

SUBJECT: Addressing municipal regulation of manufactured home communities

COMMITTEE: Land and Resource Management — favorable, without amendment

VOTE: 6 ayes — Herrero, Bell, Bailes, Blanco, Faircloth, Stucky

0 nays

1 absent — Krause

SENATE VOTE: On final passage, April 19 — 31-0

WITNESSES: None

DIGEST: SB 1248 would limit a municipality's ability to make changes to the nonconforming use of a manufactured home lot and to regulate a manufactured home community. It also would allow a municipality to prohibit manufactured homes from being installed on a floodplain in certain circumstances.

The bill would prohibit a municipality from requiring a change in the nonconforming use of a manufactured home lot in a manufactured home community if the nonconforming use of land where the community was located was authorized by law and at least 50 percent of the home lots in the community were physically occupied by a manufactured home used as a residence.

Requiring a change in the nonconforming use would include:

- requiring the number of manufactured home lots designated as a nonconforming use to be decreased; and
- declaring that the nonconforming use of the manufactured home lots had been abandoned if the lot had been continuously abandoned for less than 12 months.

SB 1248 would allow a manufactured home owner to install a new or used

manufactured home or home accessory on a manufactured home lot located in a community for which a nonconforming use was authorized by law, if the installation complied with:

- nonconforming land use standards — including those relating to separation, setback distances, and lot size — applicable on the date the nonconforming use of the land was authorized; and
- all applicable state and federal law and standards in effect on the date of installation.

The bill would prohibit a municipality from regulating a tract or parcel of land as a manufactured home community, park, or subdivision unless it contained at least four spaces offered for lease for installing and occupying manufactured homes.

SB 1248 would allow a municipality that prohibited the construction of new single-family residences or additions to existing single-family residences on a site in a designated floodplain to also prohibit the installation of a manufactured home on a lot in a manufactured home community that was in an equivalently designated floodplain.

The bill would take effect September 1, 2017.

**SUPPORTERS  
SAY:**

SB 1248 would protect the property rights of manufactured home community owners and their tenants by preventing municipalities from adopting policies aimed at eliminating all or portions of these communities. Some manufactured home communities that existed before current municipal zoning regulations or that were in an area annexed by a city were allowed to continue operating under the ordinance to which they were subject before the zoning change or annexation. This is considered "nonconforming use" of the land, and in some cases, cities interpret their nonconforming use and abandonment ordinances such that current land-use requirements apply after existing homes are removed or replaced, which discourages people from updating their manufactured homes.

The bill would ensure community owners and tenants could replace

existing manufactured homes with new ones within 12 months, without the threat of having their lots deemed abandoned by a municipality. Allowing for the installation of newer manufactured homes would help address the concern that older manufactured home communities do not meet necessary health and safety standards due to the age of units.

SB 1248 also would prevent municipalities from imposing arbitrarily large setback requirements on manufactured home communities. Setback requirements for manufactured homes are sometimes much larger than the those for single-family home communities. This could be interpreted as a mechanism to make manufactured home communities unviable so that they have to close.

The bill would not represent an erosion of municipal zoning controls but rather would bolster the property rights of manufactured home owners and tenants who often involuntarily have municipal zoning imposed on them through annexation, forcing some of these communities to close.

SB 1248 also would establish a statewide standard for when a manufactured home community could be regulated by a municipality to create continuity across localities. The bill would clarify that land with multiple manufactured homes without a leasing component would not be considered a manufactured home community to be regulated, protecting family-owned land from unnecessary regulation.

**OPPONENTS  
SAY:**

SB 1248 would prevent a municipality from being able to impose its health and safety standards on certain manufactured home communities to ensure residents' wellbeing and safety. Because many manufactured homes and communities were built decades ago, they often do not meet current health and safety standards. Additionally, the owners of manufactured home communities often replace old homes with only slightly newer ones that still have significant issues. The ability of a municipality to impose certain standards is critical for making sure the residents of these communities are not living in hazardous conditions. The bill also would represent an erosion of zoning controls for municipalities by setting the precedent of establishing a special category of housing that

would be outside the jurisdiction of a municipality's regulatory powers.

NOTES:

A companion bill, HB 1852 by Lucio, was reported favorably from the House Committee on Land and Resource Management on April 25.