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Technical Bulletin

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MANUFACTURED HOUSING COMMUNITY ORDINANCES FOR THE INSPECTION AND REGISTRATION OF RENTAL HOUSING

"Providing for Michigan's Safety in the Built Environment"

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MANUFACTURED HOUSING COMMUNITY ORDINANCES FOR THE INSPECTION AND REGISTRATION OF RENTAL HOUSING

Issue

May a locality enforce standards requiring rental inspections and registration of manufactured homes within land-lease manufactured housing communities without prior Manufactured Housing Commission (Commission) approval of those standards under Sections 7(1) and 17(2) of the Mobile Home Commission Act (1987 PA 96, as amended)?

Discussion

Local enforcing agencies administer and enforce the state building, electrical, mechanical and plumbing codes for the buildings and structures in manufactured housing communities, under the authority of the Stille-DeRossett-Hale Single State Construction Code Act. These codes reference the 2003 International Property Maintenance Code for the maintenance of buildings and structures for the general safety and welfare of the public and the occupants. Localities may enforce the Property Maintenance Code to maintain community buildings and other site-built structures to construction code standards.

A municipality may also seek approval of a housing code, which contains provisions establishing minimum health and living standards for rented manufactured homes, regardless of vintage.

A municipality adopting and applying a Property Maintenance Code for issues *other* than occupancy related issues, such as tall grass, junk cars, or rental inspections in a manufactured home community, shall submit its ordinance to the Commission for approval, under Section 7(1) of the Mobile Home Commission Act. Section 7(1) provides that:

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

> government grants the commission additional time to consider the standard. After the proposed standard is approved, the local government may adopt the standard by ordinance. The ordinance shall relate to a specific section of the code." [emphasis mine]

Annual inspections of manufactured housing communities are conducted by the Bureau of Construction Codes to ensure the community is properly maintained under Section 17 of the Mobile Home Commission Act and Executive Order 2006-16. While these inspections focus on manufactured home site conditions, two rules established under this Act's authority apply to community-owned buildings:

> **Rule R125.1708 (1):** "The community shall keep every building or structure or part thereof and any part of the community-owned electrical system in good repair."
>
> **Michigan Department of Environmental Quality (MDEQ) Rule R325.3371:** "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 equipment in a sanitary and safe condition in conformance with the provisions of the act and these rules."

Local code authorities responsible for administering and enforcing the Stille-DeRossett-Hale Single State Construction Code Act within their jurisdictions, who become aware of an unsafe structure, shall inspect and cause the issuance of a violation notice calling for the necessary corrections to return the property to a safe and sanitary condition. The Michigan Code provides that all structures must be maintained in a safe and sanitary manner. Section R102.7 of the code references the 2003 International Property Maintenance Code.

Section 101.2 of the Property Maintenance Code provides:

> "The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties."

Manufactured housing community rental inspections are not authorized by either the Construction Code or Mobile Home Commission Acts, but may be conducted under an adopted manufactured housing community ordinance that is submitted to and approved by the Commission, as provided in Section 7(1) of the Act. Municipalities may submit their ordinances to the Bureau for formal staff review and submission to the Commission for consideration.

Conclusion

A locality *may not* enforce standards requiring rental inspections and registration of manufactured homes within land-lease manufactured housing communities without prior Manufactured Housing Commission approval of those standards under Sections 7(1) and 17(2) of the Mobile Home Commission Act. This prohibition applies to manufactured homes which are both owned and leased by the manufactured housing community, as well as those which are occupant-owned and sited on lots leased by the community. This requirement is to assure that the ordinance is consistent with construction and licensing provisions established by the Mobile Home Commission Act, Construction Code Act, and the federal Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement Regulations (24 CFR Parts 3280 and 3282, respectively).

Questions about this technical bulletin may be directed to the Michigan Department of Energy, Labor & Economic Growth, Bureau of Construction Codes, Building Division, P.O. Box 30254, Lansing, Michigan 48909, (517) 241-9317.