

No. 2012-40

AN ACT

SB 1141

Amending the act of November 29, 2004 (P.L.1282, No.158), entitled "An act providing for the regulation of the installation of manufactured housing and for the powers and duties of the Department of Community and Economic Development," expanding the coverage of the act to relocated housing.

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

Section 1. Section 3 of the act of November 29, 2004 (P.L.1282, No.158), known as the Manufactured Housing Improvement Act, is amended by adding a definition to read:

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:

* * *

"Relocated manufactured home." A manufactured home which has been transported to a site other than its original installation site.

* * *

Section 2. Sections 5 and 6 of the act are amended to read:

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 relocated 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.

(4) ***Procedures to assess compliance with the manufactured home construction and safety standard to which a home was originally designed and constructed, as well as an installation standard for relocated manufactured homes. Relocated manufactured homes meeting this criteria shall be deemed to comply with the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act. Any activities or processes not addressed shall comply with Chapter 3 of the Pennsylvania Construction Code Act as applicable. The procedures and installation standard shall:***

(i) *Establish minimum requirements for fire safety, including emergency escape and smoke alarms, exterior coverings, structural integrity for the floor, walls, ceilings and roof or any other element or design specification that renders a manufactured house unsafe, unfit or unsanitary. The installation standard shall establish prescriptive guidelines for support, anchoring and assembly.*

(ii) *Provide an alternative when the manufacturer's original installation instructions are no longer available or practical.*

(iii) *Establish criteria to evaluate the suitability of existing foundation in land lease communities which may be utilized in the installation of relocated manufactured homes.*

(iv) *Establish a shallow depth frost protected foundation system which may be utilized in a land lease community.*

(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 *and relocated manufactured homes. A permit for occupancy of a relocated manufactured home may not be issued unless the relocated manufactured home meets all requirements under section 5(b)(4) and the installer certifies the installation.*

(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.—

(1) 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.

(2) *The duty to certify to the department under paragraph (1) shall not apply to a relocated manufactured home.*

(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 3. This act shall take effect in 60 days.

APPROVED—The 8th day of May, A.D. 2012

TOM CORBETT