrical systems circuit breaker or fuse system installed. The circuit breaker or fuse system shall be located at the pedestal and shall be installed by a licensed electrician.

History: 1979 AC; 1985 AACS; 1998 AACS.

R 125.1934 Community natural gas system.

Rule 934. The design, installation, operation, and maintenance of a community natural gas system shall, at a minimum, be in compliance with R 460.20101 et seq. of the Gas Safety rules and R 460.2301 et seq. of the Technical Standards for Gas Service and the construction, installation, and safety standards of the servicing public utility company. A community is responsible for installing the natural gas system up to and including the meter and its disconnect in new or existing communities. In addition, the community shall comply with all of the following provisions:

(a) Gas piping shall not be installed under a home building envelope or home, except for the piping required to connect the home to the servicing pedestal.

(b) A home site shall be equipped with an approved weatherproof gas regulator and individual meter. The regulator and meter shall not be located under the home when it is placed on the home site. A community master meter shall not be used.

(c) A home site shall have an approved gas shutoff valve installed upstream of the home site gas outlet and located on the inlet riser not less than 4 inches above the ground. The valve shall not be located under a home.

(d) The minimum hourly volume of gas required at each point shall be designed according to applicable standards and the manufacturer's standard for the appliance or appliances served.

History: 1979 AC; 1985 AACS; 1998 AACS; 2003 AACS.

R 125.1935 Community centralized liquefied petroleum gas (LPG) system.

Rule 935. If a centralized community liquefied petroleum gas (LPG) system is provided, it shall be designed, installed, operated, and maintained according to the rules entitled "Liquefied Petroleum Gases," being R 29.4001 to R 29.4035. A community shall install the liquefied petroleum gas system up to and including the meter and its disconnect in new or existing communities. In addition to the requirements of R 29.4001 to R 29.4035 both of the following provisions shall apply:

(a) A home site shall have an approved liquefied petroleum gas meter installed.

(b) The minimum hourly volume of liquefied petroleum gas required at each point in the system shall be calculated according to applicable standards and the manufacturer's standard for the appliance or appliances to be served.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1936 Individual home liquefied petroleum gas (LPG) system.

Rule 936. If an individual home liquefied petroleum gas system is permitted, then the installation, operation, and maintenance shall be in compliance with the manufacturer's installation instructions and R 29.4001 et seq. of the Liquefied Petroleum Gases rules.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1937 Community centralized fuel oil systems; installation after effective date of rule prohibited.

Rule 937. Community centralized fuel oil systems shall not be installed after July 16, 1998.

History: 1979 AC; 1991 AACS; 1998 AACS; 2003 AACS.

R 125.1938 Home site meter calibration.

Rule 938. A home site meter connected to a centralized community electric and fuel service system shall be calibrated upon installation and shall thereafter be calibrated by an independent calibrating company according to the servicing utility company's standard.

History: 1979 AC; 1990 AACS; 1991 AACS; 1998 AACS.

R 125.1939 Rescinded.

History: 1979 AC; 1991 AACS; 1998 AACS.

R 125.1940 Television, telephone, and certain heating systems; compliance with state or local standards and ordinances.

Rule 940. (1) If central television antenna systems, cable television, or other similar services are provided, then the distribution systems shall be underground and shall be constructed and installed in compliance with state and local standards and ordinances.

(2) Telephone systems shall be installed underground and shall be in compliance with state and local standards and ordinances. If state and local standards and ordinances do not exist, then the system shall be installed according to the construction, installation, and safety standards established by the servicing telephone company.

(3) If a heating system other than natural gas, liquefied petroleum gas (LPG), or fuel oil is used, then the system shall be in compliance with state codes.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1940a Water system meters.

Rule 940a. (1) Water meter installation shall be in compliance with R 325.3321 and shall be approved by the Michigan department of environmental quality.

(2) All water meters shall be in compliance with the requirements of American water works association standards C700-02, entitled "Cold Water Meters - Displacement Type;" C708-05, entitled "Cold Water Meters - Multijet Type;" and C710-02, entitled "Cold Water Meters - Displacement Type Plastic Main Case" . These standards are adopted in R 125.1102 of these rules by reference .

History: 1990 AACS; 1998 AACS; 2003 AACS; 2008 AACS.

R 125.1941 Required distances between homes and other structures.

Rule 941. (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:

(a) For a home not sited parallel to an internal road, 20 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.

(b) For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.

(c) Ten feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.

(d) Fifty feet from permanent community-owned structures, such as either of the following:

(i) Clubhouses.

(ii) Maintenance and storage facilities.

(e) One hundred feet from a baseball or softball field.

(f) Twenty-five feet from the fence of a swimming pool.

(g) Attached or detached structures or accessories that may not be used for living purposes for the entire year shall be a minimum distance of 10 feet from an adjacent home or its adjacent attached or detached structures.

(2) A home, including an accessory, shall be set back all the following minimum distances, where applicable:

(a) Seven feet from the edge of the back of the curb or the edge of an internal road paving surface.

(b) Seven feet from a parking space on an adjacent home site or parking bay off a home site.

(c) Seven feet from a common sidewalk.

(d) Twenty-five feet from a natural or man-made lake or waterway.

(3) A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the 2 long sides and the entrance side:

(a) Support pillars that are installed adjacent to the edge of an internal road shall be set back 4 feet or more from the closest edge of the internal road and 2 feet or more from the closest edge of a common sidewalk, if provided.

(b) Roof overhang shall be set back 2 feet or more from the edge of the internal road.

(4) Steps and their attachments shall not encroach into parking areas more than 3 1/2 feet.

(5) A home sited on one side of the dividing line between a community constructed under a previous act and an expansion of the community constructed in compliance with the requirements of the act shall be a minimum of 13 feet from a home sited on the other side of the dividing line.

History: 1979 AC; 1980 AACS; 1991 AACS; 1998 AACS; 2003 AACS.

R 125.1942 Layout.

Rule 942. The layout of a community, including other facilities intended for resident use, shall be in accordance with acceptable planning and engineering practices and shall provide for the convenience, health, safety, and welfare of the residents.

History: 1979 AC; 1998 AACS.

R 125.1943 Home site construction.

Rule 943. A permanent foundation shall be installed on a home site.

History: 1979 AC; 1998 AACS.

R 125.1944 Setbacks from property boundary lines.

Rule 944. (1) Homes, permanent buildings and facilities, and other structures shall not be located closer than 10 feet from the property boundary line of the community or home condominium and shall not be required by a local ordinance, unless approved by the commission, to be more than 10 feet from the property boundary line.

(2) Homes, permanent buildings and facilities, or any other structures that abut a public right-of-way shall not be located less than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line. Homes, permanent buildings and facilities, and other structures shall not be required by a local ordinance to be more than 50 feet from the boundary line, unless the commission approves the ordinance. This rule does not apply to internal roads dedicated for public use.

History: 1979 AC; 1985 AACS; 1998 AACS; 2003 AACS.

R 125.1945 Screening; fencing.

Rule 945. The developer of a community or home condominium may completely or partially screen the community or condominium by installing fencing or natural growth along the entire property boundary line, including the line abutting a public thoroughfare, except at access points.

History: 1979 AC; 1991 AACS; 1998 AACS.

R 125.1946 Designated open space requirements.

Rule 946. A community or home condominium that contains 50 or more home sites which are constructed according to a permit to construct issued under the act shall have not less than 2% of the community's gross acreage dedicated to designated open space, but not less than 25,000 square feet.

History: 1979 AC; 1985 AACS; 1998 AACS.

R 125.1947 Optional improvements.

Rule 947. (1) Optional improvements may fulfill part or all of the total designated open space requirement.

(2) Optional improvements shall be in compliance with current state codes and applicable laws and ordinances pertinent to construction, including the obtaining of the appropriate state or local permits pertinent to the facility or structure being constructed.

History: 1979 AC; 1985 AACS; 1998 AACS; 2003 AACS.

R 125.1947a Communities constructed pursuant to previous acts or local ordinances, or both.

Rule 947a. (1) A community licensed under the construction standards of previous acts and rules for which a license was legally issued and valid at the time these of rules, or any subsequent amendment of these rules is not required to fulfill the current requirements for community construction in these rules. Amendments to the community construction standards in these rules do not apply to complete applications for plans approval and permits to construct received by the department before the effective date of such amendatory rules.

(2) A community that expands shall conform to all the requirements pertaining to community construction in these rules for the expansion.

(3) A community constructed according to the standards in previous acts, rules, or local ordinances shall be maintained or altered in a manner consistent with the standards in effect at the time of original construction, including but not limited to spacing of homes, road widths and sizing and design of community infrastructure, with the following exceptions:

(a) A community shall be adequately lighted during darkness.

(b) If individual home site meters are installed, then the installation shall be in compliance with R 125.1932, R 125.1934, and R 125.1935.

(c) Meters that are owned by the community shall be calibrated in compliance with R 125.1938.

(4) In communities issued a permit to construct before February 28, 1979, enclosed structures attached to homes are considered obstructions in the 10-foot side yard space. All other structures or vegetation are not obstructions if there is a 4-foot wide ground level pathway which is obstruction free to 7 feet in height and which runs the length of the side yard with access to the road.

History: 1979 AC; 1985 AACS; 1998 AACS; 2003 AACS; 2008 MR 11, Eff. Sept. 2, 2008.

R 125.1948 Variances; procedure.

Rule 948. (1) The commission may authorize under section 18(5) of the act the department to enter into agreements with community developers, owners, operators, or authorized agents for the purpose of granting a variance to the community design and construction rules promulgated by the director.

(2) An applicant may file a request with the department for a specific variance if the specific requirement would cause an exceptional practical difficulty.

(3) An applicant shall file with the municipal clerk's office, all residents on home sites immediately adjacent to the place for which a variance is being requested, and the Michigan department of environmental quality, if the variance is to or would impact on public health regulations, a notice of the request at the time the request is filed with the department. A complete request that contains all of the information specified in this subrule shall be filed before the department considers the request under subrule (1) of this rule or not less than 30 days before any commission meeting at which it is to be considered. The request shall be in writing and shall include, but is not limited to, all of the following information:

(a) The specific citation of the rule requirement.

(b) Specific reason or reasons for the variance.

(c) A statement describing why the condition caused by the requirement is not so general or recurring that consideration should be given to amend the rules as the most practical means to rectify the difficulty.

(d) A statement describing the difficulty encountered if the specific requirement of the rule was literally applied.

(e) A statement describing the difficulty encountered in ensuring the protection of the health, safety, and welfare of community residents if the specific requirement of the act or these rules was literally applied, if applicable.

(f) If a variance is requested for a specific home site, then the applicant shall provide all the following information:

(i) When the home site and all adjacent home sites were built.
(ii) When the home on the home site and all adjacent homes were installed.
(iii) The location of the hitch and all outside doors of the home on the home site.
(iv) The distance between the home on the home site and all adjacent homes, structures, sidewalks, internal roads, and community boundaries. The distance information shall be accompanied by an affidavit signed by the community owner or operator verifying the accuracy of all measurements.

(g) Any other specific information and data pertinent to justification for the specific variance.

(4) The applicant or an authorized representative of the applicant shall attend any commission meeting at which a variance request will be considered and be prepared to explain the request.

(5) A municipality, a resident, or a representative of the department of environmental quality, as described in subrule (3) of this rule, may submit comments relative to the request verbally at the commission meeting at which the variance will be considered or in writing. Any submitted comments shall be considered by the commission or the department in approving or denying the request.

(6) If a community developer, owner, or operator or a local government is aggrieved by a decision of the department under subrule (1) of this rule, then the aggrieved party may petition the commission for a hearing in compliance with the requirements of 1969 PA 306, MCL 24.201 et seq.

(7) This rule does not apply to a request for a variance to a local ordinance, zoning requirement, or local rules which may be granted only by local government under section 18(4) of the act.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.1949 "Repair and maintenance" defined; existing communities; construction; permit to construct; general repair and maintenance; exemption.

Rule 949. (1) "Repair and maintenance," for the purpose of this rule, means projects such as, but not limited to, the following:

(a) Repairing internal roads.
(b) Replacing existing lighting fixtures and illumination elements.
(c) Replacing, repairing, or maintaining existing sewer lines, drain lines, water mains, utility lines, and appurtenances.

(d) Repairing and maintaining existing home sites, buildings, or grounds.

(2) Existing communities that are licensed under the act are exempt from filing an application with the department for a permit to construct for general repair and maintenance-type construction projects if the projects do not add to, subtract from, or alter, the standards of the approved master community plans and specifications under which the community was originally constructed.

(3) Subrule (1) of this rule does not exempt the community from obtaining any permits, approvals, or inspections required by other laws, rules, or local ordinances applicable to a repair and maintenance project.

History: 1980 AACS; 1998 AACS.

R 125.1950 Existing communities; construction; permit to construct; alterations.

Rule 950. (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 materially different from the community construction plans and specifications approved under 1939 PA 143, MCL 125.751 to 125.769 or 1959 PA 243, MCL 125.1001 to 125.1097. The following provisions apply:

(a) Alteration projects include, but are not limited to, upgrading, installing, expanding, or removing common utility service systems, community lighting systems, or internal roads.

(b) No permit to construct is required for the following, which are not considered alteration projects: Removal or replacement of existing homes, or the reconstruction, relocation, or replacement of existing utility lines from the individual service panel to the home sites.

(c) A community licensed under the construction standards of previous acts and rules for which a license was legally issued and valid at the time of these rules, or any subsequent amendment of these rules is not required to fulfill the current requirements for community construction in these rules or the amendments hereto for any alteration projects.

(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.

(ii) On a form prescribed by the department, an application completely and accurately filled out and executed.

(iii) The fee as specified in R 125.1315(4).

(b) From the department of environmental quality, both of the following approvals:

(i) Approvals of the local health department, county drain commissioner, county road commission, and municipality, if appropriate.

(ii) Approval by the department of environmental quality for matters pertaining to on-site water supply, sewage collection and disposal.

(3) An application shall not be considered complete until all items referred to in subrule (2) of this rule have been received. This rule does not exempt the community from inspection requirements that are required by other laws, rules, or local ordinances as they apply to the specific project.

(4) The department shall issue a permit to construct or an intent to deny order within 45 days after receipt of a complete application.

History: 1980 AACS; 1998 AACS; 2003 AACS; 2008 AACS.

PART 10. COMMUNITY BUSINESS PRACTICES

R 125.2001 Definitions.

Rule 1001. (1) As used in this part:

(a) "Community rules" means a written document promulgated by the community which regulates all of the following and which includes the informational and disclosure items specified in R 125.2006:

(i) Yard maintenance.

(ii) Automobiles.

(iii) Children.

(iv) Pets.

(v) Guests.

(vi) Garbage and rubbish disposal.

(vii) Rental payments.

(viii) Other conditions of tenancy.

(b) "Inventory checklist" means the identical written form used at the commencement and termination of tenancy that records the condition of all items on the home site which are owned by the community, including, but not limited to all of the following:

(i) Building envelopes.

(ii) Utility hookups.

(iii) Patios.

(iv) Driveways.

(v) Parking spaces.

(vi) Sewer connections.

(c) "Lease" means a written agreement for the use, possession, and occupancy of a home site or home, or both, which contains all conditions of tenancy and which may include the community rules and regulations.

(d) "Rent" means any consideration paid by a resident for the right to use, possess, and occupy a home site or home, or both, and other facilities made available to the resident by the community.

(e) "Security deposit" means a deposit, in any amount, paid by the resident to the landlord or its agent to be held for the term of the rental agreement, or any part thereof. "Security deposit" includes any of the following:

(i) Any required prepayment of rent other than the first full rental period of the lease.
(ii) Any sum required to be paid as rent in any rental period in excess of the average rent for the term.
(iii) Any other amount of money or property that is returnable to the resident on the condition of return of the rental unit by the resident in the condition required by the rental agreement. "Security deposit" does not include an amount paid for an option to purchase under a lease with an option to purchase, unless it is shown that the intent was to evade the act.

(2) As used in the act:

(a) "Entrance fee" means a fee charged by a community as a condition precedent to the right to reside in the community, including a community requirement for resident paid for or provided landscaping or underground sprinkling systems, or both. The term does not include any of the following:

- (i) Security deposits.
- (ii) Fees and taxes charged by a unit of government, except for fees and taxes to be paid by the community that are related to capital improvements.
- (iii) Deposits for service charged by public utilities.
- (iv) Utility charges billed directly to the resident by the community.
- (v) Rent.
- (vi) Actual cost of a credit report, if one is obtained.
- (vii) Nonrefundable cleaning fee as allowed by law.
- (viii) A community requirement that a current or prospective resident, a retailer, or an installer and servicer pay for changing the electrical service provided to the home from the electrical pedestal disconnect box if the change is necessary to meet the Michigan electrical code, R 408.30801 et seq. for service to the home. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site or to bring the home into the community.

(ix) A community-required payment for the part of a foundation system that is more than 66 feet in length for a single section home and 56 feet in length for a multiple section home. The home lengths may be altered annually by the commission through an interpretive statement. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site. This exemption applies to foundation systems on new home sites in communities whose applications for permits to construct were received after June 29, 1994.

(x) A community-required payment for the part of a foundation system in excess of that which exists on a previously occupied home site. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site or to bring the home into the community.

(xi) A community-required payment for a foundation system that is approved by the department for use in the community, but not provided by the community. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site or to bring the home into the community.

(xii) Other fees as determined by the commission by declaratory ruling or interpretive statement.

(b) "Exit fee" means any fee charged by a community as a condition precedent to the right to terminate tenancy. This does not foreclose the right of the community to retain the security deposit in compliance with the requirements of 1972 PA 348, MCL 554.601 to 554.616.

History: 1979 AC; 1980 AACS; 1998 AACS; 2003 AACS; 2008 MR 11, Eff. Sept.2, 2008.

R 125.2001a Inspections; inspection standards.

Rule 1001a. Before a home is offered for sale or placement of a "For Sale" sign, a home shall be inspected if required by the community rules. The inspection shall be in compliance with the act and shall be valid for 1 year. The inspection standards shall be stated in the community rules and met by a majority of the homes in the community.

History: 2003 AACS; 2008 AACS.

R 125.2002 Advertising restriction.

Rule 1002. A community shall not advertise that facilities or physical conditions, or both, exist if not true.

History: 1979 AC; 1998 AACS.

R 125.2003 Means to assure completion of optional improvements.

Rule 1003. An optional improvement for resident use or convenience which has not been completed, shall not be advertised unless the completion of the optional improvement is assured by substantial completion or the advertising discloses the promised date of completion, or both. If an optional improvement is not completed by the date promised, then the department may, after notice of opportunity for hearing, require an irrevocable bank letter of credit, bond, or similar undertaking that is acceptable to the department posted with a public authority or may require adequate reserves established and maintained in a trust or escrow account to ensure completion of the optional improvement. In determining adequacy of the account, the department shall be guided by the facts and circumstances of each individual case, but the account shall be in compliance with all of the following provisions:

(a) Funds shall be kept and maintained in a separate escrow account.

(b) The account shall be approved by the department and shall be established in a financial institution doing business in this state or in another state whose laws require the account to be maintained in that state.

(c) Monthly progress reports shall be furnished to the department by the community for a new project for the first 6 months and, in the department's discretion, quarterly or semiannually after the first 6 months.

(d) The trust or escrow agreement shall state that its purpose is to protect the resident or prospective resident if the community fails to complete the construction of promised optional improvements. The trust or escrow agreement also shall authorize the department to inspect the records of the trustee relating the agreement.

History: 1979 AC; 1998 AACS; 2003 AACS.

R 125.2004 Rescinded.

History: 1979 AC; 1980 AACS; 1985 AACS; 1991 AACS.

R 125.2005 Leases; refusal; terms; security deposits; inventory checklists.

Rule 1005. (1) A written lease shall be offered for each home site at the beginning of tenancy. The lease shall conform to the procedures in 1972 PA 348, MCL 554.601 et seq. and 1978 PA 454, MCL 554.631 et seq.

(2) If a resident refuses the lease offered at the beginning of tenancy, then the community shall require a written statement of refusal. The refusal is not a waiver of any of the resident's rights as guaranteed by law.

(3) A community shall not charge a premium for a lease.

(4) If a community requires a resident or prospective resident to prove ownership of a newly acquired home as a condition of siting the home in the community, then the resident or prospective resident may satisfy the requirement by providing a photocopy of a validated signed application for a certificate of manufactured home ownership.

(5) A community may allow a retailer, consumer, or lending institution to pay rent on a home site in the community before placing a home on the home site if the action does not result in a closed community. The home site that is rented is unavailable for rental to another retailer, consumer, or lending institution.

(6) A community may allow a retailer, consumer, or lending institution to place a home on a home site before the sale of the home. The home site upon which the home is placed is unavailable for the placement of another home.

(7) A community shall provide its permission for a sale in the community and on the home site and its acceptance of a prospective purchaser as a resident in writing, if requested.

(8) A security deposit received by a community shall be maintained in compliance with 1972 PA 348, MCL 554.601 et seq.

(9) If a community requires a security deposit, then the community shall utilize an inventory checklist at the beginning and termination of the tenancy to determine damages. The community shall comply with 1972 PA 348, MCL 554.601 et seq.

History: 1979 AC; 1980 AACS; 1991 AACS; 1998 AACS; 2003 AACS.

R 125.2005a Buyer's and resident's handbook.

Rule 1005a. A manufactured home buyer's and resident's handbook shall be provided by retailers to home purchasers at the time a purchase agreement is executed and by communities to prospective residents at the time an application for residency is signed. The handbook shall be available from the department, on the department's internet site at www.michigan.gov/bcc, and linking to publications in the left column.

History: 1991 AACS; 1998 AACS; 2003 AACS; 2008 AACS.

R 125.2006 Community rules; provision of community rules to prospective and existing residents; community rule changes; rent charges.

Rule 1006. (1) The community shall provide each prospective and existing resident with a copy of the community rules. The resident shall execute a written receipt for the community rules.

(2) The community shall provide proposed changes to the community rules to each resident not less than 30 days before the date on which the changes become effective.

(3) Community rules shall not do any of the following:

(a) Prohibit "For Sale" signs.

(b) Require "For Sale" signs to be less than 18 inches by 24 inches.

(c) Prohibit or restrict the placement of up to 2 "For Sale" signs in the windows of or on a home.

(d) Require a home to meet a construction standard other than that to which it was built in order to be sold in the community.

(e) Require tires to be present if a home is to be sold in the community.

(4) The community shall post, in a conspicuous place in the community office, a detailed list of current rent ranges and a detailed list of any other charges that are added to the base rent which establish the monthly rental amount that a resident is to pay.

(5) A community rent structure shall be in compliance with 1976 PA 453, MCL 37.2502 and 37.2503.

History: 1979 AC; 1980 AACS; 1982 AACS; 1985 AACS; 1998 AACS; 2003 AACS.

R 125.2006a Water meter installation disclosure.

Rule 1006a. If the community converts its water metering to individual site metering, then the community shall notify each then-current resident, in writing, not less than 30 days before providing water for which an invoice is rendered following meter installation. The disclosure shall include, but not be limited to, all of the following items:

(a) The water and sewer rate per thousand gallons or in the units measured by the meter.

(b) All additional charges.

(c) Minimum fees.

(d) Shutoff procedures.

(e) Installation procedures.

(f) Payment procedures, including the billing period and due dates and a requirement that bills include beginning and ending meter readings and total usage.

(g) Rate change procedures.

(h) A statement that the community shall provide a state-approved and properly functioning heat tape and shall be maintained by the community for a period of not less than 1 year.

History: 1979 AC; 1998 AACS; 2003 AACS; 2008 AACS.

R 125.2006b Resident-provided utility service.

Rule 1006b. If the community resident provides any utility service that results in common community use, then the community shall disclose the charge to all affected residents.

History: 1998 AACS; 2003 AACS.

R 125.2007 Accounts and records; maintenance; inspections; retention.

Rule 1007. (1) The community shall maintain all the following accounts and records at the community office or at a central office for 4 years:

- (a) A copy of the lease for each resident or a copy of the statement of refusal signed by the resident.
 - (b) A copy of the inventory checklists for each resident.
 - (c) A copy of the resident receipt for community rules.
 - (d) A record of the rent receipts for each resident.
 - (e) If security deposits are required, then a current and accurate record system of security deposits received and disbursed upon termination of tenancy for each home or home site, or both.
 - (f) A current and accurate record of the community residents, which shall include all of the following information:
 - (i) Name of each resident and member of the resident's household, if applicable.
 - (ii) Home site number.
 - (iii) Date of tenancy.
 - (iv) Date of termination.
- (2) All accounts and records that are required to be maintained by these rules shall be available for inspection by an authorized representative of the department during normal business hours.
- (3) Unless otherwise provided for by law, these or other rules, or local ordinances that require a longer retention period, the following accounts and records shall be maintained for a period of 4 years after tenancy termination:
- (a) A copy of the resident's most recent lease or rental agreement or the resident's lease refusal statement.
 - (b) A copy of the final inventory checklist for each resident.
 - (c) A copy of the resident's most recent receipt for community rules.
 - (d) A resident's file.

History: 1979 AC; 1980 AACS; 1985 AACS; 1998 AACS; 2003 AACS.

R 125.2008 Rescinded.

History: 1979 AC; 1985 AACS.

R 125.2009 Community owner or operator; prohibited practices.

Rule 1009. A community owner or operator shall not do any of the following:

- (a) Aid or abet an unlicensed person to evade the provisions of the act or these rules.
- (b) Knowingly combine or conspire with, or be acting as an agent, partner, or associate for an unlicensed person.
- (c) Allow one's license to be used by an unlicensed person.
- (d) Be acting as a licensed retailer for an undisclosed person who does or will control or direct, or who may have the right to control or direct, directly or indirectly, the business operations or performance, or both, of the licensee.
- (e) Use age or size, either separately or in combination, as a sole basis for refusing to allow the sale of a home in the community and on the home site.
- (f) Prohibit a resident from using a licensed retailer of the resident's choice to sell his or her home in the community.

- (g) Prohibit the installation, in compliance with federal law, of a satellite dish on a home.
- (h) Prohibit political yard signs. Political yard signs means "campaign signs demonstrating a position on candidates for publicly elected offices or proposals for public election."
- (i) Require political yard signs to be less than 18 inches by 24 inches.
- (j) Prohibit or restrict the placement of up to 2 political yard signs per site.
- (k) Restrict the display duration of political yard signs when they are in compliance with the local government ordinance, for a period beginning 4 weeks before and, 1 week after a governmental election.

History: 1979 AC; 1998 AACS; 2003 AACS.

PART 11. SEASONAL MOBILE HOME PARKS

R 125.3001 Rescinded.

History: 1984 AACS; 1998 AACS.

R 125.3002 Rescinded.

History: 1984 AACS; 1998 AACS.

R 125.3003 Rescinded.

History: 1984 AACS; 1998 AACS.

R 125.3004 Rescinded.

History: 1984 AACS; 1998 AACS.

R 125.3005 Rescinded.

History: 1984 AACS; 1998 AACS.

R 125.3006 Rescinded.

History: 1984 AACS; 1991 AACS; 1998 AACS.

R 125.3007 Rescinded.

History: 1984 AACS; 1991 AACS; 1998 AACS.

R 125.3008 Rescinded.

History: 1984 AACS; 1998 AACS.

R 125.3009 Rescinded.

History: 1984 AACS; 1998 AACS.

R 125.3010 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3011 Rescinded.

History: 1984 AACCS; 1991 AACCS; 1998 AACCS.

R 125.3012 Rescinded.

History: 1984 AACCS; 1991 AACCS; 1998 AACCS.

R 125.3013 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3014 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3015 Rescinded.

History: 1984 AACCS; 1991 AACCS.

R 125.3016 Rescinded.

History: 1984 AACCS; 1991 AACCS; 1998 AACCS.

R 125.3017 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3018 Rescinded.

History: 1984 AACCS; 1991 AACCS; 1998 AACCS.

R 125.3019 Rescinded.

History: 1984 AACCS; 1991 AACCS; 1998 AACCS.

R 125.3020 Rescinded.

History: 1984 AACCS; 1991 AACCS; 1998 AACCS.

R 125.3021 Rescinded.

History: 1984 AACS; 1991 AACS; 1998 AACS.

R 125.3022 Rescinded.

History: 1984 AACS; 1991 AACS; 1998 AACS.

R 125.3023 Rescinded.

History: 1984 AACS; 1991 AACS; 1998 AACS.

R 125.3024 Rescinded.

History: 1984 AACS; 1991 AACS; 1998 AACS.

R 125.3025 Rescinded.

History: 1984 AACS; 1991 AACS; 1998 AACS.

R 125.3026 Rescinded.

History: 1984 AACS; 1991 AACS.

R 125.3027 Rescinded.

History: 1984 AACS; 1991 AACS; 1998 AACS.

R 125.3028 Rescinded.

History: 1984 AACS; 1991 AACS; 1998 AACS.

R 125.3029 Rescinded.

History: 1984 AACS; 1991 AACS.

R 125.3030 Rescinded.

History: 1984 AACS; 1998 AACS.

R 125.3031 Rescinded.

History: 1984 AACS; 1998 AACS.

R 125.3032 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3033 Rescinded.

History: 1984 AACCS; 1991 AACCS.

R 125.3034 Rescinded.

History: 1984 AACCS; 1991 AACCS; 1998 AACCS.

R 125.3035 Rescinded.

History: 1984 AACCS; 1991 AACCS.

R 125.3036 Rescinded.

History: 1984 AACCS; 1991 AACCS; 1998 AACCS.

R 125.3037 Rescinded.

History: 1984 AACCS; 1991 AACCS; 1998 AACCS.

R 125.3038 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3039 Rescinded.

History: 1984 AACCS; 1991 AACCS; 1998 AACCS.

R 125.3042 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3043 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3044 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3045 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3046 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3047 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3048 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3049 Rescinded.

History: 1984 AACCS; 1991 AACCS; 1998 AACCS.

R 125.3050 Rescinded.

History: 1984 AACCS; 1990 AACCS; 1991 AACCS; 1998 AACCS.

R 125.3051 Rescinded.

History: 1984 AACCS; 1991 AACCS; 1998 AACCS.

R 125.3051a Rescinded.

History: 1990 AACCS; 1998 AACCS.

R 125.3052 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3053 Rescinded.

History: 1984 AACCS; 1991 AACCS; 1998 AACCS.

R 125.3054 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3055 Rescinded.

History: 1984 AACS; 1998 AACS.

R 125.3056 Rescinded.

History: 1984 AACS; 1998 AACS.

R 125.3057 Rescinded.

History: 1984 AACS; 1991 AACS; 1999 AACS.

R 125.3058 Rescinded.

History: 1984 AACS; 1999 AACS.

R 125.3059 Rescinded.

History: 1984 AACS; 1999 AACS.

R 125.3060 Rescinded.

History: 1984 AACS; 1999 AACS.

R 125.3061 Rescinded.

History: 1984 AACS; 1991 AACS; 1998 AACS.

R 125.3062 Rescinded.

History: 1984 AACS; 1998 AACS.

R 125.3063 Rescinded.

History: 1984 AACS; 1998 AACS.

R 125.3064 Rescinded.

History: 1984 AACS; 1991 AACS.

R 125.3065 Rescinded.

History: 1984 AACS; 1998 AACS.

R 125.3066 Rescinded.

History: 1984 AACS; 1998 AACS.

R 125.3067 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3068 Rescinded.

History: 1984 AACCS; 1998 AACCS.

R 125.3069 Rescinded.

History: 1984 AACCS; 1998 AACCS.