

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 ~~(1)~~~~(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 or after July 15, 2002;
- 26 2. Is affixed to a permanent foundation and is connected to the appropriate
- 27 facilities and is installed in compliance with KRS 227.570;

1 3. Has a width of at least twenty (20) feet at its smallest width
2 measurement or is two (2) stories in height and oriented on the lot or
3 parcel so that its main entrance door faces the street; and

4 4. Has a minimum total living area of nine hundred (900) square feet; ~~and~~

5 ~~5. Is not located in a manufactured home land lease community; and~~

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

7 1. Capable of transferring, without failure, into soil or bedrock, the
8 maximum design load imposed by or upon the structure including
9 either a pier footing foundation system or any foundation system
10 specified as suitable in a manufacturer's installation specifications
11 that have been approved by a design approval primary inspection
12 Agency;

13 2. Constructed with materials that are compatible with surrounding
14 residential structures so long as the materials do not conflict with the
15 manufacturer's installation requirements that have been approved by
16 a design approval primary inspection agency ~~[of concrete]; and~~

17 3. Placed at a depth below grade adequate to prevent frost damage, in
18 accordance with the manufacturer's installation requirements that
19 have been approved by a design approval primary inspection agency;
20 and

21 (f) "Design approval primary inspection agency" has the same meaning as in
22 815 KAR 25:001.

23 (2) A local government shall not adopt or enforce any zoning regulation, ordinance,
24 or other requirement that:

25 (a) Excludes qualified manufactured homes from any residential zone where
26 single-family residences are permitted;

27 (b) Discriminates against qualified manufactured homes; or

(c) Imposes foundation requirements on manufactured homes that:

1. Conflict with the structural design of the homes;

2. Conflict with a manufacturer's installation specifications; or

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

(3) Any local government may adopt and enforce, as a part of its zoning regulations, compatibility standards governing the placement of qualified manufactured homes in residential zones within the local government's jurisdiction. Compatibility standards shall be adopted, amended, and enforced in the same manner as other zoning regulations and shall be in addition to any zoning regulations that are generally applicable to single-family residences. **Any architectural compatibility standards applied to qualified manufactured homes must be equivalent to, and not more stringent than, those standards applied to other single family residential structures in the same zone. No compatibility standard shall be adopted or enforced if that standard is not also required for all other new site-built, single family residential construction within the same zone.** ~~The compatibility standards shall be designed to ensure that when a qualified manufactured home is placed in a residential zone it is compatible, in terms of assessed value, with existing housing located with a one-eighth (1/8) mile or less radius from the proposed location of the qualified manufactured home.~~ The compatibility standards adopted by a local government shall **be limited** ~~relate~~ to **the following** architectural features ~~that have a significant impact on the overall assessed value of the structure, including, for example, but not limited to features such as~~:

(a) Roof pitch;

~~(b) Square footage of livable space;~~

(b)(c) Type and quality of exterior finishing materials;

(c)(d) Foundation skirting; and

(d)(e) Existence and type of attached structures.

1 **(4) A manufactured home that does not meet the minimum width of twenty (20) feet**
2 **or minimum living area of nine hundred (900) square feet to be considered a**
3 **qualified manufactured home under paragraph (1)(d) of this section shall be**
4 **treated as a qualified manufactured home for purposes of subsections (2) and (3)**
5 **of this section if:**

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

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

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

13 ~~(5)~~~~(4)~~ Nothing in this section shall be construed to affect, modify, or abolish
14 restrictions contained in recorded deeds, covenants, or developers' subdivision
15 restrictions.

16 ~~(6)~~~~(5)~~ Nothing in this section shall be construed as limiting in any way the authority
17 of local governments to adopt regulations designed to protect historic properties or
18 historic districts.

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

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