

TESTIMONY OF

PENNSYLVANIA MANUFACTURED HOUSING ASSOCIATION

BEFORE THE SENATE REPUBLICAN POLICY COMMITTEE

ON

**PROMOTING HOUSING AFFORDABILITY THROUGH LAND USE
REFORMS**

MAY 3, 2023

SUBMITTED BY

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EXECUTIVE VICE PRESIDENT

AND

DALE J. YINGST, PRESIDENT
LEBANON VALLEY HOMES

Good afternoon, my name is Mary Gaiski. I am the Executive Vice President of the Pennsylvania Manufactured Housing Association. With me is Dale Yingst with Lebanon Valley Homes a licensed retail center located in Palmyra, PA. Mr. Yingst sells and installs manufactured and modular homes and has been doing so at this location since 1963. We wish to thank the chairman, Senator Dan Laughlin, Senator DiSanto and the Senate Republican Policy Committee for the opportunity to educate you on the manufactured housing industry and zoning challenges they face. An industry that has been an integral part of Pennsylvania's manufacturing sector, and an industry that has been providing quality housing at an affordable price to Pennsylvanians since the 1940's.

The Pennsylvania Manufactured Housing Association (PMHA) is a non-profit trade association formed in 1949 representing the factory-built housing industry. Our over 650 members represent the manufacturers who build manufactured and industrialized/modular homes, retailers who sell the homes, installers, suppliers, lenders, community owners, developers and many other service-related businesses. Our industry provides Pennsylvania with over 16,000 jobs and injects well over 1.5 billion dollars into the economy.

Pennsylvania is considered a production state and is home to 37 factories that build manufactured and industrialized homes, more commonly known as modular homes, and distribute them throughout the Northeast and Mid-Atlantic states. Manufactured homes are built to the federal Manufactured Home Construction and Safety Standards Act and its accompanying regulations (HUD Code). Modular homes are built to the International Residential Code (IRC) under Pennsylvania's Industrialized Housing Act (IHA). This is the same code adopted by the Pennsylvania Construction Code for site-built homes. Both manufactured and industrialized/modular homes are regulated by the Housing Standards Division within the Department of Community and Economic Development (DCED), to assure code officials and consumers alike, that manufactured and industrialized/modular homes are compliant with all federal, state and local codes.

Whether the home is built to the federal HUD Code or under the IHA program, from factory to home site, both have quality assurance programs in place to assure compliance with approved engineered designs for all aspects of construction. Though the HUD code is a performance-based code, and the IRC is a prescriptive code, it is many times difficult to distinguish between the two products. The biggest distinction is the label that must be affixed to

the home prior to leaving the factory. The label assures that the home is built to the appropriate code following strict quality assurance programs. A red label is affixed to the outside of a manufactured home and a gold and silver label is found inside an industrialized/modular home, typically in the cabinet under the kitchen sink. Since manufactured homes are designed for mobility, they are required to be built on a chassis. With that said though, once sited less than 5% of the homes are involved in a secondary move. Though industrialized/modular homes typically are not built on a chassis, there are on-frame industrialized/modulars in the marketplace.

The benefits of a manufactured home include efficient assembly line production in controlled conditions, high quality materials, standardized construction to exact specifications, low material waste, minimum on-site construction time and computerized designs which offers a bottom-line savings to the end consumer. We use the same quality products and materials as site builders.

When tying a manufactured or industrialized/modular home to the site, all homes must be anchored against wind and protected from frost heave or other environmental concerns. To assure this is done correctly manufacturers provide installation manuals. Taking this a step further for manufactured homes, the federal HUD code requires all manufacturers to provide instructions on how to install the home to the building site and Pennsylvania requires all manufactured home installers to be certified and undergo mandatory training every three years. Though this was originally regulated by DCED, in October 2020 DCED suspended some of their authority and turned the training and licensing mandates over to HUD. Currently, over 300 individuals are certified to install manufactured homes under the federal HUD program. Not suspended, was the section of PA's law that requires the same training for building code officials. DCED continues to offer training to building code officials today. Building code officials are required to sign off the HUD forms verifying the home has been installed by a certified installer to basic requirements, unfortunately since the training and licensing has been turned over to HUD, building code officials refuse to sign the HUD forms, causing the homeowner to look elsewhere and pay additional money to get a professional engineer, licensed architect, or a certified HUD inspector to do their job for them. We have tried and tried to convince the building code officials that the program has not changed but many look for any reason to delay the process due to the fact the home is a manufactured home. We have attempted

to engage DCED in helping to better educate the code officials, however, the best they can do is to talk with the code officials in an attempt to assure them they have the knowledge and ability to sign the HUD forms. To add to our frustration, many code officials are now using this as a way of collecting additional fees. Usually, all inspections, to include the final inspection which results in the issuance of the certificate of occupancy, are included in the original cost of the building permit. However, for manufactured homes, code officials are taking advantage of the homeowner and charging additional fees which average an additional \$500 and must be paid prior to issuing the certificate of occupancy. Sadly, consumers pay for this because they are eager to get into their new home.

Unlike industrialized/modular manufacturers and our site-built housing counterparts, manufactured housing factories and their salespeople are required to be licensed by the Department of State's Vehicle Board. Companies that sell manufactured homes to consumers and their salespeople must be licensed by the Vehicle Board as well. We refer to them as retailers. An industrialized/modular manufacturer can sell directly to the consumer or through a builder; new manufactured homes can only be sold by a licensed vehicle dealer/retailer. Preowned homes can be sold by a licensed vehicle dealer, a licensed real estate agent or the homeowner.

There are over 100 licensed retailers in the state. Many of them sell both products. Factory-built homes are built in box-like configurations and are limited in size since they are shipped over our highways using an oversized permit. Floor plans range from 980 square feet to well over 2200 square feet and come in one, two, three or more sections; single story and two story. They are 80 to 95 percent finished when they arrive on site. Exterior coverings include wood, vinyl and aluminum, with stone and brick accents. Inside the home, consumers will find fully equipped kitchens with name brand appliances, luxury baths, family rooms, mud rooms, fireplaces, vaulted ceilings, built-in stereo systems, and wiring for all of today's technology.

Industrialized/modular homes are built to be sited on real property. The retail price of an industrialized/modular home (exclusive of land) starts at \$159,000 and depending on its size and where it is placed, it can be higher. Lenders finance them using a typical mortgage product. Manufactured homes have a bit more flexibility when it comes to installing them, they can be placed on private property or in developments exclusively designed for manufactured homes, which are known as land lease communities. In land leased communities, the consumer owns

the home, and the developer owns the land which is leased to the homeowner. The average price of a manufactured home in Pennsylvania, exclusive of land, is \$106,590. If a manufactured home goes on private property, a lender may allow the use of a mortgage loan; however, since manufactured homes are titled, most lenders finance them through installment loan programs. A misperception cited all the time is that manufactured homes depreciate. This is incorrect, like any other housing type, appreciation/depreciation is determined by location, location, location. According to a Lending Tree report, manufactured homes appreciate. Using a median value, manufactured homes increased 39% compared with 33% for site-built homes.

Prior to the mid-1990's, 90% of all manufactured homes sold went into land lease communities (a.k.a. mobile home parks or manufactured housing communities). This was not by choice, but due to discriminatory zoning laws throughout the state. These laws prohibited the placement of manufactured homes in residential zoning districts. In 1986, PMHA successfully challenged such an ordinance in Lehigh County all the way to the State Supreme Court. This Pennsylvania Supreme Court case, Geiger v. North Whitehall Township, says no municipality may prohibit the placement of a "mobile home" on private property zoned for single-family dwellings. The essence of the Geiger case is that if local zoning allows for single family homes, then they must allow "mobile homes" since they are built, by code, as a single-family dwelling.

Unfortunately, despite this court decision, discriminatory zoning ordinances are just as prevalent today as they were then. Local municipalities are very slow to remove discriminatory ordinances off the books. Here in Pennsylvania, housing product choice is controlled by local municipalities not by today's homebuyers and their families.

The Pennsylvania Municipalities Planning Code does require municipalities to provide for all uses. However, local municipalities are very creative in how they carry out this charge. Many will require manufactured homes to only be located in a "mobile home park" or "manufactured housing land leased community" claiming this fulfills their obligation to provide for all uses. It does not, as there are also several court decisions that have concluded that both individual "mobile homes" and "mobile home parks" have to be permitted. It is not sufficient to allow one or the other to avoid a charge of exclusionary zoning. Another creative approach is when a municipality identifies zoning districts that clearly limit the number of land lease manufactured home communities that can be built within their jurisdiction. Very few new land

lease manufactured home communities have been built over the last 10-15 years due to limited opportunities within zoning ordinances around the Commonwealth.

The Manufactured Home Community Rights Act (Act 261) defines a manufactured home community to be a parcel of land that has 3 or more homes that are built to the federal HUD code. Based on this definition, Pennsylvania is home to over 2300 land lease communities. The average size of a land lease community is 60 sites. Most of these communities were built in the 1960's and 1970's. Today these communities are facing some of the same challenges our cities and towns are facing – aging infrastructures, rising energy, water and wastewater costs and abandonment of homes. Every day they are further burdened with disclosure requirements, threats of rent control and laws that will limit their ability to make sound business decisions, as well as pressure from local governments to close communities with a goal to replace them with commercial or multifamily developments which cater to site-built products. A new tactic used by local municipalities as a way to force older communities to close is the enactment of an ordinance that will deem a site within the community to be unusable once a home or the site has been empty for 6-12 months. This became a real hardship during and after COVID when government mandates hugely disrupted supply chains, making it almost impossible to get replacement homes in a timely manner. Taking away a community owners' ability to consider all sites when determining rental rates creates a hardship for not only the community owner but for remaining residents. In these situations, rents need to be adjusted to accommodate the forced closing of home sites by local government and current law limits rental increases in a manufactured home community to once in a 12-month period. We understand that a community owner has an option to fight these discriminatory ordinances, however legal action is lengthy and costly.

Since 2008, our industry and particularly land lease communities have been greatly impacted by the lack of lending sources for those wishing to purchase new and preowned manufactured homes. Where we once had hundreds of lenders willing to finance new and preowned homes that were placed in land lease communities, today there are five active national lenders and a few more operating within states and regions. Because of this, homeowners wishing to sell their homes which are located on leased land need to find a cash buyer or greatly reduce the price of the home. To address this concern, some community owners have elected to transition their communities from the traditional land lease to home rentals. Many are also

creating their own financing programs, which can present further challenges as the laws are cumbersome when it comes to rent-to-own and seller finance programs.

According to the last census there are over 217,000 manufactured homes located in Pennsylvania which represents 4.3% of the housing stock. These numbers represent homes located on private property and those located in the over 2300 land lease communities around the Commonwealth.

Understanding the purpose of the hearing today is to identify impediments and offer solutions to the impact of zoning and inspections on the availability and cost of manufactured housing, we have reviewed housing reports such as the recent white paper from the Mercatus Center on Housing Reforms and DCED's 2015 report, *Reducing Land Use Barriers to Affordable Housing*, both reports identify discriminatory zoning laws greatly impede opportunities for the growth of the manufactured home industry and recommend revisions to zoning laws to allow for the placement of manufactured homes to be the same as allowed for conventional site-built single-family detached dwellings. They also encourage changes that will allow for an increase in the amount of land zoned for land leased manufactured housing communities. The same suggestions were cited in Freddie Mac's report, *Identifying the Opportunities to Expand Manufactured Housing*. This report was quick to point out that, "Zoning regulations affect the usage, availability and acceptance of manufactured homes." Their report found discrimination extended not only to the housing product but restrictive lot-size requirements or density restrictions, caps on building permits which again is based on housing product and its location.

PMHA strongly agrees that zoning and land planning ordinances have a profound impact on housing opportunities. Restrictive local ordinances – which can include significant limitations or prohibitions against manufactured housing – act as barriers to affordable housing.

In Pennsylvania, the 2,560+ local jurisdictions are given the authority to exercise municipal land use controls under The Pennsylvania Municipalities Planning Code (MPC). And unfortunately for consumers wanting to purchase a manufactured home and put it on their own property, finding property without zoning restrictions can be challenging. Many local jurisdictions across Pennsylvania impose restrictions to limit or outright prohibit the placement of manufactured homes. Recent examples of this are:

- Meadville Borough, Crawford County prohibits the placement of a manufactured home (mobile homes) on property outside a “mobile home park”, and will tell you outright, “you don’t like our ordinance, sue us.” They will allow for the placement of a modular home which, like a manufactured home, is built in a factory, and many times on the same production line.

- Elizabeth Township, Franklin County has a similar prohibition for manufactured homes (mobile homes). Recently a retailer hired an attorney on behalf of the consumer and was able to convince the township that the ordinance was causing a hardship to their citizens that needed access to affordable housing. Though the ordinance is still in place, they did allow their residents to site the manufactured home.

- East Pennsboro, Cumberland County has a similar prohibition for manufactured homes (mobile homes). In this situation the customer was trying to replace their home lost to fire. Again, the retailer hired an attorney on behalf of the consumer in hopes of getting them to reverse their decision, however, East Pennsboro would not change. Challenging discriminatory zoning ordinances is time consuming and costly. For this family they needed a home sooner than later and had no discretionary dollars to pay an attorney to pursue it further.

- West Vincent Township, Chester Springs, Chester County, which is an upscale community, zones out manufactured homes and was recently faced with a resident wanting to put one in under their Accessory Dwelling ordinance for an aging parent. The township said no, and after months of back and forth, thousands of dollars spent on appeals, the West Vincent Township residents were finally able to site the dwelling for their aging parent.

Sadly, single lot placement is not the only area where local jurisdictions discriminate. They also discriminate against developers wanting to build land lease communities. At a time when affordable and attainable housing is direly needed across the Commonwealth, developers spend tens of thousands of dollars battling “not in my backyard” sentiments.

Unlike other housing options, manufactured homes are judged by their past. Just last Wednesday, a zoning hearing was held in York County to rezone a parcel from residential to village commercial in an effort to build a manufactured home community that will offer aging in

place opportunities which they say is not currently offered in that jurisdiction. This change was vigorously opposed by the citizens whose comments included many derogatory remarks directly aimed at the housing product by saying they don't want "trailer parks." Other comments were directly aimed at those that may purchase the homes, such as "we don't want those kids that come out of trailer parks in our schools." Opposition that we are sure would not have been offered if a site-built housing developer was looking for land development approval of this same site. In all the zoning and land development hearings I have attended not once have I heard a local resident oppose a new apartment building because of the bad actions happening in an existing one or oppose the building of a new townhome development on the outskirts of town even though the row homes in town are rundown and those living there are seemingly financially challenged. Perception is the greatest challenge to affordable housing, particularly for manufactured housing.

To overcome challenges such as these and others the industry and their customers have faced, PMHA recommends the following:

- Amend the Pennsylvania Municipalities Planning Code to remove the out-of-date terminology such as "mobilehome," "mobilehome lot," and "mobilehome park." This terminology needs to be updated to modern terminology such as manufactured home, manufactured home site, and manufactured home community.
- Amend the Pennsylvania Municipalities Planning Code to update the definition of single family to specifically include manufactured housing.
- We also suggest carrying this through to other sections of the Pennsylvania Municipalities Planning Code to assure manufactured housing and manufactured home communities are treated no differently than other single-family detached dwellings.
- Amend the Pennsylvania Municipalities Planning Code to increase the amount of land zoned for land leased manufactured housing communities, including affordable densities.

PMHA has prepared proposed amendments to address these recommendations and will be happy to share them with this committee or any of its members.

Manufactured homes are the most affordable (unsubsidized) homeownership option in the market today. As an industry, we remain optimistic that despite the challenges we face, our industry is positioned to continue to provide quality housing at an affordable price to Pennsylvanian's well into the future. And, as an association, we are committed to making sure homebuyers continue to have the option to purchase a home built in a factory, and once purchased, they are comfortable and satisfied with that decision.

Again, we thank the Committee for the opportunity to share our industry and its challenges and welcome any questions.