GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 62 Commerce Committee Substitute Adopted 3/27/95

Short Title: Mfd. Homes/Bill of Rts.

Sponsors:

Referred to:

January 26, 1995

	A BILL TO BE ENTITLED
AN ACT T	O ESTABLISH A BILL OF RIGHTS FOR OWNERS OF
MANUFAC	TURED HOMES.
The General As	sembly of North Carolina enacts:
Section	on 1. The General Statutes are amended by adding the following new
Chapter to read:	
	'' <u>CHAPTER 42A.</u>
<u>''M</u>	ANUFACTURED HOME OWNERS' BILL OF RIGHTS.
" <u>§ 42A-1. Defi</u>	<u>nitions; disclosure, terms.</u>
<u>(a)</u> <u>As us</u>	sed in this Chapter, unless the context clearly requires otherwise, the term:
<u>(1)</u>	'Manufactured home' means a manufactured home as defined in G.S.
	<u>143-143.9(6).</u>
<u>(2)</u>	'Operator' means the owner or operator of a manufactured home
	community or other facility that leases space to owners of manufactured
	homes for the location of those homes.
<u>(3)</u>	'Tenant' means the person who leases from an operator space for the
	location of the person's manufactured home.
	MANUFAC The General As Section Chapter to read: " <u>§ 42A-1. Defining</u> (a) As us (1) (2)

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1	(b) All services included in the rental fee for a manufactured home shall be
2	clearly defined, including water and sewer, garbage removal, lawn maintenance, and use
3	of any clubhouse or pool.
4	(c) Every operator shall provide tenants with a list of the park rules. These rules
5	may be changed so long as tenants are given at least 60 days' notice of such changes,
6	unless the rule changes are the result of changes in State or local law, in which case no
7	such notice is required.
8	"§ 42A-2. Sales of manufactured homes.
9	(a) The owner of a manufactured home has the exclusive right to sell the home,
10	and an operator may not receive any fee or commission on the sale of the home unless the
11	owner otherwise agrees in writing.
12	(b) An operator may not place unreasonable or discriminatory restrictions on the
13	placement of 'for sale' signs or upon access to the community by prospective purchasers
14	or realtors, or otherwise interfere with the efforts of tenants to sell their manufactured
15	homes. The operator may enact rules regulating the size, placement, and character of 'for
16	sale' signs.
17	" <u>§ 42A-3. Change in use of land.</u>
18	An operator may terminate a rental agreement in order to change the use of the
19	community's land only by providing each tenant with written notice at least 30 days prior
20	to such change in use.
21	"§ 42A-4. Retaliatory conduct.
22	Tenants in manufactured home communities may organize resident homeowners'
23	associations without retaliatory action by the operator. The provisions of G.S. 42-37.1
24	provide tenants with the defense of retaliatory eviction with regard to the protected
25	activities enumerated in that section."
26	Sec. 2. This act becomes effective January 1, 1996, and applies to all rental
27	agreements entered into or renewed on or effor that data

agreements entered into or renewed on or after that date.

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