



## Recreational Park Trailer Industry Association, Inc.

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### **Subject: Legal Definitions for Recreational Park Trailers**

To Whom It May Concern:

Enclosed are quotations from the various national definitions used for Recreational Park Trailers with information detailing how these definitions were established and who uses them. These definitions are taken from the federal laws and regulations promulgated by HUD; the nationally recognized ANSI Standards adopted by the RPTIA and by state agencies of government; and in the definition found in the bylaws of the RPTIA - the national trade association which represents the manufacturers and suppliers and the state or national associations who primarily represent the RV dealers and RV park owners. To assist you in identifying the actual law, regulation or the by-laws, the quoted copy has been printed in italics. It is our hope that you will find this information helpful. While these definitions are not quite identical, they are very close in content.

#### **FEDERAL LAW**

This definition of a manufactured home comes from the federal law - Title IV The National Manufacturer Housing Construction and Safety Standards Act of 1974 - as amended, which requires that all manufactured homes be constructed in accordance with construction requirements promulgated by the U.S. Department of Housing and Urban Development (HUD).

The definition for a manufactured home in the federal law as it exists today is found under Section 603 (6) of the law. It is quoted below:

*"Manufactured Home" means a structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on sight, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this title,*

The manufactured housing definition stipulated in this law includes most recreational park trailers as it is inclusive of all units that exceed 320 square feet when erected on site. However, when the law was last amended by Congress in October of 1980, the House and Senate versions of the Bill had taken different positions over the minimum size required for a unit to be considered a manufactured home. The Senate version stated that 400 square feet should be the threshold while the House called for a smaller 320 square feet. To resolve these differences a congressional conference committee was convened. The conference committee determined that the law should be passed using the 320 square feet minimum size as was proposed by the House. At the same time however, the conference committee also stated that - *"The Secretary of HUD was to consider differing, more flexible*

*standards for smaller Manufactured Homes (such as park trailers) whose square footage is between 320 and 400 square feet and are designed to be frequently transported".* (Directions given to an agency of the federal government found in a conference committee report are considered to have almost the same force as the law when an agency is setting regulations to implement the law.)

Since the passage of this law, HUD determined not to set standards specifically adapted for these structures but rather has issued a series of regulatory actions (with superseding qualifying definitions) exempting the manufacturers of these 320 - 400 square foot recreation vehicles "Park Models" from meeting the Manufactured Housing Standard. Previous editions of this HUD regulation allowing for the exemption of Recreational Park Trailers required that these products be constructed of such a width as to not require a special movement permit. Other previous requirements had called for the inclusion of full self-containment for the park trailers, but both of these requirements are no longer in the regulation.

The current HUD regulation, which was put in place on June 22, 1982, reads as follows:

*Part 3282.8 Applicability*

*(g) Recreational vehicles: Recreational Vehicles are not subject to this Part, Part 3280, or Part 3283. A recreational vehicle is a vehicle which is: (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) self propelled or permanently towable by a light duty truck; and (4) designed primarily not to be used as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.*

It should also be noted, when Congress passed this law they made it preemptive of all state and local laws, effectively barring any state or local unit of government from passing more stringent requirements. HUD also states that they retain the authority to promulgate a unique and separate standard for recreational park trailers should they deem such a standard to be necessary and appropriate.

**American National Standard Institute - Standard A119.5 for Recreational Park Trailers**

The nationally recognized consensus standard which stipulates the minimum construction requirements for building a recreational park trailer was created under the auspices of the American National Standard Institute - and has been published as ANSI Standard A119.5 for Recreational Park Trailers. The current edition was promulgated in 1998 using the accredited canvass method. This standard covers over 500 safety requirements for recreational park trailer construction. Fourteen states have adopted the ANSI A119.5 Standard and require that all units sold in these states be constructed to meet this standard.

The definition used in the A119.5 Recreational Park Trailer Standard is as follows:

*Recreational Park Trailer: A trailer type unit that is primarily designed to provide temporary living quarters for recreational, camping, travel or seasonal use, that meets the following criteria:*

- (a) Built on a single chassis mounted on wheels.*
- (b) Having a gross trailer area not exceeding 400 square feet (37.15 sq. m.) in the set-up mode.*
- (c) Certified by the manufacturer as complying with ANSI A119.5*

**Recreational Park Trailer Industry Association, Inc.**

The national association which represents 95% of all Recreational Park Trailer production in the United States has defined Recreational Park Trailers in their bylaws as:

*A "Recreational Park Trailer is a recreation vehicle that is primarily designed to provide temporary living quarters for recreation, camping or seasonal use. Built on a single chassis mounted on wheels which has a gross trailer area not exceeding 400 square feet in the set-up mode and is certified by the manufacturer as complying with ANSI A 119.5.*

The Association also mandates that its manufacturing members submit a written public pledge that as members of the RPTIA their production of recreational park trailers will be in conformance with the A119.5 Standard. The Association conducts frequent unannounced inspections at the manufacturers place of production using qualified third-party inspection agencies. Members who fail to maintain their pledge of A119.5 compliance are subject to dismissal from the Association. A brochure which describes this Standards program in greater detail is enclosed.

Although these three definitions are not exact duplicates they all basically cover the key issues in the same way.

In summary, Recreational Park Trailers are Recreation Vehicles designed and intended to be used for recreational, camping and seasonal use. These units are sold by Recreational Vehicle dealers who are licensed to sell RVs. Recreational Park Trailers are primarily used by their owners as seasonal dwellings which are typically sited in RV parks and campground resorts on sites that are owned, rented or leased and are then occupied by their owners as seasonal or vacation dwellings.

We hope that this information is of value but if you need additional clarification, the RPTIA will be available to assist you. Please don't hesitate to contact us.

Sincerely,

W. R. "Bill" Garpow  
Executive Director