

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 799*

Short Title: Zoning/Multisection Homes.

(Public)

Sponsors: Senators Lee; Conder, Hunt, Plyler, and Walker.

Referred to: Judiciary II.

April 24, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT MUNICIPALITIES FROM DISCRIMINATING AGAINST
3 MULTISECTION MANUFACTURED HOMES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 160A-383.1 reads as rewritten:

6 "**§ 160A-383.1. Zoning regulations for manufactured homes.**

7 (a) The General Assembly finds and declares that manufactured housing offers
8 affordable housing opportunities for low and moderate income residents of this State
9 who could not otherwise afford to own their own home. The General Assembly further
10 finds that some local governments have adopted zoning regulations which severely
11 restrict the placement of manufactured homes. It is the intent of the General Assembly
12 in enacting this section that cities reexamine their land use practices to assure
13 compliance with applicable statutes and case law, and consider allocating more
14 residential land area for manufactured homes based upon local housing needs.

15 (b) For purposes of this section, the term 'manufactured home' is defined as
16 provided in G.S. 143-145(7). The term 'multisection manufactured home' is defined as
17 a residential structure that meets the following criteria:

- 18 (1) Bears a seal certifying that it is built to the standards adopted pursuant
19 to the National Manufactured Housing Construction and Safety
20 Standards Act;
21 (2) Consists of two or more sections that connect on-site;
22 (3) Has a length not exceeding four times its width;
23 (4) Is set upon a permanent, enclosed foundation in accordance with the
24 North Carolina Uniform Residential Building Code or the

1 Manufactured Home Set-Up and Installation Standards promulgated
2 by the Department of Insurance; and

3 (5) Is designed to be used as a single-family residential dwelling when
4 connected to the required utilities.

5 (c) A city may not adopt or enforce zoning regulations or other provisions which
6 have the effect of excluding manufactured homes from the entire zoning jurisdiction. A
7 city shall not prohibit, directly or indirectly, multisection manufactured homes that meet
8 the criteria in subsection (b) from being sited on lots planned and zoned for single-
9 family dwellings. This subsection does not apply to historic districts designated in
10 accordance with Part 3C of this Article. This subsection is intended as a minimum
11 requirement and does not prevent a city from having less restrictive zoning requirements
12 relating to manufactured homes.

13 (d) A city may adopt and enforce appearance and dimensional criteria for
14 manufactured homes. Such criteria shall be designed to protect property values, to
15 preserve the character and integrity of the community or individual neighborhoods
16 within the community, and to promote the health, safety and welfare of area residents.
17 The criteria shall be adopted by ordinance.

18 (e) In accordance with the city's comprehensive plan and based on local housing
19 needs, a city may designate a manufactured home overlay district within a residential
20 district. Such overlay district may not consist of an individual lot or scattered lots, but
21 shall consist of a defined area within which additional requirements or standards are
22 placed upon manufactured homes.

23 (f) Nothing in this section shall be construed to preempt or supersede valid
24 restrictive covenants running with the land. The terms 'mobile home' and 'trailer' in any
25 valid restrictive covenants running with the land shall include the term 'manufactured
26 home' as defined in this section."

27 Sec. 2. This act is effective upon ratification.