

# SENATE BILL NO. 1774

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

7348S.011

KRISTINA MARTIN, Secretary

## AN ACT

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

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

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

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

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

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

12 (3) "Modular home", a transportable building unit  
13 designed to be used by itself or to be incorporated with  
14 similar units at a point-of-use into a modular structure to  
15 be used for residential purposes, built to International  
16 Residential Code (IRC code), and certified by the Missouri

17 public service commission as being built in accordance with  
18 the 2021 IRC code;

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

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

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

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

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

32 (b) Is affixed to a permanent foundation, connected to  
33 the appropriate facilities, and is installed in compliance  
34 with section 700.653;

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

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

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

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

47 2. (1) A local government shall not adopt or enforce  
48 any zoning ordinance or land use regulation that:

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

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

57           (c) Unreasonably limits the replacement of existing  
58 manufactured homes with new ones;

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

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

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

69           3. Any local government may adopt and enforce, as a  
70 part of its zoning regulations, compatibility standards  
71 governing the placement of modular homes or qualified  
72 manufactured homes in residential zones within the local  
73 government's jurisdiction. Compatibility standards shall be  
74 adopted, amended, and enforced in the same manner as other  
75 zoning regulations and shall be in addition to any zoning  
76 regulations that are generally applicable to single-family  
77 residences. Any architectural compatibility standards  
78 applied to modular homes or qualified manufactured homes  
79 shall be equivalent to, and not more stringent than, those  
80 standards applied to other single-family residential

81 structures in the same zone. No compatibility standard  
82 shall be adopted or enforced if such standard is not also  
83 required for all other new site-built, single-family  
84 residential construction within the same zone. Nothing in  
85 this section shall be construed as limiting in any way the  
86 authority of local governments to adopt regulations designed  
87 to protect historic properties or historic districts.  
88 Nothing in this section shall be construed as limiting in  
89 any way the authority of private citizens to construct  
90 additional requirements through homeowner associations, or  
91 placing additional covenants or restrictions on private land.

92 4. Any zoning regulation, ordinance, or requirement  
93 that violates this section is void and unenforceable.

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

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

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