

## Office of the Manufactured Housing Ombudsperson (“MHO”)

### Frequently Asked Questions

**DISCLAIMER: The information in this FAQ is general information only. It is not intended to be legal advice. Additionally, this information is a summary of some of the laws and regulations governing manufactured home lot leases. It is intended for general guidance only. As such, this FAQ should not be considered an authoritative or complete statement of the law.**

#### General Questions About Manufactured Housing

1. What is a manufactured home?
  - a. A manufactured home (previously called “mobile homes”) is a house that is assembled offsite and then towed into place (or placed on a truck and moved). They can either be a single piece (“single section” or “single-wide”) or multiple pieces (“multi-section” or “double-wide”). Manufactured homes are sometimes called “trailers,” but this not a fair description of manufactured homes.
  - b. Although manufactured homes can be permanently affixed to a foundation, they need not be.
2. Is a manufactured home the same as a “pre-fabricated” or “modular” home.
  - a. No. Although “pre-fabricated” or “modular” homes are partially constructed off-site, they are assembled on-site and built to the same requirements as “normal” homes. Manufactured homes are completely assembled off-site (with the exceptions of the need to join the two sections of a multi-section home and to hook up utilities) and are built to meet different requirements.
3. Are manufactured homes mobile?
  - a. Sort of. Although manufactured homes can be moved, it can be very expensive to move them. It is much more complicated than hooking the home up to a truck and pulling it away. Once homes reach a certain age, the cost and difficulty to move them may make them functionally immobile.
4. Is a manufactured home like a recreational vehicle (RV) or camper trailer?
  - a. No. RVs and camper trailers are designed to be temporary dwellings that one can use while one is travelling. Manufactured homes are designed to be permanent residences even if they are only used seasonally.
5. Do manufactured homes have deeds and titles like “regular” homes?
  - a. Usually not. Manufactured homes have titles, but they are titled through the Department of Motor Vehicles. There is an exception if the home is permanently affixed to a foundation.
  - b. If a manufactured home is permanently affixed to a foundation, can be treated like a “regular” home.
6. What laws and rules apply to manufactured homes?

- a. In addition to the laws that apply to all property such as environmental laws and zoning, there are some specific laws that apply to manufactured homes. Construction standards are different for manufactured homes than for “regular” homes, and financing options can be different.
  - b. Outside of the realms of home construction, purchasing, and financing, the major differences in applicable laws is based on who owns your home and who owns the ground on which it sits. Although there are exceptions, as a general matter:
    - i. If you own your home and you own the land on which the home sits, the home is treated like any other home (although it may be different for zoning).
    - ii. If you rent your home, the home is considered a rental property and is treated like any other rental property (e.g., an apartment). Residential rentals are covered under the Residential Landlord / Tenant Code, which can be found in chapters 51 through 59 of Title 25 of the Delaware Code.
    - iii. If you own your home but rent the ground on which it sits (usually called a “lot lease”), your lot lease is most likely covered under the Manufactured Home and Manufactured Home Communities Act, Chapter 70 of Title 25 of the Delaware Code.
7. Do manufactured homes gain value over time?
- a. As a general matter, it is the ground underneath a home that becomes more valuable, not the home itself.
  - b. As such, if you own the home and the ground, the combination of home and ground may increase in value over time just like any other home.
  - c. On the other hand, if your home is situated on land that you do not own (e.g., if you rent a lot in a manufactured home community), it is unlikely that your home will increase in value over time.
  - d. All of that said, real estate markets can be unpredictable. Anything can happen.
8. Should I buy a manufactured home?
- a. Buying any home is a huge decision, and there are many factors that should be considered before making your decision.
  - b. Do your research on homes and communities.
  - c. Get a home inspection, especially for older homes. Look for a home inspector who has training or experience with manufactured homes.
  - d. If you are considering buying a home in a manufactured home community, talk to current residents. Find out the history of the community, including a history of the rent increases
  - e. If you are unsure about something regarding a home or a community, make sure you get an answer before you buy.