

AN ACT
RELATING TO MUNICIPALITIES; AMENDING SECTIONS OF THE
MANUFACTURED HOUSING AND ZONING ACT TO LIMIT CERTAIN
REGULATIONS OF MANUFACTURED HOMES BY POLITICAL SUBDIVISIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-21A-2 NMSA 1978 (being Laws 1987, Chapter 196, Section 2) is amended to read:

"3-21A-2. DEFINITIONS.--As used in the Manufactured Housing and Zoning Act:

A. "multi-section manufactured housing" means a manufactured home or modular home that is a single-family dwelling with a heated area of at least thirty-six by twenty-four feet and at least eight hundred sixty-four square feet and constructed in a factory to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or the Uniform Building Code, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act and with the regulations made pursuant thereto relating to permanent foundations; and

B. "mobile home" means a movable or portable housing structure larger than forty feet in body length, eight feet in width or eleven feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes that is not constructed to the standards of the United States department of housing and urban development, the National Manufactured Housing

Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code, as amended to the date of the unit's construction or built to the standards of any municipal building code."

Section 2. Section 3-21A-3 NMSA 1978 (being Laws 1987, Chapter 196, Section 3) is amended to read:

"3-21A-3. MANUFACTURED HOUSING--PERMISSIBLE REGULATIONS.--In the exercise of any of the powers and duties conferred by law, no governing body of a political subdivision of the state or any planning and zoning agency thereunder shall exclude multi-section manufactured homes from a specific-use district in which site-built, single-family housing is allowed or place more severe restrictions upon a multi-section manufactured home than are placed upon single-family, site-built housing within that specific-use district so long as the manufactured housing is built or constructed according to the Housing and Urban Development Zone Code II or the Uniform Building Code. The governing body of any political subdivision of the state or any planning and zoning agency thereunder is authorized to regulate manufactured housing to require that it meets all requirements other than original construction requirements of other single-family dwellings that are site-built homes in the same specific-use district and to further require by ordinance that such manufactured housing be consistent with applicable historic or aesthetic standards."

Section 3. Section 3-21A-5 NMSA 1978 (being Laws 1987, Chapter 196, Section 5) is amended to read:

"3-21A-5. IMPERMISSIBLE REGULATIONS.--No ordinance or

regulation authorized by the Manufactured Housing and Zoning Act shall regulate the original construction of the manufactured home or mobile home."

Section 4. Section 3-21A-6 NMSA 1978 (being Laws 1987, Chapter 196, Section 6) is amended to read:

"3-21A-6. PRIVATE COVENANTS AND DEED RESTRICTIONS--
LOCAL GOVERNMENT RESTRICTIONS.--

A. Nothing in the Manufactured Housing and Zoning Act or any ordinance or regulation adopted pursuant thereto shall be construed as abrogating or limiting a recorded restrictive covenant or deed restriction.

B. The provisions of the Manufactured Housing and Zoning Act shall not be construed as abrogating or limiting the powers of political subdivisions regarding the exercise of zoning, planning and subdivision powers except to the extent the exercise of such powers is inconsistent with the provisions of the Manufactured Housing and Zoning Act and the Manufactured Housing Act." _____
