

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1758

H. P. 1649

House of Representatives, January 3, 1980

Referred to the Committee on Local and County Government. Sent up for concurrence and Ordered Printed.

EDWIN H. PERT, Clerk of the House

Presented by Mr. Drinkwater of Belfast.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Prevent the Exclusion of Manufactured Housing from Maine Towns by Unduly Restrictive Police Power Ordinances.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 30 MRSA § 2158 is enacted to read:

§ 2158. Ordinances excluding manufactured housing

1. **Statement of purpose.** The Legislature has previously recognized and declared that safe and suitable housing is both a need and right of individual Maine citizens and families. In reaffirming the state's commitment to provide adequate housing opportunity, the Legislature recognizes that the costs of conventional single family housing have risen sharply and that, if housing needs are to be met, the widest possible range of housing alternatives must be made available within each municipality. The partial or total exclusion of manufactured housing from Maine towns based on outmoded perceptions of the safety and quality of such housing, esthetic factors or apprehensions as to the type of people utilizing that housing is expressly prohibited. It is the further purpose and intent of this section to prevent municipalities from imposing control measures which unduly limit or effectively prevent the utilization of manufactured housing within their borders. This does not preclude the imposition of necessary and reasonable control to insure that manufactured housing, as well as conventional housing, will not pose a threat to the public's health, safety or general welfare.

2. **Definition.** As used in this section, the term "manufactured housing" includes any and all forms of modular, unitized or prefabricated housing, as well as mobile homes which are brought to and assembled on a building site, as opposed to being fully constructed on the site, placed on a foundation and hooked up to all conventional and necessary utility systems and which are intended to be used as a permanent dwelling unit.

3. **Preventing exclusion.** A municipality may not exclude manufactured housing by regulation, zoning or any other police power ordinance from all areas within the town in which conventional single family housing is permitted on individual lots or require manufactured housing to be located exclusively in mobile home or trailer parks. Municipalities which adopt land use control measures shall enable manufactured housing to be located on individual lots in most, but not necessarily all, residential areas within the town and in suitably designed and located mobile home or trailer parks. Such parks shall be afforded a range of feasible locational alternatives within each municipality.

4. **Reasonable control.** Municipalities may not preclude the construction of mobile home or trailer park facilities by applying minimum lot size, frontage requirements or other spacial limitations intended to be applied to single units of housing on individual lots, but may require in those park facilities a reservation of sufficient street, common or recreation areas and open space so as not to seriously imbalance the overall density objectives of the municipality in that portion of the town, as shown in the town's comprehensive plan and land use controls. Manufactured housing located on individual lots shall comply with lot size, frontage requirements, spacial limitation and other reasonable controls that conventional single family housing in the same area must meet.

Sec. 2. Effective date. To enable municipalities to have ample time to adopt or modify land use controls to conform with the Revised Statutes, Title 30, section 2158, requirements, this Act shall take effect on October 1, 1980.

STATEMENT OF FACT

The purpose of this bill is not to prevent the reasonable regulation of manufactured housing by appropriate state and local agencies. In this period of rising costs and acute housing shortages, however, it is imperative and it is the purpose of this bill to remove unwarranted, discriminatory barriers to the wider use of manufactured housing. When placed on permanent foundations and hooked up to conventional utility systems, modern modular, mobile home and other forms of unitized or prefabricated housing units are almost indistinguishable from conventional, site-built housing. They should be similarly and reasonably treated by land-use control and police power ordinances. A target date for achieving such parity of treatment is hereby established.

The lower cost of manufactured housing vis-a-vis the conventional site-built housing remains a significant factor even when the differences in size, furnishings

and land costs are omitted from the calculations. In June, 1979, the United States Bureau of Census, Housing Starts Division estimated the average square foot cost of manufactured housing to be \$15.79 - the average square foot cost of site-built housing was \$30 for the 2nd quarter of 1979.

Finally, it should be noted that the provisions of this proposed Act are a necessary complement to the Revised Statutes, Title 30, sections 4771 - 4783, the Industrialized Housing Law, and Title 10, sections 9001 - 9014, the Manufactured Housing Act, which exempted manufactured housing from unreasonable and inconsistent local building codes, subjecting such housing instead to state-imposed performance standards.