

Missouri Emergency Preparedness Association
Legislative Draft
“Shelter for Life”



ROUGH DRAFT NO. 1

AN ACT

To amend Chapter 700, RSMo, by adding thereto one new section relating to storm shelters for mobile home parks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Chapter 700 RSMo, is amended by adding thereto a new section, to be known as section 700.070, to read as follows:

700.070.

1. For purposes of this section:

- (a) All terms shall have the same meaning as in section 700.010; and
- (b) The term “manufactured home park” shall mean any parcel of real property leased primarily, in the ordinary course of business, to persons for setup of, and residence in, a manufactured home or modular unit.
- (b) The term “manufactured home space” shall mean any parcel or real property utilized for the purposes of placing a manufactured home, whether a manufactured home is currently placed on the site or not.
- (d) The term “household” shall mean the head of each residence or the person or persons whose name appears on contractual agreements set forth by the manufactured home park whichever is most reasonable.



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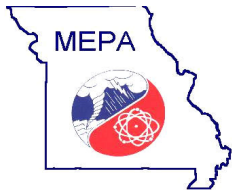


2. Every owner or operator of a manufactured home park in this state shall:

(a) Park Requirements:

(a.1) Any manufactured home park with less than ten (10) manufactured home spaces, shall develop a plan for the sheltering or the safe evacuation, to a safe place of shelter for the residents of the park in times of severe weather conditions, such as tornadoes, damaging winds and flooding. The shelter or evacuation plan shall be developed with the assistance and approval of the municipality or county where the park is located and shall be posted at conspicuous locations throughout the park. The park owner shall provide each current household and each new household with a copy of the approved shelter and evacuation plan in a timely fashion. For terms of this chapter, a timely fashion shall be construed to mean within 120 days of the enactment of this section and immediately upon the signing of a contractual agreement for new park residents. Nothing in this section requires the commission to review or approve any shelter or evacuation plan developed by a park. Failure of a municipality or county to approve a plan submitted by a park shall not be grounds for action against the park by the commission if the park has made a good faith effort to develop a plan and obtain municipal or county approval; providing the park must adhere to provisions herein as a basis of a good faith effort.

(a.2) Any manufactured home park with ten (10) to nineteen (19) manufactured homes, given that such park was in operation prior to January 1, 2011, the park must provide a safe place of shelter for park residents or a plan for the evacuation of park residents to a safe place of shelter within a reasonable, maximum distance of one thousand three hundred twenty linear feet [**FEMA guidance is 5 min. drive during normal conditions**] from the furthest manufactured home space in the



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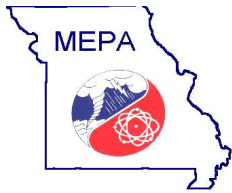


park, for use by park residents in times of severe weather, including, tornadoes, damaging winds and floods.

(a.3) Any manufactured home park of ten (10) or more manufactured home spaces which has an existing above-grade or below-grade storm shelter as of January 1, 2011, which does not conform with the requirements of this section shall be deemed a nonconforming manufactured home park with respect to the requirements for storms shelters and may continue to exist as a nonconforming park for so long as said existing shelter remains in place and usable; provided, however, that any manufactured home spaces added to such park after January 1, 2011 shall require storm shelters as provided in subsection (b) of this section.

(a.4) Any manufactured home park of twenty or more spaces which existed prior to January 1, 2010, and which has no above-grade or below-grade storm shelter on the manufacture home site as of January 1, 2011, shall be required to provide a storm shelter(s) which complies with the requirements of this section by January 1, 2014; provided, however, that manufactured home spaces added to such park after January 1, 2011, shall require storm shelters as provided in subsection (b) of this section.

(b) The storm shelter(s) provided may be above-grade or below-grade and shall; have a minimum floor area of ten square feet for each manufactured home space in said park; be designed by a licensed architect/structural engineer, built in accordance with plans sealed by said architect/engineer and be designed and constructed to meet all Federal requirements including those related to building in floodplains; be designed and constructed to meet lighting, ventilation and exiting requirements of municipal or county codes, the Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, and the National Electric Code,

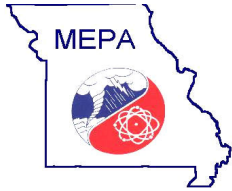


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where applicable; be designed and constructed to meet all applicable requirements of the Americans with Disability Act (ADA). Additionally, for space built to shelter more than five household, shelters should be designed to standards set forth in *FEMA Publication #361: The Design and Construction Guidance for Community Shelters*. The shelter and/or evacuation plan shall be approved by the municipality or county where the park resides before the park proceeds with further planning and/or construction. The municipality or county may require the park owner to construct a shelter if it determines (using subsection (b) criteria) that a safe place of shelter is not available within a reasonable distance from the park. A copy of the municipal or county approval and the plan shall be submitted by the park owner to the commission. The park owner shall provide each household with a copy of the approved shelter or evacuation plan.

- (c) For any addition of ten or more manufactured home spaces to any existing manufactured home park, a storm shelter which complies with the requirements set forth in subsection (b) of this section shall be provided to serve such additional spaces. For any addition of fewer than ten manufactured home spaces to an existing park which otherwise complies with the requirements of subsection (b) of this section, there is no requirement that an additional shelter be provided to serve such additional spaces; provided, however, that when two or more such additions of fewer than ten manufactured home spaces results in the cumulative addition of ten or more such spaces to a park which otherwise complies with the requirements of subsection (b) of this section, a storm shelter which complies with the requirements of subsection (b) hereof shall be provided to serve such additional spaces.
- (d) In the case of a manufactured home park with ten or more manufactured home spaces given that such park begins operation on or after January 1, 2011, shall provide the type of shelter required by the commission pursuant to subsection (b) of this section; provided that, for

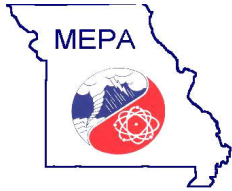


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manufactured home parks established as temporary, emergency housing in a disaster declared by the, President of the United States, the governor, or the local chief elected official, an approved evacuation plan may be provided in lieu of a shelter for a period not to exceed eighteen months.

- (e) The manufactured home park owner, operator, or such owner’s designated agent or representative, shall be responsible for making the storm shelter accessible and usable during times of need. Times of need shall include, but not be limited to, prior to the arrival of severe weather that is forecast to produce damaging wind and/or tornadoes. No required storm shelter shall be used for storage purposes if such storage reduces the minimum floor area available for shelter of persons or if the storage violates any applicable local, state or federal codes or laws. Nothing, however, in this subdivision shall preclude said shelter(s) from being utilized for other park activities such as a community center, activity center, etc., providing the shelter adheres to all requirements and stipulations set forth herein and is available anytime severe weather threatens.
- (f) Manufactured home park evacuation/shelter plans shall be updated at a minimum of every two years from their initial development, for the life of the manufactured home park. Manufactured home park owners shall furnish local emergency management officials with a copy of the parks evacuation plans including updates. Additionally, park owners shall furnish local emergency management officials with procedures the park uses to ensure shelter(s) are open and available to park residents during times of need.



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3. The commission shall:

- (a) Adopt, by rule, minimum standards for the construction of low cost manufactured home park storm shelters by January 1, 2011. All shelters constructed after January 1, 2011 shall be constructed in accordance with these standards. No rule or portion of a rule promulgated pursuant to this section shall take effect unless such rule has been promulgated pursuant to Chapter 536, RSMo.