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# A BILL FOR AN ACT

RELATING TO HOUSING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that Hawaii faces a  
2       severe shortage of housing for local residents and that  
3       manufactured homes can provide safe, code-compliant housing at  
4       lower cost and on shorter timelines than conventional site-built  
5       construction. Manufactured homes that comply with federal  
6       standards and are installed on permanent foundations with  
7       utility connections are suitable for long-term residential use.

8       The legislature further finds that local zoning  
9       restrictions, discretionary review, residential building design  
10      requirements, and private covenants can unreasonably burden or  
11      exclude manufactured homes, even where they meet all applicable  
12      health and safety standards. Under federal law, the federal  
13      manufactured home construction and safety standards preempt  
14      conflicting state and local construction and safety  
15      requirements, and counties should focus their regulation on  
16      foundations, installation, and utility connections rather than  
17      imposing duplicative standards on the homes themselves.



1       The legislature also finds that treating manufactured homes  
2 as personal property rather than real property limits owners'  
3 access to mortgage financing and real-property consumer  
4 protection. Clarifying that manufactured homes are treated as  
5 real property for purposes of transfer and mortgage will improve  
6 financing options and support wealth-building for manufactured-  
7 home owners.

8       The purpose of this Act is to:

- 9       (1) Establish that manufactured homes are a permitted use  
10       by right on any zoning lot where detached dwelling  
11       units are permitted as a principal or accessory  
12       residential use under county zoning ordinances;
- 13       (2) Limit the use of residential building design elements  
14       to deny or discourage otherwise code-compliant  
15       manufactured homes;
- 16       (3) Prohibit homeowners' associations and similar private  
17       governing bodies from enforcing covenants that  
18       actively or effectively prohibit otherwise lawful  
19       manufactured housing;
- 20       (4) Prohibit counties from requiring manufactured homes  
21       that comply with federal manufactured housing



standards to also comply with the Hawaii state building code or a county building code with respect to construction and safety matters governed by those federal standards, while preserving county authority over foundations, installation, and utility connections; and

(5) Specify that a manufactured home is considered real property, requiring its transfer, conveyance, and mortgage to follow the same recording and enforcement requirements as other real property.

SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**"PART . MANUFACTURED HOUSING**

**§46-A Definitions.** As used in this part, unless the context otherwise requires:

"Manufactured home" means a dwelling unit constructed in compliance with title 24 Code of Federal Regulations part 3280 that is installed on a permanent foundation and connected to utilities.



1 "Residential building design elements" means exterior  
2 building attributes, including but not limited to the type,  
3 color, and style of exterior cladding; roof pitch, materials, or  
4 style; exterior windows and window treatments; exterior doors  
5 and door finishes; location, styling, or materials of garages;  
6 or the number or types of rooms. "Residential building design  
7 elements" does not include:

8 (1) Building features required by applicable building  
9 codes, fire codes, form-based codes, floodplain  
10 regulations, or stormwater regulations for public  
11 safety; or

12 (2) Screening, buffering, or landscaping requirements for  
13 parking areas or mechanical equipment.

14 **§46-B Manufactured homes; by right; urban district. (a)**

15 The placement and occupancy of a manufactured home shall be a  
16 permitted use by right on any zoning lot where a detached  
17 dwelling unit is permitted as a principal or accessory  
18 residential use under county zoning ordinances, subject to  
19 compliance with objective development standards applicable to  
20 dwellings of comparable size and occupancy in the same zoning  
21 district.



(b) On residentially zoned lots within the urban district,  
no county shall:

(1) Prohibit manufactured homes as a principal or  
accessory residential use;

(2) Require a discretionary or special use permit solely  
because a dwelling is a manufactured home; or

(3) Impose residential building design elements, or  
design, exterior-finish, or foundation standards, that  
are more restrictive than those applied to site-built  
dwellings in the same zoning district.

(c) Each county may:

(1) Apply objective development standards identical to  
those for site-built dwellings of comparable size and  
occupancy, including standards for setbacks, height,  
lot coverage, fire safety, and utilities;

(2) Prohibit or restrict manufactured homes within special  
management areas, a special flood hazard area as  
delineated on flood maps issued by the Federal  
Emergency Management Agency, or high wildfire risk  
areas; and



1 (3) Require compliance with subdivision and roadway-access  
2 regulations.

3 (d) Manufactured homes authorized under this section shall  
4 be permitted for all residentially zoned lots within the urban  
5 district. Any county ordinance inconsistent with this section  
6 shall be preempted.

7 (e) No county shall require a manufactured home that  
8 complies with title 24 Code of Federal Regulations part 3280 to  
9 also comply with the Hawaii state building code or an applicable  
10 county building code with respect to construction and safety  
11 matters governed by that federal standard; provided that a  
12 county may enforce the Hawaii state building code and applicable  
13 county building codes for foundations, installation, and utility  
14 connections, to the extent not preempted by federal law.

15 **§46-C Residential building design elements; limitations.**

16 (a) No county shall adopt or enforce any ordinance, resolution,  
17 rule, or other requirement that uses residential building design  
18 elements to prohibit or have the effect of prohibiting the  
19 placement or occupancy of a manufactured home that complies with  
20 section 46-B.

21 (b) This section shall not be construed to:



(1) Prohibit a county from enforcing building codes, fire codes, floodplain regulations, form-based codes, stormwater regulations, or other health and safety regulations that apply equally to site-built dwellings; or

(2) Affect historic districts or historic properties designated pursuant to chapter 6E or applicable county law, where design review is expressly authorized by law.

**§46-D Associations; limitations on restricting**

**manufactured housing.** (a) Notwithstanding any law, declaration, covenant, condition, bylaw, rule, or other governing document to the contrary, no association of apartment owners governed by chapter 514B, cooperative housing corporation governed by chapter 421I, or planned community association governed by chapter 421J shall adopt or enforce any provision that actively or effectively prohibits the placement or lawful occupancy of a manufactured home that complies with section 46-B.

(b) No association, as that term is defined in sections 421J-1 and 514B-3, or corporation, as that term is defined in



1 section 421I-1, shall require residential building design  
2 elements for a dwelling described in subsection (a) that are  
3 more restrictive than those applied under the association's  
4 governing documents to site-built single-family dwellings on  
5 lots subject to the same governing documents.

6 (c) This section shall not be construed to prohibit  
7 reasonable rules and regulations adopted and enforced in good  
8 faith by an association, as that term is defined in sections  
9 421J-1 and 514B-3, or corporation, as that term is defined in  
10 section 421I-1, that:

11 (1) Require compliance with applicable federal, state, and  
12 county laws and rules relating to health, safety, and  
13 sanitation;

14 (2) Regulate the location of a dwelling on a lot for  
15 purposes of compliance with objective fire safety,  
16 access, and utility easement requirements; or

17 (3) Regulate landscaping, fencing, or screening in a  
18 manner that applies equally to site-built,  
19 manufactured housing on similarly situated lots.

20 (d) Any provision of a declaration, covenant, condition,  
21 bylaw, rule, or other governing document that conflicts with





1 this section shall be void and unenforceable to the extent of  
2 the conflict."

3 SECTION 3. Chapter 502, Hawaii Revised Statutes, is  
4 amended by adding a new section to part XI to be appropriately  
5 designated and to read as follows:

6 "§502- Manufactured housing. (a) A Manufactured home  
7 shall be deemed real property for purposes of transfer,  
8 conveyance, mortgage, attachment, lien, foreclosure, execution,  
9 and all other matters to which the law relating to interests in  
10 real property applies, whether the owner of the manufactured  
11 home owns the land on which the home is located.

12 (b) Title to a manufactured home deemed real property  
13 under this section shall be transferred only by an instrument  
14 that satisfies the requirements for a conveyance of real  
15 property and is duly recorded in the office of the assistant  
16 registrar of the land court or the bureau of conveyances, as  
17 applicable. The instrument shall reasonably identify the  
18 manufactured home.

19 (c) A mortgage or other security instrument encumbering a  
20 manufactured home deemed real property under this section shall  
21 be created, perfected, and foreclosed in the same manner as a



1 mortgage or other security instrument encumbering real property,  
2 and a recorded mortgage or other security instrument that  
3 describes the manufactured home and states that it is or is to  
4 become a fixture on the land shall be effective as a fixture  
5 filing under article 9 of chapter 490.

6 (d) Notwithstanding any law providing for a certificate of  
7 title for a manufactured home, the rights of good-faith  
8 purchasers and mortgagees of a manufactured home deemed real  
9 property under this section shall be determined by the records  
10 of the assistant registrar of the land court or the bureau of  
11 conveyances.

12 (e) For purposes of this section, "manufactured home" has  
13 the same meaning as in section 46-A."

14 SECTION 4. In codifying the new sections added by section  
15 2 of this Act, the revisor of statutes shall substitute  
16 appropriate section numbers for the letters used in designating  
17 the new sections in this Act.

18 SECTION 5. New statutory material is underscored.

19 SECTION 6. This Act shall take effect upon its approval.



H.B. NO. 1719

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INTRODUCED BY:

*ZNC*

JAN 20 2026



# H.B. NO. 1719

**Report Title:**

Manufactured Housing; Residential Building Design Elements; Real Property

**Description:**

Establishes that manufactured homes are a permitted use by right on residentially zoned lots within the urban district. Limits the use of residential building design elements to deny or discourage otherwise code-compliant manufactured homes. Prohibits homeowners' associations and similar private governing bodies from enforcing covenants that actively or effectively prohibit otherwise lawful manufactured housing. Prohibits counties from requiring manufactured homes that comply with federal manufactured housing standards to also comply with the Hawaii state building code or a county building code. Specifies that a manufactured home is considered real property, requiring its transfer, conveyance, and mortgage to follow the same recording and enforcement requirements as other real property.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

