

House Bill 516 (AS PASSED HOUSE AND SENATE)

By: Representatives Roberts of the 154th, England of the 108th, Burns of the 157th, Willard of the 49th, Sims of the 119th, and others

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 industrialized buildings shall be deemed to comply with state minimum standards codes
4 and local ordinances and regulations applicable to such buildings; to provide for residential
5 industrialized buildings to be placed in residential districts; to recognize county and
6 municipal authority over certain matters; to provide for related matters; to provide for an
7 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 revising paragraph (3) of Code
12 Section 8-2-111, relating to definitions related to factory built buildings and dwelling units
13 designed to be affixed to foundations or existing buildings, as follows:

14 "(3) 'Industrialized building' means any structure or component thereof which is designed
15 and constructed in compliance with the state minimum standards codes and is wholly or
16 in substantial part made, fabricated, formed, or assembled in manufacturing facilities for
17 installation or assembly and installation on a building site and has been manufactured in
18 such a manner that all parts or processes cannot be inspected at the installation site
19 without disassembly, damage to, or destruction thereof."

20 SECTION 2.

21 Said article is further amended in Code Section 8-2-111, relating to definitions related to
22 factory built buildings and dwelling units designed to be affixed to foundations or existing
23 buildings, by adding a new paragraph to read as follows:

24 "(6.1) 'Residential industrialized building' means any dwelling unit designed and
25 constructed in compliance with the Georgia State Minimum Standard One and Two Family

26 Dwelling Code which is wholly or in substantial part, made, fabricated, formed, or
 27 assembled in a manufacturing facility and cannot be inspected at the installation site
 28 without disassembly, damage to, or destruction thereof. Any such structure shall not
 29 contain a permanent metal chassis and shall be affixed to a permanent load-bearing
 30 foundation. The term shall not include manufactured homes as defined by the National
 31 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section
 32 5401, et seq."

33 **SECTION 3.**

34 Said article is further amended by revising Code Section 8-2-112, relating to inspection and
 35 approval of industrialized buildings by the commissioner or local government, as follows:
 36 "8-2-112.

37 (a)(1) An industrialized building manufactured after the effective date of the rules
 38 adopted pursuant to Code Section 8-2-113 which is sold, offered for sale, or installed
 39 within this state must bear the insignia of approval issued by the commissioner.

40 (2) This Code section shall not apply to industrialized buildings which are inspected and
 41 approved by a local government which has jurisdiction at the site of installation and
 42 which are inspected at the place of and during the time of manufacture in accordance with
 43 standards established by the commissioner. The cost of the inspection shall be borne by
 44 the manufacturer. The commissioner shall be notified of the installation of all such
 45 buildings in a manner as the commissioner shall prescribe by rule.

46 (b)(1) All industrialized buildings and residential industrialized buildings bearing an
 47 insignia of approval issued by the commissioner pursuant to this part shall be ~~held~~
 48 deemed to comply with the ~~requirements of all~~ state minimum standards codes and all
 49 ~~ordinances or~~ and regulations enacted by any local government which are applicable to
 50 the manufacture or installation of such buildings. The determination by the commissioner
 51 of the scope of such approval is final. No ordinance or regulation enacted by a county
 52 or municipality shall exclude residential industrialized buildings from being sited in such
 53 county or municipality in a residential district solely because the building is a residential
 54 industrialized building.

55 (2) Areas of county and municipal authority including, but not limited to, local land use
 56 and zoning, building setback, side and rear yard requirements, utility connections, and
 57 subdivision regulation, as well as the regulation of architectural and esthetic
 58 requirements, are specifically and entirely reserved to the county, if in the unincorporated
 59 area, or the municipality where the industrialized building or residential industrialized
 60 building is sited.

61 ~~(2)~~(3) No industrialized building or component bearing an insignia of approval issued
62 by the commissioner pursuant to this part shall be in any way modified prior to or during
63 installation unless approval is first obtained from the commissioner.

64 ~~(3)~~(4) Industrialized buildings which have been inspected and approved by a local
65 government agency shall not be modified prior to or during installation unless approval
66 for the modification is first obtained from the local government agency.

67 (c) The commissioner by rule shall establish a schedule of fees to pay the costs incurred
68 for the work related to administration and enforcement of this Code section.

69 (d) All rules and regulations promulgated by the commissioner under this part shall be
70 adopted pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

71 **SECTION 4.**

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

74 **SECTION 5.**

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