

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1825

S.P. 741

In Senate, April 27, 2023

An Act to Clarify Licensing Jurisdiction for Manufactured Housing Communities

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by President JACKSON of Aroostook.
Cosponsored by Representative BOYLE of Gorham and
Senators: BAILEY of York, BENNETT of Oxford, Representatives: ARATA of New
Gloucester, CLOUTIER of Lewiston, COLLINGS of Portland, GRAHAM of North Yarmouth,
PERRY of Bangor.

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

2 **Sec. 1. 10 MRSA §9083**, as amended by PL 2017, c. 210, Pt. B, §30, is further
3 amended to read:

4 **§9083. Fees**

5 Application and license fees for manufactured housing communities are set under
6 section 9021, subsection 2-A, including applications for manufactured housing community
7 expansion and license renewal. Fees are also set under section 9021, subsection 2-A for
8 manufactured housing community inspections; for the cost of reviewing engineering and
9 site plans; for costs incurred in evaluating an applicant's eligibility for licensure as a
10 manufactured housing community; and for costs incurred in evaluating a licensee's
11 ongoing compliance with the requirements of this subchapter and the rules of the board.
12 Failure to pay costs billed to an applicant or licensee within 90 days of the billing date
13 constitutes grounds for license revocation, unless an extension for an additional period not
14 to exceed 90 days is granted in writing by the board. A municipality shall accept a license
15 issued by the board as evidence a manufactured housing community meets all requirements
16 to operate. A municipality may not charge any additional fees for a manufactured housing
17 community to operate.

18 **Sec. 2. 10 MRSA §9088, sub-§5**, as enacted by PL 1983, c. 553, §17, is amended
19 to read:

20 **5. Charge.** Municipalities may not charge the board for performing those inspections.

21 **Sec. 3. 10 MRSA §9088, sub-§6**, as amended by PL 2007, c. 402, Pt. D, §15, is
22 repealed.

23 **Sec. 4. 30-A MRSA §4358, sub-§2**, as amended by PL 1995, c. 199, §1, is further
24 amended to read:

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

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

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

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

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

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

3 D. Municipalities may not prohibit manufactured housing, regardless of its date of
4 manufacture, solely on the basis of a date of manufacture before June 14, 1976, or the
5 failure of a unit to have been manufactured in accordance with the National
6 Manufactured Housing Construction and Safety Standards Act of 1974, United States
7 Code, Title 42, Chapter 70. Municipalities may apply the design standards permitted
8 by this section to all manufactured housing, regardless of its date of manufacture, and
9 may apply reasonable safety standards to manufactured housing built before June 15,
10 1976, or not built in accordance with the National Manufactured Housing Construction
11 and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70.

12 E. Notwithstanding any other provision of law, any modular home that meets
13 construction standards for state-certified manufactured homes adopted pursuant to
14 Title 10, section 9042 must be allowed in all zones where other single-family homes
15 are allowed.

16 **Sec. 5. 30-A MRSA §4358, sub-§4**, as enacted by PL 1989, c. 104, Pt. A, §45 and
17 Pt. C, §10, is amended by amending the first blocked paragraph to read:

18 In municipalities ~~which~~ that require any type of permit for manufactured housing, the
19 permit is deemed to be not approved or valid until payment of the sales tax has been
20 certified. A municipality may not charge a fee for any type of permit for manufactured
21 housing or the installation of manufactured housing if the manufactured housing or
22 installation is governed by rules of the United States Department of Housing and Urban
23 Development or the Manufactured Housing Board.

24 **SUMMARY**

25 This bill requires a municipality to accept a license issued by the Manufactured
26 Housing Board as evidence a manufactured housing community meets all requirements to
27 operate. The bill provides that a municipality may not charge any additional fees for a
28 manufactured housing community to operate. The bill also provides that a municipality
29 may not charge a fee for any type of permit for manufactured housing if the manufactured
30 housing or the installation thereof is governed by rules of the United States Department of
31 Housing and Urban Development or the Manufactured Housing Board.