

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative Gibson**

# A Bill

**HOUSE BILL**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 26-3-203 TO PROVIDE THAT  
9 MOBILE HOMES PERMANENTLY AFFIXED TO A FOUNDATION ON  
10 PROPERTY OWNED OR LEASED BY THE OWNER SHALL BE DEEMED REAL  
11 PROPERTY FOR IMPROVEMENT DISTRICT PURPOSES; AND FOR OTHER  
12 PURPOSES."

## Subtitle

14 "MOBILE HOMES PERMANENTLY AFFIXED TO A FOUNDATION ON  
15 PROPERTY OWNED OR LEASED BY OWNER SHALL BE DEEMED REAL  
16 PROPERTY FOR IMPROVEMENT DISTRICT PURPOSES."

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code 26-3-203 is amended to read as follows:

22 "§26-3-203. Mobile homes and manufactured homes.

23 (a) A mobile or manufacture home of any width or description  
24 permanently affixed to a foundation on property which is owned or leased by  
25 the owner of the mobile home or manufactured home shall be deemed real  
26 property for the purposes of the creation of special improvement districts and  
27 the collection of assessments relative to special improvement districts.

28 (b) All other mobile homes and manufactured homes shall be deemed  
29 personal property and shall not be considered as realty for the purposes of  
30 the creation of special improvement districts and collection of assessments  
31 relative thereto.

32 (c) Mobile homes and manufactured homes which are deemed personal  
33 property may not be assessed by special improvement districts, the location of  
34 such mobile homes or manufactured homes shall not be cause for increasing the  
35 assessment on underlying property, and no lien may be affixed to the mobile

1 home or manufactured home to secure collection of any assessment.

2 (d) This Section 1 shall apply to all property located or to be located  
3 within improvement districts formed or with respect to which the initial  
4 assessment of benefits is made after the effective date of this act and to all  
5 property annexed after the effective date of this act to improvement districts  
6 which have been formed prior to the effective date of this act, but this  
7 Section 1 shall not apply to fire protection districts created pursuant to Act  
8 No. 35 of 1979 (Subchapter 2 of Chapter 284, Title 14, Arkansas Code of 1987  
9 Annotated) or to any property presently located within any improvement  
10 district which has been formed and in which the initial assessment of benefits  
11 has been made prior to the effective date of this act.

12 (e) As used in this act, the term permanently affixed to a foundation  
13 shall mean permanently attached or affixed by bolting, welding or mortaring to  
14 a structural foundation placed on or in the ground, by means other than (i)  
15 resting on concrete blocks or other devices used merely for leveling the  
16 floors of such structures, or (ii) attachment of underpinnings, underskirts or  
17 other tie-downs customarily employed primarily for cosmetic or weather  
18 resistance purposes, or (iii) a combination of methods described in clauses  
19 (i) and (ii)."

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21 SECTION 2. All provisions of this act of a general and permanent nature  
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
23 Revision Commission shall incorporate the same in the Code.

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25 SECTION 3. If any provision of this act or the application thereof to  
26 any person or circumstance is held invalid, such invalidity shall not affect  
27 other provisions or applications of the act which can be given effect without  
28 the invalid provision or application, and to this end the provisions of this  
29 act are declared to be severable.

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31 SECTION 4. All laws and parts of laws in conflict with this act are  
32 hereby repealed.

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34 SECTION 5. EMERGENCY. It is hereby found and determined by the General  
35 Assembly that current laws are uncertain with respect to whether the value of

1 mobile/manufactured homes which are located on leased real property must be  
2 taken into account in determining the value of real property necessary to  
3 support the creation of certain improvement districts under the laws of  
4 Arkansas; that such uncertainty has resulted in inconsistent interpretations  
5 in the requirements for formation of such improvement districts, with  
6 attendant delays associated with obtaining necessary water, sewer and other  
7 improvement projects vital to the public peace, health and safety of the  
8 citizens of the state; and that the enactment of this legislation is necessary  
9 to eliminate the confusion and uncertainty which exists with respect to such  
10 laws. Therefore, an emergency is hereby declared to exist and this act being  
11 necessary for the immediate preservation of the public peace, health and  
12 safety shall be in full force and effect from and after its passage and  
13 approval.

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