HOUSE FILE 701
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 100)

(As Amended and Passed by the House April 3, 2019)
ALL New Language by the House

A BILL FOR

An Act relating to the continuance of lawful preexisting nonconforming uses by manufactured, modular, and mobile homes and site-built dwelling units.

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

Section 1. Section 335.3, Code 2019, is amended to read as follows:

335.3 Powers.

1. Subject to section 335.2, the board of supervisors may by ordinance regulate and restrict the height, number of structures, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and may regulate, restrict, and prohibit the use for residential purposes of tents, trailers, and portable or potentially portable structures. However, such powers shall be exercised only with reference to land and structures located within the county but lying outside of the corporate limits of any city.

2. When there is a replacement of a preexisting manufactured, modular, or mobile home with another manufactured, modular, or mobile home containing no more than the original number of dwelling units, or a replacement of a preexisting site-built dwelling unit with a manufactured, modular, or mobile home or site-built dwelling unit, within a manufactured home community or a mobile home park, the board of supervisors shall not adopt or enforce any ordinance, regulation, or restriction that would prevent the continuance of the property owner's lawful nonconforming use that had existed relating to the preexisting home unless any of the following apply:

a. A discontinuance is necessary for the safety of life or property.

b. The nonconforming use has been discontinued for the period of time established by ordinance, unless such discontinuance is caused by circumstances outside the control of the property owner. The period of time so established shall be not less than one year.

c. The replacement results in the overall nature and

character of the present use being substantially or entirely different from the original lawful preexisting nonconforming use.

d. The replacement results in an obstruction to a shared driveway or shared sidewalk providing vehicular or pedestrian access to other homes and uses unless the property owner makes modifications to such shared driveway or sidewalk that extinguishes such obstruction or the effects of such obstruction.

Sec. 2. Section 414.1, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* When there is a replacement of a preexisting manufactured, modular, or mobile home with another manufactured, modular, or mobile home containing no more than the original number of dwelling units, or a replacement of a preexisting site-built dwelling unit with a manufactured, modular, or mobile home or site-built dwelling unit, within a manufactured home community or a mobile home park, the city shall not adopt or enforce any ordinance, regulation, or restriction that would prevent the continuance of the property owner's lawful nonconforming use that had existed relating to the preexisting home unless any of the following apply:

(1) A discontinuance is necessary for the safety of life or property.

(2) The nonconforming use has been discontinued for the period of time established by ordinance, unless such discontinuance is caused by circumstances outside the control of the property owner. The period of time so established shall be not less than one year.

(3) The replacement results in the overall nature and character of the present use being substantially or entirely different from the original lawful preexisting nonconforming use.

(4) The replacement results in an obstruction to a shared driveway or shared sidewalk providing vehicular or pedestrian

access to other homes and uses unless the property owner makes modifications to such shared driveway or sidewalk that extinguishes such obstruction or the effects of such obstruction.