

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE DRS85271-RI-12 (02/16)**

Short Title: Cleanup of Abandoned Mobile Homes. (Public)

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Sponsors: Senator Rand.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT BY ENCOURAGING COUNTIES TO DEVELOP PLANS THAT PROVIDE FOR THE DECONSTRUCTION OF ABANDONED MANUFACTURED HOMES AND THE REMOVAL OF REUSABLE OR RECYCLABLE COMPONENTS AND BY PROVIDING FOR THE ABATEMENT OF ABANDONED MANUFACTURED HOMES THAT ARE DETERMINED TO BE A NUISANCE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 9 of Chapter 130A of the General Statutes is amended by adding a new Part to read:

"Part 2E. Management of Abandoned Manufactured Homes.

**"§ 130A-309.90. Findings; purpose.**

(a) The General Assembly finds that:

- (1) The number of manufactured homes in North Carolina has risen dramatically as land has become scarce and the housing market has become more expensive.
- (2) Manufactured homes may be difficult and expensive to repair when they begin to deteriorate. Often consumers simply buy another manufactured home unit rather than refurbish a manufactured home that needs repair.
- (3) According to data obtained through the 2000 United States Census, there are more than 80,000 vacant manufactured homes in North Carolina, of which 40,000 are estimated to be permanently untended or in need of extensive repair.
- (4) Abandoned manufactured homes create public health and environmental problems and are a visual blight on the landscape of North Carolina. Further, an abandoned manufactured home poses a fire

1            hazard, a safety hazard to unsupervised children, and is a potential  
2            source of toxic or hazardous materials that may escape into the  
3            environment. As a result, abandoned manufactured homes constitute a  
4            nuisance.

5            (5) Most landfills will not accept intact manufactured homes due to their  
6            bulky nature. In those instances where landfills do accept intact  
7            manufactured homes for disposal, the cost of disposal can be  
8            prohibitive for many manufactured homeowners. Landfill disposal  
9            costs include tipping fees, the costs of transporting the obsolete  
10           structures to the landfill, and the costs of removing any hazardous  
11           materials, such as asbestos and other harmful chemicals.

12           (6) Many components of manufactured homes can be reused or recycled,  
13           including windows, screens, doors, copper tubing, copper wiring,  
14           aluminum, tin, steel, lumber, steel frames, pipes, countertops, cabinets,  
15           and other appliances and fixtures. It is estimated that twenty-six  
16           percent (26%) to thirty-eight percent (38%) of the components of a  
17           manufactured home can be reused or recycled without extensive  
18           manual labor.

19           (7) It is desirable to allow units of local government to manage the  
20           disposal of abandoned manufactured homes for themselves and to  
21           encourage regional approaches to the deconstruction of abandoned  
22           manufactured homes, the removal of components from abandoned  
23           manufactured homes that are reusable or recyclable, and the proper  
24           disposal of the remainder.

25           (8) It is in the State's best interest to encourage the reduction of the  
26           volume of intact manufactured homes being disposed of at public  
27           sanitary landfills, to encourage the deconstruction of abandoned  
28           manufactured homes, the removal of components from abandoned  
29           manufactured homes that are reusable or recyclable, and to encourage  
30           the proper disposal of the remainder.

31           (b) The purpose of this Part is to provide units of local government with the  
32           authority, funding, and guidance needed to provide for the efficient and proper  
33           identification, deconstruction, recycling, and disposal of abandoned manufactured  
34           homes in this State.

35           **"§ 130A-309.91. Definitions.**

36           The following definitions apply to this Part:

37           (1) 'Abandoned manufactured home' means a manufactured home that is  
38           both:

39           a. Vacant or in need of extensive repair.

40           b. An unreasonable danger to public health, safety, welfare, or the  
41           environment.

42           (2) 'Account' means the Manufactured Homes Management Account  
43           established pursuant to G.S. 130A-309.94.

1           (3) 'Intact' when used in connection with 'abandoned manufactured home'  
2           means an abandoned manufactured home from which the wheels and  
3           axels, white goods, and recyclable materials have not been removed.

4           (4) 'Manufactured home' is defined in G.S. 105-187.60.

5           (5) 'Responsible party' means any person or entity that possesses an  
6           ownership interest in an abandoned manufactured home.

7 **"§ 130A-309.92. Management of abandoned manufactured homes.**

8           (a) Plan. – Each county shall consider whether to implement a program for the  
9           management of abandoned manufactured homes. If, after consideration, the county  
10           decides not to implement a program, the county must state in the comprehensive solid  
11           waste management plan that it is required to develop under G.S. 130A-309.09A(b) that  
12           the county considered whether to implement a program for the management of  
13           abandoned manufactured homes and decided not to do so. A county may, at any time,  
14           reconsider its decision not to implement a program for the management of abandoned  
15           manufactured homes. If the county decides to implement a program, the county shall  
16           develop a written plan for the management of abandoned manufactured homes and  
17           include the plan as a component of the comprehensive solid waste management plan it  
18           is required to develop under G.S. 130A-309.09A(b). At a minimum, the plan shall  
19           include:

20           (1) A method by which the county proposes to identify abandoned  
21           manufactured homes in the county, including, without limitation, a  
22           process by which a manufactured homeowner or other responsible  
23           party may request designation of their home as an abandoned  
24           manufactured home.

25           (2) A plan for the deconstruction of these abandoned manufactured  
26           homes.

27           (3) A plan for the removal of the components thereof for reuse or  
28           recycling, as appropriate.

29           (4) A plan for the proper disposal of abandoned manufactured homes that  
30           are not deconstructed under subdivision (2) of this subsection.

31           (b) Authority to Contract. – A county may contract with another unit of local  
32           government or a private entity in accordance with Article 15 of Chapter 153A of the  
33           General Statutes to provide for the management of abandoned manufactured homes  
34           within the county and the implementation of its plan under subsection (a) of this section.

35           (c) Restrictions. – A county or a party that contracted with the county under  
36           subsection (b) of this section shall not charge a disposal fee for the disposal of any  
37           abandoned manufactured home sold on or after 1 January 2008.

38           (d) An intact abandoned manufactured home shall not be disposed of in a  
39           landfill.

40 **"§ 130A-309.93. Process for the disposal of abandoned manufactured homes.**

41           (a) If a county adopts and implements a plan for the management of abandoned  
42           manufactured homes pursuant to this Part, the county shall notify the responsible party  
43           for each identified abandoned manufactured home in the county that the abandoned  
44           manufactured home must be properly disposed of by that person within 90 days. The

1 notice shall be in writing and shall be served on the person as provided by Rule 4(j) of  
2 the Rules of Civil Procedure, G.S. 1A-1. The notice shall disclose the basis for the  
3 action, and advise that a hearing will be held before a designated public officer at a  
4 place within the county in which the manufactured home is located fixed not less than  
5 10 days nor more than 30 days after the serving of the notice; that the responsible party  
6 shall be given the right to file an answer to the order and to appear in person, or  
7 otherwise, and give testimony at the place and time fixed in the notice; and that the rules  
8 of evidence prevailing in courts of law or equity shall not be controlling in hearings  
9 before the public officer.

10 (b) If, after notice and hearing, the public officer determines that the  
11 manufactured home under consideration is abandoned, the officer shall state in writing  
12 his findings of fact in support of that determination and the county shall order the  
13 person to dispose of the abandoned manufactured home within 90 days of the expiration  
14 of this period. If the responsible party fails to comply with this order, the county shall  
15 take any action it deems reasonably necessary to dispose of the abandoned  
16 manufactured home, including entering the property where the abandoned manufactured  
17 home is located and arranging to have the abandoned manufactured home deconstructed  
18 and disposed of in a manner consistent with the plan developed under  
19 G.S. 130A-309.92(a). If the responsible party is not the owner of the property on which  
20 the abandoned manufactured home is located, the county may order the property owner  
21 to permit entry onto the owner's property by an appropriate party to permit the removal  
22 and proper disposal of the abandoned manufactured home.

23 (c) When a county removes, deconstructs, and disposes of an abandoned  
24 manufactured home pursuant to subsection (b) of this section, whether directly or  
25 through a party that contracted with the county, the responsible party or the owner of the  
26 property on whose land an abandoned manufactured home is located shall be joint and  
27 severally liable for the actual costs incurred by the county, directly or indirectly, for its  
28 abatement activities and its administrative and legal expenses incurred, less the amount  
29 of grants for reimbursement received by the county under G.S. 130A-309.94(c) for the  
30 disposal activities for that manufactured home. The county may initiate a civil action to  
31 recover these unpaid costs from the responsible party or the owner of the property on  
32 whose land an abandoned manufactured home is located. Nonpayment of any portion of  
33 the actual costs incurred by the county shall result in the imposition of a lien on any real  
34 property in the county owned by the responsible party, or the owner of the property on  
35 whose land the abandoned manufactured home is located.

36 (d) This section does not apply to any of the following:

37 (1) A retail business premises where manufactured homes are sold.

38 (2) A solid waste disposal facility where no more than 10 manufactured  
39 homes are stored at one time if all of the manufactured homes received  
40 for storage are deconstructed or removed from the facility within one  
41 year after receipt.

42 (e) This section does not change the existing authority of a county or a  
43 municipality to enforce any existing laws or of any person to abate a nuisance.

44 **"§ 130A-309.94. Manufactured Homes Management Account.**

1 (a) The Manufactured Homes Management Account is established within the  
2 Department as a nonreverting account. Funds in the Account may be used to:

3 (1) Provide grants to counties to reimburse their expenses for activities  
4 under this Part.

5 (2) Provide technical assistance and support to counties to achieve the  
6 purposes of this Part.

7 (3) Implement this Part, including costs associated with staffing, training,  
8 submitting reports, and fulfilling program goals.

9 (b) Each county that requests a reimbursement grant from the Account shall also  
10 submit to the Department a proposed budget specifying in detail the expenses it expects  
11 to incur in a specified time period in connection with the activities under this Part. The  
12 Department shall review each submitted budget and make modifications, if necessary,  
13 in light of the availability of funds in the Account, the county's capacity to effectively  
14 and efficiently manage the abatement of abandoned manufactured homes, and any other  
15 factors that the Department reasonably determines are relevant. When the Department  
16 and a county agree on the amount of the county's budget under this subsection, the  
17 Department and the county shall execute an agreement that reflects this amount and that  
18 specifies the time period covered by the agreement, and the Department shall reserve  
19 funds for the county in the amount necessary to reimburse allowable costs. The amount  
20 of a reimbursement grant shall be calculated in accordance with subsections (c) and (d)  
21 of this section. A county shall not receive a reimbursement grant unless it has filed all  
22 the annual reports it is required to submit under G.S. 130A-309.96.

23 (c) Reimbursement grants from the Account shall be made in accordance with  
24 the terms of the grant agreement developed pursuant to subsection (b) of this section,  
25 but in any event, all reimbursements shall be calculated on a per unit basis and based on  
26 the actual cost of such activities, not to exceed one thousand dollars (\$1,000) for each  
27 unit. For a county designated as a development tier one or two area pursuant to  
28 G.S. 143B-437.08 where the costs associated with the disposition of an abandoned  
29 manufactured home in a manner consistent with this Part exceed one thousand dollars  
30 (\$1,000) per unit, a county may request a supplemental grant in an amount equal to fifty  
31 percent (50%) of the amount in excess of one thousand dollars (\$1,000). The  
32 Department shall consider the efficiency and effectiveness of the county program in  
33 making the supplemental grant, and the county participation must be a cash match.

34 (d) A county shall use reimbursement grant funds only for operating expenses  
35 that are directly related to the management of abandoned manufactured homes. If an  
36 operating expense is partially related to the management of abandoned manufactured  
37 homes, a county may use the reimbursement grant funds to finance the percentage of the  
38 cost that equals the percentage of the expense that is directly related to the management  
39 of abandoned manufactured homes.

40 **"§ 130A-309.95. Authority to adopt ordinances.**

41 A county, or a unit of local government that is delegated authority to do so by the  
42 county, may adopt ordinances it deems necessary in order to implement this Part.

43 **"§ 130A-309.96. Reporting on the management of abandoned manufactured**  
44 **homes.**

1 (a) On or before 1 August of each year, any county that receives a reimbursement  
2 grant under G.S. 130A-309.94 shall submit a report to the Department that includes all  
3 of the following information:

- 4 (1) The number of units and approximate tonnage of abandoned  
5 manufactured homes removed, deconstructed, recycled, and disposed  
6 of during the previous fiscal year.  
7 (2) A detailed statement of the county's abandoned manufactured homes  
8 account receipts and disbursements during the previous fiscal year that  
9 sets out the source of all receipts and the purpose of all disbursements.  
10 (3) The obligated and unobligated balances in the county's abandoned  
11 manufactured homes account at the end of the fiscal year.  
12 (4) An assessment of the county's progress in removing, deconstructing,  
13 recycling, and disposing of abandoned manufactured homes consistent  
14 with this Part.

15 (b) The Department shall include in its annual report to the Environmental  
16 Review Commission under G.S. 130A-309.06(c) a description of the management of  
17 abandoned manufactured homes in the State for the fiscal year ending the preceding 30  
18 June. The description of the management of abandoned manufactured homes shall  
19 include all of the following information:

- 20 (1) The cost to each county of managing its abandoned manufactured  
21 home program during the reporting period.  
22 (2) The beginning and ending balances of the Account for the reporting  
23 period and a list of grants made from the Account for the period,  
24 itemized by county.  
25 (3) A summary of the information contained in the reports submitted by  
26 counties pursuant to subsection (a) of this section.  
27 (4) Any other information the Department considers helpful in  
28 understanding the problem of managing abandoned manufactured  
29 homes in the State.

30 **"§ 130A-309.97. Effect on local ordinances.**

31 This Part shall not be construed to limit the authority of counties under Article 18 of  
32 Chapter 153A of the General Statutes or the authority of cities under Article 19 of  
33 Chapter 160A of the General Statutes."

34 **SECTION 2.** G.S. 130A-309.06(c) is amended by adding a new subdivision  
35 to read:

- 36 "(14) A description of the activities related to the management of abandoned  
37 manufactured homes in the State in accordance with  
38 G.S. 130A-309.96, the beginning and ending balances in the  
39 Manufactured Homes Management Account for the reporting period,  
40 the amount credited to the Manufactured Homes Management Account  
41 during the reporting period, and the amount of revenue used, itemized  
42 by county, for grants made under Part 2E of Article 9 of Chapter 130A  
43 of the General Statutes."

1           **SECTION 3.** G.S. 130A-309.09A(b) is amended by adding a new  
2 subdivision to read:

3           "(9) Include as a component a written plan for the management of  
4           abandoned manufactured homes as required under  
5           G.S. 130A-309.92(a)."

6           **SECTION 4.** The Department of Environment and Natural Resources may  
7 use up to fifty thousand dollars (\$50,000) in the Manufactured Homes Management  
8 Account, as established in Section 1 of this act, during each calendar year for the  
9 following purposes:

- 10           (1) Training and program development across the State.  
11           (2) Identification of qualified contractors.  
12           (3) Dissemination of best deconstruction practices.

13           **SECTION 5.** A county designated as a development tier one or two area  
14 pursuant to G.S. 143B-437.08 may, upon resolution by the Board of Commissioners of  
15 their intent to (i) develop a plan for the management of abandoned manufactured homes  
16 and (ii) implement the plan once developed, request a planning grant of up to twenty  
17 five hundred dollars (\$2,500) from the Manufactured Homes Management Account,  
18 established by G.S. 130A-309.94, as enacted by Section 1 of this act. These funds shall  
19 be used by the county to prepare a plan as provided in G.S. 130A-309.92, as enacted by  
20 Section 1 of this act, and to identify abandoned manufactured homes.

21           **SECTION 6.** This act becomes effective 1 October 2008 and expires 1  
22 October 2020.