
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1929 Session of
2003

INTRODUCED BY PERZEL, DeWEESE, ALLEN AND BELFANTI,
SEPTEMBER 8, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 26, 2004

AN ACT

1 Providing for the regulation of THE INSTALLATION OF manufactured <—
2 housing and for the powers and duties of the Department of
3 Community and Economic Development.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Manufactured
8 Housing Improvement Act.

9 Section 2. Legislative findings and purpose.

10 The General Assembly finds as follows:

11 (1) Manufactured housing plays a vital role in meeting
12 the housing needs of the citizens of this Commonwealth.

13 (2) The Congress of the United States amended the
14 National Manufactured Housing Construction and Safety
15 Standards Act of 1974 (Public Law 93-383, 42 U.S.C. § 5401 et
16 seq.) in 2000 to provide for the establishment of practical,
17 uniform and, to the extent possible, performance-based
18 construction standards for manufactured homes.

1 (3) The 2000 amendments to the National Manufactured
2 Housing Construction and Safety Standards Act of 1974 seek to
3 ensure uniform and effective enforcement of Federal safety
4 standards for the installation of manufactured homes and
5 require that by 2005 each state implement an installation
6 program that meets certain requirements.

7 ~~(4) To date, neither the General Assembly nor a~~ <—
8 ~~Commonwealth agency has enacted or implemented standards in~~
9 ~~compliance with the 2000 amendments to the National~~
10 ~~Manufactured Housing Construction and Safety Standards Act of~~
11 ~~1974.~~

12 (4) THE ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN <—
13 AS THE PENNSYLVANIA CONSTRUCTION CODE ACT, AND THE UNIFORM
14 CONSTRUCTION CODE GOVERN THE CONSTRUCTION, ALTERATION, REPAIR
15 AND OCCUPANCY OF ALL BUILDINGS IN THIS COMMONWEALTH.

16 (5) THE COMMONWEALTH SHALL COMPLY WITH THE 2000
17 AMENDMENTS TO THE NATIONAL MANUFACTURED HOUSING CONSTRUCTION
18 AND SAFETY STANDARDS ACT OF 1974.

19 ~~(5)~~ (6) It is the intent of the General Assembly and the <—
20 purpose of this act:

21 (i) ~~To eliminate unnecessary duplication of effort~~ <—
22 ~~by Commonwealth agencies~~ FOSTER COOPERATION BETWEEN <—
23 COMMONWEALTH AGENCIES AND BUILDING CODE OFFICIALS as it
24 relates to the installation and inspection of the
25 installation of manufactured housing.

26 (ii) To provide for compliance with 2000 amendments
27 to the National Manufactured Housing Construction and
28 Safety Standards Act of 1974 by ~~assigning the~~ <—
29 ~~responsibility to the Department of Community and~~
30 ~~Economic Development.~~ PASSAGE OF THIS ACT. <—

1 (iii) To require ~~that within 270 days of the~~ <—
2 ~~effective date of this act,~~ the Department of Community
3 and Economic Development TO meet with affected parties <—
4 and publish final form regulations concerning the
5 ~~installation of manufactured homes, the training and~~ <—
6 ~~licensing of manufactured home installers and the~~
7 ~~inspection of the installation of manufactured homes.~~

8 TRAINING AND CERTIFICATION OF NEW MANUFACTURED HOME <—
9 INSTALLERS.

10 (IV) TO CLARIFY THE ROLE OF THE DEPARTMENT AND
11 BUILDING CODE OFFICIALS WITH RESPECT TO THE INSTALLATION
12 AND THE INSPECTION OF THE INSTALLATION OF MANUFACTURED
13 HOUSING.

14 Section 3. Definitions.

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

18 "BUILDING CODE OFFICIAL." A CONSTRUCTION CODE OFFICIAL <—
19 CERTIFIED OR REGISTERED WITH THE DEPARTMENT OF LABOR AND
20 INDUSTRY, OR THE BUILDING CODE OFFICIAL'S DESIGNEE WHO MANAGES,
21 SUPERVISES AND ADMINISTERS BUILDING UNIFORM CONSTRUCTION CODE
22 ENFORCEMENT ACTIVITIES. THE OFFICIAL'S DUTIES SHALL INCLUDE ALL
23 OF THE FOLLOWING:

- 24 (1) MANAGEMENT OF BUILDING CODE ENFORCEMENT ACTIVITIES;
25 (2) SUPERVISION OF BUILDING INSPECTORS OR PLAN
26 EXAMINERS;
27 (3) AUTHORIZING ISSUANCE OF CERTIFICATES OF OCCUPANCY;
28 (4) ISSUANCE OF BUILDING PERMITS, VIOLATION NOTICES AND
29 ORDERS TO VACATE; AND
30 (5) INITIATION OF PROSECUTIONS.

1 "Department." The Department of Community and Economic
2 Development of the Commonwealth.

3 "Installation." All activities required to assure the proper
4 onsite completion of fully integrated NEW manufactured home
5 construction, including, but not limited to: <—

6 (1) site preparation, installation, finishing and
7 assembly of components;

8 (2) support and foundations; and

9 (3) attachment, stabilization and connection of
10 plumbing, electrical and mechanical subsystems contained
11 within or attached thereto,

12 ~~compliant~~ CONSISTENT with the manufacturer's approved design, <—

13 ~~that~~ WHICH renders the home in full conformance with the <—

14 manufacturer's label of certification and conforms to all

15 standards required by ~~this act~~. THE NATIONAL MANUFACTURED <—

16 HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974 (PUBLIC

17 LAW 93-383, 42 U.S.C. § 5401 ET SEQ.). THE TERM DOES NOT INCLUDE

18 SITE GRADING OR UTILITY CONNECTIONS.

19 "Installer." A person who ~~contracts with the purchaser for~~ <—
20 ~~any portion or all of the onsite completion and installation of~~

21 ~~a manufactured home under contract or connected by agency with~~

22 ~~the manufacturer, retailer or builder~~. IS CERTIFIED BY THE <—

23 DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO PERFORM

24 ONSITE COMPLETION AND INSTALLATION OF A NEW MANUFACTURED HOME

25 AND WHO PERFORMS WORK UNDER CONTRACT WITH THE PURCHASER AS THE

26 AGENT OF THE MANUFACTURER, RETAILER OR BUILDER, OR AS THE

27 PURCHASER OF THE MANUFACTURED HOME.

28 "MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS." THE

29 FEDERAL REGULATIONS CONCERNING MANUFACTURED HOME CONSTRUCTION

30 AND SAFETY CODIFIED AT 24 CFR PT. 3280 (RELATING TO

1 MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS).

2 "Manufactured housing" or "manufactured home." A
3 manufactured home as defined under section 603 of the National
4 Manufactured Housing Construction and Safety Standards Act of
5 1974 (Public Law 93-383, 42 U.S.C. § 5402).

6 "MANUFACTURER'S APPROVED DESIGN." THE BUILDING DESIGN <—
7 APPROVED BY A MANUFACTURER'S DESIGN APPROVAL PRIMARY INSPECTION
8 AGENCY.

9 "PENNSYLVANIA CONSTRUCTION CODE ACT." THE ACT OF NOVEMBER
10 10, 1999 (P.L.491, NO.45), KNOWN AS THE PENNSYLVANIA
11 CONSTRUCTION CODE ACT, AND ANY REGULATION PROMULGATED UNDER THAT
12 ACT.

13 "UNIFORM CONSTRUCTION CODE." THE UNIFORM CONSTRUCTION CODE
14 ADOPTED UNDER SECTION 301 OF THE ACT OF NOVEMBER 10, 1999
15 (P.L.491, NO.45), KNOWN AS THE PENNSYLVANIA CONSTRUCTION CODE
16 ACT.

17 Section 4. Application of act.

18 ~~(a) General rule. This act shall be the exclusive law <—~~
19 ~~authorizing the promulgation of regulations governing the~~
20 ~~installation of manufactured homes, the training and licensing~~
21 ~~of manufactured home installers and the inspection of the~~
22 ~~installation of manufactured homes in this Commonwealth. The~~
23 ~~regulations adopted by the department implementing this~~
24 ~~legislation shall supersede and preempt all other laws and~~
25 ~~regulations in this regard.~~

26 ~~(b) Exclusion. This act shall not apply to manufactured~~
27 ~~homes installed prior to the effective date of this act.~~

28 THE ACT SHALL APPLY TO NEW MANUFACTURED HOMES INSTALLED AFTER <—
29 THE EFFECTIVE DATE OF THIS ACT AND IN ACCORDANCE WITH SECTION 6.

30 Section 5. Departmental duties.

1 (a) Invitation for comments.--The department shall invite
2 comments, from entities involved in the manufactured housing <—
3 industry, owners of ~~manufactured homes~~ NEW MANUFACTURED HOMES, <—
4 and third-party agencies, concerning the promulgation of <—
5 regulations governing the installation of ~~manufactured homes,~~ <—
6 ~~the training and licensing of manufactured home installers and~~
7 ~~the inspection of the installation of manufactured homes in this~~
8 Commonwealth.

9 ~~(b) Regulations.—~~

10 ~~(1) Within 270 days of the effective date of this act,~~
11 ~~the department shall promulgate regulations governing:~~

12 ~~(i) The installation of manufactured homes.~~

13 ~~(ii) The training and licensing of manufactured home~~
14 ~~installers.~~

15 ~~(iii) The inspection of the installation of~~
16 ~~manufactured homes in this Commonwealth.~~

17 ~~(iv) The training of those persons who inspect the~~
18 ~~installation of manufactured homes in this Commonwealth.~~

19 ~~(v) The issuance of a warning, suspension,~~
20 ~~revocation or monetary fine against persons who violate~~
21 ~~the regulations of the department promulgated under this~~
22 ~~act.~~

23 ~~(2) The regulations shall, at the discretion of the~~
24 ~~department, satisfy the criteria established by the National~~
25 ~~Manufactured Housing Construction and Safety Standards Act of~~
26 ~~1974 (Public Law 93-383, 42 U.S.C. § 5401 et seq.).~~ NEW <—
27 MANUFACTURED HOMES, AND THE TRAINING AND CERTIFICATION OF NEW
28 MANUFACTURED HOME INSTALLERS.

29 (B) REGULATIONS.--THE DEPARTMENT SHALL PROMULGATE
30 REGULATIONS GOVERNING:

1 (1) THE TRAINING AND CERTIFICATION OF NEW MANUFACTURED
2 HOME INSTALLERS.

3 (2) THE TRAINING OF THOSE PERSONS WHO INSPECT THE
4 INSTALLATION OF NEW MANUFACTURED HOMES IN THIS COMMONWEALTH.

5 (3) THE ISSUANCE OF A WARNING, SUSPENSION, REVOCATION OR
6 MONETARY FINE AGAINST PERSONS WHO VIOLATE THE REGULATIONS OF
7 THE DEPARTMENT PROMULGATED UNDER THIS ACT.

8 (c) Fees.--The department shall determine and approve
9 reasonable fees for educational programs, testing and
10 certification of those persons ~~licensed~~ CERTIFIED to install and <—
11 inspect the installation of NEW manufactured homes in this <—
12 Commonwealth.

13 ~~Section 6. Repeal.~~ <—

14 ~~All acts and parts of acts are repealed insofar as they are~~
15 ~~inconsistent with this act.~~

16 SECTION 6. INSPECTION OF INSTALLATION OF NEW MANUFACTURED <—
17 HOMES.

18 (A) PERMITS.--PERMITS ARE REQUIRED UNDER THE UNIFORM
19 CONSTRUCTION CODE FOR THE INSTALLATION AND OCCUPANCY OF
20 MANUFACTURED HOUSING.

21 (B) INSTALLATION.--A NEW MANUFACTURED HOME SHALL BE
22 INSTALLED IN CONFORMITY WITH THE MANUFACTURER'S APPROVED DESIGN
23 APPLICABLE TO THE PARTICULAR HOME. CONSTRUCTION ACTIVITIES OR
24 PROCESSES NOT ADDRESSED BY THE MANUFACTURER'S APPROVED DESIGN
25 SHALL COMPLY WITH THE UNIFORM CONSTRUCTION CODE REQUIREMENT
26 RELATING TO THOSE ACTIVITIES OR PROCESSES.

27 (C) AVAILABILITY OF INSTRUCTIONS.--THE MANUFACTURER'S
28 APPROVED DESIGN SHALL BE KEPT AT THE SITE OF THE HOME AND
29 ACCESSIBLE TO THE BUILDING CODE OFFICIAL AND SHALL REMAIN WITH
30 THE HOME FOR POSSESSION BY THE PURCHASER.

1 (D) REJECTION PROHIBITED.--BUILDING CODE OFFICIALS CANNOT
2 REJECT A MANUFACTURER'S APPROVED DESIGN.

3 (E) CERTIFICATION OF INSTALLER.--THE INSTALLER SHALL CERTIFY
4 TO THE DEPARTMENT AND THE BUILDING CODE OFFICIAL THAT THE NEW
5 MANUFACTURED HOME HAS BEEN INSTALLED IN ACCORDANCE WITH THE
6 MANUFACTURER'S APPROVED DESIGN AND COMPLIES WITH ALL APPLICABLE
7 STANDARDS, INCLUDING THE UNIFORM CONSTRUCTION CODE, FOR
8 ACTIVITIES AND PROCESSES NOT COVERED BY THE MANUFACTURED HOME
9 CONSTRUCTION AND SAFETY STANDARDS.

10 (F) GOVERNANCE.--ALL OF THE FOLLOWING ACTIVITIES ARE
11 GOVERNED UNDER THE UNIFORM CONSTRUCTION CODE AND MAY NOT BE
12 GOVERNED BY THE MANUFACTURER'S APPROVED DESIGN:

13 (1) ALTERATIONS OR REPAIRS TO A MANUFACTURED HOME THAT
14 DO NOT FALL WITHIN THE MANUFACTURED HOME CONSTRUCTION AND
15 SAFETY STANDARDS AND THE MANUFACTURER'S INSTALLATION
16 INSTRUCTIONS AFTER ASSEMBLY AND SHIPMENT BY THE MANUFACTURER.

17 (2) ADDITIONS TO A MANUFACTURED HOME AFTER DELIVERY TO
18 THE SITE.

19 (3) CONSTRUCTION, ALTERATION, REPAIR OR CHANGE OF
20 OCCUPANCY IF A MANUFACTURED HOME IS RESOLD TO A SUBSEQUENT
21 PURCHASER.

22 (4) CONSTRUCTION, ALTERATION, REPAIR OR CHANGE OF
23 OCCUPANCY IF THE ORIGINAL PURCHASER RELOCATES THE
24 MANUFACTURED HOME.

25 (5) UTILITY CONNECTIONS.

26 (6) GRADING.

27 SECTION 7. REPEAL.

28 THE FOLLOWING SHALL APPLY:

29 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), ALL ACTS AND
30 PARTS OF ACTS ARE REPEALED INSOFAR AS THEY ARE INCONSISTENT

1 WITH THIS ACT.

2 (2) THE ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN
3 AS THE PENNSYLVANIA CONSTRUCTION CODE ACT, IS NOT REPEALED BY
4 THIS ACT.

5 Section 7 8. Effective date.

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6 This act shall take effect immediately.