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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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SENATOR MAZZEI, STATE GOVERNMENT, IN SENATE, RE-REPORTED AS  
AMENDED, FEBRUARY 28, 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.

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

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

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

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

17 Section 5. Promulgation of Rules and Regulations by the  
18 Department.--(a) The department, IN CONSULTATION WITH THE  
19 INDUSTRIALIZED HOUSING ADVISORY COMMISSION shall promulgate  
20 rules and regulations to interpret and make specific the  
21 provisions of this act. Such rules and regulations adopted,  
22 amended, repealed and substituted from time to time pursuant to  
23 this section shall assure the health, safety and welfare of the  
24 people of Pennsylvania by requiring safe and sanitary industrial  
25 housing and shall include provisions imposing requirements  
26 reasonably consistent with recognized and accepted model codes  
27 such as those prepared by the Building Officials and Code  
28 Administrators International, Inc., the International Conference  
29 of Building Officials, and the National Fire Protection  
30 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 (b) The department shall hold public hearings on rules and  
11 regulations proposed to be promulgated, amended, or repealed,  
12 consistent with the provisions of the act of June 4, 1945  
13 (P.L.1388), known as the "Administrative Agency Law," and the  
14 act of July 31, 1968 (Act No. 240), known as the "Commonwealth  
15 Documents Law."

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

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

28 Section 8. ~~Providing for~~ ESTABLISHMENT OF an Industrialized <—  
29 Housing Advisory Commission.--~~The department is hereby~~ <—  
30 ~~authorized to establish~~ THERE IS HEREBY ESTABLISHED an <—

1 Industrialized Housing Advisory Commission. ~~consisting of~~ <—  
2 ~~persons knowledgeable in building technology and industrialized~~  
3 ~~housing.~~ The department shall consult with and obtain advice of  
4 the Industrialized Housing Advisory Commission in the drafting  
5 and promulgation of rules and regulations to be adopted in  
6 accordance with section 5 of this act. The commission shall  
7 consist of ~~fifteen~~ TWENTY-ONE members appointed by the Governor <—  
8 COMPOSED OF THE FOLLOWING: FOUR MANUFACTURERS OF INDUSTRIALIZED <—  
9 HOUSING, ONE REPRESENTATIVE OF THE PENNSYLVANIA BUILDERS'  
10 ASSOCIATION, ONE REPRESENTATIVE FROM AMONG THE ORGANIZATIONS  
11 REPRESENTING LOCAL GOVERNMENT IN THE COMMONWEALTH, ONE  
12 REPRESENTATIVE OF THE GENERAL CONTRACTORS' ASSOCIATION OF  
13 PENNSYLVANIA, ONE REPRESENTATIVE OF THE UNITED AUTOMOBILE,  
14 AEROSPACE, AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, ONE  
15 REPRESENTATIVE OF THE UNITED STEEL WORKERS OF AMERICA, ONE  
16 REPRESENTATIVE OF THE PENNSYLVANIA PLANNING ASSOCIATION, ONE  
17 REPRESENTATIVE OF THE PENNSYLVANIA ELECTRICAL CONTRACTORS  
18 ASSOCIATION, ONE REPRESENTATIVE OF THE MECHANICAL CONTRACTORS  
19 ASSOCIATION, ONE REPRESENTATIVE OF THE INTERNATIONAL BROTHERHOOD  
20 OF ELECTRICAL WORKERS, ONE REPRESENTATIVE OF THE PENNSYLVANIA  
21 STATE ASSOCIATION OF PLUMBERS AND PIPEFITTERS, ONE  
22 REPRESENTATIVE OF THE PENNSYLVANIA SOCIETY OF PROFESSIONAL  
23 ENGINEERS, ONE REPRESENTATIVE OF THE PENNSYLVANIA SOCIETY OF  
24 ARCHITECTS, TWO REPRESENTATIVES OF THE GENERAL PUBLIC, ONE  
25 REPRESENTATIVE OF THE PENNSYLVANIA STATE BUILDING AND  
26 CONSTRUCTION TRADES COUNCIL, ONE REPRESENTATIVE OF THE  
27 PENNSYLVANIA AFL-CIO, AND ONE REPRESENTATIVE OF THE DEPARTMENT  
28 OF COMMUNITY AFFAIRS. The members initially appointed shall  
29 serve for the following terms: ~~five~~ SEVEN members for a term of <—  
30 one year, ~~five~~ SEVEN members for a term of two years and ~~five~~ <—



1 SEVEN members for a term of three years. The particular term of <—  
2 each member shall be designated by the Governor at the time of  
3 appointment. The terms of all their successors shall be three  
4 years each, except that any person appointed to fill a vacancy  
5 shall serve only for the unexpired term. Every member's term  
6 shall extend until his successor is appointed and qualified.  
7 Any member of the commission shall be eligible for  
8 reappointment. The members of the commission shall not receive  
9 compensation for their services as members, but shall receive  
10 reimbursement for all necessary expenses incurred in connection  
11 with the performance of their duties as members. The department  
12 may supply such staff as requested by the commission.

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

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

18 Section 10. Variances.--The department may grant variances  
19 from the duly promulgated rules and regulations when it appears  
20 that such requested variances do not impair the health, safety  
21 and welfare of consumers and when such requested variances have  
22 been reviewed and approved by the Industrialized Housing  
23 Advisory Commission.

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

30 Section 12. Penalties.--Whoever violates any provision of

1 this act is guilty of a misdemeanor, and upon conviction  
2 thereof, shall be sentenced to pay a fine not exceeding five  
3 hundred dollars (\$500), or undergo imprisonment not exceeding  
4 six months, or both.

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