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To: Representative Sean Tarwater, Chairman
and Member of the House Commerce, Labor and Economic Development Committee

FROM: Martha Smith, Executive Director

DATE: February 19, 2020

RE: HB 2703 – Building, Construction and Related Standards and Codes; Relating to Preemption of
Local Codes More Stringent than National Model Codes

Chairman Tarwater and Members of the House Commerce, Labor and Economic Development Committee, my name is Martha Smith and I am the Executive Director of the Kansas Manufactured Housing Association (KMHA). KMHA is a statewide trade association representing all facets of the manufactured and modular housing industries (manufacturers, retail centers, manufactured home community owners and operators, service and supplier companies, finance and insurance companies and transport companies) and I appreciate the opportunity to provide comments in support of HB 2703 and offer a suggested amendment.

The original purpose of codes was to protect public health and safety, but in some areas of the country government agencies have turned to codes to implement other policies, such as energy efficiency, resilience, sustainability, and property protection. Even more, some agencies advocate for energy code changes benefiting specific product manufacturers and against providing code options and flexibility. Building codes can have a profound impact on the safety of residents but they also directly impact the cost of new construction and remodeling cost.

KMHA supports HB 2703 which could help keep housing costs in Kansas more affordable. The association would respectfully ask that when HB 2703 is worked that it be clarified that manufactured housing, is built to the federal preemptive code, National Manufactured Housing Construction and Safety Standards Act. I have attached a copy of a suggested amendment.

Thank you for the opportunity to express KMHA's support of HB 2703 and our request for an amendment.

HOUSE BILL No. 2703

By Committee on Commerce, Labor and Economic Development

2-14

1 AN ACT concerning building, construction and related standards and
2 codes; relating to preemption of local codes more stringent than
3 national model codes; exceptions.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) As used in this section:

7 (1) "National model code" means any model or standard published
8 compilation of rules in book or pamphlet form that has been prepared by a
9 nationally recognized technical association or organization, including but
10 not limited to, the international code council, inc., the national fire
11 protection association, inc., and underwriters laboratories, inc. "National
12 model code" includes building codes, plumbing codes, electrical wiring
13 codes, gas piping codes and health and sanitation codes.

14 (2) "Construction practice" means the construction, installation or use
15 of certain appliances, mechanical systems, types or sources of energy or
16 utilities in commercial or residential buildings.

17 (b) Notwithstanding any other law to the contrary:

18 (1) Except as provided in subsection (c), a particular building
19 product, material or construction practice that is approved for use by a
20 national model code that applies to the construction, renovation, repair or
21 other alteration of a residential or commercial building shall be allowed for
22 use in this state and shall not be prohibited or limited except in conformity
23 with amendments or revisions by the nationally recognized technical
24 association or organization that publishes the national model code. Except
25 as provided in subsection (c), no state agency, city, county, unified
26 government, township or other political subdivision of this state or any
27 homeowner's association or similar entity shall adopt or enforce any such
28 prohibition or limitation on and after July 1, 2020.

29 (2) Except as provided in subsection (c), the standards for a particular
30 building product, material or construction practice that are established
31 under a state-adopted or national model code that applies to the
32 construction, renovation, repair or other alteration of a residential or
33 commercial building shall be allowed under state law and more stringent
34 standards shall not be permitted in this state except in conformity with
35 amendments or revisions by the state authority or nationally recognized
36 technical association or organization that publishes the national model

including manufactured housing
which is subject to the federal
manufactured home construction
and safety standards established
pursuant to 42 USC §5403.

, manufactured housing

, manufactured housing

1 code. Except as provided in subsection (c), no state agency, city, county,
2 unified government, township or other political subdivision of this state or
3 any homeowner's association or similar entity with authority to adopt such
4 standards shall adopt or enforce more stringent standards on and after July
5 1, 2020.

6 (c) (1) This section shall not apply to:

7 (A) State or federal housing program requirements;

8 (B) state-owned or state-operated buildings and property;

9 (C) buildings located in a place or area designated for its historical,
10 cultural or architectural importance and significance if the buildings are:

11 (i) Located in an area designated as a historic district or a site or
12 property listed on the register of historic Kansas places or within the
13 jurisdiction and control of the state historical society;

14 (ii) located in an area designated as a historic district or a site or
15 property listed on the national register of historic places; or

16 (iii) individually designated as local, state or national historic
17 landmarks;

18 (D) regulations directly and substantially related to the requirements
19 of applicable city, county, unified government, township, school district or
20 other local safety standards;

21 ~~(E) regulations applied to manufactured housing in a manner
22 consistent with federal law;~~

23 (F) regulations adopted as a condition of participation in the national
24 flood insurance program authorized by 42 U.S.C. § 4001 et seq.;

25 (G) rules adopted by a homeowner's association or similar entity that
26 restrict a building product, material or construction practice as provided
27 for in the entity's governing documents;

28 (H) buildings or property owned or operated by a county, city, unified
29 government, township, school district or any other political subdivision;

30 (I) any adoption of codes regarding the installation of a fire sprinkler
31 protection system; and

32 (J) any adoption of codes regarding carbon monoxide alarms.

33 (2) If any standards for a building product, material or construction
34 practice that are established under a national model code conflict with any
35 minimum building construction safety standards established under state
36 law, then the state-adopted standards shall prevail.

37 Sec. 2. This act shall take effect and be in force from and after its
38 publication in the statute book.