



June 10, 2009

The Honorable Ronald K. Collins
William L. Stubblefield
Tony Petrucci
Members, Berkeley County Commission
400 West Stephen St., Suite 201
Martinsburg, WV 25401

Re: Changes in the proposed subdivision ordinance

By handdelivery and U.S. Mail

Dear Commissioners Collins, Stubblefield and Petrucci:

Thank you on behalf of the manufactured housing industry in West Virginia for an opportunity to comment on changes to the proposed subdivision ordinance that goes before a public hearing Thursday in Berkeley County.

I am the executive director of the West Virginia Housing Institute Inc., which is based in Charleston. We represent 200 members of the manufactured and modular housing industry, including retailers, manufacturers, financial institutions, contractors, suppliers and attorneys. Many of our members are from your county. We have been active on this and related issues in the past.

On behalf of our general membership and my 14-member board of directors, which includes Greg Janes of Best Homes & Brokering Inc. of Falling Waters, I would like to alert you to concerns we have about separation within your ordinance of manufactured housing parks from what I would call "other subdivisions," which appear to be stick-built housing.

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This singular treatment for our homes is of particular concern since West Virginia code 8a-11-1, enacted unanimously by both houses of the Legislature in 2006, and signed into law by Gov. Joe Manchin to be effective Sept. 1, 2006, clearly states:

“(c) A governing body of a municipality or a county, when enacting residential design standards for the purposes of regulating the subdivision, development and use of land, shall uniformly apply such design standards and associated review and permitting procedures for factory-built and other single-family constructed homes.”

Our concern is your proposal seems to carve out a specialized niche for “manufactured housing” that no longer exists. We ask that you treat our homes and subdivisions exactly as state law says and that no special separate provisions need be enacted for our housing. We should be integrated into your system like stick-built without a special designation. We believe only this will properly conform to state law. We believe the statute is plain on its face about this.

Thank you for the opportunity to address your proposal. As always, the WVHI appreciates the diligence you put into your work for your constituents. If I can be of further assistance, please do not hesitate to call upon me. I attach a full copy of the section of state law, should you need it.

Please feel free to contact me if I can be of further assistance.

Sincerely,



Andrew V. Gallagher
Executive Director

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