

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 568

Short Title: Mfg. Home Owners' Bill of Rights.

(Public)

Sponsors: Senator Jenkins.

Referred to: Commerce.

April 1, 1997

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH A BILL OF RIGHTS FOR OWNERS OF
MANUFACTURED HOMES.

The General Assembly of North Carolina enacts:

Section 1. The General Statutes are amended by adding the following new
Chapter to read:

CHAPTER 42A.

"MANUFACTURED HOME OWNERS' BILL OF RIGHTS.

"§ 42A-1. Definitions.

The following definitions shall apply in this Chapter:

(1) Manufactured home. – A structure, transportable in one or more sections, that is, when in the traveling mode, eight feet or more in width or is 40 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.

(2) Operator. – The owner or manager of a manufactured home park who leases space for money or other consideration for the location of manufactured homes.

1 (3) Park. – A site where space is leased to tenants for the location of their
2 manufactured homes.

3 (4) Tenant. – A person who leases space from an operator for the location
4 of the person's manufactured home.

5 **"§ 42A-2. Disclosure; terms.**

6 (a) All services included in the rental fee for a space in a park shall be clearly
7 defined, including water and sewer, garbage removal, lawn maintenance, and use of any
8 clubhouse or pool.

9 (b) Every operator shall provide tenants with a list of the park's rules. Tenants
10 shall be given at least 60 days' written notice of any changes in the rules unless the
11 changes are required by State or local law, in which case no notice is required.

12 **"§ 42A-3. Sales of manufactured homes.**

13 (a) The owner of a manufactured home has the exclusive right to sell the home.
14 An operator shall not receive a fee or commission on the sale of the home unless the
15 owner and the operator have agreed, in writing, to such an arrangement prior to the sale
16 of the home.

17 (b) An operator may not place unreasonable or discriminatory restrictions on the
18 placement of 'for sale' signs or upon access to the park by prospective purchasers or
19 realtors, or otherwise interfere with the efforts of owners to sell their manufactured
20 homes. The operator may enact rules regulating the size, placement, and character of 'for
21 sale' signs in the park.

22 **"§ 42A-4. Change in use of land.**

23 An operator may terminate a rental agreement in order to change the use of the land in
24 the park. The operator shall provide each tenant with at least 90 days' written notice prior
25 to any change in use.

26 **"§ 42A-5. Retaliatory conduct.**

27 The provisions of Article 4A of Chapter 42 of the General Statutes shall apply to
28 tenants in parks."

29 Section 2. This act becomes effective January 1, 1998, and applies to all rental
30 agreements entered into or renewed on or after that date.