

**MANUFACTURED HOME STAKEHOLDER GROUP**  
**Minutes from February 16, 2006**  
**Innovation Station Conference Room**  
**Government Center – 8<sup>th</sup> Floor**  
**6:00 to 8:00 PM**

Attendees:

Judith Jeffries  
Henry Gunn  
Monte Denny  
Connie Kovach for Kim Kovach  
Sandra Montgomery

Ms. Montgomery welcomed everyone and noted that Steve Cartee was not able to attend the meeting, so Ms. Montgomery provided the information the group asked for at their last meeting. The stakeholders wanted more information from the NC Dept. of Insurance to determine 1) if the towing apparatus on manufactured home is always bolted on, or if it is sometimes welded, where it cannot be removed, 2) If the NC Dept. of Insurance does not require the towing apparatus (tongue) to be removed, then the stakeholders would like to add that as a local aesthetics requirement.

Allen Green, a Code Consulting Supervisor at the North Carolina Department of Insurance enforces the manufactured home installation standards. He indicated that NCDOI does not require the tongue on manufactured homes to be removed. The manufacturer can leave them on, or take them off. What normally occurs is the manufacturer of the home includes a clause in the sales contract that requires the tongue to be removed and sent back for reuse on another vehicle! However, some manufacturers weld on the tongue. It can be removed by “unwelding” it, but this would necessitate welding it back on to remove the structure in the future. Some communities require tongues to be removed, screened, or landscaped.

He also provided a comment about “permanent foundations”. Every manufactured home that is inspected to meet the set-up and installation standards must have a permanent foundation, according to the NCDOI requirements. The issue is this: A manufactured home on a sales lot or on a flat-bed truck is still a manufactured home that has not been set-up. After discussion, the group decided that the City’s definition of a manufactured home should still include the fact that it will be installed on a permanent foundation.

Ms. Montgomery distributed copies of the 8 ½ X 11 color map showing the areas within Charlotte’s sphere of influence which are zoned MHO (only one area) and R-MH. Everyone noted that there is very little land zoned R-MH.

After some discussion, the stakeholders agreed to make the following modifications to the definition shown in bold type-face:

## **Manufactured home**

A structure, transportable in one or more sections, which meets all the following requirements:

- (a) Meets all of the requirements of the Federal Manufactured Home Construction and Safety Standards Act of 1974, which requires units built after June 15, 1976 to have a HUD certification label confirming it was built in conformance with the Act of 1974;
- (b) Is designed to be used as a dwelling unit;
- (c) Is eight body feet or more in width in the traveling mode, or 40 body feet or more in length or, when erected on site, is 320 or more square feet;
- (d) Is built on a permanent chassis;
- (e) Is connected to required utilities during set-up, including plumbing, heating, air conditioning and electrical systems contained therein;
- (f) **When set-up, it has a permanent foundation installed in accordance with the North Carolina Department of Insurance Regulations for Manufactured Home Installation Standards;**
- (g) **Has the tongue portion removed during set-up.**

"Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site.

The stakeholders were satisfied with the following definition of mobile home:

## **Mobile home**

A manufactured structure, designed to be used as a dwelling unit and built before June 15, 1976 (the date the HUD Construction and Safety Standards Act went into effect). A "mobile home" is designed to be transportable in one or more sections on its own chassis and measures over 32 feet in length and over eight feet in width. To be classified as a "mobile home", the unit must be placed on a permanent foundation.

Ms. Montgomery asked again, if the definition of a manufactured home and mobile home were acceptable at this point, pending further investigation, or if there were other matters to discuss before moving on to the definition of modular homes. The stakeholder's were in agreement that the proposed definitions are suitable and reflects their recommendation, but still would like to include the comments from the stakeholders who are not in attendance. Ms. Montgomery said she would mail the recommendations from tonight to all the stakeholders, and collect comments,

suggestions, etc. If there were still outstanding issues, then she would schedule another meeting of the stakeholders to resolve any further issues. Everyone was satisfied with this plan.

Ms. Montgomery then reviewed the state's regulations for modular homes. The State does require that installers of modular homes be certified by the State and post a surety bond that they will install the unit per State regulations. Ms. Montgomery noted, that in the past, there was an interest in defining what a permanent foundation is. Ms. Montgomery reiterated that is already in the current definition which reads, "A dwelling unit which is constructed in compliance with the State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation."

Ms. Montgomery also talked with the Assistant City Attorney and asked if language can be added to the modular definition referencing the fact that a modular must be able to be moved like a "stick-built" home, and ask if we could define what a permanent foundation is. Terrie Hagler Gray, the Assistant City Attorney pointed out that the NC Supreme Court's decision in *Briggs v. Rankin* (1997), refers to restrictive covenants of the neighborhood in question. The court's decision is related to the interpretation of restrictive covenants, not the interpretation of what is considered a modular home in a local zoning ordinance. If a neighborhood or subdivision's restrictive covenants do not clearly restrict or permit a modular home, then an attorney, or court must evaluate the 5 factors enumerated in *Briggs*. Restrictive covenant enforcement is beyond the authority of a local jurisdiction. Ms. Montgomery strongly suggested that the definition should not include references to how units may be moved, or if the title should be registered, or how the unit is delivered to the site. The City of Charlotte has NO authority under state law to supercede the state's definition and further restrict modular homes.

The proposed definition being considered is as follows (bolded text shows new added language):

**Modular home.**

A dwelling unit which has been constructed and labeled indicating compliance with the State Building Code and is composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation. Modular homes meet or exceed the minimum construction and design standards set forth by the State of North Carolina in GS 143-139.1

There was continued discussion about the modular/manufactured home on Dooley. Ms. Montgomery reiterated that the dwelling has been ruled a modular building, as it was built to state standards. It might look like a manufactured home, but it is not classified as such.

Ms. Montgomery empathized with the stakeholders about the attractiveness of the dwelling, but the design, or lack thereof, is a personal preference.

Ms. Montgomery stated she would modify the definitions and mail them for comments again to the stakeholders for additional comment. In the event this is the last meeting, she thanked

everyone for participating, and will continue to keep the stakeholders informed when these definitions progress through the process.

The meeting adjourned at 7:45 pm.