

CHAPTER 149. MANUFACTURED HOUSING IMPROVEMENT PROGRAM

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Authority

The provisions of this Chapter 149 issued under section 5 of the Manufactured Housing Improvement Act (35 P. S. § 1658.5), unless otherwise noted.

Source

The provisions of this Chapter 149 adopted June 23, 2006, effective August 23, 2006, 36 Pa.B. 3087, unless otherwise noted.

§ 149.1. Definitions.

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

Act—The Manufactured Housing Improvement Act (35 P. S. §§ 1658.1—1658.6).

Attachment—Wind storm protection accomplished by one of the following:

- (i) Securing the manufactured home to the foundation.
- (ii) An alternative system, which is approved for use by the manufacturer through its DAPIA approved design, to secure the manufactured home to the foundation.
- (iii) Other requirements of the manufacturer necessary to provide an integrated, fully compliant manufactured home.

Building code official—As defined in section 3 of the act (35 P. S. § 1658.3).

Certificate of Compliance—A form developed by the Department which bears the signature of the installer of a new manufactured home and certifies that the new manufactured home was installed in accordance with the manufacturer's approved design and complies with all nonconstruction requirements of the Uniform Construction Code, relating to the installation of a new manufactured home, which are not addressed by the Manufactured Home Construction and Safety Standards.

DAPIA—Design Approval Primary Inspection Agency as defined in the Manufactured Home Procedural and Enforcement Regulations (24 CFR 3282.361 (relating to Design Approval Primary Inspection Agency (DAPIA))).

Department—The Department of Community and Economic Development of the Commonwealth.

HUD—The United States Department of Housing and Urban Development.

Installation—As defined in section 3 of the act.

Installer—As defined in section 3 of the act.

Manufactured Home Construction and Safety Standards—As defined in section 3 of the act.

Manufactured housing or manufactured home—As defined in section 3 of the act.

Manufacturer—A person engaged in manufacturing or assembling manufactured homes, including a person engaged in importing manufactured homes for resale.

Manufacturer's approved design—

(i) As defined in section 3 of the act.

(ii) The term includes drawings, instructions, illustrations, documentation or procedures submitted by a manufacturer and approved by the manufacturer's DAPIA.

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.

UCC—Uniform Construction Code—The Uniform Construction Code adopted under section 7210.301 of the Pennsylvania Construction Code Act (35 P. S. § 7210.301).

Authority

The provisions of this § 149.1 amended under section 5 of the Manufactured Housing Improvement Act (35 P. S. § 1658.5).

Source

The provisions of this § 149.1 amended January 24, 2014, effective March 26, 2014, 44 Pa.B. 488. Immediately preceding text appears at serial pages (320227) to (320228).

§ 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. §§ 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 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 manufactured homes.

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

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

(6) Establish appropriate fees for the educational programs, testing and certification of installers of manufactured homes.

(7) Establish procedures for the Department to issue warnings, suspensions, revocations or monetary fines against persons who violate the act or this chapter.

Authority

The provisions of this § 149.2 amended under section 5 of the Manufactured Housing Improvement Act (35 P. S. § 1658.5).

Source

The provisions of this § 149.2 amended January 24, 2014, effective March 26, 2014, 44 Pa.B. 488. Immediately preceding text appears at serial pages (320228) to (320229).

§ 149.3. Installation standard for new manufactured homes.

(a) In accordance with the Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426), a manufacturer of a new manufactured home shall provide a copy of the manufacturer's approved design, which includes instructions for the installation of the new manufactured home, with each home.

(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 inte-

grated 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 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.

Authority

The provisions of this § 149.3 amended under section 5 of the Manufactured Housing Improvement Act (35 P. S. § 1658.5).

Source

The provisions of this § 149.3 amended January 24, 2014, effective March 26, 2014, 44 Pa.B. 488. Immediately preceding text appears at serial page (320229).

Cross References

This section cited in 12 Pa. Code § 149.3a (relating to installation and construction standards for relocated manufactured homes); and 12 Pa. Code § 149.6 (relating to Certificate of Compliance).

§ 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.

Source

The provisions of this § 149.3a adopted January 24, 2014, effective March 26, 2014, 44 Pa.B. 488.

Cross References

This section cited in 12 Pa. Code § 149.6 (relating to Certificate of Compliance).

§ 149.4. Installer training and certification.

(a) *Training.*

(1) The Department will develop or designate acceptable training curricula for individuals seeking certification as an installer. The Department will annually review the training curricula.

(2) Those desiring to provide training should submit an application to the Department. The application must contain the application fee, and the proposed curriculum. During the application evaluation process, the Department may request the submission of additional information from those desiring to provide training.

(3) Upon approval of a training curriculum, a training provider shall coordinate the scheduling of courses with the Department. Upon completion of each course, a training provider shall submit to the Department a list of course participants and the required fee, established in § 149.7 (relating to fees), for each participant. A training provider shall indicate on the list of course participants which participants successfully completed the course.

(4) The Department will publish annually a list of approved curriculum in the *Pennsylvania Bulletin*. Individuals seeking certification as an installer may also contact the Department to obtain a listing of the approved curriculum.

(b) *Certification.*

(1) Individuals seeking certification as an installer shall successfully complete the designated training curriculum; provide evidence of the successful completion of the designated training curriculum at the time of application; and pay the required fee, established in § 149.7, to the Department. Application shall be made on a form provided by the Department. An individual does not qualify as and may not represent himself to be an installer until the individual has received written certification from the Department.

(2) Certification as an installer is valid for 1 year from the date of issuance by the Department. Installers shall reapply for certification each year.

(3) An installer is required to successfully complete a specified training curriculum at least every 3 years.

(4) A person who has successfully completed a training curriculum approved by the Department as described in subsection (a), prior to June 24, 2006, may apply for certification as an installer in the manner provided in this section without successfully completing an additional training curriculum. However, if the training curriculum was successfully completed more than 2 years before June 24, 2006, the applicant has 12 months to comply with subparagraph (3).

Cross References

This section cited in 12 Pa. Code § 149.6 (relating to Certificate of Compliance).

§ 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 manufactured homes. The Department will annually review the content of the workshops or training programs.

(b) Those desiring to provide training should submit an application to the Department. The application must contain the proposed elements that address Manufactured Housing. During the application evaluation process, the Department may request the submission of additional information from those desiring to provide training.

(c) Upon approval of a workshop or training program, a training provider shall coordinate the scheduling of workshops or training programs. Upon completion of each workshop or training program, a training provider shall submit to the Department a list of workshop or training program participants. A training provider shall indicate on the list of workshop or training program participants which participants successfully completed the workshop or training program. A training provider shall provide each participant who successfully completed the workshop or training program with a written certificate signed by the training provider. The written certificate must specify the title of the workshop or training program and the date of successful completion.

(d) The Department will publish annually a list of approved workshops and training programs in the *Pennsylvania Bulletin*. Building code officials may also contact the Department to obtain a listing of approved workshops and training programs.

(e) Building code officials who inspect the installation of 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 manufactured homes.

(f) The Department will accept a copy of a written certificate signed by the training provider as evidence that the building code official successfully completed a workshop or training program required under subsection (e).

Authority

The provisions of this § 149.5 amended under section 5 of the Manufactured Housing Improvement Act (35 P. S. § 1658.5).

Source

The provisions of this § 149.5 amended January 24, 2014, effective March 26, 2014, 44 Pa.B. 488. Immediately preceding text appears at serial page (320231).

§ 149.6. Certificate of Compliance.

(a) Upon completion of the installation of a manufactured home, an installer shall complete a Certificate of Compliance. A Certificate of Compliance may only reference items that are 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 manufactured home, the installer of the manufactured home shall forward the completed Certificate of Compliance to the Department and the appropriate building code official. 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 manufactured home until he has received a completed copy of the Certificate of Compliance.

(d) The installer of a 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), and that the Certificate of Compliance shall be completed and signed by an installer certified under § 149.4(b) (relating to installer 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.

Authority

The provisions of this § 149.6 amended under section 5 of the Manufactured Housing Improvement Act (35 P. S. § 1658.5).

Source

The provisions of this § 149.6 amended January 24, 2014, effective March 26, 2014, 44 Pa.B. 488. Immediately preceding text appears at serial pages (320231) to (320232).

§ 149.7. Fees.

- (a) The Department will charge training providers a fee for each:
 - (1) Curriculum evaluated by the Department payable upon submission of the application.
 - (2) Person registered to participate in an approved training curriculum.
- (b) The Department will charge installers an annual fee for the issuance of an individual installer certification.
- (c) The Department will establish the fee rates by publication of a notice in the *Pennsylvania Bulletin*.

Cross References

This section cited in 12 Pa. Code § 149.4 (relating to installer training and certification).

§ 149.8. Penalties.

- (a) *General.*
 - (1) The Department may suspend or revoke the certification of any person who violates the provisions of the act or this chapter or for whom the Department receives:
 - (i) Homeowner complaints.
 - (ii) Complaints from building code officials regarding performance of duties.
 - (iii) Evidence of a conviction of moral turpitude or similar crime.
 - (iv) Information that indicates a repeated failure to properly install manufactured homes.
 - (v) Evidence of fraud.
 - (vi) Evidence of loss of licensure or certification issued by another state or HUD.
 - (vii) Evidence of a violation of the Manufactured Home Procedural and Enforcement Regulations.

(2) Persons who wish to lodge a complaint with the Department may do so by any means of communication. If the complaint is made verbally, it must be followed up in writing. Before the Department suspends or revokes a certification, the Department will provide written notification to the certified person. The Department will specify in the notification the reason for the suspension or revocation and a time and place for a hearing on the matter, to be held within thirty days of notification.

(b) Prior to the issuance of written notification of suspension or revocation to the certified person, the Department may issue written warnings to the certified person. Written warnings will specify the alleged violations and may include a request for a written response to the allegations set forth in the written warnings from the certified person.

(c) Additionally, the Department may impose a civil penalty of up to \$1,000 per violation, not to exceed \$1,000,000 in the aggregate, on any person who violates the provisions of the act or this chapter. The Department may impose the penalty only after affording the accused party the opportunity for a hearing, as provided in 2 Pa.C.S. (relating to administrative law and procedure).

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