

Approved 3-17-1987  
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Senator Don Montgomery at  
Chairperson

9:09 a.m./p.m. on March 5, 1987 in room 531-N of the Capitol.

All members were present except:

Committee staff present: Mike Heim, Arden Ensley, Emalene Correll and Lila McClaflin

Conferees appearing before the committee:

Terry Humphrey, Executive Director, Kansas Manufactured Housing Institute  
Anthony L. Hadley, Director, Land Use and Community Development for Manufactured  
Housing Institute  
Dick Dilsaver, Coalman Company, Wichita, Ks.  
Bill Ewert, Division Manager, Skyline Corporation, Halstead, Ks.  
John Samples, Marley-Continental Homes, Osage City, Ks.  
Rod Taylor, President, Doug's Moblie Homes, Topeka, Ks.  
Kevin Davis, Attorney, League of Kansas Municipalities, Topeka, Ks.  
Karen McClain, Kansas Association of Realtors, Topeka, Ks.  
Gerry Ray, Intergovernmental Coordinator, Johnson County Commissioners  
Marla J. Howard, Public Affairs Officer, City of Wichita, Ks.  
Willie Martin, Ingergovernmental Coordinator, Board of Sedgwick County Commissioners  
Janet Stubbs, Executive Director, Home Builders Association of Kansas, Topeka, Ks.  
Fred Allen, Kansas Association of Counties, Topeka, Ks.

The hearing was opened on S.B. 314 - relating to cities and counties; concerning the zoning regulation of certain types of housing. This bill was Proposal No. 12 of an interim committee, that committee did not recommend any action be taken on this issue.

Terry Humphrey appeared in support of S.B. 314. She stated dealing with manufactured housing through prohibition is no longer appropriate. She suggested some technical amendments in the bill. (ATTACHMENT I)

Anthony L. Hadley stated his purpose was not to endorse or oppose the bill, but rather to help the Committee understand how local governments have implemented similar statutes enacted by other states. (ATTACHMENT II)

Dick Dilsaver stated his company supports the bill as a matter of economic development. They furnish the heating and air conditioning for many manufactured housing units. If they were to lose this market they would have to lay off a large number of employees.

Bill Ewert believes zoning and land use planning is necessary, but they question the authority when it is extended to determine how a home is erected or brought to the site. (ATTACHMENT III)

John Samples stated they support the bill.

Rod Taylor urged the Committee to support S.B. 314, he does not think cities and counties should adopt zoning regulations that prohibit manufactured housing in residential districts. (ATTACHMENT IV)

Kevin Davis stated local officials can best determine appropriate treatment of manufactured housing. They believe S.B. 314 is an unnecessary intrusion into home rule authority. (ATTACHMENT V)

Karen McClain opposed S.B. 314, local governments should be free to make zoning decisions. (ATTACHMENT VI)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT,  
room 531-N, Statehouse, at 9:09 a.m./~~pm~~ on March 5, 1987.

Gerry Ray stated their commissioners object to any legislation that circumvents the rights of the people to be heard. There currently is an existing process whereby variances to zoning can be granted with special use permits, and they support this concept. (ATTACHMENT VII)

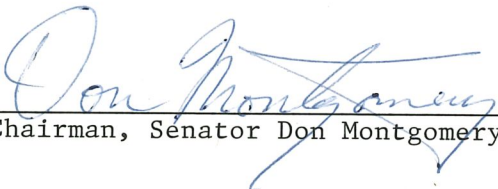
Marla J. Howard opposed the provisions of the bill. The City of Wichita believes it would put additional burdens on their city. (ATTACHMENT VIII)

Willie Martin stated Sedgwick County governing body does not believe there is a current problem to be addressed and if this legislation is passed, it would result in unnecessary hardship on the citizens of Sedgwick County. (ATTACHMENT IX)

Janet Stubbs appeared in opposition to S.B. 314. HBAK support home rule authority of the local planning and zoning regulations as approved by the State Constitution. (ATTACHMENT X)

Fred Allen stated their county association adopted a platform in the fall, that would oppose any thing that would further weaken the counties home rule power or restrict local government, therefore they oppose S.B. 314.

There was not time for a hearing on S.B. 311, it was postponed until the next meeting, which will be March 6, 1987. The meeting adjourned at 10:00 a.m.

  
\_\_\_\_\_  
Chairman, Senator Don Montgomery

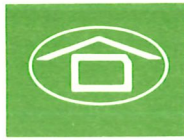
Date: March 5, 1987

GUEST REGISTER

SENATE

LOCAL GOVERNMENT

NAME	ORGANIZATION	ADDRESS
ED DESOIGNIE	Ks. DEPT. OF TRANSPORTATION	TOPEKA
Joseph Krahn	KDOT	"
Wayne Castle	Ks Auto Dist mntment Recycleys Ass.	Wichita, K
Phil Anderson	BUDGET DIV	TOPEKA
KAREN MCCARTEN	Ks Assoc. of REALTORS	Topoka
JANET STUBBS	HBAAK	"
JACK DILSAYER	The COLEMAN Co.	Wichita
Bob Taylor	KMNA v. Pong's Mobile World	Topoka
Tony Hadley	Manufactured Hsing Inst.	Arlington, VA
Sissy Humphrey	KMTHI	Topoka
Martha Lee	KMTHI	Topoka
Angie	Madry Continental Homes	Osage City
Bob West	Ks LUMBER DEALERS	Topoka
Bill Ewert	Skyline Corp.	Walstead
Killie Martin	Selgroick Co.	Wichita
LARRY MAGILL	INDEA INS. AGENTS	TOPEKA
Chris Lemon	Commerce Bank & Trust	Topoka ks
M. Hawver	Can-Jrul	"



## KANSAS MANUFACTURED HOUSING INSTITUTE

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

### TESTIMONY BEFORE THE SENATE COMMITTEE ON LOCAL GOVERNMENT

TO: Senator Don Montgomery, Chairman  
and Members of the Local Government Committee

FROM: Terry Humphrey, Executive Director  
Kansas Manufactured Housing Institute

DATE: March 5, 1987

Mr. Chairman and members of the Committee, I am Terry Humphrey, Executive Director of Kansas Manufactured Housing Institute and I thank you for the opportunity to appear before you in support of Senate Bill 314.

For many years the placement of manufactured housing has been limited to rental parks located on the edge of town close to the railroad tracks. However, today that treatment of manufactured housing is **outdated** and **unwarranted**.

In 1986, manufactured housing producers build a variety of housing products and some that are virtually identical to site-built housing. Yet, 83% of Kansas cities and 50% of Kansas counties, prohibit manufactured housing from single family residential districts (results from KMHI's survey).

In 1976, the Kansas Legislature aware of the situation, adopted K.S.A. 19-2938. This law mandates that planning boards and county commissions shall not arbitrarily exclude manufactured homes in zoning matters. However, since the enactment of this law, little has changed for our industry. The courts, when reviewing K.S.A. 19-2938, state that it is difficult to determine "legislative intent" and, 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 not all manufactured homes belong in every residential single family subdivision, but **some** of our housing would fit nicely in many areas where it presently can not go.

It is our belief that manufactured home placement should be judged on it's compatibility with existing housing or the architectural and aesthetic requirements of a community. Therefore, we are promoting Senate Bill 314 to put this concept into law. The bill, patterned

(ATTACHMENT I) LOCAL GO  
3/5/87

after statutes adopted by Florida, California, Vermont, Minnesota, and Iowa, states that counties and cities cannot prohibit the placement of manufactured homes in single family residential districts, however, they can set developmental standards and architectural requirements that apply to both factory built and site built homes alike.

If this proposal becomes law, there are at least four important benefits. First, counties and cities will continue to have the regulatory tools to ensure the visual compatibility of housing; secondly, zoning regulation will be applied in a more fair and equitable manor; thirdly, the manufactured housing industry and it's consumer will have a list of developmental standards on which to judge the acceptability of their housing choice in a residential district; fourthly, cities and counties will realize an "overlooked" opportunity to provide alternative housing for their residents.

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. Saving and Loan League (position paper "Housing in the 80's")
- National Conference of State Legislatures (booklet on affordable housing)
- American Planning Association "Planning For Affordable Single Family Housing" (January 1986)

Already 14 states have adopted legislation to achieve this goal and several other states will adopt legislation in the near future.

The manufactured housing industry supports home rule powers; and the necessity of zoning and land use planning. However, it is clear that direction is needed to address the important issue of affordable housing. Today, in to many areas, Kansans opportunity for home ownership is reduced by ordinances that are outdated, over-restrictive and prejudicial.

Recently, in testimony by the opposition, they suggested that we should address our problem on the local level and not ask the Legislature for help. My response to that is that for many years KMHI has worked with local officials on zoning issues, but, with limited success. Obviously, it takes a lot of education to properly develop this issue and rid people of their outdated stereotypes. Therefore, without state intervention, it would take **decades** to work the political systems in 627 cities and 105 counties for a statewide solution.



Furthermore, I strongly believe that the state has a vested interest in fair housing policies as well as insuring that the planning and zoning authority given to cities and counties is administered in a fair and **anti discriminatory** manner. Likewise, Kansas has five HUD Code manufactured home plants and three modular plants which employ more than 1,000 people and their future depends on the right to compete fairly in the housing market.

The manufactured housing industry understands that this legislation will not automatically change our situation, however, it will require that cities and counties review and maybe revise their ordinances.

In closing, I would like to stress that Senate Bill 314 only states that dealing with manufactured housing through prohibition is no longer appropriate, however, regulating manufactured housing is. I respectfully request your support of Senate Bill 314.  
Thank you.

TH:mn

COUNTY ZONING

TO: Special Committee on Federal and State Affairs

FROM: Terry Humphrey, Executive Director  
Kansas Manufactured Housing Institute

RE: Placement Of Manufactured Housing In Kansas Counties.

The county zoning ordinances below have been reviewed to determine first whether or not they permit HUD Code manufactured homes in single family districts. If they do not, I noted where allowed. The survey was sent to 105 counties. The counties were asked the following questions and for a copy of their zoning ordinances.

#1 - Do you allow manufactured housing in single family residential districts?  
Yes/No

#2 - If not, where are manufactured homes permitted?

#3 - Do you have a building code?

<u>COUNTY</u>	<u>#1 In District</u>	<u>#2 if no Where</u>	<u>#3 Bldg. Code</u>
Allen	Yes		No
Anderson	No	Park/Community	Yes
Atchison	Not Zoned		No
Barber	Not Zoned		-
Barton	Yes		-
Brown	Yes		No
Bourbon	Yes		No
Butler	No	A1/Park	No
Chase	Not Zoned		No
Chautauqua	Yes		No
Cherokee	Not Zoned		-
Cheyenne	Not Zoned		No
Clark	Yes		No
Clay	No	Exception/Park	No
Cloud	Not Zoned		No
Comanche	Not Zoned		No
Cowley	Yes		No
Crawford	No	Exception	-
Decatur	Yes		No
Doniphan	No	R-3/Agri.	No
Douglas	No	Agri.	No
Elk	Yes		No
Edwards	Not Zoned		-
Finney	No	Park/Subdivision	Yes
Ford	Not Zoned		-
Franklin	Yes in 4 of 5		-

	townships		Uniform Bldg. Code
Geary	No	Park/Dist.	-
Graham	Not Zoned		-
Grant	No	M-H/M-P	Yes
Gray	Not Zoned		-
Greeley			No
Greenwood	Not Zoned		-
Harper	Yes		-
Harvey	Yes		No
Haskell	Yes		No
Jackson	No	Park	No
Jefferson	No	Agri./5 acres	No
Johnson	No	Exception	-
Kearny	Yes	Park	No
Kiowa	Not Zoned		-
Kingman	No	Park/Agri.	No
Lane	Yes	With Permission of neighbors Exception	No
Leavenworth	No		-
Lincoln	Yes		No
Linn	Yes		No
Logan	No	No	No
Lyon	No	Exception/2 1/2 acre	No
Marion	Not Zoned		No
Marshall	Not Zoned		No
McPherson	Yes/24wide	Park	No
Miami	Township zoning		No
Mitchell	Not Zoned		-
Morris	Not Zoned		-
Morton	Not Zoned		-
Nemaha	Not Zoned		No
Osage	Yes	Park	No
Osborne	Not Zoned		-
Ottawa	Not Zoned		No
Pawnee	No	Exception/Park	Uniform Bldg. Code
Phillips	No	Park	Yes
Pottawatomie	Yes 24 wide		Yes
Rawlins	Yes		No
Reno	No	Exception/Park	No
Republic	Yes		National Bldg. Code
Rice	Not Zoned		No
Riley	Yes in some		No
Rooks	Yes		No
Rush	Yes		No
Russell	Yes		Yes
Saline	Yes		No
Scott	No	No	No
Shawnee	No	Exception	No
Smith	Yes		No
Stanton	Yes		No
Stevens	Not Zoned		No
Sumner	Yes		-
Thomas	No	R-2/MH	Yes
Wabaunsee	Yes	Rural/5 acres	No



	Zoned R-5		
Wallace	Not Zoned		Yes
Washington	Yes		No
Wichita	Yes		No
Woodson	No	Park/Dist.	Yes
Wyandotte	No	Exception(in un- incorporated areas)	-

\* \* \* \* \*

105 Counties mailed to.  
83 Responses received.

- #1 - Do you allow manufactured housing in single family residential districts?  
 33 answered yes  
 24 answered no  
 24 are not zoned  
 1 township zoning  
 1 did not respond to question
- #2 - Do you have a building code?  
 12 have codes  
 51 do not have a code  
 20 did not respond to question

THIRD CLASS CITIES

TO: Special Committee On Federal And State Affairs

FROM: Terry Humphrey, Executive Director  
Kansas Manufactured Housing Institute

RE: Placement of Manufactured Housing In Kansas Third Class Cities.

The city zoning ordinances below have been reviewed to determine first whether or not they permit HUD Code manufactured homes in single family districts. If they did not, I note where allowed. The survey was sent to 50 Third Class cities. They were asked the following questions and a copy of their ordinances was requested.

#1 - Do you allow manufactured housing in single family residential districts?  
Yes/No

#2 - If not, where are manufactured homes permitted?

#3 - Do you have a building code?

<u>CITY</u>	<u>#1 In District</u>	<u>#2 if no Where</u>	<u>#3 Bldg. Code</u>
Colwich	No	?	Uniform Bldg. Code
Edna	Not Zoned		No
Eudora	No	Exception	Standard Bldg. Code
Galva	No	Park	No
Hanston	Yes		No
Moran	Yes		-
Ogden	No		-
Otis	Not Zoned		No
Perry	Yes		-
Seward	Yes		No
Valley Falls	No	Park	-

\* \* \* \* \*

50 Cities mailed to.  
11 Responses received.

#1 - Do you allow manufactured housing in single family residential districts.  
4 answered yes  
5 answered no  
2 not zoned

#2 - Do you have a building code?  
2 has a code  
5 do not have a code  
4 did not respond to question

FIRST AND SECOND CLASS CITIES

TO: Special Committee on Federal and State Affairs

FROM: Terry Humphrey, Executive Director  
Kansas Manufactured Housing Institute

RE: Placement Of Manufactured Housing In Kansas Cities.

The city zoning ordinances below have been reviewed to determine first whether or not they permit HUD Code manufactured homes in single family districts. If they do not, I noted where allowed. The survey was sent to 110 First & Second Class cities. The cities were asked the following questions and for a copy of their zoning ordinances.

- #1 - Do you allow manufactured housing in single family residential districts?  
Yes/No
- #2 - If not, where are manufactured homes permitted?
- #3 - Do you have a building code?

<u>CITY</u>	<u>#1 In District</u>	<u>#2 if no Where</u>	<u>#3 Bldg. Code</u>
Abilene	No	Exception	Uniform Bldg. Code
Anthony	No		-
Atchison	No	Park/Community	Uniform Bldg. Code
Augusta	No	Park/Subdivisions R-4	Uniform Bldg. Code ICBO-to be adopted
Baxter Spg.	Yes		Yes
Beloit	No	Park/Subdivisions M-P	Yes
Bonner Springs	No	Park	-
Chanute	Yes	If zoned R-3	Uniform Bldg. Code
Chetopa	Yes		No
Coffeyville	No	Exception	-
Colby	No	Park	Yes
Concordia	No	M-H or M-P	No
Council Grove	Yes		-
Derby	No		-
Dodge City	No	R-4	-
Eldorado	No	Exception/Park	Yes
Ellis	No		-
Florence	Yes		Yes
Frontenac	No	Park	Yes
Galena	Yes		Southern Bldg. Code
Garden City	No	Park/Subdivision	-
Girard	No	Park/With approval	Yes
Great Bend	No	R-4, M-1 & M-2	Uniform Bldg. Code
Goodland	No	Park/Subdivision	Uniform Bldg. Code

Harper	No		-
Hays	No	Park	-
Haysville	No	Exception/Park	Uniform Bldg. Code
Herington	No	R-4/Park	National Bldg. Code
Hillsboro	No	Park	Yes
Hoisington	Yes		-
Holton	No	Exception/Park	Yes
Hugoton	Yes		Uniform Bldg. Code
Humboldt	No	Park	Southern Bldg. Code
Independence	No	Park	Yes
Iola	Yes		Uniform Bldg. Code
Junction City	No	Park Dist.	Standard
Kansas City	No	Park	-
Kingman	No	Park	Yes
Lansing	No	Park	Uniform Bldg. Code
Lawrence	No	Park	-
Larned	No	R-4	Uniform Bldg. Code
Leawood	No	?	BOCA
Lenexa	No	Community	Uniform Bldg. Code
Leavenworth	No	Park Dist.	Uniform Bldg. Code
Liberal	No	R-4/Park/Dist.	Yes
McPherson	No	Park	Uniform Bldg. Code
Marysville	No	Park	Uniform Bldg. Code
Nickerson	No	Park	Yes
Olathe	No	Exception/Park	Uniform Bldg. Code
Ottawa	No	MH Dist./Park	-
Overland Park	No	Park	-
Paola	No	M-P/Park/Dist.	Yes
Phillipsburg	Yes		Yes
Pittsbiurg	No	Park	-
Prairie Village	No		-
Roeland Park	No		BOCA
Russell	No	Park/Subdivision	Uniform Bldg. Code
Salina	No	Park/Subdivision	-
Scammon	Yes		No
Topeka	No	Exception/Park	Yes
Wamego	No	M-H/MH Dist.	UBC, UPC & NEC
Wichita	No	Park	-
Wellington	No		-

\* \* \* \* \*

110 First and Second Class cities mailed to.  
63 Responses received.

- #1 - Do you allow manufactured housing in single family residential districts?  
11 answered yes  
52 answered no
- #3 - Do you have a building code?  
40 have codes  
3 do not have a code  
20 did not respond to question

## SENATE BILL No. 314

By Committee on Federal and State Affairs

2-24

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0017 AN ACT relating to cities and counties; concerning the zoning  
0018 and regulation of certain types of housing; amending K.S.A.  
0019 19-2938 and repealing the existing section.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 19-2938 is hereby amended to read as fol-  
0022 lows: 19-2938. (a) *As used in this section, "manufactured hous-*  
0023 *ing" means a structural unit or units designed for occupancy,*  
0024 *constructed in a manufacturing facility and transported by use*  
0025 *of its own chassis, or placed on an independent chassis, to a*  
0026 *building site where it is utilized for housing and may be pur-*  
0027 *chased or sold by a dealer in the interim. For purposes of this*  
0028 *section, the two types of manufactured housing which are in-*  
0029 *cluded are:*

0030 (1) *Those homes certified under the National Manufactured*  
0031 *Housing Construction and Safety Standards Act (42 U.S.C.*  
0032 *§ 5401 et seq.) and which are built on a permanent chassis and*  
0033 *designed to be used as dwellings, with a permanent foundation,*  
0034 *when connected to the required utilities, including the plumb-*  
0035 *ing, heating, air conditioning and electrical systems contained*  
0036 *therein.*

0037 (2) *Those homes commonly called modular homes, which the*  
0038 *manufacturer certifies are constructed in accordance with na-*  
0039 *tionally recognized building code, meaning structures trans-*  
0040 *portable in one or more sections, which are not constructed on a*  
0041 *permanent chassis and which are designed to be used as dwell-*  
0042 *ings on permanent foundations when connected to required*  
0043 *utilities, including the plumbing, heating, air conditioning and*  
0044 *electrical systems contained therein.*

0045 (b) *Neither the board of county commissioners nor the plan-*

0046 ning board of any county shall, in the exercise of any of the  
 0047 powers and duties conferred under article 29 of chapter 19 of  
 0048 Kansas Statutes Annotated, regulate the occupancy or location of  
 0049 dwelling units in such a way as to effect an arbitrary exclusion of  
 0050 manufactured housing adopt any zoning regulations which pro-  
 0051 hibit the installation, on a permanent foundation system, of any  
 0052 manufactured home in any zoning district in the county on lots  
 0053 zoned for single family dwellings. The board of county com-  
 0054 missioners or the planning board of any county shall subject any  
 0055 such manufactured home and the lot on which it is placed to  
 0056 only the same development standards to which a conventional  
 0057 single family residential dwelling on the same lot would be  
 0058 subject, including, but limited to, such development standards  
 0059 as: Building setback standards; side and rear yard require-  
 0060 ments; width requirements; standards for enclosures, access  
 0061 and vehicle parking; and architectural, aesthetic requirements.

0062 (c) Nothing in this section shall be construed to preempt or  
 0063 supersede valid restrictive covenants running with the land.

0064 New Sec. 2--(a) As used in this section, "manufactured  
 0065 housing" means a structural unit or units designed for occu-  
 0066 pancy, constructed in a manufacturing facility and transported by  
 0067 use of its own chassis, or placed on an independent chassis, to a  
 0068 building site where it is utilized for housing and may be pur-  
 0069 chased or sold by a dealer in the interim. For purposes of this  
 0070 section, the two types of manufactured housing which are in-  
 0071 cluded are:

0072 (1) Those homes certified under the National Manufactured  
 0073 Housing Construction and Safety Standards Act (42 U.S.C.  
 0074 § 5401 et seq.) and which are built on a permanent chassis and  
 0075 designed to be used as dwellings, with a permanent foundation,  
 0076 when connected to the required utilities, including the plumb-  
 0077 ing, heating, air conditioning and electrical systems contained  
 0078 therein.

0079 (2) Those homes commonly called modular homes, which  
 0080 the manufacturer certifies are constructed in accordance with  
 0081 nationally recognized building code, meaning structures trans-  
 0082 portable in one or more sections, which are not constructed on a

0083 permanent chassis and which are designed to be used as dwell-  
 0084 ings on permanent foundations when connected to required  
 0085 utilities, including the plumbing, heating, air conditioning and  
 0086 electrical systems contained therein.

0087 (b) Neither the governing body nor the planning commission  
 0088 of any city shall adopt any zoning regulations which prohibit the  
 0089 installation, on a permanent foundation system, of any manufac-  
 0090 tured home in any zoning district in the city on lots zoned for  
 0091 single family dwellings. The governing body or the planning  
 0092 commission of any city shall subject any such manufactured  
 0093 home and the lot on which it is placed to only the same devel-  
 0094 opment standards to which a conventional single family resi-  
 0095 dential dwelling on the same lot would be subject, including, but  
 0096 limited to, such development standards as: Building setback  
 0097 standards; side and rear yard requirements; width requirements;  
 0098 standards for enclosures, access and vehicle parking; and archi-  
 0099 tectural, aesthetic requirements.

0100 (c) Nothing in this section shall be construed to preempt or  
 0101 supersede valid restrictive covenants running with the land.

0102 Sec. 3. K.S.A. 19-2938 is hereby repealed.

0103 Sec. 4. This act shall take effect and be in force from and  
 0104 after its publication in the statute book.

not

not



# Manufactured Housing Institute

1745 Jefferson Davis Highway, Arlington, Virginia 22202 / (703)979-6620

STATEMENT OF ANTHONY L. HADLEY  
DIRECTOR, LAND USE AND COMMUNITY DEVELOPMENT  
MANUFACTURED HOUSING INSTITUTE

BEFORE THE SENATE COMMITTEE ON LOCAL GOVERNMENT  
REGARDING SENATE BILL 314

MARCH 5, 1987

(ASTTACHMENT II) LOCAL GO 3/5/87



Mr. Chairman and Members of the Committee, thank you for the opportunity to speak today about Senate Bill 314. My purpose is not to endorse or oppose this bill, but rather to help you understand how local governments have implemented similar statutes enacted by other states.

I am Tony Hadley, Director of Land Use and Community Development for the Manufactured Housing Institute. The Institute is a national trade association, based in Arlington, Virginia, that represents builders of manufactured housing and their supplier companies. I administer a clearinghouse of information on current trends in zoning and planning relating to manufactured housing.

Just over a decade ago, the U.S. Department of Housing and Urban Development (HUD) began enforcing national, uniform construction standards for all manufactured homes. The adoption of this construction code, which is commonly referred to as the HUD Code, set in motion a trend that has brought some of today's manufactured home into the mainstream of the American shelter industry. The HUD Code, combined with industry improvement and technological advances in residential factory construction, now results in the production of some multisection homes that appear and perform in a manner identical to the site-built, ranch-style home commonly found in the midwest. With respect to these homes, and to Senate Bill 314, I am not talking about single-section homes that still closely resemble the traditional "mobile" home.

These modern multisection homes are creating substantial planning and zoning problems at the local level. These homes don't fit into outdated zoning ordinances which either ban all manufactured homes or restrict them to mobile home parks. Tension is created because consumers do not necessarily want their siting options to be confined to mobile home parks. They want the choice of siting their home in a neighborhood that is compatible with their family structure and lifestyle and convenient to their workplace.

Since 1978, 14 states and a number of state Supreme Courts and U.S. District Courts have said that it is not within a local government's police power to enforce regulations that exclude or unfairly treat manufactured homes when they perform like and are visually compatible with other homes in a neighborhood. Senate Bill 314 is similar to the 14 statutes that are currently in effect in California, Colorado, Florida, Indiana, Iowa, Maine, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, Oregon, Tennessee and Vermont. The State of Kansas, too, has enacted a statute, but its vague language precludes effective interpretation.

During the past two years, I have worked closely with the American Planning Association to identify the various ways local governments are regulating manufactured homes in single-family districts. APA surveyed over 1,000 local governments, many in states which have passed legislation such as Senate Bill 314. The result of APA's study was

published in January in a handbook called "Regulating Manufactured Housing," which is in your information package. Based upon the knowledge I gained from participating in this research, I would like to share with you my thoughts on two major concerns that are often raised when this issues is debated.

The first concern is that state-level actions limit local authority and flexibility to manage residential development.

The second concern is that the character of traditional single-family neighborhoods will be changed by the presence of manufactured homes.

Senate Bill 314 contains several very important elements that preserve a local government's legitimate authority to control residential development. First, the provisions of the bill clearly recognize that not all HUD Code manufactured homes look alike. The bill would authorize local governments to adopt appearance standards for unit width, siding materials and roofing materials. These standards would allow local governments, if they so choose, to restrict permitted homes in single-family districts to multisection homes with pitched, shingled roofs and traditional residential lap siding.

Second, the bill would require manufactured homes in single-family districts to be installed on a permanent foundation. The type of foundation, as well as its elevation, would be left to the discretion of the local government in accordance with applicable site-built codes for foundations.

Third, the bill reserves to local governments the right to apply the same site development standards to manufactured homes that are applied to all residences. These standards include, but are not limited to lot size, setbacks, yard size, vehicle parking and enclosures.

Fourth, the bill reserves to local governments the right to determine permitting procedures for manufactured homes in single-family districts. Local governments may, depending upon the level of scrutiny they wish to exercise, allow a manufactured home "by-right" or they may require a special permitting process and a public hearing.

Finally, the bill does not interfere with established restrictive covenants prohibiting manufactured homes.

The second concern often raised about state-level action is its potential affect on established neighborhoods. Performance is best addressed by examining how such statutes have been implemented by local governments in the states I mentioned earlier.

Some argue that the character of residential neighborhoods will be changed if manufactured homes are allowed to be sited in exclusive neighborhoods. This argument appears to be based more on anachronistic notions about mobile homes and trailers than on sound planning theory or residential economics.

For example, a \$100,000 home is appraised, in large part, upon the value of the land on which it is sited. That land generally runs from one-quarter to one-half the price of the home. An adjacent vacant lot, then, would be valued at from \$25,000 to \$50,000. The price of this lot would generally make placement of a manufactured home that retails for an average of \$35,000 economically unfeasible. It would be difficult, indeed, to find an institution that would lend at such a ratio. Furthermore, notwithstanding the economics of the situation, restrictive covenants that are usually adopted in more exclusive neighborhoods would likely prohibit manufactured homes.

The APA publication I mentioned earlier found that most local governments have taken a deliberately conservative approach to implementing state mandates. Often, local governments set appearance criteria, development standards and permitting procedures for manufactured homes that are far more restrictive than is necessary to ensure compatibility with existing communities. The establishment of burdensome administrative review processes may be enough to discourage prospective homebuyers from even attempting to seek a special permit.

This conservative approach is not surprising since local governments traditionally cherish their right to exert "local control" over planning and zoning issues. This approach can also be explained by recognizing that few local officials understand the technological strides the HUD Code home has taken. Anachronistic notions about the pre-HUD Code mobile home and trailer will continue to dictate local planning policies relating to the modern manufactured home.

Obviously, there needs to be a more directed exchange of information about manufactured homes between the industry, local governments and the public. This direction, in my opinion, is exactly what the bill you are considering will accomplish. While reserving to local governments every flexibility to managing residential development, it will mandate that local governments recognize that not all manufactured homes belong in mobile home parks. It will mandate local governments to bargain in good faith with industry and consumers in setting logical, defensible standards which establish up-front manufactured homes will and will not be allowed in single-family districts.

Thank you for the opportunity to speak with you about Senate Bill 314.



Skyline Corporation  
920 West Second Street  
P.O. Box 311  
Halstead, Kansas 67056  
(316) 835-2214

To: Chairman Don Montgomery and Members of the  
Senate Local Government Committee

Date: March 5, 1987

Re: S. B. 314, Zoning for Manufactured Housing

I am Bill Ewert, Division Manager of Skyline Corporation in Halstead. I appreciate the opportunity to testify today in favor of S. B. 314.

Skyline Corporation has been producing mobile homes in Kansas continuously for the past 27 years. We have two plants, one in Arkansas City and the other in Halstead. During this span of time, over 45,000 homes have been built for individuals who choose this mode of living. It is fair to say the manufactured housing industry is the most cost effective, energy efficient force in American home building today.

Unfortunately, despite the increasing attractiveness of manufactured housing, local zoning laws and building codes continue to discriminate against the industry.

The U. S. Department of Housing and Urban Development's standard assures that all manufactured housing is built to the National Manufactured Housing Construction & Safety Standards Act of June 15, 1976. These standards regulate the design, construction, and fire safety of the home, and also cover the installation and performance of the heating, plumbing, and electrical systems. In addition, a quality assurance program is included as part of this standard.

The manufactured home of today is designed, engineered, and tested in research and development departments to assure structural compatibility to the National HUD building code. These blueprints are then sent to a design approval agency commissioned by HUD, which evaluates and approves designs and quality assurance procedures to certify that all of the HUD code requirements have been met. No homes can be produced without approved plans. It is from these certified blueprints, then, that manufactured housing is constructed on an assembly line, using jigs that insure precise fit for all the component parts. All materials and component parts used must

(ATTACHMENT III) LOCAL GO 3/5/87

*Bringing America home.*

meet the HUD code requirements. All materials used are of the same grade and quality used in site built housing. Cathedral ceilings, roof overhangs, roof dormers, skylights, choice of decors are additional examples of options offered in today's manufactured housing. This gives the manufactured home the same durability capabilities and environmentally attractive style as a house constructed on site.

Each phase of construction is certified by an independent, professional third party inspection agency that has been approved by HUD. Continuous factory surveillance provides the assurance to the buying public that all compliance demands have been met. Each third party inspection agency is also inspected by HUD designated inspectors. Because of all these inspections, the HUD code requirements are more strictly watched during factory construction than carpenters working to a code in the field.

The manufactured home of today is a viable and affordable home which provides the owner with the same amenities found in a site built home, but at a lower cost due to the economics achieved through factory production.

Sources of financing for mobile homes include banks, savings and loan associations, credit unions and commercial finance companies, V. A. and F. H. A. both approve 30 year loans, the same as site built homes.

Zoning and land use planning are necessary, but we question this authority when it is extended to determine how a home is erected or brought to the site. 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. We're not asking to put a manufactured home just anywhere without any guidelines, but we are asking for parity.

We believe that the passage of S. B. 314 will give the direction needed, therefore, we ask for your support of this bill. Thank you for your consideration.

# DOUG'S

## mobile world inc.

\* your energy minded dealer \*

TO: Senator Don Montgomery, Chairman  
Senate Local Government Committee

DATE: March 5, 1987

RE: Zoning Standards for Manufactured Housing

Mr. Chairman and Members of the Committee:

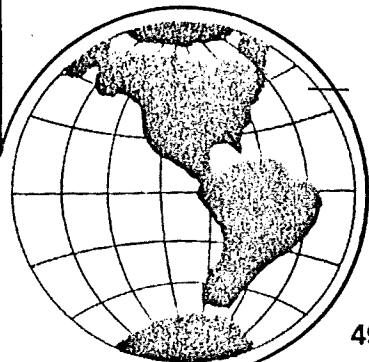
My name is Rod Taylor. I am president of Doug's Mobile World, Inc., a manufactured housing dealership and South Village, Inc., a manufactured housing community, both located in Topeka. I am here today to urge your support of SB 314 which states that cities and counties shall not adopt zoning regulations that prohibit manufactured housing in residential districts.

The manufactured housing industry is today producing energy efficient, aesthetically pleasing, affordable housing. Just as our industry has entered the marketplace with a product capable of competing with site built homes, we find ourselves met more and more often with city and county zoning ordinances which are totally discriminating. Such ordinances preclude the placement of manufactured housing in an area, regardless of their initial cost or aesthetic value, simply because they are not site built. These unfair zoning regulations cause yet another stumbling block for our citizens seeking home ownership.

In 1976, the HUD code was adopted, setting building standards to which all manufactured housing must conform, so safety and structural stability is no longer a problem. Wood and vinyl siding and shingled roofs are available to all manufactured homes, and these homes may be placed on permanent foundations with attached garages and porches. Therefore, I feel the question of aesthetics is not a problem.

So just what is the problem? Unfortunately, it is the "trailer house" image of the 1950's that refuses to die. The manufactured housing industry is today building quality products, many of which are more energy efficient than site built homes.

(ATTACHMENT IV) LOCAL GO 3/5/87



4919 SOUTH TOPEKA BLVD. • TOPEKA, KANSAS 66609 • (913) 862-0321

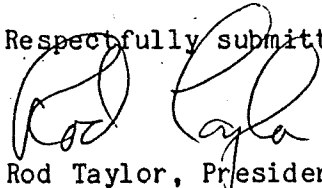
I must relate to you an incident which occurred while my wife and I were touring open houses one Sunday in Topeka. While in a newly constructed home priced at over \$130,000, I had an opportunity to talk with the builder and ask him why he would only put an R19 roof insulation in the living half of a home in this price range. He rambled on about vaulted ceilings, roof rafters and when he could see that I was unimpressed with his reasoning, he turned to me and said, "So what's it going to cost you? Maybe another \$25.00 a month!" I guess the moral of this story is, if you can afford a \$130,000 house, you can afford any utility bill as well.

The manufactured housing industry is dedicated not only to cost efficient housing but energy efficient housing as well - affordable housing both during and after the sale. Our lowest priced product has an R19 (6 inch) roof insulation with most containing an R30 to R38 (10 to 12 inches). Many of our homes are built with 6" sidewalls - something that is seldom seen in site built housing. And yet, it is "just a trailer". This is the kind of emotion filled, uninformed statement that allows discriminatory ordinances at the local level.

Unfair zoning practices are a detriment to a viable Kansas industry. It is up to you, as well informed, fair minded law makers to end discriminatory zoning regulations in our state.

I thank you for the opportunity to appear and testify today and I appreciate your support of SB 314.

Respectfully submitted,



Rod Taylor, President  
Doug's Mobile World, Inc.  
South Village, Inc.





# League of Kansas Municipalities

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

TO: Senate Committee on Local Government  
 FROM: Kevin R. Davis, Attorney  
 DATE: March 5, 1987  
 SUBJECT: SB 314

The League of Kansas Municipalities has adopted the following policy statement regarding this issue.

1-8c. **Manufactured Housing.** We encourage cities to provide for the fair treatment and placement of all housing, including manufactured housing. Local officials can best determine the appropriate location and treatment of manufactured housing not meeting local codes, based on the unique conditions, needs and standards of their community. We therefore oppose state legislation which would specifically permit the placement of manufactured housing that does not meet locally adopted nationally recognized codes and standards in any areas of the city, including areas zoned exclusively for single family residences. We believe such legislation to be unwarranted, and an unnecessary intrusion into the constitutional home rule authority of cities. We encourage cities to review their regulations applicable to manufactured housing to ensure that they are reasonable, non-discriminatory and non-arbitrary.

This convention-adopted policy statement explains our opposition to SB 314. Tomorrow a committee of the League will review this bill and take an official position regarding it.

Our primary concern is the loss of home rule authority by state imposition of a building standard through zoning ordinances. Zoning and land use issues have always been exclusive matters of local concern. State statutes define a very deliberate process which must be followed in order to implement and enforce local zoning ordinances. Since zoning is, by definition, a segregating process assigning land uses to various zoning districts, local governments are the most appropriate body to make such decisions. Arbitrary, exclusionary and discriminatory land use regulations of all types are prohibited by a long series of case law in Kansas and throughout the nation.

We are also not aware of any demonstrated need for such state legislation which cannot be resolved on a local level. If a citizen feels a local ordinance is discriminatory or simply contrary to their own interests, they always have the right to appeal to the local governing body or challenge the ordinance in court. The local governing body can then amend or modify the ordinance as consistent with the best interests of the local community and a court action would invalidate any illegal ordinance.

In addition to our policy concerns, we have several concerns about SB 314 as it is drafted. This bill includes manufactured housing built to the HUD code, as well as modular homes which the manufacturer would certify are constructed in accordance with a national code. Self certification of your own product has obvious draw-backs. The bill limits the development standards which a manufactured home could be subject to, to: building setback

Presidents: John L. Carder, M  
 Directors: Robert C. Brown,  
 Commissioner, Hutchinson • E  
 City Manager, Newton • John  
 Coffeyville • Deann B. Wilcox, City Manager, Garden City • Dennis S. Waldert, Mayor, Topeka • Executive Director, F.A. Moore

Attachment V

3/5/87

1st Presidents: Ed Ellert, Mayor, Overland Park •  
 J. French, Mayor, Merriam • Frances J. Garcia,  
 Creight, Mayor, Ness City • Jay P. Newton, Jr.,  
 Concordia • Arthur E. Treace, Commissioner,  
 F.A. Moore

standards; side and rear yard requirements; width requirements; standards for enclosures, access and vehicle parking; and architectural, aesthetic requirements. What about other common standards such as height, intensity of use, open space and other similar and common development standards? The bill states that it will not preempt or supersede valid restrictive covenants running with the land. This seems contrary to the intent of the bill and also will not protect existing areas which do not have restrictive covenants. A substantial question is raised in my mind whether a court would uphold the constitutionality of this section, particularly if similar legislation regarding group homes is enacted.

In closing, I would note that the House Committee on Local Government studied this issue in 1986 and failed to endorse a similar bill. Also, the Special Committee on Federal and State Affairs studied this issue in the 1986 interim session and recommended that no action be taken on this issue.

Again, the League has a policy position opposed to the concept of this bill, based on the unnecessary intrusion into home rule authority.



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

TO: SENATE LOCAL GOVERNMENT COMMITTEE  
FROM: KAREN MCCLAIN, DIRECTOR OF GOVERNMENTAL AFFAIRS  
DATE: MARCH 5, 1987  
SUBJECT: SB 314

On behalf of the Kansas Association of REALTORS®, I am here to oppose SB 314.

At the beginning, we want this committee to know that we are not opposed to the concept of manufactured housing. It is an innovative development in housing which can help make homeownership possible for families who might not otherwise afford it.

However, we have objections over what has been proposed here. First, we feel strongly that both cities and counties must retain control over the planning and zoning decisions for their localities. If a city or county wants to make a development standard for single family homes in a particular area, they should have the ability to make that decision, without having their hands tied by a state statute.

The Kansas Association of REALTORS® feels that state statutes which interfere with 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

(ATTACHMENT VI LOCAL GO 3/5/87

*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.*

*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 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.*

*What is to stop legislatures in future years from actually coming in and saying that persons who live in a certain housing district can be forced to have apartment complexes or businesses placed in their neighborhood? Perhaps the legislature will pass legislation that says, 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. Some of our developers would love such a provision. But what about the rights of homeowners?*

*This may seem unlikely, but the proponents here today would have you do the same thing for their product all in the name of economic development. This constant chipping away at the power of cities and counties to control their zoning and planning are providing the precedents for it to happen.*

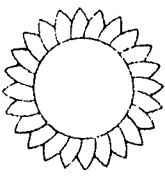
*In addition, such developments decrease the value of property in the area, yet homeowners would be powerless, due to a state statute.*

*In conclusion, local zoning laws, as they now exist, permit a city or county to set up certain standards which provide for the orderly planning of their own city or county.*

*Accordingly, we ask that you look closely at the severe impact which this seemingly well intentioned interference with local zoning ordinances can have, and that you do not pass this piece of legislation.*

*Thank you.*





SENATE LOCAL GOVERNMENT COMMITTEE  
THURSDAY, MARCH 5, 1987  
HEARING ON SENATE BILL 314  
TESTIMONY OF GERRY RAY, INTERGOVERNMENTAL COORDINATOR  
JOHNSON COUNTY BOARD OF COMMISSIONERS

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE. MY NAME IS GERRY RAY, REPRESENTING THE JOHNSON COUNTY BOARD OF COMMISSIONERS, AND I WOULD LIKE TO THANK YOU FOR THE OPPORTUNITY TO TESTIFY ON SENATE BILL 314.

JOHNSON COUNTY HAS APPEARED BEFORE ON BILLS PROVIDING EXEMPTIONS TO LOCAL ZONING AUTHORITY. ONCE AGAIN, THE COMMISSIONERS WISHES TO EXPRESS STRONG OPPOSITION TO THE PRECEDENT BEING SET IN THIS BILL.

LEGISLATION SUCH AS THIS DIMINISHES THE AUTHORITY OF LOCAL OFFICIALS TO EXERCISE SELF DETERMINATION IN MATTERS OF ZONING. IN ORDER TO PROVIDE CITIZENS AN ORDERLY PLANNED COMMUNITY, THE LOCAL OFFICIALS MUST HAVE THE ABILITY TO ADOPT AND ENFORCE LOCAL ZONING REGULATIONS. TO EXEMPT ANY PARTICULAR GROUP FROM THE ZONING PROCESS ESTABLISHES A PRECEDENT, THUS OPENING THE DOOR FOR ADDITIONAL EXEMPTIONS EACH YEAR. THIS IS ILLUSTRATED IN THE EXEMPTIONS TO PROPERTY AND SALES TAX THAT CONTINUE TO GROW IN NUMBER. IT SHOULD BE RECOGNIZED THAT WHEN THE STATE GRANTS THE FIRST EXEMPTION THE TREND IS IRREVERSIBLE.

THERE IS AN EXISTING PROCESS WHEREBY VARIANCES TO ZONING CAN BE GRANTED WITH SPECIAL USE PERMITS. PART OF THIS PROCESS IS THE PUBLIC HEARING WHERE CITIZENS CAN EXPRESS THEMSELVES, AND OUR COMMISSIONERS OBJECT TO ANY LEGISLATION THAT CIRCUMVENTS THE RIGHT OF THE PEOPLE TO BE HEARD. WE URGE THE COMMITTEE TO CAREFULLY CONSIDER ALL THE RAMIFICATIONS THAT SENATE BILL 314 BRINGS WITH IT, AND TO JOIN US IN OPPOSING IT.

(ATTACHMENT VII) LOCAL GO 3/5/87

# THE CITY OF WICHITA

PUBLIC AFFAIRS OFFICE  
CITY HALL — THIRTEENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4351

March 5, 1987

TO: Chairman Montgomery and Members of the Senate Local  
Government Committee

FROM: Marla J. Howard, Public Affairs Officer

RE: SB 314, Zoning and Regulation of Manufactured Housing

Dear Chairman Montgomery and Members of the Committee:

The City of Wichita wishes to express its opposition to the provisions of Senate Bill 314.

At the present time, the City of Wichita provides for development of all types of housing, including manufactured housing and modular homes. There are over 1,100 acres presently zoned as manufactured home districts that provide for the major mobile home parks and manufactured home subdivisions within the City of Wichita. These areas presently provide facilities for those persons that want to lease a location for their manufactured home, and also for those that want to own their property.

Senate Bill 314 would only create additional burdens on the City if we are to ensure to the community that the location of manufactured homes would be architecturally compatible with adjacent properties that are developed with other types of housing. Establishing adequate standards and administering architectural review to apply to all housing would create a major additional administrative burden. This process would add to the time needed to review permits and would by necessity increase housing costs.

One major concern is that of site improvements that tend to enhance the overall appearance of any housing area. As compared to other forms of housing, none of the parties responsible for the manufactured home construction and sales have a long-term stake in site appearance.

(ATTACHMENT VIII) LOCAL GO 3/5/87

When developed as a manufactured home subdivision, as required by the City of Wichita's regulations, the land developer then takes a role in ensuring that the development will succeed by requiring on-site improvements to protect the overall success of the neighborhood and his investment.

As we understand the provisions of this bill, local building code regulations would also be superceded by national codes.

Local zoning regulations and building codes are established for the protection of our citizens, the preservation of property values and to provide for land use compatibility. We believe that the present law K.S.A. 19-2938, which prevents the arbitrary exclusion of manufactured housing, is adequate to assure that communities will not exclude manufactured housing through the use of zoning regulations.

The City of Wichita urges your support of the continuance of local zoning and code enforcement authority. Thank you.





**SEDGWICK COUNTY, KANSAS**

**INTERGOVERNMENTAL COORDINATOR**

**WILLIE MARTIN**

COUNTY COURTHOUSE • SUITE 315 • WICHITA, KANSAS 67203-3759 • TELEPHONE (316) 268-7552

March 5, 1987

**TO: SENATE LOCAL GOVERNMENT COMMITTEE**

**RE: Senate Bill 314**

**FROM: Willie Martin, Intergovernmental Coordinator  
Sedgwick County**

Mr. Chairman and Members of the Committee:

I am Willie Martin representing the Board of Sedgwick County Commissioners. I appreciate this opportunity to present testimony in opposition to SB 314.

In 1976, the Kansas Legislature adopted K.S.A. 19-1938. This law mandates that County Commissioners may not arbitrarily exclude manufactured housing in their jurisdictions. This law has served Kansas well for over 10 years and Sedgwick County sees no reason to change it at this time and especially not in the manner of Senate Bill 314.

Only a limited number of counties in our state have zoning regulations or resolutions, even fewer have building codes. Sedgwick County was zoned and the zoned area has been gradually expanded since and effective January 1, 1985, zoning was extended to include all incorporated areas of Sedgwick County, making Sedgwick County one of the few counties to have County wide zoning. At no time has Sedgwick County ever discriminated against manufactured housing. Indeed zoning regulations in Sedgwick County treat site-built homes and manufactured housing in exactly the same manner. In other words, for private residential purposes, any where you can construct a site-built home you could instead install a manufactured housing unit.

(ATTACHMENT IX ) LOCAL GO 3/5/87

Therefore, it might appear to the members of this committee that Sedgwick County residents would be unaffected by this proposed legislation. That, unfortunately would not be a correct conclusion. The County Commissioners have always retained the right to amend zoning regulations to prescribe districts that would allow manufactured housing and to also restrict manufactured housing from certain districts. The fact that they have not done so does not mean that they in any way wish to have that choice taken away from them, at this time or at any other time. The commissioners have always been responsive to the desires and needs of the residents of Sedgwick County and wish to retain that ability to address local issues at the local level.

Further this proposed legislation transfers the responsibility of providing for developmental standards from the private sector, the developers, to the public sector, the governing body. If the governing body does not provide developmental standards, which include a minimum width requirement, and I do not know of any public zoning regulations which currently have a minimum width requirement, then any manufactured housing unit including single wide units could be installed as long as it were on a permanent foundation. Thus nearly every governing body in Kansas which wished to preclude even single wide manufactured housing, new or used, from a zoning district would have to amend their resolutions to be able to continue that policy. This seems to be the very intent of this legislation.

It should also be noted that there is a considerable difference between a housing unit constructed to the minimum H.U.D. code and one constructed to the minimum requirement of any of the three nationally recognized building codes. Sedgwick County, as have most of the jurisdictions in Kansas, has adopted the standards approved by the International Conference of Building Officials (I.C.B.O.) The H.U.D. code is a trailer construction code; the others, including I.C.B.O., are site built construction codes.

In summary, we say that the Sedgwick County governing body does not believe there is a current problem to be addressed and this legislation, if passed, would result in unnecessary hardships to the citizens of Sedgwick County.

TESTIMONY FOR  
SENATE LOCAL GOVERNMENT

MARCH 5, 1987

BY

JANET J. STUBBS

HOME BUILDERS ASSOCIATION OF KANSAS

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

MY NAME IS JANET STUBBS, EXECUTIVE DIRECTOR FOR HOME BUILDERS ASSOCIATION OF KANSAS APPEARING IN OPPOSITION TO SB 314, NOT BECAUSE WE ARE OPPOSED TO ANY TYPE OR STYLE OF MANUFACTURED HOUSING BUT, BECAUSE WE ARE OPPOSED TO THE REMOVAL OF THE HOME RULE POWERS.

THE HBAK POLICY STATEMENT WHICH HAS BEEN IN PLACE FOR SEVERAL YEARS IS VERY BRIEF AND TO THE POINT. "HBAK SUPPORTS HOME RULE AUTHORITY OF THE LOCAL PLANNING AND ZONING REGULATIONS AS APPROVED BY THE STATE CONSTITUTION".

ZONING IS A MECHANISM USED SINCE THE EARLY 1900'S TO PRESERVE PROPERTY VALUES AND INSURE THE ORDERLY GROWTH OF CITIES.

ZONING IS AN EXERCISE OF POLICE POWER ACCEPTED BY THE COURTS AS NECESSARY FOR THE GENERAL PUBLIC WELFARE.

ZONING MAY BE VIEWED AS DISCRIMINATORY IN MANY INSTANCES - BY MY

(ATTACHMENT X) LOCAL GO 3/5/87

MEMBERS, FOR EXAMPLE, WHO OWN LAND AND WANT TO BUILD A COMMERCIAL PROJECT WHICH IS OPPOSED BY THE NEIGHBORHOOD AND DENIED BY THE PLANNING COMMISSION BECAUSE IT DOES NOT FIT INTO THE PLAN OF THE GOVERNING BODY.

AFFORDABLE HOUSING HAS LONG BEEN A GOAL OF HOME BUILDER'S ASSOCIATIONS THROUGHOUT THE UNITED STATES THROUGH CONTINUOUS EFFORTS IN ALL ASPECTS OF LAND DEVELOPMENT, INFRASTRUCTURE DEVELOPMENT AND CODE REVISIONS FOR MORE EFFICIENT AND ECONOMICAL CODES.

WE BELIEVE SITE BUILT CONSTRUCTION CAN COMPETE WITH ALL FACTORY BUILT HOUSING INCLUDING MOBILE HOMES.

AS AN EXAMPLE:

A PITTSBURG, KANSAS BUILDER CONSTRUCTED LOW COST, SMALL STRUCTURES 3 OR 4 YEARS AGO WHEN INTEREST RATES WERE HIGH WHICH SOLD RAPIDLY. HE ADVISES HE STOPPED WHEN THERE WAS NO LONGER A MARKET DEMAND.

COST OF LOT	\$2,000 - \$3,000	
SQ.FT. COST RANGE	\$19 - \$35 APPROX.	
1120 SQ.FT. WITH GARAGE	\$36,000	INCLUDING REAL ESTATE
	TO	SALES COMMISSION
	\$37,000	
1080 WITHOUT GARAGE	\$32,000	INCLUDING REAL ESTATE
	TO	SALES COMMISSION
	\$34,000	

ALL WERE WELL INSULATED WITH R/30 CEILING - R/13 WALLS DOUBLE WALL

CONSTRUCTION AND THERMAX INSULATED WINDOWS, OAK CABINETS, 1 1/2 BATHS.

TOPEKA - JEFFERSON SQUARE PROJECT

COST OF LOT - \$45 PER FRONTAGE FT.        \$3,150 TO \$3,600    BI-LEVEL - 3  
BEDROOM - 1 1/2 BATH - 1 CAR GARAGE - \$39,500 RANCH - 3 BEDROOM - 1800  
SQ. FT - 2 CAR GARAGE - ABOUT \$25 PER SQ. FT OR \$47,500.

I AM SURE YOU ARE AWARE THAT COST PER SQ. FT. DEPENDS UPON WHAT A  
BUILDER REFERS TO AS "GINGERBREAD", IE PRICE OF CARPET, QUALITY AND  
STYLE OF CABINETS ETC.

SITE BUILT HOUSING IS BUILT TO MEET MARKET DEMANDS. THERE IS A MARKET  
FOR ALL TYPES OF HOUSING BUILT IN A FACTORY, AS WELL AS SITE BUILT  
STRUCTURES. HOWEVER, HOMEOWNERS OF ALL TYPES SHOULD HAVE THEIR PROPERTY  
RIGHTS AND VALUES PROTECTED BY THE GOVERNING BODY THROUGH THE ZONING  
PROCESS - BE IT FROM COMMERCIAL, MULTI-FAMILY DEVELOPMENT, ETC.

COMPONENT AND MODULAR HOMES MAY BE BUILT TO LOCAL CODES TO MEET NEEDS  
AND ADDRESS SPECIFIC BUILDING PROBLEMS OF EACH CITY.

MOBILE HOMES ON THE OTHER HAND ARE BUILT TO THE HUD CODE, A FEDERAL CODE  
IMPLEMENTED FOR THE STATED PURPOSE OF REDUCING THE NUMBER OF PERSONAL  
INJURIES AND DEATHS AND THE AMOUNT OF INSURANCE COSTS AND PROPERTY  
DAMAGE RESULTING FROM MANUFACTURED OR MOBILE HOME ACCIDENTS AND TO  
IMPROVE THE QUALITY AND DURABILITY OF THESE UNITS.

WE BELIEVE IT HAS DONE THAT. HOWEVER, THEY DO NOT MEET THE SAME

STANDARDS AS SITE BUILT HOMES AND SHOULD NOT BE COMPARED IN THE REGARD.

CODES ADOPTED BY LOCAL UNITS OF GOVERNMENT ARE IN PLACE TO ADDRESS SPECIFIC PROBLEMS OF THE AREA. A PRIME EXAMPLE OF THIS IS A POINT THAT WAS MADE IN A MEETING ATTENDED BY TERRY AND I LAST WEEK IN WHICH THE PLANNER FROM HUTCHINSON REMINDED US OF THEIR PLUMBING CODE WHICH ADDRESSED THE CORROSIVE WATER PROBLEM IN THAT AREA. HE QUESTIONED HOW THE HUD CODE AND MANUFACTURES OF MOBILE HOMES ADDRESSED THAT PROBLEM

SB 314 LIMITS DEVELOPMENT STANDARDS TO: BUILDING SETBACK STANDARDS; SIDE AND REAR YARD REQUIREMENTS; STANDARDS FOR ENCLOSURES; ACCESS AND VEHICLE PARKING; AND ARCHITECTURAL, AESTHETIC REQUIREMENTS.

IT FURTHER STATES THAT NOTHING SHALL BE CONSTRUED TO PRE-EMPT OR SUPERSEDE VALID RESTRICTIVE COVENANTS RUNNING WITH THE LAND.

MORE LEARNED AUTHORITIES THAN I STATE THAT IT IS DIFFICULT TO PREPARE ARCHITECTURAL AND AESTHETIC CONTROLS IN A CONSTITUTIONAL MANNER, ESPECIALLY FOR CITIES WITH LIMITED STAFF, AND EVEN MORE DIFFICULT TO ENFORCE AND INTERPRET. THUS POTENTIALLY ELIMINATING SUCH STANDARDS IN SMALL COMMUNITIES.

ALSO, "ARCHITECTURAL AND AESTHETIC REQUIREMENTS" ARE NOT DEFINED.

WHAT IS THE DEFINITION OF "VALID RESTRICTIVE COVENANTS"? IF A SUB-DIVISION RESTRICTIVE COVENANT PROHIBITS MANUFACTURED HOUSING, IS IT "INVALID"?

WHAT IMPACT WOULD THIS LEGISLATION HAVE ON RESTRICTIVE COVENANTS IF SUCH PUBLIC POLICY AS CONTAINED IN SB 314 IS ADOPTED BY THE STATE? THE COURTS MIGHT VERY WELL INVALIDATE THE RESTRICTIVE COVENANTS.

ARE THERE "PROBLEM" LOCATIONS IN THE STATE WHERE ACTUAL PEOPLE REALLY WANT THIS ABILITY, AND HAVE ATTEMPTED TO WORK WITH LOCAL OFFICIALS RATHER THAN SEEKING STATEWIDE APPLICATION?

IT HAS BEEN PROPOSED THAT PASSAGE OF LEGISLATION OF THIS TYPE OF LEGISLATION WOULD PERMIT AN ENTREPRENEUR TO PURCHASE LOTS THROUGHOUT TOWN AT TAX SALES ETC. THEN PURCHASE USED MOBILE HOMES AND PLACE ON CONCRETE SLABS ON THESE LOTS AND RENT OR SELL THEM.

IS THIS WHAT PRESENT LANDOWNERS WANT?

REMOVAL OF HOME RULE POWERS OF LOCAL GOVERNING BODIES SHOULD NOT BE TAKEN LIGHTLY. THE LOCAL OFFICIALS ARE ELECTED TO SERVE AND ANSWERABLE TO THE LOCAL PEOPLE. IF THE MAJORITIES WISHES ARE NOT BEING ADDRESSED, THE SYSTEM PERMITS THE PEOPLE TO CORRECT THE PROBLEM

THIS LEGISLATURE HAS CONSIDERED THIS SUBJECT ON SEVERAL OCCASSIONS, BOTH DURING REGULAR AND INTERIM SESSIONS AND CHOSE NOT TO ACT. THEREFORE, WE URGE YOU TO REPORT SB 314 ADVERSELY.

THANK YOU FOR THE OPPORTUNITY TO APPEAR.