



## Legal Spotlight

A column by Sue Jeffers

# May Local Units of Government Now Adopt an Ordinance to Conduct Safety Inspections of Rental Mobile Homes?

**Yes.** Effective January 4, 2010, Michigan law now provides that a local unit of government may conduct safety inspections of rental mobile homes. This includes mobile homes in a mobile park or seasonal mobile home park, or a mobile home located outside a mobile home park, or a mobile home located outside a mobile home park or seasonal mobile home park, if the mobile home is being rented to a tenant by the mobile home's owner. Prior to passage of 2009 PA 215, only the state Mobile Home Commission (MHC) could conduct inspections of a mobile home in Michigan and those inspections were generally done only on a complaint basis. If a local unit of government wanted to set standards related to mobile homes that were higher than provided under the Mobile Home Commission Act, it was required to submit the proposed standard, prior to adoption as an ordinance, to the MHC for approval. The Mobile Home Commission, however, refused to approve any of the proposed standards submitted to it. PA 215 now authorizes a local unit of government to adopt an ordinance to inspect mobile homes which are rented to tenants for safety if the safety inspection ordinance applies to all other rental housing within the local governmental unit. MCL 125.2307.

### What Is the Purpose of the Act?

Prior to passage of PA 215, a local unit of government was authorized to conduct safety inspections of rental homes and apartments within its

jurisdiction but not, as a general rule, to mobile home rentals. Inspections for safety of rental mobile homes were extremely limited by virtue of the Mobile Home Commission Act. The authorization to inspect rental mobile homes will now apply notwithstanding anything in section 17 of the Mobile Home Commission Act to the contrary. Section 17 requires the Department of Environmental Quality (DEQ) or its authorized representative to conduct physical inspection of mobile home parks and seasonal mobile home parks in accordance with DEQ standards. MCL 125.2317.

Local units can now adopt an ordinance to inspect a mobile home for safety within a mobile home park, within a seasonal mobile home park, or located outside a mobile home park or outside a seasonal mobile home park, if the mobile home is being rented to a tenant by the mobile home's owner.

In addition, a local unit of government can now propose a means to determine which mobile homes located within its jurisdiction are being rented to tenants by the owner. This includes imposition of a registration or a licensing requirement for renting mobile homes to tenants.

### What Procedural Steps Are Included within the Act?

A local government may inspect mobile homes rented to tenants for safety compliance if the safety inspection ordinance applies to all other rental housing within the local unit.

Inspections for safety cannot require enforcement of any mobile home construction standards greater than those applicable to a mobile home under the National Manufactured Housing Construction and Safety Standards Act, or standards and codes to which the home was constructed if it was constructed before application of that Act.

Inspection for safety would mean an inspection of a rental mobile home that is limited to ensuring the proper functioning or protection of these items:

- furnace,
- water heater,
- electrical wiring,
- proper sanitation and plumbing,
- ventilation,
- heating equipment,
- structural integrity, and
- smoke alarms.

If a local government inspects rental mobile homes for safety, the period between inspections may not be less than three years, unless the local unit is responding to a tenant's complaint. An inspection may not be conducted on a mobile home for which an occupancy permit has been issued by the local government in the preceding three years unless the local government is responding to a complaint from a tenant.

Thanks to Andy Schor, assistant director of state affairs for the League, for his assistance in the preparation of this column. 