

Get the Facts on Zoning

Unfair Zoning Laws Can Restrict Manufactured Home Placement

There is an affordable housing crisis in the U.S. and some communities are making a bad situation worse.

There is a growing trend of municipalities trying to use zoning and other land use regulations to restrict or eliminate manufactured housing in their jurisdictions. These actions could reduce the supply of critically-needed affordable housing for working families across the country and may be discriminatory under the Fair Housing Act.

The attempts at cities discriminating against manufactured housing are wide ranging. Some cities now restrict community owners from replacing units when someone moves, others are looking at banning them altogether, and some are segregating them at locations far out from local amenities such as schools, transportation, doctors and jobs.

Local city and county government's use a variety of land use planning devices to restrict the use of manufactured homes as an available source of affordable housing. Interestingly, these devices are often in conflict with the entity's comprehensive plan. These cases often involve zones within a community where manufactured housing fits the character and ascetics of the zone.

Outright Bans

This past year, Huntsville, Texas, passed an outright ban on the placement of manufactured homes in the community, including on private property. This change in the law came despite the presence of manufactured homes and multi-family homes in the community. After an outcry from residents living in manufactured homes, the council overturned the ban.

Lot Size

Rural Harrison County, Kentucky is attempting to pass a requirement that manufactured homes may only be placed on lots of 10 acres or more. These types of ordinances are found in other communities and can range from 1 to 10 acres.

Lot size is not just a rural issue. In a community in South Carolina, the Georgetown council required minimum lot size in a zone predominated by older mobile homes whereby the practical effect would be to require the accumulation of several lots to build any new home. As this case involves a zone containing a majority of African American residents, HUD is investigating for possible Fair Housing violations.

Layering of Multiple Ordinances

When a Mississippi Supreme Court decision disallowed Pearl's method of excluding manufactured housing, the city undertook changes to multiple land use planning devices (density, occupancy,

setbacks) which allowed the placement of a home in a land-lease community, but made it illegal for anyone to occupy the home.

Density

Changes to density and setback requirements cause land-lease communities to provide homes on every other lot.

Restriction to Manufactured Home Communities (Parks) only

An affront to private property rights is where a government restricts the placement of manufactured homes to manufactured home parks only. An ordinance in Kentucky like this was passed in London, and following a lawsuit, reversed.

Age

A trend in western states (Kansas and Arizona for instance) is the adoption of ordinances where there is an age restriction on manufactured homes, disallowing the placement of a home more than 5- or 10-years old. These local laws basically place expiration dates on homes, and artificially kill resale values.

Non-conforming Uses

The Village of Lodi, Ohio, changed its interpretation of non-conforming use such that when a home would be removed from a land-lease community, the entire park would become a non-conforming use. The Ohio Supreme Court struck down the interpretation.

No Reason Whatsoever

The most frustrating cases come when a city or county denies the placement of a home for no reason whatsoever. In Washington Township, Ohio, it took a court order to force a zoning panel to issue a permit for the replacement of an older manufactured home with a new one.

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<https://www.manufacturedhousing.org/zoning-2/>

Part of a fact-check and analysis by MHPronews found at this link here. This should not be construed as any kind of endorsement of MHI. As the fact check documents, while the statements above are interesting, MHI has failed to apply the arguments and law that could in principle rapidly correct these issues.

<https://www.manufacturedhomepronews.com/examining-manufactured-housing-institutes-unfair-zoning-kevin-clayton-lesli-gooch-statements-related-facts-plus-manufactured-home-stock-updates>

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