



U. S. Department of Housing and Urban Development
Washington, D.C. 20410-8000

DEC 10 2002

OFFICE OF THE ASSISTANT SECRETARY
FOR HOUSING-FEDERAL HOUSING COMMISSIONER

Ms. April D. Martinson
Municipal Clerk
Town of Dekorra
106 South Main Street
Post Office Box 536
Poynette, WI 53955

DEC 10 2002

Dear Ms. Martinson:

It has been reported to this office that the Town of Dekorra recently advised a property owner that manufactured homes must meet State Uniform Dwelling Code construction standards.

Enclosed are copies of the Manufactured Housing: Statement of Policy 1997-1, State and Local Zoning Determinations Involving HUD-Code.

In 1975, pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, the Department issued the Manufactured Home Construction and Safety Standards. Section 604(d) of the Act, 42 U.S.C. Section 5403(d), states:

Whenever a Federal manufactured home construction and safety standard established under [the Act] is in effect, no State or political subdivision of a State shall have any authority... to establish..., with respect to any manufactured home covered, any standard regarding construction or safety applicable to the same aspect of performance of such manufactured home which is not identical to the Federal manufactured home construction and safety standard.

In 2000, Congress added the following language to Section 604(a):

Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated under this section nor the Federal superintendence of the manufactured housing industry as established by this title. . . .
(42 U.S.C. §5403(d)).

In addition, the Manufactured Home Procedural and Enforcement Regulations (Regulations), 24 C.F.R. Section 3282.11(d), prohibit any State or locality from establishing and enforcing rules or taking any action that impairs Federal superintendence of the manufactured home industry as established by the Act.

Section 603(6) of the Act, 42 U.S.C. Section 5402(6), defines a manufactured home as:

A structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 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....

Not all local ordinances regulating the location of manufactured homes are subject to preemption by the Act. However, a locality may not regulate or exclude structures that meet the Federal definition of a manufactured home based solely on a construction and safety code different than that prescribed by the National Manufactured Housing Construction and Safety Standards Act of 1974.

I hope this information will assist you. Should you have any questions, please contact the Manufactured Housing and Standards Division at (202) 708-6423.

Sincerely,



William W. Matchneer III
Administrator
Manufactured Housing Program

Enclosures

cc:

Ross Kinzler
Executive Director
Wisconsin Manufactured
Housing Association

Joy Stofflet
Maple Ridge Mobile Home Park