

1 AN ACT relating to manufactured housing.

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

3 ➔Section 1. KRS 100.348 is amended to read as follows:

4 ~~[(1) The Kentucky General Assembly hereby recognizes and affirms that the protection~~  
5 ~~of property values is a legitimate issue to local governments and the enactment of~~  
6 ~~regulations designed to protect property values is a proper exercise of local~~  
7 ~~government legislative power.]~~

8 ~~(1)~~~~(2)~~ As used in this section, unless the context requires otherwise:

9 (a) "Compatibility standards" means standards that have been enacted by a local  
10 government under the authority of this section for the purpose of protecting  
11 and preserving the monetary value of real property located within the local  
12 government's jurisdiction;

13 (b) "Local government" means a city, county, urban-county government, charter  
14 county government, *unified local government*, or consolidated local  
15 government that is engaged in planning and zoning under KRS Chapter 100;

16 (c) "Manufactured home" means a single-family residential dwelling constructed  
17 after June 15, 1976, in accordance with the National Manufactured Home  
18 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et  
19 seq., as amended, and designed to be used as a single-family residential  
20 dwelling with or without permanent foundation when connected to the  
21 required utilities, and which includes the plumbing, heating, air conditioning,  
22 and electrical systems contained therein;

23 (d) "Qualified manufactured home" means a manufactured home that meets all of  
24 the following criteria:

- 25 1. Is manufactured on or after July 15, 2002;
- 26 2. Is affixed to a permanent foundation and is connected to the appropriate  
27 facilities and is installed in compliance with KRS 227.570;

- 1           3. Has a width of at least twenty (20) feet at its smallest width  
 2           measurement or is two (2) stories in height and oriented on the lot or  
 3           parcel so that its main entrance door faces the street; **and**  
 4           4. Has a minimum total living area of nine hundred (900) square feet; ~~and~~  
 5           5. ~~Is not located in a manufactured home land lease community; and~~

6           (e) "Permanent foundation" means a system of supports that is:

- 7           1. Capable of transferring, without failure, into soil or bedrock, the  
 8           maximum design load imposed by or upon the structure **including**  
 9           **either a pier footing foundation system or any foundation system**  
 10           **specified as suitable in a manufacturer's installation specifications**  
 11           **that have been approved by a design approval primary inspection**  
 12           **Agency;**  
 13           2. Constructed **with materials that are compatible with surrounding**  
 14           **residential structures so long as the materials do not conflict with the**  
 15           **manufacturer's installation requirements that have been approved by**  
 16           **a design approval primary inspection agency** ~~[of concrete]~~; and  
 17           3. Placed at a depth below grade adequate to prevent frost damage, **in**  
 18           **accordance with the manufacturer's installation requirements that**  
 19           **have been approved by a design approval primary inspection agency;**  
 20           **and**

21           **(f) "Design approval primary inspection agency" has the same meaning as in**  
 22           **815 KAR 25:001.**

23           **(2) A local government shall not adopt or enforce any zoning regulation, ordinance,**  
 24           **or other requirement that:**

25           **(a) Excludes qualified manufactured homes from any residential zone where**  
 26           **single-family residences are permitted;**

27           **(b) Discriminates against qualified manufactured homes; or**

1 (c) Imposes foundation requirements on manufactured homes that:

2 1. Conflict with the structural design of the homes;

3 2. Conflict with a manufacturer's installation specifications; or

4 3. Require more than one (1) type of permanent foundation system.

5 (3) Any local government may adopt and enforce, as a part of its zoning regulations,  
6 compatibility standards governing the placement of qualified manufactured homes  
7 in residential zones within the local government's jurisdiction. Compatibility  
8 standards shall be adopted, amended, and enforced in the same manner as other  
9 zoning regulations and shall be in addition to any zoning regulations that are  
10 generally applicable to single-family residences. Any architectural compatibility  
11 standards applied to qualified manufactured homes must be equivalent to, and  
12 not more stringent than, those standards applied to other single family residential  
13 structures in the same zone. No compatibility standard shall be adopted or  
14 enforced if that standard is not also required for all other new site-built, single  
15 family residential construction within the same zone. ~~The compatibility standards~~  
16 ~~shall be designed to ensure that when a qualified manufactured home is placed in a~~  
17 ~~residential zone it is compatible, in terms of assessed value, with existing housing~~  
18 ~~located with a one eighth (1/8) mile or less radius from the proposed location of the~~  
19 ~~qualified manufactured home.~~ The compatibility standards adopted by a local  
20 government shall be limited ~~[relate]~~ to the following architectural features ~~[that have~~  
21 ~~a significant impact on the overall assessed value of the structure, including, for~~  
22 ~~example, but not limited to features such as]:~~

23 (a) Roof pitch; ~~]~~

24 ~~(b) Square footage of livable space;]~~

25 (b) ~~(c)~~ Type and quality of exterior finishing materials;

26 (c) ~~(d)~~ Foundation skirting; and

27 (d) ~~(e)~~ Existence and type of attached structures.

1 **(4) A manufactured home that does not meet the minimum width of twenty (20) feet**  
 2 **or minimum living area of nine hundred (900) square feet to be considered a**  
 3 **qualified manufactured home under paragraph (1)(d) of this section shall be**  
 4 **treated as a qualified manufactured home for purposes of subsections (2) and (3)**  
 5 **of this section if:**

6 **(a) The lot dimensions or setback requirements would not reasonably**  
 7 **accommodate a home meeting these minimum dimensions;**

8 **(b) The home is the maximum width and square footage that could reasonably**  
 9 **fit on the lot while complying with all applicable setback requirements and**  
 10 **other zoning regulations; and**

11 **(c) The home otherwise meets all other requirements of a qualified**  
 12 **manufactured home under this section.**

13 ~~(5)~~~~(4)~~ Nothing in this section shall be construed to affect, modify, or abolish  
 14 restrictions contained in recorded deeds, covenants, or developers' subdivision  
 15 restrictions.

16 ~~(6)~~~~(5)~~ Nothing in this section shall be construed as limiting in any way the authority  
 17 of local governments to adopt regulations designed to protect historic properties or  
 18 historic districts.

19 **(7) Any zoning regulation, ordinance, or requirement that violates this section is void**  
 20 **and unenforceable.**

21 ➔Section 2. The Kentucky General Assembly hereby recognizes and affirms that  
 22 while local governments have legitimate authority to enact reasonable zoning regulations,  
 23 the provision of quality, affordable housing through qualified manufactured homes serves  
 24 an essential public purpose. Local governments may enact reasonable compatibility  
 25 standards as specified in Section 1 of this Act, but these standards shall not be used to  
 26 exclude qualified manufactured homes from residential zones where single-family homes  
 27 are permitted.