

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

# A Bill

**SENATE BILL 535**

## For An Act To Be Entitled

8 "AN ACT TO CLARIFY THE STATUS OF MOBILE HOMES AND  
9 MANUFACTURED HOMES FOR PURPOSES OF SPECIAL IMPROVEMENT  
10 DISTRICT ASSESSMENTS; AND FOR OTHER PURPOSES."

## Subtitle

13 "TO CLARIFY THE STATUS OF MOBILE AND MANUFACTURED HOMES  
14 FOR PURPOSES OF SPECIAL IMPROVEMENT DISTRICT ASSESSMENTS."

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18 SECTION 1. (a) A mobile home or manufactured home of any width or  
19 description permanently affixed to a foundation on property which is owned by  
20 the owner of the mobile home or manufactured home shall be deemed real  
21 property for the purposes of the creation of special improvement districts and  
22 collection of assessments relative thereto.

23 (b) *Mobile homes and manufactured homes located on leased property*  
24 *where the mobile home or manufactured home owner does not own any direct or*  
25 *indirect interest in the leased property, shall be deemed personal property*  
26 *and shall not be considered real property for the purposes of the creation of*  
27 *special improvement districts and collection of assessments relative thereto.*

28 (c) *Mobile homes and manufactured homes which are deemed personal*  
29 *property may not be assessed by special improvement districts, the location of*  
30 *such mobile homes or manufactured homes shall not be cause for increasing the*  
31 *assessment on underlying property, and no lien may be affixed to the mobile*  
32 *home or manufactured home to secure collection of any assessment.*

33 (d) *This act shall apply to all property located or to be located*  
34 *within improvement districts formed or with respect to which the initial*  
35 *assessment of benefits is made after the effective date of this act and to all*

1 property annexed after the effective date of this act to improvement districts  
2 which have been formed prior to the effective date of this act and to any  
3 property presently located within any improvement district which has been  
4 formed and in which the initial assessment of benefits has been made prior to  
5 the effective date of this act, but this act shall not apply to fire  
6 protection districts created pursuant to Arkansas Code Annotated §§14-284-201  
7 et seq.

8 (e) As used in this act, the term permanently affixed to a foundation  
9 shall mean permanently attached or affixed by bolting, welding or mortaring to  
10 a structural foundation placed on or in the ground, by means other than

11 (i) resting on concrete blocks or other devices used merely for  
12 leveling the floors of such structures, or

13 (ii) attachment of underpinnings, undershirts or other tie-downs  
14 customarily employed primarily for cosmetic or weather resistance purposes, or

15 (iii) a combination of methods described in clauses (i) and (ii).  
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17 SECTION 2. All provisions of this act of a general and permanent nature  
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
19 Revision Commission shall incorporate the same in the Code.  
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21 SECTION 3. If any provision of this act or the application thereof to  
22 any person or circumstance is held invalid, such invalidity shall not affect  
23 other provisions or applications of the act which can be given effect without  
24 the invalid provision or application, and to this end the provisions of this  
25 act are declared to be severable.  
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27 SECTION 4. All laws and parts of laws in conflict with this act are  
28 hereby repealed.  
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30 SECTION 5. EMERGENCY. It is hereby found and determined by the General  
31 Assembly of the State of Arkansas that current laws are uncertain with respect  
32 to whether the value of mobile/manufactured homes which are located on leased  
33 real property must be taken into account in determining the value of real  
34 property necessary to support the creation of certain improvement districts  
35 under the laws of Arkansas; that such uncertainty has resulted in inconsistent

1 *interpretations in the requirements for formation of such improvement*  
2 *districts, with attendant delays associated with obtaining necessary water,*  
3 *sewer and other improvement projects vital to the public peace, health and*  
4 *safety of the citizens of the state; and that the enactment of this*  
5 *legislation is necessary to eliminate the confusion and uncertainty which*  
6 *exists with respect to such laws. Therefore, an emergency is hereby declared*  
7 *to exist and this act being necessary for the immediate preservation of the*  
8 *public peace, health, and safety, shall be in full force and effect from and*  
9 *after its passage and approval.*

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*/s/Senator Edwards*

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