

March 27, 2007

H 1134. CLEANUP OF ABANDONED MANUFACTURED HOMES . Filed 3/27/07. *TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT BY ENCOURAGING COUNTIES TO DEVELOP PLANS THAT PROVIDE FOR THE DECONSTRUCTION OF ABANDONED MANUFACTURED HOMES AND THE REMOVAL OF REUSABLE OR RECYCLABLE COMPONENTS, BY PROVIDING FOR THE ABATEMENT OF ABANDONED MANUFACTURED HOMES THAT ARE DETERMINED TO BE A NUISANCE, AND BY IMPOSING AN ENVIRONMENTAL REMEDIATION TAX ON THE SALE OF NEW AND USED MANUFACTURED HOMES TO ENSURE THAT FUNDS WILL BE AVAILABLE FOR THE DECONSTRUCTION OF ABANDONED MANUFACTURED HOMES.*

Creates new Part 2E of Article 9, GS Chapter 130A, to grant counties the authority to provide for the identification, deconstruction, recycling, and disposal of abandoned manufactured homes, and creates new Article 5G of GS Chapter 105 to provide a mechanism for funding these activities. Each county must consider whether to implement a program for the management of abandoned manufactured homes. If the county decides to implement a program, the county must develop a written plan (components specified) for the management of abandoned manufactured homes and include the plan as a component of the comprehensive solid waste management plan it is required to develop under G.S. 130A-309.09A(b). If the county decides not to implement a program, the county must state in the comprehensive solid waste management plan that the county considered whether to implement a program for the management of abandoned manufactured homes and decided not to do so.

If a county adopts and implements a plan for the management of abandoned manufactured homes, the county must notify the responsible party for each identified abandoned manufactured home in the county that the home must be properly disposed of by that person within 90 days. The act specifies the manner of service and content of the notice, the responsible party's right to a hearing, the authority of a public officer to issue an order requiring disposal of the home, the county's power to dispose of the home if the responsible party fails to comply with a disposal order and for liability for costs incurred by the county. The act establishes the Manufactured Homes Management Account within the Department of Health and Human Services (DHHS) to be funded from the proceeds of the manufactured home environmental remediation tax imposed by new G.S. 105-187.61. Funds in the account may be used to provide grants to counties to reimburse their expenses for activities under the act, including costs associated with staffing, training, submitting reports, and fulfilling program goals and to provide counties with technical assistance and support. Specifies the procedures for applying for reimbursement grants and sets limits on reimbursement grant amounts. Authorizes counties to adopt ordinances necessary to implement the act and requires any county receiving reimbursement grants to report to the DHHS by August 1 of each year.

New GS 105-187.61 imposes a privilege tax on a manufactured home retailer at a flat rate for each new manufactured home and used manufactured home sold by the retailer. An excise tax is imposed on each new manufactured home purchased in this state and on each used manufactured home purchased outside the state for storage, use, or consumption in this state. The rate of the privilege tax and the excise tax is as follows: for each new or used singlewide manufactured home, three hundred dollars (\$300); for each new or used multi-section manufactured home, three hundred dollars (\$300) for each section of the manufactured home. These taxes will be paid only once on each manufactured home throughout the useful life of the manufactured home and are in addition to all other taxes. Provides that the sales tax exemptions and refunds do not apply. The Department of Revenue must credit the net tax proceeds to the Manufactured Homes Management Account administered by DHHS.

Authorizes the Department of Environment and Natural Resources to use up to \$50,000 in the Manufactured Home Management Account during each calendar year for training and program development, identification of qualified contractors, and the dissemination of best deconstruction practices.

A county designated as a development tier one or two area pursuant to G.S. 143B-437.08 may, upon resolution by the Board of Commissioners of their intent to (1) develop a plan for the management of abandoned manufactured homes and (2) implement the plan once developed, request a planning grant of up to \$2,500 from the Manufactured Homes Management Account.

These funds must be used by the county to prepare a plan for and to identify abandoned manufactured homes.

Effective October 1, 2008, and expires October 1, 2020. The privilege and excise taxes apply to sales of new or used manufactured homes on or after October 1, 2008.

Intro. by Haire, Allen, Tolson, Justice. GS 105, 130A

June 18, 2008

H 1134. CLEANUP OF ABANDONED MANUFACTURED HOMES. Filed 3/27/07. House committee substitute makes the following changes to 1st edition. Provides for addition of new part 2F (was, 2E) to GS Chapter 130A. Deletes provision establishing Manufactured Homes Management Account funded by environmental remediation tax and all references to that Account, substituting provision requiring that a portion of the Solid Waste Management Trust Fund be used to fund deconstruction and removal of abandoned manufactured homes. Deletes provision establishing environmental remediation tax. Makes a number of conforming changes. Authorizes local governments or contracting parties to charge a disposal fee if an abandoned manufactured home is deposited in a landfill. Amends GS 130A-309.06(c) to add a subsection requiring the Department of Environment and Natural Resources (DENR) to make an annual report to the Environmental Review Commission on activities related to the management of abandoned manufactured homes, beginning and ending balances in Solid Waste Management Trust Fund, and amount of funds used for grants made under this legislation. Requires DENR to use up to \$1 million annually from the Solid Waste Management Trust Fund for cleanup of abandoned mobile homes. Changes the effective date to March 1, 2009, and provides for expiration on October 1, 2023. Makes technical and conforming changes, including changes to the title.

June 30, 2008

H 1134. CLEANUP OF ABANDONED MANUFACTURED HOMES. Filed 3/27/07. House committee substitute makes the following changes to 2nd edition. Amends the definition of *abandoned mobile home* in proposed GS 130A-309.99B to include mobile classrooms that are vacant or in need of extensive repair and are an unreasonable danger to public health, safety, welfare, or the environment. Deletes proposed GS 130A-309.99D(c) concerning joint and several liability for abatement costs and administrative and legal expenses incurred when a county removes, deconstructs, and disposes of an abandoned mobile home.

July 3, 2008

H 1134. CLEANUP OF ABANDONED MANUFACTURED HOMES. Filed 3/27/07. House amendment makes the following changes to 3rd edition. Amends proposed new GS 130A-309.99A(a)(7) and (8) to include in the findings references to the proper disposal of mercury switches from thermostats. Amends proposed new GS 130A-309.99C(a)(3) to require counties to include mercury switches from thermostats in the portion of the county's abandoned manufactured homes management plan that addresses removal of the deconstructed components.

July 10, 2008

H 1134. CLEANUP OF ABANDONED MANUFACTURED HOMES. Filed 3/27/07. Senate committee substitute makes the following changes to 4th edition. Amends proposed new GS 130A-309.99D by restoring subsection (c) (deleted from 2nd edition), which assigns joint and several liability to the responsible party or the owner of the property on whose land an abandoned manufactured home is located for the actual costs incurred by the county, directly or indirectly, for its abatement activities and administrative and legal expenses incurred, less the amount of grants for reimbursement received by the county under GS 130A-309.94(c) (appears to intend GS 130A-309.99E(c)). Authorizes the county to (1) initiate a civil action to recover the unpaid costs and (2) attach a lien for actual costs on any real property owned by the responsible party within the county. Makes technical changes to cite to newly enacted sections throughout.

July 16, 2008

H 1134. CLEANUP OF ABANDONED MANUFACTURED HOMES. Filed 3/27/07. Senate committee substitute makes the following changes to 5th edition. Deletes findings from proposed GS 130A-309.99A and makes a conforming change to the caption. Provides in proposed GS 130A-309.99D that, when a county identifies an abandoned manufactured home and notifies the responsible party that the home must be disposed of within 90 days, it must also notify the owner of the property on whose land the abandoned manufactured home is located. Makes clarifying changes to replace *person* with *responsible party*. Removes provision that the owner of the property on whose land an abandoned manufactured home is located is liable for actual costs incurred by the county for abatement activities or administrative and legal expenses incurred, less the amount of reimbursement grants. Makes conforming changes.

Changes the effective date from March 1, 2009, to July 1, 2009.

July 16, 2008

H 1134. CLEANUP OF ABANDONED MANUFACTURED HOMES. Filed 3/27/07. Senate amendment makes the following changes to 5th edition. Makes technical changes only.

July 29, 2008

SL 2008-136 (H 1134). CLEANUP OF ABANDONED MANUFACTURED HOMES. AN ACT TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT BY ENCOURAGING COUNTIES TO DEVELOP PLANS THAT PROVIDE FOR THE DECONSTRUCTION OF ABANDONED MANUFACTURED HOMES AND THE REMOVAL OF REUSABLE OR RECYCLABLE COMPONENTS, BY PROVIDING FOR THE ABATEMENT OF ABANDONED MANUFACTURED HOMES THAT ARE DETERMINED TO BE A NUISANCE, AND TO DESIGNATE THAT A PORTION OF THE SOLID WASTE MANAGEMENT TRUST FUND BE USED TO FUND THE DECONSTRUCTION AND REMOVAL OF ABANDONED MANUFACTURED HOMES.

Summarized in *Daily Bulletin* 3/27/07, 6/18/08, 6/30/08, 7/3/08, 7/10/08, and 7/16/08. Enacted July 28, 2008. Effective July 1, 2009.