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SENATE BILL 570

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO MUNICIPALITIES; ADDING A DEFINITION TO THE
MANUFACTURED HOUSING AND ZONING ACT; ALLOWING SINGLE-SECTION
MANUFACTURED HOMES IN CERTAIN ZONES.

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, as amended) is amended to read:

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

A. "multi-section manufactured home" 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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underscoring material = new
~~[bracketed material] = delete~~

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1 National Manufactured Housing Construction and Safety Standards
2 Act of 1974 and the Housing and Urban Development Zone Code 2
3 or the Uniform Building Code, as amended to the date of the
4 unit's construction, and installed consistent with the
5 Manufactured Housing Act and with the rules ~~[made]~~ promulgated
6 pursuant ~~[thereto]~~ to that act relating to permanent
7 foundations;

8 B. "mobile home" means a movable or portable
9 housing structure larger than forty feet in body length, eight
10 feet in width or eleven feet in overall height, designed for
11 and occupied by no more than one family for living and sleeping
12 purposes that is not constructed to the standards of the United
13 States department of housing and urban development, the
14 National Manufactured Housing Construction and Safety Standards
15 Act of 1974 and the Housing and Urban Development Zone Code 2
16 or Uniform Building Code, as amended to the date of the unit's
17 construction or built to the standards of any municipal
18 building code; ~~[and]~~

19 C. "excavated site" means a site that results in
20 the upper plane of the concrete slab, or similar component of
21 any other authorized permanent foundation system, being below
22 ground level or grade; and

23 D. "single-section manufactured home" means a
24 manufactured home or modular home that is a single-family
25 dwelling with a heated area of at least eight by forty feet

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1 that is constructed on its own chassis, towed and installed as
2 a single unit and constructed in a factory to the standards of
3 the United States department of housing and urban development,
4 the National Manufactured Housing Construction and Safety
5 Standards Act of 1974 and the Housing and Urban Development
6 Zone Code 2 or the Uniform Building Code, as amended to the
7 date of the unit's construction, and installed consistent with
8 the Manufactured Housing Act and with the rules promulgated
9 pursuant to that act relating to permanent foundations."

10 SECTION 2. Section 3-21A-6 NMSA 1978 (being Laws 1987,
11 Chapter 196, Section 6, as amended) 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~~] an ordinance or [~~regulation~~] rule adopted pursuant
16 [~~thereto~~] to that act shall be construed as abrogating or
17 limiting a recorded 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
21 of zoning, planning and subdivision powers except to the
22 extent the exercise of such powers is inconsistent with the
23 provisions of the Manufactured Housing and Zoning Act and the
24 Manufactured Housing Act.

25 C. The provisions of the Manufactured Housing

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1 and Zoning Act shall not be construed as abrogating or
2 limiting the powers of political subdivisions in the exercise
3 of their zoning, planning and subdivision powers to allow a
4 single-section manufactured home in any appropriate zone,
5 including a specific-use district in which site-built,
6 single-family housing is allowed."

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