



OFFICE OF HOUSING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-8000

AUG 13 2012

Don Jones, Building Inspector
City of Richland
P.O. Box 180609
Richland, MS 39218

Re: City of Richland, Mississippi, Zoning Ordinance 2011-1

Dear Mr. Jones:

We are in receipt of a copy of the City of Richland, Mississippi, Zoning Ordinance 2011-1, a regulatory ordinance adopted on July 19, 2011, and specifically applicable to structures defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (Act). The Ordinance, Section III.a. Construction Standards, requires, *inter alia*, that any factory-built home located or relocated within the City of Richland be constructed and maintained in accordance with the Act. Other provisions of the Ordinance define terms for purposes of the Ordinance and address permit requirements, zoning, and age of the manufactured housing unit.

The National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by the Manufactured Housing Improvement Act of 2000, states:

Whenever a Federal manufactured home construction and safety standard established under this chapter is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any manufactured home covered, any standard regarding the 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. 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 chapter.

The Manufactured Home Procedural and Enforcement Regulations at 24 C.F.R. §3282.11(a) repeat the requirement that all State manufactured home standards be "identical" to the Federal standards, and also 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. 24 C.F.R. §3282.11(d). In addition, the Act and HUD regulations do not require that existing homes be updated to the Federal standards after the date that they received a HUD label certifying that the manufactured home met the Federal standards when constructed.

For your information, we are also enclosing copies of Federal Register Notices issued January 23, 1997 concerning the Manufactured Housing Construction and Safety Standards: Notice of Internal Guidance on Preemption and May 5, 1997 concerning the Manufactured Housing: Statement of Policy 1997-1, State and Local Zoning Determinations Involving HUD-Code.

In summary, 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, as amended.

I hope this information will assist you in carrying out your ministerial duties regarding manufactured homes built in accordance with Federal standards within your jurisdiction. In the event you have any questions, please contact me, in the Office of Manufactured Housing Programs, at (202) 708-6423.

Sincerely,

A handwritten signature in cursive script that reads "Henry S. Czauski".

Henry S. Czauski
Acting Deputy Administrator
Office of Manufactured Housing Programs

Enclosures

cc: Lois Starkey, Vice President, Regulatory Affairs, Manufactured Housing Institute
Jennifer Hall, Executive Director, Mississippi Manufactured Housing Association