



A Resource of the State of Florida

**HURRICANE LOSS REDUCTION
FOR
RESIDENCES AND MOBILE HOMES
IN FLORIDA**

**A Research Project Funded by
The State of Florida Department of Community Affairs
Through Contract 01-RC-11-13-00-22-004**

**REPORT ON THE REGULATORY ENVIRONMENT
FOR MOBILE HOMES**

**DELIVERABLE # 2
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PREPARED BY
THE INTERNATIONAL HURRICANE CENTER
FLORIDA INTERNATIONAL UNIVERSITY

PURPOSE

This report provides a descriptive overview of the *regulatory environment* governing a wide range of issues pertinent to mobile homes in the state of Florida. The report addresses said regulatory environment from the perspective of the five research tracks undertaken by the International Hurricane Center (IHC) and a research team that includes five universities from the State University System of Florida (SUS), under a project titled "Hurricane Loss Reduction for Residences and Mobile Homes in Florida."

Exploring said regulatory environment is important because it will assist in setting the framework for future identification of policy alternatives, based on research work conducted by the IHC and the SUS team, to be considered for potential action by the state policy-makers in support of its *Hurricane Loss Mitigation Program*.

This report has been prepared in compliance with the deliverable requirements of State of Florida Department of Community Affairs Contract Number 01-RC-11-13-00-22-004 executed on September 8, 2000 and modified through Amendment #1 executed on January 18, 2001. Report specifically complies with Deliverable # 2 due by February 15, 2001.

A WORK IN PROGRESS

This report is based on an exhaustive review of pertinent literature from various sources as well as numerous communications and interviews with staff of public agencies at the federal, state, county and municipal levels.

It is suggested however that this report be considered as a work in progress that may incorporate additional pertinent information based on findings from the current research work. Any such additional information will be included in a final report on research activities to be submitted by the IHC to DCA at the end of the contract period.

INTRODUCTION

The State of Florida Department of Motor Vehicles (DMV) offers the following abbreviated but useful definition of a mobile home:

A dwelling which is built on an integral chassis, in a factory, transportable in one or more sections, and which is eight feet or more in width.

DMV also notes that:

All single family mobile homes manufactured since June of 1976 must be built to standards established by the U.S. Department of Housing and Urban Development (HUD), and must display a label certifying compliance.

The same source referred to above acknowledges that currently “one of every three homes constructed in Florida is a mobile home” (Florida also now leads the nation in the number of mobile homes). In comparison, for the United States as a whole in 1999, 20.7 percent of all new single-family housing starts were “manufactured housing,” according to an industry source. According to the same industry source, 323 manufacturing facilities shipped nearly 350,000 units in 1999. Approximately 19 million people, 8 percent of the U.S. population, now live full-time in manufactured homes. This figure may be conservative, however, as other estimates put it at 10 percent.

The social value of mobile homes is that they provide affordable housing for retirees, single-parent families, and others who cannot purchase more conventional homes. To illustrate, the average 1998 selling price for a mobile home was \$43,800 (single section homes were averaging \$30,300; multi-section homes were averaging \$52,300). These prices put mobile homes within the reach of moderate-income and at least some low-income purchasers.

Mobile homes are legally considered to be vehicles. In Florida, a mobile home is a motor vehicle and requires a certificate of title just as your car or truck does. An increasing number of mobile homes are two sections (“double-wides”). Each section requires its own title.

While mobile homes are taxed as vehicles, the situation changes if an owner (a) owns the land on which the mobile home is located, and (b) “permanently affixes” it to the land. At that point, the owner “must declare the home to be ‘real property’ (RP) and

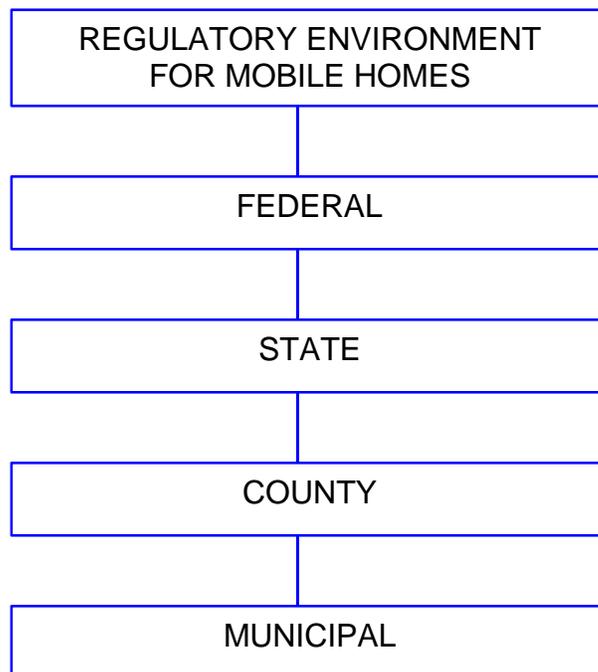
have it placed on the tax rolls of [the] county.” It is then taxed in the same way as a conventional dwelling.

If, however, the owner of the mobile home only rents the land or if the mobile home is not permanently affixed to the land, the owner need only “purchase and display a decal each year for each section of [the] mobile home.” If an owner is uncertain about the mobile home being “permanently affixed” to the land or not, the state advice is to contact the “County Tax Appraiser, who will make this determination.”

Most new mobile homes sold in Florida are located in “parks” (essentially mobile home subdivisions). If such a park has 10 or more units, it falls under *The Florida Mobile Home Landlord and Tenant Act* (FMHLTA) of 1985, which became *Chapter 723* of the *Florida Statutes* (see also *Florida Administrative Code 61B-32.002*), whose intent is to “address the unequal relationship between mobile homeowners and the park owners from whom they rent or lease lots,” according the state’s Bureau of Mobile Homes The 1985 Act was amended in 1986 (Chapter 86-162, *Laws of Florida*).

THE BASIC FRAMEWORK

The preceding introduction gives an idea of the multiple issues that may be part of the regulatory environment. The apparent basic multi-level regulatory environment is presented as follows:



As is common in the U.S. federal system, all three levels of government (federal, state, and local) play a role in mobile home regulation. The result is a complex and layered policy/regulatory environment.

What exists in effect is a multi-level linear regulatory model where each level has specific authority or jurisdiction to regulate different and separate aspects of the mobile home environment. It is important to note also that there is some top-down overlap between the levels identified above. This overlap is not so much of authority, but one of content and it has a reinforcing effect from one level to those below it. An example of this reinforcing effect is the incorporation, by reference or delegation of authority, of codes and standards promulgated at the national level into county or municipal ordinances. Another example would be requirements placed by the state on local governments that carry guidelines or regulations that reflect on county or municipal regulations.

This basic regulatory framework, illustrated by the linear model described above, directly regulates key elements of the mobile home environment including those listed below:

1. Design of mobile homes
2. Manufacturing/construction of manufactured housing
3. Transportation of mobile homes from manufacturer to retailer to owner
4. Installation of mobile homes including pertinent permits
5. Inspections for compliance
6. Sale and financing aspects
7. Land development and zoning issues
8. Insurance issues
9. Mobile home park regulations
10. Emergency management issues

This regulatory model is carried out jurisdictionally by various public agencies on the basis of the legal authority granted to them by pertinent legislative bodies at the various levels. The role of these governmental agencies is often supplemented by that of non-governmental organizations (NGOs), or that of national or regional professional associations.

This report will describe the regulatory role at each level of government. Examples of specific legislation or regulatory venue will be given to help illustrate how this environment is applied.

THE FEDERAL ROLE

The role of the federal government starts with both houses of the United States Congress in their law-enacting capacity.

Agencies and organizations that play key roles in, or contribute to, the execution of said federal regulatory authority include without limitation the following:

1. Department of Housing and Urban Development (HUD)
2. Federal Housing Administration (FHA)
3. Occupational Safety and Health Administration (OSHA)
4. Department of Commerce (DOC)
5. Department of the Treasury
6. American National Standards Institute (ANSI)
7. National Institute of Standards and Technology (NIST)
8. American Society for Testing and Materials (ASTM)
9. National Fire Protection Association (NFPA)
10. Federal Emergency Management Agency (FEMA)
11. National Flood Insurance Program (NFIP)
12. American Society of Civil Engineers (ASCE)
13. National Conference of States on Building Codes and Standards, Inc. (NCSBCS)
14. Underwriters' Laboratories, Inc. (UL)
15. American Red Cross (ARC)

HUD is the lead federal agency having jurisdiction of the regulatory environment of mobile homes. HUD derives this specific regulatory authority from the *National Manufactured Home Construction and Safety Act of 1974* (hereinafter *the 1974 ACT*). This Act sets national mobile home construction and safety standards that preempt state laws. These standards are contained in the Code of Federal Regulations Title 24 (24 CFR), parts 3280, 3282 and 3283.

With respect to the research tracks in the "Hurricane Loss Reduction for Residences and Mobile Homes in Florida" project, the federal role directly affects the design, manufacturing and safety issues of mobile homes. As such it can be concluded that federal regulations may pertain to the following research tracks:

- a) Loss Reduction Retrofit and Structural Performance
- b) Sheltering for Mobile Home Parks
- c) Incentives and Barriers/Homeowners Insurance

The narrative that follows covers information and examples that will illustrate how the federal role within this regulatory environment has evolved from the times leading to the 1974 Act to the present. This will help not only in understanding the first level of the linear regulatory model, but also the concept of top-down overlap mentioned above.

Relatively speaking, mobile homes are a recent phenomenon. The first commercial generation appeared in the 1950s and was truly mobile (on wheels and towed behind a vehicle, a “trailer,” which also explains the origin of their being defined as vehicles). During this period their construction was unregulated.

In the early 1970s, uneven quality control led to a series of well-publicized scandals over mobile home safety, including fire hazard, and the problems led to political pressure for government regulation of the mobile home industry. A preeminent federal regulatory role was justified under the constitutional “interstate commerce” clause (mobile homes were manufactured in one place but then marketed, transported, and installed across state lines).

The second mobile home generation therefore dates from 1976, when the federal Department of Housing and Urban Development (HUD) promulgated the first construction standards for mobile homes. The legal basis was and remains *The National Manufactured Housing Construction and Safety Standards Act of 1974*, 42 U.S.C. 5401 et seq.; 24 CFR Part 3280 and Part 3282. Congressional intent was explained as follows:

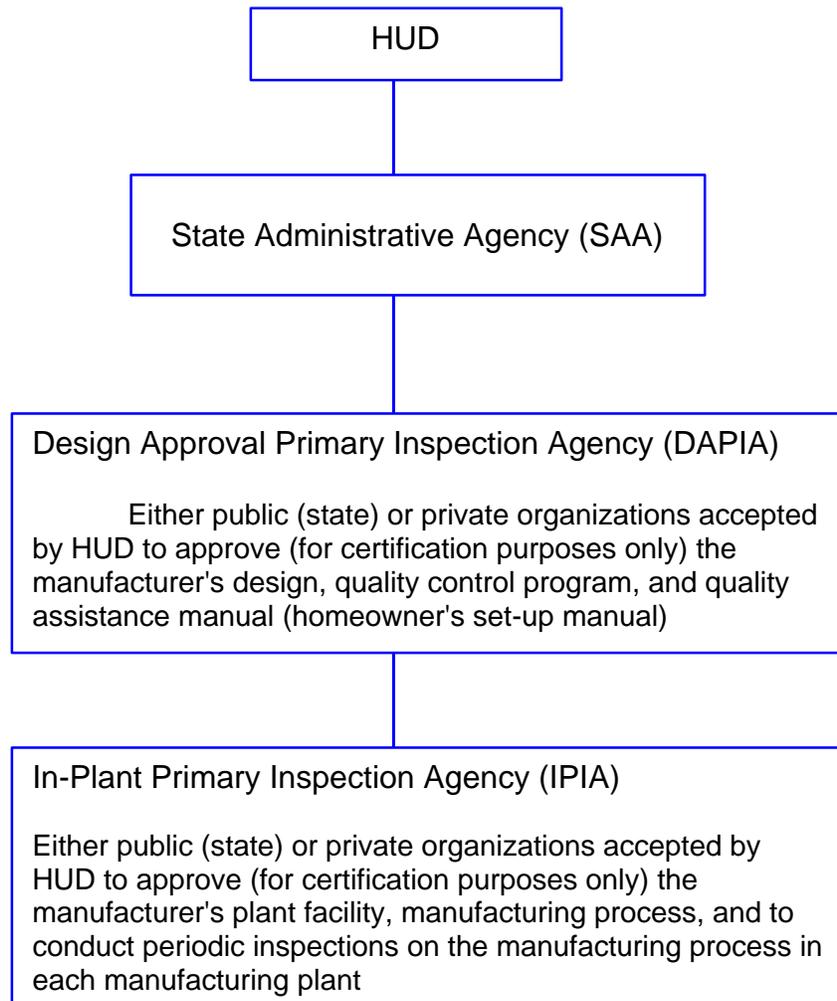
The Congress declares that the purposes of this chapter are to reduce the number of personal injuries and deaths and the amount of insurance costs and property damage resulting from manufactured home accidents and to improve the quality and durability of manufactured homes. Therefore, the Congress determines that it is necessary to establish Federal construction and safety standards for manufactured homes and to authorize manufactured home safety research and development.

HUD explains the program it created pursuant to the above mission as follows:

The Manufactured Housing program is a national program established to protect the health and safety of the owners of manufactured (mobile) homes. Under the program HUD issues, monitors, and enforces Federal manufactured home construction and safety standards. The intent of the program is to: reduce personal injuries, deaths, property damage,

insurance costs, and to improve the quality and durability of manufactured homes. The standards preempt State and local laws which are not identical to the Federal standards. HUD may enforce these standards directly or by various States that have established State Administrative Agencies (SAAs) in order to participate in the programs. HUD has the authority to inspect factories and obtain records needed to enforce the standards. If a manufactured home does not conform to Federal standards, the manufacturer may be required to notify the consumer. If the home contains a defect that presents an unreasonable risk of injury or death, the manufacturer may be required to correct the defect.

This section above illustrates a mechanism whereby the federal regulatory sector transfers some regulatory authority to the state level. Under the 1974 ACT HUD has established the following structure:



In the state of Florida this substructure is represented as follows:

1. **SAA** Bureau Chief
 Bureau of Mobile Homes & RV
 Division of Motor Vehicles
 2900 Apalachee Parkway, Room A-129
 Tallahassee, FL 32399-0640

2. **DAPIA** Director
 HUD Code Inspection Services
 Hilborn, Werner, Carter & Associates, Inc.
 1627 S. Myrtle Avenue
 Clearwater, FL 33756-1131

3. **IPIA** Program Manager
 Bureau of Mobile Homes & RV
 Division of Motor Vehicles
 2900 Apalachee Parkway, room A-129
 Tallahassee, FL 32399-0640

In addition to its construction regulation responsibilities under the Manufactured Housing program, HUD also provides a system for handling consumer complaints “relating to failures to conform in the construction of homes.” Of the 50 U.S. states, 36 have HUD permission to handle complaints arising from within the state. For the remaining states, HUD handles consumer complaints directly.

The third mobile home generation dates from 1994 and was inspired by the losses inflicted in south Florida by 1992’s Hurricane Andrew. Thousands of mobile homes were destroyed or severely damaged in that disaster. HUD mobile home construction regulations, especially for wind, were strengthened after Hurricane Andrew and took effect July 13, 1994.

As noted above, the HUD regulations are contained in the *Code of Federal Regulations* (CFR). More specifically, 24 CFR 3280 contains the “Manufactured Home Construction and Safety Standards,” and 24 CFR 3282 contains “Manufactured Home Procedural and Enforcement Regulations.” It should also be noted that HUD provides a document entitled “Permanent Foundations Guide for Manufactured Housing” (Washington, DC: Department of Housing and Urban Development, September 1986).

The original definition of a mobile home (manufactured housing) was as follows:

A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this chapter.

In one of its latest fact sheets HUD defines and explains manufactured homes as:

Dwelling units of at least 350 square feet in size with a permanent chassis to assure the initial and continued transportability of the home. All transportable sections of manufactured homes built in the U.S. after July 15, 1976, must contain a red label. The red label is the manufacturer’s certification that the home section is built in accordance with HUD’s construction and safety standards. HUD standards cover Body and Frame Requirements, Thermal Protection, Plumbing, Electrical, Fire Safety and other aspects of the home.

In terms of the “box” (body and frame), the key is subsection 305, “Structural Design Requirements,” of 24 CFR Part 3280. The general statement is as follows:

Each manufactured home shall be designed and constructed as a completely integrated structure capable of sustaining the design load requirements of this standard, and shall be capable of transmitting these loads to stabilizing devices without exceeding the allowable stresses or

deflections. Roof framing shall be securely fastened to wall framing, walls to floor structure, and floor structure to chassis to assure and maintain continuity between the floor and chassis, so as to resist wind overturning, uplift, and sliding as imposed by design loads in this part.

Subsection 305 then goes on to detail wind zones and corresponding wind load design requirements:

--(1) Wind loads: design requirements. (i) Standard wind loads (Zone I). When a manufactured home is not designed to resist the wind loads for high wind areas (Zone II or Zone III) specified in paragraph c)(1)(ii) of this section, the manufactured home and each of its wind resisting parts and portions shall be designed for horizontal wind loads of not less than 15 psf and net uplift of not less than 9 psf.

(ii) Wind loads for high wind areas (Zone II and Zone III), the manufactured home, each of its wind resisting parts (including, but not limited to, shear walls, diaphragms, ridge beams, and their fastenings and anchoring systems), and its components and cladding materials (including, but not limited to, roof trusses, wall studs, exterior sheathing, roofing and siding materials, exterior glazing, and their connections and fasteners) shall be designed by a Professional Engineer or Architect to resist: (A) The design wind loads for Exposure C specified in ANSI/ASCE 7-88, 'Minimum Design Loads for Buildings and Other Structures,' for a fifty-year recurrence interval, and a design wind speed of 100 mph, as specified for Wind Zone II, or 110 mph, as specified for Wind Zone III (Basic Wind Zone Map); or (B) The wind pressures specified in the Table of Design Wind Pressures....

The succeeding subsection 306, "Windstorm Protection," shifts the focus from the box to "support and anchoring systems" and details the requirements for Wind Zones I, II, and III. Questions subsequently arose over roof sheathing and testing for mobile homes to be sited in Wind Zones II and III. As a result, HUD issued (effective May 12, 1998) *Manufactured Home Construction and Safety Standards: Metal Roofing; Interpretative Bulletin I-2-98*.

In Florida Wind Zones are as follows:

Zone III	Broward, Charlotte, Collier, Dade, Franklin, Gulf, Hendry, Lee, Martin, Manatee, Monroe, Palm Beach, Pinellas and Sarasota
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Zone II All other counties in Florida

Clearly, the issue of when a mobile home was manufactured (its “era”) and where it will be sited are relevant to all areas with a hurricane risk, but it is crucial to Florida because of the large numbers of mobile homes in the state. According to an analysis published in 1998 by the *Orlando Sentinel*, 39 percent of the mobile homes still currently registered in the state were manufactured before 1976. Approximately 51 percent were manufactured between 1976 and 1994. Only 10 percent show a manufacture date from 1994 or later. In addition, according to the *Sentinel* analysis, most of the older mobile homes are also unfortunately concentrated in the coastal counties subject to the strongest hurricane winds.

Attrition might be expected to move the pre-94 mobile homes out of the building stock, but mobile home attrition appears to be quite low. The result is that pre-94s and even pre-76s will remain a significant part of the building stock for the foreseeable future.

The federal role will also be affected by the *American Homeownership and Economic Opportunity Act of 2000* (H.R. 5640) that was signed into law last December 27, 2000. This Act includes, under Title VI, the *Manufactured Housing Improvement Act of 2000*.

The Manufactured Housing Improvement Act of 2000, sponsored by U.S. Senator Richard Shelby (R-Ala) will establish a consensus committee to submit recommendations to HUD for developing, amending, and revising the Federal Manufactured Home Construction and safety Standards. It will also provide for the hiring of additional HUD staff to assure adequate consumer protection.

THE STATE ROLE

While the federal government sets policy and regulates mobile home *manufacturing or construction*, the state government focuses mainly on mobile home *installation* and issues related to the transportation of the same. From the previous section (The Federal Role) it is understood that some authority had been delegated by the federal government to the state that involves the state, to some degree, in the mobile home manufacturing process.

In the state both houses of the State Legislature contribute to the regulatory process through the laws they enact while the Governor, and the executive branch of government, are responsible for implementing these regulations.

In Florida agencies and organizations with key roles in the regulatory environment include, without limitation, the following:

1. Department of Highway Safety and Motor Vehicles
2. Division of Motor Vehicles
3. Bureau of Mobile Home and Recreational Vehicle
4. Department of Community Affairs
5. DCA Division of Emergency Management
6. DCA Division of Housing and Community Development
7. Department of Business and Professional Regulations
8. Division of Florida Land Sales, Condominiums and Mobile Homes
9. Department of Insurance
10. Florida Housing Finance Corporation
11. Florida Building Commission

With respect to the "Hurricane Loss Reduction for Residences and Mobile Homes in Florida" project, the state regulatory role pertains to the following research tracks:

- a) Loss Reduction Retrofit and Structural Performance
- b) Sheltering for Mobile Home Parks
- c) Incentives and Barriers/Homeowners Insurance
- d) Mobile Home Recycling Program
- e) Land Development and Zoning Issues

Per the Dept. of Motor Vehicles:

All mobile homes are required to be tied down in accordance with the specifications provided by the manufacturer. In the case of a used home, and in the absence of the manufacturer's tie-down instructions, the home must be tied down in accordance with the specifications provided in the Department of Highway Safety and Motor Vehicles Rule 15C-1. Each county is responsible for assuring compliance with the tie-down regulations, through permitting and onsite inspections

These "15C" rules (more formally known as *Rules of the Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Chapter 15C-1*) are ten in number (15C-1.0101 to 15C-1.0110 inclusive) and also contain numerous "Specific Authority"

references to the various parts of *Florida Statutes* that provide their underlying legal basis (see especially various subsections under *F. S. 320*).

Rule 15C-1.0101 defines the terms used in the remainder of the chapter (for example, “Dealer Installer,” “Licensed Installer,” “Ground Anchor,” etc.). Echoing but slightly different from the HUD language, the rule says that a:

Mobile/Manufactured Home means a structure, transportable in one (1) or more sections, which is eight body feet (8') or more in width, greater than four hundred (400) square feet and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.

Rule 15C-1.0102 specifies installation standards. It emphasizes that the set-up “shall be in compliance with the manufacturer’s installation instructions, unless otherwise specified in this rule.” It then goes on to specify the number and placement of vertical and frame tie-down straps, proper site preparation, and requirements for auger anchors, stabilizing devices, and foundations.

Rule 15C-1.0103 provides quite detailed guidelines on the installation of foundations and piers. These guidelines are to be used, however, only when they are “not specified in the manufacturer’s instructions or when the manufacturer’s instructions are not available.”

Rule 15C-1.01031 narrows the focus to the installation of “HUD Manufactured Homes and Park Trailers in Exposure ‘D’ Areas” (which had been previously defined as “flat, unobstructed areas exposed to wind flowing over large bodies of water”—in other words beach/coastal areas) and to those constructed after July 13, 1994. The sub-rule also states that in flood prone areas, the foundation must comply with standards set forth in FEMA’s *Manufactured Home Installation in Flood Hazard Areas, FEMA 85/September 1985*. This sub-rule goes on to define “Exposure D” as “Wind Zone II or Wind Zone III” and specifies that “all new and used mobile/manufactured homes shall have support and anchoring at the locations specified in the manufacturer’s installation manual for ... ‘Exposure D.’” Absent the original manufacturer’s installation manual, the sub-rule references the *FEMA 85* document.

Rule 15C-1.0104 sets forth installation standards for “Anchors and Tie-downs.” This rule is the core of the chapter and is quite extensive, covering: (1) anchors, (2) frame

ties, (3) longitudinal tie-downs, (4) centerline ties, (5) roof ties, and (6) centerline fastening. In several places this rule also makes the distinction between manufactured homes constructed after “July 15, 1976” (when the first HUD regulations went into effect) and “after July 13, 1994” (when the post-Hurricane Andrew revised HUD standards went into effect). Some of the standards differ by time of construction.

Rule 15C-1.0105 establishes testing specifications for straps, piers, anchors, and all components. The key to this rule is that manufacturers have to arrange for independent testing and subsequently, report the findings to the State of Florida if they want to continue to market their mobile homes in Florida.

Rule 15C-1.0106 details the testing and reporting criteria for piers. Rule 15C-1.0107 does the same for straps, setting the standard as those contained in *American Society for Testing and Materials (ASTM) D 3953-91*. Rule 15C-1.0108 addresses the specific testing of anchors and the required reporting; the rule also specifies, given the importance of local conditions for anchors, that “all field tests shall be conducted in the State of Florida.”

Rule 15C-1.0109 outlines the requirements for the manufacturer’s quality assurance program, including in-house testing and reporting to the State of Florida. It also defines “random sample” for the in-house testing by the manufacturer and stipulates that the State of Florida Department of Motor Vehicles Bureau of Mobile Home and Recreational Vehicle Construction itself “shall periodically pick up a random sample of each anchor manufacturer’s anchors and/or components for random testing.”

Rule 15C-1.10110 is the usual process for reviewing the rules themselves and making changes.

In addition to Chapter 15C-1, Rules of the Dept. of Highway Safety and Motor Vehicles other state regulatory statutes in Florida include:

1. Florida Statutes (F.S.) Title XL - *Real and Personal property, Chapter 723 - Mobile Home Park Lot Tenancies:*

This chapter covers several issues that regulate the ownership of mobile homes, and of mobile home parks, and various aspects of the relationship between a mobile home park owner and park mobile homeowners.

Some of these issues are: a) *Restriction on Sale of Mobile Homes,*

b) *Rights of [mobile home] Purchaser*, c) *Eviction [from mobile home park] Grounds, Proceedings*, d) *Retaliatory Conduct*, e) *Sale of Mobile Home Parks*

2. Florida Administrative Code Chapters 61B-29, 61B-30, 61B-31, 61B-32 and 61B-35. These chapters address such issues as: a) *Mobile Home Rules Definitions*, b) *Mobile Home Advertising Prospectus Rules*, c) *Mobile Home Prospectus and Rental Agreement Rule*, d) *Mobile Home Mediation Rules* and e) *Mobile Home Minor Violations*.
3. Florida Administrative Code Chapter 12D-6 - *Mobile Homes, Prefabricated or Modular Housing Units, Pollution Control Devices and Fee Time-Share Developments*
4. F.S. Title XXXIII - Chapter 513 - *Mobile Home and Recreational Vehicle Parks*

(513.05) The department may adopt rules pertaining to the location, construction, modification, equipment, and operation of mobile home parks.....

(513.052) The department or its agent shall inspect, at least annually, each park or camp that the department determines qualifies as a mobile home, lodging, or recreational vehicle park.....

5. F.S. Title XIV - Chapter 193 - *Assessments*

(2) A mobile home that is not taxed as real property shall have a current license plate properly affixed as provided in s. 320.08 (11). Any such mobile home without a current license plate properly affixed shall be presumed to be tangible personal property.

6. F.S. Title XVII - Chapter 252 - *Emergency Management*

This chapter is of particular interest for the purpose of this research project because it addresses the issue of liability when part of a mobile home park has, or may have, received the designation of shelter from the local emergency management agency.

This chapter (s. 252.32) establishes recommendations for safety measures for securing mobile homes.

To conclude this section it is important to mention those statutes that provide for the *Comprehensive Planning* function by the state, both for *development* and for *emergency management* purposes. It is through these statutes (i.e.: Chapter 163, Rule 9J-5) that the states sets guidelines and recommendation for the local governments to incorporate in their own *Comprehensive Development Master Plan* or *Comprehensive Emergency Management Plan*. This can be taken as another example of the top-down regulatory overlap between two different levels of the model described in this report.

THE LOCAL ROLE

The local regulatory role is evident both at the county and at the municipal level. In this regard the boards of county commissioners or supervisors, or of city commissioners, together with the Mayor or pertinent chief executive at the county or municipal level, are responsible for the regulatory environment for mobile homes.

Local agencies that play a part in the regulatory environment may include, without limitation, the following:

1. Zoning Department
2. Building Department
3. Health Department
4. Department of Emergency Management
5. Department of Public Safety
6. Fire Department
7. Department of Environmental Resources Management

With respect to the "Hurricane Loss Reduction for Residences and Mobile Homes in Florida" project, the local regulatory role pertains to the following research tracks:

- a) Loss Reduction Retrofit and Structural Performance
- b) Sheltering for Mobile Home Parks
- d) Mobile Home Recycling Program
- e) Land Development and Zoning Issues

As noted above, Florida leads the nation in the number of mobile homes. Within Florida by county, the largest numbers of mobile homes (over 25,000 in each county) are found in the following: Broward, Lee, Manatee, Hillsborough, Polk, Pasco, Lake, and Marion.

In terms of percentages, however, three counties show more than 50 percent of their total housing units as mobile homes: Glades, Okeechobee, and Dixie.

The essence of local government involvement with mobile homes is actually two-fold. First, it is local government—through building departments—that carries out actual inspection of mobile home installation.

The second aspect of local government involvement with mobile homes may lead to conflict between different levels of the regulatory model described above. It centers on land use and zoning, and it has brought HUD itself into confrontation with certain localities that have attempted to “outlaw” mobile home parks or at least new mobile home parks within their jurisdiction. Deeming this discriminatory, HUD has taken a clear stand, reproduced in a Federal Register statement (see *Manufactured Housing: Statement of Policy 1997-1, State and Local Zoning Determinations Involving HUD-Code, FR-4223-N-01*):

Generally, the adoption and enforcement of a local zoning ordinance regulating the location of manufactured homes has not been subjected to the regulatory authority of the [Manufactured Housing Construction and Safety Standards] Act because such actions are exercises of the locality’s authority to determine proper land use. Under section 604(d) of the Act (42 U.S.C. 5403(d)), however, the locality is without authority to regulate or exclude certain manufactured homes through zoning ordinances or enforcement decisions that are based solely on a construction and safety code that is different from the Federal standards prescribed under the Act.

Some examples of local regulations include:

1. Broward County - Code of Ordinances, Chapter 13 - *Flood Plain Management*.
2. Broward County - Code of Ordinances, Chapter 22 - *Mobile Homes and Mobile Home Parks*

The code shall set forth minimum standards of materials and proper procedures of installation of anchoring devices to protect such facilities or vehicles against the force of hurricane winds during official hurricane season as established by the United States Weather Bureau

3. City of Fort Lauderdale, *Unified Land Development Regulations - Chapter 47*
4. Dade County - Code of Ordinances, Chapter 11-C - *Floodplain Guidelines*
5. Dade County - Code of Ordinances, Chapter 17C - *Debris Removal from Uninhabitable Mobile Home Parks*
6. Dade County - Comprehensive Development Master Plan - *Coastal Management Element*

Mobile homes are prohibited in areas of coastal flood hazard.
7. Dade County - Code of Ordinances, Chapter 33 - *Zoning*
8. Pinellas County - Land Development Code, Chapter 138 – *Zoning*
9. Pinellas County - Land Development Code, Chapter 170 - *Provisions for Flood Hazard Reduction*
10. Pinellas County - *Comprehensive Emergency Plan*
11. City of Jacksonville - Duval County, *Comprehensive Emergency Management Plan*

Conclusion

The policy environment for mobile homes in the United States is both simple and complex. In its simple guise, the federal government sets policy for and inspects the construction—the manufacture—of mobile homes. The state government sets policy on the installation of mobile homes, and local government makes land use decisions and carries out the actual mobile home installation inspections.

End of report!