

No. 2004-158

AN ACT

HB 1929

Providing for the regulation of the installation of manufactured housing and for the powers and duties of the Department of Community and Economic Development.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Manufactured Housing Improvement Act.

Section 2. Legislative findings and purpose.

The General Assembly finds as follows:

(1) Manufactured housing plays a vital role in meeting the housing needs of the citizens of this Commonwealth.

(2) The Congress of the United States amended the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383, 42 U.S.C. § 5401 et seq.) in 2000 to provide for the establishment of practical, uniform and, to the extent possible, performance-based construction standards for manufactured homes.

(3) The 2000 amendments to the National Manufactured Housing Construction and Safety Standards Act of 1974 seek to ensure uniform and effective enforcement of Federal safety standards for the installation of manufactured homes and require that by 2005 each state implement an installation program that meets certain requirements.

(4) The act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, and the Uniform Construction Code govern the construction, alteration, repair and occupancy of all buildings in this Commonwealth.

(5) The Commonwealth shall comply with the 2000 amendments to the National Manufactured Housing Construction and Safety Standards Act of 1974.

(6) It is the intent of the General Assembly and the purpose of this act:

(i) To foster cooperation between Commonwealth agencies and building code officials as it relates to the installation and inspection of the installation of manufactured housing.

(ii) To provide for compliance with 2000 amendments to the National Manufactured Housing Construction and Safety Standards Act of 1974 by passage of this act.

(iii) To require the Department of Community and Economic Development to meet with affected parties and publish final-form regulations concerning the training and certification of new manufactured home installers.

(iv) To clarify the role of the department and building code officials with respect to the installation and the inspection of the installation of manufactured housing.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Building code official.” A construction code official certified or registered with the Department of Labor and Industry, or the building code official’s designee who manages, supervises and administers building Uniform Construction Code enforcement activities. The official’s duties shall include all of the following:

- (1) management of building code enforcement activities;
- (2) supervision of building inspectors or plan examiners;
- (3) authorizing issuance of certificates of occupancy;
- (4) issuance of building permits, violation notices and orders to vacate; and
- (5) initiation of prosecutions.

“Department.” The Department of Community and Economic Development of the Commonwealth.

“Installation.” All activities required to assure the proper onsite completion of fully integrated new manufactured home construction, including, but not limited to:

- (1) site preparation, installation, finishing and assembly of components;
- (2) support and foundations; and
- (3) attachment, stabilization and connection of plumbing, electrical and mechanical subsystems contained within or attached thereto,

consistent with the manufacturer’s approved design, which renders the home in full conformance with the manufacturer’s label of certification and conforms to all standards required by the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383, 42 U.S.C. § 5401 et seq.). The term does not include site grading or utility connections.

“Installer.” A person who is certified by the Department of Community and Economic Development to perform onsite completion and installation of a new manufactured home and who performs work under contract with the purchaser as the agent of the manufacturer, retailer or builder, or as the purchaser of the manufactured home.

“Manufactured Home Construction and Safety Standards.” The Federal regulations concerning manufactured home construction and safety codified at 24 CFR Pt. 3280 (relating to manufactured home construction and safety standards).

“Manufactured housing” or “manufactured home.” A manufactured home as defined under section 603 of the National Manufactured Housing

Construction and Safety Standards Act of 1974 (Public Law 93-383, 42 U.S.C. § 5402).

“Manufacturer’s approved design.” The building design approved by a manufacturer’s design approval primary inspection agency.

“Pennsylvania Construction Code Act.” The act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, and any regulation promulgated under that act.

“Uniform Construction Code.” The Uniform Construction Code adopted under section 301 of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act.

Section 4. Application of act.

This act shall apply to new manufactured homes installed after the effective date of this act and in accordance with section 6.

Section 5. Departmental duties.

(a) Invitation for comments.—The department shall invite comments from entities involved in the manufactured housing industry, owners of new manufactured homes and third-party agencies concerning the promulgation of regulations governing the installation of new manufactured homes and the training and certification of new manufactured home installers.

(b) Regulations.—The department shall promulgate regulations governing:

(1) The training and certification of new manufactured home installers.

(2) The training of those persons who inspect the installation of new manufactured homes in this Commonwealth.

(3) The issuance of a warning, suspension, revocation or monetary fine against persons who violate the regulations of the department promulgated under this act.

(c) Fees.—The department shall determine and approve reasonable fees for educational programs, testing and certification of those persons certified to install and inspect the installation of new manufactured homes in this Commonwealth.

Section 6. Inspection of installation of new manufactured homes.

(a) Permits.—Permits are required under the Uniform Construction Code for the installation and occupancy of manufactured housing.

(b) Installation.—A new manufactured home shall be installed in conformity with the manufacturer’s approved design applicable to the particular home. Construction activities or processes not addressed by the manufacturer’s approved design shall comply with the Uniform Construction Code requirement relating to those activities or processes.

(c) Availability of instructions.—The manufacturer’s approved design shall be kept at the site of the home and accessible to the building code official and shall remain with the home for possession by the purchaser.

(d) Rejection prohibited.—Building code officials cannot reject a manufacturer’s approved design.

(e) Certification of installer.—The installer shall certify to the department and the building code official that the new manufactured home has been installed in accordance with the manufacturer’s approved design and complies with all applicable standards, including the Uniform Construction Code, for activities and processes not covered by the Manufactured Home Construction and Safety Standards.

(f) Governance.—All of the following activities are governed under the Uniform Construction Code and may not be governed by the manufacturer’s approved design:

- (1) Alterations or repairs to a manufactured home that do not fall within the manufactured home construction and safety standards and the manufacturer’s installation instructions after assembly and shipment by the manufacturer.
- (2) Additions to a manufactured home after delivery to the site.
- (3) Construction, alteration, repair or change of occupancy if a manufactured home is resold to a subsequent purchaser.
- (4) Construction, alteration, repair or change of occupancy if the original purchaser relocates the manufactured home.
- (5) Utility connections.
- (6) Grading.

Section 7. Repeals.

The following shall apply:

- (1) Except as provided in paragraph (2), all acts and parts of acts are repealed insofar as they are inconsistent with this act.
- (2) The act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, is not repealed by this act.

Section 8. Effective date.

This act shall take effect immediately.

APPROVED—The 29th day of November, A.D. 2004.

EDWARD G. RENDELL