

OFFICE OF THE CITY ATTORNEY

**OPINION NO. 92-01**

**TO:** Phillip V. Bloom, Development Services Director  
**FROM:** Stephen M. Kemp, City Attorney  
**DATE:** October 21, 1992  
**SUBJECT:** Assessing Impact Fees on Mobile Homes

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QUESTION:

What are the requirements and applicable provisions for the assessment of impact fees on mobile homes pursuant to City Ordinances.

OPINION:

In 1991, the City adopted an ordinance providing for the imposition of impact fees. The fees are based on type of residential use. The ordinance defines mobile homes as:

4. Class D Residential use means all single family manufactured housing residences located in a RMH-1; RMH-2; RV zoning district, and any use located in a PAD zoning District containing zoning standards substantially similar to the above enumerated zoning districts.

Generally, mobile homes built to U.S. Department of Housing and Urban Development Standards after 1976 are defined as manufactured housing. A.R.S. §§41-2141, et.seq,. If these manufactured homes are located in RMH-1 or RMH-2 districts, then they are a Class D use for purposes of calculating the fee.

The fee is due and payable at the time of application for an installation permit. Most manufactured homes are designed to be permanently affixed to the site. In those cases where a manufactured home is replaced or a new home installed, a second impact fee should not be charged. The purpose of the fee is to compensate the City for the additional demands of growth.

Therefore, in conclusion, a manufactured home should be charged an impact fee at the time of installation and in the event of replacement, a second impact fee should not be charged.

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If you should have any questions, please do not hesitate to contact me.

SMK:ei

cc: Meredith R. Flinn, Assistant City Manager

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