

April 1, 1981

LB 298

when I first discussed LB 298 a few days ago, I made that point that there are courts that are now holding that municipalities exclusive zoning requirements to the extent that they freeze out mobile homes are unconstitutional. And this is just one more tribute to that going trend of the law. The second thing you have on your desk is a memorandum I have prepared regarding the bill which discusses in some detail what the bill is about which further discusses the kind of housing that mobile homes do provide to persons of relatively modest means and, unfortunately, given the price of conventional housing, that is stick built housing, to use the vernacular, it would seem as though modest means can include quite a few folk because conventional housing is becoming far too expensive for a lot of ordinary people. Mobile homes still remain within the conventional means area in terms of income, and the final thing on your desk is an amendment to LB 298 and that is what I would like to advance at this time is the amendment. What you will see if you look at the amendment are the three changes which the amendment makes. The first one, it says is that it makes it clear that when LB 298 is adopted with this amendment that all municipalities that provide zoning, all municipalities with some zoning requirements must make certain that at least one district for which they provide zoning in the municipality provides for mobile home zoning. That is zoning which is by subdivision and also zoning which is on individual lots. The second aspect says in connection with the mobile home zoning a political subdivision or the municipality may prescribe reasonable and necessary requirements of the site development for mobile homes in such districts in accordance with local standards. In other words, when the zoners zone they can say more than just this parcel of ground shall be made available for mobile home occupancy. They can say simply that not only shall this parcel of ground be made available but in addition this parcel of ground, if it is to be used for mobile homes, must meet certain site standards and those standards can be developed locally. And finally, the third aspect of the amendment is to strike the emergency clause. This particular bill, given the fact that the bill didn't manage to advance the first time around, it seems to me it would be somewhat unlikely for it to get the 33 votes to advance, that is sort of the realistic aspect but more importantly, but more importantly, in fact the emergency clause is really not necessary. What I want to do is I want to say to all local governments you have got to provide some zoning for mobile homes and you have some lead time, obviously, to provide it in and the lead time is the kind of time that will occur between passage of this law and ninety days following adjournment, and it is for that

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