

No. 1982-192

AN ACT

SB 1124

Establishing standards for the body and frame design and construction and the installation of plumbing, heating and electrical systems for manufactured homes; defining terms; requiring manufactured homes to bear a label issued by the United States Department of Housing and Urban Development; providing for the administration of the act; providing for enforcement and penalties; and making a repeal.

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 Construction and Safety Standards Authorization Act."

Section 2. Definitions.

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

"Dealer." Any person engaged in the sale, leasing or distribution of new manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.

"Department." The Department of Community Affairs of the Commonwealth of Pennsylvania.

"Distributor." Any person engaged in the sale and distribution of manufactured homes for resale.

"Label." The form of certification required by the United States Department of Housing and Urban Development to be permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States. Such label is certification by the manufacturer that the manufactured home conforms to all applicable Federal construction and safety standards.

"Manufacturer." Any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes for resale.

"Manufactured home." A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United

States Department of Housing and Urban Development and complies with the standards established under this act.

“Manufactured home standards.” The manufactured home construction and safety standards adopted pursuant to the National Manufactured Home Construction and Safety Standards Act of 1974 (P.L.96-399, 94 Stat.1641), as amended.

“Municipality.” Any county, city, borough, incorporated town, township, home rule charter or optional plan municipality or any similar general purpose unit of government which may be created by the General Assembly with authority to establish standards and requirements applicable to the construction, installation, alteration and repair of buildings.

“Person.” An individual, partnership, company, corporation or association engaged in manufacturing or selling manufactured homes.

Section 3. Establishment of manufactured home standards.

(a) All manufactured homes manufactured and sold or offered for sale in this Commonwealth, or manufactured in this Commonwealth and sold or offered for sale outside of the Commonwealth, shall meet the manufactured home construction and safety standards adopted by the United States Department of Housing and Urban Development pursuant to the National Manufactured Home Construction and Safety Standards Act of 1974, as amended. In addition, the manufactured homes shall comply with any additional standards determined by the department to be necessary to reduce personal injuries and deaths, to reduce insurance costs and property damage resulting from accidents or to improve the quality and durability of manufactured homes when no construction or safety standard has been established by the United States Department of Housing and Urban Development to deal with a construction or safety issue identified by the department.

(b) The department may adopt regulations necessary to carry out the provisions of this act. If the manufactured home construction and safety standards adopted by the United States Department of Housing and Urban Development, or any section, part or provisions thereof, is changed, altered or amended, the department may adopt regulations which are reasonably consistent with or identical to the standards, as changed, altered or amended.

(c) The department shall hold hearings on the regulations proposed to be adopted, amended or repealed in accordance with the provisions of and no regulation shall be effective unless adopted pursuant to the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

Section 4. Effect of standards.

(a) Except in cases of waterline connections to their main source of supply, sewer drainage line connections to main sewers or cesspools or electrical line connections to their main source of power, a manufactured home bearing a label affixed pursuant to the requirements of this act shall be deemed to comply with all ordinances, regulations or building codes, or special local requirements enacted by any municipality applica-

ble to the body and frame design and construction and installation of plumbing, heating and electrical systems within and including the exterior walls of the manufactured home.

(b) Nothing in this act shall be construed as amending or repealing any of the provisions of the act of April 27, 1927 (P.L.465, No.299), entitled, as amended, "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists, except in cities of the first class and second class; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts."

(c) Nothing in this act shall be construed as amending, repealing or superseding any municipal zoning ordinance, subdivision and land development ordinance of any other municipal ordinance, regulation or code pertaining to the use and development of land.

Section 5. Label required; violations.

(a) Following the effective date of this act, no person may sell or offer for sale in this Commonwealth or manufacture within this Commonwealth and sell or offer for sale outside this Commonwealth any manufactured home unless it bears a label certifying that such manufactured home meets or exceeds the manufactured home standards and department regulations established by this act. Such label shall be displayed in the manner prescribed by the United States Department of Housing and Urban Development.

(b) No person may affix a label to any manufactured home which does not meet or exceed the requirements of the manufactured home standards and department regulations established by this act.

Section 6. Fees.

(a) The department shall establish a monitoring inspection fee in an amount authorized by the United States Department of Housing and Urban Development, pursuant to the provisions of the National Manufactured Home Construction and Safety Standards Act of 1974, as amended.

(b) The monitoring inspection fee shall be paid by the manufacturer to the United States Department of Housing and Urban Development or its designee.

(c) The department may establish a schedule of additional fees reasonably related to the costs incurred by the department in the administration and enforcement of this act.

Section 7. Administration of act.

(a) The department is charged with the administration of this act. It shall have the power to adopt, amend and repeal the regulations referred

to in section 3. The department is authorized to enter into inter-departmental agreements for the purposes of administration of this act. The department may enter into agreements with the United States Department of Housing and Urban Development to assume responsibility for enforcement of the manufactured home standards and may join with other states or public or private agencies for such purposes.

(b) Any authorized representative or employee of the department, at reasonable times, may enter any factory, warehouse or establishment in the Commonwealth in which manufactured homes are manufactured, stored or held for sale, for the purpose of ascertaining whether the requirements of this act and the regulations of the department have been and are being met.

(c) No person may interfere, obstruct or hinder an authorized representative of the department in the performance of his duties as set forth in the provisions of this act.

(d) Each manufacturer, distributor and dealer of manufactured homes shall establish and maintain such records, make such reports and provide such information as the department or the United States Department of Housing and Urban Development may reasonably require to be able to determine whether such manufacturer, distributor or dealer has acted and is acting in compliance with this act and the department regulations. Upon request of a person duly designated by the department, each manufacturer, distributor or dealer of manufactured homes shall permit such person to inspect appropriate books, papers, records and documents relative to determining whether such manufacturer, distributor or dealer has acted and is acting in compliance with this act and the department regulations.

Section 8. Consumer protection.

The department is authorized to receive, investigate and act upon complaints relating to noncompliance with the National Manufactured Home Construction and Safety Standards Act of 1974, as amended, and the standards and regulations adopted or approved thereunder. The department shall adopt regulations establishing procedures and criteria necessary to carry out the provisions of this section.

Section 9. Penalties.

(a) Any person who violates or fails to comply with any provisions of the National Manufactured Home Construction and Safety Standards Act of 1974, as amended, this act or any regulation or final order issued thereunder shall be liable for a civil penalty not to exceed \$1,000 for each violation. Each violation of the National Manufactured Home Construction and Safety Standards Act of 1974, this act, or any regulation or order issued under either this act or the National Manufactured Home Construction and Safety Standards Act of 1974, shall constitute a separate violation with respect to each manufactured home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty shall not exceed \$1,000,000 for any related series of violations occurring within one year from the date of the first violation.

(b) Any individual, or a director, officer or agent of a corporation who knowingly and willfully violates the provisions of this act or section 610 of the National Manufactured Home Construction and Safety Standards Act of 1974 in a manner which threatens the health and safety of any purchaser shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Section 10. Repealer.

The act of May 11, 1972 (P.L.281, No.69), known as the "Uniform Standards Code for Mobile Homes," is hereby repealed.

Section 11. Effective date.

This act shall take effect immediately.

APPROVED—The 17th day of November, A. D. 1982.

DICK THORNBURGH