

DIVIDED-TENURE, DIVIDED RECOVERY: HOW POLICY AND LAND TENURE
SHAPE DISASTER RECOVERY FOR MOBILE HOMEOWNERS

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People who live in mobile homes have heightened vulnerability to disasters, due in part to mobile homes increasingly occupying high-hazard risk lands and the precarious ownership status known as divided-tenure. Divided-tenure is when an individual owns a mobile home and rents the land underneath. To identify the challenges associated with divided-tenure and disaster recovery from a policy perspective, this study analyzed the content of key HUD policies and performed a comparative policy analysis of purchase opportunity laws (requirements of landowners to give mobile homeowners an opportunity to purchase the property their home resides on) in three states: California, Florida, and New York. Content analysis indicated few direct references to mobile homes. Inconsistencies and confusing messaging were found in the existing federal guidance. The lack of consistent terminology and guidance on addressing divided-tenure, limits mobile homeowner's options for disaster recovery, including eligibility for federal disaster aid and potentially participation in relocation or buyout programs. The three selected states' purchase opportunity laws reviewed in this study were rated as weak. Policies lacked alignment with federal documents and opportunities for mobile homeowners were difficult to navigate. A pathway to land ownership could give mobile homeowners more control over their disaster recovery options, but current laws still limit that ability. This study and future work have the potential to help mobile homeowners, an understudied yet growing population, experience a more equitable disaster recovery, which currently is lacking, based on the reviewed federal and state policies.

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CHAPTER 1

INTRODUCTION

“We would like to get out,” says Edward May regarding his mobile home park that frequently floods in Ohio (Hall, 2009). States away, Mauricio Calvo expresses frustration while trying to identify a long-term solution to his mobile home park flooding stating, “We asked earlier this week, ‘Who is enforcing this, who is accountable? We didn’t get an answer on that” (Dries, 2014). These comments reflect the growing concern among mobile home residents who face increasing risk of flooding due to development patterns and rising land costs. More and more, residents of mobile home parks are seeking buyouts as a long-term mitigation strategy; however, current federal and state policies preclude many residents of mobile home parks from being eligible to participate in these programs.

In the United States, mobile home parks are an affordable housing option for approximately 2.7 million households (Rumbach et al., 2020). Unfortunately, this affordability often locates residents in high-risk hazardous areas, such as floodplains, leaving mobile homeowners more physically vulnerable to disasters. Mobile homeowners are often more socially vulnerable as well, due to such factors as limited income, reduced access to medical care, and the social stigma associated with mobile home parks (Rumbach et al., 2020). This combination of factors leaves many residents of mobile home parks in precarious recovery situations after disasters.

Federal and state policy constraints further complicate recovery experiences for residents of mobile home parks. For instance, households residing in mobile homes are eligible for disaster recovery funding, but the policies themselves are mostly for, and utilized by, single-family homes and households. The unique nature of mobile homes is influenced by divided-tenure

where a resident may own their mobile home but only rent the land underneath. Divided-tenure makes it difficult for government agencies to define mobile homes or fit them into the appropriate categories necessary for disaster recovery funding at different levels of government (Sullivan, 2018). The result is a range of definitions for mobile homes, arbitrarily defined and implemented across all levels of government. These inconsistencies in policy affect this vulnerable population by restricting access to mitigation and recovery tools available to occupants of other housing types and shape disaster recovery for mobile homeowners. One type of recovery tool that these policy inconsistencies specifically challenge are buyouts. It is important to note that buyouts, and all forms of property acquisitions, are defined by policy as hazard mitigation. However, the majority of buyout programs take place during the recovery phase of a disaster, and residents overwhelmingly view buyouts as a tool for recovery (Binder et al., 2020); therefore, this study frames buyouts as a tool deployed for residential disaster recovery.

By analyzing relevant federal and state policies that govern or affect recovery experiences, and specifically focusing on buyouts, this study seeks to assess how mobile homeowners are addressed in disaster management policy and the implications for future disaster recovery. The experiences of mobile home residents are severely underrepresented in the disaster literature (Rumbach et al., 2020). Therefore, this study serves as an important step in understanding how federal and state policy shapes the disaster recovery experience for mobile homeowners. This begins by asking what terms related to mobile homes are present in disaster recovery program policy documents and what, if any, policies specific to mobile homes exist in those documents? Next, divided-tenure is addressed by reviewing the strength of state-level

policies in place to give mobile homeowners the opportunity to purchase the land their homes reside on.

A review of the literature pertaining to these topics follows and lays the foundation for this study. Next, a detailed explanation of the research design defines the data collection and methods of analysis. The results and discussion thoroughly examine the findings from this study, and the conclusion provides opportunities for future study and recommendations.

CHAPTER 2

LITERATURE REVIEW

A disaster is a social event, regardless of cause, where people are affected by a hazard resulting in loss of life and property to the point of overwhelming local resources (Mileti, 1999). To reduce these losses, communities engage in a range of mitigation activities. The Federal Emergency Management Agency (FEMA) defines mitigation as reducing “loss of life and property by minimizing the impact of disasters” (FEMA, 2020). These mitigation efforts are typically considered either structural (e.g., construction of dams or levees to control water flow) or non-structural (e.g., land use regulations or relocation to control human proximity to a hazard) and guided by government policies at the federal and local levels (Godschalk et al., 1999).

The United States of America takes a tiered approach to governance and hazard management. The Tenth Amendment to the U.S. Constitution grants powers to state and local governments that are not explicitly granted to the federal government (U.S. Const. Amend. X, 1791). For example, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (1988) allows for the federal government to provide funding assistance for mitigation projects while local and state authorities ultimately decide how to implement the projects within confines of the program (FEMA, 2017). Some states place additional requirements beyond the stated federal guidelines, which has resulted in a variation of plan quality and overall mitigation policy (Berke et al., 2012). There is a moral obligation to review the interplay of individual federal, state, and local mitigation policies for all individuals that could be impacted. This is especially true for historically underrepresented populations to ensure fair representation and treatment because they are disproportionately impacted by disasters (Fothergill et al., 2002).

2.1 Federal Policies that Shape Hazard Mitigation Efforts

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (1988) is the federal backbone for disaster mitigation assistance. The purpose of the Stafford Act is to aid state and local governments in alleviating the impacts of disasters, which include mitigation measures aimed at reducing losses to future events (Godschalk et al., 1999). For instance, it authorizes FEMA's Hazard Mitigation Grant Program (HMGP), which provides funding for state, local, tribal, and territorial governments after a presidentially declared disaster. One of the projects eligible for this funding are buyouts—local governments purchase flood-prone property and relocate occupants to prevent future losses (FEMA, 2020). Another mitigation grant authorized by the Stafford Act is Building Resilient Infrastructure and Communities (BRIC), replacing the Pre-Disaster Mitigation (PDM) Grant, with the intention of providing a proactive focus to hazard mitigation via funding collaboration and capacity building (FEMA, 2020).

In addition to the Stafford Act, flood mitigation policy and insurance reform has seen several disaster-driven iterations since the early twentieth century. Of note are the Flood Control Act of 1936, which affirmed federal responsibility for flood control in cooperation with state and local governments; the National Flood Insurance Reform Act of 1994, which expanded nonstructural flood projects through the flood mitigation assistance grant program; and the Biggert-Waters Flood Insurance Reform Act of 2012, which increased artificially low premiums to reflect actual risk. Each of these policies authorized structural and nonstructural mitigation techniques following disastrous flooding that continue to shape local and state mitigation efforts today (Tarlock, 2012) and have been the subject of extensive research (e.g., Vazquez, 2015; Blanchard-Boehm et al, 2001).

Less recognized by hazard and disaster scholars in terms of its role in hazard mitigation is

the Uniform Relocation Assistance and Real Property Acquisition Act (1970), which has shaped nonstructural mitigation by ensuring fair compensation to individuals who are relocated out of high-risk areas through a federally-funded project. Two federal grant programs provide funding to state and local jurisdictions to acquire property in hazardous areas with the purpose of relocating individuals to a safer area: the FEMA HMGP and the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program. Both FEMA HMGP and HUD CDBG-DR require a presidential disaster declaration for funding to become available to communities; however, local communities can apply directly for HMGP funds whereas HUD notifies communities eligible for CDGB-DR funds (Peterson et al., 2020). Buyout programs, a voluntary type of property acquisition, “facilitate the permanent relocation of residents out of areas considered at high risk for future disasters” (Binder & Greer, 2016, p. 97). However, the design, implementation, oversight and attitude toward these land use policies and mitigation programs can vary drastically at the state and local levels (Berke et al., 2014). Each local community designs and implements their own buyout program within the federal guidelines. While on paper this enables local communities to develop programs that best reflect local needs, in practice resident relocation support, timing of relocation, and overall experience differ significantly from program to program (e.g., Binder et al., 2020; Siders, 2019; de Vries & Fraser, 2012). These policy discrepancies, and variability in implementation, can perpetuate and exacerbate social vulnerabilities to disasters (Wisner et al., 2004).

2.2 Buyout Programs

Since they are designed and implemented at the local level, buyout programs encourage retreat from hazardous areas while, in theory, providing an opportunity for community

engagement. In practice, however, implementing agencies often work in isolation without learning from past relocation programs or engaging residents in the process (Binder et al., 2020). Furthermore, these programs mostly occur in reactive situations, and their piecemeal nature results in communities not meeting their mitigation goals (Lemann, 2018; Binder & Greer, 2016). Overall, the research identifies buyout programs as cost-effective in the long-term, and there are examples of communities considering socially vulnerable populations in their buyout programs (Tate et al., 2016). One of the objectives for utilizing CDBG funds is to “benefit people with low or moderate income (LMI)” (Tate et al., 2016, p. 2057). Yet, McGhee and colleagues observed that buyout participants are not necessarily moving to less vulnerable locations both in terms of hazard exposure and social vulnerability standards (McGhee et al., 2020). This raises questions regarding the efficacy of the programs.

To better address the efficacy of these federally-invested programs, a growing body of research examines how local governments implement them and questions the lack of policy-consistency governing buyout programs specifically (Binder et al. 2020). Lessons learned are not always manifested in smarter policies going forward, and communities rarely share lessons from one buyout program to the next, which are crucial for consistent implementation (Greer & Binder, 2017). Instead, Loughran et al. (2018) calls for an urban ecology approach to researching these buyout programs, one that would take into consideration environmental concerns and systemic root causes that place socially vulnerable populations in hazardous areas. Mobile home residents are one such socially vulnerable group due to social stigma and housing insecurity (Sullivan, 2018). Although residents and owners of mobile homes do participate in buyout programs, there has been limited research on this intersection.

2.3 Mobile Homes

Mobile homes and their residents are an understudied population in the social sciences; even less information exists on mobile homes and disaster mitigation, especially buyouts. The literature that does exist shows that lower-income households are more vulnerable to disaster impacts and are more likely to occupy mobile homes, which are intrinsically more dangerous in high-wind events such as tornadoes and hurricanes. However, more people are moving into mobile homes due to their affordability and the increasing wage gap in the United States; often mobile homeowners cannot afford to make their mobile homes safer or move to a more solid structure (Fothergill & Peek, 2004).

A case study in Austin, Texas identified three trends from 1990-2000: an increase of mobile homes, an increase of low-income individuals, and an increase in the proportion of mobile homes in floodplains. The growth rate of mobile homes was also higher than other structure types (Lee & Jung, 2014). There is also the issue of a “socio-spatial stigma” (Sullivan, 2018, p. 24) where mobile home park residents and mobile home structures are subject to several stereotypes that negatively influence their ability to recover from a disaster. Some of these stereotypes include the assumption that residents are transient or criminals. Adding to the precarity (Shaw & Byler, 2016), mobile home park residents are often in divided-tenure situations where they own the mobile home, but they only rent land underneath, thereby limiting their capacity and making legal issues more complex. These situations make recovery from a disaster especially difficult. For instance, mobile home parks are not always included as a housing type for recovery funding consideration. As Rumbach and colleagues discovered in Colorado following the 2013 floods, only the post-flood value of mobile home parks were offered because they were considered commercial property (Rumbach et al., 2020). Even when

mobile home park residents are financially in a position to purchase the land their home resides on, the process can be tightly governed by state policies resulting in a lack of real opportunity to do so (Sullivan, 2018).

2.4 Mobile Homes and Buyout Programs

Given the lack of research on mobile homes and disaster management, this project is an important step in understanding how federal and state policies engage mobile homes. Therefore, this study seeks to examine HUD policies that fund buyout programs in post-disaster settings and state policies that provide purchase opportunities to mobile home residents in divided-tenure situations. It is important to note that although buyout programs are designed as hazard mitigation programs, they are most commonly implemented post-disaster and homeowners see buyouts as a path to recovery (Binder et al. 2020). Given this resident perspective and the timing of buyout implementation, this study considers the role of buyouts as a vehicle for disaster recovery. Using a content analysis and comparative policy analysis methods, I examine how mobile homes have been referenced in federal policies, and how the strength and intent of state policies can limit buyout assistance. Based on my findings, I then provide recommendations for further study and suggestions on how this population can be better represented in future policy.

CHAPTER 3

METHODS

To address the gap in literature on mobile homeownership and disaster recovery, a content analysis was conducted to generate descriptive statistics pertaining to federal and state policies that affect mobile homeowner rights in post-disaster settings. Specifically, this study asks: (1) what terms related to mobile homes are present in the Community Development Block Grant Disaster Recovery (CDBG-DR) program policy documents, and what disaster recovery aid policies exist in these documents related to each identified term for mobile home, (2) what is the strength of: a) policy content, and b) policy process of selected state-level policies that address mobile homeowners' and their land ownership rights? Recognizing that mobile homes are termed differently by government entities (Vermont State House, 2012; HUD, n.d.), I first identified terms used to describe mobile homes in federal policy from the U.S. Department of Housing and Urban Development (HUD). Next, I examined disaster recovery eligibility criteria related to each term identified in the HUD documents. Lastly, I analyzed how three selected states address divided-tenure and how the associated terms shape mobile homeowner rights.

The range of terms used are significant because the way in which mobile homes are classified has implications for legal status, or at the very least, complicates disaster recovery funding receipt. Inconsistencies in federal and state-level definitions further complicate the eligibility of mobile homeowners for disaster recovery assistance. For instance, some states consider mobile homes personal property while others classify it as real property. This is important because real property is handled differently than personal property in state management and disposition of CDBG-DR funds (Iowa Department of Transportation, 2012; HUD, 2005). In addition, HUD considers a mobile home built after 1976 a manufactured home

in policy, but not all states have updated policies using that same qualifying identifier (HUD, n.d.). This study identified the similarities and differences inherent in how mobile homes are referenced in disaster recovery policies at the federal level and in purchase opportunity laws at selected state levels of government. Implications for mobile homeowners and their potential eligibility for disaster recovery funding is also examined.

3.1 Data Collection

This systematic study began with a content analysis of the HUD’s Community Development Block Grant Disaster Recovery (CDBG-DR) program, a federal level program that oversaw \$28 billion USD in disaster recovery assistance in 2018 (HUD, 2018), to understand how mobile homeowners are classified and what forms of disaster recovery aid they are specifically eligible for as defined by this federal disaster recovery policy. The CDBG-DR program documents (see Table 3.1) were obtained from the HUD website (HUD, n.d.).

Table 3.1

CDBG-DR Documents used in Content Analysis

Document Name	Source	Description
CDBG-DR Policy Guide	(HUD, 2019)	Program requirements and eligible activities
24 CFR 570	(Office of the Federal Register (OFR), 2020)	Federal CDBG regulations
CDBG-DR Federal Register Notices	(HUD, 2020)	Waivers and alternative requirements issued by HUD
Community Planning and Development (CPD) Notices	(HUD, 2020)	Additional CDBG program guidance provided by HUD

Several reasons guide my selection of the CDBG-DR program for current analysis. First, state and local jurisdictions use CDBG-DR to implement post-disaster property acquisitions. Secondly, the National Disaster Recovery Framework (NDRF) identifies HUD as the

coordinating agency for post-disaster housing recovery (FEMA, 2011). Another important selection criterion is the fact that HUD includes The Office of Manufactured Housing Programs (OMHP), which is tasked with defining manufactured housing across federal policy. The evolution of language surrounding mobile homes was of importance for this study as policy change happens at different times and in different ways depending on the level of government and jurisdiction. In short, the evolution of terminology does not happen uniformly across all policies that may be impacted.

The next phase of this study addressed the second research question aimed at understanding how state-level policies on mobile homeowners and land ownership potentially affects disaster recovery. A comparative policy analysis of three states that require mobile home park owners to give renters the opportunity to purchase the land, to address divided-tenure, was undertaken. The data contained purchase opportunity laws for mobile homeowners in California, Florida, and New York; states known to have already implemented policies targeted at mobile homeowners and land ownership (National Consumer Law Center (NCLC), 2015). These states were chosen as a geographic sample of the United States that is also reflective of high frequencies of FEMA Disaster Declarations due to flooding (FEMA, n.d.). How policies in these states define and categorize mobile homeowners and their rights during periods of non-disaster directly contribute to their post-disaster recovery options (Wisner et al., 2004). This is critical as “mobile homes compose upwards of 15% of the housing stock along the southern Atlantic and Gulf coasts, which are highly exposed to hurricanes and floods” (Rumbach et al., 2020, p. 3). Documents were obtained from the relevant state agencies, HUD, and the National Consumer Law Center (NCLC) websites.

3.2 Analysis

To address the first study question, I undertook a content analysis utilizing an established list of keywords informed by Esther Sullivan's (2018) book titled, *Manufactured Security: Mobile Home Parks and Americans' Tenuous Right to Place*. Keywords selected include: "mobile home," "manufactured home," "trailer" and "personal property." Using the findings generated from the content analysis, a frequency of occurrence on these word counts pertinent to mobile homeowners found in the Community Development Block Grant Disaster Recovery (CDBG-DR) program documents was compared across documents examined. I also searched for disaster recovery aid policies specifically related to these terms in the CDBG-DR documents.

To address my second research question, I rated state policies on their strength in the categories of policy content and policy process. The method was modified from Vogel and Henstra (2015)'s research framework for comparative policy analysis and a 3-point Likert scale detailed in Table 3.2. This is an appropriate method because it "refers to the systematic study and comparison of public policies and policy-making in different jurisdictions to better understand the factors and processes that underpin similarities and differences in policy choices" (Vogel & Henstra, 2015, p. 111). The Vogel and Henstra (2015) framework is intended to identify and operationalize two aspects of climate adaption public policy; policy content and policy process, that typically vary from one community to another. The scale is modified to reflect what the National Consumer Law Center (NCLC) has used in their promotion of resident ownership of mobile home communities (NCLC, 2015). The policy evaluation criteria were designed using both the Vogel and Henstra framework and guidance from the NCLC regarding mobile homes ownership.

Table 3.2

Likert Scale for Policy Analysis

Policy Content Criteria	3 (Strong)	2 (Medium)	1 (Weak)	0 (Absent)
Explicit policy goals	Policy goals are explicitly stated	Some policy goals are referred to	Policy goals ambiguously referred to	Not addressed
Direct contact with mobile homeowners	All homeowners are individually contacted	Information given in general area (website, office, etc.)	No contact required	Not addressed
Economic incentives and penalties for noncompliance	Both incentives and penalties will be used	Some incentives or penalties will be used	Incentives or penalties will not be used	Not addressed
Public employees charged with carrying out objectives	Public employees	Members of both public and non-profit sector	Non-profit sector	Not addressed
Terminology consistent with CDBG-DR documents	All terms were consistent	Some terms were consistent	No consistent use of terms	Not addressed
Resident organization is not required for consideration	Is not required for consideration	Resident organization is required for consideration	HOA is required for consideration	Not addressed
Property owner (seller) initiates contact with residents	Property owner (seller) is responsible	Resident organization is responsible	Mobile homeowners are responsible	Not addressed
Driven by social equity goals	Social equity goals	Combination	Event-driven	Not addressed
Recognition of mobile homeowner agency	Resilient; owners have agency	Neutral; owners have some agency	Vulnerable; owners lack agency	Not addressed
Community involvement during policy formation	Resident feedback encouraged	Notification given in general area	No community involvement	Not addressed
Explicit political will in favor of policy	Stated support	Stated support from some involved parties	Not Supported	Not addressed

Modified after NCLC (2015) and Vogel and Henstra (2015).

The scale range includes *strong*, *medium*, *weak*, and *absent*; an overall score for each state was identified based on the average of assigned scores for individual criteria. Strong plans include community participation and focus on homeowner's agency. For example, will the degree of contact with mobile homeowners be direct or indirect? If all homeowners are individually contacted and made aware of their opportunity, the policy would receive a strong score. While weak scores indicate that homeowners have few rights or options as identified in the plan. For example, is a resident organization required for consideration? If the policy requires that an established, formal HOA already be in existence to trigger the property owner contacting residents about possible sale, that policy would receive a weak score.

The content analysis is verifiable in principle since secondary sources of information were reviewed (Krippendorf, 2004). Reliability was maintained by documenting steps taken to ensure keywords, documents, and state policies were analyzed in the same way and could be repeated by future researchers (Creswell & Creswell, 2018).

CHAPTER 4

RESULTS

The content analysis of four categories of CDBG-DR documents indicate few direct references to mobile homes and for the existing guidance, inconsistencies were identified across documents. The following section examine those inconsistencies. The second set of results turns attention to the state-level purchase opportunity laws, which show lack of alignment in terminology across policies and indicate that opportunities to rectify divided-tenure, via land purchase opportunity, are difficult to navigate.

4.1 Content Analysis of CDBG-DR Documents

The CDBG-DR Policy Guide presents the framework for utilization of the program, which contains one section in the 70-page document that references mobile homes. It establishes HUD as the guiding agency and sets “manufactured home” as the terminology to be used when discussing a mobile or manufactured home that meets standards set forth in the National Manufactured Housing Construction and Safety Standards Act of 1974 (HUD, 2019, p. 28). However, this presents several challenges. Namely, the statement “a manufactured home (formerly known as a mobile home)” (p. 28) could be interpreted that all mobile homes are manufactured homes, which is not the case if they do not meet certain standards. In addition, even though the standard term “manufactured home” has been set, the guide reverts to using “mobile home” when warning about not confusing them with structures that are “readily transportable” such as a recreational vehicle (RV). The irony of something “mobile” being in opposition to something “transportable” is not lost. There is mention, however, of transportable units such as RVs being eligible for disaster recovery funding, but it is dependent on how that

property is registered in each state, for instance, real property versus personal property (HUD, 2019, p. 28)

The guide recognizes that “rehabilitation and repair can be more difficult and the threshold for what warrants a replacement might be more flexible” (HUD, 2019, p. 28), but does not give more detail. It is assumed that this would be up to an individual state’s interpretation and implementation. In the same vague vein, the guide states that mobile home parks “can pose greater challenges whereby homeowners lease the land but own the home” (p. 28), also known as divided-tenure. A link is provided to the Office of Manufactured Housing website, but it has no clear connection to CDBG-DR or disaster recovery funding in general.

Table 4.1

Keyword Appearances in CDBG-DR Documents

Keyword	Policy Guide	Federal Register Notices (13)	24 CFR 570	CPD Notices (4)
Mobile Home	2	2	0	0
Manufactured Home/House	10	22	1	0
Trailer	1	5	0	0
Personal Property	5	43	8	1

Other documents provided less content specific to mobile homes as seen in Table 4.1. The 24 CFR Part 570 was reviewed as it contains the CDBG program regulations. The 150-page document has one pertinent mention of “manufactured housing” and their eligibility for funding if “part of the community’s permanent housing stock” (OFR, 2020, p. 44). Community Planning and Development (CPD) notices were also reviewed since they are used to clarify or inform certain items from the program. Going back ten years to 2011, four CPD notices contained “CDBG Disaster Recovery” in the notice title and were selected for the content analysis. None

of them contained terms directly related to mobile homes (HUD, 2020).

One hundred thirty-eight federal register notices were reviewed yet only thirteen contained keywords pertinent to the scope of this study (see appendix). The keyword “trailer” is repeatedly used in reference to temporary housing provided by FEMA (HUD, 2020). These are referred to as temporary housing situations, “FEMA trailers” colloquially, but some models do not appear as such and they have not been used that way. Some of these units that were issued during Hurricane Katrina in 2005 are still being used as permanent housing to this day. The other use of the term “trailer” appeared in past appropriations acts as an example of buildings that are approved to be purchased/built by Indian Health Facilities and might include personnel quarters at those facilities (HUD, 2020). Indigenous peoples have a history of being marginalized (McKinley, et al., 2019) and it is disconcerting that one of the only uses of the word “trailer” is in this section. The federal government's own use of term "trailer" instead of manufactured housing mobile home perpetuates social stigma.

One federal register notice recommends offering manufactured housing as a housing option during disaster recovery. It requires “grantees receiving funds under that notice to consider cost-effectiveness of residential rehabilitation or reconstruction projects relative to other alternatives" (HUD, 2020, p. 8). An example given of this is to “consider offering different housing alternatives, as appropriate, such as manufactured housing options" (HUD, 2020, p. 8). This raises the question of how the former homes were damaged and the potential for hazard recurrence. Mobile homes have a lower tolerance for high winds and flood waters unless appropriately retrofitted which would cost extra. This recommendation, if not accompanied by additional state or local requirements for foundations, anchoring, and/or elevation, could result in placing individuals in a higher-risk environment post disaster.

4.2 Policy Analysis of State Purchase Opportunity Laws

The purchase opportunity laws analyzed from three states held similarities and differences between them. These laws provide an opportunity for residents of mobile home parks to purchase the land their mobile homes reside on if for sale by the landowner, thereby addressing the status of divided-tenure. However, analysis showed additional inconsistencies in terminology used and opportunities to rectify divided-tenure were difficult to navigate.

Table 4.2

Likert Scale Results

Policy Content	California	Florida	New York
Explicit policy goals	0	0	0
Direct contact with mobile homeowners	1	1	3
Economic incentives and penalties for noncompliance	0	0	0
Public employees charged with carrying out objectives	0	0	0
Terminology consistent with CDBG-DR documents	1	1	3
Formal resident organization is not required for contact	1	1	3
Property owner (seller) initiates contact with residents	1	2	3
Average of scores	0.57	0.71	1.71

3 (*strong*); 2 (*medium*); 1 (*weak*); 0 (*absent*).

Some questions were not addressed at all in the documents, such as if economic incentives or penalties would be used for noncompliance and who is tasked with carrying out the policy objectives. There could be more information on this in other places, but it was not found in the documents selected with the scope of this study. In fact, for all three states reviewed, none of the policy process category criteria received a score above a 0 (*absent*). There is precedent for this type of information to be included in emergency management and disaster recovery policies, though, for example Hazard Mitigation Plans, Emergency Operation Plans, and other emergency management-related documents and policies are required to identify the planning process, roles

and responsibilities of those involved, and penalties for non-compliance (FEMA, 2020). These are foundational policies at the state level that guide how local jurisdictions make decisions and could impact people's recovery options. Table 4.2 show the scores of California, Florida, and New York for the policy content portion of the Likert scale from Table 3.2 and are described in further detail below. The Discussion section dives deeper into implications for disaster recovery.

4.2.1 California

The state of California Civil Code Section 798.80 stipulates requirements for providing mobile homeowners with an opportunity to purchase the land on which their home sits, if the unit is located in a mobile home park. Several tasks must be completed before this opportunity is realized, however, and the onus is on the mobile homeowners themselves to initiate. First, a formal resident organization or HOA must already be formed, and written notice of the officers' contact information must be given to the mobile home park owner. In addition, they must submit, annually in writing, a letter of interest in purchasing the land if it is put up for sale. Only if those requirements have been fulfilled by the mobile homeowners, is the park owner required to give them notification and opportunity to purchase the land (California Civil Code Section 798.80, 1995).

Table 4.2 of results show California receiving the weakest score. Specifically, a weak score was given for the question of whether the degree of contact with mobile homeowners would be direct or indirect. California only requires notice of a purchase opportunity to be given to the officers of a resident association (California Civil Code Section 798.80, 1995). If a mobile home park does not have a resident association that has fulfilled all the requirements discussed in the previous paragraph, it is possible the individual mobile homeowners may never be contacted directly, perpetuating the precariousness of divided-tenure arrangements in an already

challenging post-disaster environment. In addition, another weak score was given for the question of whether terminology used to address mobile homes is consistent with CDBG-DR documents. The California Civil Code reviewed consistently used the term “mobile home,” no space, when referencing mobile home parks and their owners (California Civil Code Section 798.80, 1995). This is not consistent as the CDBG-DR documents overwhelmingly use the HUD terminology of “manufactured home” in the policy.

4.2.2 Florida

Florida Statutes 723.071-723.076 provide similar purchase opportunities to mobile homeowners, but residents possess more agency than observed in California, giving them a slightly higher score. A resident organization or homeowners association (HOA) is still required, but the park owner initiates contact with the HOA (instead of vice versa) to give them an opportunity to purchase under the same terms as what has been offered elsewhere. However, the park owner is not obligated to accept an offer from the HOA. The term “mobile home” is also used, which is inconsistent with CDBG-DR documents (Florida Statutes 723.071-723.076, 2020).

Florida received a weak score for if an established resident organization was required on Table 4.2. These formal organizations are used as gatekeepers and, in this case, if residents of a mobile home park have not gone through the process of creating one, then they are not required to receive notification of a land purchase opportunity. Unlike California, however, Florida received a medium score for notification initiation. If the resident organization does exist and is formally recognized, it is not required to send an annual letter of interest to the mobile home park owner.

4.2.3 New York

Compared to California and Florida, New York offers the most resident-centered purchase opportunities and provides more rights directly to mobile homeowners. In New York, if a park owner receives an offer to sell, they must notify the officers of the resident organization or HOA, which is required to facilitate a purchase. However, if an HOA does not exist, the residents are given the opportunity to form an HOA with the intent of purchasing. In this case, every resident is contacted and notified of their right to do this and the park owner is responsible for initiating such contact. New York also used language consistent with CDBG-DR documents, such as “manufactured home,” unlike the other states reviewed (New York Real Property Law 233.a, 2019).

As illustrated in Table 4.2, New York scored higher than both California and Florida in response to all areas that had data. In particular, they scored strong in alignment of mobile home terminology with CDBG-DR guidance. “Manufactured home” was used throughout the real property law reviewed, which aligned with HUD programs. New York also scored strong in response to the resident association criteria; a formal HOA is not required for purchase opportunity consideration. A section of the law is devoted to giving mobile homeowners the right, and instructions, to form an HOA if at least 51% of the residents choose to pursue purchasing the property under their homes (New York Real Property Law 233.a, 2019). Taking these criteria together, New York scored the highest summative rating (1.71) compared to Florida (0.71) and California (0.57); this is reflective of the increased access to purchase opportunity present in New York.

CHAPTER 5

DISCUSSION

Terms used in federal policy documents lay the foundation, and legal code, for how states and local communities interpret and implement policies (U.S. Const. Article VI, Clause 2, 1787). Yet, this study identifies that even across one federal agency, HUD, policy documents related to disaster recovery use a range of terms to address mobile homes; and in many instances, mobile homes are not even directly identified by policies. Inconsistencies in terminology can make the already complicated disaster recovery process even more difficult to navigate (Binder & Greer, 2016). This leaves people in limbo during the already stressful event of disaster recovery. Moreover, in the case of mobile homes, use of terminology such as “trailer” that perpetuates social stigma (Founds, 2020) further constrains recovery options. Beginning at the top, the federal government’s inconsistent use of terminology, including the stigmatizing term “trailer,” generates an inequitable template for states and local jurisdictions to follow. That said, the HUD documents analyzed in this study do acknowledge that divided-tenure in different states is an issue during the disaster recovery process, but does not provide clear guidance for how to address it. The federal guidance provided links to external documents and websites but leaves no best practice guidelines for divided-tenure situations. Hence, there is minimal federal guidance related to divided-tenure and disaster recovery.

Esther Sullivan highlighted the issue of “socio-spatial stigma” (Sullivan, 2018, p.24) that affects mobile home residents and negatively impacts their ability to recover from a disaster. This stigma emerges both physically and socially resulting in marginalization both ways. This can happen physically when owners of mobile home parks are incentivized to build the parks on low-value land or local regulations require them to be outside of city limits (Rumbach et al.,

2020). In addition, when mobile home parks are not recovered after a disaster, there can be political will for a change in the land use for development (Zavar et al., 2017) further marginalizing this population. Stigma also presents itself socially as mobile home residents are frequently assumed to be criminals (Rumbach et al., 2020), and documents reviewed in this study reinforced the presence of this stigma. Alarming, the presence of terms perpetuating this stigma was found in both federal and state level policies. Katie Founds' recent research identified that "the stigma that comes with being labeled 'trailer trash' continues to have harmful consequences for the lived experiences of mobile home park residents today" (Founds, 2020, p. 5). The policy analysis of CDBG-DR federal register notices found instances of the word "trailer" being commonly used to refer to the FEMA temporary residences given during disasters; this perpetuates stigma.

Stigma reflected in federal documentation permeated state documents to a greater extent. Another instance of stigma stood out while reviewing the New York Real Property Law 233. While only subsection 233.a Regarding the Sale of Mobile Home Parks was officially part of the policy analysis, an adjacent subsection regarding the general duties and responsibilities of mobile home parks identified the embedded stigma written into policy documents. This adjacent subsection contained a line stating that a mobile home resident may be evicted if its residence is being used "as a bawdy-house, or house or place of assignation for lewd purposes or for purposes of prostitution" (New York Real Property Law 233, 2019, p. 2). This statement stands out as it specifically spotlights the policy codes' concern that mobile homes are sites of illegal or immoral behavior. Mobile home park general regulations were beyond the scope of this study; however, many were reviewed tangentially during data collection. Statements were found specifying that a tenant could be evicted for illegal activity, as is customary for most rental

agreements (New York Real Property Law 233, 2019, p. 2). However, by singling out lewd acts as endemic among mobile home residents, such policies stereotype and further stigmatize residents.

Rumbach, et al. (2020) also found evidence of mobile home parks being stereotyped as home to criminals in their studies. In addition, their findings also state that “none of the case study communities attempted to use recovery resources to relocate or rebuild flood-damaged park properties, partly due to the confused messages local officials received from their state and federal partners” (Rumbach et al., 2020, p. 9). This study provides examples of confusing messaging surrounding mobile homes and disaster recovery funding. The CDBG-DR policy guide acknowledges that mobile home eligibility for program funding is challenging due to divided-tenure, but then offers no actionable resources to help navigate the process. The link for more information leads to a general web page for HUD’s Office of Manufactured Housing Programs. The words “disaster,” “CDBG,” “recovery,” and “buyout” do not appear on that page. The information is unquestionably centered on construction and safety standards, which, while important, are not helpful to a jurisdiction attempting to secure disaster recovery funding for mobile homes (HUD, n.d.).

This lack of strong federal guidance on how to carry out buyout programs for mobile homes corroborates the lack of consistency in local implementation that has been previously identified (Greer & Binder, 2017). As it stands, since buyout programs are largely designed for single-family households, this dissonance will persist. Mobile home residents, an already vulnerable population (Fothergill & Peek, 2004), will continue to have a more difficult time securing funding from buyout programs and other recovery resources post-disaster. Under many divided-tenure scenarios, like those observed in the study of California, Florida, and New York,

the decision to participate in a buyout program would rest with the landowner and the mobile homeowners could find themselves with few options and minimal assistance for relocation. Specifically, mobile homeowners will be treated in most of these instances as a renter, and therefore may have limited notice for relocations, minimal to no assistance for the relocation, and are likely to only receive a small payment (Binder et al., 2020). Because of these laws, even though people own their home, it sits on land they have no control over. One path forward in mitigating this hardship is to include mobile homeowners and divided-tenure as a consideration in policy from the top down with actionable direction to local jurisdictions. At minimum, HUD should conduct an internal review of policies to ensure consistency in terminology across all documents and needs to establish a set of best practices to help local jurisdictions address divided-tenure in disaster recovery. In addition, states should do their part by creating stronger purchase opportunity laws that will empower mobile home residents to bond the ownership of their home to the land it resides on, removing a precarious divided-tenure limbo. Consideration should also be given to other barriers that could prevent a mobile homeowner from being able to utilize the purchase opportunity laws. Individuals experiencing poverty may not have the capital, legal literacy, or bandwidth to navigate these processes (Fothergill & Peek, 2004).

5.1 Limitations

This study intended to address the policy process of selected state purchase opportunity laws but there was not sufficient data in the documents chosen. This is concerning as it suggests a lack of transparency in the policy process. However, the modification of Vogel and Henstra (2015)'s research framework for comparative policy analysis was useful for the sections that had data. This framework could be modified further and expanded to analyze buyout programs, and other disaster recovery policies, from multiple jurisdictions in a larger study. The study was also

limited as the scope was narrow. One federal disaster recovery program and only three states were reviewed. There are many paths forward to contribute further research to this topic.

I acknowledge that there is potential for bias with this study as I grew up in a mobile home with a low socioeconomic status in a rural area. In addition, my close family currently resides in a FEMA trailer (as they are known) that was purchased very affordably after Hurricane Katrina and serves as permanent housing.

CHAPTER 6

CONCLUSIONS

This study served as an initial step in understanding how federal policies govern disaster recovery options for mobile homeowners. This project is significant because more people are moving into mobile homes, which are more vulnerable in disasters (Fothergill & Peek, 2004). There is a moral obligation to understand policy implications for this growing, yet understudied population and their disaster recovery options. Inconsistencies were found in the terminology used to refer to mobile homes in policies at the federal and state levels. In addition, inconsistencies found with regard to mobile home buyout policy suggest a more complicated process, relative to the buyout process a single-family homeowner would take. Although this varies significantly from state to state, and even across local municipalities, a clearer pathway to ownership could give mobile homeowners more control over their recovery options, but current purchase opportunity laws, as reviewed in this study, still limit that ability. Stronger state purchase opportunity laws and addressing divided-tenure directly in federal policy are steps toward addressing equitable disaster recovery for this population.

Future opportunities for study exist in additional programs that offer funding for buyouts (e.g., HMGP, BRIC) and for events that may not trigger funding, both of which could limit disaster recovery potential of mobile homeowners. A review of documents tangential to purchase opportunity laws would be another direction for future study and could elaborate on the policy creation process surrounding mobile homes and their residents. Although beyond the scope of this study, investigation of additional keywords referencing manufactured housing could be explored, potentially yielding new findings. These keywords include “trailer villages,” “chassis,” “recreational vehicles,” “RVs,” and “park trailers.” Additionally, an in-depth review

of specifically personal property laws relating to mobile homes, and a comparison of policies directed toward single-family homes and mobile homes would contribute to this field. This study and future work have the potential to help mobile homeowners experience a more equitable disaster recovery, which currently is lacking, based on the reviewed federal and state policies.

APPENDIX
FEDERAL REGISTER NOTICES

Federal Register Notice	Document Analyzed Link	Keyword			
		Mobile home	Manufactured home/house	Trailer	Personal Property
84 FR 4836	https://www.govinfo.gov/content/pkg/FR-2019-02-19/pdf/2019-02695.pdf			1	
83 FR 40314	https://www.govinfo.gov/content/pkg/FR-2018-08-14/pdf/2018-17365.pdf		1		13
Public Law 115-31 (Sec. 421)	https://www.congress.gov/bill/115th-congress/house-bill/244/text		2	1	9
82 FR 36812	https://www.govinfo.gov/content/pkg/FR-2017-08-07/pdf/2017-16411.pdf	1			
Public Law 114-113	https://www.congress.gov/114/plaws/publ113/PLAW-114publ113.pdf		3	1	18
82 FR 9753	https://www.govinfo.gov/content/pkg/FR-2017-02-08/pdf/2017-02585.pdf		1		
79 FR 17173	https://www.govinfo.gov/content/pkg/FR-2014-03-27/pdf/2014-06850.pdf	1			
77 FR 60708	https://www.govinfo.gov/content/pkg/FR-2012-10-04/pdf/2012-24426.pdf		5		
Public Law 112-55	https://www.govinfo.gov/content/pkg/PLAW-112publ55/pdf/PLAW-112publ55.pdf		3		
Public Law 110-329	https://www.hudexchange.info/resource/3768/pl-110-329-federal-matching-amendment/		4		2
73 FR 61148	https://www.govinfo.gov/content/pkg/FR-2008-10-15/pdf/E8-24535.pdf			1	1
72 FR 10014	https://www.govinfo.gov/content/pkg/FR-2007-03-06/pdf/E7-3830.pdf			1	
Public Law 107-73	https://www.govinfo.gov/content/pkg/PLAW-107publ73/pdf/PLAW-107publ73.pdf		3		

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