

Senate Bill 384

By: Senator Bulloch of the 11th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated,
 2 relating to factory built buildings and dwelling units, so as to provide definitions; to provide
 3 that the Safety Fire Commissioner shall promulgate standards for pre-owned manufactured
 4 homes to protect the safety, health, and welfare of the inhabitants of pre-owned manufactured
 5 homes; to provide for an inspection process and fees; to provide for certain immunities; to
 6 prohibit conflicting regulations by local jurisdictions; to provide for related matters; to
 7 provide for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to
 11 factory built buildings and dwelling units, is amended by adding a new part to read as
 12 follows:

13 "Part 3A

14 8-2-170.

15 As used in this part, the term:

16 (1) 'Commissioner' means the Georgia Safety Fire Commissioner.

17 (2) 'Install' means to construct a foundation system and placing or erecting a
 18 manufactured home on such foundation system. Such term includes, without limitation,
 19 supporting, blocking, leveling, securing, or anchoring such manufactured home and
 20 connecting multiple or expandable sections of such manufactured home.

21 (3) 'Manufactured home' means a structure, transportable in one or more sections, which,
 22 in the traveling mode, is eight body feet or more in width or 40 body feet or more in
 23 length or, when erected on site, is 320 or more square feet and which is built on a
 24 permanent chassis and designed to be used as a dwelling with or without a permanent
 25 foundation when connected to the required utilities and includes the plumbing, heating,

26 air-conditioning, and electrical systems contained therein; except that such term shall
27 include any structure which meets all the requirements of this paragraph except the size
28 requirements and with respect to which the manufacturer voluntarily files a certification
29 required by the secretary of housing and urban development and complies with the
30 standards established under the National Manufactured Housing Construction and Safety
31 Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

32 (4) 'Pre-owned manufactured home' is any manufactured home that has been previously
33 used as a residential dwelling and has been titled.

34 8-2-171.

35 (a) On and after September 1, 2010, no pre-owned manufactured home that is relocated
36 from its existing location to a new location may be occupied unless such pre-owned
37 manufactured home has been inspected in accordance with this part, and a certificate of
38 compliance has been issued for such pre-owned manufactured home.

39 (b) The Commissioner shall be authorized to promulgate rules and regulations setting forth
40 health and safety standards for pre-owned manufactured homes.

41 (c) Such standards shall include, but shall not be limited to:

42 (1) Standards regarding the condition of the exterior, roof, and interior of the pre-owned
43 manufactured home so as to ensure that the exterior and roof are in sound condition with
44 no obvious defects; that the interior walls, ceiling, and flooring are in sound condition
45 with no obvious defects; that each bedroom or sleeping area is equipped with at least one
46 operable escape window; that each bathroom and kitchen without a window is equipped
47 with an operable ventilation device; and that each bedroom, sleeping area, and kitchen
48 is equipped with an operable, battery-powered smoke detector installed in accordance
49 with the manufacturer's recommendations; and

50 (2) Standards regarding the condition of the utilities so as to ensure that the pre-owned
51 manufactured home has a kitchen sink in working order in the kitchen; a lavatory and
52 water closet in working order in each bathroom; at least one bathroom with a tub or
53 shower facility in working order; a properly sized and configured accessible electrical
54 panel with proper circuit breakers; properly and securely installed electrical fixtures,
55 switches, and receptacles; a water heater in safe and working condition; and a safe and
56 working central heating system without any unvented heaters.

57 (d) The Commissioner shall establish by rule and regulation an inspection program for
58 such pre-owned manufactured homes. The program shall provide for timely inspections
59 in accordance with the standards promulgated by the Commissioner pursuant to this Code
60 section and issuance of certificates of compliance or notices of deficiencies to be corrected
61 before a certificate of compliance shall be issued. The Commissioner may provide for the

62 inspections to be performed by county and municipal building inspectors, provided that
63 such inspections are in compliance with the standards promulgated by the Commissioner
64 pursuant to this Code section and the county or municipality performing the inspections has
65 authorized the inspections by ordinance or resolution of the governing authority of the
66 county or municipality.

67 (e) The person requesting the inspection of the pre-owned manufactured home shall pay
68 a fee not to exceed \$100.00 for such inspection if such inspection or reinspection is
69 performed by the Commissioner. If the inspection or reinspection is performed by a county
70 or municipal building inspector, the fee for inspection or reinspection shall reasonably
71 approximate the cost of providing such inspections or reinspections but shall not exceed
72 the inspection or reinspection fees charged for site built housing.

73 (f) Neither the Commissioner nor any inspector inspecting a pre-owned manufactured
74 home pursuant to this Code section shall be liable for any injuries to persons resulting from
75 any defects or conditions in such pre-owned manufactured home.

76 (g) If a pre-owned manufactured home is sold on an 'as-is' basis, the sales agreement or
77 contract shall specifically and prominently state on its face in at least 12 point type that the
78 purchaser understands and agrees that the pre-owned manufactured home is not habitable
79 in its present condition and must be brought into compliance with the standards
80 promulgated by the Commissioner pursuant to this Code section and the owner shall be
81 required to obtain a certificate of compliance with all standards prior to the pre-owned
82 manufactured home being relocated and occupied for residential purposes.

83 (h) No county or municipality shall impose any health and safety standards or conditions,
84 as defined in subsection (c) of this Code section, including any standard or condition based
85 upon the age of the manufactured home, for pre-owned manufactured homes that conflict
86 with, are inconsistent with, or are more stringent than the health and safety standards
87 promulgated by the Commissioner pursuant to this Code section; provided, however,
88 counties and municipalities may enforce all other applicable local zoning and land use
89 regulations."

90 **SECTION 2.**

91 This Act shall become effective upon its approval by the Governor or upon its becoming law
92 without such approval.

93 **SECTION 3.**

94 All laws and parts of laws in conflict with this Act are repealed.