

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1124 Session of
1981

INTRODUCED BY KUSSE, HOWARD AND ROMANELLI, OCTOBER 8, 1981

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
APRIL 19, 1982

AN ACT

1 Establishing standards for the body and frame design and
2 construction and the installation of plumbing, heating and
3 electrical systems for manufactured homes; defining terms;
4 requiring manufactured homes to bear a label issued by the
5 United States Department of Housing and Urban Development;
6 providing for the administration of the act; providing for
7 enforcement and penalties; and making a repeal.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Short title.

11 This act shall be known and may be cited as the "Manufactured
12 Housing Construction and Safety Standards Authorization Act."

13 Section 2. Definitions.

14 The following words and phrases when used in this act shall
15 have, unless the context clearly indicates otherwise, the
16 meanings given to them in this section:

17 "Dealer." Any person engaged in the sale, leasing or
18 distribution of new manufactured homes primarily to persons who
19 in good faith purchase or lease a manufactured home for purposes

1 other than resale.

2 "Department." The Department of Community Affairs of the
3 Commonwealth of Pennsylvania.

4 "Distributor." Any person engaged in the sale and
5 distribution of manufactured homes for resale.

6 "Label." The form of certification required by the United
7 States Department of Housing and Urban Development to be
8 permanently affixed to each transportable section of each
9 manufactured home manufactured for sale to a purchaser in the
10 United States. Such label is certification by the manufacturer
11 that the manufactured home conforms to all applicable Federal
12 construction and safety standards.

13 "Manufacturer." Any person engaged in manufacturing or
14 assembling manufactured homes, including any person engaged in
15 importing manufactured homes for resale.

16 "Manufactured home." A structure, transportable in one or
17 more sections, which, in the traveling mode, is eight body feet
18 or more in width, or 40 body feet or more in length, or, when
19 erected on site, is 320 or more square feet and which is built
20 on a permanent chassis and designed to be used as a dwelling
21 with or without a permanent foundation when connected to the
22 required utilities and includes the plumbing, heating, air
23 conditioning and electrical systems contained therein. The term
24 shall include any structure which meets all the requirements of
25 this paragraph except the size requirements and with respect to
26 which the manufacturer voluntarily files a certification
27 required by the United States Department of Housing and Urban
28 Development and complies with the standards established under
29 this act.

30 "Manufactured home standards." The manufactured home

1 construction and safety standards adopted pursuant to the
2 National Manufactured Home Construction and Safety Standards Act
3 of 1974, (P.L.96-399), (94 Stat.1641), as amended.

4 "Person." An individual, partnership, company, corporation
5 or association engaged in manufacturing or selling manufactured
6 homes.

7 "Municipality." Any county, city, borough, incorporated
8 town, township, home rule charter or optional plan municipality
9 or any similar general purpose unit of government which may be
10 created by the General Assembly with authority to establish
11 standards and requirements applicable to the construction,
12 installation, alteration and repair of buildings.

13 Section 3. Establishment of manufactured home standards.

14 (a) All manufactured homes manufactured and sold or offered
15 for sale in this Commonwealth, or manufactured in this
16 Commonwealth and sold or offered for sale outside of the
17 Commonwealth shall meet the manufactured home construction and
18 safety standards adopted by the United States Department of
19 Housing and Urban Development pursuant to the National
20 Manufactured Home Construction and Safety Standards Act of 1974,
21 as amended. In addition, the manufactured homes shall comply
22 with any additional standards determined by the department to be
23 necessary to reduce personal injuries and deaths, to reduce
24 insurance costs and property damage resulting from accidents, or
25 to improve the quality and durability of manufactured homes when
26 no construction or safety standard has been established by the
27 United States Department of Housing and Urban Development to
28 deal with a construction or safety issue identified by the
29 department.

30 (b) The department may adopt regulations necessary to carry

1 out the provisions of this act. If the manufactured home
2 construction and safety standards adopted by the United States
3 Department of Housing and Urban Development, or any section,
4 part or provisions thereof, is changed, altered or amended, the
5 department may adopt regulations which are reasonably consistent
6 with or identical to the standards, as changed, altered or
7 amended.

8 (c) The department shall hold hearings on the regulations
9 proposed to be adopted, amended or repealed in accordance with
10 the provisions of and no regulation shall be effective unless
11 adopted pursuant to the act of July 31, 1968 (P.L.769, No.240),
12 referred to as the Commonwealth Documents Law.

13 Section 4. Effect of standards.

14 (a) Except in cases of waterline connections to their main
15 source of supply, sewer drainage line connections to main sewers
16 or cesspools or electrical line connections to their main source
17 of power, a manufactured home bearing a label affixed pursuant
18 to the requirements of this act shall be deemed to comply with
19 all ordinances, regulations or building codes, or special local
20 requirements enacted by any municipality applicable to the body
21 and frame design and construction and installation of plumbing,
22 heating and electrical systems within and including the exterior
23 walls of the manufactured home.

24 (b) Nothing in this act shall be construed as amending or
25 repealing any of the provisions of the act of April 27, 1927
26 (P.L.465, No.299), entitled, as amended, "An act to provide for
27 the safety of persons employed, housed, or assembled in certain
28 buildings and structures not in cities of the first class,
29 second class, and second class A, by requiring certain
30 construction and ways of egress, equipment, and maintenance;

1 providing for the licensing of projectionists, except in cities
2 of the first class and second class; requiring the submission of
3 plans for examination and approval; providing for the
4 promulgation of rules and regulations for the enforcement of
5 this act; providing for the enforcement of this act by the
6 Department of Labor and Industry and, in certain cases, by the
7 chiefs of fire departments in cities of the third class;
8 providing penalties for violations of the provisions of this
9 act; and repealing certain acts."

10 (c) Nothing in this act shall be construed as amending,
11 repealing or superseding any municipal zoning ordinance,
12 subdivision and land development ordinance of any other
13 municipal ordinance, regulation or code pertaining to the use
14 and development of land.

15 Section 5. Label required; violations.

16 (a) Following the effective date of this act, no person may
17 sell or offer for sale in this Commonwealth or manufacture
18 within this Commonwealth and sell or offer for sale outside this
19 Commonwealth any manufactured home unless it bears a label
20 certifying that such manufactured home meets or exceeds the
21 manufactured home standards and department regulations
22 established by this act. Such label shall be displayed in the
23 manner prescribed by the United States Department of Housing and
24 Urban Development.

25 (b) No person may affix a label to any manufactured home
26 which does not meet or exceed the requirements of the
27 manufactured home standards and department regulations
28 established by this act.

29 Section 6. Fees.

30 (a) The department shall establish a monitoring inspection

1 fee in an amount authorized by the United States Department of
2 Housing and Urban Development, PURSUANT TO THE PROVISIONS OF THE <—
3 NATIONAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS ACT
4 OF 1974, P.L.96-399, 94 STAT. 1641, AS AMENDED.

5 (b) The monitoring inspection fee shall be paid by the
6 manufacturer to the United States Department of Housing and
7 Urban Development or its designee.

8 (c) The department may establish a schedule of additional
9 fees reasonably related to the costs incurred by the department
10 in the administration and enforcement of this act.

11 Section 7. Administration of act.

12 (a) The department is charged with the administration of
13 this act. It shall have the power to adopt, amend and repeal the
14 regulations referred to in section 3. The department is
15 authorized to enter into interdepartmental agreements for the
16 purposes of administration of this act. The department may enter
17 into agreements with the United States Department of Housing and
18 Urban Development to assume responsibility for enforcement of
19 the manufactured home standards and may join with other states
20 or public or private agencies for such purposes.

21 (b) Any authorized representative or employee of the
22 department, at reasonable times, may enter any factory,
23 warehouse or establishment in the Commonwealth in which
24 manufactured homes are manufactured, stored or held for sale,
25 for the purpose of ascertaining whether the requirements of this
26 act and the regulations of the department have been and are
27 being met.

28 (c) No person may interfere, obstruct or hinder an
29 authorized representative of the department in the performance
30 of his duties as set forth in the provisions of this act.

1 (d) Each manufacturer, distributor and dealer of
2 manufactured homes shall establish and maintain such records,
3 make such reports and provide such information as the department
4 or the United States Department of Housing and Urban Development
5 may reasonably require to be able to determine whether such
6 manufacturer, distributor or dealer has acted and is acting in
7 compliance with this act and the department regulations. Upon
8 request of a person duly designated by the department, each
9 manufacturer, distributor or dealer of manufactured homes shall
10 permit such person to inspect appropriate books, papers, records
11 and documents relative to determining whether such manufacturer,
12 distributor or dealer has acted and is acting in compliance with
13 this act and the department regulations.

14 Section 8. Consumer protection.

15 The department is authorized to receive, investigate and act
16 upon complaints relating to noncompliance with the National
17 Manufactured Home Construction and Safety Standards Act of 1974,
18 as amended, and the standards and regulations adopted or
19 approved thereunder. The department shall adopt regulations
20 establishing procedures and criteria necessary to carry out the
21 provisions of this section.

22 Section 9. Penalties.

23 (a) Any person who violates or fails to comply with any
24 provisions of the National Manufactured Home Construction and
25 Safety Standards Act of 1974, as amended, this act or any
26 regulation or final order issued thereunder shall be liable for
27 a civil penalty not to exceed \$1,000 for each violation. Each
28 violation of the National Manufactured Home Construction and
29 Safety Standards Act of 1974, this act, or any regulation or
30 order issued under either this act or the National Manufactured

1 Home Construction and Safety Standards Act of 1974, shall
2 constitute a separate violation with respect to each
3 manufactured home or with respect to each failure or refusal to
4 allow or perform an act required thereby, except that the
5 maximum civil penalty shall not exceed \$1,000,000 for any
6 related series of violations occurring within one year from the
7 date of the first violation.

8 (b) Any individual, or a director, officer or agent of a
9 corporation who knowingly and willfully violates the provisions
10 of this act or section 610 of the National Manufactured Home
11 Construction and Safety Standards Act of 1974 in a manner which
12 threatens the health and safety of any purchaser shall be fined
13 not more than \$1,000 or imprisoned not more than one year, or
14 both.

15 Section 10. Repealer.

16 The act of May 11, 1972 (P.L.281, No.69), known as the
17 "Uniform Standards Code for Mobile Homes," is hereby repealed.

18 Section 11. Effective date.

19 This act shall take effect immediately.