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WHEN IS A HOUSEBOAT REALLY A HOME VERSUS BEING A BOAT?

Everyone knows that there are a variety of different boats and vessels that can be used for temporary overnight habitation or something akin to camping. Those vessels include larger cabin cruisers, power boats, yachts, houseboats, converted barges, and other watercraft. For decades, so-called “floating homes” and large houseboats have served as semi-permanent homes for many people in the warmer ocean coastal areas of the United States. Many do not consider floating homes to be true boats or water vessels. Those floating homes are not predominantly used for boating, recreational purposes, or water travel, but rather are primarily floating dwellings. That phenomenon has not been as common in seasonal Michigan, although the habitation of such vessels is increasing statewide. Some Michigan waterfront communities are becoming concerned about the potential proliferation of floating homes along their waterfront.

Why are floating homes potentially a problem for Michigan waterfront communities? There are a number of reasons. First, many floating homes are quite large, “clutter up” the waterfront, and block the upland views of the lake or river involved. Second, they take up scarce mooring or dock spaces along many waterfronts, thus decreasing the space available for boater tourism. Third, whereas most boats and vessels tend only to be in the water for a limited number of months during the summer season, floating homes often remain in the water year-round. Such year-round use can not only have potentially adverse or negative environmental impacts, but also require bubblers or other artificial means of keeping ice from forming, which can endanger people who are fishing, snowmobiling, or even walking on the ice. Fourth, the owners of floating homes do not pay real property taxes. Fifth, such floating homes are typically not subject to safeguards and energy efficiency requirements covered by typical building codes for houses on dry land. Sixth and finally, some find the semi-permanent placement of such large items along the shore to be aesthetically displeasing.

If a waterfront community in Michigan is concerned about the potential negative impacts of floating homes in the future, the local municipality should consider adopting

a floating home ordinance. Such ordinances can either ban floating homes altogether or license and regulate such vessels. The most difficult aspect of drafting such an ordinance is to come up with a definition that legitimately and properly differentiates between objectionable and problematic floating homes versus true houseboats, cabin cruisers, yachts, and conventional ships or boats.

If a municipality decides to allow floating homes, a good floating home ordinance could include, at a minimum, the following regulations:

1. A good definition of a “floating home.”
2. Licensing requirements for the floating homes and their mooring sites.
3. Height limitations.
4. Provisions governing potable water, sewage, garbage, and natural gas or propane facilities.
5. A designation of what areas within the municipality’s waterfront can accommodate floating homes.
6. A prohibition on winter use.
7. Penalties for violation of the ordinance.

If a municipality is considering adopting an ordinance banning or regulating floating homes, it should consult with its municipal attorney first, including whether any aspects of a proposed ordinance may be preempted (i.e. precluded) by state or federal law. The municipal attorney should also consider whether such an ordinance should be an amendment to the existing zoning ordinance, a new separate regulatory ordinance, or both.

In some waterfront communities, critics might say that an ordinance is not needed if there are no floating homes currently being used in the community. However, one of the goals of proper municipal zoning and *planning* is to look to the future and to prevent problems before they arise. *R*