
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

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JANUARY 31, 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
18 increase in the available supply of safe and sanitary housing.

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

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

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

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

26 Section 3. Definitions.--As used in this act:

27 (1) "Certification" means conforming to the rules and
28 regulations of the department.

29 (2) "Department" means the Department of Community Affairs
30 of the Commonwealth of Pennsylvania.

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

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

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

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

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

28 (8) "Manufacture" means the process of making, fabricating,
29 constructing, forming or assembling a product from raw,
30 unfinished or semi-finished materials.

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

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

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

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

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

29 (b) The department is hereby authorized to enter into
30 interdepartmental agreements for the purposes of administration

1 of this act.

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

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

17 (e) ~~All~~ EXCEPT IN CASES OF WATERLINE CONNECTIONS TO THEIR <—
18 MAIN SOURCE OF SUPPLY; SEWER DRAINAGE LINE CONNECTIONS TO MAIN
19 SEWERS OR CESSPOOLS; OR ELECTRICAL LINE CONNECTIONS TO THEIR
20 MAIN SOURCE OF POWER, ALL industrialized housing or housing
21 components bearing an insignia of certification pursuant to the
22 requirements of this section shall be deemed to comply with the
23 requirements of all building and related codes and ordinances
24 enacted by any local government of the Commonwealth thereof
25 applicable to housing and/or home building in construction,
26 plumbing, heating, electrical, and other related codes
27 pertaining to such construction, and equipment contained within
28 and including the exterior walls of such industrialized housing.

29 (f) No industrialized housing or housing components bearing
30 a department insignia of certification pursuant to subsections

1 (a) and (b) of this section shall be in any way modified prior
2 to or during installation unless modification is permitted by
3 the duly promulgated rules and regulations adopted by the
4 department pursuant to section 5 of this act.

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

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

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

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

1 portion of this act or any code, or rules and regulations
2 adopted, amended, repealed or substituted as provided herein,
3 which limits the work to be performed to any type of
4 construction contractor, or labor or mechanic classification
5 shall be adopted or enforceable by the department.

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

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

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

24 Section 8. Providing for an Industrialized Housing Advisory
25 Commission.--The department is hereby authorized to establish an
26 Industrialized Housing Advisory Commission. ~~consisting of~~ <—
27 ~~persons knowledgeable in building technology and industrialized~~
28 ~~housing.~~ The department shall consult with and obtain advice of
29 the Industrialized Housing Advisory Commission in the drafting
30 and promulgation of rules and regulations to be adopted in

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

30 Section 9. Appeals.--(a) The department shall promulgate

1 rules pertaining to the hearing of appeals.

2 (b) The department shall hear appeals brought by any person
3 regarding the application or interpretation of any rule or
4 regulation promulgated by the department under this act.

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

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

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

22 Section 13. Effective Date.--This act shall take effect
23 immediately.