

## CHAPTER 242

## (HB 417)

AN ACT relating to manufactured home, mobile home, and recreational vehicle communities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 219.310 is amended to read as follows:

KRS 219.310 to 219.410 may be cited as the Kentucky *Manufactured Home*, Mobile Home, and Recreational Vehicle *Community*~~[Park]~~ Act of 2002~~[1972]~~.

Section 2. KRS 219.320 is amended to read as follows:

As used in KRS 219.330 to 219.410:

- (1) "Secretary" means the secretary of the Cabinet for Health Services;
- (2) "Cabinet" means the Cabinet for Health Services;
- (3) *"Manufactured home" means a single-family residential dwelling constructed in accordance with the National Manufactured Housing Construction in Safety Standards Act, manufactured after June 15, 1976, and designed to be used as a single-family residential dwelling with or without a permanent foundation when connected to the required utilities, and including plumbing, heating, air conditioning, and electrical systems. A manufactured home may also be used as a place of business, profession, or trade by the owner, the lessee, or the assigns of the owner or lessee and may comprise an integral unit or condominium structure. Buildings, the construction of which are not preempted by the National Manufactured Housing Construction in Safety Standards Act, are subject to the building code requirements of KRS Chapter 198B*~~["Mobile home" means a transportable dwelling unit suitable for year-round occupancy, which is manufactured on a chassis or undercarriage as an integral part thereof, containing facilities for water, sewage, bath, and electrical conveniences];~~
- (4) *"Mobile home" means a structure manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the National Manufactured Housing Construction in Safety Standards Act, that is transportable in one (1) or more sections, that, in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, four hundred (400) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling on a temporary or permanent foundation, when connected with the permanent required utilities, including plumbing, heating, air conditioning, and electrical systems;*
- (5) *"Manufactured or mobile home lot" means a parcel of land in a manufactured or mobile home community*~~[park]~~ for the placement of a single *manufactured or mobile home*;
- ~~(6)~~~~(5)~~ *"Manufactured or mobile home community*~~[park]~~*" means a parcel of land, under single or multiple ownership and developed specifically for the purpose of leasing two (2) or more residential spaces for the location of manufactured or mobile home dwellings and which contain common facilities and utilities located on the premises as licensed by the cabinet*~~[the control of any person, available to the public in which two (2) or more mobile home lots are occupied or intended for occupancy by mobile homes and includes any service building, structure, enclosure, or other facility used as a part of the park];~~

- (7)~~(6)~~ "**Community~~park~~**" means *a manufactured home*, mobile home,~~[parks]~~ and recreational vehicle **community~~parks~~**;
- (8) "**ANSI/NFPA**" means *the American National Standards Institute/National Fire Protection Association*;
- (9) "**Underskirting**" means *a weather resistant material used to enclose the space from the bottom of a manufactured or mobile home to grade*;
- (10)~~(7)~~ "Person" means an individual, or a firm, partnership, company, corporation, trustee, association, or any public or private entity owning or operating a **community~~park~~**;
- (11)~~(8)~~ "Recreational vehicle" means any of the following:
- (a) "Travel trailer" means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, or vacation;
  - (b) "Pickup coach" means a structure designed to be mounted on a truck for use as a temporary dwelling for travel, recreation, or vacation;
  - (c) "Motorhome" means a portable, temporary dwelling to be used for travel, recreation, or vacation, constructed as an integral part of a self-propelled vehicle;
  - (d) "Camping trailer" means a canvas or other collapsible folding structure, mounted on wheels and designed for travel, recreation, or vacation use;
  - (e) "Dependent recreational vehicle" means a recreational vehicle which does not have toilet, lavatory, or bathing facilities; or
  - (f) "Self-contained recreational vehicle" means a recreational vehicle which can operate independent of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower or bath, kitchen sink, all of which are connected to water storage and sewage holding tanks located within the recreational vehicle.
- (12)~~(9)~~ "Recreational vehicle **community~~park~~**" means a parcel of land available to the public in which two (2) or more recreational vehicle spaces are occupied or intended for occupancy by recreational vehicles for transient dwelling purposes and includes any service building, structure, enclosure, or other facility used as a part of the **community~~park~~**;
- (13)~~(10)~~ "Recreational vehicle space" means a parcel of land in a recreational vehicle **community~~park~~** for the placement of a single recreational vehicle;
- (14)~~(11)~~ "Sanitary station" means a facility used for receiving and disposing of wastes from recreational vehicle holding tanks;
- (15)~~(12)~~ "Service building" means a building containing water closets, urinals, lavatories, and bathing facilities for use by persons using the **community~~park~~**; and
- (16)~~(13)~~ "Watering station" means a facility for filling the water storage tanks of recreational vehicles with potable water from an approved water system.

Section 3. KRS 219.330 is amended to read as follows:

No person shall operate a **community~~park~~** without having first obtained a permit as provided for in KRS 219.310 to 219.410. An application for a permit to operate a **community~~park~~** shall be made to the cabinet upon forms provided by it and shall contain such information as the cabinet reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards and regulations as may be prescribed.

Section 4. KRS 219.340 is amended to read as follows:

- (1) *The fee for a permit to operate a manufactured or mobile home community shall be assessed according to the following fee schedule:*

<i>Number of Spaces</i>	<i>Initial Fee</i>	<i>Maximum Fee</i>
<i>9 spaces or less</i>	<i>\$107.00</i>	<i>\$130.00</i>
<i>10 - 50 spaces</i>	<i>\$150.00</i>	<i>\$185.00</i>
<i>51 - 100 spaces</i>	<i>\$160.00</i>	<i>\$195.00</i>
<i>101 - 200 spaces</i>	<i>\$170.00</i>	<i>\$225.00</i>
<i>201 or more spaces</i>	<i>\$180.00</i>	<i>\$250.00</i>

*The cabinet may, by administrative regulation, beginning July 1, 2003, increase the annual fee to operate a manufactured or mobile home community by not more than five percent (5%) per year, not to exceed the maximum fee on the fee schedule.* Upon receipt of an application for a permit to operate, accompanied by a permit fee, ~~assessed according to the following schedule:~~

~~— Park with 10 spaces or less — fee \$50~~

~~— Park with more than 10 spaces — fee \$75~~the cabinet shall issue a permit, provided the **community**~~[park]~~ meets the standards and requirements of KRS 219.310 to 219.410 and the regulations adopted by the secretary.

- (2) Each permit to operate, unless sooner suspended or revoked, shall expire on June 30 following its issuance, and be renewable annually, upon application and payment of a renewal fee *established by the cabinet*~~[of fifty dollars (\$50) for a park with 10 spaces or less or a renewal fee of seventy five dollars (\$75) for a park with more than 10 spaces]~~, provided the **community**~~[park]~~ is maintained and operated in compliance with KRS 219.310 to 219.410 and the *administrative* regulations adopted by the secretary.
- (3) Each permit to operate shall be issued only for the person and premises, including number of spaces, named in the application and shall not be transferable.
- (4) The person holding an operating permit shall post it conspicuously within the **community**~~[park]~~ or have it readily available for examination upon request by agents of the cabinet or prospective **community**~~[park]~~ occupants.

Section 5. KRS 219.350 is amended to read as follows:

No **community**~~[park]~~ shall be constructed or altered without a permit as provided in KRS 219.310 to 219.410. An application for a permit to construct or alter a **community**~~[park]~~ shall be made to the cabinet upon forms provided by it. The application shall include plans for construction or alteration of the **community**~~[park]~~ and shall contain such information in regard to the proposed **community**~~[park]~~ as the cabinet may reasonably require, which may include affirmative evidence of ability to comply with requirements of KRS 219.310 to 219.410 and regulations adopted by the secretary. All plans for the construction, installation, or alteration of buildings shall be forwarded by the cabinet to the Department of Housing, Buildings and Construction. Only the Department of Housing, Buildings and Construction shall review such plans for conformance with the Uniform State Building Code. The Department of Housing, Buildings and Construction shall expedite the review of such plans and return them to the Cabinet for Health Services for completion of the application process. Each application for a permit to construct or alter a **community**~~[park]~~ shall be

accompanied by a permit fee of *forty-seven dollars (\$47)* ~~twenty-five dollars (\$25)~~. *The cabinet may, by administrative regulation, increase this fee by no more than five percent (5%) per year, not to exceed a maximum fee of seventy dollars (\$70).* Each permit to construct shall be issued only for the person and premises, including the number of spaces named in the application and shall not be transferable. Each permit to construct shall expire one (1) year from date of issuance.

Section 6. KRS 219.360 is amended to read as follows:

- (1) The cabinet may issue a permit to construct upon receipt of an application for a permit to construct a new *community*~~[park]~~ or alter an existing *community*~~[park]~~.
- (2) If the application is refused, the cabinet shall give the reasons therefor in writing to the applicant; and if the objections can be corrected the applicant may resubmit his *or her* application for approval.
- (3) Each person issued a permit to construct a new *community*~~[park]~~ or alter an existing *community*~~[park]~~, upon completion and prior to occupancy, shall make application for a permit to operate.
- (4) No change in sanitary facilities, including the water supply, sanitary sewer, waste disposal system, sanitary station, watering station, or service building, and no change in the plan of any existing *community*~~[park]~~ or in any proposed *community*~~[park]~~ for which a permit to construct has been issued, shall be made without having first obtained a construction permit therefor except that a change from a private water supply or private sewage disposal system to a public water supply or public sewage system shall not require a construction permit. The application shall be made in the manner prescribed for an original application. The change or changes shall comply with all applicable public health laws and regulations.
- (5) A permit to construct, alter, or operate a *community*~~[park]~~ does not relieve the applicant from securing a local building permit if required, or from complying with any local zoning or other legal requirements.

Section 7. KRS 219.370 is amended to read as follows:

The secretary shall *promulgate administrative*~~[adopt rules and]~~ regulations for the effective administration and enforcement of KRS 219.310 to 219.410, which may include but are not limited to, standards for *community*~~[park]~~ construction and layout, service buildings, watering stations, sanitary stations, sanitation, site planning, lot size, water supply, sewage disposal, lighting, refuse handling, insect and rodent control, inspections, hearings, issuance, suspension, and revocation of permits, and such other matters as may be necessary to insure a safe and sanitary *community*~~[park]~~ operation. All building construction regulations shall conform to the uniform state building code. The secretary is empowered to establish separate rules and regulations for *manufactured home*, mobile home,~~[parks]~~ and recreational vehicle *communities*~~[parks]~~.

Section 8. KRS 219.380 is amended to read as follows:

- (1) The cabinet may administer the provisions of KRS 219.310 to 219.410 through the respective local health department concerned. Officials and employees of the cabinet and of local health departments are empowered to enter upon the premises of any *community*~~[park]~~ at any reasonable time for the purposes set forth in KRS 219.310 to 219.410.
- (2) The cabinet or local health department concerned, after notice to the applicant or holder of a permit to operate, construct, or alter a *community*~~[park]~~, and after an opportunity for a

hearing, is authorized to deny, suspend, or revoke a permit in any case where it finds that there has been a failure to comply with the requirements established under KRS 219.310 to 219.410 or the administrative regulations promulgated by the secretary. Hearings shall be in accordance with KRS Chapter 13B.

- (3) It shall be the duty of each Commonwealth's attorney, county attorney, city attorney, or Attorney General within their respective jurisdiction to whom the cabinet or local health department or its agents report any violation of KRS 219.310 to 219.410, to enforce the provisions of KRS 219.310 to 219.410.
- (4) Nothing in KRS 219.310 to 219.410 shall be construed as requiring the cabinet or local health department to report for the institution of proceedings under KRS 219.310 to 219.410, violations of KRS 219.310 to 219.410, whenever the cabinet or local health department concerned believes that the public interest will be adequately served in the circumstances by a suitable written order.
- (5) Notwithstanding the existence or pursuit of any other *civil or criminal* remedy~~[(civil or criminal)]~~, the cabinet or local health department concerned may maintain, in its own name, an action to restrain or enjoin any violation of KRS 219.310 to 219.410, irrespective of whether or not there exists an adequate remedy at law.

Section 9. KRS 219.390 is amended to read as follows:

- (1) For the purpose of assisting in the developing and review of standards and regulations for the administration of KRS 219.310 to 219.410, there is hereby created a State Advisory Committee on *Manufactured, Mobile Home, and Recreational Vehicle Communities*~~[Parks]~~. The committee shall be composed of *twelve (12)*~~[nine (9)]~~ members. The secretary for health services or his designee shall be an ex officio member. The other members shall be appointed by the secretary for health services, three (3) of whom shall represent *manufactured and mobile home community*~~[park]~~ owners, two (2) of whom shall represent *manufactured and mobile home*~~[and recreational vehicle]~~ dealers, *two (2) of whom shall represent recreational vehicle dealers or community owners*, two (2) of whom shall represent local health departments, *one (1) of whom shall represent the office of the State Fire Marshal*, and one (1) member *who* shall be a citizen at large.
- (2) All appointed members shall serve for a term of four (4) years except that, of the original appointees, two (2) shall serve for one (1) year, two (2) shall serve for two (2) years, two (2) shall serve for three (3) years, and two (2) shall serve for four (4) years. All vacancies shall be filled in the manner of original appointment for the unexpired portion of the term only.
- (3) Members of the committee shall receive no compensation for their services, but may be reimbursed for necessary travel expenses.

Section 10. KRS 219.410 is amended to read as follows:

Nothing in KRS 219.310 to 219.410 shall be construed to include *manufactured homes*, mobile homes, or recreational vehicles maintained by any persons on their own premises and used exclusively to house their own farm labor.

Section 11. KRS 219.991 is amended to read as follows:

- (1) Any person who operates a hotel without a permit as provided in KRS 219.011 to 219.081 or who fails to comply with any other provisions of KRS 219.011 to 219.081 or any *administrative* regulation *promulgated*~~[adopted]~~ pursuant thereto shall be guilty of a

misdemeanor and shall on conviction thereof be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment for not more than thirty (30) days, or both; but if the violation is committed after a conviction of the person under this section has become final, the person shall be subject to a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment for not more than ninety (90) days, or both.

- (2) Any person who operates, constructs, or alters a *community*~~[park]~~ without a permit as provided for in KRS 219.310 to 219.410 or who violates any other provision of KRS 219.310 to 219.410 or any *administrative* regulation *promulgated*~~[adopted]~~ by the secretary or order issued pursuant thereto shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100). Each day of violation shall constitute a separate offense.

**Approved April 8, 2002**