



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: June 19, 2018

Title: P18TA00003 PRE-1976 MOBILE HOME STATE REHABILITATION CERTIFICATION ZONING CODE TEXT AMENDMENT

Introduction/Background:

Arizona Revised Statutes (41-2195(C)) requires basic rehabilitation of pre-1976 mobile homes to address minimum safety standards in these older units. The text amendment would require proof of certification of state rehabilitation for installation of pre-1976 units in Pima County.

Discussion:

Mobile homes constructed prior to June 1976 were not built to HUD manufactured home construction and safety standards. The text amendment would require proof of certification of state-required rehabilitation for pre-1976 mobile homes imported, installed, or relocated in Pima County. Certification would be required for any Development Services Dept. permits for installation (mobile home replacement, basic utility connections).

Conclusion:

Mobile and manufactured homes have played an important role in providing affordable housing, and the Zoning Code text amendment would help ensure that the state's rehabilitation requirements and minimum safety standards are being met.

Recommendation:

Staff and Planning and Zoning Commission recommend approval of the Zoning Code text amendment.

Fiscal Impact:

n/a


Board of Supervisor District:

- 1 2 3 4 5 All

Department: Development Services, Planning Division Telephone: 724-8800

Contact: Mark Holden Telephone: 724-6619

Department Director Signature/Date:  6/5/18

Deputy County Administrator Signature/Date:  6/6/18

County Administrator Signature/Date:  6/7/18

JUN 19 2018 P. C. CLK OF PD. *MCW*



PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Board of Supervisors

FROM: Chris Poirier, Planning Official 
Public Works-Development Services Department-Planning Division

DATE: May 31, 2018

SUBJECT: **P18TA00003 PRE-1976 MOBILE HOME STATE REHABILITATION
CERTIFICATION ZONING CODE TEXT AMENDMENT**

The above referenced Zoning Code Text Amendment is scheduled for the Board of Supervisors' **TUESDAY, JUNE 19, 2018** hearing.

REQUEST: Proposal for a **text amendment of the Pima County Zoning Code**. Chapter 18.07 (General Regulations and Exceptions), Section 18.07.030 (Land use regulations), to require Arizona Department of Housing rehabilitation certification for pre-1976 mobile homes imported, installed or relocated in Pima County.

OWNER: N/A

APPLICANT: Pima County Development Services Department

DISTRICTS: ALL

STAFF CONTACT: Mark Holden

PUBLIC COMMENT TO DATE: As of May 31, 2018, staff has received 4 email comments in support of the proposed text amendment, including the Manufactured Housing Division of the AZ Department of Housing, the Manufactured Housing Industry of AZ, the Town of Sahuarita, and Santa Cruz County, AZ.

PLANNING AND ZONING COMMISSION RECOMMENDATION: **APPROVAL** (6-1; Commissioner Membrilla voted 'Nay;' Commissioners Bain, Becker and Hook were absent).

STAFF RECOMMENDATION: **APPROVAL.**

TD/MH/ar
Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: P18TA00003

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FOR JUNE 19, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Planning Official  Tom Drzalgowski
Public Works-Development Services Department-Planning Division

DATE: May 31, 2017

ADVERTISED ITEM FOR PUBLIC HEARING

ZONING CODE TEXT AMENDMENT

P18TA00003 PRE-1976 MOBILE HOME STATE REHABILITATION CERTIFICATION

PROPOSAL TO AMEND BY ORDINANCE THE PIMA COUNTY ZONING CODE CHAPTER 18.07 (GENERAL REGULATIONS AND EXCEPTIONS), SECTION 18.07.030 (LAND USE REGULATIONS), TO REQUIRE ARIZONA DEPARTMENT OF HOUSING REHABILITATION CERTIFICATION FOR PRE-1976 MOBILE HOMES IMPORTED, INSTALLED OR RELOCATED IN PIMA COUNTY. On motion, the Planning and Zoning Commission voted 6-1 to recommend **APPROVAL** (Commissioner Membrilla voted 'nay,' Commissioners Bain, Becker and Hook were absent). Staff recommends **APPROVAL**.
(ALL DISTRICTS)

Planning and Zoning Commission Public Hearing Summary (April 25, 2018)

Staff presented information from the text amendment to the commission, stating that any mobile home constructed prior to June 1976 that is imported or relocated in the county be required to show proof of certification of state-required rehabilitation for basic safety standards prior to being issued permits through the Development Services Department.

A commissioner asked for clarification about when the requirement would apply, and an estimate of the number of pre-1976 mobile homes in the county; staff re-stated the requirements and said that the Assessor lists about 17,500 units for the entire county. The commissioner asked if there would be subsidies available for performing rehabilitation; staff responded that some county Departments might provide assistance, but that the intent is to have rehabilitation performed by the sellers of mobile homes prior to sale and habitation. The commissioner asked about the cost of the rehabilitation; staff responded that they had seen only a couple of estimates that ranged from between \$1000 to \$1200. The commissioner asked if insulation or other sustainability improvements were part of the rehabilitation requirements; staff responded that the amendment only dealt with meeting the state's basic health and safety requirements.

A commissioner asked for clarification about when the state rehabilitation is required; staff responded that the text amendment is to expand the existing rehabilitation requirements to include installing pre-1976 mobile home units on private lots. The commissioner asked how units already in place will be covered, especially for additional needed rehabilitation; the Planning Official responded that the Department would be requiring certification of units being imported and relocated only through the permitting process, and that other Departments could be working to address mobile homes already in place.

No one was present to speak and the commission moved to officially open and close the public hearing.

Commissioner Matter made a motion to recommend **APPROVAL** of the Zoning Code text amendment P18TA00003; Commissioner Gungle seconded.

A commissioner commented that the proposed amendment appeared to be overreach from the current requirement for manufactured home parks to a private lot setting, and that mobile homes on private lots that are representative of affordable home ownership could be affected.

Upon a roll call vote, the motion to recommend **APPROVAL** passed (6-1; Commissioner Membrilla voted 'nay;' Commissioners Bain, Becker and Hook were absent).

TD/MH/ar
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
P18TA00003 File

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**

**PUBLIC HEARING
April 25, 2018**

**P18TA00003 PRE-1976 MOBILE HOME STATE REHABILITATION CERTIFICATION
ZONING CODE TEXT AMENDMENT**

STATUS / AGENDA ITEMS

**Planning and Zoning Commission Public Hearing
Zoning Code Text Amendment**

DESCRIPTION

Proposal to amend by ordinance the Pima County Zoning Code Chapter 18.07 (General Regulations and Exceptions), Section 18.07.030 (Land use regulations), to require Arizona Department of Housing rehabilitation certification for pre-1976 mobile homes imported, installed or relocated in Pima County; and, to renumber subsequent sections accordingly. (All Districts)

INITIATION

Planning and Zoning Commission, January 31, 2018

PUBLIC COMMENT

As of April 18, 2018, staff has received 4 comments on the proposed Zoning Code text amendment through email (attached). The amendment has been reviewed and is supported by the Arizona Department of Housing, Manufactured Housing Division and also endorsed by the Manufactured Housing Industry of Arizona.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed Pima County Zoning Code text amendment. The amendment supports the goals and policies for safe, decent and affordable housing in Pima Prospers, the 2015 update of the county Comprehensive Plan.

STAFF REPORT

This text amendment addresses basic health and safety elements for older manufactured housing. Specifically, the amendment addresses providing certification of state-required rehabilitation for pre-1976 mobile homes imported and installed in the county.

Background

The Use of Land Chapter (3) of Pima Prospers, the 2015 update of the Pima County Comprehensive Plan, 3.5-Housing and Community Design Element, includes goals to maintain safe and healthy housing stock, and ensure safe, decent and affordable housing for a wide range of economic levels, household sizes and age groups.

Pre-1976 Mobile Homes and Required State Rehabilitation

Manufactured housing is generally defined as factory assembled structures, built on a permanent chassis and transportable to a home site, and containing all systems (HVAC, electric, plumbing) for year-round, single family occupancy. Manufactured housing is less expensive than site-built dwellings and has been shown to be an economically efficient method of providing significant rural housing and infill housing in urban areas, and mobile home parks have provided consumer housing needs for decades (from *Policy Guide on Factory Built Housing*, American Planning Association, 2001). The term *mobile home* usually applies to units built prior to U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, enacted in June 15, 1976.

Pima County Zoning Code defines *mobile home* as a transportable dwelling constructed prior to the 1976 HUD standards and permits their residential use in a number of zones (IR, RH, GR-1, SH, TH, CMH-1, CMH-2, MU), on individual lots and in manufactured home parks. The Pima County Assessor's Office has about 2,900 affixed and 14,500 unsecured pre-1976 mobile homes registered for taxation purposes for the entire county; given units may not be registered, the total is likely higher.

Mobile homes built prior to HUD standards are identified as having a number of issues that affect their safety and livability: lack of insulation, a higher rate of fires due to the use of aluminum wiring, and the use of low-quality particle board, PVC plumbing, Masonite paneling, and materials containing asbestos and formaldehyde. Many of these units, now in excess of 40 years of age, are nearing or have reached the end of their useful life and often have reduced structural integrity of floors, roofs and walls (from *Eradicating Substandard Manufactured Homes: Replacement Programs as a Strategy*, Matthew Furman, NeighborWorks America and Joint Center for Housing Studies, Harvard University, 2014).

Arizona State Statute (ARS §41-2195(C)) requires providing minimum safety standards for mobile homes manufactured prior to the 1976 HUD construction and safety standards: a mobile home brought into the state or relocated into a mobile home park shall not be occupied unless it meets basic rehabilitation standards, including: installation of a smoke detector, lining of compartments for gas-fired appliances (furnace, water heater) with gypsum board, ensuring proper connections for aluminum wiring, pressure-testing of gas piping systems, and providing adequate window egress from all sleeping rooms (Appendix A, attached). Mobile homes are required to display proper certification of rehabilitation issued by the state.

Staff proposes a Zoning Code text amendment to require Arizona pre-1976 mobile home rehabilitation certification for any unit imported, installed, or relocated within a manufactured home park or on an individual lot within Pima County. By way of comparison, four other counties in Arizona (Cochise, Graham, Navajo, Yuma) currently require certification of rehabilitation for mobile homes, and six counties (Apache, La Paz, Mohave, Pinal, Yavapai, Yuma) have instituted various types of bans on pre-1976 units.

Unless delegated to the local jurisdiction through Inter-Governmental Agreement (IGA), the installation of manufactured and mobile homes is permitted through the Manufactured Housing Division of the Arizona Department of Housing (ADOH). IGAs have not been established with a number of local jurisdictions and ADOH is responsible for issuing installation permits for Pima County, City of Tucson, and Towns of Oro Valley and Sahuarita.

Theoretically, any pre-1976 mobile home brought into Pima County, from out-of-state or installed in a manufactured home park, is under ADOH purview and required to be rehabilitated per state standards. However, state statute does not cover rehabilitation for units already in the state or county relocated onto individual lots. Also, there are instances of unscrupulous owners, buyers or sellers who relocate units without proper permits from ADOH and local jurisdictions – many of these units ending up in the county still need permits from the county for basic utility connections.

Through the Zoning Code text amendment, any pre-1976 mobile home being imported, installed or relocated in the county would require certification of rehabilitation to the state standards. Documentation of certification would be required for the issuance of Development Services Department permits (e.g., basic utility connections, mobile home replacement). In most cases, noncompliant mobile homes can have required rehabilitation work completed as part of the installation process by the licensed contractor, who is also responsible for acquiring permits to transport homes and connect relocated units to utilities.

The certification requirement would only cover mobile homes being moved into or relocated in the county. Requests for permits for additions or improvements would be exempt. The county's proposed text amendment provides additional assurance that state mobile home rehabilitation requirements are being observed, and older units are meeting minimum health and safety standards.

Respectfully submitted,



Mark Holden, AICP
Principal Planner

APPENDIX A.

REHABILITATION OF MOBILE HOMES - AZ ADMINISTRATIVE CODE R4-34-606

PURPOSE

The purpose of this program is to provide minimum safety standards for homes manufactured before the implementation of the HUD Manufactured Home Construction and Safety Standards. This applies to homes manufactured before June 15, 1976. Arizona law requires that "A person shall not occupy or otherwise use a mobile home which has been brought into this state or move a mobile home from one mobile home park in this state to another mobile home park in this state unless it meets the standards pursuant to this chapter and displays the proper state insignia" (State Statute 41-2195, C).

REQUIREMENTS (as set forth in R4-34-606)

- A. A rehabilitation permit shall be obtained from the Office of Manufactured Housing prior to any modification of the unit. (Permit fee is \$49.00. This includes the permit, compliance insignia, and two inspections. Additional inspections may incur additional charges.)
- B. The following requirements shall be met for a mobile home to be issued a certificate of compliance:
1. A smoke detector (which may be a single station alarm device) shall be installed on any wall in a hallway or space connecting bedroom(s) and living areas. When located in a hallway, the detector shall be between the return air intake and the living area. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located between 4 inches to 12 inches below the ceiling;
 2. The walls, ceiling, and doors of each gas fired furnace and water heater compartment shall be lined with 5/16 inch gypsum board, unless the door opens to the exterior of the unit in which case the door may be all metal construction. All exterior compartments shall seal to the interior of the unit;
 3. Each room designated expressly for sleeping purposes shall have at least one outside egress window or approved exit device, unless it has an exterior door. The window or exit shall have a minimum clear dimension of 22 inches and a minimum clear opening of 5 square feet. The bottom of the exit shall not be more than 36 inches above the floor;

4. All electrical systems shall be tested for continuity to assure that metallic parts are properly bonded, tested for operation to demonstrate that all equipment is connected and in working order, and given a polarity check to determine that connections are proper. The electrical system shall be properly protected for the required amperage load. If the unit wiring is of aluminum conductors, all receptacles and switches rated 20 amperes or less directly connected to the aluminum conductors shall be marked CO/ALR. Exterior receptacles other than heat tape receptacles, shall be of the ground fault circuit interrupter (GFCI) type. Conductors of dissimilar metals (copper/aluminum, or copper clad aluminum) must be connected in accordance with NEC Section 110.14; and

5. The unit's gas piping shall be tested with the appliance valves removed from the piping system and the piping capped at those areas. The piping system shall withstand a pressure of at least 6 inch mercury or 3 psi for a period of not less than ten (10) minutes without showing any drop in pressure. Pressure shall be measured with a mercury manometer or a slope gauge calibrated so as to read in increments of not greater than 1/10th pound or equivalent device. The source of normal operating pressure shall be isolated before the pressure test is made. After the appliance connections are reinstalled, the piping system and connections shall be tested with line pressure of not less than 10 inches nor more than 14 inches water column air pressure. The appliance connections shall be tested for leakage with soapy water or bubble solution. All gas furnaces and water heaters shall be vented to the exterior in accordance with IMC Chapter 8.

C. The unit shall be inspected by the Office of Manufactured Housing to ensure compliance with the above listed requirements.

D. The office shall issue a certification of compliance for each unit in compliance with the above requirements, and affix an insignia of approval to the exterior wall nearest the point of entrance of the electrical service.

MOBILE HOME REHABILITATION CHECKLIST

- Permit acquired
- Smoke detector installed in correct location
- Gas fired water heater and furnace compartment lined with gyp board including door (excluding exterior metal door)
- Gas fired water heater and furnace compartment sealed to interior of home
- Gas fired appliances are properly vented to the exterior of the home in compliance with the International Mechanical Code, Chapter 8
- Outside egress (window or door) provided for sleeping rooms
- Outside egress devices are of correct size
- The electrical system is in proper working order, connections made correctly and all materials appropriate for the application in compliance with the National Electrical Code, Section 110 (i.e., correct wire nuts used when connecting aluminum conductors to copper conductors, receptacles marked CO/ALR when connected to aluminum conductors, cover plates installed, etc.)
- GFCI receptacles are installed in the appropriate locations, interior and exterior
- Electrical service is on, so system can be tested
- Gas system is ready for testing, all equipment and material is available
- Call to request inspection 602 364 1067

**DRAFT Pima County Zoning Code Text Amendment –
Pre-1976 Mobile Home State Rehabilitation Certification
April 25, 2018**

Chapter 18.07 - GENERAL REGULATIONS AND EXCEPTIONS

18.07.030 - Land use regulations.

....

U. Mobile homes. Mobile homes imported, installed or relocated within Pima County shall be rehabilitated and certified to Arizona Manufactured Housing Division standards, as amended, for units constructed on or before June 15, 1976.

....

Mark Holden

From: Debra Blake <Debra.Blake@azhousing.gov>
Sent: Thursday, March 15, 2018 2:15 PM
To: Mark Holden
Cc: David Meunier; Robert Muller; Ryan Paris
Subject: RE: proposed Pima Co. mobile home rehab & cargo container house Zoning Code text amendments
Attachments: PimaCo MH-CC text amend 15March2018.pdf

This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Good afternoon, Mark –

The rehabilitation ordinances appears to be exactly what we previously discussed, so no comments from the Department.

Just a comment on the cargo container homes, which may or may not be necessary to address. Cargo containers built as residential units at an off-site location then shipped to the site do fall under the jurisdiction of Department of Housing for construction and installation inspections as well as installation permits. Cargo containers (unfinished) delivered to the site location and transformed into residential units on site, fall under the permitting and inspection jurisdiction of the local jurisdiction.

Please let me know if questions.

Thank you.

Debra

Debra Blake
Assistant Deputy Director/Manufactured Housing



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Mark Holden

From: ken@azhousing.org
Sent: Friday, March 16, 2018 7:09 AM
To: Mark Holden
Cc: Scott Townsend; Kimberly Merrill
Subject: RE: FW: proposed Pima Co. mobile home rehab & cargo container house Zoning Code text amendments

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Mark, The proposed language is acceptable to the Manufactured Housing Industry of Arizona.

Regards, Ken Anderson, President MHIA

Mark Holden

From: Jesse Drake <jdrake@santacruzcountyaz.gov>
Sent: Thursday, March 15, 2018 4:59 PM
To: Mark Holden
Subject: RE: proposed Pima Co. mobile home rehab & cargo container house Zoning Code text amendments

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Good text, I'll try to do the same here. Thanks for the chance to review.

Jesse Drake
Santa Cruz County | Community Development Department
Community Development Director
Chief Zoning Inspector

Mark Holden

From: Anna Casadei <acasadei@sahuaritaaz.gov>
Sent: Thursday, March 22, 2018 4:31 PM
To: Mark Holden
Subject: RE: proposed Pima Co. mobile home rehab & cargo container house Zoning Code text amendments

This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

The Town of Sahuarita supports the proposed code amendments on the basis that they help to assure the safety of residents and seek to provide regulations for a new building technology currently in use around the country. We offer the following comment:

1. Verify the State offers rehabilitation certificates for units moving from a park to private property. State law only requires the rehab when a home is being brought into the state from another state or being moved from one park to another park. The State does not require that a rehab be done if moving from a park to private property.

Thank you for the opportunity to review and comment on this proposed amendment.

Best regards,

Anna Casadei, AICP | Planning and Zoning Manager

Email: acasadei@sahuaritaaz.gov – Office: 520-822-8854 – Fax: 520-822-8876
375 W. Sahuarita Center Way, Sahuarita, AZ 85629 – sahuaritaAZ.gov



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ORDINANCE 2018-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO ZONING; AMENDING THE PIMA COUNTY CODE BY AMENDING CHAPTER 18.07 (GENERAL REGULATIONS AND EXCEPTIONS), SECTION 18.07.030 (LAND USE REGULATIONS), TO REQUIRE CERTIFICATION OF STATE REHABILITATION FOR PRE-1976 MOBILE HOMES INSTALLED IN THE COUNTY; AND, TO RENUMBER SUBSEQUENT SECTIONS ACCORDINGLY.

THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA FINDS THAT:

1. The Planning and Zoning Commission, at its January 31, 2018 hearing, initiated and authorized staff to amend the Pima County Code to address Arizona Department of Housing, Manufactured Housing Division rehabilitation for pre-1976 mobile homes and determine where certification of rehabilitation would fit within Development Services Department permitting processes.
2. Pima County Board of Supervisors approved the update of the Comprehensive Plan, Pima Prospers, on August 17, 2015 (Co7-13-10; Resolution 2015-62).
3. Pima County Comprehensive Plan, Chapter 3 - Use of Land, Element 3.5 - Housing and Community Design, includes goals to maintain safe and healthy housing, and to ensure safe and affordable housing for a wide range of economic levels, household sizes, and age groups.
4. This ordinance updates the zoning code to require proof of certification of state-required rehabilitation for pre-1976 mobile homes installed in Pima County.
5. This ordinance does not create new restrictions on the use of property, and this ordinance is not intended to, nor should it be construed to reduce any existing rights to use, divide, sell or possess private real property.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. Pima County Code Chapter 18.07, Section 18.07.030 is amended to require proof of certification of state-required rehabilitation for pre-1976 mobile homes installed in the county, as follows:

Chapter 18.07
GENERAL REGULATIONS AND EXCEPTIONS

18.07.030 - Land use regulations.

....

U. Mobile homes. Mobile homes imported, installed or relocated within Pima County shall be rehabilitated and certified to Arizona Manufactured Housing Division standards, as amended, for units constructed on or before June 15, 1976.

....

Section 2. That this ordinance is effective 31 days after its adoption.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2018.

Chairman, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

Approved As To Form:

 5/15/18
Deputy County Attorney

Approved:

Executive Secretary,
Planning and Zoning Commission