

News release News release News release

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For immediate release

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West Virginia Legislature passes antidiscriminatory legislation

CHARLESTON, WV – Legislation to ban local ordinances that discriminate against locating factory-built homes solely on the basis they are manufactured housing overwhelmingly passed the West Virginia Legislature.

Signed into law by Gov. Joe Manchin, Senate Bill 47 is effective Sept. 1.

“The proposal is elegant in its simplicity,” said Steve Brown, co-president of the West Virginia Housing Institute Inc., the 300-member voice of the factory-built industry in the Mountain State. “It lifts discriminatory ordinances against us while protecting local values.”

“We are pleased Governor Manchin signed this important bill to end a second-class status that has been imposed on our industry in the six decades since the end of World War II,” said Kevin Wilfong, co-president of WVHI.

The bill, which is only four paragraphs, was approved 99-0 in the House of Delegates and 33-1 in the state Senate.

The Institute sought out representatives of the West Virginia Municipal League to negotiate the proposal. League officials nominated Chris Fletcher of Morgantown, West Virginia Planning Association president and Morgantown planning director, to write the legislation with WVHI. Fletcher worked with general counsel John Teare, with Bowles Rice McDavid Graff & Love LLC of Charleston, and WVHI Executive Director A.V. Gallagher to reach compromise language.

“A governing body of a municipality or county, when enacting residential design standards for the purposes of regulating the subdivision, development and use of land, shall uniformly apply such design standards and associated review and permitting procedures for factory-built and other single-family constructed homes,” the key provision of the bill reads.

“This is a win-win for local planning and zoning authority in West Virginia and the manufactured housing industry supports it,” Fletcher said. “When the regulated and regulators agree, it’s good policy.”

“I believe my greatest value in the process was simplification of the proposed language to make it easily understandable,” Teare said. “Our concept was simple: allow the factory built housing industry to compete on an even playing field. We were not asking for any special treatment, simply not to be penalized. My testimony before various House and Senate committees emphasized those issues. Simply put, any house -- whether factory built or site built - would have to comply with size and architectural restrictions. The bill requires that any adopted standard be uniformly applied by the governmental authority.”

WVHI also worked closely with Lisa Dooley, executive director of the Municipal League; Bob Cannon, president of the state Code Officials Association; Vivian Parsons, executive director of the County Commissioners Association; Raymond Joseph, executive director of the West Virginia Realtors Association; and Beth Thomasson, executive director of the West Virginia Home Builders Association.

“We explained our situation fully and early to those who might have an issue with the proposal,” Gallagher said. “Each responded positively. Once they were fully informed and included, no one opposed the bill.”

Senate Government Organization Committee Chairman Ed Bowman, D-Hancock; and House Political Subdivisions Committee Chairman Bill Proudfoot, D-Randolph, gave their approvals for the bill to be acted on, which allowed it to pass. It could not have been done without their support.

Members of WVHI kept the telephone lines to legislators’ offices humming during the 60-day session as the association urged its members to call lawmakers and express their interest in the bill. It all paid off.