

ACT 111

H. B. NO. 1773-70

A Bill for an Act Relating to Factory Built Housing.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Whenever used in this Act:

- (1) "Department" means the Hawaii State Department of Labor and Industrial Relations;
- (2) "Approved" means approved by the department;
- (3) "Factory built housing" means any structure designed primarily for residential occupancy by human beings, the structure of any room of which is either entirely or substantially prefabricated or assembled at a place other than the building site;
- (4) "Install" means the assembly of factory built housing at a building site;
- (5) "Building site" means any tract, parcel or subdivision of land upon which factory built housing is installed or is to be installed;

## ACT 111

- (6) "Local enforcement agency" means any agency of the governing body of any city or county which enforces laws or ordinances governing the construction of buildings.

SECTION 2. No factory built housing shall be installed on a building site in this state after the effective date of the regulations adopted pursuant to section 7 of this Act unless it is approved and bears the insignia of approval of the department.

(1) Any factory built housing bearing an insignia of approval of the department shall be deemed to comply with any laws, ordinances or regulations enacted by any city or county or any local enforcement agency which govern the manufacture and construction of factory built or on-site housing.

(2) No factory built housing which has been approved by the department shall be in any way modified prior to or during installation by a manufacturer or installer unless approval of such modification is first made by the department.

SECTION 3. Local land use requirements, building setbacks, side, front, and rear yard requirements, site development and property line requirements, and review and regulation of zoning requirements are specifically reserved to local jurisdictions notwithstanding anything contained in this Act.

SECTION 4. The department may obtain from a circuit court having jurisdiction, a temporary injunction enjoining the installation of factory built housing on any building site upon affidavit of the department that such factory built housing does not conform to the requirements of this Act or to the rules adopted pursuant to this Act. The affidavit must set forth such violations in detail. The injunction may be made permanent, in the discretion of the court.

SECTION 5. The department shall have the authority to delegate all or part of its duties of inspection to a local enforcement agency.

SECTION 6. The governor shall appoint a factory-built housing advisory board consisting of eleven members. Members appointed shall be broadly representative of the industries and professions involved in the development and construction of factory-built housing and shall include representation from building code enforcement agencies, architectural and engineering associations, building construction trades, the contracting and manufacturing industries, legislative bodies of local government and the general public. The factory-built housing advisory board shall periodically review the rules promulgated under this Act and shall recommend changes of such rules to the department when it deems changes advisable. Members shall receive a compensatory per diem of twenty-five dollars for each day or portion thereof actually spent in attending upon the duties of the board, and in addition thereto, shall be entitled to reimbursement for travel expenses as provided in section 78-15, Hawaii Revised Statutes, as now or hereafter amended.

SECTION 7. The department shall prescribe and enforce rules and regulations which protect the health, safety, and property of the people of this state by assuring that all factory built housing is structurally sound and that the

plumbing, heating, electrical, and other components thereof are reasonably safe. Such rules and regulations shall be reasonably consistent with recognized and accepted principles of safety and structural soundness and in promulgating such rules and regulations the department shall consider, so far as practicable, the standards and specifications contained in: The uniform building code (1967), published by the international conference of building officials; the uniform plumbing code (1967), published by the international association of plumbing and mechanical officials; the uniform mechanical code (1967), published by the international conference of building officials and the international association of plumbing and mechanical officials; and the national electrical code (1968), published by the national fire protection association. Updated issues of these codes and amendments to such codes shall be considered by the department.

The department shall set a schedule of fees which will cover the costs incurred by the department in the administration and enforcement of this act.

**SECTION 8.** If the director of the department determines that the standards for construction and inspection of factory built housing prescribed by statute, rule or regulation of another state are at least equal to the regulations prescribed under this act, and that such standards are actually enforced by such other state, he may provide by regulation that factory built housing which has been inspected and approved by such other state shall be deemed to have been approved by the department.

**SECTION 9.** Any person who violates any of the provisions of this act or any rules or regulations adopted pursuant to this Act is guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment.

**SECTION 10.** This Act shall take effect upon its approval.

(Approved June 19, 1970.)