

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 REPORTED FROM COMMITTEE ON BUSINESS AND COMMERCE, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 29, 1971

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: (1)

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

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

1 department pursuant to section 5 of this act.

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

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

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

12 Section 5. Promulgation of Rules and Regulations by the
13 Department.--(a) The department shall promulgate rules and
14 regulations to interpret and make specific the provisions of
15 this act. Such rules and regulations adopted, amended, repealed
16 and substituted from time to time pursuant to this section shall
17 assure the health, safety and welfare of the people of
18 Pennsylvania by requiring safe and sanitary industrial housing
19 and shall include provisions imposing requirements reasonably
20 consistent with ~~or identical to~~ recognized and accepted <—
21 ~~standards contained in performance criteria as developed by the~~ <—
22 ~~National Bureau of Standards or other nationally recognized~~
23 model codes such as ~~the model codes~~ THOSE prepared by the <—
24 Building Officials ~~Conference of America,~~ AND CODE <—
25 ADMINISTRATORS INTERNATIONAL, INC., the International Conference
26 of Building Officials, ~~the Southern Building Codes Congress,~~ AND <—
27 the National Fire Protection Association. ~~the American National~~ <—
28 ~~Standards Institute and the United States Department of Housing~~
29 ~~and Urban Development.~~ The department shall adopt such other
30 rules and regulations as are necessary to carry out the

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

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

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

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

27 Section 8. Providing for an Industrialized Housing Advisory
28 Commission.--The department is hereby authorized to establish an
29 Industrialized Housing Advisory Commission consisting of persons
30 knowledgeable in building technology and industrialized housing.

1 The department shall consult with and obtain advice of the
2 Industrialized Housing Advisory Commission in the drafting and
3 promulgation of rules and regulations to be adopted in
4 accordance with section 5 of this act. The commission shall
5 consist of fifteen members appointed by the Governor. The
6 members initially appointed shall serve for the following terms:
7 five members for a term of one year, five members for a term of
8 two years and five members for a term of three years. The
9 particular term of each member shall be designated by the
10 Governor at the time of appointment. The terms of all their
11 successors shall be three years each, except that any person
12 appointed to fill a vacancy shall serve only for the unexpired
13 term. Every member's term shall extend until his successor is
14 appointed and qualified. Any member of the commission shall be
15 eligible for reappointment. The members of the commission shall
16 not receive compensation for their services as members, but
17 shall receive reimbursement for all necessary expenses incurred
18 in connection with the performance of their duties as members.
19 The department may supply such staff as requested by the
20 commission.

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

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

26 Section 10. Variances.--The department may grant variances
27 from the duly promulgated rules and regulations when it appears
28 that such requested variances do not impair the health, safety
29 and welfare of consumers and when such requested variances have
30 been reviewed and approved by the Industrialized Housing

1 Advisory Commission.

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

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

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