

SECOND REGULAR SESSION

# HOUSE BILL NO. 3230

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HARDWICK.

7114H.011

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To amend chapter 64, RSMo, by adding thereto one new section relating to zoning regulations for certain manufactured housing, with an emergency clause.

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

Section A. Chapter 64, RSMo, is amended by adding thereto one new section, to be known as section 64.296, to read as follows:

**64.296. 1. As used in this section, the following words and terms shall mean:**

(1) **"Discriminatory land use policy", any zoning ordinance, building code requirements, land use ordinance, development regulation, or other policy that has the effect of limiting or prohibiting the placement of manufactured housing without a reasonable and substantial public interest justification;**

(2) **"Local government", any county, city, town, village, or other political subdivision with zoning or land use authority;**

(3) **"Modular home", a transportable building unit designed to be used by itself or to be incorporated with similar units at a point-of-use into a modular structure to be used for residential purposes, built to International Residential Code (IRC code), and certified by the Missouri public service commission as being built in accordance with the 2021 IRC code;**

(4) **"Permanent foundation", a system of supports that is:**

(a) **Capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure and complies with the manufacturer's install manual; or**

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.

17           (b) Certified by licensed professional engineer under chapter 327, designed for  
18 the home;

19           (5) "Qualified manufactured home", a manufactured home that meets all of the  
20 following criteria:

21           (a) Is manufactured on a date not to exceed five years prior to the date of  
22 installation and has removed all parts that operate only during transport;

23           (b) Is affixed to a permanent foundation and is connected to the appropriate  
24 facilities and is installed in compliance with section 700.653;

25           (c) Has a width of at least twenty feet at its smallest width measurement or is two  
26 stories in height and oriented on the lot or parcel so that its main entrance door faces the  
27 street;

28           (d) Has a minimum total living area of nine hundred square feet;

29           (e) The foundation enclosure on any qualified manufactured home shall be a  
30 minimum of a block wall or similar masonry enclosure; and

31           (f) Is a home built to the standards of the National Manufactured Housing  
32 Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended.

33           2. (1) A local government shall not adopt or enforce any zoning ordinance or  
34 land use regulation that:

35           (a) Outright bans either modular homes or qualified manufactured homes in  
36 residential zones where other single-family housing is permitted;

37           (b) Imposes requirements on modular homes or manufactured homes that are  
38 more restrictive than those imposed on site-built homes, including but not limited to lot  
39 size, setback, appearance, foundation, or age restrictions;

40           (c) Unreasonably limits the replacement of existing manufactured homes with  
41 new ones;

42           (d) Requires special permits or variances for modular homes or qualified  
43 manufactured homes that are not required for comparable site-built housing; or

44           (e) Requires a perimeter foundation system for a modular home or qualified  
45 manufactured home that is incompatible with the structural design of the home.

46           (2) Nothing in this subsection shall prohibit reasonable regulations related to  
47 health and safety, provided such regulations do not create undue burdens specific to  
48 modular homes or qualified manufactured homes.

49           3. Any local government may adopt and enforce, as a part of its zoning  
50 regulations, compatibility standards governing the placement of modular homes or  
51 qualified manufactured homes in residential zones within the local government's  
52 jurisdiction. Compatibility standards shall be adopted, amended, and enforced in the  
53 same manner as other zoning regulations and shall be in addition to any zoning

54 **regulations that are generally applicable to single-family residences. Any architectural**  
55 **compatibility standards applied to modular homes or qualified manufactured homes**  
56 **shall be equivalent to, and not more stringent than, those standards applied to other**  
57 **single-family residential structures in the same zone. No compatibility standard shall be**  
58 **adopted or enforced if such standard is not also required for all other new site-built,**  
59 **single-family residential construction within the same zone. Nothing in this section shall**  
60 **be construed as limiting in any way the authority of local governments to adopt**  
61 **regulations designed to protect historic properties or historic districts. Nothing in this**  
62 **section shall be construed as limiting in any way the authority of private citizens to**  
63 **construct additional requirements through homeowner associations, or placing**  
64 **additional covenants or restrictions on private land.**

65 **4. Any zoning regulation, ordinance, or requirement that violates this section is**  
66 **void and unenforceable.**

67 **5. If any provision of this section or its application is found to be invalid, such**  
68 **invalidity shall not affect the remaining provisions or applications of this section, which**  
69 **shall remain in full force and effect.**

Section B. Because of the urgent need of the residents of Missouri to have fair and  
2 equitable zoning regulations for modular and manufactured homes, section A of this act is  
3 deemed necessary for the immediate preservation of the public health, welfare, peace, and  
4 safety, and is hereby declared to be an emergency act within the meaning of the constitution,  
5 and section A of this act shall be in full force and effect upon its passage and approval.

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