

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 62

Short Title: Mfd. Homes/Bill of Rts.

(Public)

Sponsors: Senators Jordan; Parnell, Perdue, Plexico, Dannelly, and Kerr.

Referred to: Commerce.

January 26, 1995

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; disclosure, terms.

(a) As used in this Chapter, unless the context clearly requires otherwise, the term:

(1) 'Manufactured home' means a manufactured home as defined in G.S. 143-143.9(6).

(2) '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.

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

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

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

5 **"§ 42A-2. Sales of manufactured homes.**

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

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

13 **"§ 42A-3. Grounds for eviction.**

14 An operator may evict a tenant only pursuant to Article 3 of Chapter 42 of the General
15 Statutes.

16 **"§ 42A-4. Change in use of land.**

17 An operator may terminate a rental agreement in order to change the use of the
18 community's land only by providing each tenant with written notice at least 30 days prior
19 to such change in use.

20 **"§ 42A-5. Retaliatory conduct.**

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

25 Sec. 2. This act becomes effective January 1, 1996, and applies to all rental
26 agreements entered into or renewed on or after that date.