

# PROPOSED RULEMAKINGS

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[ 12 PA. CODE CH. 149 ]

### Manufactured Housing Improvement Program

The Department of Community and Economic Development (Department), under the authority in section 5 of the Manufactured Housing Improvement Act (act) (35 P.S. § 1658.5), proposes to amend Chapter 149 (relating to manufactured housing improvement program) to read as set forth in Annex A. The purpose of this proposed rulemaking is to establish an installation and construction standard for relocated manufactured homes being installed in this Commonwealth.

#### *Introduction*

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426) was amended in 2000 to ensure uniform and effective enforcement of Federal safety standards for the installation of manufactured homes and to require that states implement an installation program. The Pennsylvania Construction Code Act (35 P.S. §§ 7210.101—7210.1103) governs the construction, alteration, repair and occupancy of all buildings in this Commonwealth. The act was passed in 2004 to govern the installation of manufactured housing and amended in 2012 to expand the coverage of the act to relocated manufactured housing. The amendments to the act require the Department to promulgate regulations to establish an installation and construction (habitability) standard for manufactured homes previously installed that are now being relocated to a site in this Commonwealth. Currently there are not clear standards for the manufactured housing industry or local code officials to follow for proper handling of relocated manufactured homes. This proposed rulemaking will enable the Department to develop and publish these standards or guides.

#### *Analysis*

The definition of “relocated manufactured home” is proposed to be added to § 149.1 (relating to definitions).

“New” is proposed to be deleted from § 149.2(1)—(5) (relating to purpose) so that this section includes new and relocated manufactured homes. The proposed amendment to paragraph (4) explains how the Department may provide alternative installation instructions in cases when the original installation instructions are not available.

Proposed amendments to § 149.3 (relating to installation standard for new manufactured homes) concern new manufactured home installation. Clarifying language is proposed to be added to paragraphs (b)—(d) to better illustrate the initial intent of the regulation.

Proposed § 149.3a (relating to installation and construction standards for relocated manufactured homes) addresses the various options for the installation of relocated manufactured homes and establishes the procedures to assess compliance for the original construction and safety standard applicable to the construction of homes.

Proposed amendments to § 149.5 (relating to building code official training) will ensure that code officials receive training on relocated manufactured homes as well as new manufactured homes.

Proposed amendments to § 149.6 (relating to Certificate of Compliance) better illustrate the initial intent of the regulation in regard to the limitations to the Certificate of Compliance form that is completed by the installer and that the form does not need to be provided to the Department for relocated manufactured homes.

#### *Fiscal Impact*

##### *Commonwealth*

The impact upon the Commonwealth is negligible. This expansion of the manufactured housing improvement program will increase demand for trained and certified installers, which through the training and certification fees collected by the Department will be sufficient to address additional clerical or recordkeeping costs.

##### *Political subdivisions*

There is not a fiscal impact upon political subdivisions in this Commonwealth.

##### *Public*

The manufactured housing improvement program has been estimated to add \$41 to the cost of each manufactured home sited in this Commonwealth. It is assumed that this will also be true for relocated manufactured homes.

##### *Paperwork*

The proposed rulemaking will require manufactured home installers to complete a Certificate of Compliance form upon completion of each relocated manufactured home installation that will be submitted to the building code official and homeowner.

##### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 24, 2013, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Commerce Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

##### *Effective Date/Sunset Date*

The proposed rulemaking will become effective 90 days after final-form publication in the *Pennsylvania Bulletin*. A sunset date has not been assigned.

##### *Contact Person*

Interested persons are invited to submit in writing, within 30 days from the date of publication in the

Pennsylvania Bulletin, comments, suggestions or objections regarding the proposed rulemaking to Mark Conte, Chief, Housing Standards Division, Office of Community Development, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120, (717) 720-7416.

C. ALAN WALKER, Secretary

Fiscal Note: 4-96. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

Subpart C. COMMUNITY DEVELOPMENT AND HOUSING

CHAPTER 149. MANUFACTURED HOUSING IMPROVEMENT PROGRAM

§ 149.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

Purchaser—The first person purchasing a new manufactured home for purposes other than resale.

Relocated manufactured home—As defined in section 3 of the act.

Retailer—A person engaged in the sale, leasing or distribution of a new manufactured home directly to a purchaser.

\* \* \* \* \*

§ 149.2. Purpose.

This chapter interprets and makes specific the provisions of the act. This chapter establishes administrative procedures for the implementation of the act, which comply with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ [ 5404 ] 5401—5426) and the Manufactured Home Construction and Safety Standards. More specifically, this chapter is intended to achieve the following objectives:

(1) Designate appropriate training programs for those persons that install [ new ] manufactured homes, to provide them with a thorough understanding of manufactured home construction and to assure that the manufactured homes they install comply with the act, the Manufactured Home Construction and Safety Standards and the UCC, as applicable.

(2) Establish a system to certify those persons who successfully complete the training program as installers of [ new ] manufactured homes.

(3) Provide training for those persons who inspect [ new ] manufactured home installations under the act, the Manufactured Home Construction and Safety Standards and the UCC.

(4) Provide that [ new ] manufactured home construction, installations and completion onsite be performed in a manner consistent with the home manufacturer's DAPIA approved designs and provide suitable alterna-

tives when the manufacturer's approved designs are not available for a relocated manufactured home.

(5) Establish a mechanism to verify to the Department, building code officials and purchasers that [ new ] manufactured homes are completed and installed by an installer of manufactured homes who was certified by the Department and that the homes comply with the Manufactured Home Construction and Safety Standards and applicable building codes.

\* \* \* \* \*

§ 149.3. Installation standard for new manufactured homes.

\* \* \* \* \*

(b) In accordance with the Manufactured Housing Construction and Safety Standards Act of 1974, a new manufactured home shall be installed consistent with the manufacturer's approved design. The manufacturer's approved design must be current, complete, easily understood and compatible with the home being installed. The manufacturer's approved design must fully address the support, attachment, assembly and all other aspects of manufactured home construction and installation to assure that the manufactured home performs as a fully integrated structure and complies with all elements of the Manufactured Home Construction and Safety Standards. Elements of installation and foundation construction not addressed in the Manufactured Home Construction and Safety Standards must be in compliance with the UCC.

(c) A design other than the manufacturer's approved design may not be utilized in the [ installation ] support, stabilization and assembly of a new manufactured home without authorization of the manufacturer and evaluation and approval by the manufacturer's DAPIA.

(d) A building code official may not reject a manufacturer's approved design applicable to a particular home for any reason, including, but not limited to, the fact that the material was not reviewed, approved, sealed or certified by an engineer, architect or similar person licensed in this Commonwealth. If a building code official believes a manufacturer's approved design was approved by a DAPIA in error, or questions the validity of a manufacturer's approved design, the building code official may contact the Department, which will investigate the matter.

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

§ 149.3a. Installation and construction standards for relocated manufactured homes.

(a) The following installation standards for relocated manufactured homes are acceptable:

(1) The installation standard established under § 149.3 (relating to installation standard for new manufactured homes).

(2) When the installation standard required under § 149.3(a) is not available for the installation of a relocated manufactured home, the following may be utilized as an acceptable alternative:

(i) Pennsylvania Installation Guidelines for Relocated Manufactured Homes published by the Department.

(ii) Option A, B and D of the Pennsylvania Field Guide: Foundation Systems for Relocated Manufactured Housing

published by the Pennsylvania Housing Research/Resource Center at the Pennsylvania State University.

(iii) In land lease communities, Option C of the *Pennsylvania Field Guide: Foundation Systems for Relocated Manufactured Housing* published by the Pennsylvania Housing Research/Resource Center at the Pennsylvania State University.

(3) The Department may develop and publish criteria that may be used to evaluate the adequacy of foundations already existing in land lease communities for the installation of relocated manufactured homes.

(b) The Pennsylvania Habitability Guide for Relocated Manufactured Homes shall be utilized to determine if a manufactured home remains in compliance with the Manufactured Home Construction and Safety Standards to which it was originally designed and constructed. The Habitability Guide Checklist shall be completed and submitted to the building code official as a part of the building permit process.

**§ 149.5. Building code official training.**

(a) The Department will develop or designate acceptable workshops and training programs for those persons that inspect the installation of [ **new** ] manufactured homes. The Department will annually review the content of the workshops or training programs.

\* \* \* \* \*

(e) Building code officials who inspect the installation of [ **new** ] manufactured homes shall successfully complete a workshop or training program approved by the Department and shall do so every 3 years to continue inspecting the installation of [ **new** ] manufactured homes.

\* \* \* \* \*

**§ 149.6. Certificate of Compliance.**

(a) Upon completion of the installation of a [ **new** ] manufactured home, an installer shall complete a Certificate of Compliance. A Certificate of Compliance may [ **not** ] only reference items that are [ **not part of the manufacturer’s approved design or covered by the**

**Manufactured Home Construction and Safety Standards ] addressed in § 149.3 or § 149.3a (relating to installation standard for new manufactured homes; and installation and construction standards for relocated manufactured homes), as applicable.**

(b) Within 5 calendar days of completion of the installation of a [ **new** ] manufactured home, the installer of the [ **new** ] manufactured home shall forward the **completed** Certificate of Compliance to the Department and the appropriate building code official [ **, if known** ]. **The duty to certify to the Department does not apply to relocated manufactured homes.**

(c) A building code official may not issue a certificate of occupancy for a [ **new** ] manufactured home until he has received a completed copy of the Certificate of Compliance [ **filed with the Department** ].

(d) The installer of a [ **new** ] manufactured home shall attach the original completed Certificate of Compliance to the installation instructions **or other documents** that **must** remain with the home or hand deliver the Certificate of Compliance and the installation instructions to the purchaser.

(e) If the manufacturer or retailer has not agreed in writing to be responsible to the purchaser for the installation of the new manufactured home prior to the execution of the sales documents, the manufacturer or retailer shall provide the purchaser with a written statement that the home shall be installed as described in § 149.3(b) and (c) [ **(relating to instillation standard)** ], and that the Certificate of Compliance shall be completed and signed by an installer certified under § 149.4(b) (relating to instillation training and certification). At that same time, the manufacturer or retailer shall provide the purchaser with a list of installers known to him or obtained from the Department. By providing the list, the manufacturer or retailer does not warrant the quality of the installers’ work, nor is the purchaser under any obligation to use any particular installer.

[Pa.B. Doc. No. 13-1031. Filed for public inspection June 7, 2013, 9:00 a.m.]