

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1130

S.P. 418

In Senate, March 18, 1991

Reference to the Committee on Legal Affairs suggested and ordered printed.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MATTHEWS of Kennebec

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Provide Affordable Housing in the State.

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

Sec. 1. 30-A MRSA §4358, sub-§2, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

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

A. For the locations required by this section, municipal ordinances may not require that manufactured housing on individual lots be greater than 14 feet in width, although municipalities may establish design criteria, including, but not limited to, a pitched, shingled roof; a permanent foundation; and exterior siding that is residential in appearance, provided that:

(1) The requirements do not have the effect of circumventing the purposes of this section; and

(2) The design requirements may not be used to prevent the relocation of any manufactured housing, regardless of its date of manufacture, that is legally sited within the municipality as of August 4, 1988.

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

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

D. Municipalities shall may not prohibit manufactured housing, regardless of its date of manufacture, solely on the basis of a date of manufacture before June 14, 1976, or the failure of a unit to have been manufactured in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70. Municipalities may apply the design standards permitted by this section to all manufactured housing, regardless of its date of manufacture, and may apply reasonable safety standards to manufactured housing built before June 15, 1976, or not built in accordance with the National Manufactured Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70.

2 Sec. 2. 30-A MRSA §4358, sub-§3, as repealed and replaced by
3 PL 1989, c. 506, §3, is amended by amending the first paragraph
4 to read:

5 3. Regulation of mobile home parks. This subsection
6 governs a municipality's regulation of mobile home parks that
7 demonstrate that they provide affordable housing. Mobile home
8 parks that do not demonstrate this ability must be treated as any
9 other subdivision for purposes of municipal land use ordinances
10 and regulations.

11 Sec. 3. 30-A MRSA §4358, sub-§3, as repealed and replaced by
12 PL 1989, c. 506, §3, is amended by adding after the first
13 paragraph a new paragraph to read:

14 In order to be afforded the preferential standards of this
15 chapter, the developer of a mobile home park must demonstrate
16 that the monthly cost of a home or lot rental is within the
17 established level of affordable housing as determined by the
18 Office of Community Development pursuant to section 5002,
19 subsection 2.

20 Sec. 4. 30-A MRSA §4358, sub-§3, ¶G, as enacted by PL 1989, c.
21 506, §3, is amended to read:

22 G. A municipality may require by ordinance or rule that
23 privately owned roads within a mobile home park:

24 (1) Be built according to acceptable engineering
25 standards and with a professional engineer's seal as
26 required by the Manufactured Housing Board;

27 (2) Have a right-of-way up to 23 50 feet in width, 20
28 feet of which the municipality may require to be paved;
29 and

30 (3) Conform to reasonable safety standards applicable
31 to intersections with public ways adjacent to the
32 mobile home park.

33 STATEMENT OF FACT

34 This bill ties preferential measures currently in place for
35 mobile home parks to a demonstrated provision of affordable
36 housing, while ensuring other mobile home parks treatment equal
37 to that of any other subdivision. A safer standard for private
38 road right-of-ways is established.