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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



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

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

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

14 **"PART . MANUFACTURED HOUSING**

15 **§46-A Definitions.** As used in this part, unless the  
 16 context otherwise requires:

17 "Manufactured home" means a dwelling unit constructed in  
 18 compliance with title 24 Code of Federal Regulations part 3280  
 19 that is installed on a permanent foundation and connected to  
 20 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.



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

- 3 (1) Prohibit manufactured homes as a principal or  
4 accessory residential use;
- 5 (2) Require a discretionary or special use permit solely  
6 because a dwelling is a manufactured home; or
- 7 (3) Impose residential building design elements, or  
8 design, exterior-finish, or foundation standards, that  
9 are more restrictive than those applied to site-built  
10 dwellings in the same zoning district.

11 (c) Each county may:

- 12 (1) Apply objective development standards identical to  
13 those for site-built dwellings of comparable size and  
14 occupancy, including standards for setbacks, height,  
15 lot coverage, fire safety, and utilities;
- 16 (2) Prohibit or restrict manufactured homes within special  
17 management areas, a special flood hazard area as  
18 delineated on flood maps issued by the Federal  
19 Emergency Management Agency, or high wildfire risk  
20 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 to also  
8 comply with the Hawaii state building code or an applicable  
9 county building code with respect to construction and safety  
10 matters governed title 24 Code of Federal Regulations part 3280;  
11 provided that a county may enforce the Hawaii state building  
12 code and applicable county building codes for foundations,  
13 installation, and utility connections, to the extent not  
14 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 that 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 (1) Prohibit a county from enforcing building codes, fire  
2 codes, floodplain regulations, form-based codes,  
3 stormwater regulations, or other health and safety  
4 regulations that apply equally to site-built  
5 dwellings; or
- 6 (2) Affect historic districts or historic properties  
7 designated pursuant to chapter 6E or applicable county  
8 law, where design review is expressly authorized by  
9 law.

10 **§46-D Associations; limitations on restricting**  
11 **manufactured housing.** (a) Notwithstanding any law,  
12 declaration, covenant, condition, bylaw, rule, or other  
13 governing document to the contrary, no association of apartment  
14 owners governed by chapter 514B, cooperative housing corporation  
15 governed by chapter 421I, or planned community association  
16 governed by chapter 421J shall adopt or enforce any provision  
17 that actively or effectively prohibits the placement or lawful  
18 occupancy of a manufactured home that complies with section 46-  
19 B.

20 (b) No association, as that term is defined in sections  
21 421J-2 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-2 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 on July 1, 3000.



**Report Title:**

Manufactured Housing; Urban District; 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. Effective 7/1/3000. (HD1)

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

