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HOUSE BILL 709

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

INTRODUCED BY

John A. Heaton

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 and non-  
9 permanent foundations;

10 B. "single-section manufactured housing" means a  
11 manufactured home that is a single-family dwelling with a  
12 heated area of at least eight hundred sixty-four square feet  
13 constructed to the standards of the United States department  
14 of housing and urban development, the National Manufactured  
15 Housing Construction and Safety Standards Act of 1974 and the  
16 Housing and Urban Development Zone Code 2 or Uniform Building  
17 Code, as amended to the date of the unit's construction and  
18 installed consistent with the Manufactured Housing Act and  
19 rules adopted pursuant to the act relating to permanent and  
20 non-permanent foundations;

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

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1 not constructed to the standards of the United States  
2 department of housing and urban development, the National  
3 Manufactured Housing Construction and Safety Standards Act of  
4 1974 and the Housing and Urban Development Zone Code 2 or  
5 Uniform Building Code, as amended to the date of the unit's  
6 construction or built to the standards of any municipal  
7 building code [~~and other technical codes~~];

8 D. "primary residential zone district" means the  
9 specific zoning district lawfully established by a zoning  
10 authority that restricts the usage to single-family  
11 residential, commonly referred to as "R1"; and

12 E. "non-primary residential zone" means any zone  
13 district, other than primary residential districts where  
14 residential usage is allowed, commonly referred to as "RA" or  
15 "R2". "

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

18 "3-21A-3. MANUFACTURED HOUSING- - PERMISSIBLE  
19 REGULATIONS. - -

20 A. In the exercise of any of the powers and duties  
21 conferred by law, no governing body of a political subdivision  
22 of the state or any planning and zoning agency thereunder  
23 shall exclude multi-section manufactured homes placed upon a  
24 permanent foundation consistent with the rules adopted  
25 pursuant to the New Mexico Manufacturing Housing Act from a

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1 specific-use district such as RA or R1 residential zones in  
2 which site-built, single-family housing is allowed or place  
3 more severe restrictions upon a multi-section manufactured  
4 home than are placed upon single-family, site-built housing  
5 within that specific-use district so long as the manufactured  
6 housing is built or constructed according to the Housing and  
7 Urban Development Zone Code [H] 2 or the Uniform Building  
8 Code. The governing body of any political subdivision of the  
9 state or any planning and zoning agency thereunder is  
10 authorized to regulate multi-section manufactured housing to  
11 require that it meets all requirements other than original  
12 construction requirements of other single-family dwellings  
13 that are site-built homes in the same specific-use district  
14 and to further require by ordinance that such manufactured  
15 housing be consistent with applicable historic or aesthetic  
16 standards.

17 B. In the exercise of any of the powers and duties  
18 conferred by law no governing body of a political subdivision  
19 of the state or any planning and zoning agency thereunder  
20 shall exclude multi-section manufactured homes from a multi-  
21 family residential district in which site-built single-family  
22 housing is allowed or place more restrictions upon a multi-  
23 section manufactured home than are placed on single-family,  
24 site-built housing within that multi-family residential  
25 district.

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1           C. The governing body of any political subdivision  
2 of the state, or any planning and zoning agency thereunder, is  
3 authorized to regulate against the placement of single-section  
4 manufactured homes, except in rural and agricultural areas,  
5 based on interior square footage if the restrictions also  
6 apply to site-built single-family dwellings in the same  
7 specific use district.

8           D. The governing body of any political subdivision  
9 of the state, or any planning and zoning agency thereunder, is  
10 authorized to regulate multi-section and single-section  
11 manufactured housing to require that it meets all  
12 requirements, other than original construction and  
13 installation requirements pursuant to the Manufactured Housing  
14 Act, of other single-family dwellings that are site-built  
15 homes in the same specific-use district and to further require  
16 by ordinance that such manufactured housing be consistent with  
17 applicable historic or aesthetic standards. "

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

20           "3-21A-5. IMPERMISSIBLE REGULATIONS. --No ordinance or  
21 regulation authorized by the Manufactured Housing and Zoning  
22 Act shall regulate the original construction or installation  
23 of [~~the~~] a multi-section or single-section manufactured home  
24 or mobile home. In the exercise of any of the powers and  
25 duties conferred by law no governing body of a political

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1 subdivision of the state or any planning and zoning agency  
2 thereunder shall exclude single-section or multi-section  
3 manufactured homes from federal or local subsidized  
4 initiatives such as affordable housing and urban renewal  
5 housing projects in any zoning districts. "

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

8 "3-21A-6. PRIVATE COVENANTS AND DEED RESTRICTIONS-- LOCAL  
9 GOVERNMENT RESTRICTIONS. --

10 A. Nothing in the Manufactured Housing and Zoning  
11 Act or any ordinance or regulation adopted pursuant thereto  
12 shall be construed as abrogating or limiting a recorded  
13 restrictive covenant or deed restriction.

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