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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1124 Session of  
1981

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

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REFERRED TO URBAN AFFAIRS AND HOUSING, OCTOBER 8, 1981

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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  
20 other than resale.

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

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

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

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

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

29 "Manufactured home standards." The manufactured home  
30 construction and safety standards adopted pursuant to the

1 National Manufactured Home Construction and Safety Standards Act  
2 of 1974, (P.L.96-399), (94 Stat.1641), as amended.

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

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

12 Section 3. Establishment of manufactured home standards.

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

29 (b) The department may adopt regulations necessary to carry  
30 out the provisions of this act. If the manufactured home

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

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

12 Section 4. Effect of standards.

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

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

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

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

14 Section 5. Label required; violations.

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

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

28 Section 6. Fees.

29 (a) The department shall establish a monitoring inspection  
30 fee in an amount authorized by the United States Department of

1 Housing and Urban Development.

2 (b) The monitoring inspection fee shall be paid by the  
3 manufacturer in the United States Department of Housing and  
4 Urban Development or its designee.

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

8 Section 7. Administration of act.

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

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

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

28 (d) Each manufacturer, distributor and dealer of  
29 manufactured homes shall establish and maintain such records,  
30 make such reports and provide such information as the department

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

11 Section 8. Consumer protection.

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

19 Section 9. Penalties.

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

1 allow or perform an act required thereby, except that the  
2 maximum civil penalty shall not exceed \$1,000,000 for any  
3 related series of violations occurring within one year from the  
4 date of the first violation.

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

12 Section 10. Repealer.

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

15 Section 11. Effective date.

16 This act shall take effect immediately.