ENROLLED
Committee Substitute for
SENATE BILL NO. 47

(By Senator ________)

PASSED March 9, 2006

In Effect September 1, 2006
AN ACT to amend and reenact §8A-11-1 of the Code of West Virginia, 1931, as amended, relating to factory-built homes; updating compliance documentation for evidence in a court case; clarifying regulation by local governments; and requiring construction and installation to comply with federal regulations and applicable law.

Be it enacted by the Legislature of West Virginia:

That §8A-11-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 11. SPECIAL PROVISIONS.

(a) Notwithstanding any existing provisions of law, municipal or county ordinance or state building code, the standards for factory-built homes, housing prototypes, subsystems, materials and components certified as acceptable by the federal Department of Housing and Urban Development are considered acceptable and are approved for use in housing construction in this state.

(b) Appropriate building code compliance documentation attached to a factory-built home shall constitute prima facie evidence that the products or materials contained therein are acceptable.

(c) A governing body of a municipality or a county, when enacting residential design standards for the purposes of regulating the subdivision, development and use of land, shall uniformly apply such design standards and associated review and permitting procedures for factory-built and other single-family constructed homes.

(d) Factory-built homes, like other types of homes, shall be constructed and installed in conformity with the requirements of 44 C. F. R. §60.3(1976) and any applicable statute or rule relating to building in a flood zone.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect September 1, 2006.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the ______ Day of ______, 2006.

Governor