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HOUSE BILL 738

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 National Manufactured Housing Construction and Safety Standards Act of 1974 [~~42 U.S.C. 5401 et. seq.~~] and the Housing and Urban Development Zone Code [H] 2 or the Uniform Building Code, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act [~~Chapter 60, Article 14 NMSA 1978~~] and with the regulations made pursuant

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1 thereto relating to ~~[ground level installation and ground anchors and]~~ permanent and non-
2 permanent foundations;

3 B. "single-section manufactured housing" means a manufactured home that is
4 a single-family dwelling larger than forty feet in body length, twelve feet wide or eleven feet in
5 overall height constructed to the standards of the United States department of housing and urban
6 development, the National Manufactured Housing Construction and Safety Standards Act of
7 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code, as
8 amended to the date of the unit's construction and installed consistent with the Manufactured
9 Housing Act and rules adopted pursuant to the act relating to permanent and non-permanent
10 foundations; and

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

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

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

22 A. In the exercise of any of the powers and duties conferred by law, no
23 governing body of a political subdivision of the state or any planning and zoning agency
24 thereunder shall exclude multi-section manufactured homes placed upon a permanent foundation
25 consistent with the rules adopted pursuant to the Manufactured Housing Act from a specific-use
residential district in which site-built, single-family housing is allowed or place more severe

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

9 B. In the exercise of any of the powers and duties conferred by law no
10 governing body of a political subdivision of the state or any planning and zoning agency
11 thereunder shall exclude multi-section manufactured homes from a multi-family residential
12 district in which site-built single-family housing is allowed or place more restrictions upon a
13 multi-section manufactured home than are placed on single-family, site-built housing within that
14 multi-family residential district.

15 C. The governing body of any political subdivision of the state, or any
16 planning and zoning agency thereunder, is authorized to regulate against the placement of
17 single-section manufactured homes based on interior square footage if the restrictions also apply
18 to site-built single-family dwellings in the same district.

19 D. The governing body of any political subdivision of the state, or any
20 planning and zoning agency thereunder, is authorized to regulate multi-section and single-
21 section manufactured housing to require that it meets all requirements, other than original
22 construction and installation requirements pursuant to the Manufactured Housing Act, of other
23 single-family dwellings that are site-built homes in the same specific-use district and to further
24 require by ordinance that such manufactured housing be consistent with applicable historic or
25 aesthetic standards."

Section 3. Section 3-21A-5 NMSA 1978 (being Laws 1987, Chapter 196, Section 5) is

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amended to read:

"3-21A-5. IMPERMISSIBLE REGULATIONS.--No ordinance or regulation authorized by the Manufactured Housing and Zoning Act shall regulate the original construction or installation of ~~the~~ a multi-section or single-section manufactured home or mobile home."

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

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

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

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

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 February 23, 1999
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9 Mr. Speaker:

10 Your **GOVERNMENT AND URBAN AFFAIRS COMMITTEE**, to
11 whom has been referred
12

13 **HOUSE BILL 738**
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15 has had it under consideration and reports same with recommendation that it **DO NOT**
16 **PASS**, and thence referred to the **JUDICIARY COMMITTEE**.
17

18 Respectfully submitted,
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22 _____
23 **James G. Taylor, Chairman**
24
25

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3 HJAC/HB 738

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5 Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

7

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Date _____

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10 The roll call vote was 7 For 0 Against

11

Yes: 7

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Excused: None

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Absent: None

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