

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 665

H.P. 485

House of Representatives, March 7, 1989

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative JACQUES of Waterville.
Cosponsored by Representative WENTWORTH of Wells.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Provide More Equitable Treatment of Manufactured Housing.

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

3 **Sec. 1. 30-A MRSA §4553, sub-§2, as enacted by PL 1987, c.**
5 **737, Pt. A, §2 and Pt. C, §106, is amended to read:**

7 **2. Location of manufactured housing.** Municipalities shall
9 permit manufactured housing to be placed or erected on individual
11 house lots in a number of locations on all undeveloped lots where
 single-family dwellings are allowed, subject to the same
 requirements as single-family dwellings, except as otherwise
 provided in this section.

13 **A.** For the locations required by this section, municipal
15 ordinances may not require that manufactured housing on
17 individual lots be greater than 14 feet in width, although
19 municipalities may establish design criteria, including, but
21 not limited to, a pitched, shingled roof; a permanent
 foundation; and exterior siding that is residential in
 appearance, provided that the requirements do not have the
 effect of circumventing the purposes of this section.

23 **B.** Providing one or more zones or locations where mobile
25 home parks or mobile home subdivisions or developments are
 allowed does not constitute compliance with this section.

27 **C.** This section does not prohibit municipalities from
29 establishing controls on manufactured housing which are less
 restrictive than are permitted by this section.

31 **D.** Notwithstanding this subsection, municipalities may not
33 use design requirements to prohibit the relocation of any
35 manufactured housing, regardless of its date of manufacture,
37 that is legally sited within the municipality as of the
 effective date of this section, but may restrict the
 relocation of manufactured housing that does not meet the
 design requirements to portions of the municipality where it
 would not be aesthetically incompatible with other
 manufactured and site-built single-family dwellings.

39 **Sec. 2. 30-A MRSA §4553, sub-§4 is enacted to read:**

41 **4. Location and regulation of mobile home parks.**
43 **Municipalities:**

45 **A. Shall permit mobile home parks to expand and be**
47 **developed in a number of environmentally suitable locations**
49 **in each municipality with reasonable consideration given to**
51 **permit existing mobile home parks to expand in their**
 existing locations. A municipality shall not select a
 location for mobile home park development which, because of
 prior lot division, locational setting within the
 municipality, natural features or other similar factors, is

1 not reasonably suitable. This paragraph is effective
2 January 1, 1990;

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4 B. Shall not enact or enforce any ordinance that requires
5 the minimum size of lots within a mobile home park to be any
6 larger than that which is required by the Manufactured
7 Housing Board by rule under Title 10, section 9005.
8 Municipalities shall not enact or enforce any ordinance
9 concerning the construction of private roads within mobile
10 home parks that is more restrictive than the standards
11 established by the National Fire Protection Association
12 standard 501A and the American National Standards Institute
13 standard 225.1. Notwithstanding any provision in this
14 subsection, a person developing or expanding a mobile home
15 park shall have the burden to prove that development will
16 not pollute a public water supply or aquifer or violate any
17 provision of state law relating to land development,
18 subdivision or use. This paragraph is effective January 1,
19 1989;

20 C. Shall not enact or enforce any ordinance that requires a
21 setback that has the effect of requiring a larger lot size
22 than is permitted by paragraph B;

23
24 D. Shall not enact or enforce any ordinance that requires
25 road frontage on private roads in mobile home parks that has
26 the effect of requiring that a mobile home be placed
27 parallel to the road;

28
29 E. Shall not enact or enforce any ordinance that requires a
30 mobile home park developer to prove that its proposed mobile
31 home park development will have no adverse effect on the
32 value of neighboring properties; and

33
34 F. Shall not enact or enforce any ordinance that requires
35 more off-street parking, recreation or open space,
36 screening, or buffer area than the municipality requires for
37 other residential developments.

38 39 40 41 **STATEMENT OF FACT**

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43
44 This bill amends the law governing municipal regulation of
45 manufactured homes. Section 1 requires municipalities to permit
46 manufactured homes that meet local design requirements and either
47 the HUD Code or local safety standards in all areas where
48 single-family dwellings are allowed. It also allows
49 municipalities to restrict homes that fail to meet design
50 requirements from relocating to certain areas where they will be
51 aesthetically incompatible with manufactured and site-built
homes, even though they are legally located in the municipality.

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Section 2 deals with the location and regulation of mobile home parks and prohibits municipalities from imposing greater requirements for parking space, buffer areas, open space or screening area than are required for other developments. It also prohibits municipalities from requiring lot setbacks that have the effect of circumventing a 1988 amendment to the law concerning lot sizes in parks.