

CHAPTER 143. MANUFACTURED HOUSING

Sec.	
143.1.	Definitions.
143.2.	Purpose.
143.3.	Scope.
143.4.	Responsibility of the Department.
143.5.	Applicability of locally-enacted codes and ordinances.
143.6.	Preemption and reciprocity.
143.7.	Applicable standards.
143.8.	Label required.
143.9.	Certification.
143.10.	Required manufacturer records.
143.11.	Manufactured home size calculations.
143.12.	Consumer complaints.
143.13.	Investigations.
143.14.	Hearings.
143.15.	Fees.

Authority

The provisions of this Chapter 143 issued under the Manufactured Housing Construction and Safety Standards Authorization Act (35 P. S. §§ 1656.1—1656.9), unless otherwise noted.

Source

The provisions of this Chapter 143 adopted March 27, 1992, effective March 28, 1992, 22 Pa.B. 1422; renumbered from 16 Pa. Code Chapter 28, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (167535) to (167539).

§ 143.1. 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 Construction and Safety Standards Authorization Act (35 P. S. §§ 1656.1—1656.9).

Defect—A failure to comply with an applicable Federal manufactured home safety and construction standard that renders the manufactured home, or a part thereof, not fit for the ordinary use for which it was intended, but does not result in an unreasonable risk of injury or death to occupants of the affected manufactured home.

Federal act—The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426).

Imminent safety hazard—A hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable Federal or State manufactured home construction or safety standard.

Noncompliance—A failure of a manufactured home to comply with a Federal manufactured home construction or safety standard that does not constitute a defect, serious defect or imminent safety hazard.

Serious defect—Failure to comply with an applicable Federal or State manufactured home construction and safety standard that renders the manufactured home, or a part thereof, not fit for the ordinary use for which it was intended, and which results in an unreasonable risk of injury or death to occupants of the affected manufactured home.

§ 143.2. Purpose.

This chapter implements the act to facilitate the sale and use of manufactured housing in this Commonwealth in a manner consistent with safeguarding the health, safety and welfare of citizens of this Commonwealth. This chapter is intended primarily for the following:

- (1) To promulgate standards and procedures that will facilitate the manufacture of manufactured homes in accordance with the Federal act.
- (2) To establish uniform procedures to assure that manufactured homes manufactured or shipped, or both, into this Commonwealth are regulated in accordance with the act and Federal act.
- (3) To improve the quality, safety and durability of manufactured homes in this Commonwealth.
- (4) To establish procedures to be utilized in the handling of consumer complaints, remedial actions, hearings and other provisions of the act.

§ 143.3. Scope.

Except to the extent otherwise stated in other applicable laws of the Commonwealth which are not inconsistent with or superseded by the act or Federal act, this chapter governs the design, manufacture, storage, transportation and installation of manufactured housing which is sold, leased or installed, or is intended for sale, lease or installation, or use on a site in this Commonwealth, or manufactured in this Commonwealth and sold or offered for sale outside this Commonwealth. This chapter applies to manufactured housing manufactured in manufacturing facilities located within or outside this Commonwealth.

§ 143.4. Responsibility of the Department.

The Housing Standards Division of the Department is responsible for enforcing the manufactured home standards of the Federal act, and may join with the Department of Housing and Urban Development and other States or public or private agencies for these purposes.

Source

The provisions of this § 143.4 amended September 6, 2006, effective November 8, 2006, 36 Pa.B. 5685. Immediately preceding text appears at serial pge (231110).

§ 143.5. Applicability of locally-enacted codes and ordinances.

(a) This chapter will not be construed as amending, repealing or superseding a municipal zoning ordinance, subdivision and land development ordinance or another municipal ordinance, regulation or code, pertaining to the use and development of land.

(b) Except in cases of waterline connections to their main source of supply, sewer drainage line connections to main sewers or cesspools or electrical line connections to their main source of power, a manufactured home bearing a label affixed under the requirements of the act and Federal act and regulations thereunder will be deemed to comply with ordinances, regulations or building codes, or special local requirements enacted by a municipality applicable to the body and frame design and construction and installation of plumbing, heating and electrical systems within and including the exterior walls of the manufactured home.

§ 143.6. Preemption and reciprocity.

(a) A local government agency may not require that a manufactured home which has been certified and found in conformance with Federal manufactured homes standards as provided for in this chapter, shall be subject to additional inspections by that local government.

(b) A local government, department, board, agency or commission may not promulgate or adopt rules or regulations which are inconsistent with this chapter.

§ 143.7. Applicable standards.

Manufactured homes manufactured and sold, or offered for sale in this Commonwealth, or manufactured in this Commonwealth and sold, or offered for sale outside of this Commonwealth, shall meet the manufactured home construction and safety standards adopted by the Department of Housing and Urban Development under the Federal act, 24 CFR 3280 and 3282 (relating to manufactured home construction and safety standards; and manufactured home procedural and enforcement regulations).

§ 143.8. Label required.

(a) A person may not sell or offer for sale a manufactured home unless it bears a label certifying that it conforms to this chapter, as provided in § 143.9 (relating to certification).

(b) A person may not affix a label to a manufactured home which does not meet or exceed the standards required by this chapter.

§ 143.9. Certification.

A manufactured home may not be released from the factory to a dealer or purchaser, unless the manufactured home has been certified and conforms to the safety and construction standards required by this chapter.

(1) Certification will be provided if the manufacturer has complied with quality control procedures required by the act and Federal act, and a Federally approved Production Inspection Primary Inspection Agency (IPIA), through inspection and surveillance of the plant, has determined by the certification report that the manufactured home conforms to the approved designs and standards.

(2) If a manufacturer has performed inadequately, the IPIA will red tag the manufactured home, and necessary corrections shall be made by the manufacturer to bring the home into compliance before it may be certified and labeled.

(3) Certification will be evidenced by a 2 inch x 4 inch label, or another label as required by Federal regulation, located at the taillight end of each transportable section of the manufactured home, or in another location as may be required by Federal law.

Cross References

This section cited in 12 Pa. Code § 143.8 (relating to label required).

§ 143.10. Required manufacturer records.

(a) Whenever a manufacturer receives information that may indicate the existence in a home produced by that manufacturer of an imminent safety hazard, serious defect, defect or noncompliance, the manufacturer shall, as soon as possible, but at least 20 days after receipt of the information, carry out necessary investigations and inspections to determine whether it is responsible under Federal law and regulations for providing notification as to the hazard, defect or noncompliance. See 24 CFR 3282.404 and 3282.407 (relating to notification pursuant to manufacturer's determination; and notification and correction pursuant to administrative determination).

(b) The manufacturer shall maintain complete records of the information and determinations received and compiled in compliance with subsection (a). The records shall be complete, and be in a form that will permit the Commonwealth to readily discern who made the determination with respect to a particular piece of information, what the determination was and the basis for that determination. Records shall be kept for at least 6 years from the date the information was received.

§ 143.11. Manufactured home size calculations.

(a) Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest hori-

zontal projections when erected onsite. These dimensions will include expandable rooms, cabinets and other projections containing interior space, but do not include bay windows.

(b) The length of a manufactured home means its largest overall length in the travelling mode, including cabinets and other projections which contain interior space. Length does not include bay windows, roof projections, overhangs or eaves under which there is no interior space, nor does it include drawbars, couplings or hitches.

§ 143.12. Consumer complaints.

Individuals alleging wrongful acts by persons involved in the manufacture or sale of manufactured homes within this Commonwealth shall contact the Department of Community and Economic Development, Housing Standards Division, 400 North Street, 4th Floor, Harrisburg, Pennsylvania 17120. An investigation will be conducted by the Division upon the receipt of a written and signed complaint. Complaints must contain the writer's name and address, and contain sufficient detail to enable the Division to fully understand the nature and extent of the complaint. Copies of all documents shall be appended to the complaint.

Source

The provisions of this § 143.12 amended September 8, 2006, effective November 8, 2006, 36 Pa.B. 5685. Immediately preceding page appears at serial page (274811).

Cross References

This section cited in 12 Pa. Code § 143.13 (relating to investigations).

§ 143.13. Investigations.

The Department, through the Housing Standards Division, after investigation on its own initiative or upon the receipt of a verified complaint under § 143.12 (relating to consumer complaints) has the power, after notice and hearing, to order the payment of civil penalties not to exceed \$1,000 per violation for violations of this chapter, the act, the Federal act or regulations promulgated under the Federal act. The maximum civil penalty that may be imposed will not exceed \$1 million for any related series of violations occurring within 1 year from the date of the first violation.

Source

The provisions of this § 143.13 amended September 8, 2006, effective November 8, 2006, 36 Pa.B. 5685. Immediately preceding page appears at serial page (274811).

§ 143.14. Hearings.

Hearings under this chapter will be conducted in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

Source

The provisions of this § 143.14 amended September 8, 2006, effective November 8, 2006, 36 Pa.B. 5685. Immediately preceding page appears at serial page (274811).

§ 143.15. Fees.

To offset the costs of follow-up monitoring or inspections incurred by the Department beyond those provided for in the monitoring inspection fees authorized by the United States Department of Housing and Urban Development, the Department may charge the manufacturer or retailer the following fees:

Follow-up inspection or monitoring services	\$400 per day or \$60 per hour, whichever is less.
Administrative services associated with follow-up inspection or monitoring services	\$175 per day or \$25 per hour, whichever is less.
Travel and per diem expenses	Current Commonwealth travel and per diem expenses. (The manufacturer or retailer may contact the Department for this information.)

Source

The provisions of this § 143.15 adopted September 8, 2006, effective November 8, 2006, 36 Pa.B. 5685.

[Next page is 145-1.]