



INFORMATION MEMO

Manufactured Homes and Zoning

Learn how cities should regulate manufactured homes and manufactured home parks for consistency with state law. Find out how to review your ordinances for consistency with state law. Understand limitations on city licensing, how to use conditional use permits, and the effect of homes that do not comply with the manufactured home building code.

RELEVANT LINKS:

[Minn. Stat. § 462.357, subd. 1.](#)

[Minn. Stat. §§ 327.31 -.36.](#)

I. Historic treatment of manufactured homes

Many cities have housing stock that includes manufactured homes, found both throughout residential areas and grouped together into manufactured home parks. Historically, such homes were often referred to as mobile homes or trailers, and the groups of homes known as trailer parks. Often these homes helped fill a market for less expensive housing. While manufactured homes continue to present affordable options, more expensive prefabricated modular homes have emerged. Today, some of these manufactured homes appear relatively indistinguishable from other housing.

Some cities historically passed ordinances regulating “mobile homes,” limiting allowable location of the homes and/or requiring that certain architectural and construction standards be met. For example, some cities would control the location of manufactured homes by confining them to certain zoning districts or to mobile home parks. Other ordinance provisions may subject mobile homes to requirements such as minimum width, minimum square footage, siding materials, roof lines, type of foundation.

Such traditional municipal approaches to regulating manufactured homes may be inconsistent with subsequent developments in the law of manufactured home regulation. Cities should review their ordinances for regulation of manufactured homes and evaluate whether they are consistent with current state law.

II. State regulation

A. Manufactured homes

In the 1970s, the federal and state government began regulating manufactured homes in ways that transformed the regulatory landscape and placed limits on municipal authority. In 1971, the Minnesota state legislature promulgated a manufactured home building code effective July 1, 1972.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

RELEVANT LINKS:

[Minn. Stat. § 462.357, subd. 1.](#)

[Minn. Stat. § 327.31, subd. 6.](#)

[Minn. Stat. § 327.31 subd. 3.](#)

[Minn. Stat. § 462.357, subd. 1.](#)

Both the federal and state governments began to require an official seal be placed on the home to certify compliance with federal and state regulation. In 1982, the state statute enabling zoning regulation was amended to protect homes that complied with the manufactured home building code from being prohibited.

A manufactured home is defined by law as 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 in it, and which complies with the manufactured home building code.

Homes that do not meet the state definition and do not comply with the manufactured home building code do not benefit from state statutory protection. Manufactured or “mobile” homes that do not comply with the manufactured home building code are not covered by the state statutory protections and may be restricted or prohibited within a city. Homes built before July 1, 1972, most likely do not comply with the code. However, existing noncompliant mobile homes may have continuance rights as legal nonconformities.

Some cities continue to have zoning ordinances in their ordinance book that may conflict with state law concerning the location of manufactured homes on residential lots. The Minnesota Planning Act provides that no city zoning regulation may prohibit or limit location of manufactured homes that are built in conformance with the manufactured home building code and comply with all other zoning ordinances. Further, state statute specifically provides that cities cannot require a manufactured home that complies with the manufactured home building code to comply with any other building, plumbing, heating, or electrical code, or any construction standards

Cities can apply architectural and aesthetic requirements to manufactured homes but only if the same requirements also apply to all single family homes in the zoning district. Importantly, cities can continue to enforce zoning requirements such as minimum width or square footage, but only if those standards are written so as to apply to all residential structures. In sum, cities should not single out manufactured homes for special treatment.

For purposes of the state law and the protections afforded, “manufactured home” has a specific definition as to the size of the structure, how it is built, and the systems included, and that it must comply with the manufactured home building code.

RELEVANT LINKS:

[Code Construction and Licensing Division,](#)
Minnesota Department of Labor and Industry.

[Minn. Stat. ch. 327.](#)
[Minn. R. ch. 4630.](#)
Environmental Health Services Section of the Minnesota Department of Health
651-201-4500
or see [their manufactured home park program web site.](#)

[Minn. Stat. § 327.26, subd. 1.](#)

[Minn. Stat. § 327.15, subd. 2.](#)

[Minn. Stat. ch. 327C.](#)
Office of the Minnesota Attorney General,
[Manufactured Home Parks Handbook.](#)

The Code Construction and Licensing Division of the Minnesota Department of Labor and Industry regulates manufactured home construction, including the licensing of manufacturers, dealers, and installers. A permanent seal and data plate are affixed to each code compliant building. Local building officials should be familiar with the required seals and certificates.

B. Manufactured home parks

State law also covers manufactured home parks and limits a city’s ability to regulate them. Cities are not allowed to license manufactured home parks, but should regulate them as conditional uses. Manufactured home park regulation is a key area for city review of existing ordinance language for consistency with state statute.

The Minnesota Department of Health (MDH) licenses manufactured home parks pursuant to state law and administrative rule. State regulations cover the following health and safety matters:

- Drainage.
- Water supply.
- Plumbing.
- Sewage disposal, garbage, and refuse.

1. Licensing

State law specifically prohibits municipalities from imposing any license on manufactured home parks. MDH licenses are renewed annually, and inspection is required at least once every two years. In some counties, the administration of the MDH license has been delegated to county health officials. Also, about a dozen cities administer these licenses through MDH local environmental health delegation program.

Manufactured home park owners and park residents are subject to Minnesota statutes governing their relationship, rights, and remedies. The Minnesota Attorney General’s Office publishes a handbook summarizing Minnesota laws concerning manufactured home park residents and park owners. Typically the park owner owns the land, which the residents rent, but the residents own their own manufactured homes. Some manufactured home parks are publicly owned, while some cities own the parks.

RELEVANT LINKS:

[Minn. Stat. 462.357, subd. 1b.](#)

[Minn. Stat. § 327.15, subd. 2.](#)

LMC information memo,
[Public Nuisances.](#)

2. Zoning

Under the Minnesota Planning Act, a manufactured home park is by law a conditional use in any zoning district that allows the construction or placement of a building used or intended to be used by two or more families. Accordingly, Minnesota cities with zoning ordinances allowing multi-family housing should establish conditional use standards for manufactured home parks. A conditional use is a land use designated in a zoning ordinance that is specifically allowed in a zoning district so long as certain standards are met. Ordinance standards might address such things as:

- Site drainage.
- Ground cover.
- Setbacks.
- Separation between homes.
- Open space.
- Trees.
- Streets and walks.
- Driveways.
- Parking.

3. Living conditions

In some communities, concerns arise over living conditions at some existing manufactured home parks. The state MDH license is renewed annually by the park owner, so ongoing health problems and unsanitary conditions may be best addressed by the health licensing authority. But, if conditions persist that violate the terms of the conditional use permit, a city could revoke the conditional use permit upon proper notice and hearing. Some cities have implemented time of sale inspection programs to address livability issues. If there is a concern about nuisance conditions of an existing legal manufactured home park, the city may wish to focus on its power to regulate and abate public nuisances

C. Ordinance review recommendations

Cities should review their ordinances provisions regarding manufactured homes and manufactured home park for consistency with state law. Key points include:

RELEVANT LINKS:

- Do not subject manufactured homes to local construction codes.
- Do not subject manufactured homes to zoning standards not applied to all houses.
- But homes that do not comply with that manufactured home building code can be restricted in location or prohibited.
- Manufactured homes parks cannot be subject to municipal licensing.
- Manufactured homes parks should be regulated as conditional use under the city's zoning ordinance.