



**House  
Legislative  
Analysis  
Section**

House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

**RESIDENTIAL CONDOMINIUM  
DEVELOPMENT SPEED LIMIT**

**House Bill 6274 (Substitute H-1)  
First Analysis (12-11-02)**

**Sponsor: Rep. Glenn S. Anderson  
Committee: Transportation**

***THE APPARENT PROBLEM:***

There has been a significant increase in the number of residential condominium developments during the past two decades. As residential condominiums become home for more families with young children, and also for elders whose mobility can be limited, the speed of the traffic within the developments has become a matter of safety. Further, the difficulty controlling the traffic speed is of growing concern.

Generally, the system of roadways within a condominium association is a set of private streets and they are privately maintained, although customarily the streets stay open for use by the general public. Sometimes the streets are posted with signs to set maximum speed limits, although enforcement is limited to the efforts made by private security officers.

In order for the speed limits in residential condominium developments to be enforced by local law enforcement agencies, the limits would have to be established in statute, as is the case for the speed limits in mobile home parks. To that end, legislation has been introduced.

***THE CONTENT OF THE BILL:***

The Michigan Vehicle Code requires that a driver of a vehicle in a mobile home park drive at a careful and prudent speed given the existing conditions, and specifies that it is prima facie unlawful for a driver to drive at a speed exceeding 15 miles an hour in a mobile home park. House Bill 6274 would extend the provision so that it would also apply in the common area of a residential condominium development, unless a different speed limit was posted on a roadway in the common area of the development, in which case it would be unlawful for a driver to drive at a speed that exceeded that posted speed limit.

MCL 257.627

***FISCAL IMPLICATIONS:***

Fiscal information is not available.

***ARGUMENTS:***

***For:***

Enforcement of lower speeds in residential condominium associations will slow traffic and keep the roadways safer for children, as well as for adults whose mobility is sometimes limited. The enforcement of speed limits should be the responsibility of local law enforcement agencies, since the roads within a condominium development, while private, are customarily open to the public. In order to ensure enforcement, a speed limit must be established in state statute. This bill would treat residential condominium developments in the same way that the law treats speed enforcement in mobile home parks, setting a 15 mile per hour maximum, unless a condominium association's board posted another speed.

***Against:***

Some acreage in rural and sparsely populated yet residential townships is developed in a plan of very low density "site condominiums." In these instances some or all of the borders of the condominium project consist of county roads—sometimes paved, but sometimes gravel or dirt—on which the prima facie speed limit under the law is 55 miles per hour. This legislation should be amended to ensure that these site condominiums are not affected by the 15 mile per hour speed limit that is proposed in this bill.

***Against:***

Under the Condominium Act, the right to set speed limits within a condominium development's boundaries rests with the association's board of directors. This bill would interfere with the right of board members, established elsewhere in law, to post speeds.

***Response:***

As the bill was amended in committee, the 15 mile per hour speed restriction would not apply in any

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case where the condominium development's board of directors had posted another speed limit on its roadways.

***POSITIONS:***

The Real Property Law Section of the State Bar of Michigan opposes the bill. (12-11-02)

Analyst: J. Hunault

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