Maurer School of Law: Indiana University
Digital Repository @ Maurer Law

Indiana Law Journal

Volume 40 | Issue 3 Article 10

4-1-1965

# The Law of Mobile Homes, by Barnet Hodes and G. Gale Roberson

F. Reed Dickerson
*Indiana University School of Law*

Follow this and additional works at: http://www.repository.law.indiana.edu/ilj

Part of the Property Law and Real Estate Commons

Recommended Citation
Dickerson, F. Reed (1965) "The Law of Mobile Homes, by Barnet Hodes and G. Gale Roberson," *Indiana Law Journal*: Vol. 40: Iss. 3, Article 10.
Available at: http://www.repository.law.indiana.edu/ilj/vol40/iss3/10

This Book Review is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in Indiana Law Journal by an authorized administrator of Digital Repository @ Maurer Law. For more information, please contact wattn@indiana.edu.

LAW LIBRARY
INDIANA UNIVERSITY
Maurer School of Law
Bloomington

THE LAW OF MOBILE HOMES. By Barnet Hodes and G. Gale Roberson. Chicago: Commerce Clearing House, Inc. Second edition, 1964. Pp. xxiv, 623. $17.50.

When, in the twenties, automobile trailers made their first appearance, most people viewed them as minor and presumably short-lived recreational contrivances. In the thirties and forties, these appraisals faded and trailers began to claim serious recognition. In or out of special parks, they became both a new way of life and a source of social and legal headaches. What began as mere camping equipment ultimately became a significant form of everyday housing.

Since World War II, this obstreperous prodigy has become two. Much the bigger and more problem-ridden is the "mobile home," a permanent dwelling in a semi-permanent location. The other is the "travel trailer," a sophisticated descendant of the original camper. Beyond the obvious factor of complexity, the practical differences lie in size and weight, both of which affect maneuverability. With widths up to ten or twelve feet, the typical modern mobile home is too large and too cumbersome to be moved routinely on the highway. Branded "oversize," the larger mobile homes are usually moved by professionals who are engaged for the particular occasion and who operate under special license.

---

10. Mr. Kintner also is a realist. So it is that he wrote:

I would be less than candid, however, in expressing my views if I did not suggest that another source of the troubles of antitrust may well be the attitude that has prevailed toward the antitrust laws in some portions of the Bar. In their contacts with their business clients and with other lawyers, some members of the antitrust bar have been too disposed to expend their energies to discredit the antitrust laws or their enforcement. They have been too little disposed to accept the philosophy of the antitrust statutes and, in turn to help their business clients to understand those laws and to develop meaningful programs of compliance.

The ever-continuing controversy over the Robinson-Patman Act serves as a case in point. At Bar Association meeting after Bar Association meeting, the alleged "anticompetitiveness," the internal inconsistencies, and the tortuous intricacies of the statute have been debated *ad infinitum,* if not *ad nauseam.* It seems to me that some of the debaters are doing their utmost to create the very situation which they deplore. They encourage disrespect for the clear-cut requirements of the law. They confuse the unsophisticated, maintaining them in a state of continued ignorance of the Robinson-Patman Act. AN ANTITRUST PRIMER, pp. 230-31 (1964).

† Associate Professor of Law, Indiana Univ.

As maneuverability has declined, so has the inclination to move. With the rate of turnover now corresponding roughly to that of apartment dwellers, the mobile home park has become a sort of loose-jointed, one-storied co-operative garden apartment. Accordingly, the old notion that the automobile trailer is the modern wanderer's gypsy wagon has little basis today. Despite the stark, sloppy, and unkempt appearance of many mobile home parks, the modern mobile home is, when adequately regulated, an acceptable form of semi-permanent housing of special appeal to such people as married students, migrant workers, members of the armed forces, retirees, and miscellaneous escapees from the responsibilities and complexities of more conventional accommodations.

With this role, mobile homes deserve more realistic treatment in construction codes, health regulations, and zoning ordinances than they have been accustomed to. Because mobile home parks, unlike travel trailer parks, are more permanent than temporary and more residential than commercial, they should, for example, be admitted to multiple-dwelling or special residential zones, with adequate access to public schools and similar residential facilities, instead of being relegated, as they so often are, to commercial areas.

At the same time, aesthetic considerations (which closely affect neighboring property values) require that in urban areas they be confined to special, suitably buffered locations ("mobile home parks") and not permitted to be located individually as if they were conventional single-family dwellings. They simply do not belong in zones set aside for normal one-family or two-family occupancy.

It is ironical that the mobile home industry still fails to grasp the full aesthetic implications of the shift from the function of vehicle to that of permanent, however movable, dwelling. Although exterior design has apparently outgrown the object-in-orbit motif, it has yet to realize the potential of this kind of prefabricated home. With so ungainly a product, it is small wonder that the industry has met only grudging local acceptance. For its own good and the community's, it would do well to lavish some of the same kind of imagination and ingenuity on the external contours and design that it has on the interior, where it has succeeded so impressively, and to pay fuller attention to the design and buffering of mobile home parks.

Against this background, the second edition of *The Law of Mobile Homes,* like its predecessor, wrestles with the many legal problems that relate to today's mobile homes and mobile home parks. (Travel trailers, too, are considered, but only secondarily.) The book is authored by Barnet Hodes, former Corporation Counsel of the City of Chicago, and G. Gale Roberson, both members of the law firm that serves as counsel

to the Mobile Homes Manufacturers Association. If they have been tempted by normal bias, it does not appear to have unduly warped their legal judgment.

The authors make no pretense of offering a deeply scholarly text with important jurisprudential implications. The field of inquiry is too specialized and the case authority too sparse (about 500 cases) to produce a recognizable jurisprudence of mobile homes or even to warrant attempts at legal profundity. Rather, the book is a practical compendium of digests of the relevant court decisions and texts of the relevant state and federal statutes, oriented by a sophisticated appreciation of the nature and social significance of mobile homes and mobile home parks. As such, it should furnish helpful leads to city planners, government officials and legislators, operators of mobile home parks, and the manufacturers and distributors of mobile homes. The research appears to be thorough and the writing is straightforward. The authors have met a practical need and appear to have met it well.

Of the 615 pages of text, 261 are devoted to general analysis fortified by case digest, 344 to the text of state and federal statutes, and nine to suggested model ordinances and recommendations for moving oversized homes on the highway. Among the specific matters covered are the power to exclude or regulate mobile homes, zoning, health and sanitation, movement on the highway, liens, occupation and business controls, restrictive covenants, applicability of building codes, aesthetic control, negligence, and commercial relationships in the chain of manufacturing and distribution.

The subject index, unfortunately, lacks depth. It also suffers from the limitations of hierarchical indexing. Terms with search value should not be used only as subheadings under other search terms; they belong also in the primary listing. Otherwise, the book is an accessible source of useful legal information.

F. Reed Dickerson†

† Professor of Law, Indiana Univ.