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MANUFACTURED HOUSING ORDINANCES FOR RENTAL HOUSING

“Providing for Michigan’s Safety in the Built Environment”

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Issue

Under what conditions may a local jurisdiction 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 based on PA 215 of 2009, that amended Section 7 (7) of the Mobile Home Commission Act, 1987 PA 96, as amended?

Discussion

Amendments to PA 215 of 2009, Section 7 (7) of the Mobile Home Commission Act, 1987 PA 96, provides conditions for the authority and guidelines of a local government to adopt an ordinance for the inspection and registration of manufactured homes within land-lease manufactured housing communities. Such conditions provide for a date authorizing a local jurisdiction to enact a manufactured home rental inspection and registration ordinance for safety inspections on or after January 4, 2010. The conditions allow that “[a] local government may inspect mobile homes rented to tenants by the owner for safety if the safety inspection ordinance applies to all other rental housing within the local governmental unit.” Furthermore, this language clarifies the rental inspection ordinance not only applies to homes being rented to a tenant by the owner of a manufactured home community, but to all homes rented to tenants.

Another condition of the new law, limits inspection frequency by providing “...the period between inspections shall not be less than 3 years unless the local government is responding to a complaint from a tenant. An inspection shall not be conducted on a mobile home for which an occupancy permit has been issued by the local government in the preceding 3 years unless the local government is responding to a complaint from a tenant.”

Regarding the standards applied to safety inspections, PA 215 of 2009 states in part, “[i]nspections for safety shall not require enforcement of any mobile home construction standards that are greater than those applicable to the mobile home under the national manufactured housing construction and safety standards act of 1974, 42 USC 5401 to 5426, or standards or codes to which the mobile home was constructed if it was constructed before application of the national manufactured housing construction and safety standards act of 1974, 42 USC 5401 to 5426.”

Although the amended language does not specifically address what fees a local jurisdiction may charge for rental inspections and registration of manufactured homes, it does address what can be inspected as "...a rental mobile home that is limited to ensuring the proper functioning, or protection, of the following:

- (a) Furnace.
- (b) Water heater.
- (c) Electrical wiring.
- (d) Proper sanitation and plumbing.
- (e) Ventilation.
- (f) Heating equipment.
- (g) Structural integrity.
- (h) Smoke alarms.

Therefore, the fees charged should bear a reasonable relationship to the services provided by the local jurisdiction since the services do not require an inspection of the entire residence.

While the new section 7(7) of the law does not specifically address this issue, 1974 PA 133 and Rule 702a (d) requires that all manufactured homes in the State of Michigan be equipped with at least 1 fire extinguisher. It would be appropriate to assure that a fire extinguisher is in the manufactured home.

Conclusion

Public Act 215 of 2009 amended Section 7 (7) of the Mobile Home Commission Act, 1987 PA 96, and provides the authority and guidelines for local governmental units to adopt an ordinance for the inspection and registration of manufactured homes within land-lease manufactured housing communities. All references in this bulletin also include Section 7 (7) of the Mobile Home Commission Act, 1987 PA 96 which provides that a local government may not enforce standards requiring rental inspections and registration of manufactured homes beyond the scope and authority of that section.

Questions regarding 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, MI 48909, (517) 241-9317.