

Approved Ivan Sand Date 2/26/86

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE IVAN SAND at
Chairperson

1:30 ~~8:30~~ p.m. on FEBRUARY 20, 1986 in room 521-S of the Capitol.

All members were present except: Rep. Clyde Graeber, excused
Rep. Phil Kline, excused

Committee staff present: Mike Heim, Legislative Research Department
Mary Hack, Revisor of Statutes Office
Gloria M. Leonhard, Committee Secretary

Conferees appearing before the committee:

Rep. George Teagarden, HB 2845
Mr. Duane Johnson, State Librarian, HB 2845 & HB 2861
Mr. Dan Masoni, Kansas Library Assn., HB 2845 & HB 2861
Mr. Felix Spies, member of the Board of Trustees, Library Dist. No. 1, HB 2845
Rep. Burt DeBaun, HB 2861
Ms. Margaret Gates, Director, Manhattan City Library, HB 2861
Mr. Dennis P. Hitt, Lyndon Carnegie Library, HB 2861
Ms. Jane Goeckler, Librarian, Silver Lake, HB 2861
Ms. Terry Humphrey, Executive Director, Kansas Manufactured Housing Institute,
HB 2862
Written testimony of Mr. Jim Boyts, Skyline Corp., Elkhart, IN., HB 2862
Written testimony of Mr. Bill Jungles, Zimmer Homes of Kansas, Inc.,
Newton, KS., HB 2862
Written testimony of Mr. Dick Barrett, General Manager, Citation Homes,
Ottawa, KS., HB 2862
Written testimony of Mr. William T. Nichols, Marshall, Davis, Bennett, &
Hendrix, Topeka, KS., HB 2862
Mayor Susan Lindamood, Manhattan, KS., HB 2862
Mr. Bill Webster, Webster's, Inc., Lawrence, KS., HB 2862
Ms. Janis Fisher, Lawrence, KS., HB 2862
Mr. Don Christman, Secy.-Treas., Wilcox Homes & RV Center, HB 2862
Mr. Bob West, Kansas Lumber Dealers, HB 2862
Mr. Vernon Jarboe, Whelan's Lumber Co., Topeka, KS., HB 2862
Mr. Kevin Davis, League of Kansas Municipalities, HB 2862
Mr. Carl Levoe, American Planning Assn., HB 2862
Ms. Karen McLain, Director, Govt. Affairs, Kansas Assn. of Realtors, HB 2862
Mr. Fred S. Schwartz, City of Wichita, HB 2862
Ms. Janet Stubbs, Executive Director, Home Builders Assn. of Kansas, HB 2862
Written testimony of Mr. Hannes Zacharias, City of Lawrence, KS., HB 2862

Chairman Sand announced that the Committee will meet on 2/24/86 to complete introduction of new legislation.

Chairman Sand called for hearings on the following bills:

HB 2845, concerning libraries; relating to tax levies for support thereof;

Rep. George Teagarden, a co-sponsor of HB 2845, gave background and intent of the bill and requested the committee's favorable action on the bill.

Mr. Duane Johnson, State Librarian, asked that HB 2845 be passed favorably out of committee. (See Attachment I.)

Mr. Dan Masoni, representing Kansas Library Association, said the Executive Board of the KLA endorses both HB 2845 and SB 571. Mr. Masoni urged the committee to pass both bills. (See Attachment II.)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
 room 521-S, Statehouse, at 1:30 ~~xxx~~ p.m. on FEBRUARY 20, 1986.

Mr. Felix Spies, member of the Board of Trustees of Library District No. 1, appeared in support of HB 2845. (See Attachment III.)

A committee member noted that SB 571 includes all districts of the state; that HB 2845 is localized to Miami County.

The hearing on HB 2845 was closed.

HB 2861, concerning libraries; relating to the levy of taxes therefor;

Rep. Burt DeBaun, who had requested the legislation, gave background and intent of HB 2861. (See Attachment IV.)

Mr. Duane Johnson, State Librarian, asked the committee to not pass HB 2861. (See Attachment V.) Mr. Johnson pointed out that the intent of the legislation of HB 2845 and HB 2861 is separate.

Ms. Margaret Gates, Director, Manhattan City Library, spoke in opposition to HB 2861. Ms. Gates said that she opposes tampering with the basic library law; that it should be confined to a taxing statute.

Mr. Mike Heim, Staff, said the subject is confusing; that the township establishes the levy; that under present law the township has to do what the library tells them; that the issue is should the library board make the decision, or should it be made by the township board.

Mr. Duane Johnson, State Librarian, said that statutory limits on the bond levies are the control factors; that he would suggest amending township law for budgets rather than amending the general library law.

Mr. Dennis P. Hitt, representing Lyndon Carnegie Library, appeared in opposition to HB 2862.

Ms. Jane Goeckler, Librarian, Silver Lake, appeared in opposition to HB 2862.

Mr. Dan Masoni, Kansas Library Association, submitted written testimony in opposition to HB 2862. (See Attachment VI.)

The hearing on HB 2862 was closed.

Chairman Sand appointed a sub-committee, to further study the problems associated with HB 2861. Sub-committee members appointed were: Rep. Elizabeth Baker, Chairperson, Rep. Burt DeBaun, and Rep. Rick Bowden.

HB 2862, relating to cities and counties; concerning the zoning regulation of certain types of housing;

Ms. Terry Humphrey, Executive Director of Kansas Manufactured Housing Institute, appeared in support of HB 2862. (See Attachment VII.) Ms. Humphrey said that Mr. Jim Boyts, Skyline Corporation, Elkhart, IN., could not be present due to weather conditions and that written testimony would be forthcoming. (See Attachment VIII.) Ms. Humphrey distributed materials from the following people, supporting HB 2862: Mr. Bill Jungles, Zimmer Homes of Kansas, Inc., Newton, KS.; Mr. Dick Barrett, General Manager, Citation Homes, Ottawa, Kansas; Mr. William T. Nichols, Marshall, Davis, Bennett, & Hendrix, Topeka, KS. (See Attachments IX, X, & XI.)

Mayor Susan Lindamood, Manhattan, KS., appeared in support of HB 2862. Mayor Lindamood said that affordability is a great problem; that manufactured housing would be available to moderate income groups.

Mr. Bill Webster, Webster's, Inc., Lawrence, KS., appeared in support of HB 2862. (See Attachment XII.) Mr. Webster urged the committee to make zoning fair to all segments of housing.

Ms. Janis Fisher, citizen and consumer, Lawrence, KS., appeared in support of HB 2862. (See Attachment XIII.)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 521-S, Statehouse, at 1:30 ~~xxx~~ a.m./p.m. on FEBRUARY 20, 1986

Mr. Don Christman, Secy.-Treas., Wilcox Homes and RV Center, appeared in support of HB 2862. (See Attachment XIV.)

Mr. Bob West, representing Kansas Lumber Dealers, introduced Mr. Vernon Jarboe, Whelan's Lumber Co., Topeka, KS., who said he is not opposed to manufactured housing or mobile homes but does not believe they should move into an already existing sub-division; that many sub-divisions have restrictions regarding square footage; that he is concerned with single-wide mobile homes; that he believes HB 2862 needs more work before it is passed.

Mr. Kevin Davis, League of Kansas Municipalities, said the League has no official policy position regarding HB 2862 but that there is a problem with home rule authority. (See Attachment XV.)

Written testimony opposing HB 2862 was submitted by Mr. Carl Leivo, American Planning Association, Hutchinson, KS. (See Attachment XVI.)

Ms. Karen McLain, Director, Govt. Affairs, Kansas Association of Realtors, appeared in opposition to HB 2862. (See Attachment XVII.)

Mr. Fred S. Schwartz, representing the City of Wichita, appeared in opposition to HB 2862. (See Attachment XVIII from Mr. Monty H. Robson, Superintendent of Central Inspection, The City of Wichita.)

Ms. Janet Stubbs, Executive Director, Home Builders Association of Kansas, appeared in opposition to HB 2862. (See Attachment XIX.)

Written testimony opposing HB 2862 was submitted by Mr. Hannes Zacharias, City of Lawrence, KS. (See Attachment XX.)

The meeting was adjourned.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

DATE 2-20-86

NAME	ADDRESS	REPRESENTING
Robert Glasser	3101 S. B. Hwy. Wichita	K.M.H.I.
Don Christman	3070 S.W. 36 TH Topeka	K.M.H.I.
Jim Fister	2415 Dauburg Place, La. St.	K.M.H.L.
Bill Weber	3409 W. 6 TH Lawrence	K.M.H.I.
Felix Spies	RT 1 Box 82 ^{Louisburg} Ks 66055 ^{Topeka}	Library Dist. #1
Stacy Humphrey	Topeka	K.M.H.I.
Don Mason	Emporia Ks.	Ks. Library Assoc.
Jane Goehler	Silver Lake 66539	Silver Lake Library
Kevin Davis	Topeka	League of Ks Munic
Mary Mayer	Rossville, Ks.	Rossville Township Library
Dwight Johnson	STATE LIBRARY	Topeka
Mel Colby	M. Baskis	
Roy Bird	STATE LIBRARY	TOPEKA
Margaret Gates	Manhattan Pub Lib	Manhattan
James Swan	Great Bend Pk	Great Bend Ks
Raven Fiske	Rose Hill	
Dennis P. Hitt	Lyndon	Lyndon Carnegie Library
Florence Stout	Lyndon	Lyndon Carnegie Library
Carol L. Lane	Lyndon	Lyndon Carnegie Library
Bonnie Eklund	"	"
Lucile Cummings	Lyndon	Lyndon Carnegie Library
Jana Green	Topeka	state library
Judy Anderson	Wichita	City of Wichita

DATE: February 20, 1986
TO: Local Government Committee of the House
Ivan Sand, Chairperson
Robert D. Miller, Vice-Chairperson
FROM: Duane Johnson
RE: House Bill 2845

Conferees: Duane Johnson, State Library
Dan Masoni, Kansas Library Association

1. H.B. 2845 would amend K.S.A. 12-1247 to increase the mill levy authority of the Library District No. 1, Miami County, Louisburg, from 1.5 mills to 3.00 mills.

The State Library supports this action because the operations of at least five of the eight library districts in the state cannot meet minimum Kansas standards for library service under the present mill levy limitation.

2. H.B. 2845 also proposes to place in statute a requirement for the publication of a resolution identifying the library board's intent to use the increased levy authority, followed by a 30 day potential public protest period. Protest could be filed in petitions signed by 5% of electors of the district. If petitions are filed, an election on the question would be held.
3. Statements from two district library officials identifying the basis for their library's need are attached here.
4. There are eight district libraries in Kansas, organized under authority of K.S.A. 12-1236 et seq. The eight districts are identified on attached sheet.
5. We ask respectfully that H.B. 2845 be passed out of committee with recommendation that it be passed.

ATTACHMENT I
2/20/86
Hs. Local Gov.

Linwood Community Library

District No. 1

P.O. Box "C"

Linwood, Kansas 66052

(913) 723-3686

February 19, 1986

SENATE BILL NO. 571

The Linwood Community Library District No. 1 Library Board is in full support of Senate Bill No. 571 which would allow us to raise our mill levy. Under the current mill levy we receive approximately \$6500 from taxes to serve 1,647 patrons which is \$3.95 per person in the district. When we budget each year this amount barely covers the rent, the librarian's minimum wage salary and part of the utilities. At this time we must rely on State Aid, NEKLS Grants and donations to purchase books and supplies, offer programs such as the summer reading program, maintain the building, pay insurance and purchase equipment. We need more local support to improve the level of library service.

We are proud of our volunteer staff which helps keep the library open four days a week, one evening and a few Saturday hours for a total of 31 hours. An increase in our levy would enable us to have a paid librarian more than 15 hours a week so that we could be open an additional day and increase evening hours when working families can use the library. It would also enable volunteers to man the circulation desk while the librarian is doing processing and other professional work.

We would be able to build our book collection up towards minimum standards. We are currently at 33% of the minimum standard for small libraries. Building up the quantity and quality would make the collection more useful to our patrons. In the past year we have seen an increase of 16% in volumes borrowed and feel this trend could continue if our collection were more current.

We would like to offer our patrons a wider range of library service by following the lead of larger libraries in offering such things as computer services, quality educational video tapes and more adult programs.

Sending our librarian to a conference such as the Kansas Library Association Tri-Conference cost the Library \$100 last year and yet the information available is extremely useful. The number of professional programs she can attend now are severely limited by our current budget. Because we cannot afford a professional librarian, it is even more important that our librarian take advantage of these opportunities to expand her knowledge in the library field.

The change in the mill levy would enable the Librarian and Library board to plan for growth rather than maintenance of our library.

We would appreciate your giving us the opportunity to promote increased local support for our library program by your support of Senate Bill No. 571.

Thank you,

Shirley Patrick

February 19, 1986

Subject: In support of Senate Bill 571

I am a member of the Board of Trustees of Library District #1 and am in favor of the subject bill. Our Library District is in the north-eastern part of Senate District 12; and, in the eastern part of House of Representatives District 15 and the north-eastern part of House of Representatives District 12.

As one of seven in Kansas, Library District #1, of Miami County, cannot change its mill levy without specific legislation. Our need for this bill is based on the following:

In addition to children's and adult's library services, our library also provides a meeting place for senior citizens, genealogy research, and a distribution point for commodities for the needy. But we need more space.

The necessary space is available because the library building and the adjoining building are for sale, as a package, and not separately. We want to buy both buildings and plan to get the money through a combination of fund raising, donations, a bond issue, and a grant.

The increased revenue would make a bond issue feasible; and with donations, provide the necessary "matching" funds to support an application for a grant.

Respectively,


Felix A. Spies

Felix A. Spies
Route 1, Box 82
Louisburg, KS 66053

District Libraries and Mill Levies - 1986

	<u>Mill Levy</u>	<u>Estimated Income</u>
1. Allen, Library District #1, Lyon Co.	.85	\$ 4,855
2. Basehor, Library District #2, Leavenworth Co.	.80	\$ 6,800
3. Blue Mound, Library District #3, Linn Co.	1.513	\$ 5,360
4. LaCygne, Library District #2, Linn Co.	.545	\$58,000
5. Linwood, Library District #1, Leavenworth Co.	1.50	\$ 9,815
6. Louisburg, Library District #1, Miami Co.	1.48	\$32,206
7. Parker, Library District #1, Linn Co.	1.40	\$ 5,750
8. Troy, Library District #1, Doniphan Co.	1.47	\$52,606

Kansas State Library
February 1986



Kansas Library Association

901 N. Main
Hutchinson, KS. 67501
316-663-2501

RACHEL SENNER, President
Unified School District No. 460
Library Services Director
150 N. Ridge Rd., Box 2000
Hesston, KS 67062
(316) 327-4931

LEROY M. GATTIN
Executive Secretary
901 N. Main
Hutchinson, KS. 67501
316-663-2501

February 20, 1986

Representative Ivan Sand, Chairman
House Local Government Committee
Room 183-W
State Capitol
Topeka, KS 66612

Dear Representative Sand,

The Executive Board of the Kansas Library Association endorses both H.B. 2845 and S.B. 571. Both bills give desperately needed authority to district libraries for increases in local operating budgets.

H.B. 2845 would only give that authority to Miami County Library District #1. S.B. 571 gives added levy authority to all district libraries. Both bills are positive steps for the fabric of interlibrary cooperation across Kansas.

All libraries endeavor to offer the very latest in materials and services to the public. District libraries serve areas which are predominantly rural in nature. Besides ever increasing costs, most have faced shrinking tax dollars for the past several years. Both bills your committee will consider offer help to district libraries.

The Association supports the permissive wording in the legislation which gives local voters the ultimate decision on library levys. The wording of the proposal also allows library boards who don't need an increase in funding to forego one till needed.

District libraries are an integral part of cooperative networks in Kansas. I urge your passage of H.B. 2845 and S.B. 571.

Sincerely,

Daniel Masoni, Chairman
KLA Legislative Committee

ATTACHMENT II

2/20/86

Hs. Local Gov.

February 20, 1986

Subject: In support of an increased mill levy for District Libraries.

I am a member of the Board of Trustees of Library District #1 and am in favor of the proposed increase. Our Library District is in the north-eastern part of Senate District 12; and, in the eastern part of House of Representatives 15 and the north-eastern part of House of Representatives District 12. A map of the library district is attached.

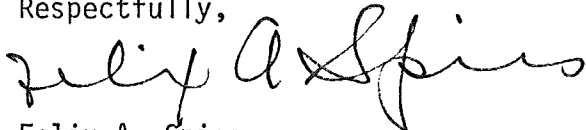
As one of eight in Kansas, Library District #1, of Miami County, cannot change its mill levy without specific legislation. Our need for this bill is based on the following:

In addition to children's and adult's library services, our library also provides a meeting place for senior citizens, genealogy research, and a distribution point for commodities for the needy. But we need more space.

The necessary space is available because the library building and the adjoining building are for sale, as a package, and not separately. The latest asking price is \$135,00, or \$14.67 per square foot. The upstairs of the two story building and two garages on the first floor are not finished. We were told by a library architect that a new library, without lot, would cost at least \$50.00 per square foot. We want to buy both buildings and plan to get the money through a combination of fund raising, donations, and a bond issue and a grant.

The increased revenue from a higher mill levy would make a bond issue feasible; and with donations, provide the necessary "matching" funds to support an application for a grant. We could then buy both buildings and "lock in" our rent expense.

Respectfully,



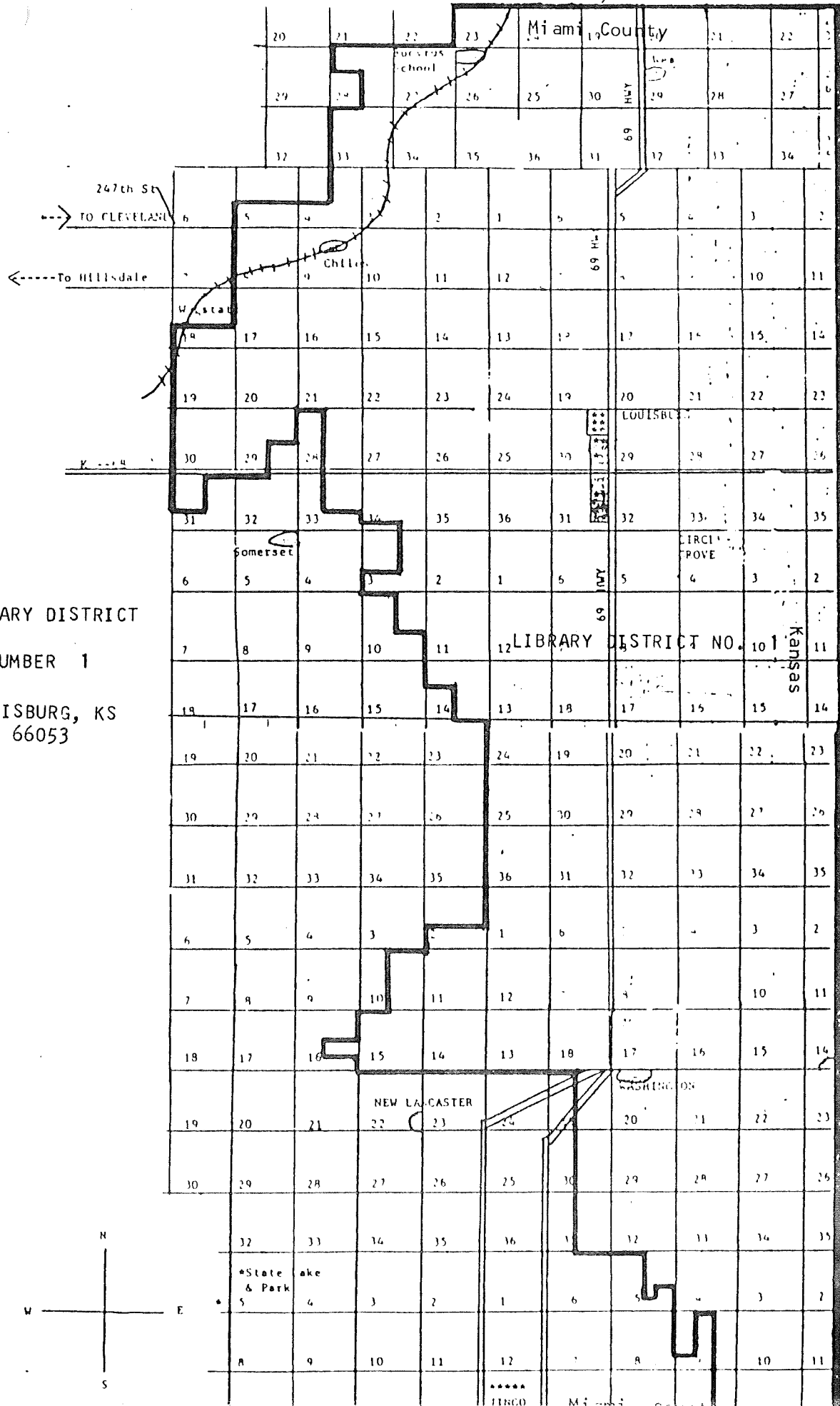
Felix A. Spies

Felix A. Spies
Route 1, Box 82
Louisburg, KS 66053
(913) 837-2694/5138

ATTACHMENT III
2/20/86
Hs. Local Gov.

Johnson County

Miami County



LIBRARY DISTRICT

NUMBER 1

LOUISBURG, KS
66053

State Line--Missouri

Kansas

BURT DEBAUN
 REPRESENTATIVE, THIRTEENTH DISTRICT
 OSAGE AND PART
 OF LYON COUNTY
 726 S. 9TH
 OSAGE CITY, KANSAS 66523



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER INSURANCE
 LABOR AND INDUSTRY
 LOCAL GOVERNMENT

Local Government
 2/20/86

Mr. Chairman and members of the committee:

House bill 2861 was introduced at my request to correct a situation concerning the responsibility and the authority of Township Trustees.

Last year I was a co-sponsor of HB 2258 which raised the permissible mill levy for Township libraries. As the bill was worded and as several of us interpreted it, we thought that the Township Board (Trustees) had the authority to adjust this mill levy. (copy attached) As it turned out statute KSA 12-1220 gave the authority of raising the mill levy to the Township Library Board not the governing body of the Township. This of course was not our intent.

HB 2861 would correct this situation. I would point out that HB 2861 in no way affects the mill levy. It will remain at 2.5 mills -- all this bill does is give those elected officials who are responsible for Township government the authority to control budgets.

Are there any questions from the committee ?

Burt DeBaun

ATTACHMENT IV

2/20/86

Hs. Local Gov.

Errors committed in the valuation and assessment process that are not specifically enumerated in K.S.A. 79-1701, and amendments thereto, shall be remediable only under the provisions of K.S.A. 79-2005, and amendments thereto.

Sec. 4. K.S.A. 79-1701, 79-1701a and 79-1702 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 24, 1985.

CHAPTER 318

House Bill No. 2258

AN ACT concerning townships; relating to the limitation of tax levies; amending K.S.A. 79-1962 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 79-1962 is hereby amended to read as follows: 79-1962. The governing body of any township is hereby authorized and empowered to levy taxes in each year for township purposes but the governing body shall not fix a rate of levy in any one year on each dollar of assessed tangible valuation of such township in excess of the following-named rates:

General fund	.50 mill
Judgments	1.00 mill
Establishing and maintenance of free library and reading room	1.00 mill
<i>Provided, That Such one-mill levy shall be outside the aggregate tax levy limit prescribed by this section and is subject to increase as hereinafter provided.</i>	
Free band concerts	.25 mill
Free band concerts when authorized by an election	.50 mill
To acquire land for a cemetery or park	1.00 mill
Maintenance of a cemetery or park	1.00 mill
To acquire a site and build a cemetery chapel	2.00 mills
Fire protection, joint with cities or townships	1.00 mill
Extermination of prairie dogs	1.00 mill
Cemeteries: As authorized by K.S.A. 12-1403	1.00 mill
Cemeteries: As authorized by K.S.A. 12-1405	.10 mill
Cemeteries: As authorized by K.S.A. 80-932	2.00 mills
Fire department: As authorized by K.S.A. 80-1903	4.00 mills
Townships in counties between 150,000 and 250,000	3.00 mills
Fire department: As authorized by K.S.A. 80-1916	3.00 mills
Fire department: As authorized by K.S.A. 80-1921	2.00 mills
Fire department: As authorized by K.S.A. 80-1537	3.00 mills
Garbage and trash fund: As authorized by K.S.A. 80-2201:	
First year of levy	1.00 mill
Second year and thereafter	.50 mill

Garbage and trash disposal: As authorized by K.S.A. 80-220450 mill
Halls and buildings: As authorized by K.S.A. 80-115, 1.00 mill but not to exceed \$2,000.	
Noxious weeds: As authorized by K.S.A. 2-1318	1.00 mill
Deficiency levy for chemicals50 mill
Parks and cemeteries: Maintenance as authorized by K.S.A. 80-903	2.00 mills
Police protection by sheriff's deputies:	
As authorized by K.S.A. 19-807d	1.00 mill
Roads: As authorized by 68-518c	5.00 mills
Townships in counties between 175,000 and 275,000	7.00 mills

Such rates are not intended to, and shall not be construed to apply to any township not specifically authorized by law to make such levy, and the aggregate of all tax levies of any such township except for the payment of bonds and interest thereon, and levies for cemeteries or parks, the control and eradication of noxious weeds, and levies for roads and bridges is hereby limited to 2.50 mills on each dollar of assessed tangible valuation of such township, except that in townships in counties operating under the county road unit system the aggregate of all tax levies, except for the payment of bonds and interest thereon, and levies for maintenance of cemeteries or parks, and levies for the control and eradication of noxious weeds, and levies for roads and bridges and levies for fire protection is hereby limited to .50 mill on each dollar of assessed tangible valuation of such township.

The levy for establishing and maintaining a free library and reading room may be increased from 1.00 mill to not more than 2.50 mills. Before any township increases this levy the township board shall publish a notice of its intention to make such increase. Such notice shall be published once each week for two consecutive weeks in the official county newspaper and if within 60 days following the last publication of such notice a petition signed by electors of the township equal in number to not less than 5% of the total electors of such township is filed in the office of the county election officer requesting an election upon such proposition, no such increased levy shall be made without such proposition having been submitted to and approved by a majority of the electors of the township voting at an election called and held thereon. All such elections shall be noticed, called and held in the manner prescribed in K.S.A. 10-120, and amendments thereto.

Sec. 2. K.S.A. 79-1962 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 16, 1985.

Published in the *Kansas Register* April 25, 1985.

Dr. February 20, 1986

TO: Local Government Committee of the House
Ivan Sand, Chairperson
Robert D. Miller, Vice-Chairperson

FROM: Duane Johnson

RE: House Bill 2861

Conferees: Duane Johnson, State Library
Margaret Gates, Manhattan Public Library
Dan Masoni, Kansas Library Association

1. H.B. 2861 would amend K.S.A. 12-1220 to remove budget authority from township library boards and places this authority with township trustees who already have, under existing law, strong influence over the budget and operations of the township library.

The State Library opposes this action.

2. Kansas library law has historically provided a degree of separation between local library information service and the political process in local government. This limited separation is an important protection to information service from libraries in a democratic political and governmental system. It is important that information and educational services from libraries remain neutral in the political process. H.B. 2861 would remove this separation for township libraries.
3. Township officials still have controls over the budget and policies of the library:

The township board is involved in the decision to publish the resolution which would identify the library board's intent to increase the library's mill levy authority. (Reference K.S.A. 79-1962.)

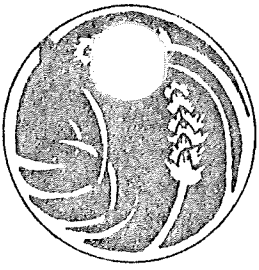
The citizens of the district have the opportunity to oppose the levy authorization increase and call an election on the question. (Reference K.S.A. 79-1962.)

The township trustees appoint the library board members and can influence library policy through these successive appointments. (Reference K.S.A. 12-1222.)

A township trustee is a voting member of the six-member library board and can influence policy through this participation. (Reference K.S.A. 12-1222.)

4. We ask respectfully that H.B. 2861 be not passed.

ATTACHMENT VI
2/20/86
Hs. Local Gov.



Kansas Library Association

901 N. Main
Hutchinson, KS. 67501
316-663-2501

RACHEL SENNER, President
Unified School District No. 460
Library Services Director
150 N. Ridge Rd., Box 2000
Hesston, KS 67062
(316) 327-4931

LEROY M. GATTIN
Executive Secretary
901 N. Main
Hutchinson, KS. 67501
316-663-2501

February 20, 1986

Representative Ivan Sand, Chairman
House Local Government Committee
Room 183-W
State Capitol
Topeka, KS 66612

Dear Representative Sand,

The Kansas Library Association does not support H.B. 2861. The bill would have a negative impact on 24 township libraries. The Association feels the bill is flawed for the following reasons:

1. KSA 12-1220 already has permissive language included which places the ultimate decision on funding for township libraries with local voters.
2. Years of struggle by township library boards for stable funding and planning processes will be undone by H.B. 2861. Without stable long-term planning and funding processes administered by non-political library boards, library services will ultimately suffer.
3. Township libraries are basic building blocks in the total structure of library services in Kansas. The Executive Board of the Association feels that as the ability of township libraries to serve the public is eroded locally, services to all Kansans will be harmed.

The Kansas Library Association urges that H.B. 2861 be defeated for the reasons cited above.

Sincerely,

Daniel Masoni, Chairman
KLA Legislative Committee

ATTACHMENT III
2/20/86
Hs. Local Gov.



KANSAS MANUFACTURED HOUSING INSTITUTE
100 East Ninth Street • Suite 205 • Topeka, Kansas 66612 • (913) 357-5256

**TESTIMONY BEFORE THE
HOUSE OF REPRESENTATIVES
COMMITTEE ON LOCAL GOVERNMENT**

TO: House Committee on Local Government

FROM: Terry Humphrey, Executive Director
Kansas Manufactured Housing Institute

DATE: February 20, 1986

RE: In support of House Bill 2862

Mr. Chairman and members of the committee, I am Terry Humphrey, Executive Director of Kansas Manufactured Housing Institute. KMHI is a trade association representing all facets of the manufactured housing industry and we thank you for the opportunity to appear before you in support of House Bill 2862

Today's manufactured home is energy efficient, built to a stringent construction safety code, affordable, and the choice of many home buyers. However, due to our products origin from a travel trailer or temporary home, manufactured housing has a serious image problem. Beginning with the implementation of the 1976 Manufactured Home Construction and Safety Standards, the industry has made strides in overcoming its negative image. Yet, despite advances our product and its consumer continue to face prejudice and discrimination at the city and county level.

In 1976, the Kansas Legislature aware of the situation, adopted KSA 19-2938. This law mandates that planning boards and county commissions shall not arbitrarily exclude manufactured homes in zoning matters. Yet, since the enactment of this law little has changed for our industry. The courts when reviewing KSA 19-2938 state that it is difficult to determine legislative intent and therefore a county would only be in violation of the law if it totally prohibited placement of manufactured homes anywhere within the county.

KMHI is fully aware that manufactured homes do not belong in every residential single family subdivision, but our housing would fit nicely in many areas where it presently cannot go.

It is our belief that manufactured home placement should be judged on its compatibility with existing housing; or architectural and aesthetic requirements of a community. House Bill 2862 puts this concept into law. The bill, patterned after a California law

ATTACHMENT VII
2/20/86
Hs. Local Gov.

states that counties and cities cannot prohibit the placement of manufactured homes in single family residential districts, however, they can set developmental standards that apply to both factory built and site built homes. It is important to point out that this bill has no effect on private, protective, subdivision covenants.

If House Bill 2862 becomes law, there are at least three important benefits. First, counties and cities will continue to have the regulatory tools to ensure the visual compatibility of housing; secondly, zoning regulations will be applied in a more equitable manner; thirdly, our nine Kansas mobile home manufacturers will have a more favorable environment in which to market their product.

Also, it is important to mention that in recent years several studies have emphasized the need to eliminate restrictive zoning practices affecting manufactured housing. These studies include:

- The President's Blue Ribbon Housing Commission Report (April 22, 1982)
- The U.S. Savings and Loan League (position paper "Housing in the 80's")
- National Conference of State Legislatures (booklet on affordable housing)

Already 16 states have adopted legislation to achieve this goal.

In conclusion, KMHI realizes that HB 2862 is only a catalysis for change and we are committed to working with counties and cities, on a local level, to achieve fair and representative housing policies. I urge your support of HB 2862. Thank you.



Rec. 2-26-86

KANSAS MANUFACTURED HOUSING INSTITUTE

112 SW 6th • Suite 204 • Topeka, Kansas 66603 • (913) 357-5256

February 25, 1986

Representative Ivan Sand
Statehouse, Room 183-W
Topeka, KS 66612

Dear Representative Sand:

As I explained at the February 20th hearings on House Bill 2862 (zoning and manufactured housing), one of our conferees, Jim Boyts of Skyline Corporation was fogged in at O'Hara and could not be there to testify.

Enclosed is Jim's testimony, which is excellent, and I hope you will take a few minutes to read it.

In the next several days, I will visit with you about House Bill 2862 to get your thoughts. KMHI is very committed to the concept of this bill; and we will work hard to shape it into good, workable legislation. Thank you for your time.

Sincerely,

Terry Humphrey
Executive Director
KANSAS MANUFACTURED HOUSING INSTITUTE

TH:mn
Encl.

ATTACHMENT VIII

2/20/86

Hs. Local Gov.



Skyline Corpora.
2520 By-Pass Road
P.O. Box 743
Elkhart, Indiana 46515
[219] 294-6521

February 20, 1986

To: Mr. Ivan Sand, Chairman
House Local Government Committee

Re: House Bill No. 2862

Thank you for this opportunity to share our points in support of this bill.

I am Jim Boyts of Skyline Corporation headquartered in Elkhart, Indiana. Skyline has two manufactured housing plants in Kansas. The one in Arkansas City opened 27 years ago in 1959 and Halstead in 1965. We employ approximately 150 people directly, but many more jobs are created by our suppliers.

I was born and raised on a farm in Harper County. My parents, a daughter, son-in-law and three grandchildren live in the Harper area.

While we of the industry support home rule and a reduction of government involvement in the private sector, it is clear that a directive is needed to address this critical issue of affordable housing and its role in the economic health and future of Kansas.

Zoning and land use planning are necessary, but we must question this authority when it is extended to determining how a home is erected or brought to the site. Today in too many areas Kansans' options of home ownership are reduced by ordinances that are outdated, overly restrictive and prejudicial.

I am currently serving on a national Land Use Task Force, and the issue we are working on here today is being addressed across the country at the Federal level.

There are states that are ahead of us as well as behind us. The 1976 California law that HB 2862 is modeled after has helped. Some 16 states have enacted similar laws or court decisions, and more are in process.

"The President's Commission on Housing" 1982, Chapter 15, page

203; "States and localities should remove from their zoning laws all forms of discrimination against manufactured housing, including off-site fabricated housing systems or components conforming to requirements of one of the current nationally recognized model codes...Despite the increasing attractiveness of manufactured housing, local zoning laws continue to discriminate against mobile homes."

Samuel R. Pierce, Secretary of H.U.D. in an address to the Home Builders said, as reported in the May 13 issue of "Nations Building News": "High costs are more often than not the results of outdated and over restrictive local public policies...although many of these regulations were originally enacted for valid reasons, they have generally failed to keep pace with changes in technology, taste and demographics."

The U. S. League of Savings Institutions' Homeownership Task Force reported in September 1983 that "Denial of homeownership opportunities to large numbers of families who would qualify by all traditional measures of income and education adds up to a major, urgent concern for our society...The manufactured housing sector, it is fair to say, is the most cost-efficient force in American home building today...why hasn't manufactured housing experienced more rapid growth? One reason is local zoning and building codes that treat manufactured housing as an outcast."

The manufactured home of today is built in a controlled environment on an assembly line with jigs that insure precise fits, 2 x 4 and 2 x 6 inch kiln-dried studs, to a Federal code - the most up-to-date housing code. Each home - engineered to meet exacting standards and then checked and double checked by an independent third party (in Skyline's case, Underwriters Laboratory)- is going to last.

This point is affirmed by the fact that the VA and FHA both approve 30-year loans on manufactured homes, as well as site-built homes.

We're being very aggressive on the code issue. A current project is under way to do a side-by-side comparison of all four major building codes. Battelle Laboratories has finished one, and the conclusion is and will be that the national HUD code is on par and in many cases more demanding. The key is the HUD code developed more recently sets performance standards instead of a recipe standard.

I could go on, but I trust the point is made. There is concern all the way from the local people here today to the Secretary of HUD to the President regarding the reduction of home ownership opportunities due to obsolete or overly restrictive rules and ordinances.

I spent last Saturday and Sunday with my three grandchildren in Harper. It grieves me to think that their parents, who are renting now but would like to purchase a manufactured home - or my grandchildren themselves when they grow up - might be denied the housing of their choice because you and we, the members of this great industry, were not able to work out reasonable solutions.

We're not asking to put a manufactured home just anywhere without any guidelines. We request parity.

In Indiana, we developed a complete "guide" with a number of sample ordinances plus a state-approved "installation guide" for siting our homes. There we have been successful in working with local government to achieve parity. However, it took a state statute to serve as the catalyst.

Thank you for your consideration.

Jim Boyts
National Staff



Zimmer Homes of Kansas, Inc.

February 17, 1986

TO: HOUSE LOCAL GOVERNMENT COMMITTEE

ATTN: IVAN SAND

FROM: BILL JUNGLES, VP/General Mgr. Zimmer Homes of Kansas, Inc.

SUBJECT: ZONING PROPOSAL HB2862

Ivan Sand,

I would like to express my support for HB 2862. I would also appreciate any support you can inject concerning this zoning proposal.

Thanking you in advance of your efforts, and for your consideration.

Bill Jungles
BILL JUNGLES

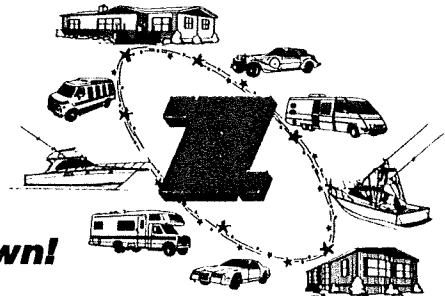
ATTACHMENT IX

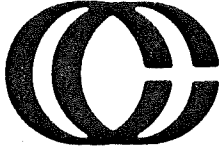
2/20/86

Hs. Local Gov.

Zimmer Creates Lifestyles...

...Products Americans Are Proud To Own!





Citation Homes

Division of Commodore Home Systems, Inc.

1550 Davis Street • P.O. Box 627 • Ottawa, Kansas 66067 • (913) 242-2577

February 18, 1986

Ivan Sand, Member
House of Representatives
Capitol Building
Topeka, Kansas

Dear Representative Sand:

Kansas Manufactured Housing Institute zoning proposal #2862 is scheduled for a hearing on Thursday February 20, 1986. Being a member of KMHI, and involved in manufactured housing, this proposal is very significant for potential growth and development of the manufactured housing industry.

Shelter has been and continues to be one of the greatest needs of our society. This proposal affords the opportunity for a home buyer to acquire and place a manufactured home in a more suitable environment.

Your support for not only our industry but more importantly, your support for low cost housing requirements is needed! Along with your constituents, please enact the zoning changes.

Sincerely,

Dick Barrett, General Manager

DB/ct

ATTACHMENT X

2/20/86

Hs. Local Gov.

MARSHALL, DAVIS, BENNETT & HENDRIX

L A W Y E R S

210 COMMERCE BANK AND TRUST BUILDING

3121 AND S. TOPEKA BOULEVARD

TOPEKA, KANSAS 66611-2191

HERBERT A. MARSHALL

CLAYTON M. DAVIS

MARK L. BENNETT

MARK L. BENNETT, JR.

J. ROGER HENDRIX

MICHAEL J. SCHENK

WILLIAM T. NICHOLS

ROBERT J. PERRY

GREGORY A. LEE

LORI M. CALLAHAN

TELEPHONE 267-6380

OR 234-0417

AREA CODE 913

DORAL H. HAWKS (1984)

TO: The House Committee on Local Government

FROM: William T. Nichols

Mr. Chairman and Committee members. I offer this testimony in support of House Bill 2862.

During the 1976 legislative session, a new statute was added, this being K.S.A. 19-2938. Until the enactment of this statute, no specific statute dealt with placement of manufactured housing within any zoning districts in a county. K.S.A. 19-2938 provides, that in the exercise of zoning authority, no county can regulate the occupancy or location of dwelling units in a way which would effect arbitrary exclusion of manufactured housing. However, little has changed in placement of manufactured housing since July 1, 1976, the effective date of K.S.A. 19-2938.

To a certain extent the current statute is ambiguous. It merely states the counties cannot arbitrarily exclude manufactured housing. If manufactured housing is allowed in mobile home parks but in no other areas, is that arbitrary exclusion or has the county complied with this statute? The approach of the counties has been to still severely restrict location of manufactured homes within the county, but allow locations within at least some

ATTACHMENT XI

2/20/86

Hs. Local Gov.

zoning district. The counties have generally restricted location of manufactured homes to what are called mobile home parks and in some instances to mobile home subdivisions. Is this approach by the counties what the legislature in 1976 intended? Was the legislature suggesting that manufactured housing and the owner of the home be given other options in the location of the home?

House Bill 2862 recognizes that the current K.S.A. 19-2938 is not sufficiently specific. It applies to both counties and cities. It recognizes homes constructed according to the National Mobile Home Construction and Safety Standards Act or HUD code. This bill states counties and cities shall not prohibit location in any zoning district on lots zoned for single family dwellings, but does allow the county or cities to impose certain of the same development standards, architectural requirements and aesthetic requirements imposed on site built homes.

The powers of the cities and counties are not being eroded. They are still given the power to control residential development, but are required to equally treat those manufactured homes which are equal to site built homes. House Bill 2862 states that manufactured homes can be subjected to the same development standards to which conventional single family residential dwellings on the same lot would be subject, including, but not limited to,

building setback requirements, side and rear yard requirements, and other requirements, including architectural, aesthetic requirements. Those aesthetic requirements are limited to roofing material and siding material. Lastly, this bill provides the governing body can not apply development standards in such manner as to totally preclude manufactured homes on lots, in any zoning district, for single family dwellings.

Why is this change in K.S.A. 19-2938 necessary? A lawsuit originally filed in Butler County District Court and now on appeal in the Kansas Court of Appeals provides an answer to the question. A resident of Butler County made application for a zoning permit to place a single wide manufactured home, 70'x14' in size, to be located in a district zoned for single family dwellings. This manufactured home was to have a pitched roof, shake shingle roofing material and wood siding. The owner of this home proposed to locate it on a permanent foundation. The zoning regulations in Butler County would have allowed this home to be located in the zoning district, except that the home, being narrower than 24' wide minimum allowed by the zoning regulations, would not qualify. Butler County zoning regulations do allow this home in certain other areas of the county. However, let me quote the then Butler County Zoning Administrator in his descrip-

tion of that part of Butler County where this person's manufactured home could be located. The Zoning Administrator said: "Much of the A-1 area is rugged and rocky and poses problems for building roads and installing utilities."

The facts and evidence in this Butler County case clearly established that site built homes and manufactured homes are dealt with differently. The facts established that in this same zoning district in which this individual wished to place his manufactured home on real estate he owned, that (1) site built homes had no minimum width requirements, but the manufactured homes did; (2) site built homes had no requirements concerning roofs being peaked or concerning roofing material, but the manufactured homes did; and (3) site built homes did not have any requirements concerning exterior siding materials, but the manufactured homes did. Also of interest is the fact that this manufactured home was built in accordance with the National Construction and Safety Standards, which is equivalent to the three major building codes applicable to site built homes. There is no building code in Butler County.

It was conceded by all representatives of Butler County who testified that a person could, within this zoning district, site build a home which was identical to the manufactured home, but

this manufactured home could not be located there simply because it was manufactured and not site built. It made no difference what was the size, appearance or similarity to site built homes, this manufactured home could not be located on this person's real estate. Because this man chose to purchase a home which was manufactured, instead of building a home on site, he was denied a zoning permit.

The District Court ruled against the land owner on the basis of that Judge's interpretation of K.S.A. 19-2938. The court interpreted K.S.A. 19-2938 to mean the County could not totally exclude manufactured homes from the County. The Court then ruled that because the zoning regulations did allow manufactured homes in certain other zoning districts of the County, they were not, therefore, totally excluded and the mandate of K.S.A. 19-2938 had been met.

We feel House Bill 2862 will change our statutes to allow individuals, such as this Butler County resident, to locate manufactured homes in areas zoned for single family dwellings, when that manufactured home is similar to site built homes. House Bill 2862 treats manufactured homes which are equal to site built homes, in an equal and fair manner.

Webster's

SERVING THE MIDWEST'S MOBILE AND MODULAR HOUSING NEEDS FOR 30 YEARS

WEBSTER'S, INC.
MOBILE AND MODULAR HOME SALES
MOBILE ACRES SOUTH, INC.
MOBILE ACRES
MOBILE ESTATES
MOBILE AND MODULAR HOME PARKS
DIAMOND HOUSING, INC.
RESIDENTIAL & COMMERCIAL RENTALS

February 20, 1986

Reference to HB2862

Committee Members:

The American dream of home ownership should be the privilege of all who desire it. Once these Americans buy a home and own a piece of Kansas, they will become part of the stability of Kansas and its continued economic growth.

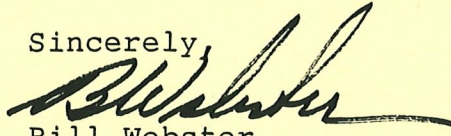
I have been a Kansas mobile home dealer for 30 years. Like so many Kansas industries, the mobile/modular home industry, too, is rapidly declining. The people who want and need these homes can no longer feel proud in owning or living in them because of old images and unfair zoning restrictions. Therefore, the 26 manufacturing home plants that once thrived in Kansas have dwindled to a mere 9 plants. Kansans who can not afford homes built on-site today have the option of rental or living in mobile home parks, but for many that is not their heart's desire. There are families that want to own property and settle into "home owned lots" - they want to invest in a part of their community and their state. Outdated, unfair and prejudice zoning standards keep these families from buying and settling in Kansas.

It is prejudice, misunderstanding and lack of facts that keeps zoning standards from being changed to include the manufactured home as an acceptable substitute for the standard stick-built home. Homes Manufactured in factory today meet HUD standards that insure the quality and durability of the home. As well as quality, the purchasing price makes these homes an ready answer for families who can not afford any other home. The pricing of manufactured homes is low because in-house production has no down time due to weather conditions. Quality and comfort are built into the manufactured home industry. These standards are not left to the whim of individual builders or budget.

As an investor, placing manufactured homes in the county is becoming increasing difficult as well. Statements like the one made by Douglas County Commissioner David Hopper illustrates the prejudice and lack of facts used when dealing with manufactured home issues: "Planning commissioners wonder if moved houses and manufactured homes might cause future problems as rural areas of the county develop." I would like to stress that the quality of today's manufactured home can be measured, and that quality compares and often excels that of housing being built on-site.

All that is necessary for this industry to continue and again thrive in Kansas is that legislation be passed that will eliminate the obvious prejudice that exists with this otherwise acceptable choice in housing.

Sincerely,



Bill Webster

CENTRAL OFFICES: 3409 WEST SIXTH STREET • LAWRENCE, KANSAS 66044 • (913) 842-7700

Hs. Local Gov.

ATTACHMENT XII

2/20/86

February 18, 1986
2415 Danbury Place
Lawrence, KS 66044

Kansas Legislative Hearing - Issue of Manufactured Housing - HB2862

In my search for home and office options, I took a tour of a manufactured housing display. The interior, luxury features of these homes are impressive.

I could go on to compare the building standards that are maintained in these quality controlled homes - BUT - the real problem that I've discovered in my personal search is that Lawrence zoning codes do not allow for the placement of a manufactured home anywhere within the city except a trailer park.

It is obvious to me that there is a real information gap when it comes to the quality comparison of the manufactured home versus other homes. As a homeowner, I can speak from experience when I say that the quality of the individual home depends on the personal standards of the particular builder, and that City zoning standards have not adequately protected the homeowner.

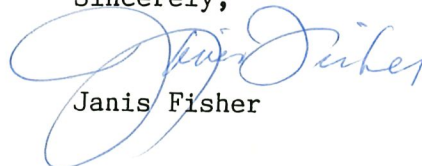
While I was asking about its prohibiting of manufactured homes, Lawrence Building Inspector, Gene Shaughnessy made the statement that regarding the manufactured home, "We have no way of knowing what's behind the walls, under the floors..." My personal experience indicates that he has no way of knowing or maintaining those standards in homes built on-site. Seven years ago Mr. Shaughnessy was asked to look at it the foundation of our home that was then in the need of repair due to the fact that the builder had not complied with city building codes in the pouring of the foundation. After seeing it, he agreed it had not been poured according to codes. When asked how that could have happened or what could be done to get the builder to compensate for his cutting corners or irresponsibility, Shaughnessy's response was "nothing," unless it had been discovered in the first year after building!

I'm hesitant to buy another home, and its hidden problems. That's why when I discovered the quality and attractiveness of the manufactured home built according to national building code standards, I was ready to think about a lot to place it on only to find that city zoning will not allow me to have this home set on a permanent foundation in a private lot of my choice. The building standards of the manufactured home make it a "risk free" product plus a more affordable home ... but in Lawrence, Kansas I do not have the freedom to choose where to locate this home.

I believe product quality and maintaining of standards can be much more closely controlled in the manufacturers building sites than they are being maintained throughout the entire city of Lawrence. Therefore, I think the manufacturers should be called in to speak for their own quality control standards. A visit to the manufacturing site might well be in order to properly study this product objectively.

As a consumer who gave up the enormous battle that it would take for me to live in the home of my choice on a privately owned lot, I hope a fair guidelines can be established regarding these homes and their placement statewide. Building codes can be modified to recognized new products. City guidelines can prevent older products that don't meet those new safety features from being placed on inappropriate sites. There is an answer to the homeowner/product question, but past prejudice and lack of updated facts need to be discarded and a fresh study be taken. More Kansans could be living safely in their own homes if manufactured homes were a viable option.

Sincerely,


Janis Fisher

Hs. Local Gov.

ATTACHMENT XIII

2/20/86



City of Lawrence KANSAS

BUFORD M. WATSON, JR., CITY MANAGER

CITY COMMISSION

MAYOR

MIKE AMYX

COMMISSIONERS

ERNEST E. ANGINO

HOWARD HILL

DAVID P.J. LONGHURST

SANDRA K. PRAEGER

CITY OFFICES

BOX 708

66044

6 EAST 6th

913-841-7722

July 17, 1985

Ms. Janis Fisher
2415 Danbury Place
Lawrence, Kansas 66044

Dear Ms. Fisher:

Your letter addressed to the City Commission was referred to me to answer your concerns about the use of manufactured housing in Lawrence. I believe you have an answer from Mr. Price Banks, Director of Planning, indicating that manufactured housing is not prohibited in the City of Lawrence so long as it meets the Uniform Building Code, or is placed in a mobile home park. If you have a particular house or manufactured product that you would like for us to review to determine if it does meet the building code, we would be happy to do so and advise you of our findings.

The City's commitment to good homes is primarily concerned with long life, good quality and fire safety. We are not concerned as to whether it is built on site or in a manufacturing plant.

We do appreciate your concern and I hope if you need additional information, you will contact my office.

Sincerely yours,



Buford M. Watson, Jr.
City Manager

BMW/ed

cc: City Commission
Price Banks



SIXTH AND MASSACHUSETTS STREET • BOX 708
LAWRENCE, KANSAS 66044 • (913) 841-7722 EXTENSION 150

July 11, 1985

Janis Fisher
2415 Danbury Place
Lawrence, KS 66044

Dear Ms. Fisher:

In response to your letter dated July 2, 1985, regarding the discrimination against manufactured homes in Lawrence, the City of Lawrence does allow manufactured and mobile homes. Mobile homes are restricted to locations in designated mobile home parks. Section 20-610.7, Use Group 6, Residential-Mobile Home Park, allows the development of mobile home parks within any residential district within the City, provided that the mobile home park meets the provisions set forth in Section 20-1420 and Section 20-1423. These two sections of the Ordinance regulate the location of mobile home parks relative to flood plains and the size and density permitted.

The Building Inspector has indicated that in general manufactured homes do not meet the City's building codes. According to the Building Inspector, most manufactured homes are unable to meet building code requirements regarding mechanical, electrical, plumbing, and emergency exist provisions. There are, however, certain manufactured homes that are certified by the International Conference of Building Officials (ICBO) that are allowed in Lawrence. A list of these Dwelling Construction Manufacturers is enclosed. Two of these types of homes have been built in the City since 1979.

If you would like more information about the Building Code, you may review a copy of it here at City Hall in the Building Inspections office.

If you have any other questions concerning this matter, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Price T. Banks'.

Price T. Banks
Director of Planning

PTB:pm

Enclosure

DWELLING CONSTRUCTION'

National Homes of Cedar, Inc., Bainbridge, WA	NER-125	Precut Laminated Cedar Wall Timbers	Feb. 84
Justus Company, Incorporated, Tacoma, WA	2355*	Justus Solid Cedar Homes	Aug. 82
Lincoln Logs Ltd., Chestertown, NY	3973*	Lincoln Log Homes	Dec. 82
Lindal Cedar Homes, Inc., Seattle, WA	1949P	Precut Cedar Wall and Floor Sheathing	June 83
Lumber Enterprises, Inc., Bozeman, MT	4068	Model Log Homes	Oct. 83
National Homes Corporation, Lafayette, IN	PFC-2238P	National Homes Corporation Method of Construction	May 84
National Homes Manufacturing Company, Lafayette, IN	PFC-2238P	"	"
National Homes Manufacturing Company, Tyler, TX	PFC-2238P	"	"

*Headquarters should be contacted for current information on the subject report.

See page 46 for manufactured homes listed by Building Officials and Code Administrators International, Inc., and Southern Building Code Congress International, Inc.

Page 8

BUILDING STANDARDS—PART II

COMPANY	NO.	PRODUCT	Date of Last Action
DWELLING CONSTRUCTION' (Continued)			
New England Log Homes, Hamden, CT	3840*	New England Log Homes	Mar. 84
New England Log Homes of California, Marysville, CA	3840*	"	"
New England Log Homes of Missouri, Houston, MO	3840*	"	"
Pan Abode Cedar Homes, Renton, WA	3446P	Interlocking Timber Buildings	Dec. 84
Rocky Mountain Log Homes, Hamilton, MT	3872	Rocky Mountain Log Homes	Oct. 83
Rustics of Lindbergh Lake, Inc., Condon, MT	3855	Rustics of Lindbergh Lake Log Homes	May 84
Taylor Homes, Division of American Family Homes, Inc., Anderson, MO	NER-195	Taylor Prefabricated Homes	Nov. 83
Traditional Management Company, Hanover, NH	3192P*	Real Log Homes	Nov. 81
Real Log Homes, Inc., Missoula, MT	3192P*	"	"
Sierra Log Homes, Inc., Carson City, NV	3192P*	"	"
Wausau Homes, Inc., Wausau, WI	PF-2000*	Manufactured Homes	Sept. 82
Wausau Homes, Inc., Ottumwa, IA	PF-2000*	"	"



HOMES & RV CENTER, INC.

835 Northeast Highway 24 • Topeka, Kansas 66608 • 913 357-5111

TO: LOCAL GOVERNMENT COMMITTEE

DATE: FEB. 20, 1986

SUBJECT: MANUFACTURED HOUSING ZONING STANDARDS

REPRESENTATIVE SAND AND MEMBERS ON THE COMMITTEE:

MY NAME IS DON CHRISTMAN, I AM CO-OWNER OF WILCOX HOMES & RV CENTER, INC. OF TOPEKA AND OPERATE THREE MOBILE HOME COMMUNITIES WITHIN THE CITY LIMITS OF TOPEKA. CURRENTLY, 285 FAMILIES RESIDE WITHIN OUR COMMUNITIES.

I APPRECIATE THE OPPORTUNITY TO APPEAR AND TESTIFY TODAY IN FAVOR OF HB 2862 WHICH STATES THAT CITIES AND COUNTIES SHALL NOT ADOPT ZONING REGULATIONS THAT PROHIBIT MANUFACTURED HOMES IN ANY RESIDENTIAL DISTRICT. HB 2862 DOES ALLOW, HOWEVER, CITIES AND COUNTIES TO MAKE THEIR OWN DECISIONS ON THE DEVELOPMENT STANDARDS FOR BOTH SITE BUILT AND MANUFACTURED HOUSING.

WE AS AN INDUSTRY DO NOT WISH TO DICTATE OR FORMULATE DEVELOPMENT STANDARDS FOR CITIES AND COUNTIES. NOR DO WE AS AN INDUSTRY WISH TO HAVE STATE GOVERNMENT DICTATE OR FORMULATE DEVELOPMENT STANDARDS. WHAT WE DESIRE AND MUST HAVE AS AN INDUSTRY IS A SET OF RULES, UNDERSTOOD BY ALL, THAT CAN BE ADMINISTERED IN A FAIR AND EQUITABLE MANNER FOR EVERYONE, INCLUDING THE GOVERNING BODIES, SITE BUILDERS AND DEVELOPERS AND PEOPLE INVOLVED WITH MANUFACTURED HOUSING.

SO, THE FIRST POINT TO UNDERSCORE IS EQUITY. WHAT IS EQUITABLE? SHOULD A KANSAN BE ALLOWED TO LIVE IN THE HOME OF THEIR CHOICE? SHOULD A KANSAN BE ALLOWED TO LIVE IN THE AREA OF THEIR CHOICE? REQUIRE CITIES AND COUNTIES TO SET NON-DISCRIMINATORY STANDARDS. TELL OUR INDUSTRY WHAT IS REQUIRED. IF WE CAN NOT PROVIDE AFFORDABLE, ENERGY EFFICIENT HOMES THAT ARE AESTHETICALLY PLEASING, THAT FIT WITHIN THE STANDARDS SET BY CITIES AND COUNTIES, THEN HB 2862 WILL NOT BE NEEDED. YOUR CONSTITUANT, OUR CUSTOMER

*ATTACHMENT XIV
2/20/86
Hs. Local Gov.*

WILL DECIDE OUR FATE. THE CONSUMER SIMPLY WILL NOT BUY OUR PRODUCT IF IT DOES NOT FILL THEIR NEEDS AT A PRICE THEY CAN AFFORD TO PAY.

ECONOMIC DEVELOPMENT IS A TERM THAT GETS ALMOST EVERYONE'S ATTENTION THESE DAYS. WE OFFER INCENTIVES TO COMPANIES TO LOCATE IN OUR STATE, OR IN A PARTICULAR CITY, WE HELP FINANCE THE PLANT AND OPERATIONS WITH REVENUE BONDS, WE EXTEND UTILITY MAINS AT NO CHARGE, THE LIST COULD GO ON AND ON. WHAT ABOUT THE OTHER SIDE OF ECONOMIC DEVELOPMENT, ECONOMIC LOSS? AGRICULTURE AND OIL ARE ON THE OTHER SIDE OF ECONOMIC DEVELOPMENT, LOOSING MONEY, SHRINKING AS AN INDUSTRY CAUSING UNTOLD PROBLEMS FOR BOTH GOVERNMENT AND PRIVATE ENTERPRISE. MANUFACTURED HOUSING IS ALSO ON THE DARK SIDE OF ECONOMIC DEVELOPMENT. KANSAS BUSINESS MAGAZINE RECENTLY REPORTED THAT CONSTRUCTION OF MANUFACTURED HOMES DROPPED FROM 9000 UNITS IN 1982 TO ABOUT 4550 HOMES IN 1984 IN KANSAS. FIGURING AN AVERAGE WHOLESALE INVOICE OF \$15,000.00 PER HOME THAT WOULD AMOUNT TO AN ECONOMIC LOSS TO KANSAS MANUFACTURERS OF ALMOST 67 MILLION DOLLARS. IN 1985 ANOTHER 20% DROP OR ABOUT A 13 MILLION DOLLAR REDUCTION WAS EXPERIENCED. WHAT WOULD WE DO AS A STATE, OR A COUNTY, OR A CITY TO INTICE A NEW INDUSTRY INTO OUR MIDST THAT WOULD MANUFACTURE 80 MILLION DOLLARS WORTH OF GOODS A YEAR? WOULD WE GET RID OF RESTRICTIVE ZONING PRACTICES TO ACCOMPLISH THIS?

THE SECOND POINT TO UNDERScore IN MY TESTIMANY IS THIS: THE SINGLE MOST IMPORTANT ISSUE FACING THE MANUFACTURED HOUSING INDUSTRY, ASIDE FROM THE ECONOMY, IN THE ISSUE OF RESTRICTIVE ZONING PRACTICES, ZONING PRACTICES THAT ARE BASED ON EMOTION MORE OFTEN THAN THE MERIT OF OUR PRODUCT OR THE WISHES OF YOUR CONSTITUANTS. THE ZONING PROBLEM IS REAL, IT WILL NOT GO AWAY UNTIL STANDARDS ARE SET THAT ARE FAIR TO ALL AND UNDERSTOOD BY ALL. RESTRICTIVE ZONING PRACTICES ARE HAVING A DETRIMENTAL EFFECT ON AN IMPORTANT VIABLE KANSAS INDUSTRY, ITS TIME TO DO SOMETHING ABOUT THAT, ITS TIME FOR HB 2862.

UPON REFLECTION, NON-DISCRIMINATORY ZONING REGULATIONS SHOULD BE QUITE SIMPLE TO WRITE FOR MANUFACTURED HOUSING. THERE IS ONLY ONE CODE, THE HUD CODE ADOPTED IN 1976, A NATIONALLY ENFORCED UNIFORM CODE. PRACTICALLY ALL MANUFACTURED HOMES NOW HAVE HOUSE TYPE SIDING, NO PROBLEM THERE.

MORE AND MORE WE ARE ORDERING OUR HOMES WITH SHINGLE ROOFS, ROOF OVERHANGS AND PEAKED ROOFS, THATS PRETTY CONVENTIONAL. SITE DEVELOPMENT CAN INCLUDE PORCHES, FOUNDATIONS, GARAGES JUST AS WITH SITE BUILT HOUSING.

I THINK BERM HOMES AND UNDERGROUND HOMES MIGHT POSE MORE OF A PROBLEM IN WRITING ZONING RESTRICTIONS OR STANDARDS. IS DIRT PUSHED UP TO THE ROOFLINE OF A HOME AESTHETICALLY PLEASING? IS A SHINGLED ROOF AT GROUND LEVEL VISUALLY CONSISTANT WITH THE CONVENTIONAL HOMES IN THE AREA? AND IN THE CASE OF THE UNDERGROUND HOME HOW DO YOU MAKE PROVISIONS FOR THE FAMILY WHO MUST MOW THEIR ROOF?

YOUR SUPPORT OF HB 2862 WILL SAY TWO THINGS: 1). WE AS A STATE WANT FAIR AND EQUAL TREATMENT FOR OUR CITIZENS AS TO THEIR HOUSING CHOICE. 2). WE AS A STATE ARE WILLING TO REMOVE RESTRICTIVE ZONING PRACTICES TO SUPPORT A VIABLE KANSAS INDUSTRY.

THANK YOU FOR YOUR TIME AND ATTENTION.

RESPECTFULLY SUBMITTED,

DON CHRISTMAN, SEC./TREAS.
WILCOX HOMES & RV CENTER, INC.



League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL / 112 WEST SEVENTH ST., TOPEKA, KANSAS 66603 / AREA 913-354-9565

TO: House Committee on Local Government
FROM: Kevin R. Davis, Attorney
DATE: February 20, 1986
SUBJECT: HB 2862

The League of Kansas Municipalities has no official policy position on this bill. However, we do have a great concern regarding the intent of the public policy and possible conflict with the constitutional home rule powers of municipalities. Additionally, we have a number of questions about how the bill would be interpreted and the effect on private restrictive covenants should the bill be passed.

First, let me say that we are not aware of any statewide problem which this bill intends to address that cities are not already dealing with. That is, to our knowledge, manufactured housing, including mobile homes, are allowed in most, if not all, Kansas municipalities. Many communities have no prohibitions or code requirements which would exclude manufactured housing. Other communities have adopted reasonable regulations dealing with the use and placement of manufactured housing, primarily mobile homes, in their communities. These regulations have been established to address the health, safety and welfare standards of the community under authority of the police power. Often these standards are based on building codes, life/safety considerations and the comprehensive plan of the community. The comprehensive plan is intended to provide for the orderly development of the city and the stability of the various land use districts.

Hs. Local Gov.

*ATTACHMENT XV
2/20/86*

Presidents: Ed Ellert, Mayor, Overland Park • **Vice Presidents:** John L. Carder, Mayor, Iola • **Past President:** Peggy Blackman, Mayor, Marion • **Directors:** Robert C. Brown, Mayor, Wichita • Robert Creighton, Mayor, Atwood • Irene B. French, Mayor, Merriam • Donald L. Hamilton, City Clerk/Administrator, Mankato • Carl D. Holmes, Mayor, Plains • Paula McCreight, Mayor, Ness City • Jay P. Newton, Jr., City Manager, Newton • John E. Reardon, Mayor, Kansas City • David E. Retter, City Attorney, Concordia • Arthur E. Treece, Commissioner, Coffeyville • Dean P. Wiley, City Manager, Garden City • Douglas S. Wright, Mayor, Topeka • **Executive Director:** E.A. Mosher

We believe that the home rule powers of cities authorized under Article 12, Section 5 of the Kansas Constitution is the best approach to dealing with manufactured housing. That is, the continuation of the existing system of local control of the placement of manufactured housing in a non-arbitrary, non-discriminatory and reasonable manner can only be accomplished on a local level.

Perhaps there are two primary issues which should be addressed. One, the impact of the federal code standards and the preemption of local control of these standards, and secondly, the aesthetic issue of manufactured housing in a traditional neighborhood.

First, the federal statute 42 U.S.C. 5403(d) requires that:

Whenever a Federal manufactured home construction and safety standard established under this title [42 USCS §§ 5401 et seq.] is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any manufactured home covered, any standard regarding construction or safety applicable to the same aspect of performance of such manufactured home which is not identical to the Federal manufactured home construction and safety standard.

This is significant in that it preempts local standards which might be more restrictive to deal with special conditions in an area. Since there can be no local control over the construction standards, it stands to reason that the structure is not necessarily equivalent to other structures in the community and therefore, is legally distinguishable and could be treated differently than other structures.

I might add that the federal law 42 U.S.C. 5401, et seq. came into effect in 1974 and its stated purpose was to:

...reduce the number of personal injuries and deaths and the amount of insurance costs and property damage resulting from manufactured home accidents and to improve the quality and durability of manufactured homes...

This statement implies a problem with the safety, quality and durability of manufactured housing. Certainly, the quality of manufactured housing has improved since this law was enacted, but it does not mean that the federal standards are equivalent to what local authorities may find necessary and desirable in their own communities. Therefore, we feel the local, home rule authority is the most appropriate level to apply any reasonable, non-arbitrary distinctions in placement of such housing. In many communities there may be no distinction.

Secondly, there is a perception that certain types of manufactured housing may be aesthetically incompatible in certain residential neighborhoods. Comprehensive planning attempts to create viable, stable residential neighborhoods, and the intrusion of single wide mobile homes, for example, may contribute to the premature decline of certain neighborhoods. Again, this concern is legitimately within the police power to implement comprehensive planning and distinguishes certain types of construction to ensure neighborhood stability.

The bill offers architectural and aesthetic controls to deal with this potential problem. However, I would submit that architectural or aesthetic controls are difficult to prepare in a constitutional sense and even more difficult to enforce and interpret. The burden of establishing such controls in many

smaller communities would probably be such that no standards would be adopted or could be effectively administered.

Other comments I would have are:

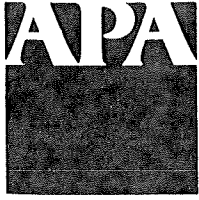
1. In line 0029, I think "mobile" should be "manufactured" since the federal law was amended in 1980.
2. There is no definition of "a foundation system" in the bill and this could be interpreted to allow almost anything.
3. The bill defines architectural requirements as limited to "roofing material and siding material."
4. No definition is given of aesthetic requirements.
5. There is no discussion in the bill of the code requirements for the connection of the manufactured housing to the "foundation system," water, sanitary sewer, natural gas, electric or other utilities.
6. There is no provision in the federal law or proposed bill to allow for inspection of the manufactured house for damage which may have resulted from vibration and transportation of the unit to the site.
7. There is no prohibition in the bill for the exclusive use of the manufactured structure for residential uses only. Many zoning districts which allow single family residences also allow for business and commercial uses. These "heavier" or more intense uses would probably not be appropriate in a manufactured housing structure.
8. There is no provision for determining what impact this legislation and public policy would have on any existing private restrictive covenants which might prohibit manufactured housing in certain subdivisions. If this is appropriate public policy, the courts

could invalidate such private restrictive covenants to implement this public policy.

Therefore, you may want to legislatively invalidate any private restrictive covenants to make this public policy clear. I would also note that restrictive covenants do not necessarily last forever. Judicial review of a covenant, particularly one contrary to public policy, could remove such a covenant after a relatively short time.

I'm certain there are many other technical questions which should be addressed as this legislation is considered.

In conclusion, the League feels that cities are dealing with manufactured housing in a reasonable and responsible manner. Because of the distinctions which can be made in certain types of manufactured housing, and the federal preemption of local code review, some local authority is needed to accommodate local standards and concerns. Constitutional home rule authority, exercised in a reasonable manner, is the appropriate way to deal with this issue.



KANSAS CHAPTER
AMERICAN PLANNING ASSOCIATION

Carl Eric Leivo, President
P.O. Box 1567
Hutchinson, KS 67504-1567

February 19, 1986

House Committee On Local Government

Dear Legislators:

In behalf of the Kansas Chapter of the American Planning Association, I hereby express our opposition to House Bill No. 2862.

I live in a manufactured home on a permanent foundation in a single family neighborhood. I agree that local governments should not arbitrarily exclude manufactured housing as specified in current law.

On the other hand, House Bill No. 2862 is an overreaction.

Have local governments arbitrarily excluded manufactured housing? I do not believe so. Why adopt such an exaggerated bill in the absence of an overwhelming problem.

I believe the bill would prohibit making any distinction between a single wide, metal sided and roofed mobile home from a manufactured or prefabricated home. My wood sided, prefabricated home with a shingled roof fits in with my single family neighborhood. If a mobile home were placed on my lot instead, common sense dictates that my neighbors' property values would drop. I would not pay as much for a single family home located next to a mobile home as one located next to other types of housing construction. There should be a specific distinction between mobile homes and manufactured homes rather than the all encompassing language in the bill.

Other vague language in the bill is the wording ". . . on a foundation." This would allow manufactured homes to be installed on blocks, tires and other types of temporary foundations. I believe permanent foundations should be required for safety reasons and to protect property values.

The bill would allow local governments to establish architectural, aesthetic standards. Such standards are legally difficult to incorporate in a zoning ordinance. I have not suggested incorporating such standards in Hutchinson. I believe that over 90 percent of the cities and counties do

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not and could not establish aesthetic standards. Even Wichita and Sedgwick County do not have such standards, I believe. Only a few communities in Johnson County have adopted architectural standards. Most local governments just do not have the staff to implement what, by necessity, have to be complicated, burdensome regulations.

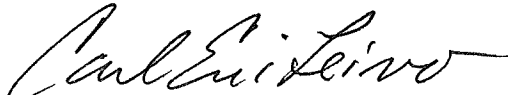
Finally, the manufactured housing location issue changes in each community. It may be entirely appropriate to install mobile and manufactured homes in rural areas and small towns. Installation of mobile and manufactured homes in certain neighborhoods and areas may result in sever drops in surrounding property values. All encompassing state legislation cannot effectively deal with the myriad of different types of neighborhoods in even one community let alone the entire state. Local governments are best equipped to sort out the issues in each area.

To summarize, I oppose House Bill No. 2862 because:

1. The bill is an overreaction to a non-problem.
2. Local governments do allow manufactured housing in single family areas and already are prohibited from arbitrarily excluding them.
3. Distinctions should be made for different types of manufactured housing instead of the all encompassing language in the bill.
4. The bill would allow the installation of manufactured homes in single family neighborhoods on temporary foundations.
5. Most local governments have not and could not establish architectural/aesthetic standards.
6. General state legislation is not the best way to deal with an issue that affects many different kinds of neighborhoods and areas.

I hope that this information is helpful in your deliberations. I regret that I am unable to attend your hearing but please feel free to contact me if you have any questions about my statements.

Sincerely,


Carl Eric Leivo, Ph.D., AICP
Chapter President

CEL/sw



Executive Offices:
3644 S. W. Burlingame Road
Topeka, Kansas 66611
Telephone 913/267-3610

TO: HOUSE LOCAL GOVERNMENT COMMITTEE
FROM: KAREN MCCLAIN, DIRECTOR, GOVERNMENTAL AFFAIRS
DATE: FEBRUARY 20, 1986
SUBJECT: HB 2862

On behalf of the Kansas Association of REALTORS®, I am here to oppose HB 2862.

The Kansas Association of REALTORS® feels very strongly that what is being proposed by this bill creates very dangerous precedents, for not only the interference with the home rule rights of cities and counties, but also private property rights.

First, we feel strongly that both cities and counties must retain control over the planning and zoning decisions for their localities. State statutes which interfere with these planning and zoning decisions should be kept to a minimum, so that the local officials, who are familiar with the particular needs and problems of the community can be free to make the decisions which have such an important impact on the community and its growth.

A bill such as this goes far beyond the level of involvement which the state should play in such areas as the appropriate zoning procedures for counties and cities. To take away the rights of these municipalities to make zoning decisions based on the needs of the localities also takes away the ability of the citizens who are affected to be heard on these important issues. Despite what other states might be doing, this is a danger which should be avoided by the state of Kansas, and which this bill creates.

I remind you of all of the problems which have been caused because the federal government has passed laws which have serious impacts on the states, and

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which make state projects much more complicated and sometimes impossible to carry out. They are unworkable, partially due to the fact that the laws were made by an entity of government which does not really understand the inter-workings of the state, its needs and projects, and which oftentimes only makes laws which serve a federal purpose, but that complicate matters for the state. The federal and state relationship parallels the state and local government relationship, when it comes to zoning.

Second, we want to know, if you are going to make prohibitions against counties and cities creating special zoning ordinances for manufactured homes, then what are you going to do about restrictive covenants by neighborhood associations? Neighborhood associations often place minimum requirements on the square footage measurements of homes to be built in the neighborhood, as well as other minimum requirements and prohibitions. Manufactured homes would probably not meet these requirements, and would thus be excluded from the neighborhood. Any house which does not meet the requirements of the restrictive covenant would be excluded. If you are going to protect manufactured homeowners from discrimination by cities and counties, will it stop there? Do homeowners who choose to live in a neighborhood because of the style and types of homes have no rights to prevent the deterioration of the value of their homes because of the placement of certain types of homes in their neighborhood, regardless of whether they were constructed on the site or off the site?

By a city's or county's silence when these restrictive covenants are made, do they violate the prohibitions in this bill? What is to stop legislatures in future years to actually come in and say that persons who live in a certain housing district can be forced to have apartment complexes, or even commercial property placed in their neighborhood? The key words for this legislative session are "economic development." Perhaps the legislature will pass legislation that says that since the need for economic development is so great, no city or county can place restrictions on where commercial property can or cannot be placed.

Maybe these are examples sound extreme, but they follow the same pattern as what is proposed here. If the state were to pass the laws proposed above, it would completely reverse the rights of the cities and counties to plot out their own growth and development, as they have been understood up until now. The bill proposed here does the same thing.

In conclusion, local zoning laws, as they now exist, set up certain standards which provide for the orderly planning of a city and county. Any variance from those standards requires a local public hearing so that the property owners effected by the changes can have an opportunity to object. Laws such as the one proposed here totally removes that input by the landowners whose property will be effected.

Accordingly, we ask that you look closely at the severe impact which this seemingly well intentioned, mild interference with local zoning ordinances can have, and that you do not pass this bill out favorably.

THE CITY OF WICHITA

OFFICE OF Central Inspection

DATE February 20, 1986

TO Judy Anderson, Intergovernmental Affairs Officer
Kelly Humphries, Management Intern

FROM Monty H. Robson, Superintendent of Central Inspection

SUBJECT HB 2862 (Mobile Homes)

Our office is concerned about the referenced bill as we are responsible for enforcement of the zoning ordinance of the City of Wichita.

We are opposed to HB 2862 for the following reasons:

1. We feel strongly that local jurisdictions should, through their governing bodies, retain the freedom to determine standards for all types of building construction in their communities. This bill has the effect of forcing all communities to accept Federal standards for mobile home construction for placement on any lot even if these standards fail to meet local residential building codes and ordinances, including zoning ordinances, and furthermore even if these standards are reduced in the future.
2. K.S.A. 19-2938 is an act relating to counties, not to cities, and we believe it is inappropriate to include requirements for cities under this act. Furthermore, our county presently allows mobile, modular, or manufactured homes as meeting the zoning requirements for single family residences. Therefore, this bill is unnecessary pertaining to Sedgwick County.
3. HB 2862 treats mobile homes, modular homes, and manufactured homes as the same when in fact they are not. We have found that "modular" and "manufactured" homes can be built to meet the Uniform codes (CABO One and Two Family Dwelling Code and the National Electrical Code). However, "mobile homes" are not typically built to meet these codes simply by complying with the national mobile home construction and safety act.
4. Our local ordinances require that all structures built in the city have a building permit taken out by a licensed contractor, that there be periodic inspections made by our office at various critical stages of the construction, and further that the structures meet the Uniform codes adopted by ordinance. "Mobile homes" manufactured under the federal standards noted in the bill do not meet these codes. "Modular" and "manufactured" homes are not regulated by these federal standards and the manufacturers of these types of pre-built homes tend to more closely follow the building codes. Furthermore, if they need to comply with these codes they can do so and can arrange for third party in-plant inspections by ICBO (International Conference of Building Officials) certified inspectors or inspection agencies which we recognize. This practice allows our office to accept the structure when it is delivered to the site as meeting our local

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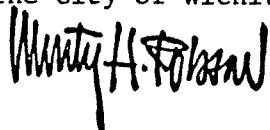
Judy Anderson and Kelly Humphries
February 19, 1986
Subject: HB 2862 (Mobile Homes)
Page Two

codes. It is not possible, however, for acceptance to be given to the typical "mobile homes", except in mobile home subdivisions, as meeting the codes.

We are not opposed to pre-manufactured housing in general, but when these structures are supplied they should meet the same requirements placed on any other residence in our city - and mobile homes do not meet our codes simply because they comply with the federal standards and are placed on a foundation system.

We realize it is difficult to argue that these types of pre-built residences do not measure up to the same quality construction as typical site-built housing because they certainly can be made to do so, but not by meeting the federal standards alone, as is the case with mobile homes. However, one should consider the impact on residential neighborhoods if the mobile home type residences were to be allowed to be placed in an area of traditional site-built homes. We believe our cities' present practice of allowing this type of pre-built homes only in subdivisions planned for this use is most appropriate.

Ultimately, the purpose of zoning is to protect land uses from infringement of certain other land uses, and the resultant negative environmental and economic impact. Without this protection there would not be a need for zoning regulations. In fact, our local zoning ordinance states that its purpose is the "promotion of the public safety, health, convenience, comfort, propriety, general welfare and the preservation of personal and property rights." We believe that these "rights" include the rights of protection afforded under the present zoning ordinance of the City of Wichita.



Monty H. Robson
Superintendent of Central Inspection

MHR:wgm

TESTIMONY
FOR
HOUSE LOCAL GOVERNMENT COMMITTEE
FEBRUARY 20, 1986

MR. CHAIRMAN. MY NAME IS JANET STUBBS, EXECUTIVE DIRECTOR OF THE HOME BUILDERS ASSOCIATION OF KANSAS.

WE ARE APPEARING TODAY IN OPPOSITION TO HB 2862 JUST AS WE APPEARED BEFORE THIS COMMITTEE PREVIOUSLY TO OPPOSE HB 2275, GROUP HOME ZONING, AND OTHER MEASURES WHICH ERODE THE HOME RULE POWERS OF LOCAL GOVERNMENT. WE FIRMLY SUPPORT HOME RULE AND THE ABILITY OF LOCAL UNITS OF GOVERNMENT TO OPERATE THEIR OWN COMMUNITY IN THE MANNER THEY DEEM PROPER.

THE MEMBERS OF MY ASSOCIATION, ALL DEVELOPERS, AS WELL AS BUSINESSES OF ALL TYPES, MUST OBTAIN APPROVAL OF PLANNING COMMISSIONS BY MEETING SPECIFIC CRITERIA WHICH IS ESTABLISHED FOR NUMEROUS VALID AND LOGICAL REASONS. MY MEMBERS MAY NOT ALWAYS AGREE WITH A GOVERNING BODY BUT WORK WITHIN THE SYSTEM.

ZONING IS A MECHANISM USED SINCE THE EARLY 1900'S TO PRESERVE PROPERTY VALUES AND INSURE THE ORDERLY GROWTH OF CITIES. IT IS A NECESSARY PLANNING PROCESS AND IF YOU DOUBT THAT, I WOULD SUGGEST YOU VISIT THE CITY OF HOUSTON. ZONING IS AN EXERCISE OF POLICE POWER ACCEPTED BY THE COURTS AS NECESSARY FOR THE GENERAL PUBLIC WELFARE.

AFFORDABLE HOUSING IS A GOAL OF THE VARIOUS HOME BUILDER'S ASSOCIATIONS THROUGHOUT THE UNITED STATES AND IS A PRIORITY OF THE NATIONAL ASSOCIATION OF HOME BUILDERS THROUGH CONTINUOUS EFFORTS TO ESTABLISH MORE COST EFFECTIVE METHODS OF DEVELOPING LAND, SUCH AS WORKING WITH CITIES TO IMPLEMENT MORE COST EFFECTIVE INFRASTRUCTURE, AS WELL AS DEVELOPING MORE EFFICIENT AND ECONOMICAL CODES.

ATTACHMENT XIX

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Hs. Local Gov.

THE PROPOSED LEGISLATION IS NOT, IN OUR VIEW, IN THE BEST INTEREST OF THE GENERAL PUBLIC AND WE BELIEVE WOULD BE OPPOSED BY MEMBERS OF THE PUBLIC. THE PROHIBITION OF A GOVERNING BODY EXERCISING IT'S POLICE POWERS IS DEFINITELY AN INFRINGEMENT ON LOCAL AUTHORITY AND DOES NOT CONSIDER THE EFFECTS ON OTHER PROPERTY.



City of Lawrence KANSAS

BUFORD M. WATSON, JR., CITY MANAGER

CITY OFFICES 6 EAST 6th
BOX 708 66044 913-841-7722

CITY COMMISSION

MAYOR

MIKE AMYX

COMMISSIONERS

ERNEST E. ANGINO

HOWARD HILL

DAVID P.J. LONGHURST

SANDRA K. PRAEGER

Memo To: House Committee on Local Government
From: Hannes Zacharias, Management Analyst,
City of Lawrence, Kansas
Date: ~~March 6, 1986~~ 2/20/86
Subject: Opposition to House Bill 2862, Zoning For
Manufactured Homes

Mr. Chairman and Members of the Committee, I am Hannes Zacharias, Management Analyst for the City of Lawrence, Kansas, here representing the City in its opposition to House Bill 2862.

It is our feeling that House Bill 2862 violates a city's ability to effectively place land use restrictions upon its residents. The bill, as written, would allow manufactured homes, including mobile homes, to be placed in single-family zoned areas which are constructed to lower building standards than those of its "stick-built" counterparts. We feel this legislation is inappropriate and not necessary.

In testimony before this committee, it has been stated that the City of Lawrence prohibits manufactured homes in single-family zoned districts. This is not true. The City allows manufactured homes (not mobile homes) in such districts so long as they conform to the Uniform Building Codes. It should be noted that the Uniform Building Codes are minimum building standards and are established to protect the health and safety of the occupants. The standards that are cited in the bill are less than the minimum standards as outlined in the Uniform Building Codes. Within the last ten months we have approved two manufactured homes in single-family zoned districts that meet the Uniform Building Standards. This emphasizes the point that Lawrence does not prohibit such homes in these districts so long as they meet established city building codes.

This bill also would allow mobile homes to be placed in any single-family zoned district. We feel that this allowance would be highly inappropriate. Individual homeowners deserve to be protected from potential property devaluation by the placement of mobile homes adjacent to their property. It has been judged in thousands of communities across America that mobile homes should be placed in appropriate locations so as to protect the property rights of existing homeowners.

ATTACHMENT ~~XX~~

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Hs. Local Gov.

We see no reason to pass House Bill 2862. It is our feeling that most, if not all, Kansas cities allow manufactured homes to be placed in single-family zoned districts so long as they meet Uniform Building Code standards. Further, we believe that mobile homes should not be allowed to be placed in single-family zoned districts, unless deemed appropriate by the local municipality.

We urge you to reject House Bill 2862. Thank you.