

1 AN ACT relating to manufactured housing.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 100.348 is amended to read as follows:

4 (1) The Kentucky General Assembly hereby recognizes and affirms that the protection
5 of property values is a legitimate issue to local governments and the enactment of
6 regulations designed to protect property values is a proper exercise of local
7 government legislative power.

8 (2) As used in this section, unless the context requires otherwise:

9 (a) "Compatibility standards" means standards that have been enacted by a local
10 government under the authority of this section for the purpose of protecting
11 and preserving the monetary value of real property located within the local
12 government's jurisdiction;

13 (b) "Local government" means a city, county, urban-county government, charter
14 county government, **unified local government**, or consolidated local
15 government that is engaged in planning and zoning under KRS Chapter 100;

16 (c) "Manufactured home" means a single-family residential dwelling constructed
17 after June 15, 1976, in accordance with the National Manufactured Home
18 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et
19 seq., as amended, and designed to be used as a single-family residential
20 dwelling with or without permanent foundation when connected to the
21 required utilities, and which includes the plumbing, heating, air conditioning,
22 and electrical systems contained therein;

23 (d) "Qualified manufactured home" means a manufactured home that meets all of
24 the following criteria:

25 1. Is manufactured on **a date not to exceed five (5) years prior to the date**
26 **of installation**~~[or after July 15, 2002]~~;

27 2. Is affixed to a permanent foundation and is connected to the appropriate

- 1 facilities and is installed in compliance with KRS 227.570;
- 2 3. Has a width of at least twenty (20) feet at its smallest width
- 3 measurement or is two (2) stories in height and oriented on the lot or
- 4 parcel so that its main entrance door faces the street; and
- 5 4. Has a minimum total living area of nine hundred (900) square feet; and
- 6 5. ~~Is not located in a manufactured home land lease community; and~~

7 (e) "Permanent foundation" means a system of supports that is:

- 8 1. Capable of transferring, without failure, into soil or bedrock, the
- 9 maximum design load imposed by or upon the structure and complies
- 10 with KRS 227.570;
- 11 2. Constructed with materials that are compatible with surrounding
- 12 residential structures so long as the materials do not compromise the
- 13 structural engineering of the home in conflict with KRS 227.570 ~~of~~
- 14 ~~concrete~~; and
- 15 3. Placed at a depth below grade adequate to prevent frost damage, in
- 16 accordance with the manufacturer's installation requirements and
- 17 KRS 227.570.

18 (3) A local government shall not adopt or enforce any zoning regulation, ordinance,

19 or other requirement that:

20 (a) Excludes qualified manufactured homes from any residential zone where

21 single-family residences are permitted;

22 (b) Discriminates against qualified manufactured homes; or

23 (c) Imposes foundation requirements on manufactured homes that:

24 1. Conflict with the structural engineering of the homes;

25 2. Conflict with KRS 227.570; or

26 3. Require more than one (1) type of permanent foundation system.

27 (4) ~~(3)~~ Any local government may adopt and enforce, as a part of its zoning

1 regulations, compatibility standards governing the placement of qualified
2 manufactured homes in residential zones within the local government's jurisdiction.
3 Compatibility standards shall be adopted, amended, and enforced in the same
4 manner as other zoning regulations and shall be in addition to any zoning
5 regulations that are generally applicable to single-family residences. Any
6 architectural compatibility standards applied to qualified manufactured homes
7 must be equivalent to, and not more stringent than, those standards applied to
8 other single-family residential structures in the same zone. A compatibility
9 standard shall not be adopted or enforced if that standard is not also required for
10 all other new site-built, single-family residential construction within the same
11 zone. The compatibility standards shall be designed to ensure that when a qualified
12 manufactured home is placed in a residential zone it is compatible, in terms of
13 assessed value, with existing housing located with a one-eighth (1/8) mile or less
14 radius from the proposed location of the qualified manufactured home. The
15 compatibility standards adopted by a local government shall be limited~~[relate]~~ to
16 the following architectural features~~[that have a significant impact on the overall~~
17 ~~assessed value of the structure, including, for example, but not limited to features~~
18 ~~such as]:~~

- 19 (a) Roof pitch;
- 20 (b) Square footage of livable space;
- 21 (c) Type and quality of exterior finishing materials;
- 22 (d) Foundation skirting;~~[and]~~
- 23 (e) Existence and type of attached structures; and

24 (f) Setback restrictions, lot dimensions, and orientation of the home on the lot,
25 so long as they are no stricter than those for site-built homes within the
26 same zone.

27 (5) A manufactured home that does not meet the minimum width of twenty (20) feet

1 or minimum total living area of nine hundred (900) square feet needed to be
2 considered a qualified manufactured home under subsection (2)(d) of this section
3 shall be treated as a qualified manufactured home for purposes of subsections (3)
4 and (4) of this section if:

5 (a) The setback requirements or lot dimensions would not reasonably
6 accommodate a home meeting these minimum dimensions;

7 (b) The home is the maximum width and square footage that could reasonably
8 fit on the lot while complying with all applicable setback requirements and
9 other zoning regulations; and

10 (c) The home otherwise meets all other requirements of a qualified
11 manufactured home under this section.

12 ~~(6)(4)~~ ~~[Nothing in]~~ This section shall **not** be construed to affect, modify, or abolish
13 restrictions contained in recorded deeds, covenants, or developers' subdivision
14 restrictions.

15 ~~(7)(5)~~ ~~[Nothing in]~~ This section shall **not** be construed as limiting in any way the
16 authority of local governments to adopt regulations designed to protect historic
17 properties or historic districts.

18 **(8) Any zoning regulation, ordinance, or requirement that violates this section is void**
19 **and unenforceable.**

20 ➔Section 2. The Kentucky General Assembly hereby recognizes and affirms that
21 while local governments have legitimate authority to enact reasonable zoning regulations,
22 the provision of quality, affordable housing through qualified manufactured homes serves
23 an essential public purpose. Local governments may enact reasonable compatibility
24 standards as specified in Section 1 of this Act, but these standards shall not be used to
25 exclude qualified manufactured homes from residential zones where single-family homes
26 are permitted.