

Evaluation of the requirements instituted by the “The Affordable Housing Accessibility Act” enacted by the State of Arkansas in regard to Jonesboro Ordinance.

1. The State requires ordinance or regulation that sets standards for “Manufactured Home” construction or safety to be identical to the federal standards. Both the state and federal regulation refers to the term “Manufactured Home”. The federal code that applies to uniform construction and safety standards is commonly referred to as the “HUD Code”. HUD Code is not prescriptive, in that, it does not mandate the use of specific materials or measurements. Instead, the HUD Code contains engineering design and material performance standards (performance specifications).

Jonesboro refers to the federal standards under the term “Manufactured Housing Units” which may cause confusion, but the definition seems to be sufficient enough to be synonymous with “Manufactured Home”. Specific construction or safety standards were not found for “Manufactured Housing Units” and therefore “Manufactured Home” in Jonesboro Ordinance.

2. The State requires ordinance or regulation that sets standards for manufactured home installation to be consistent with the state standards set forth under “Rules & Regulations for Manufactured Homes” by the Arkansas Manufactured Home Commission and the design of the manufacturer. In regard to installation, the aforementioned document addresses installation and anchoring specifications, as well as, certification and licensing of manufacturers and installers.

Jonesboro ordinance for “Manufactured Housing Units” and therefore “Manufactured Home” does not specifically refer to the any installation standards.

3. The State requires municipalities that have zoning ordinances shall allow the placement of “Manufactured Home” on individually-owned lots in at least one (1) or more residential districts or zones within the municipality.

Jonesboro ordinance permits the placement of “Manufactured Housing Units” and therefore “Manufactured Home” in residential zones AG, RM-H, RM-12, and RM-16.

4. The State requires that municipalities shall not establish or continue in effect any ordinance or regulation that restricts the placement of manufactured homes only to mobile home parks, subdivisions or land lease communities.

Jonesboro ordinance permits the placement of “Manufactured Housing Units” and therefore “Manufactured Home” without restricting the placement only to mobile home parks, subdivisions or land lease communities.

5. The State allows municipalities to establish reasonable regulations or conditions for the placement of “Manufactured Home” within the jurisdiction such as foundation enclosures, connections to utilities, setback, parking, and other regulation or conditions that are applicable to other single family dwellings in the same residential district or zone.

Jonesboro ordinance established regulation of “Manufactured Housing Units” and therefore “Manufactured Home” in residential zones AG, RM-12, and RM-16 that are consistent with regulation applicable to other single family dwellings in those residential zones.

6. The State requires that municipalities shall not impose regulations or conditions on “Manufactured Home” that prohibit the placement of manufactured homes or that are inconsistent with the regulations or conditions imposed on other single family dwellings permitted in the same residential district or zone.

Jonesboro ordinance requires that no permit or other approval shall be granted for the placement of a “Manufactured Housing Unit” and therefore “Manufactured Home” that is more than eight years old, as measured from the date that the permit or approval is sought, or may be reconditioned to meet code requirements. This requirement seems inconsistent and the City may want to consider waiving the age requirements pursuant to the applicant upgrading and reconditioning the unit to bring it into code compliance.

7. The State allows municipalities to prohibit the placement of mobile homes in all residential districts or zones, or to restrict the placement of mobile homes to designated mobile home parks, subdivisions, or land lease communities. “Mobile Home” means a dwelling unit constructed in a factory before the enactment of the Federal Manufactured Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development under the authority of 42 U.S.C. 5401 et seq. as it existed on January 1, 1976.

Although not expressly prohibited, Jonesboro ordinance does not relegate a zone or district for the placement of a “Mobile Home”. However, the term is used in portions of the minimum standards for “Manufactured Housing Parks”.

8. The State allows exceptions under this Act which are:
 - (a) This subchapter shall not *supersede, prevent, or preempt* any valid covenants or bills of assurance.
 - (b) This subchapter shall not require that manufactured homes be permitted in historic districts.