

The Senate Agriculture and Consumer Affairs Committee offered 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 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 that the Safety Fire Commissioner shall
7 promulgate standards for pre-owned manufactured homes to protect the safety, health, and
8 welfare of the inhabitants of pre-owned manufactured homes; to provide for an inspection
9 process and fees; to provide for certain immunities; to prohibit conflicting regulations by
10 local jurisdictions; to provide for related matters; to provide for an effective date; to repeal
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

13 Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to
14 factory built buildings and dwelling units, is amended by revising paragraph (3) of Code
15 Section 8-2-111, relating to definitions related to factory built buildings and dwelling units
16 designed to be affixed to foundations or existing buildings, as follows:
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18 "(3) 'Industrialized building' means any structure or component thereof which is designed
19 and constructed in compliance with the state minimum standards codes and is wholly or
20 in substantial part made, fabricated, formed, or assembled in manufacturing facilities for
21 installation or assembly and installation on a building site and has been manufactured in
22 such a manner that all parts or processes cannot be inspected at the installation site
23 without disassembly, damage to, or destruction thereof."

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SECTION 2.

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

"(6.1) 'Residential industrialized building' means any dwelling unit designed and constructed in compliance with the Georgia State Minimum Standard One and Two Family Dwelling Code which is wholly or in substantial part, made, fabricated, formed, or assembled in a manufacturing facility and cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Any such structure shall not contain a permanent metal chassis and shall be affixed to a permanent load-bearing foundation. The term shall not include manufactured homes as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq."

SECTION 3.

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

"8-2-112.

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

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

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

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

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

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

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

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

76 **SECTION 4.**

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

78 "Part 3A

79 8-2-170.

80 As used in this part, the term:

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

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

86 (3) 'Manufactured home' means a structure, transportable in one or more sections, which,
 87 in the traveling mode, is eight body feet or more in width or 40 body feet or more in
 88 length or, when erected on site, is 320 or more square feet and which is built on a
 89 permanent chassis and designed to be used as a dwelling with or without a permanent
 90 foundation when connected to the required utilities and includes the plumbing, heating,
 91 air-conditioning, and electrical systems contained therein; except that such term shall
 92 include any structure which meets all the requirements of this paragraph except the size
 93 requirements and with respect to which the manufacturer voluntarily files a certification

94 required by the secretary of housing and urban development and complies with the
95 standards established under the National Manufactured Housing Construction and Safety
96 Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

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

99 8-2-171.

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

104 (b) The Commissioner shall be authorized to promulgate rules and regulations setting forth
105 standards for pre-owned manufactured homes.

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

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

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

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

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

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

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

143 (h) No county or municipality shall impose any standards or conditions, including any
144 standard or condition based upon the age of the manufactured home, for pre-owned
145 manufactured homes that conflict with, are inconsistent with, or are more stringent than the
146 standards promulgated by the Commissioner pursuant to this Code section; provided,
147 however, counties and municipalities may enforce all other applicable local zoning and
148 land use regulations."

149 **SECTION 5.**

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

152 **SECTION 6.**

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