

1 HB465
2 149310-4
3 By Representatives Colston, Wallace, Melton and Forte
4 RFD: Public Safety and Homeland Security
5 First Read: 20-MAR-13

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8 SYNOPSIS: Existing law does not require owners of
9 manufactured or mobile home parks to have a
10 specific tornado safe space.

11 This bill would require each owner of a
12 manufactured or mobile home park to include a
13 Federal Emergency Management Administration 361
14 approved safe room to accommodate the residents of
15 the park during inclement weather.

16 This bill would provide criminal penalties
17 for failure to comply.

18 Amendment 621 of the Constitution of Alabama
19 of 1901, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of
21 Alabama of 1901, as amended, prohibits a general
22 law whose purpose or effect would be to require a
23 new or increased expenditure of local funds from
24 becoming effective with regard to a local
25 governmental entity without enactment by a 2/3 vote
26 unless: it comes within one of a number of
27 specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

4 The purpose or effect of this bill would be
5 to require a new or increased expenditure of local
6 funds within the meaning of the amendment. However,
7 the bill does not require approval of a local
8 governmental entity or enactment by a 2/3 vote to
9 become effective because it comes within one of the
10 specified exceptions contained in the amendment.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT

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16 Relating to manufactured or mobile home parks; to
17 require each owner of a manufactured or mobile home park to
18 include a Federal Emergency Management Administration 361
19 approved safe room to accommodate the residents of the park
20 during inclement weather; to provide criminal penalties for
21 failure to comply; and in connection therewith would have as
22 its purpose or effect the requirement of a new or increased
23 expenditure of local funds within the meaning of Amendment 621
24 of the Constitution of Alabama of 1901, now appearing as
25 Section 111.05 of the Official Recompilation of the
26 Constitution of Alabama of 1901, as amended.
27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) As used in this section, the
2 following words have the following meanings:

3 (1) MOBILE HOME or MANUFACTURED HOME. The meaning
4 ascribed in subdivision (9) of Section 24-4A-2 of the Code of
5 Alabama 1975.

6 (2) MOBILE HOME or MANUFACTURED HOME PARK. A
7 contiguous parcel of privately owned land which is used for
8 the accommodation of three or more mobile or manufactured
9 homes occupied for year-round living.

10 (b) Commencing on the effective date of this act,
11 each owner of a manufactured or mobile home park with 25 or
12 more spaces shall be required to include a Federal Emergency
13 Management Administration 361 approved safe room to
14 accommodate the residents of the park during inclement
15 weather.

16 (c) The Director of the State Emergency Management
17 Agency or his or her designee shall perform an annual
18 inspection of each mobile home or manufactured home park to
19 certify whether the safe room is in compliance with the
20 Federal Emergency Management Administration 361.

21 (d) A violation of subsection (b) shall be a Class A
22 misdemeanor.

23 Section 2. Although this bill would have as its
24 purpose or effect the requirement of a new or increased
25 expenditure of local funds, the bill is excluded from further
26 requirements and application under Amendment 621, now
27 appearing as Section 111.05 of the Official ReCompilation of

1 the Constitution of Alabama of 1901, as amended, because the
2 bill defines a new crime or amends the definition of an
3 existing crime.

4 Section 3. This act shall become effective on
5 January 1, 2016.