

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.

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

23 (5) To facilitate the use of industrialized housing in the
24 Commonwealth and to safeguard the health, safety and welfare of
25 citizens of the Commonwealth, there is a need for uniform State
26 standards and procedures for the identification, inspection of
27 manufacture and assembly, and certification of industrialized
28 housing and those components forming integral parts of housing
29 structures for use in any and all communities in the

1 Commonwealth.

2 (6) As standards for performance of industrialized housing
3 and housing components are developed and adopted by the United
4 States Department of Housing and Urban Development, other
5 states, and the Commonwealth of Pennsylvania, reciprocity in the
6 recognition of certification of such industrialized housing and
7 housing components will benefit both producers of industrialized
8 housing and housing consumers in the Commonwealth.

9 (7) While recognizing that mobile homes constitute a
10 category of industrialized housing, it is further recognized
11 that mobile homes differ in characteristics of sufficient
12 significance that they should be certified separately by the
13 Commonwealth from other categories of industrialized housing to
14 be used in the Commonwealth.

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

16 (1) "Certification" means conforming to the rules and
17 regulations of the department.

18 (2) "Department" means the Department of Community Affairs
19 of the Commonwealth of Pennsylvania.

20 (3) "Housing component" means any major manufactured
21 subsystem or subassembly, designed for use as an integral
22 component part of a structure designed for residential
23 occupancy.

24 (4) "Industrialized housing" means any structure designed
25 primarily for residential occupancy which is wholly or in
26 substantial part made, fabricated, formed or assembled in
27 manufacturing facilities for installation, or assembly and
28 installation, on the building site; however, for the purposes of
29 this act, that category of housing units defined as mobile homes
30 is excluded from this definition.

1 (5) "Installation" means the assembly of industrialized
2 housing on site and the process of affixing industrialized
3 housing or housing components to land, a foundation, footings,
4 utilities or an existing building.

5 (6) "Local government" means any county, city, borough,
6 incorporated town, township, or any similar general purpose unit
7 of government which may be created by the General Assembly with
8 authority to establish standards and requirements applicable to
9 the construction, installation, alteration and repair of
10 buildings.

11 (7) "Local enforcement agency" means the agency or agencies
12 of local government with authority to make inspections and to
13 enforce the laws, ordinances and regulations enacted by the
14 State and by local governments that establish standards and
15 requirements applicable to the construction, alteration or
16 repair of buildings.

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

20 (9) "Manufacturing facilities" means the place or places at
21 which machinery, equipment and other capital goods are assembled
22 and operated for the purpose of making, fabricating,
23 constructing, forming or assembling industrialized housing or
24 housing components.

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

28 (11) "Person" means any individual or organized group of any
29 character, including partnerships, corporations and other forms
30 of association, as well as Federal, State or local

1 instrumentalities, political subdivisions or officers thereof.

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

4 Section 4. Regulations, Insignia of Certification

5 Required.--(a) No person may sell, lease or install for use in
6 the Commonwealth of Pennsylvania any industrialized housing or
7 housing components manufactured after the effective date of the
8 duly promulgated rules and regulations adopted by the department
9 pursuant to section 5 of this act unless such industrialized
10 housing or housing components bear insignia of certification
11 issued by the department. The prohibition on installation shall
12 not apply to the installation of industrialized housing units or
13 housing components intended for prototype, experimental, or
14 demonstration purposes in or on a site designated as a test
15 facility, except that such units shall not be sold or leased
16 unless they bear insignia of certification issued by the
17 department.

18 (b) The department is hereby authorized to enter into
19 interdepartmental agreements for the purposes of administration
20 of this act.

21 (c) The department may issue insignia of certification to
22 any industrialized housing or housing components manufactured
23 prior to the effective date of the duly promulgated rules and
24 regulations adopted by the department pursuant to section 5 of
25 this act if such industrialized housing or housing components
26 comply with the standards established by such rules and
27 regulations.

28 (d) All industrialized housing or housing components
29 manufactured prior to the effective date of the duly promulgated
30 rules and regulations adopted by the department pursuant to

1 section 5 of this act and not carrying the insignia of
2 certification may be sold, leased or installed in any
3 municipality of the Commonwealth subject to any and all local
4 ordinances, regulations, building codes, and special local
5 requirements.

6 (e) Except in cases of waterline connections to their main
7 source of supply; sewer drainage line connections to main sewers
8 or cesspools; or electrical line connections to their main
9 source of power, all industrialized housing or housing
10 components bearing an insignia of certification pursuant to the
11 requirements of this section shall be deemed to comply with the
12 requirements of all building and related codes and ordinances
13 enacted by any local government of the Commonwealth thereof
14 applicable to housing and/or home building in construction,
15 plumbing, heating, electrical, and other related codes
16 pertaining to such construction, and equipment contained within
17 and including the exterior walls of such industrialized housing.

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

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

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

30 (i) Nothing in this act shall be construed as amending,

1 repealing or superseding any local zoning ordinance, subdivision
2 regulation, or any related locally adopted land development
3 code, regulation or ordinance.

4 Section 5. Promulgation of Rules and Regulations by the
5 Department.--(a) The department, in consultation with the
6 Industrialized Housing Advisory Commission shall promulgate
7 rules and regulations to interpret and make specific the
8 provisions of this act. Such rules and regulations adopted,
9 amended, repealed and substituted from time to time pursuant to
10 this section shall assure the health, safety and welfare of the
11 people of Pennsylvania by requiring safe and sanitary industrial
12 housing and shall include provisions imposing requirements
13 reasonably consistent with recognized and accepted model codes.
14 The department shall adopt such other rules and regulations as
15 are necessary to carry out the provisions of this act. Such
16 rules and regulations shall be consistent with the act of June
17 4, 1945 (P.L.1388), known as the "Administrative Agency Law." No
18 portion of this act or any code, or rules and regulations
19 adopted, amended, repealed or substituted as provided herein,
20 which limits the work to be performed to any type of
21 construction contractor, or labor or mechanic classification
22 shall be adopted or enforceable by the department.

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

29 Section 6. Recognition of Certification of Other States or
30 the Federal Government.--The department may issue insignia of

1 certification to industrialized housing or housing components
2 that have been certified by the United States Department of
3 Housing and Urban Development or competent authority within
4 other states if the department finds that such certification is
5 granted on the basis of standards substantially equivalent to
6 the provisions promulgated under section 5 of this act.

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

11 Section 8. Establishment of an Industrialized Housing
12 Advisory Commission.-- There is hereby established an
13 Industrialized Housing Advisory Commission. The department shall
14 consult with and obtain advice of the Industrialized Housing
15 Advisory Commission in the drafting and promulgation of rules
16 and regulations to be adopted in accordance with section 5 of
17 this act. The commission shall consist of fifteen members
18 appointed by the Governor by and with the advice and consent of
19 two-thirds of the members of the Senate. The members initially
20 appointed shall serve for the following terms: five members for
21 a term of one year, five members for a term of two years and
22 five members for a term of three years. The particular term of
23 each member shall be designated by the Governor at the time of
24 appointment. The terms of all their successors shall be three
25 years each, except that any person appointed to fill a vacancy
26 shall serve only for the unexpired term. Every member's term
27 shall extend until his successor is appointed and qualified.
28 Any member of the commission shall be eligible for
29 reappointment. The members of the commission shall not receive
30 compensation for their services as members, but shall receive

1 reimbursement for all necessary expenses incurred in connection
2 with the performance of their duties as members. The department
3 may supply such staff as requested by the commission.

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

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

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

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

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

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