

The House Committee on Agriculture and Consumer Affairs offers the following substitute to HB 516:

**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 permits or certificates of occupancy for residential
6 industrialized buildings in residential subdivisions that meet all other criteria except for being
7 an 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 structure or component thereof which is designed
22 and constructed in compliance with the state minimum standard codes and is wholly or
23 in substantial part made, fabricated, formed, or assembled in manufacturing facilities for
24 installation or assembly and installation on a building site and has been manufactured in
25 such a manner that all parts or processes cannot be inspected at the installation site
26 without disassembly, damage to, or destruction thereof."

27

SECTION 2.

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

31 "(6.1) 'Residential industrialized building' means any dwelling unit designed and
32 constructed in compliance with the Georgia State Minimum Standard One and Two Family
33 Dwelling Code which is wholly or in substantial part, made, fabricated, formed, or
34 assembled in a manufacturing facility. Any such structure shall not contain a permanent
35 metal chassis and shall be affixed to a permanent load-bearing foundation. The term shall
36 not include manufactured homes as defined by the National Manufactured Housing
37 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq."

38

SECTION 3.

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

41 "8-2-112.

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

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

51 (b)(1) All Notwithstanding any law to the contrary, all industrialized buildings bearing
52 an insignia of approval issued by the commissioner pursuant to this part shall be held to
53 comply with the requirements of all ordinances or regulations enacted by any local
54 government which are applicable to the manufacture or installation of such buildings. The
55 determination by the commissioner of the scope of such approval is final. Any ordinance
56 or regulation currently in effect or enacted by a local government that treats industrialized
57 buildings differently from buildings constructed on site shall be invalid and
58 unenforceable. A building permit to site a residential industrialized building in a
59 residential subdivision that is denied solely because the building is an industrialized
60 building or is built off site shall be automatically deemed approved for the building
61 permit and a certificate of occupancy shall be issued upon completion of construction and
62 approval of the final inspection.

(2) Those areas of authority belonging to the local government such as local land use and zoning requirements, local fire zones, building setback, side and rear yard requirements, site development and property line requirements, utility connections, and subdivision control, as well as the review and regulation of architectural and esthetic requirements, are specifically and entirely reserved thereto; provided, however, that in no instance shall the local government adopt any ordinance or resolution that has the effect, directly or indirectly, of prohibiting or discriminating against industrialized buildings in any area or zone where conventional site built buildings of the same use group are permitted.

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

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

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

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

SECTION 4.

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

"Part 3A

8-2-170.

As used in this part, the term:

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

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

(3) 'Manufactured home' means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall

97 include any structure which meets all the requirements of this paragraph except the size
98 requirements and with respect to which the manufacturer voluntarily files a certification
99 required by the secretary of housing and urban development and complies with the
100 standards established under the National Manufactured Housing Construction and Safety
101 Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

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

104 8-2-171.

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

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

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

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

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

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

133 such inspections are in compliance with the standards promulgated by the Commissioner
134 pursuant to this Code section.

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

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

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

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

155 **SECTION 5.**

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

158 **SECTION 6.**

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