

House Bill 516

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 local ordinances and resolutions
4 without regard to whether the building was constructed on site or in a factory; to provide for
5 the automatic approval for building or occupancy permits for residential industrialized
6 buildings in residential subdivisions that meet all other criteria except for being an
7 industrialized building or being built off site; to provide that local governments retain
8 authority over certain matters; to provide that local governments shall not enact ordinances
9 or resolutions that discriminate against industrialized buildings under certain circumstances;
10 to provide that the Safety Fire Commissioner shall promulgate standards for pre-owned
11 manufactured homes to protect the safety, health, and welfare of the inhabitants of pre-owned
12 manufactured homes; to provide for an inspection process and fees; to provide for certain
13 immunities; to prohibit conflicting regulations by local jurisdictions; to provide for an
14 effective date; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to
18 factory built buildings and dwelling units, is amended by revising paragraph (3) of Code
19 Section 8-2-111, relating to definitions related to factory built buildings and dwelling units
20 designed to be affixed to foundations or existing buildings, as follows:

21 ~~“(3) 'Industrialized building' means any a structure or component thereof which is wholly~~
22 ~~or in substantial part~~ made, fabricated, formed, or assembled in manufacturing facilities,
23 designed and constructed in one or more sections to the state minimum standard codes,
24 as provided in Part 2 of this article, without a permanent metal chassis, for installation ~~or~~
25 ~~assembly and installation on a building site and has been manufactured in such a manner~~
26 ~~that all parts or processes cannot be inspected at the installation site without disassembly,~~

27 ~~damage to, or destruction thereof~~ on a permanent, load-bearing, perimeter support
 28 foundation at its final location. The term shall not include manufactured housing as
 29 defined by the federal National Manufactured Housing Construction and Safety Standards
 30 Act of 1974, 42 U.S.C. Section 5401, et seq."

31 **SECTION 2.**

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

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

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

44 (b)(1) ~~At~~ Notwithstanding any law to the contrary, all industrialized buildings bearing
 45 an insignia of approval issued by the commissioner pursuant to this part shall be held to
 46 comply with the requirements of all ordinances or regulations enacted by any local
 47 government which are applicable to the manufacture or installation of such buildings. The
 48 determination by the commissioner of the scope of such approval is final. Industrialized
 49 buildings shall be deemed to comply with the requirements of all ordinances or
 50 regulations enacted by any local government without regard to whether the building was
 51 constructed on site or in a factory. Any ordinance or regulation currently in effect or
 52 enacted by a local government that treats industrialized buildings differently from
 53 buildings constructed on site shall be invalid and unenforceable. A building or
 54 occupancy permit to site a residential industrialized building in a residential subdivision
 55 that is denied solely because the building is an industrialized building or is built off site
 56 shall be automatically deemed approved.

57 (2) Those areas of authority belonging to the local government such as local land use and
 58 zoning requirements, local fire zones, building setback, side and rear yard requirements,
 59 site development and property line requirements, utility connections, and subdivision
 60 control, as well as the review and regulation of architectural and esthetic requirements,
 61 are specifically and entirely reserved thereto; provided, however, that in no instance shall
 62 the local government adopt any ordinance or resolution that has the effect, directly or

63 indirectly, of prohibiting or discriminating against industrialized buildings in any area or
 64 zone where conventional site built buildings of the same use group are permitted.

65 ~~(2)~~(3) No industrialized building or component bearing an insignia of approval issued
 66 by the commissioner pursuant to this part shall be in any way modified prior to or during
 67 installation unless approval is first obtained from the commissioner.

68 ~~(3)~~(4) Industrialized buildings which have been inspected and approved by a local
 69 government agency shall not be modified prior to or during installation unless approval
 70 for the modification is first obtained from the local government agency.

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

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

75 **SECTION 3.**

76 Said article is further amended by adding a new part to read as follows:

77 "Part 3A

78 8-2-170.

79 As used in this part, the term:

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

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

85 (3) 'Manufactured home' means a structure, transportable in one or more sections, which,
 86 in the traveling mode, is eight body feet or more in width or 40 body feet or more in
 87 length or, when erected on site, is 320 or more square feet and which is built on a
 88 permanent chassis and designed to be used as a dwelling with or without a permanent
 89 foundation when connected to the required utilities and includes the plumbing, heating,
 90 air-conditioning, and electrical systems contained therein; except that such term shall
 91 include any structure which meets all the requirements of this paragraph except the size
 92 requirements and with respect to which the manufacturer voluntarily files a certification
 93 required by the secretary of housing and urban development and complies with the
 94 standards established under the National Manufactured Housing Construction and Safety
 95 Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

96 (4) 'Pre-owned manufactured home' is any manufactured home that has been previously
97 used as a residential dwelling.

98 8-2-171.

99 (a) On and after September 1, 2009, no pre-owned manufactured home that is relocated
100 from its existing location to a new location may be occupied unless such pre-owned
101 manufactured home has been inspected in accordance with this part, and a certificate of
102 compliance has been issued for such pre-owned manufactured home.

103 (b) The Commissioner shall be authorized to promulgate standards for pre-owned
104 manufactured homes.

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

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

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

121 (d) The Commissioner shall establish by rule and regulation an inspection program for
122 such pre-owned manufactured homes. Such program shall provide for timely inspections
123 in accordance with the standards promulgated by the Commissioner pursuant to this Code
124 section, and issuance of certificates of compliance or notices of deficiencies to be corrected
125 before a certificate of compliance shall be issued. Such program may provide that the
126 inspections may be performed by county and municipal building inspectors, provided that
127 such inspections are in compliance with the standards promulgated by the Commissioner
128 pursuant to this Code section.

129 (e) The person requesting the inspection of the pre-owned manufactured home shall pay
130 a fee not to exceed \$100.00 for such inspection, including any reinspections to determine
131 if the items listed in the notice of deficiencies have been corrected.

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

135 (g) If a pre-owned manufactured home is sold on an 'as-is' basis for purposes of repair
136 prior to occupancy, the sales agreement or contract shall specifically and prominently state
137 that the purchaser understands and agrees that the pre-owned manufactured home is not
138 habitable in its present condition and must be brought into compliance with the standards
139 promulgated by the Commissioner pursuant to this Code section and receive a certificate
140 of compliance with such standards prior to such pre-owned manufactured home being
141 relocated and occupied for residential purposes.

142 (h) No county or municipality shall impose any standard or condition for pre-owned
143 manufactured homes that conflicts with, is inconsistent with, or is more stringent than the
144 standards promulgated by the Commissioner pursuant to this Code section; provided,
145 however, that such counties and municipalities may enforce all other applicable local and
146 state laws and regulations. In addition, no county or municipality shall prohibit the
147 placement or occupation of a pre-owned manufactured home within its jurisdiction that
148 complies with the standards promulgated by the Commissioner."

149 **SECTION 4.**

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

152 **SECTION 5.**

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