

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & LAND USE - MINNESOTA

Eich v. City of Burnsville

Court of Appeals of Minnesota - January 8, 2018 - N.W.2d - 2018 WL 313087

Manufactured-home-park resident who had received notice from city of alleged property-maintenance- and zoning-code violations brought putative class action against city for damages and injunctive relief, alleging that city's enforcement within manufactured-home park was preempted by federal and state law and violated due-process rights under the state constitution.

After the granting of class certification and temporary injunctive relief, the city changed its code, city repealed all pending violations and violation letters that had been issued within manufactured-home park, and the District Court granted summary judgment and permanent injunctive relief to resident, but stayed the issue of whether resident was entitled to sanctions and damages based on claims made under the state constitution. City appealed.

The Court of Appeals held that:

- City's enforcement of its code in manufactured-home park was not expressly preempted by the National Manufactured Housing Construction and Safety Standards Act;
- City's enforcement of its zoning and property-maintenance codes within manufactured-home park was not preempted, either by express or field preemption, by state law;
- City could enforce state building code within manufactured-home park if the enforcement action was related to a structure other than a manufactured home or to a manufactured home's accessory structures;
- City was not preempted from enforcing the manufactured-home building code within manufactured-home parks; and
- Resident's claims for injunctive relief as to alleged violations of resident's due-process rights under the state constitution were moot.