

ATLANTA, GA

STATE, LOCAL AND MUNICIPAL MANUFACTURED HOUSING POLICY

The state, local and municipal policy environments affecting the Atlanta metro area present many obstacles for owners of manufactured homes and their capacity to build wealth through homeownership, particularly those in communities.

Though residents of existing communities face several challenges, including threat of closure, state law does not provide specific protections for community residents and those protections available under the landlord-tenant law are not adequate. Homeowners also face challenges in obtaining affordable publically-subsidized loans to finance the purchase, repair of homes or placement of homes. Restrictive zoning policies limit the inclusion of manufactured homes in districts zoned for single-family residential use and limit the placement of older homes on leased land.

In the past, advocates in Georgia have been involved in pushing for greater protections for residents of manufactured housing communities, but there is still much room for improvement.

Note: The "Atlanta metro region" is synonymous with the Atlanta Metropolitan Statistical Area, which includes the following counties: Barrow, Bartow, Butts, Carroll, Cherokee, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Haralson, Heard, Henry, Jasper, Lamar, Meriwether, Newton, Paulding, Pickens, Pike, Rockdale, Spalding and Walton. This is the geography within which local and municipal policies are assessed in this Snapshot.



This policy snapshot reviews state and local policies that affect homeowners, home buyers, nonprofit dealers and developers and others with a stake in manufactured housing as a source of affordable housing, namely:

- Laws protecting homeowners living in manufactured home communities
- The right to treat manufactured homes as real property
- State programs & policies
- Local & municipal policy environment

LAWS PROTECTING HOMEOWNERS IN MANUFACTURED HOME COMMUNITIES

A manufactured home community can be a vibrant neighborhood that is an asset to the community at large. However, because the residents own their homes but not the land on which the homes sit, they are uniquely vulnerable—to confiscatory rent increases, arbitrary rule enforcement, failure to maintain the roads, utilities, and common areas and even closure of the community. If the community closes, the neighborhood disappears and many residents may be forced to abandon their homes. Most states have special laws protecting residents of manufactured home communities, but Georgia, like many other Southern states, lacks many of these protections.

KEY

STRONG PROTECTION



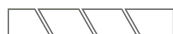
WEAK PROTECTION



NO PROTECTION



AFFIRMATIVE PROTECTIONS FOR FUNDAMENTAL FREEDOMS. Almost half the states affirmatively guarantee fundamental freedoms to residents of manufactured home communities. These include freedom of speech and association, the right to hold meetings in the community, distribute flyers, and invite public officials and candidates to speak. Georgia provides no affirmative protections for residents of manufactured home communities.



PROTECTION AGAINST RETALIATION. Even states that do not provide affirmative protections for residents' fundamental freedoms often prohibit community owners from retaliating against residents for exercising their legal rights. Georgia does not prohibit retaliation against community residents for asserting their rights or engaging in activities protected by law.



NOTICE BEFORE COMMUNITY CLOSURE. About half the states require a substantial notice period before a manufactured home community closes. Georgia has no such law, putting thousands of residents at risk for displacement when their community is sold or closed.



PURCHASE OPPORTUNITY. Homeowners in manufactured home communities are vulnerable because they do not own the land under their homes. Eighteen states have a policy on the books which requires or encourages community owners to give residents the opportunity to purchase the land on which their home sits. Georgia does not have a policy which will provide residents with this opportunity.



PROTECTION AGAINST ARBITRARY EVICTION. Homeowners in manufactured home communities in some states are protected from arbitrary eviction or nonrenewal of their lease. In Georgia, residents can be evicted if they failed to pay the lot rent, surrender the property at the end of the lease term or violate the lease, including any rules that are a part of the lease. Since the community owner can refuse to renew the lease for any reason or for no reason, Georgia residents are vulnerable to eviction even if they have paid the lot rent and followed all the rules of the community. If the court issues an order in favor of the land's owner, the resident has only 10 days to move the home.



RIGHT TO SELL HOME IN PLACE. Community owners can effectively prevent homeowners from selling their homes by reserving the right to reject any potential buyer as a resident. Georgia does not limit the owners' ability to reject an applicant for residency in the community.



RELOCATION EXPENSES. Approximately 15 states have programs, usually funded at least in part by community owners, to pay the costs of moving homes if a manufactured home community closes. Georgia does not have a relocation program or fund.



ADMINISTRATIVE COMPLAINT PROCEDURE. Some states offer a simple administrative procedure for resolving residents' complaints about their manufactured home community. In Georgia, no governmental agency has the power to intervene in disputes between landlords and tenants to force the other party to behave in a particular manner. Residents would need to use the courts to resolve disputes. The court may refer the parties to mediation prior to scheduling a hearing.



REQUIREMENT OF LEASE OF AT LEAST ONE YEAR. About twenty states require the owner of a manufactured home community to offer homeowners leases of at least a year. This requirement provides a modicum of security of tenure. There is no such requirement in Georgia.



REQUIREMENT THAT COMMUNITY OWNER MAINTAIN THE COMMUNITY. Georgia law requires all landlords to keep rental property in good repair. A landlord is further responsible for meeting all local ordinances and minimum safety standards.



RESIDENT ABILITY TO ENFORCE THE LAWS. Many states specifically provide that residents have the right to enforce the manufactured home community protections. Georgia law provides no specific protections for residents of manufactured housing communities.

RIGHT TO TREAT MANUFACTURED HOMES AS REAL PROPERTY



The way in which a state governs the titling of manufactured homes, especially when homes may be converted from personal property to real property, has major implications for owners and purchasers. Although a modern manufactured home may be indistinguishable from a site-built home to many observers, it is typically considered personal property, like a car or a television set, rather than real property, absent some sort of conversion to real property. This classification as personal property, along with other issues common to manufactured housing, often keeps homeowners from enjoying the same security and potential for wealth creation enjoyed by owners of site-built homes.

In Georgia a manufactured home can be treated as real property only if it is permanently affixed to land in which the homeowner has an ownership interest. Homes on leased land and those in manufactured home cooperatives are ineligible for treatment as real property.

STATE POLICIES AND PROGRAMS THAT AFFECT NONPROFIT

LICENSING ISSUES FOR NONPROFIT MANUFACTURED HOUSING DEVELOPERS

There appears to be no barriers to licensure for nonprofit manufactured housing developers.

STATE WEATHERIZATION PROGRAMS & OTHER MANUFACTURED HOUSING REPAIR OR REPLACEMENT PROGRAMS

The Georgia Weatherization Assistance Program is administered by the Georgia Environmental Finance Agency and low-income residents of manufactured housing who meet the program's eligibility requirements can utilize the program. Individual utilities also offer energy efficiency programs for residential customers, but it is not clear whether those who live in manufactured housing are eligible to use these programs.



Credit: Frontier Housing, 2006

PUBLIC FINANCING

The Georgia Department of Community Affairs is the state's leading housing finance and development agency and oversees several housing-related programs for individuals, developers and municipalities. Though manufactured homes are excluded from the agency's first-time home buyer program, nonprofit organizations are able to access some programs such as the Georgia Dream Single-Family Development Program to develop new affordable housing using manufactured homes. Generally, if a program offers assistance to manufactured home owners or buyers, the level of assistance provided is less than that provided to consumers of site built houses.

LOCAL AND MUNICIPAL MANUFACTURED HOUSING POLICY

LOCAL ZONING AND FEE SIMPLE MANUFACTURED HOMES

Manufactured homes may be excluded from residential districts and zoning classifications which permit similar site-built housing. A decision by the state's highest court gives municipalities the authority to exclude manufactured homes from all zoning districts except manufactured home parks and subdivisions. Gwinnett, Cobb and South Fulton counties, among others, have imposed restrictions on the placement of homes in certain or all residential districts. In addition, a county or municipality cannot impose restrictions based solely on the age of the home. A homeowner can place an existing older home on land he or she owns if such placement complies with the local zoning ordinance which may require an inspection of the home or impose limits based on the condition of the home.

LOCAL ZONING AND PRESERVING MANUFACTURED HOUSING COMMUNITIES

State law does not specifically regulate the location of manufactured housing communities, but local zoning ordinances typically restrict the placement of manufactured housing communities to certain zones or districts. The counties in the Atlanta metro area have manufactured home park and manufactured home subdivision zones. Residents may be protected from displacement if the local zoning ordinance requires notice and residents have an opportunity to be heard before a land owner is granted a variance or zoning change that would put the land to other uses.

MORATORIUMS ON CLOSURE OR REDEVELOPMENT OF MANUFACTURED HOUSING COMMUNITIES

Georgia law supports a temporary moratorium on the closure or redevelopment of a manufactured housing community without a notice and hearing procedure so long as the moratorium is reasonable.

LOCAL TAX & OTHER FINANCIAL INCENTIVES

In the local jurisdictions within the Atlanta metro area there are no tax or other financial incentives which would specifically encourage landowners to sell or transfer the community to residents.

LOCAL RENT CONTROL

State law prohibits counties and municipalities from enacting rent control ordinances to regulate the amount of rent charged for privately owned residential rental property.

MANUFACTURED HOUSING INCLUSION IN CONSOLIDATED PLANNING, MUNICIPAL PLANNING AND COMPREHENSIVE PLANNING

The policies that guide the development and preservation of affordable housing—including manufactured housing—are developed on the state and local level. These policies and goals are articulated in planning documents which outline use of the land and funding resources. Many of the key planning documents, including the state's Consolidated Plan and counties' Comprehensive Plans, either do not address issues regarding manufactured housing or manufactured home communities or provide very limited information on the challenges that residents and homeowners face and the governments' plan to address the issues.

Note: The content in this Policy Snapshot was collected by the National Consumer Law Center and CFED.



Innovations in Manufactured Homes (I'M HOME) is a national initiative managed by CFED which seeks to ensure that owners of manufactured homes have the opportunity to build wealth through homeownership by improving the quality of new and replacement development, enhancing homeowners' ability to enjoy long-term land security, expanding access to safe home financing and encouraging a supportive policy environment.