
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, MARCH 6, 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:

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 COMPOSED OF THE FOLLOWING: FOUR MANUFACTURERS OF INDUSTRIALIZED <—
20 HOUSING, ONE REPRESENTATIVE OF THE PENNSYLVANIA BUILDERS'
21 ASSOCIATION, ONE REPRESENTATIVE FROM AMONG THE ORGANIZATIONS
22 REPRESENTING LOCAL GOVERNMENT IN THE COMMONWEALTH, ONE
23 REPRESENTATIVE OF THE GENERAL CONTRACTORS' ASSOCIATION OF
24 PENNSYLVANIA, ONE REPRESENTATIVE OF THE UNITED AUTOMOBILE,
25 AEROSPACE, AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, ONE
26 REPRESENTATIVE OF THE UNITED STEEL WORKERS OF AMERICA, ONE
27 REPRESENTATIVE OF THE PENNSYLVANIA PLANNING ASSOCIATION, ONE
28 REPRESENTATIVE OF THE PENNSYLVANIA ELECTRICAL CONTRACTORS
29 ASSOCIATION, ONE REPRESENTATIVE OF THE MECHANICAL CONTRACTORS
30 ASSOCIATION, ONE REPRESENTATIVE OF THE INTERNATIONAL BROTHERHOOD

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

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

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

29 Section 10. Variances.--The department may grant variances
30 from the duly promulgated rules and regulations when it appears

1 that such requested variances do not impair the health, safety
2 and welfare of consumers and when such requested variances have
3 been reviewed and approved by the Industrialized Housing
4 Advisory Commission.

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

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

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