
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1237

Session of
1971

INTRODUCED BY MESSRS. IRVIS, FINEMAN, ENGLEHART, LUTTY, LEE,
BUTERA, COYNE, CAPUTO AND GEISLER, JUNE 9, 1971

SENATOR MAZZEI, STATE GOVERNMENT, IN SENATE, AS AMENDED,
JANUARY 19, 1972

AN ACT

1 Regulating the sale of certain structures made, fabricated,
2 formed or assembled in manufacturing facilities and providing
3 penalties.

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

6 Section 1. Short Title.--This act shall be known and may be
7 cited as the "Industrialized Housing Act."

8 Section 2. Findings and Declarations of Policy.--It is
9 hereby determined and declared as a matter of legislative
10 finding that:

11 (1) An adequate supply of safe and sanitary housing is
12 fundamental to the health, safety and welfare of the people of
13 Pennsylvania.

14 (2) There exists in the Commonwealth a shortage of safe and
15 sanitary housing.

16 (3) The production of housing using new and improved
17 technology, techniques, methods and materials could lead to an

1 increase in the available supply of safe and sanitary housing.

2 (4) Building and related codes of the communities within the
3 Commonwealth, as enacted and applied, are not uniform and impede
4 the utilization of new and improved technology, techniques,
5 methods and materials in the production of housing.

6 (5) To facilitate the use of industrialized housing in the
7 Commonwealth and to safeguard the health, safety and welfare of
8 citizens of the Commonwealth, there is a need for uniform State
9 standards and procedures for the identification, inspection of
10 manufacture and assembly, and certification of industrialized
11 housing and those components forming integral parts of housing
12 structures for use in any and all communities in the
13 Commonwealth.

14 (6) As standards for performance of industrialized housing
15 and housing components are developed and adopted by the United
16 States Department of Housing and Urban Development, other
17 states, and the Commonwealth of Pennsylvania, reciprocity in the
18 recognition of certification of such industrialized housing and
19 housing components will benefit both producers of industrialized
20 housing and housing consumers in the Commonwealth.

21 (7) While recognizing that mobile homes constitute a
22 category of industrialized housing, it is further recognized
23 that mobile homes differ in characteristics of sufficient
24 significance that they should be certified separately by the
25 Commonwealth from other categories of industrialized housing to
26 be used in the Commonwealth.

27 Section 3. Definitions.--As used in this act: (1)

28 "Certification" means conforming to the rules and regulations
29 of the department.

30 (2) "Department" means the Department of Community Affairs

1 of the Commonwealth of Pennsylvania.

2 (3) "Housing component" means any major manufactured
3 subsystem or subassembly, designed for use as an integral
4 component part of a structure designed for residential
5 occupancy.

6 (4) "Industrialized housing" means any structure designed
7 primarily for residential occupancy which is wholly or in
8 substantial part made, fabricated, formed or assembled in
9 manufacturing facilities for installation, or assembly and
10 installation, on the building site; however, for the purposes of
11 this act, that category of housing units defined as mobile homes
12 is excluded from this definition.

13 (5) "Installation" means the assembly of industrialized
14 housing on site and the process of affixing industrialized
15 housing or housing components to land, a foundation, footings,
16 utilities or an existing building.

17 (6) "Local government" means any county, city, borough,
18 incorporated town, township, or any similar general purpose unit
19 of government which may be created by the General Assembly with
20 authority to establish standards and requirements applicable to
21 the construction, installation, alteration and repair of
22 buildings.

23 (7) "Local enforcement agency" means the agency or agencies
24 of local government with authority to make inspections and to
25 enforce the laws, ordinances and regulations enacted by the
26 State and by local governments that establish standards and
27 requirements applicable to the construction, alteration or
28 repair of buildings.

29 (8) "Manufacture" means the process of making, fabricating,
30 constructing, forming or assembling a product from raw,

1 unfinished or semi-finished materials.

2 (9) "Manufacturing facilities" means the place or places at
3 which machinery, equipment and other capital goods are assembled
4 and operated for the purpose of making, fabricating,
5 constructing, forming or assembling industrialized housing or
6 housing components.

7 (10) "Mobile home" means every structure defined as a
8 "mobile home" in section 2 of the Uniform Standards Code for
9 Mobile Homes.

10 (11) "Person" means any individual or organized group of any
11 character, including partnerships, corporations and other forms
12 of association, as well as Federal, State or local
13 instrumentalities, political subdivisions or officers thereof.

14 (12) "Site" means the entire tract, subdivision, or parcel
15 of land on which industrialized housing is installed.

16 Section 4. Regulations, Insignia of Certification
17 Required.--(a) No person may sell, lease or install for use in
18 the Commonwealth of Pennsylvania any industrialized housing or
19 housing components manufactured after the effective date of the
20 duly promulgated rules and regulations adopted by the department
21 pursuant to section 5 of this act unless such industrialized
22 housing or housing components bear insignia of certification
23 issued by the department. The prohibition on installation shall
24 not apply to the installation of industrialized housing units or
25 housing components intended for prototype, experimental, or
26 demonstration purposes in or on a site designated as a test
27 facility, except that such units shall not be sold or leased
28 unless they bear insignia of certification issued by the
29 department.

30 (b) The department is hereby authorized to enter into

1 interdepartmental agreements for the purposes of administration
2 of this act.

3 (c) The department may issue insignia of certification to
4 any industrialized housing or housing components manufactured
5 prior to the effective date of the duly promulgated rules and
6 regulations adopted by the department pursuant to section 5 of
7 this act if such industrialized housing or housing components
8 comply with the standards established by such rules and
9 regulations.

10 (d) All industrialized housing or housing components
11 manufactured prior to the effective date of the duly promulgated
12 rules and regulations adopted by the department pursuant to
13 section 5 of this act and not carrying the insignia of
14 certification may be sold, leased or installed in any
15 municipality of the Commonwealth subject to any and all local
16 ordinances, regulations, building codes, and special local
17 requirements.

18 (e) All industrialized housing or housing components bearing
19 an insignia of certification pursuant to the requirements of
20 this section shall be deemed to comply with the requirements of
21 all building and related codes and ordinances enacted by any
22 local government of the Commonwealth thereof applicable to
23 housing and/or home building in construction, plumbing, heating,
24 electrical, and other related codes pertaining to such
25 construction, and equipment contained within and including the
26 exterior walls of such industrialized housing.

27 (f) No industrialized housing or housing components bearing
28 a department insignia of certification pursuant to subsections
29 (a) and (b) of this section shall be in any way modified prior
30 to or during installation unless modification is permitted by

1 the duly promulgated rules and regulations adopted by the
2 department pursuant to section 5 of this act.

3 (g) No provision of this act shall apply to industrialized
4 housing or housing components installed on any site in the
5 Commonwealth of Pennsylvania prior to the adoption of this act.

6 (h) Nothing in this act shall be construed as amending or
7 repealing any of the provisions of the Fire and Panic Act or its
8 application to building construction or use or occupancy.

9 (i) Nothing in this act shall be construed as amending,
10 repealing or superseding any local zoning ordinance, subdivision
11 regulation, or any related locally adopted land development
12 code, regulation or ordinance.

13 Section 5. Promulgation of Rules and Regulations by the
14 Department.--(a) The department shall promulgate rules and
15 regulations to interpret and make specific the provisions of
16 this act. Such rules and regulations adopted, amended, repealed
17 and substituted from time to time pursuant to this section shall
18 assure the health, safety and welfare of the people of
19 Pennsylvania by requiring safe and sanitary industrial housing
20 and shall include provisions imposing requirements reasonably
21 consistent with recognized and accepted model codes such as
22 those prepared by the Building Officials and Code Administrators
23 International, Inc., the International Conference of Building
24 Officials, and the National Fire Protection Association. The
25 department shall adopt such other rules and regulations as are
26 necessary to carry out the provisions of this act. Such rules
27 and regulations shall be consistent with the act of June 4, 1945
28 (P.L.1388), known as the "Administrative Agency Law." No
29 portion of this act or any code, or rules and regulations
30 adopted, amended, repealed or substituted as provided herein,

1 which limits the work to be performed to any type of
2 construction contractor, or labor or mechanic classification
3 shall be adopted or enforceable by the department.

4 (b) The department shall hold public hearings on rules and
5 regulations proposed to be promulgated, amended, or repealed,
6 consistent with the provisions of the act of June 4, 1945
7 (P.L.1388), known as the "Administrative Agency Law," and the
8 act of July 31, 1968 (Act No. 240), known as the "Commonwealth
9 Documents Law."

10 Section 6. Recognition of Certification of Other States or
11 the Federal Government.--The department may issue insignia of
12 certification to industrialized housing or housing components
13 that have been certified by the United States Department of
14 Housing and Urban Development or competent authority within
15 other states if the department finds that such certification is
16 granted on the basis of standards substantially equivalent to
17 the provisions promulgated under section 5 of this act.

18 Section 7. Fees.--The department shall establish a schedule
19 of fees reasonably related to the cost incurred by the
20 department to pay for the administration and enforcement of this
21 act.

22 Section 8. Providing for an Industrialized Housing Advisory
23 Commission.--The department is hereby authorized to establish an
24 Industrialized Housing Advisory Commission. ~~consisting of~~ <—
25 ~~persons knowledgeable in building technology and industrialized~~
26 ~~housing.~~ The department shall consult with and obtain advice of
27 the Industrialized Housing Advisory Commission in the drafting
28 and promulgation of rules and regulations to be adopted in
29 accordance with section 5 of this act. The commission shall
30 consist of fifteen members appointed by the Governor COMPOSED OF <—

1 THE FOLLOWING: FOUR MANUFACTURERS OF INDUSTRIALIZED HOUSING, ONE
2 REPRESENTATIVE OF THE PENNSYLVANIA BUILDERS' ASSOCIATION, ONE
3 REPRESENTATIVE FROM AMONG THE ORGANIZATIONS REPRESENTING LOCAL
4 GOVERNMENT IN THE COMMONWEALTH, ONE REPRESENTATIVE OF THE
5 GENERAL CONTRACTORS' ASSOCIATION OF PENNSYLVANIA, ONE
6 REPRESENTATIVE OF THE UNITED AUTOMOBILE, AEROSPACE, AGRICULTURAL
7 IMPLEMENT WORKERS OF AMERICA, ONE REPRESENTATIVE OF THE UNITED
8 STEEL WORKERS OF AMERICA, ONE REPRESENTATIVE OF THE PENNSYLVANIA
9 PLANNING ASSOCIATION, TWO REPRESENTATIVES OF THE GENERAL PUBLIC,
10 ONE REPRESENTATIVE OF THE PENNSYLVANIA STATE BUILDING AND
11 CONSTRUCTION TRADES COUNCIL, ONE REPRESENTATIVE OF THE
12 PENNSYLVANIA AFL-CIO, AND ONE REPRESENTATIVE OF THE DEPARTMENT
13 OF COMMUNITY AFFAIRS. The members initially appointed shall
14 serve for the following terms: five members for a term of one
15 year, five members for a term of two years and five members for
16 a term of three years. The particular term of each member shall
17 be designated by the Governor at the time of appointment. The
18 terms of all their successors shall be three years each, except
19 that any person appointed to fill a vacancy shall serve only for
20 the unexpired term. Every member's term shall extend until his
21 successor is appointed and qualified. Any member of the
22 commission shall be eligible for reappointment. The members of
23 the commission shall not receive compensation for their services
24 as members, but shall receive reimbursement for all necessary
25 expenses incurred in connection with the performance of their
26 duties as members. The department may supply such staff as
27 requested by the commission.

28 Section 9. Appeals.--(a) The department shall promulgate
29 rules pertaining to the hearing of appeals.

30 (b) The department shall hear appeals brought by any person

1 regarding the application or interpretation of any rule or
2 regulation promulgated by the department under this act.

3 Section 10. Variances.--The department may grant variances
4 from the duly promulgated rules and regulations when it appears
5 that such requested variances do not impair the health, safety
6 and welfare of consumers and when such requested variances have
7 been reviewed and approved by the Industrialized Housing
8 Advisory Commission.

9 Section 11. Injunctive Relief.--The department may obtain
10 injunctive relief from the Commonwealth Court of Pennsylvania to
11 enjoin the sale, lease, delivery or installation of
12 industrialized housing upon an affidavit specifying the manner
13 in which the housing does not conform to the requirements of
14 this act or to rules and regulations issued pursuant hereto.

15 Section 12. Penalties.--Whoever violates any provision of
16 this act is guilty of a misdemeanor, and upon conviction
17 thereof, shall be sentenced to pay a fine not exceeding five
18 hundred dollars (\$500), or undergo imprisonment not exceeding
19 six months, or both.

20 Section 13. Effective Date.--This act shall take effect
21 immediately.