

Reprinted 3/14

FILED FEB 27 1984

SENATE FILE 2228

BY COMMITTEE ON LOCAL GOVERNMENT

Approved 2/27 (p. 555)

Passed Senate, Date 3-14-84 (p. 812) Passed House, Date 3-28-84 (p. 1413)

Vote: Ayes 40 Nays 5 Vote: Ayes 56 Nays 42

Approved May 9, 1984

A BILL FOR

1 An Act prohibiting zoning regulations or other ordinances which
2 disallow plans and specifications of a proposed residential
3 dwelling solely because the proposed dwelling is a manu-
4 factured home.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2228

S-5207

1 Amend Senate File 2228 as follows:
2 1. Page 1, lines 13 and 14, by striking the words
3 and figures "since June 15, 1976,".
4 2. Page 1, by striking lines 16 and 17 and
5 inserting in lieu thereof the following: "under
6 authority of 42 U.S.C. sec. 5403. A mobile home
7 as defined in section 135D.1 is not a manufactured
8 home, unless it has been converted to real property
9 as provided in section 135D.26, and shall be taxed
10 as a site-built dwelling."
11 3. Page 1, lines 30 and 31, by striking the words
12 and figures "since June 15, 1976,".
13 4. Page 1, by striking lines 33 and 34 and
14 inserting in lieu thereof the following: "under
15 authority of 42 U.S.C. sec. 5403. A mobile home
16 as defined in section 135D.1 is not a manufactured
17 home, unless it has been converted to real property
18 as provided in section 135D.26, and shall be taxed
19 as a site-built dwelling."

S-5207 FILED
MARCH 1, 1984

BY JAMES D. WELLS

Adopted 3/14 (p. 812)

1 Section 1. Chapter 358A, Code 1983, is amended by adding
2 the following new section:

3 NEW SECTION. MANUFACTURED HOME. A county shall not adopt
4 or enforce zoning regulations or other ordinances which
5 disallow the plans and specifications of a proposed residential
6 structure solely because the proposed structure is a
7 manufactured home. However, a zoning ordinance or regulation
8 shall require that a manufactured home be located and installed
9 according to the same standards for a foundation system, set-
10 back, and minimum square footage which would apply to a site-
11 built, single family dwelling on the same lot. As used in
12 this section, "manufactured home" means a structure,
13 transportable in one or more sections, built since June 15,
14 1976, according to construction standards promulgated by the
15 United States department of housing and urban development
16 under authority of 42 U.S.C. sec. 5403. A manufactured home
17 is not a mobile home as defined in section 135D.1.

18 Sec. 2. Chapter 414, Code 1983, is amended by adding the
19 following new section:

20 NEW SECTION. MANUFACTURED HOME. A city shall not adopt
21 or enforce zoning regulations or other ordinances which
22 disallow the plans and specifications of a proposed residential
23 structure solely because the proposed structure is a
24 manufactured home. However, a zoning ordinance or regulation
25 shall require that a manufactured home be located and installed
26 according to the same standards for a foundation system, set-
27 back, and minimum square footage which would apply to a site-
28 built, single family dwelling on the same lot. As used in
29 this section, "manufactured home" means a structure,
30 transportable in one or more sections, built since June 15,
31 1976, according to construction standards promulgated by the
32 United States department of housing and urban development
33 under authority of 42 U.S.C. sec. 5403. A manufactured home
34 is not a mobile home as defined in section 135D.1.

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EXPLANATION

1 This bill prohibits a city or county from enacting zoning
2 regulation or other ordinances which disallow plans and
3 specifications for a proposed residential dwelling solely
4 because the proposed dwelling is a maufactured home. The
5 term "manufactured home" is defined and provision is made
6 that a manufactured home is installed under the same standards
7 relating to foundation systems, set-backs and minimum square
8 footages which would apply to a site-built, single family
9 dwelling on the same lot.

10 The bill takes effect July 1 following its enactment.

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1 Section 1. Chapter 358A, Code 1983, is amended by adding
2 the following new section:

3 NEW SECTION. MANUFACTURED HOME. A county shall not adopt
4 or enforce zoning regulations or other ordinances which
5 disallow the plans and specifications of a proposed residential
6 structure solely because the proposed structure is a
7 manufactured home. However, a zoning ordinance or regulation
8 shall require that a manufactured home be located and installed
9 according to the same standards for a foundation system, set-
10 back, and minimum square footage which would apply to a site-
11 built, single family dwelling on the same lot. As used in
12 this section, "manufactured home" means a structure,
* 13 transportable in one or more sections, built according to
14 construction standards promulgated by the United States
15 department of housing and urban development under authority
16 of 42 U.S.C. sec. 5403. A mobile home as defined in section
17 135D.1 is not a manufactured home, unless it has been converted
18 to real property as provided in section 135D.26, and shall
19 be taxed as a site-built dwelling.

20 Sec. 2. Chapter 414, Code 1983, is amended by adding the
21 following new section:

22 NEW SECTION. MANUFACTURED HOME. A city shall not adopt
23 or enforce zoning regulations or other ordinances which
24 disallow the plans and specifications of a proposed residential
25 structure solely because the proposed structure is a
26 manufactured home. However, a zoning ordinance or regulation
27 shall require that a manufactured home be located and installed
28 according to the same standards for a foundation system, set-
29 back, and minimum square footage which would apply to a site-
30 built, single family dwelling on the same lot. As used in
31 this section, "manufactured home" means a structure,
* 32 transportable in one or more sections, built according to
33 construction standards promulgated by the United States
34 department of housing and urban development under authority
35 of 42 U.S.C. sec. 5403. A mobile home as defined in section

1 135D.1 is not a manufactured home, unless it has been converted
2 to real property as provided in section 135D.26, and shall
3 be taxed as a site-built dwelling.

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SF 2228
tj/slc/26c

SENATE FILE 2228

H-5884

- 1 Amend Senate File 2228, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 12, by striking the word
4 "structure," and inserting in lieu thereof the words
5 "factory-built structure".
6 2. Page 1, by striking lines 13 through 16 and
7 inserting in lieu thereof the following: "which is
8 manufactured or constructed to be used as a place
9 for human habitation, but which is not constructed
10 or equipped with a permanent hitch or other device
11 allowing it to be attached or towed behind a motor
12 vehicle and which does not have wheels or axles per-
13 manently attached to its body or frame. A mobile
14 home as defined in section".
15 3. Page 1, line 31, by striking the word
16 "structure," and inserting in lieu thereof the words
17 "factory-built structure".
18 4. Page 1, by striking lines 32 through 35 and
19 inserting in lieu thereof the following: "which is
20 manufactured or constructed to be used as a place
21 for human habitation, but which is not constructed
22 or equipped with a permanent hitch or other device
23 allowing it to be attached or towed behind a motor
24 vehicle and which does not have wheels or axles
25 permanently attached to its body or frame. A mobile
26 home as defined in section".

H-5884 FILED MARCH 27, 1984 BY McKEAN of Jones

Placed out of order 3/28 (p. 1412)

SENATE FILE 2228

H-5895

- 1 Amend Senate File 2228, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 9, by striking the word "for"
4 and inserting in lieu thereof the words ", including
5 but not limited to,".
6 2. Page 1, line 28, by striking the word "for"
7 and inserting in lieu thereof the words ", including
8 but not limited to,".

BY CONNORS of Polk

H-5895 FILED MARCH 27, 1984

McKEAN of Jones

Adopted 3/28 (p. 1410)

SENATE FILE 2228

H-5918

- 1 Amend the amendment H-5882 to Senate File 2228
2 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, lines 7 and 8, by striking the words
5 "under the authority of 42 U.S.C. sec. 5403 and is".
6 2. Page 1, lines 19 and 20, by striking the words
7 "under the authority of 42 U.S.C. sec. 5403 and is".

H-5918 FILED MARCH 28, 1984 BY McKEAN of Jones

LOST (p. 1411)

1 Amend Senate File 2228, as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 19, by inserting after the word
 4 "dwelling." the following: "This section shall not
 5 be construed as abrogating a recorded restrictive
 6 covenant."
 7 2. Page 2, line 3, by inserting after the word
 8 "dwelling." the following: "This section shall not
 9 be construed as abrogating a recorded restrictive
 10 covenant."

H-5879 FILED MARCH 27, 1984 BY McKEAN of Jones

Adopted 3/28 (p. 1412)

SENATE FILE 2228

H-5880

X 1 Amend Senate File 2228 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 1, by striking line 10, and inserting in
 4 lieu thereof the following: "back, minimum square footage
 5 and other regulations which would apply to a site-".
 B 6 2. Page 1, by striking lines 15 through 19, and
 7 inserting in lieu thereof the following: "department of
 8 housing and urban development."
 9 3. Page 1, by striking line 29, and inserting in
 F 10 lieu thereof the following: "back, minimum square footage
 11 and other regulations which would apply to a site-".
 B 12 4. By striking page 1, line 34 through page 2, line 3,
 13 and inserting in lieu thereof the following: "department
 14 of housing and urban development."

H-5880 FILED MARCH 27, 1984 BY PAULIN of Plymouth

*A. 11/15 3/28 (p. 1410)
 B - Passed out of order*

SENATE FILE 2228

H-5882

1 Amend Senate File 2228 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 1, line 12, by inserting before the word
 4 "structure" the word "factory-built".
 5 2. Page 1, by striking lines 13 through 16, and
 6 inserting in lieu thereof the following: "which is
 7 manufactured or constructed under the authority of
 8 42 U.S.C. sec. 5403 and is to be used as a place for
 9 human habitation, but which is not constructed or
 10 equipped with a permanent hitch or other device
 11 allowing it to be moved other than for the purpose of
 12 moving to a permanent site, and which does not have
 13 permanently attached to its body or frame any wheels
 14 or axles. A mobile home as defined in section".
 15 3. Page 1, line 31, by inserting before the word
 16 "structure" the word "factory-built".
 17 4. Page 1, by striking lines 32 through 35 and
 18 inserting in lieu thereof the following: "which is
 19 manufactured or constructed under the authority of
 20 42 U.S.C. sec. 5403 and is to be used as a place for
 21 human habitation, but which is not constructed or
 22 equipped with a permanent hitch or other device
 23 allowing it to be moved other than for the purpose of
 24 moving to a permanent site, and which does not have
 25 permanently attached to its body or frame any wheels
 26 or axles. A mobile home as defined in section".

H-5882 FILED MARCH 27, 1984 BY RENKEN of Grundy

Adopted 3/28 1412

1 Amend Senate File 2228, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 9, by striking the word "for"
4 and inserting in lieu thereof the words ", including
5 but not limited to,".

6 2. Page 1, line 12, by inserting before the word
7 "structure" the word "factory-built".

8 3. Page 1, by striking lines 13 through 16, and
9 inserting in lieu thereof the following: "which is
10 manufactured or constructed under the authority of
11 42 U.S.C. sec. 5403 and is to be used as a place for
12 human habitation, but which is not constructed or
13 equipped with a permanent hitch or other device
14 allowing it to be moved other than for the purpose
15 of moving to a permanent site, and which does not
16 have permanently attached to its body or frame any
17 wheels or axles. A mobile home as defined in section".

18 4. Page 1, line 19, by inserting after the word
19 "dwelling." the following: "This section shall not
20 be construed as abrogating a recorded restrictive
21 covenant."

22 5. Page 1, line 28, by striking the word "for"
23 and inserting in lieu thereof the words ", including
24 but not limited to,".

25 6. Page 1, line 31, by inserting before the word
26 "structure" the word "factory-built".

27 7. Page 1, by striking lines 32 through 35 and
28 inserting in lieu thereof the following: "which is
29 manufactured or constructed under the authority of
30 42 U.S.C. sec. 5403 and is to be used as a place for
31 human habitation, but which is not constructed or
32 equipped with a permanent hitch or other device
33 allowing it to be moved other than for the purpose
34 of moving to a permanent site, and which does not
35 have permanently attached to its body or frame any
36 wheels or axles. A mobile home as defined in section".

37 8. Page 2, line 3, by inserting after the word
38 "dwelling." the following: "This section shall not
39 be construed as abrogating a recorded restrictive
40 covenant."

S-5702 FILED RECEIVED FROM THE HOUSE

MARCH 30, 1984

Senate concurred 4/2 (p. 1237)

SENATE FILE 2228

AN ACT

PROHIBITING ZONING REGULATIONS OR OTHER ORDINANCES WHICH
DISALLOW PLANS AND SPECIFICATIONS OF A PROPOSED RESIDENTIAL
DWELLING SOLELY BECAUSE THE PROPOSED DWELLING IS A MANU-
FACTURED HOME.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter 358A, Code 1983, is amended by adding
the following new section:

NEW SECTION. MANUFACTURED HOME. A county shall not adopt
or enforce zoning regulations or other ordinances which
disallow the plans and specifications of a proposed residential
structure solely because the proposed structure is a
manufactured home. However, a zoning ordinance or regulation
shall require that a manufactured home be located and installed
according to the same standards, including but not limited
to, a foundation system, set-back, and minimum square footage
which would apply to a site-built, single family dwelling

on the same lot. As used in this section, "manufactured home"
means a factory-built structure, which is manufactured or
constructed under the authority of 42 U.S.C. sec. 5403 and
is to be used as a place for human habitation, but which is
not constructed or equipped with a permanent hitch or other
device allowing it to be moved other than for the purpose
of moving to a permanent site, and which does not have
permanently attached to its body or frame any wheels or axles.
A mobile home as defined in section 135D.1 is not a
manufactured home, unless it has been converted to real
property as provided in section 135D.26, and shall be taxed
as a site-built dwelling. This section shall not be construed
as abrogating a recorded restrictive covenant.

Sec. 2. Chapter 414, Code 1983, is amended by adding the
following new section:

NEW SECTION. MANUFACTURED HOME. A city shall not adopt
or enforce zoning regulations or other ordinances which
disallow the plans and specifications of a proposed residential
structure solely because the proposed structure is a
manufactured home. However, a zoning ordinance or regulation
shall require that a manufactured home be located and installed
according to the same standards, including but not limited
to, a foundation system, set-back, and minimum square footage
which would apply to a site-built, single family dwelling
on the same lot. As used in this section, "manufactured home"
means a factory-built structure, which is manufactured or
constructed under the authority of 42 U.S.C. sec. 5403 and
is to be used as a place for human habitation, but which is
not constructed or equipped with a permanent hitch or other
device allowing it to be moved other than for the purpose
of moving to a permanent site, and which does not have
permanently attached to its body or frame any wheels or axles.
A mobile home as defined in section 135D.1 is not a
manufactured home, unless it has been converted to real
property as provided in section 135D.26, and shall be taxed

as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.

CHARLES P. MILLER

President Pro Tempore of the
Senate

DONALD D. AVENSON

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2228, Seventieth General Assembly.

K. MARIE THAYER

Secretary of the Senate

Approved _____, 1984

TERRY E. BRANSTAD

Governor