

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1228

Short Title: Manuf. Homes/Bill of Rights.

(Public)

Sponsors: Senators Plexico; and Smith.

Referred to: Local Government and Regional Affairs.

June 9, 1993

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

4 The General Assembly of North Carolina enacts:

5 Section 1. The General Statutes are amended by adding a new Chapter to  
6 read:

7 **"CHAPTER 42A.**

8 **"MANUFACTURED HOME OWNERS' BILL OF RIGHTS.**

9 **"§ 42A-1. Definitions; lease disclosure, terms.**

10 (a) For purposes of this Chapter, 'manufactured home' means a manufactured  
11 home as defined in G.S. 143-143.9(6). For purposes of this Chapter, 'operator' means  
12 the owner or operator of a manufactured home community or other facility that leases  
13 space to owners of manufactured homes for the location of those homes.

14 (b) All rental agreements regarding manufactured homes shall be in writing and  
15 signed by an operator or the operator's agent.

16 (c) All services included in the rental fee for a manufactured home shall be  
17 clearly defined, including water and sewer, garbage removal, lawn maintenance, and  
18 use of any clubhouse or pool.

19 (d) Every operator shall provide tenants with a list of the park rules. These rules  
20 may be changed so long as tenants are given at least 60 days' notice of such changes,  
21 unless the rule changes are the result of changes in State or local law, in which case no  
22 such notice is required.

23 (e) The monthly or annual rental amount shall be clearly set forth in the  
24 agreement.

1 **"§ 42A-2. Sales of manufactured homes.**

2 (a) The owner of a manufactured home has the exclusive right to sell the home,  
3 and an operator may not receive any fee or commission on the sale of the home unless  
4 the owner otherwise agrees in writing.

5 (b) An operator may not place unreasonable or discriminatory restrictions on the  
6 placement of 'for sale' signs or upon access to the community by prospective purchasers  
7 or realtors, or otherwise interfere with the efforts of tenants to sell their manufactured  
8 homes.

9 **"§ 42A-3. Grounds for eviction.**

10 An operator may evict a tenant only pursuant to those grounds specified in G.S. 42-  
11 26.

12 **"§ 42A-4. Change in use of land.**

13 An operator may terminate a rental agreement in order to change the use of the  
14 community's land only by providing each tenant with written notice at least 90 days  
15 prior to such change in use.

16 **"§ 42A-5. Retaliatory conduct.**

17 Tenants in manufactured home communities may organize resident homeowners'  
18 associations without retaliatory action by the operator. The provisions of G.S. 42-37.1  
19 provide tenants with the defense of retaliatory eviction with regard to the protected  
20 activities enumerated in that section."

21 Sec. 2. This act becomes effective January 1, 1994, and applies to all rental  
22 agreements entered into or renewed on or after that date.