

**Oregon  
Interpretive Ruling No. 96-19  
MANUFACTURED DWELLING OCCUPANCY**

**Requested By:** MIKE MULLANEY  
BUILDING OFFICIAL  
CITY OF CORNELIUS

**QUESTION**

Requester asks for a state interpretive ruling on Section 204(d) of the 1996 Oregon Manufactured Dwelling Standard regarding the inspection and occupancy of manufactured dwellings.

**APPLICABLE CODE SECTIONS**

ORS Chapter 446, OAR 918-500 and the 1996 Oregon Manufactured Dwelling Standard (OMDS).

**BACKGROUND**

Requester does not agree with a letter sent by the Division in response to a complaint about his jurisdiction's requirements to deny occupancy in manufactured dwellings. The City of Cornelius sent out the following notice:

**NOTICE TO ALL MANUFACTURED HOME  
DEALERS/INSTALLERS/HOMEOWNERS**

No manufactured dwelling, cabana or any other structure shall be used or occupied until all of the following items have been addressed:

1. Placement of manufactured dwelling (approval of set backs).
2. Pier blocking inspection and approval.
3. Water supply/building sewer line inspection and approval.
4. Sidewalk, approach and driveway inspection and approval. (All concrete work requires inspection prior to concrete placement.)
5. Electrical feeder inspection and approval.
6. Skirting, crawl space ventilation inspected and approved.
7. Permanent steps, decks and/or porches inspected and approved.
8. Carport and/or garage construction inspected and approved.
9. Final lot grading inspected and approved.

Once all of the above items have been completed and approved, a certificate to occupy the dwelling will be granted.

Mike Mullaney  
Building Official

The Division received a copy of this notice from a complainant. The Division responded to the complainant by sending the City of Cornelius a letter advising them that they did not have the authority to deny occupancy of a manufactured dwelling based on the owner's compliance with Items 2 through 9 of the City's notice. The City of Cornelius was asked by the Division to rescind the notice or modify it so it did comply with applicable regulations.

**FINDINGS**

ORS 446.250 authorizes the director to appoint or contract with municipalities to carry out the Division's authority for issuing permits and performing inspections on manufactured dwelling alterations and installations and manufactured dwelling accessory building and structure installations.

OAR 918-500-0055(1) states: “When the program for alteration and installation permit and plan review for manufactured dwellings and accessory buildings and structures is delegated to a local government as provided by ORS 446.250 the delegation of authority includes the obligation to comply with all applicable laws, rules, standards and codes adopted by the Division relating to alteration and installation of manufactured dwellings and accessory buildings and structures including those requiring collections and remittance to the Division of state fees and surcharges.”

The 1996 Oregon Manufactured Dwelling Standard, Section 204(d), states: “All work requiring a permit shall be accessible for inspection by the authority having jurisdiction. Occupancy by the owner or renter shall not prevent the physical inspection of a manufactured dwelling at reasonable times. If entry is refused, the building official or the authorized representatives shall have recourse to every remedy provided by law to secure entry. Installation of skirting shall not be considered as preventing the physical inspection of manufactured dwelling foundation installations or under floor cross-over connections.”

## CONCLUSIONS

According to OAR 918-500-0055(1), the jurisdictions, as the Division’s delegated agent, are responsible for complying with the State’s laws, rules and standards for manufactured dwelling installations and alterations. The applicable statute is ORS Chapter 446 and the applicable standard is the Oregon Manufactured Dwelling Standard.

ORS Chapter 446 does not give the Division or those delegated responsibility from the Division the authority to deny occupancy based on completion of work or satisfactory completion of inspections. Section 204(d) of the 1996 Oregon Manufactured Dwelling Standard is more specific by allowing occupancy by the owner or renter during inspections. This section was specifically put in the standard at the request of the Manufactured Structures and Parks Advisory Board to allow persons to occupy their homes prior to all work being complete, recognizing that inspections and installations of accessory structures and buildings may not be timely as a result of a jurisdiction’s work load, contractor or material availability or weather conditions.

There are only two exceptions to OMDS Section 204(d). ORS 446.252 and OMDS Section 201(a) require a siting or installation permit be obtained **prior to the installation** of a manufactured dwelling and OAR 918-500-0065(1) requires a site inspection **prior to the installation** of a manufactured dwelling. ORS 479.570 does give the authority having jurisdiction the ability to withhold electrical service from a manufactured dwelling until the electrical installation is approved by a certified inspector; however, this does not preclude the home owner from occupying the manufactured dwelling without electrical power.

## RULING

Except where specifically permitted in ORS 446.252, OAR 918-500-0065(1) and OMDS Section 201(a), no authority having jurisdiction may deny occupancy of a manufactured dwelling by the homeowner.

**NOTE:** Emphasis and parentheses may have been added which may not be part of the original law or regulation quoted.

(signed January 9, 1997)

John W. Eames III, Chairman  
Manufactured Structures and Parks Advisory Board

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Date

The recommendations, findings, conclusions and ruling of the Manufactured Structures and Parks Advisory Board are accepted and the conclusions are adopted.

(signed January 10, 1997)

Joseph A. Brewer III, Administrator  
Building Codes Division

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Date