

1973 WL 27745 (S.C.A.G.)  
1973 S.C. Op. Atty. Gen. No. 3664

Office of the Attorney General

State of South Carolina  
November 15, 1973

**\*1 The question of whether a mobile home is a 'building' and therefore requires a building permit is a factual one.**

City Attorney  
Marion

You request the opinion of this office on whether or not a building permit must be obtained under the following facts:

'A has land in Marion County, on which B has had a house trailer for several years, under some sort of arrangement between them. B returns such trailer house to the Auditor of Marion County, for taxation as personal property. Recently B built an addition to the trailer house, at a cost in excess of \$500.00.'

The Act in question is Act No. 217, 55 Statutes at Large (1st part), at 289 (1967), which states that 'it shall be unlawful for any person to construct or improve any building at a cost in excess of five hundred dollars in Marion County, unless an application has been filed with a permit granted by the tax assessor or magistrate for such construction or improvement.' The purpose of the permit is obviously to alert the county assessor of new construction which will increase the value of taxable property.

The essential question seems to be whether or not the addition to the house trailer, in this instance, is an improvement to a building.

At 9 Am. Jur., *Buildings*, paragraph 2, page 198, it is stated:

'A building in the usual and ordinary acceptation of the word is a structure designed and suitable for habitation or sheltering human beings \* \* \*.'

The language was quoted with approval by the South Carolina Supreme Court in the case of [Stevenson v. Board of Adjustment](#), 230 S. C. 440, 96 S. E. 2d 456. In the Georgia case of [Lawrence v. Harding](#), 166 S. E. 2d 336, the determination of whether a mobile home was a 'building' was held to be factual in nature. The Georgia Court affirmed a Lower Court ruling which had held a mobile home to be a building where the mobile home (1) had concrete underpinning, (2) had a porch attached and, (3) had a septic tank line, gas line, water line and electric lines.

Whether the mobile home in question is a building is, in the opinion of this office, a factual question. If the facts are similar to those in the Georgia case, the mobile home would probably be held to be a building and a permit would be required for an addition to it.

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