

## Minnesota Mobile Homes / Manufactured Homes

### Code Compliance

Minnesota statutes effectively provide that *Used Manufactured Homes* must be maintained in accordance with applicable building code requirements before title can be transferred to a new owner.

#### Building Code Requirements

Minnesota Statutes, Section 327.31, Subd 3 defines a *Manufactured Home Building Code* as follows:

**"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.

In Minnesota, no person shall sell, or offer for sale, a "*Used Manufactured Home*" manufactured after June 14, 1976, unless the *Used Manufactured Home* complies with the **Notice of Compliance Form** identified in the statute.

#### Manufactured Home

Minnesota Statutes, Section 327.31, Subd 6 defines a *Manufactured Home* as follows:

**"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.

#### Used Manufactured Home

Minnesota Statutes, Section 327.31, Subd 21 defines a *Used Manufactured Home* as follows:

"**Used manufactured home**" means a home being offered for sale not less than 24 months after the first purchaser took legal ownership or possession of the home.

## Purchaser

Minnesota Statutes, Section 327.31, Subd 15 defines a *purchaser* as follows:

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

## Seller

Minnesota Statutes, Section 327.31, Subd 22 defines a *seller* as follows:

"**Seller**" means either **the homeowner**, manufactured home retailer or dealer, broker, or limited dealer or retailer.

Therefore, any Minnesota *Manufactured Home* manufactured after June 14, 1976, which is offered for sale more than two years after the closing of the initial purchase of the home is subject to the **Notice of Compliance Form** requirements.

## Notice of Compliance Form Requirements

The Notice of Compliance Form shall be signed by the seller and purchaser indicating which party is responsible for either making, or paying for, any necessary corrections prior to the sale and transferring ownership of the Minnesota *Manufactured Home*.

The following provisions of the **Notice of Compliance Form** shed light on the duties of the parties with respect to meeting code requirements:

This notice must be **completed and signed** by the purchaser(s) and the seller(s) of the used manufactured home described in

- the purchase agreement
- and
- on the bottom of this notice

**before the parties transfer ownership** of a used manufactured home constructed after June 14, 1976.

The parties to this agreement

- have initialed all required sections

and

- agree by their signature to **complete any necessary corrections prior to the sale or transfer** of ownership of the home described below as listed in the purchase agreement.

The state of Minnesota or a local building official **has the authority to inspect the home** in the manner described in Minnesota Statutes, section 327.33, **prior to or after the sale** to ensure compliance was properly executed as provided under the Manufactured Home Building Code.

Therefore, while the **statutory provisions alone** do not appear to require that code compliance repairs be performed before title is transferred, **the language of the compliance form - which is listed in the statute** - appears to establish such a requirement.

Since a buyer would not be expected to make expenditures for repairs on a structure the buyer does not yet own, it is likely that the seller will always be responsible for:

- making such repairs,  
and
- ensuring that the condition of the Home meets code requirements prior to the sale or transfer of ownership.

### Notice of Compliance Form Contents

The actual content of the Notice of Compliance Form is as follows (**bold face type added**):

**"Notice of Compliance Form as required in Minnesota Statutes,  
section 327.32, subdivision 1**

This notice must be completed and signed by the purchaser(s) and the seller(s) of the used manufactured home described in the purchase agreement and on the bottom of this notice **before the parties transfer ownership of a used manufactured home constructed after June 14, 1976.**

Electric ranges and clothes dryers must have required four-conductor cords and plugs. For the purpose of complying with the requirements of section 327B.06, a licensed retailer or limited retailer shall retain at least one copy of the form required under this subdivision.

Complies ..... Correction required .....

Initialed by Responsible Party: Buyer ..... Seller .....

Solid fuel-burning fireplaces or stoves must be listed for use in manufactured homes, Code of Federal Regulations, title 24, section 3280.709 (g), and installed correctly in accordance with their listing or standards (i.e., chimney, doors, hearth, combustion, or intake, etc., Code of Federal Regulations, title 24, section 3280.709 (g)).

Complies ..... Correction required .....

Initialed by Responsible Party: Buyer ..... Seller .....

Gas water heaters and furnaces must be listed for manufactured home use, Code of Federal Regulations, title 24, section 3280.709 (a) and (d)(1) and (2), and installed correctly, in accordance with their listing or standards.

Complies ..... Correction required .....

Initialed by Responsible Party: Buyer ..... Seller .....

Smoke alarms are required to be installed and operational in accordance with Code of Federal Regulations, title 24, section 3280.208.

Complies ..... Correction required .....

Initialed by Responsible Party: Buyer ..... Seller .....

Carbon monoxide alarms or CO detectors that are approved and operational are required to be installed within ten feet of each room lawfully used for sleeping purposes.

Complies ..... Correction required .....

Initialed by Responsible Party: Buyer ..... Seller .....

Egress windows are required in every bedroom with at least one operable window with a net clear opening of 20 inches wide and 24 inches high, five square feet in area, with the bottom of windows opening no more than 36 inches above the floor. Locks, latches, operating handles, tabs, or other operational devices shall not be located more than 54 inches above the finished floor.

Complies ..... Correction required .....

Initialed by Responsible Party: Buyer ..... Seller .....

The furnace compartment of the home is required to have interior finish with a flame spread rating not exceeding 25, as specified in the 1976 United States Department of Housing and Urban Development Code governing manufactured housing construction.

Complies ..... Correction required .....

Initialed by Responsible Party: Buyer ..... Seller .....

The water heater enclosure in this home is required to have interior finish with a flame spread rating not exceeding 25, as specified in the 1976 United States Department of Housing and Urban Development Code governing manufactured housing construction.

Complies ..... Correction required .....

Initialed by Responsible Party: Buyer ..... Seller .....

The home complies with the snow load and heat zone requirements for the state of Minnesota as indicated by the data plate.

Complies ..... Correction required .....

Initialed by Responsible Party: Buyer ..... Seller .....

**The parties to this agreement** have initialed all required sections and **agree by their signature to complete any necessary corrections prior to the sale or transfer** of ownership of the home described below as listed in the purchase agreement.

The state of Minnesota or a local building official has the authority to inspect the home in the manner described in Minnesota Statutes, section 327.33, **prior to or after the sale** to ensure compliance was properly executed as provided under the Manufactured Home Building Code.

Signature of Purchaser(s) of Home

.....date..... date.....  
.....

Print name as appears on purchase agreement      Print name as appears on purchase agreement

Signature of Seller(s) of Home

.....date..... date.....  
.....

Print name and license number, if applicable      Print name and license number, if applicable  
(Street address of home at time of sale)

(City/State/Zip)

Name of manufacturer of home

Model and year  
Serial number "

## Conclusion

Please contact Minnesota Attorney Gary C. Dahle for assistance with:

- ◆ the preparation of any Minnesota Manufactured Home resale purchase agreement or lease,
- ◆ issues relating to seller financing of a Home resale,  
or
- ◆ other title or security interest concerns.

If you have an e-mail account, and a good Internet connection, Attorney Gary C. Dahle can assist you in any Minnesota County.

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