STATE, LOCAL AND MUNICIPAL MANUFACTURED HOUSING POLICY

New Hampshire’s manufactured housing policies are often heralded as models for other states—their titling policy (which automatically titles all manufactured homes as real property) and their purchase opportunity law provide sound policy foundations to help families build wealth through their homes and achieve security of tenure in communities.

There are a number of organizations in the state that have worked for years to shape policy environment that works well for both homeowners and industry. New Hampshire homeowners are actively engaged in a strong homeowners’ association, the Manufactured Home Owners and Tenants Association of New Hampshire (MOTA-NH) and homeowners in the state also benefit from the leadership of the New Hampshire Community Loan Fund and ROC USA® (both based in Concord, NH) in the development of affordable loan products and financing for individual borrowers and residents seeking to purchase the land on which their homes sit. The New Hampshire Housing Finance Authority has also been a strong ally for homeowners as well.

Because the Boston metro area stretches into New Hampshire, this Policy Snapshot has been drafted to include more detail on New Hampshire’s state, local and municipal policies related to manufactured housing. The policies assessed within this Snapshot only cover policies within the state of New Hampshire and the two counties—Rockingham and Strafford—that comprise the Boston metro area within New Hampshire. For more information on the state, local and municipal policies governing the Boston Metro area within Massachusetts, see the Boston, MA Policy Snapshot.

Note: The geographic area that constitutes the Boston metro area includes the following seven counties in Massachusetts that make up the MetroFuture regional definition: Bristol, Essex, Middlesex, Norfolk, Plymouth, Suffolk, Worcester. MetroFuture is the long-term regional plan and vision for the Boston metro region, which includes 164 municipalities, eight planning areas and seven counties. Because of the concentration of manufactured homes in fringe counties around metropolitan areas, we also included the two counties in New Hampshire that are typically included in the Boston MSA definition, Rockingham and Strafford. This regional definition accounts for both the reach of key Metropolitan Opportunity Unit grantees and the boundaries within which decision-making occurs.

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 have to abandon their homes. Most states, including New Hampshire, have special laws protecting residents of manufactured home communities. New Hampshire’s laws provide many critical protections for owners of manufactured homes living in communities, but also feature some key weaknesses.

LAWS PROTECTING HOMEOWNERS IN MANUFACTURED HOME COMMUNITIES

**KEY**

| STRONG PROTECTION | WEAK PROTECTION | NO PROTECTION |

AFFIRMATIVE PROTECTIONS FOR FUNDAMENTAL FREEDOMS.

Some states provide protections for residents of manufactured housing communities, including the fundamental right of free movement, speech and assembly or association. In New Hampshire residents have freedom from interference by community owners or operators when they meet or gather with other residents for any lawful purpose.

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. New Hampshire broadly prohibits retaliation against community residents for asserting a right or engaging in an activity protected by law, including the right to meet or gather with other residents. Landlords cannot retaliate against the resident for taking legal action or reporting a violation of the law or regulation to an appropriate governmental agency.
PROTECTION AGAINST ARBITRARY EVICTION. Homeowners in manufactured home communities are protected from arbitrary eviction from the community. Residents cannot be evicted unless they failed to pay the lot rent, violated a community rule or a law, damaged the property, or repeatedly created a disturbance which impaired other residents’ enjoyment of the community. Failure to follow an unreasonable community rule or regulation is not grounds for eviction.

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. New Hampshire limits the community owners’ ability to reject an application for residency so long as the applicant meets the rules of the community and provides evidence of the ability to pay the rent.

RELOCATION EXPENSES. New Hampshire does not have a program to compensate homeowners for any part of the cost of moving homes if a manufactured home community closes.

ADMINISTRATIVE COMPLAINT PROCEDURE. Some states offer a simple administrative procedure for resolving residents’ complaints about their manufactured home community. New Hampshire created a Board of Manufactured Housing to allow homeowners a venue for challenging unlawful or unreasonable park rules.

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Note: The source for data on communities in the Boston metro area is the MA Manufactured Homes Survey—which only indicates how many spaces exist in communities, not how many homes are actually sited—and records maintained by the New Hampshire Community Loan Fund.
Licensure and regulation of manufactured home dealers is almost exclusively a state function. However, in New Hampshire no special license is required to sell or deal in manufactured homes.

STATE WEATHERIZATION PROGRAMS AND OTHER MANUFACTURED HOUSING PROGRAMS

In New Hampshire, the Office of Energy and Planning oversees the state’s Weatherization Assistance Program (WAP). Low-income households in manufactured housing are eligible for WAP assistance in New Hampshire and participate in the program under the same rules and policies as residents of site-built. The Community Action Program in Belknap-Merrimack Counties has partnered with the New Hampshire Community Loan Fund and other community action agencies in New Hampshire to weatherize over 400 manufactured homes in cooperative parks. This program ends June 30, 2013 and is funded through both the Department of Energy under the Weatherization Innovative Pilot Program and the Regional Greenhouse Gas Initiative auction.

PUBLIC FINANCING

Consumers and nonprofit organizations have long benefitted from New Hampshire’s leadership on manufactured housing financing. The New Hampshire Community Loan Fund pioneered many of the financing structures residents use to purchase communities from landowners. ROC USA®, a nonprofit organization which helps residents purchase their communities from private owners, is leveraging the financial innovations and expertise developed in New Hampshire to help home owners nationwide convert their communities to resident-owned communities. Nonprofits and public agencies have also successfully accessed state and federal funds to help resident-owned communities upgrade infrastructure or make other needed improvements to the community. Individuals can also access affordable mortgages through the New Hampshire Housing Finance Agency or receive direct assistance to purchase homes.
LOCAL AND MUNICIPAL MANUFACTURED HOUSING POLICY

LOCAL ZONING AND FEE SIMPLE MANUFACTURED HOMES
New Hampshire law prohibits municipalities from completely excluding manufactured homes from areas zoned for residential housing. Rather, a municipality may allow manufactured housing to be located on individual lots, in communities or in subdivisions.

LOCAL ZONING AND PRESERVING MANUFACTURED HOME COMMUNITIES
State law does not specifically regulate the location of manufactured housing communities, except to designate any tract of land with two or more homes as a community.

MORATORIUMS ON CLOSURE OR REDEVELOPMENT OF MANUFACTURED HOUSING COMMUNITIES
New Hampshire allows municipalities to adopt interim zoning ordinances supporting a moratorium or limitation on the closure or redevelopment of manufactured housing communities. The interim ordinance may last for up to one year.

LOCAL TAX & OTHER FINANCIAL INCENTIVES
In the local jurisdictions in New Hampshire that belong to the Boston 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
A decision by the state’s highest court cuts off a local municipality’s right to enact rent control ordinances.

MANUFACTURED HOUSING INCLUSION IN CONSOLIDATED PLANNING, MUNICIPAL PLANNING AND COMPREHENSIVE PLANNING
The policies that guide the development and preservation of affordable housing in New Hampshire—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. Though some local planning documents do highlight and encourage the use of manufactured housing in all appropriate residential districts, mention of manufactured housing is absent from key state planning documents in New Hampshire. Particularly, in spite of appeals by advocates at the New Hampshire Community Loan Fund, the Consolidated Plan that spells out the need for and use of HUD’s HOME, CDBG and other funds for the next five years makes no mention of manufactured housing.

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