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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1237

Session of  
1971

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

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AS AMENDED ON SECOND CONSIDERATION, IN SENATE, MARCH 13, 1972

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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:

28 (1) "Certification" means conforming to the rules and  
29 regulations 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 NOT  
7 EXCEEDING THREE STORIES, designed primarily for residential  
8 occupancy which is wholly or in substantial part made,  
9 fabricated, formed or assembled in manufacturing facilities for  
10 installation, or assembly and installation, on the building  
11 site; however, for the purposes of this act, that category of  
12 housing units defined as mobile homes is excluded from this  
13 definition.

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

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

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

30 (8) "Manufacture" means the process of making, fabricating,

1 constructing, forming or assembling a product from raw,  
2 unfinished or semi-finished materials.

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

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

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

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

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

1 (b) The department is hereby authorized to enter into  
2 interdepartmental agreements for the purposes of administration  
3 of this act.

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

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

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

(f) No industrialized housing or housing components bearing a department insignia of certification pursuant to subsections (a) and (b) of this section shall be in any way modified prior to or during installation unless modification is permitted by the duly promulgated rules and regulations adopted by the department pursuant to section 5 of this act.

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

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

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

~~Section 5. Promulgation of Rules and Regulations by the Department. (a) The department, IN CONSULTATION WITH THE INDUSTRIALIZED HOUSING ADVISORY COMMISSION shall promulgate rules and regulations to interpret and make specific the provisions of this act. Such rules and regulations adopted, amended, repealed and substituted from time to time pursuant to this section shall assure the health, safety and welfare of the people of Pennsylvania by requiring safe and sanitary industrial housing and shall include provisions imposing requirements reasonably consistent with recognized and accepted model codes such as those prepared by the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, and the National Fire Protection Association. The department shall adopt such other rules and~~

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~~1 regulations as are necessary to carry out the provisions of this~~  
~~2 act. Such rules and regulations shall be consistent with the~~  
~~3 act of June 4, 1945 (P.L.1388), known as the "Administrative~~  
~~4 Agency Law." No portion of this act or any code, or rules and~~  
~~5 regulations adopted, amended, repealed or substituted as~~  
~~6 provided herein, which limits the work to be performed to any~~  
~~7 type of construction contractor, or labor or mechanic~~  
~~8 classification shall be adopted or enforceable by the~~  
~~9 department.~~

10 SECTION 5. PROMULGATION OF RULES AND REGULATIONS BY THE <—  
11 DEPARTMENT.--(A) THE DEPARTMENT SHALL, SUBJECT TO THE ADVICE AND  
12 APPROVAL OF THE INDUSTRIAL HOUSING ADVISORY COMMISSION,  
13 ESTABLISHED IN ACCORDANCE WITH SECTION 8 OF THIS ACT, PROMULGATE  
14 RULES AND REGULATIONS TO INTERPRET AND MAKE SPECIFIC THE  
15 PROVISIONS OF THIS ACT. SUCH RULES AND REGULATIONS ADOPTED,  
16 AMENDED, REPEALED AND SUBSTITUTED FROM TIME TO TIME PURSUANT TO  
17 THIS SECTION SHALL ASSURE THE HEALTH, SAFETY AND WELFARE OF THE  
18 PEOPLE OF PENNSYLVANIA BY REQUIRING SAFE AND SANITARY INDUSTRIAL  
19 HOUSING AND SHALL INCLUDE PROVISIONS IMPOSING REQUIREMENTS  
20 REASONABLY CONSISTENT WITH RECOGNIZED AND ACCEPTED MODEL CODES.

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

27 Section 6. Recognition of Certification of Other States or  
28 the Federal Government.--The department may issue insignia of  
29 certification to industrialized housing or housing components  
30 that have been certified by the United States Department of

1 Housing and Urban Development or competent authority within  
2 other states if the department finds that such certification is  
3 granted on the basis of standards substantially equivalent to  
4 the provisions promulgated under section 5 of this act.

5 Section 7. Fees.--The department shall establish a schedule  
6 of fees reasonably related to the cost incurred by the  
7 department to pay for the administration and enforcement of this  
8 act.

9 Section 8. ~~Providing for~~ ESTABLISHMENT OF an Industrialized <—  
10 Housing Advisory Commission.--~~The department is hereby~~ <—  
11 ~~authorized to establish~~ THERE IS HEREBY ESTABLISHED an <—  
12 Industrialized Housing Advisory Commission. ~~consisting of~~ <—  
13 ~~persons knowledgeable in building technology and industrialized~~  
14 ~~housing.~~ The department shall consult with and obtain advice of  
15 the Industrialized Housing Advisory Commission in the drafting  
16 and promulgation of rules and regulations to be adopted in  
17 accordance with section 5 of this act. The commission shall  
18 consist of ~~fifteen~~ TWENTY-ONE members appointed by the Governor <—  
19 BY AND WITH THE ADVICE AND CONSENT OF TWO-THIRDS OF THE MEMBERS <—  
20 OF THE SENATE. ~~COMPOSED OF THE FOLLOWING: FOUR MANUFACTURERS OF~~ <—  
21 ~~INDUSTRIALIZED HOUSING, ONE REPRESENTATIVE OF THE PENNSYLVANIA~~  
22 ~~BUILDERS' ASSOCIATION, ONE REPRESENTATIVE FROM AMONG THE~~  
23 ~~ORGANIZATIONS REPRESENTING LOCAL GOVERNMENT IN THE COMMONWEALTH,~~  
24 ~~ONE REPRESENTATIVE OF THE GENERAL CONTRACTORS' ASSOCIATION OF~~  
25 ~~PENNSYLVANIA, ONE REPRESENTATIVE OF THE UNITED AUTOMOBILE,~~  
26 ~~AEROSPACE, AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, ONE~~  
27 ~~REPRESENTATIVE OF THE UNITED STEEL WORKERS OF AMERICA, ONE~~  
28 ~~REPRESENTATIVE OF THE PENNSYLVANIA PLANNING ASSOCIATION, ONE~~  
29 ~~REPRESENTATIVE OF THE PENNSYLVANIA ELECTRICAL CONTRACTORS~~  
30 ~~ASSOCIATION, ONE REPRESENTATIVE OF THE MECHANICAL CONTRACTORS~~



1 ~~ASSOCIATION, ONE REPRESENTATIVE OF THE INTERNATIONAL BROTHERHOOD~~  
2 ~~OF ELECTRICAL WORKERS, ONE REPRESENTATIVE OF THE PENNSYLVANIA~~  
3 ~~STATE ASSOCIATION OF PLUMBERS AND PIPEFITTERS, ONE~~  
4 ~~REPRESENTATIVE OF THE PENNSYLVANIA SOCIETY OF PROFESSIONAL~~  
5 ~~ENGINEERS, ONE REPRESENTATIVE OF THE PENNSYLVANIA SOCIETY OF~~  
6 ~~ARCHITECTS, TWO REPRESENTATIVES OF THE GENERAL PUBLIC, ONE~~  
7 ~~REPRESENTATIVE OF THE PENNSYLVANIA STATE BUILDING AND~~  
8 ~~CONSTRUCTION TRADES COUNCIL, ONE REPRESENTATIVE OF THE~~  
9 ~~PENNSYLVANIA AFL CIO, AND ONE REPRESENTATIVE OF THE DEPARTMENT~~  
10 ~~OF COMMUNITY AFFAIRS.~~ The members initially appointed shall  
11 serve for the following terms: ~~five~~ SEVEN members for a term of <—  
12 one year, ~~five~~ SEVEN members for a term of two years and ~~five~~ <—  
13 SEVEN members for a term of three years. The particular term of <—  
14 each member shall be designated by the Governor at the time of  
15 appointment. The terms of all their successors shall be three  
16 years each, except that any person appointed to fill a vacancy  
17 shall serve only for the unexpired term. Every member's term  
18 shall extend until his successor is appointed and qualified.  
19 Any member of the commission shall be eligible for  
20 reappointment. The members of the commission shall not receive  
21 compensation for their services as members, but shall receive  
22 reimbursement for all necessary expenses incurred in connection  
23 with the performance of their duties as members. The department  
24 may supply such staff as requested by the commission.

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

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

30 Section 10. Variances.--The department may grant variances

1 from the duly promulgated rules and regulations when it appears  
2 that such requested variances do not impair the health, safety  
3 and welfare of consumers and when such requested variances have  
4 been reviewed and approved by the Industrialized Housing  
5 Advisory Commission.

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

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

17       Section 13. Effective Date.--This act shall take effect  
18 immediately.