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SENATE BILL 330

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Shannon Robinson

AN ACT

RELATING TO THE MUNICIPAL CODE; AMENDING SECTIONS OF THE
MANUFACTURED HOUSING AND ZONING ACT REGARDING INSTALLATION OF
MANUFACTURED HOMES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-21A-2 NMSA 1978 (being Laws 1987,
Chapter 196, Section 2) is amended to read:

"3-21A-2. DEFINITIONS. -- As used in the Manufactured
Housing and Zoning Act:

A. "manufactured housing" means a manufactured
home or modular home that is a single-family dwelling with a
heated area of at least thirty-six by twenty-four feet and at
least eight hundred sixty-four square feet, constructed in a
factory to the standards of the United States department of
housing and urban development, the National Manufactured

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1 Housing Construction and Safety Standards Act of 1974 [~~(42~~
2 ~~U. S. C. 5401 et. seq.)~~] and the Housing and Urban Development
3 Zone Code II or the Uniform Building Code, as amended to the
4 date of the unit's construction, and installed consistent with
5 the Manufactured Housing Act [~~(Chapter 60, Article 14 NMSA~~
6 ~~1978)~~] and with the regulations made pursuant [~~thereto~~
7 ~~relating to ground level installation and ground anchors~~] to
8 that act; and

9 B. "mobile home" means a movable or portable
10 housing structure larger than forty feet in body length, eight
11 feet in width or eleven feet in overall height, designed for
12 and occupied by no more than one family for living and
13 sleeping purposes, but does not include structures built to
14 the standards of any municipal building code and other
15 technical codes. "

16 Section 2. Section 3-21A-5 NMSA 1978 (being Laws 1987,
17 Chapter 196, Section 5) is amended to read:

18 "3-21A-5. IMPERMISSIBLE REGULATIONS. --No ordinance or
19 regulation authorized by the Manufactured Housing and Zoning
20 Act shall regulate the original construction or installation
21 of the manufactured home or mobile home. "

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 24, 1999

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8 Mr. President:

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10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
11 referred

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13 SENATE BILL 330

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15 has had it under consideration and reports same with
16 recommendation that it DO NOT PASS, but that

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19 SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR

20 SENATE BILL 330

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22 DO PASS, and thence referred to the CORPORATIONS &
23 TRANSPORTATION COMMITTEE.

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Respectfully submitted,

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Shannon Robinson, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Stockard

Absent: None

S0330PA1

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 330

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO MUNICIPALITIES; AMENDING SECTIONS OF THE
MANUFACTURED HOUSING AND ZONING ACT TO LIMIT CERTAIN
REGULATIONS OF MANUFACTURED HOMES BY POLITICAL SUBDIVISIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-21A-2 NMSA 1978 (being Laws 1987,
Chapter 196, Section 2) is amended to read:

"3-21A-2. DEFINITIONS.--As used in the Manufactured
Housing and Zoning Act:

A. "multi-section manufactured housing" means a
manufactured home or modular home that is a single-family
dwelling with a heated area of at least thirty-six by twenty-
four feet and at least eight hundred sixty-four square feet
and constructed in a factory to the standards of the United
States department of housing and urban development, the

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1 National Manufactured Housing Construction and Safety
2 Standards Act of 1974 [~~(42 U.S.C. 5401 et. seq.)~~] and the
3 Housing and Urban Development Zone Code [H] 2 or the Uniform
4 Building Code, as amended to the date of the unit's
5 construction, and installed consistent with the Manufactured
6 Housing Act [~~Chapter 60, Article 14 NMSA 1978~~] and with the
7 regulations made pursuant thereto relating to [~~ground level~~
8 ~~installation and ground anchors and~~] permanent foundations;

9 B. "single-section manufactured housing" means a
10 manufactured home that is a single-family dwelling larger than
11 forty feet in body length, twelve feet wide or eleven feet in
12 overall height constructed to the standards of the United
13 States department of housing and urban development, the
14 National Manufactured Housing Construction and Safety
15 Standards Act of 1974 and the Housing and Urban Development
16 Zone Code 2 or Uniform Building Code, as amended to the date
17 of the unit's construction and installed consistent with the
18 Manufactured Housing Act and rules adopted pursuant to the act
19 relating to permanent and non-permanent foundations; and

20 [~~B.~~] C. "mobile home" means a movable or portable
21 housing structure larger than forty feet in body length, eight
22 feet in width or eleven feet in overall height, designed for
23 and occupied by no more than one family for living and
24 sleeping purposes [~~but does not include structures~~] that is
25 not constructed to the standards of the United States

1 department of housing and urban development, the National
 2 Manufactured Housing Construction and Safety Standards Act of
 3 1974 and the Housing and Urban Development Zone Code 2 or
 4 Uniform Building Code, as amended to the date of the unit's
 5 construction or built to the standards of any municipal
 6 building code [and other technical codes]. "

7 Section 2. Section 3-21A-3 NMSA 1978 (being Laws 1987,
 8 Chapter 196, Section 3) is amended to read:

9 "3-21A-3. MANUFACTURED HOUSING-- PERMISSIBLE
 10 REGULATIONS.--In the exercise of any of the powers and duties
 11 conferred by law, no governing body of a political subdivision
 12 of the state or any planning and zoning agency thereunder
 13 shall exclude multi-section manufactured homes from a
 14 specific-use district in which site-built, single-family
 15 housing is allowed or place more severe restrictions upon a
 16 multi-section manufactured home than are placed upon single-
 17 family, site-built housing within that specific-use district
 18 so long as the manufactured housing is built or constructed
 19 according to the Housing and Urban Development Zone Code II or
 20 the Uniform Building Code. The governing body of any
 21 political subdivision of the state or any planning and zoning
 22 agency thereunder is authorized to regulate manufactured
 23 housing to require that it meets all requirements other than
 24 original construction requirements of other single-family
 25 dwellings that are site-built homes in the same specific-use

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1 district and to further require by ordinance that such
2 manufactured housing be consistent with applicable historic or
3 aesthetic standards. "

4 Section 3. Section 3-21A-5 NMSA 1978 (being Laws 1987,
5 Chapter 196, Section 5) is amended to read:

6 "3-21A-5. IMPERMISSIBLE REGULATIONS. --No ordinance or
7 regulation authorized by the Manufactured Housing and Zoning
8 Act shall regulate the original construction of the
9 manufactured home or mobile home. "

10 Section 4. Section 3-21A-6 NMSA 1978 (being Laws 1987,
11 Chapter 196, Section 6) is amended to read:

12 "3-21A-6. PRIVATE COVENANTS AND DEED RESTRICTIONS-- LOCAL
13 GOVERNMENT RESTRICTIONS. --

14 A. Nothing in the Manufactured Housing and Zoning
15 Act or any ordinance or regulation adopted pursuant thereto
16 shall be construed as abrogating or limiting a recorded
17 restrictive covenant or deed restriction.

18 B. The provisions of the Manufactured Housing and
19 Zoning Act shall not be construed as abrogating or limiting
20 the powers of political subdivisions regarding the exercise of
21 zoning, planning and subdivision powers except to the extent
22 the exercise of such powers is inconsistent with the
23 provisions of the Manufactured Housing and Zoning Act and the
24 Manufactured Housing Act. "

1 FORTY- FOURTH LEGISLATURE

SB 330/a

2 FIRST SESSION, 1999

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4
5 March 3, 1999

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7 Mr. President:

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9 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to

10 whom has been referred

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12 SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE

13 FOR SENATE BILL 330

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15
16 has had it under consideration and reports same with

17 recommendation that it DO PASS, amended as follows:

- 18
- 19 1. On page 4, line 9, after "mobile home" insert "or
- 20 require that the manufactured home be placed in an excavated
- 21 site".
- 22

23 Respectfully submitted,

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SPAC/SB 330

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Roman M. Maes, Chairman

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Aragon, Fidel, Kysar, McKibben

Absent: None

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FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

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SPAC/SB 330

**FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999**

March 16, 1999

Mr. Speaker:

**Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
whom has been referred**

**SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 330, as amended**

**has had it under consideration and reports same with
recommendation that it DO PASS.**

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3 HGUAC/SPACS/SB 330a

Page 13

4 Respectfully submitted,

8 _____
9 James G. Taylor, Chairman

11 Adopted _____ Not Adopted _____
12 (Chief Clerk) (Chief Clerk)

14 Date _____

16 The roll call vote was 5 For 0 Against

17 Yes: 5

18 Excused: Abeyta, Hobbs

19 Absent: None

21 J: \99BillSWP\s0330

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