

SECOND REGULAR SESSION

# HOUSE BILL NO. 1442

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SUTHERLAND (Sponsor) AND BAKER (25) (Co-sponsor).

Read 1st time January 18, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3718L.01I

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### AN ACT

To amend chapter 700, RSMo, by adding thereto nine new sections relating to the manufactured home health and safety act.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 700, RSMo, is amended by adding thereto nine new sections, to be  
2 known as sections 700.200, 700.203, 700.206, 700.209, 700.212, 700.215, 700.218, 700.221,  
3 and 700.224, to read as follows:

**700.200. 1. Sections 700.200 to 700.224 shall be known and may be cited as the**  
2 **"Manufactured Home Health and Safety Act".**

3 **2. Sections 700.200 to 700.224 are applicable to the maintenance, sanitation, and**  
4 **use of all manufactured home communities in the state of Missouri.**

5 **3. The provisions of sections 700.200 to 700.224 are the minimum standards to be**  
6 **applied to manufactured home communities and shall not limit the powers and duties of**  
7 **local governments to issue such additional orders and adopt such additional rules as may**  
8 **be necessary to ensure the local public health and safety is protected.**

**700.203. As used in sections 700.200 to 700.224, the following terms mean:**

2 **(1) "Department", the department of health and senior services;**

3 **(2) "Manufactured home", a structure capable of being moved or relocated in one**  
4 **or more sections, on its own running gear, and designed to be used as a dwelling with or**  
5 **without permanent foundation;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6           (3) "Manufactured home lot" or "lot", a designated portion of a manufactured  
7 home community designed for the accommodation of one manufactured home;

8           (4) "Manufactured home community" or "community", an area of land upon  
9 which five or more manufactured homes are located and maintained, occupied, or used for  
10 residential dwelling;

11           (5) "Owner", any person, partnership, or corporation who alone, jointly, or  
12 severally has legal title to any manufactured home community, with or without actual  
13 possession thereof, or any person who has charge, care, or control of any manufactured  
14 home community as legal or equitable owner, agent of the owner, lessee, or is executrix,  
15 administrator, administratrix, trustee, or guardian of the estate of the owner;

16           (6) "Resident", any person renting, leasing, or otherwise occupying by agreement  
17 with the owner a manufactured home lot in a manufactured home community upon which  
18 is located a residential dwelling unit.

**700.206. 1.** On and after January 1, 2007, no person, partnership, or corporation  
2 shall establish, maintain, operate, or facilitate the establishment, maintenance, or operation  
3 of a manufactured home community within this state without first obtaining a permit to  
4 do so from the department of health and senior services.

5           **2.** The owner shall apply for a permit with the department of health and senior  
6 services on a form and in such manner as prescribed by the department. Such permit  
7 application shall be made at least sixty days prior to the first day of proposed operation of  
8 a manufactured home community. The initial application shall be accompanied by a copy  
9 of an approved zoning permit from the city or county where the community is to be  
10 located, or a statement from the city or county that the city or county does not require an  
11 approved zoning permit. The owner shall submit a renewal application every two years  
12 at least thirty days prior to the date upon which the current permit expires. For any  
13 community in existence on the effective date of sections 700.200 to 700.224, the owner shall  
14 submit an application for a permit within one hundred eighty days of the effective date of  
15 sections 700.200 to 700.224.

16           **3.** The application for a permit shall set forth the following:

17           (1) The name and address of the applicant, including the name and address of the  
18 partners or officers if the applicant is a partnership or corporation;

19           (2) The name, address, and any other information necessary to provide the location  
20 of the manufactured home community;

21           (3) The name and address of the manufactured home community manager,  
22 caretaker, or responsible parties;

23           (4) The date of establishment of the manufactured home community;

- 24           (5) The present owner's duration of ownership;
- 25           (6) The number of manufactured home lots, both vacant and occupied, in the  
26 community;
- 27           (7) The acreage of the manufactured home community;
- 28           (8) The services provided to manufactured home community residents, including  
29 the services included in the lot rental charge and the services offered to residents for an  
30 additional charge;
- 31           (9) The proposed and existing facilities on or about the site for maintaining a  
32 sanitary community, including any community buildings and the proposed use of such  
33 buildings, and the source of water supply, sewage, garbage, and waste disposal;
- 34           (10) Any other relevant information requested by the department.
- 35           4. An application fee not to exceed fifteen dollars per manufactured home lot shall  
36 accompany the first application. The application fee shall be deposited in a separate fund  
37 in the state treasury for the expenses in administering the laws regarding manufactured  
38 home communities. Such fee shall be a nonrefundable fee, even if the permit is denied. A  
39 renewal fee, in an amount to be determined by the department, shall accompany each  
40 subsequent application. A fee shall not be charged or collected by the department in excess  
41 of the amount necessary to administer and enforce the provisions of sections 700.200 to  
42 700.224.
- 43           5. A permit shall be issued by the department for the operation of a manufactured  
44 home community if the department finds that the community conforms or will conform  
45 before assuming operation to the requirements of sections 700.200 to 700.224. A permit  
46 for the operation of a manufactured home community shall be posted in a conspicuous  
47 place on the premises of such community.
- 48           6. A manufactured home community may be inspected for compliance with the  
49 provisions of sections 700.200 to 700.224 by the department or a local public health agency  
50 contracted by the department at any time both before and after the permit is issued if the  
51 department has reason to believe that the community is in violation of the provisions of  
52 sections 700.200 to 700.224 or any rules promulgated thereunder. A manufactured home  
53 community shall be inspected for compliance with sections 700.200 to 700.224 and any  
54 rules promulgated thereunder at least once every two years before renewal of a permit.
- 55           7. Any person who submits a timely application for renewal of a permit and  
56 submits the appropriate renewal fee may continue to operate a manufactured home  
57 community unless and until the community is notified that the application for renewal has  
58 been denied.

59           **8. A permit to operate a manufactured home community may be denied, suspended,**  
60 **or revoked by the department for any of the following reasons:**

61           **(1) Failure of the application, reports, or inspections to show that the manufactured**  
62 **home community will be constructed, operated, or maintained in compliance with sections**  
63 **700.200 to 700.224 and any rules promulgated thereunder;**

64           **(2) Submission of incorrect or false information in the application or by any other**  
65 **means to the department or a local public health agency contracted by the department;**

66           **(3) Failure to maintain the manufactured home community in compliance with**  
67 **sections 700.200 to 700.224 and any rules promulgated thereunder;**

68           **(4) Operation of a manufactured home community in a manner that causes or**  
69 **creates a nuisance or hazard to the health or safety of any resident or the general public;**

70           **(5) Violation of any condition upon which the permit is issued;**

71           **(6) Failure to pay appropriate fees;**

72           **(7) Failure to allow a representative of the permit-issuing agency to inspect the**  
73 **manufactured home community.**

74           **9. A manufactured home community owner may appeal in writing to the**  
75 **department in the case of a denial or revocation of a permit within thirty days of such**  
76 **action. A hearing may be granted through the appeals process established by the**  
77 **department. On or before the date of such hearing, a manufactured home community**  
78 **owner has the right to cure any violations and to present evidence at the hearing that the**  
79 **violation has been remedied. A decision of the appeal shall be granted in writing by the**  
80 **agency within ninety days of receipt of the owner's written appeal.**

81           **10. Failure to operate a manufactured home community with a permit shall result**  
82 **in court-appointed receivership until such time as the property is brought into compliance**  
83 **with the health and safety standards and is able to operate with a valid permit.**

**700.209. 1. (1) All utility services shall be available in a manufactured home**  
2 **community and shall be in compliance with applicable codes and standards.**

3           **(2) No manufactured home shall be occupied for dwelling in a manufactured home**  
4 **community unless it is properly placed on a manufactured home lot and connected to all**  
5 **utility services, including water, sewage, electrical, or gas.**

6           **(3) Utility service connections shall be located on each manufacture home lot**  
7 **served.**

8           **2. Every manufactured home in a manufactured home community shall be**  
9 **connected to a water supply prior to occupancy. An adequate supply of safe, sanitary, and**  
10 **potable water shall be provided in each manufactured home community.**

11           **3. (1) Every manufactured home in a manufactured home community shall be**  
12 **connected to a sewer service prior to occupancy.**

13           **(2) A manufactured home community shall dispose of sewage through use of a**  
14 **public sewer system if the sewer system is available within a reasonable distance of the**  
15 **manufactured home community. If a public sewer system is not available, sewage may be**  
16 **disposed of through use of a private septic tank-soil absorption system or an appropriate**  
17 **private sewage disposal facility other than a septic tank-soil absorption system constructed**  
18 **in accordance with applicable rules. All plumbing fixtures, building sewers, and**  
19 **manufactured home community sewers shall be connected to a public or private system**  
20 **meeting the applicable rules.**

21           **(3) No sewage shall be deposited upon the surface of the ground or shall be allowed**  
22 **to run across or pool on the surface of the ground.**

23           **(4) Each manufactured home lot shall be equipped with a sewer riser pipe of**  
24 **diameter and slope prescribed by the department. Each sewer riser shall be watertight,**  
25 **tamper-proof, and maintained in a safe condition.**

26           **(5) The sewer riser pipe on any vacant manufactured home lot shall be capped with**  
27 **a watertight cap or plug.**

28           **4. All wiring and lighting fixtures shall be installed and maintained in a safe**  
29 **condition. All electricity and gas connections shall comply with prescribed standards and**  
30 **rules of safe operation.**

**700.212. 1. Residents and guests of a manufactured home community shall comply**  
2 **with sections 700.200 to 700.224 and other applicable laws. Such residents and guests shall**  
3 **not create or contribute to conditions in the community that are a nuisance or hazard to**  
4 **the health and safety of other community residents or the general public. No resident or**  
5 **guest shall deliberately or negligently destroy, alter, damage, or remove any part of the**  
6 **community premises or its fixtures, mechanical or utility systems or furnishings, or permit**  
7 **any other person to do so.**

8           **2. Every owner of a manufactured home community shall:**

9           **(1) Comply and ensure compliance of other persons with any code, law, ordinance,**  
10 **or administrative rule applicable to the manufactured home community;**

11           **(2) Maintain all common areas, if any, of the community in a sanitary and useable**  
12 **condition;**

13           **(3) Maintain in a safe and operable condition all utility systems installed in the**  
14 **community unless the utility systems are maintained by a public utility or political**  
15 **subdivision of this state;**

16           (4) Maintain locked individual mailboxes for residents of the community in  
17 accordance with United States Postal Service regulations;

18           (5) Maintain roads of ingress and egress in a condition to provide access to each  
19 resident's manufactured home lot and safe passage for emergency and service vehicles;

20           (6) Ensure services for the removal of garbage and waste from the community;

21           (7) Provide a community container with a lid for the storage of garbage and waste,  
22 or ensure that the residents of each manufactured home have a container with a lid for  
23 storage of garbage and waste that is kept in a manner to minimize rodent and pest  
24 infestation and other nuisances;

25           (8) Supervise or assign an agent to supervise the placement of each new  
26 manufactured home in the community and ensure that all connections and disconnections  
27 of utilities are in compliance with sections 700.200 to 700.224 and any rules promulgated  
28 thereunder.

29           3. The owner of the manufactured home community or the owner's designee shall  
30 be responsible for the supervision, operation, and maintenance of the manufactured home  
31 community. The owner or the owner's designee shall provide contact information to all  
32 residents and shall at all times be capable of responding within a reasonable time in the  
33 event of an emergency.

          700.215. A manufactured home community owner shall maintain streets and  
2 roadways in the community to enable safe and convenient passage of emergency vehicles  
3 and residents at all times. Roads within the community shall be clearly marked, and shall  
4 be maintained when necessary to minimize mud, excessive dust, and excessive wear,  
5 including potholes and ruts.

          700.218. 1. Weeds within the community shall not exceed six inches in height at any  
2 time. Every effort shall be taken to eliminate and prevent the growth of noxious weeds,  
3 such as poison ivy or any other weed that could pose a health hazard to residents.

4           2. All buildings, structures, grounds, and equipment shall be kept clean, free of  
5 debris, and in good repair, and shall be maintained reasonably free of insects, cockroaches,  
6 rodents, and other avoidable pests.

7           3. Any pipe, building materials, firewood, or other accumulated materials shall be  
8 stored at least twelve inches off the ground and in a manner to prevent rodent harborage.

9           4. Communities shall comply with all applicable laws, including but not limited to  
10 zoning, building, electrical, plumbing, health, and fire codes.

11           5. (1) Refuse and garbage collection shall be made at least once a week and more  
12 often as necessary to prevent nuisance conditions.

13           (2) The storage, collection, and disposal of refuse and garbage in a community shall  
14 be conducted in a manner to prevent health hazards, rodent harborage, insect, cockroach,  
15 or pest breeding areas, accident or fire hazards, or pollution of air or water.

16           (3) The areas surrounding refuse and garbage storage and disposal containers shall  
17 be kept free of refuse and garbage and the containers shall be of adequate size and  
18 structure to prevent overspill.

19           (4) Refuse and garbage storage and disposal containers shall be at least eight inches  
20 off the ground surface.

21           6. The community shall be drained, graded, surfaced, or otherwise designed,  
22 constructed, and maintained to facilitate drainage and shall be free from depressions in  
23 which water collects and stagnates.

          700.221. 1. The sale or lease of uninhabitable manufactured homes or  
2 manufactured homes that are hazards to the health and safety of its occupants is  
3 prohibited. All homes that are uninhabitable shall be removed from the community and  
4 destroyed.

5           2. No manufactured home that is uninhabitable shall be kept in storage on the  
6 manufactured home community premises. Empty manufactured homes shall be removed  
7 promptly when the condition of the home has deteriorated to such a state as the  
8 inhabitation of the home could pose a health or safety hazard to the residents.

          700.224. The department shall promulgate rules to implement the provisions of  
2 sections 700.200 to 700.224. Any rule or portion of a rule, as that term is defined in section  
3 536.010, RSMo, that is created under the authority delegated in this section shall become  
4 effective only if it complies with and is subject to all of the provisions of chapter 536,  
5 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are  
6 nonseverable and if any of the powers vested with the general assembly pursuant to  
7 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule  
8 are subsequently held unconstitutional, then the grant of rulemaking authority and any  
9 rule proposed or adopted after August 28, 2006, shall be invalid and void.

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