

CHAPTER 327

HOTELS, PUBLIC RESORTS, MOBILE HOMES

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327.29 [Repealed, 1981 c 19 s 1]

327.31 DEFINITIONS.

Subdivision 1. **Terms.** Unless clearly indicated otherwise by the context, the terms defined by this section have the meanings given them.

Subd. 2. **Authorized representative.** "Authorized representative" means any person, firm or corporation, or employee thereof, approved or hired by the commissioner to perform inspection services.

Subd. 3. **Manufactured home building code.** "Manufactured home building code" means, for manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976, the standards code promulgated by the American National Standards Institute and identified as ANSI A119.1, including all revisions thereof in effect on May 21, 1971, or the provisions of the National Fire Protection Association and identified as NFPA 501B, and further revisions adopted by the commissioner.

"Manufactured home building code" means, for manufactured homes constructed after June 14, 1976, the manufactured home construction and safety standards promulgated by the United States Department of Housing and Urban Development which are in effect at the time of the manufactured home's manufacture.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of administration.

Subd. 5. **Dealer.** "Dealer" means any person engaged in the sale, leasing, or distribution of a manufactured home primarily to persons who purchase or lease for other than resale.

Subd. 6. **Manufactured home.** "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this chapter.

Subd. 7. **Person.** "Person" means a person, partnership, corporation or other legal entity.

Subd. 8. **Seal.** "Seal" means a device or insignia issued by the commissioner to be displayed on the manufactured home to evidence compliance with the manufactured home building code.

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Subd. 9. **Support system.** "Support system" means any foundation system or other structural method used for the purpose of supporting a manufactured home at the site of occupancy.

Subd. 10. **Anchoring system.** "Anchoring system" means any method used for the purpose of securing the manufactured home to a foundation system or the ground.

Subd. 11. **Manufactured home installer.** "Manufactured home installer" means any person, firm, or corporation which installs manufactured homes for others at site of occupancy, except manufactured homes installed on a foundation system.

Subd. 12. **Installation seal.** "Installation seal" means a device or insignia issued by the commissioner to a manufactured home installer to be displayed on the manufactured home to evidence compliance with the commissioner's rules pertaining to manufactured home installations.

Subd. 13. **Label.** "Label" means the approved form of certification required by the secretary or its agents to be affixed to each transportable section of each manufactured home manufactured for sale, after June 14, 1976, to a purchaser in the United States.

Subd. 14. **Manufacturer.** "Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes for sale.

Subd. 15. **Purchaser.** "Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

Subd. 16. **Distributor.** "Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

Subd. 17. **Installation.** "Installation" of a manufactured home means assembly, at the site of occupancy, of all portions of a manufactured home, connection of the manufactured home to existing utility connections and installation of support and/or anchoring systems.

Subd. 18. **Secretary.** "Secretary" means the secretary of the United States Department of Housing and Urban Development or the head of any successor agency with responsibility for enforcement of federal laws relating to manufactured homes.

Subd. 19. **Manufactured home accessory structure.** "Manufactured home accessory structure" means a factory built building or structure which is an addition or supplement to a manufactured home and, when installed, becomes a part of the manufactured home.

Subd. 20. **Foundation system.** "Foundation system" means a permanent foundation constructed in conformance with the state building code.

History: 1981 c 365 s 1

327.32 CODE COMPLIANCE.

Subdivision 1. **Requirement.** No person shall sell, or offer for sale, in this state, any manufactured home manufactured after July 1, 1972, manufacture any manufactured home in this state or park any manufactured home manufactured after July 1, 1972, in any manufactured home park in this state unless the manufactured home complies with the manufactured home building code and:

(a) Bears a seal issued by the commissioner, and is, whenever possible, accompanied by a certificate by the manufacturer or dealer, both evidencing that it complies with the manufactured home building code; or

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(b) If manufactured after June 14, 1976, bears a label as required by the secretary.

Subd. 2. **Seals.** The commissioner shall issue seals for any manufactured home manufactured after July 1, 1972, and prior to June 15, 1976, to any person upon application supported by evidence the commissioner deems necessary to establish that the seals will be affixed only to manufactured homes which comply with the manufactured home building code.

Subd. 3. **Alterations.** No person shall alter any manufactured home to which a seal or label has been affixed if the alteration causes the manufactured home to be in violation of the manufactured home building code. The commissioner may make rules regarding alterations and permits therefor.

Subd. 4. **Exception.** Notwithstanding the provisions of subdivision 1, a manufactured home dwelling unit bearing a label issued by the secretary shall not be required to bear a seal of this state. Upon a showing that another state provides for the sealing of manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976, upon compliance with standards which are at least equal to those provided in the manufactured home building code, the commissioner shall, by rule, provide that a seal affixed under the authority of that state has the same effect as a seal affixed under authority of this state, and thereafter any manufactured home which bears the seal of that state shall not be required to bear the seal of this state as provided in subdivision 1. The commissioner may make any rule contingent upon the other state granting reciprocal effect to seals affixed under authority of this state.

Subd. 5. **Effect of compliance.** No manufactured home which bears a seal or label as provided in this section shall be required by any agency or political subdivision of this state to comply with any other building, plumbing, heating, or electrical code or any construction standards other than the manufactured home building code nor be subject to any other state or local building inspection, except as the commissioner shall, by rule, provide in the case of alterations, manufactured home accessory structures and installations, or except as otherwise provided by federal or state law. No manufactured home installation or manufactured home accessory structure shall be required by any agency or political subdivision of this state to comply with any installation standards other than those adopted and promulgated by the commissioner. Nothing in this section shall be construed to inhibit the application of zoning, subdivision, architectural, or esthetic requirements pursuant to chapter 462.

Subd. 6. **Prohibition.** No person shall install any manufactured home or manufactured home accessory structure in violation of any rule promulgated by the commissioner. The commissioner shall issue installation seals to any manufactured home installer upon application supported by evidence the commissioner deems necessary to establish that the seals will be affixed only to those manufactured homes where the installation complies with the commissioner's rules. No person shall install a manufactured home in a manufactured home park as defined in section 327.14, subdivision 3, which is located within a governmental subdivision which has enacted an ordinance requiring that manufactured homes within its jurisdiction be secured by an anchoring system, unless the manufactured home is secured by an anchoring system which complies with the commissioner's rules.

Subd. 7. **Enforcement.** All jurisdictions enforcing the state building code, in accordance with sections 16.83 to 16.867, shall undertake or provide for the administration and enforcement of the manufactured home installation rules promulgated by the commissioner.

Subd. 8. **Evidence of compliance.** Each manufacturer, distributor, and dealer shall establish and maintain records, make reports, and provide information as the commissioner or the secretary may reasonably require to be able to determine whether the manufacturer, distributor, or dealer has acted or is acting in compliance with sections 327.31 to 327.34, Laws 1981, Chapter 365, Section 5, and sections 327.51 to 327.55, and shall, upon request of a person duly designated by the commissioner or the secretary, permit that person to inspect appropriate books, papers, records, and documents relevant to determining whether that manufacturer, distributor, or dealer has acted or is acting in compliance with sections 327.31 to 327.34, Laws 1981, Chapter 365, Section 5, sections 327.51 to 327.55, and the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401, et seq., as amended, or other applicable federal or state law.

History: 1981 c 365 s 2

327.33 ADMINISTRATION.

Subdivision 1. **Inspections.** The commissioner shall, through his own inspectors or through a designated recognized inspection service acting as his authorized representative perform sufficient inspections of manufacturing premises and manufactured homes to insure compliance with sections 327.31 to 327.34 and Laws 1981, Chapter 365, Section 5. The commissioner shall have the exclusive right to conduct inspections, except for the inspections conducted or authorized by the secretary.

Subd. 2. **Fees.** The commissioner shall by rule establish reasonable fees for seals, installation seals and inspections which are sufficient to cover all costs incurred in the administration of sections 327.31 to 327.34, Laws 1981, Chapter 365, Section 5, and sections 327.51 to 327.55. The commissioner shall also establish by rule a monitoring inspection fee in an amount that will comply with the secretary's fee distribution program. This monitoring inspection fee shall be an amount paid by the manufacturer for each manufactured home produced in Minnesota. The monitoring inspection fee shall be paid by the manufacturer to the secretary. The rules of the fee distribution program require the secretary to distribute the fees collected from all manufactured home manufacturers among states approved and conditionally approved based on the number of new manufactured homes whose first location after leaving the manufacturer is on the premises of a distributor, dealer or purchaser in that state. All fees received by the commissioner shall be deposited in the state treasury and credited to the general fund.

Subd. 3. **Administration and enforcement rules.** The commissioner may adopt other rules as may be necessary to administer and enforce sections 327.31 to 327.34 and Laws 1981, Chapter 365, Section 5. The rules shall, to the extent practicable, be uniform with those adopted by other states. All rules shall be adopted in the manner prescribed by sections 15.0411 to 15.052.

Subd. 4. **Installation rules.** The commissioner shall adopt rules governing the installation of manufactured homes, and shall include them in the state building code. The rules may include a list of specific safety items to be inspected at the time of installation.

Subd. 5. **Accessory structures rules.** The commissioner shall adopt rules governing the construction and installation of manufactured home accessory structures including, but not limited to, rules relating to the certification of prefabricated manufactured home accessory structures. Upon showing that another state provides for certification of prefabricated manufactured home accesso-

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ry structures manufactured in compliance with standards at least equal to those established by the commissioner, the commissioner may by rule provide that any structure bearing certification affixed under the authority of that state shall not be required to bear the certification of this state.

Subd. 6. **Authorization as agency.** The commissioner shall apply to the secretary for approval of the commissioner as the administrative agency for the regulation of manufactured homes under the rules of the secretary. The commissioner may make rules for the administration and enforcement of his responsibilities as a state administrative agency including, but not limited to, rules for the handling of citizen's complaints. All moneys received for services provided by the commissioner or his authorized agents as a state administrative agency shall be deposited in the general fund. The commissioner is charged with the adoption, administration, and enforcement of the Manufactured Home Construction and Safety Standards, consistent with rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The commissioner may adopt the rules, regulations, codes, and standards necessary to enforce the standards promulgated under this section. The commissioner is authorized to conduct hearings and presentations of views consistent with regulations adopted by the U.S. Department of Housing and Urban Development and to adopt rules and regulations in order to carry out this function.

Subd. 7. **Employees.** The commissioner may appoint such employees within the department of administration as he may deem necessary for the administration of sections 327.31 to 327.34, Laws 1981, Chapter 365, Section 5, and sections 327.51 to 327.55.

History: 1981 c 365 s 3

327.34 PENALTIES.

Subdivision 1. **Generally.** It shall be a misdemeanor for any person,

(a) to sell, lease, or offer to sell or lease, any manufactured home manufactured after July 1, 1972 which does not comply with the manufactured home building code or which does not bear a seal or label as required by sections 327.31 to 327.34, unless the action is subject to the provisions of Laws 1981, Chapter 365, Section 5;

(b) to affix a seal or label, or cause a seal or label to be affixed, to any manufactured home which does not comply with the manufactured home building code unless the action is subject to the provisions of Laws 1981, Chapter 365, Section 5;

(c) to alter a manufactured home manufactured after July 1, 1972, in a manner prohibited by sections 327.31 to 327.34;

(d) to fail to correct a manufactured home building code violation in a manufactured home manufactured after July 1, 1972, which is owned, manufactured, or sold by him, within 40 days of being ordered to do so in writing by an authorized representative of the commissioner, unless the correction is subject to the provisions of Laws 1981, Chapter 365, Section 5; or

(e) to interfere with, obstruct, or hinder any authorized representative of the commissioner in the performance of his duties relating to manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976.

Subd. 2. [Repealed, 1981 c 365 s 11]

Subd. 3. **Removal of seals.** Manufactured home seals remain the property of the department of administration and may be removed by the commissioner

from any manufactured home which is in violation of the manufactured home building code.

Subd. 3a. **Failure to comply with installation rules.** No person may install a manufactured home or manufactured home accessory structure at a site of occupancy which does not comply with the rules of the commissioner or the laws of this state relating to manufactured home installation or manufactured home accessory structures. A violation of this subdivision is a misdemeanor.

Subd. 4. **Failure to affix installation seal.** It shall be a misdemeanor for any manufactured home installer to install any manufactured home at the site of occupancy without affixing installation seals to the manufactured home immediately upon completion of installation.

History: 1981 c 365 s 4-7

327.35 VIOLATIONS; MANUFACTURED HOMES MANUFACTURED AFTER JUNE 14, 1976.

Subdivision 1. **Civil penalty.** Any person who violates any provision of this section is liable to the state of Minnesota for a civil penalty of not to exceed \$1,000 for each offense. Each violation involving a separate manufactured home or involving a separate failure or refusal to allow or perform any act required by this section constitutes a separate offense, except that the maximum civil penalties for any related series of violations occurring within one year from the date of the first violation may not exceed \$1,000,000.

Subd. 2. **Willful violations.** Any individual or a director, officer, or agent of a corporation who knowingly and willfully violates any provision of this section in a manner which threatens the health or safety of any purchaser shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Subd. 3. **General prohibition.** No person shall manufacture for sale, lease, sell, offer for sale or lease, or introduce or deliver into the state of Minnesota any manufactured home manufactured after June 14, 1976, which does not comply with the manufactured home construction and safety standards promulgated by the secretary. This subdivision does not apply:

(a) To any sale or offer for sale made after the first purchase of a manufactured home in good faith for purposes other than resale;

(b) To any person who establishes that he did not have reason to know in the exercise of due care that a manufactured home is not in conformity with applicable federal manufactured home construction and safety standards;

(c) To any person, who prior to first purchase, holds a certificate issued by the manufacturer or importer of the manufactured home certifying that the manufactured home conforms to all applicable federal manufactured home construction and safety standards, unless the person knows that the manufactured home does not conform; or

(d) To any manufactured home intended solely for export, and so labeled or tagged on the manufactured home itself and on the outside of the container, if any, in which it is to be exported.

Subd. 4. **Access for information gathering.** No person shall fail or refuse to permit the commissioner or his authorized agent access at any reasonable time to or the copying of records, or fail to make reports available or provide information, or fail or refuse to permit reasonable entry or inspection at any reasonable time of any manufactured home manufactured after June 14, 1976 or reasonable inspection of any related records pertaining to the manufactured home.

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Subd. 5. **Notice of defects.** No manufacturer, dealer, or distributor shall fail to notify the purchaser of any manufactured home manufactured after June 14, 1976, of any defect in the manufactured home which the manufacturer, dealer, or distributor determines, in good faith, constitutes a violation of any federal manufactured home construction and safety standard or constitutes an imminent safety hazard to the purchaser of the manufactured home, within a reasonable time after the manufacturer, dealer, or distributor discovers the defect.

Subd. 6. **Compliance with final order.** No person shall fail to comply with a final order issued under the requirements of the federal Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401, et seq., as amended.

Subd. 7. **Issuance of labels.** No person shall fail to issue a label if required to do so under the rules adopted by and pursuant to the federal Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401, et seq., as amended. No person shall issue a label to the effect that a manufactured home conforms to all applicable federal manufactured home construction and safety standards if that person in the exercise of due care has reason to know that the labeling is false or misleading in any material respect.

History: 1981 c 365 s 8

327.36 APPLICATION TO LOCAL OFFICIAL CONTROLS.

For purposes of local land use controls adopted before August 1, 1981 pursuant to chapters 462, 394, and 366 or special law, mobile homes shall be defined to include the term "manufactured homes" as used in sections 327.31 to 327.34, 327.35 and this section.

History: 1981 c 365 s 10

327.44 TERMINATION FOR CAUSE.

A lessor may recover possession of land upon which an occupied mobile home is situated only if:

(a) The tenant fails to comply with a local ordinance or state law or regulation relating to mobile homes within the time the ordinance, law or regulation provides or, if no time is provided, within a reasonable time after the tenant has received written notice of noncompliance;

(b) The tenant fails to comply with the terms and conditions of the lease or rental agreement within 30 days after the tenant has received written notice of the alleged noncompliance except the 30 day notice shall not apply to nonpayment of rent;

(c) The owner voluntarily ceases to operate as a park all or the part of the mobile home park occupied by the tenant, and the tenant has received six months written notice of the planned cessation of operation;

(d) The tenant conducts himself upon the mobile home park premises in a manner which substantially annoys or endangers the health or safety of other tenants or causes substantial damage to the mobile home park premises and has received 30 days written notice to vacate, except the park owner may require the tenant to vacate immediately if the tenant violates this clause a second or subsequent time after receipt of the notice;

(e) The mobile home park owner intends to make improvements to the mobile home park premises which necessitate removal of the tenant's mobile home from the park and the tenant has received 90 days' written notice;

(f) A lease of a term of at least one year expires and the lessor seeks to recover possession as provided in section 327.441;

(g) The lessor seeking to recover possession on grounds of nonpayment of rent or utilities gives ten days written notice to the tenant, and to any party holding a security interest in the mobile home known to the lessor, to pay the amounts then owing and cure the default. If neither the tenant nor the secured party cures within ten days from receipt of notice, the lessor may commence legal proceedings to recover possession; or

(h) The tenant has repeatedly committed serious violations of the lease or provisions of a local ordinance or state law or rule relating to mobile homes, and the lessor has given the tenant written notice of the violations and has given the tenant a written warning that any future violation will be treated as cause for eviction as provided in this paragraph, and within six months of receiving the warning the tenant violates any material provision of the lease or any provision of a local ordinance or state law or rule relating to mobile homes.

History: 1981 c 177 s 1

327.441 RECOVERY OF POSSESSION.

Subdivision 1. **Notice.** To recover possession of a mobile home lot as allowed in section 327.44, clause (f), a lessor must give the tenant written notice at least 60 days before the expiration of the lease. The notice shall state the date that the lease will expire and explain the tenant's rights as provided in this section to sell the home within the park. If the park gives the tenant the notice required by this section, the tenant must stop residing on the lot when the lease expires. If the tenant continues to reside on the lot after the expiration of the lease, the lessor may bring an action for possession.

Subd. 2. **Sale after notice.** After receiving the notice required by subdivision 1, the tenant may sell his mobile home within the park until the lease expires; provided, that the lessor may reserve the right to approve any buyer as a tenant. Approval shall not be unreasonably withheld.

Subd. 3. **Expiration of lease prior to sale.** If the lease expires and the tenant has not sold his home, the tenant may keep the home installed on the lot for an additional 60 days solely for the purpose of selling the home within the park if: (a) at least 30 days prior to the expiration of the lease the tenant gives the lessor written notice that the home will remain in the park for the purpose of sale; (b) the tenant does not reside in the home or on the lot; (c) the tenant obeys all reasonable park rules and regulations relating to lot and home maintenance; and (d) the tenant pays rent and any applicable utility charges on time. The lessor may reserve the right to approve any buyer as a tenant. Approval shall not be unreasonably withheld. If the tenant fails to perform as required by this subdivision, the park may immediately bring an action for possession. If 61 days after the expiration of the lease the home has been neither removed from the lot nor sold to a buyer whom the lessor has approved as a tenant, the lessor may bring an action for possession.

History: 1981 c 177 s 2

327.55 MANUFACTURERS AND DEALERS; LICENSES.

[For text of subd 1, see M.S.1980]

Subd. 1a. **Exemption for real estate brokers and salespersons.** Real estate brokers and salespersons licensed under chapter 82 engaged in selling used mobile

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homes shall not be required to obtain a license or a bond as required by this section, but shall comply with all other provisions of sections 327.55 to 327.56. Any real estate broker or salesperson who violates a provision of sections 327.551 to 327.554 in selling or offering for sale a used mobile home shall be deemed to have violated a provision of chapter 82.

[For text of subs 2 to 6, see M.S.1980]

History: 1981 c 280 s 2

327.553 DUTIES.

Subdivision 1. **Disclosure required.** Prior to the consummation of the sale of any mobile home other than a new mobile home, each dealer shall disclose to all parties to the transaction all charges, payments, commissions and other fees paid or payable in connection with the transaction. The dealer shall also disclose to all parties the age of the mobile home and the policy, if any, of the mobile home park where the mobile home is located, with regard to the sale of a mobile home within the park after a mobile home is more than 15 years old. This subdivision shall not require any dealer to disclose any consideration received for having acted as an insurance agent, as defined in section 60A.02, subdivision 7, in connection with the transaction, nor shall this subdivision require any dealer to disclose any consideration received in return for the dealer having agreed to any contingent liability in connection with the financing of the sale.

[For text of subs 2 to 4, see M.S.1980]

History: 1981 c 177 s 3