

CHAPTER 145. INDUSTRIAL HOUSING AND COMPONENTS**GENERAL PROVISIONS**

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Authority

The provisions of this Chapter 145 issued under the Administrative Agency Law (71 P. S. §§ 1710.1—1710.51) (Repealed); and section 5 of the Industrialized Housing Act (35 P. S. § 1651.5), unless otherwise noted.

Source

The provisions of this Chapter 145 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; renumbered from 16 Pa. Code Chapter 29, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (161575) to (161643).

GENERAL PROVISIONS

§ 145.1. Definitions.

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

ANSI—The American National Standards Institute.

ASHRAE—American Society of Heating, Refrigeration and Air Conditioning Engineers.

Act—The Industrialized Housing Act (35 P. S. §§ 1651.1—1651.12).

Approved—Approved by the Department under this chapter.

BOCA—The Building Officials and Code Administrators International, Incorporated.

Building system—The industrialized housing or housing components described in the building system documentation.

Building system documentation—The plans, specifications and other documents which together describe industrialized housing or a housing component, including variations and installation detail, consistent with § 145.41 or § 145.42 (relating to adoption of standards; and alternate standards).

CABO—The Council of American Building Officials.

Certification or *certified*—Conforming to the requirements of this chapter.

Compliance assurance program—The system of policies and procedures implemented by the manufacturer and the inspection agency to assure that industrialized housing or housing components are manufactured, transported and installed at the site in accordance with the approved building system documentation.

Compliance control program—The system of policies and procedures utilized by the manufacturer to assure that industrialized housing or housing components, as the case may be, are manufactured, transported and installed at the site in accordance with the approved building system documentation.

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

Designated employe—An officer or supervisory employe of a third-party agency who has been so designated by the third-party agency in its application to the Department for approval or in another written communication to the Department.

Dwelling unit or *unit*—Rooms arranged for the use of an individual for residential occupancy.

Evaluation agency—A private or public agency, which is approved by the Department under § 145.73 (relating to criteria for approval of evaluation and inspection agencies) to perform the functions assigned by this chapter to an evaluation agency. If the Department performs the functions of the evaluation agency in accordance with § 145.70 (relating to Departmental evaluation and inspection), the Department will be the evaluation agency for the purpose of this title.

Housing component—A manufactured subsystem or subassembly, designed for use as an integral component part of a structure designed primarily for residential occupancy, which contains concealed parts or processes of manufacture that cannot be inspected at the site without disassembly, damage or destruction and which is identified in § 145.35 (relating to applicability of Fire and Panic Act) as being subject to this chapter.

Housing structure—A structure designed primarily for residential occupancy.

ICC—International Code Council.

Industrialized housing—A structure designed primarily for residential occupancy, and classified within Use Group R in accordance with the standards adopted under § 145.41 (relating to adoption of standards) and which is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the

building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction. The term does not include a structure or building classified as an institutional building or manufactured home, as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426).

Insignia of certification—The label, emblem or mark conforming to the requirements of this chapter which, when attached to industrialized housing or housing components under this chapter evidences that the industrialized housing or housing components have been certified.

Inspection agency—An agency, private or public, which is approved by the Department under § 145.73 to perform the functions assigned by this chapter to an inspection agency. If the Department performs the functions of the inspection agency under § 145.70, the Department will be the inspection agency for the purposes of this title.

Installation—The assembly of industrialized housing onsite and the process of affixing industrialized housing or housing components to land, a foundation, footings, utilities or an existing building, and may include the process of affixing housing components to or within the housing structure for which they are designed.

Insulation—An approved material which has a relatively high resistance to heat flow and is used principally to retard the flow of heat.

Local enforcement agency—The agency of local government with authority to make inspections and to enforce the laws, ordinances and regulations enacted by the Commonwealth and by local governments that establish standards and requirements applicable to the construction, installation, alteration or repair of buildings.

Local government—A county, city, borough, incorporated town, township or similar general purpose unit of government which may be created by the General Assembly with authority to establish standards and requirements applicable to construction, installation, alteration and repair of buildings.

Manufacture—The process of making, fabricating, constructing, forming or assembling a product from raw, unfinished or semifinished materials.

Manufactured home—

(i) A structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or when erected onsite, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

(ii) The term includes any structure which meets the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of

Housing and Urban Development and complies with the standards established under the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426).

(iii) The term does not include any self-propelled recreational vehicle.

Manufacturing facility—A place, other than the building site, at which machinery, equipment and other capital goods are assembled and operated for the purpose of making, fabricating, constructing, forming or assembling industrialized housing or housing components.

Module—Each section of an industrialized housing structure which is fabricated in the manufacturing facility to be separately transported to the building site.

Mobile home—A structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical system combined therein manufactured in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426).

NCSBCS—National Conference of States on Building Codes and Standards.

NFPA—The National Fire Protection Association.

Person—An individual or organized group of any character, including partnerships; corporations; other forms of associations; Federal, State and local instrumentalities, political subdivisions, or officers, including the Department when indicated by the context.

Residential occupancy—Occupancy of a structure or building, or part thereof, classified within Use Group R in accordance with the standards adopted under § 145.41, by families, households or individuals for purposes of shelter and sleeping, without regard to the availability of cooking or dining facilities.

Site or building site—The entire tract, subdivision or parcel of land on which industrialized housing or housing components are installed.

Thermal resistance (“R” Value)—The accumulative resistance to heat flow through materials or arrangement of materials expressed in Fahrenheit degrees per BTU/(hours) (square foot). For wood frame construction, the effect of normal framing members may be neglected in the determination of R values.

Third-party agency—An evaluation agency or inspection agency approved by the Department.

Unheated space—A space such as a garage or crawl space which is not provided with a heat source sufficient to maintain a minimum temperature of 50° F (10° C).

Source

The provisions of this § 145.1 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631; amended September 29, 1978, effective September 30, 1978, 8 Pa.B. 2681; amended April 17, 1981, effective April 18, 1981, 11 Pa.B. 1320; amended July 8, 1988, effective July 9, 1988, 18 Pa.B. 3040; amended September 19, 1997, effective September 20, 1997, 27 Pa.B. 4828; amended November 5, 2004, effective February 4, 2005, 34 Pa.B. 6024; effective date corrected at 34 Pa.B. 6133. Immediately preceding text appears at serial pages (233927) to (233930).

§ 145.2. Purpose.

This chapter interprets and makes specific the provisions of the Industrialized Housing Act, as provided in section 5 of the act (35 P. S. § 1651.5). This chapter establishes administrative procedures for the implementation of the act which will facilitate the use of industrialized housing and housing components in this Commonwealth consistent with safeguarding the health, safety and welfare of citizens of the Commonwealth and will carry out the purposes set forth in the legislative findings in section 2 of the act (35 P. S. § 1651.2). More specifically, this chapter is intended primarily to achieve the following objectives:

- (1) Establish uniform standards affecting health, safety and welfare for the design, use of materials and methods of construction for industrialized housing and housing components intended for sale, lease or installation for use in this Commonwealth.

(2) Establish uniform procedures to assure that industrialized housing and housing components intended for sale, lease or installation for use in this Commonwealth will be manufactured, transported and installed in compliance with the uniform standards adopted by this chapter. In particular, this chapter establishes procedures under which the essential structural, electrical, mechanical and plumbing elements of industrialized housing and housing components are subjected to compliance assurance procedures, including inspections, in the manufacturing facilities during the manufacturing process, thereby eliminating the need for subsequent inspections at the building site of those elements which are enclosed within the walls which might otherwise be subjected to disassembly, damage or destruction in the course of onsite inspections.

(3) Establish procedures which will facilitate the movement of industrialized housing and housing components between the Commonwealth and the other States for the mutual benefit of the manufacturers and citizens of this Commonwealth.

(4) Preserve for local governments within this Commonwealth responsibilities and functions specifically reserved to local governments by the act and otherwise not inconsistent with the achievement of the purposes of the act.

Source

The provisions of this § 145.2 adopted July 12, 1974, effective July 13, 1974, 14 Pa.B. 1403.

§ 145.3. Scope.

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

Source

The provisions of this § 145.3 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

§ 145.4. Responsibility of the Department.

Subject to applicable law, the Department is responsible, as directed by the act, to prepare, promulgate and implement this chapter and to take actions as are necessary and appropriate to discharge its responsibilities under the act and this chapter.

Source

The provisions of this § 145.4 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

SCOPE**§ 145.31. Requirement of certification.**

(a) Except as otherwise provided in § 145.121(b) (Reserved), after January 1, 1975, no person may sell, lease or install for use on a site in this Commonwealth an industrialized housing or housing component unless the industrialized housing or housing component is certified and bears insignia of certification issued by the Department. The insignia of certification issued by the Department shall be attached to the industrialized housing or housing component under this chapter, and they shall be subject to subsequent removal from the industrialized housing and housing component in accordance with this chapter.

(b) Industrialized housing and housing components of the manufacturer which have never been occupied and which serve for model or demonstration purposes for the manufacturer do not have to bear insignia of certification under this chapter, until the time that the industrialized housing or housing components are first offered for sale or lease.

(c) The sale or lease of an industrialized housing or housing structure in which housing components have been installed, which sale or lease occurs after the completion of installation may not be subject to this chapter, unless the person offering the industrialized housing or housing structure for sale or lease made an offer to a person prior to the completion of installation or unless the sale or lease was by or on behalf of or for the benefit of the manufacturer of the industrialized housing or housing components for the purpose of avoiding the certification requirements of this chapter. Nothing in this section shall be construed to prevent the application of this chapter to the installation of an industrialized housing or housing components.

Source

The provisions of this § 145.31 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

§ 145.32. Experimental housing.

Industrialized housing or housing components which are intended for prototype, experimental or demonstration purposes in or on a site in this Commonwealth designated by the Department as a test facility may be installed without bearing insignia of certification issued by the Department; provided that no industrialized housing or housing structure containing housing component is sold or leased unless the industrialized housing or housing component has been certified and bears insignia of certification as provided in § 145.65 (relating to certification of experimental housing).

Source

The provisions of this § 145.32 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

Cross References

This section cited in 12 Pa. Code § 145.65 (relating to certification of experimental housing).

§ 145.33. Manufactured homes excluded.

Manufactured homes which are subject to sections 604 and 625 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5403 and 5424) and the regulations issued thereunder by the United States Department of Housing and Urban Development are not subject to this chapter.

Source

The provisions of this § 145.33 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2524; amended August 9, 1991, effective August 10, 1991, 21 Pa.B. 3509. Immediately preceding text appears at serial page (21400).

§ 145.34. Housing components.

Housing components which are subject to this chapter are utility core units, closed panels and sandwich panels.

Source

The provisions of this § 145.34 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended July 8, 1988, effective July 9, 1988, 18 Pa.B. 3040. Immediately preceding text appears at serial page (38228).

§ 145.35. Applicability of Fire and Panic Act.

Nothing in this chapter may be construed as amending or repealing the act of April 27, 1927 (P. L. 465, No. 299) (35 P. S. §§ 1221—1235), known as the Fire and Panic Act and 34 Pa. Code Chapters 49—59, as they may be applicable to industrialized housing and housing components.

Source

The provisions of this § 145.35 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

Cross References

This section cited in 12 Pa. Code § 145.1 (relating to definitions).

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

(a) Industrialized housing and housing components bearing insignia of certification issued under this chapter shall be deemed to comply with the requirements of building and related codes and ordinances enacted by local governments of the Commonwealth which codes and ordinances conform with the following:

- (1) Are applicable to housing or home building in construction, plumbing, heating, electrical and other related codes pertaining to the construction and equipment contained within.

(2) Would otherwise be applicable to the industrialized housing and housing components certified under this chapter as described in their building system documentation.

(b) [Reserved].

(c) If the building site is within a fire district designated by an ordinance of the local government, the requirements of the codes and standards adopted under §§ 145.41, 145.42 and 145.44 (relating to adoption of standards; alternate standards; and procedure for adoption of amendments) for the fire district is applicable to the industrialized housing or housing components. If the fire district designated by the ordinance of the local government is different from a fire district described in the applicable codes and standards adopted under §§ 145.41, 145.42 and 145.44 the requirements for that fire district described in the applicable codes and standards which in the judgment of the evaluation agency bears the closest similarity to the description of the applicable fire district under the locally enacted ordinance is applicable.

(d) Industrialized housing and housing structures in which housing components have been installed shall comply with codes and ordinances of the local governments with jurisdiction over the building site which apply to the design, installation and maintenance of waterline connections from the exterior walls of housing to their main source of supply, sewer drainage connections from the exterior walls of housing to main sewers or septic systems, and electrical line connections or other energy supply connections from the exterior walls of housing to their main source of power, notwithstanding that the industrialized housing and housing components bear insignia of certification.

(e) Nothing in the act or this chapter shall be construed as amending, repealing or superseding a local zoning ordinance, subdivision regulation, designation of fire districts or related land development code, regulation or ordinance enacted by a local government of the Commonwealth.

(f) A dispute between a person and a local enforcement agency with respect to the application of this section shall be referred to and decided by the Department under § 145.96 (relating to interpretation of this chapter).

Source

The provisions of this § 145.36 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; amended September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631; amended July 8, 1988, effective July 9, 1988, 18 Pa.B. 3040. Immediately preceding text appears at serial pages (38228) and (60552).

Cross References

This section cited in 12 Pa. Code § 145.81 (relating to responsibilities of local enforcement agencies).

§ 145.37. Work and labor classifications.

Nothing in the act of this chapter shall be construed as limiting the work to be performed to or by any type of construction contractor or labor or mechanic classification.

Source

The provisions of this § 145.37 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

STANDARDS

§ 145.41. Adoption of standards.

(a) The following codes, which relate to the design, materials and method of construction of buildings, are adopted as the standards applicable to the industrialized housing and housing components for purposes of this chapter:

- (1) The ICC International Building Code.
- (2) The ICC International Mechanical Code.
- (3) The ICC International Plumbing Code.
- (4) The International Energy Conservation Code.
- (5) The National Electric Code (NFPA No. 70).
- (6) The ICC International Residential Code (for one and two family dwellings and town homes).

(b) Except as provided in § 145.43 (relating to amendment policy), the codes must be the latest edition. The effective date of all code changes must be in accordance with §§ 145.44 and 145.122(b) (relating to adoption and effective dates—code amendments; and effective date).

(c) Insulation technique and installation applicable to the floor or foundation wall is not always practical at the manufacturing facility. Industrialized-modular-housing builders or contractors may supply and install the required floor or foundation wall insulation. If the builder or contractor supplies and installs the required floor or foundation wall insulation, an assignment of responsibility shall be used. The assignment of responsibility shall be signed by the authorized respective builder or contractor prior to the industrialized-modular-housing unit leaving the manufacturing plant. A manufacturer is required to retain the copies of the assignment of responsibility sheets in his files for inspection by the Department. Periodic inspections will be made on units with builder or contractor-installed floor or foundation wall insulation. Assignment of responsibility must be on forms provided by the Department which will conform to the following:

ASSIGNMENT OF RESPONSIBILITY

To: _____

I HEREBY ASSUME FULL RESPONSIBILITY FOR COMPLYING WITH THE FLOOR AND/OR FOUNDATION WALL INSULATION REQUIREMENTS AS MANDATED BY AMENDMENT TO THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT RULES AND REGULATIONS UNDER THE PENNSYLVANIA INDUSTRIALIZED HOUSING ACT OF MAY 11, 1972.

THIS ASSIGNMENT OF RESPONSIBILITY SHALL APPLY TO THE FOLLOWING HOME(S):

BUILDER NAME: _____

CUSTOMER NAME: _____

MODEL: _____

SERIAL NO.: _____

_____ Date: _____

AUTHORIZED SIGNATURE

BUILDER, CONTRACTOR

(TO BE COMPLETED AND RETURNED TO THE ABOVE ADDRESS WITH SIGNED CONFIRMATION.)

(d) The provisions of the codes in subsection (a) that relate specifically to the interpretation, administration and enforcement of the codes and to matters which are not within the authority conferred on the Department by the act and this chapter are not adopted under this chapter and are not applicable in the administration and enforcement of this chapter. If there is an inconsistency or conflict between the provisions of a code adopted under this chapter and this chapter, this chapter will prevail.

(e) Only listed and labeled materials listed for use as documented shall be used in all construction.

Source

The provisions of this § 145.41 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended July 25, 1975, effective July 26, 1975, 5 Pa.B. 1911; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631; amended April 17, 1981, effective April 18, 1981, 11 Pa.B. 1320; amended July 8, 1988, effective July 9, 1988, 18 Pa.B. 3040; amended August 9, 1991, effective August 10, 1991, 21 Pa.B. 3509; amended September 19, 1997, effective September 20, 1997, 27 Pa.B. 4828; amended November 5, 2004, effective February 4, 2005, 34 Pa.B. 6024; effective date corrected at 34 Pa.B. 6133; amended April 20, 2007, effective June 20, 2007, 37 Pa.B. 1840. Immediately preceding text appears at serial pages (307413) to (307415).

Cross References

This section cited in 12 Pa. Code § 145.1 (relating to definitions); 12 Pa. Code § 145.36 (relating to applicability of locally-enacted codes and ordinances); 12 Pa. Code § 145.42 (relating to alternate standards); 12 Pa. Code § 145.43 (relating to amendment policy); 12 Pa. Code § 145.44 (relating to procedure for adoption of amendments); 12 Pa. Code § 145.45 (relating to proposals by local enforce-

ment agencies relating to special environmental conditions); 12 Pa. Code § 145.46 (relating to applicability and interpretation of code provisions); 12 Pa. Code § 145.47 (relating to acquisition of adopted codes and amendments); 12 Pa. Code § 145.52 (relating to approval of building system documentation); 12 Pa. Code § 145.55 (relating to general requirements for approval of amendments to building system documentation); 12 Pa. Code § 145.56 (relating to amendments to building system documentation following changes in standards); 12 Pa. Code § 145.65 (relating to certification of experimental housing); 12 Pa. Code § 145.70 (relating to Departmental evaluation and inspection); 12 Pa. Code § 145.71 (relating to responsibilities of evaluation agencies); 12 Pa. Code § 145.92 (relating to reports by the Department); and 12 Pa. Code § 145.102 (relating to determinations of acceptability of certifications of a competent State authority).

§ 145.42. Alternate standards.

(a) As an alternative to the primary codes specified in § 145.41 (relating to adoption of standards), a manufacturer may elect to satisfy the requirements of the following alternate standards. Copies of these documents are available through the respective promulgating agencies as defined in § 145.47 (relating to acquisition of adopted codes and amendments):

(1) As an alternate to the ICC International Residential Code, Chapter 11, regarding energy efficiency, the manufacturer may use one of the following:

(i) The prescriptive methods for residential buildings in the International Energy Conservation Code compliance guide containing State maps, prescriptive energy packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (REScheck™).

(ii) Pennsylvania's Alternative Residential Energy Provisions developed by the Pennsylvania Housing Research Center at the Pennsylvania State University.

(2) As an alternate to the ICC International Residential Code, Chapter 3, regarding building planning, in regards to stairway construction, the manufacturer may use the following standard:

(i) The maximum riser height must be 8 1/4 inches. There may be no more than 3/8 inch variation in riser height within a flight of stairs. The riser height is to be measured vertically between leading edges of the adjacent treads.

(ii) The minimum tread depth must be 9 inches measured from tread nosing to tread nosing. There may be no more than 3/8 inch variation in tread depth within a flight of stairs.

(iii) Treads may have a uniform projection of not more than 1 1/2 inches when solid risers are used.

(iv) Stairways may not be less than 3 feet in clear width and clear head room of 6 feet 8 inches must be maintained for the entire run of the stairway.

(v) Handrails may project from each side of a stairway a distance of 3 1/2 inches into the required width of the stairway.

(b) Except as provided in § 145.43 (relating to amendment policy), the codes must be the latest edition. The effective date of code changes must be in accordance with §§ 145.44 and 145.122(b) (relating to adoption and effective dates—code amendments; and effective date).

Source

The provisions of this § 145.42 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631; amended April 17, 1981, effective April 18, 1981, 11 Pa.B. 1320; amended July 8, 1988, effective July 9, 1988, 18 Pa.B. 3040; amended August 9, 1991, effective August 10, 1991, 21 Pa.B. 3509; amended September 19, 1997, effective September 20, 1997, 27 Pa.B. 4828; amended November 5, 2004, effective February 4, 2005, 34 Pa.B. 6024; effective date corrected at 34 Pa.B. 6133; amended April 20, 2007, effective June 20, 2007, 37 Pa.B. 1840. Immediately preceding text appears at serial pages (307415) to (307416).

Cross References

This section cited in 12 Pa. Code § 145.1 (relating to definitions); 12 Pa. Code § 145.36 (relating to applicability of locally-enacted codes and ordinances); 12 Pa. Code § 145.43 (relating to amendment policy); 12 Pa. Code § 145.44 (relating to procedure for adoption of amendments); 12 Pa. Code § 145.45 (relating to proposals by local enforcement agencies relating to special environmental conditions); 12 Pa. Code § 145.46 (relating to applicability and interpretation of code provisions); 12 Pa. Code § 145.47 (relating to acquisition of adopted codes and amendments); 12 Pa. Code § 145.52 (relating to approval of building system documentation); 12 Pa. Code § 145.55 (relating to general requirements for approval of amendments to building system documentation); 12 Pa. Code § 145.56 (relating to amendments to building system documentation following changes in standards); 12 Pa. Code § 145.65 (relating to certification of experimental housing); 12 Pa. Code § 145.70 (relating to Departmental evaluation and inspection); 12 Pa. Code § 145.71 (relating to responsibilities of evaluation agencies); 12 Pa. Code § 145.92 (relating to reports by the Department); and 12 Pa. Code § 145.102 (relating to determinations of acceptability of certifications of a competent State authority).

§ 145.43. Amendment policy.

(a) Except as provided in subsections (b) and (c), the Department will adopt amendments and additions to the provisions of the codes adopted under §§ 145.41 and 145.42 (relating to adoption of standards; and alternate standards) which relate to the design, materials or method of construction of buildings in

accordance with the procedure called for in § 145.44 (relating to adoption and effective dates—code amendments).

(b) The Department will not adopt an amendment of or addition to the codes adopted under §§ 145.41 and 145.42 which relate to the design, materials or method of construction of buildings unless the amendment or addition has been adopted by the organizations which publish the code or the Department determines that the amendment or addition is necessary to protect the health, safety or welfare of the citizens of this Commonwealth.

(c) If the Department does not adopt the latest version including supplements and additions of the codes adopted under § 145.41 or § 145.42 or adopts other standards not contained in the latest version including supplements and additions, the Department will amend this chapter under to § 145.97 (relating to amendments to this chapter).

Source

The provisions of this § 145.43 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended July 25, 1975, effective July 26, 1975, 5 Pa.B. 1911; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631; amended September 19, 1997, effective September 20, 1997, 27 Pa.B. 4828. Immediately preceding text appears at serial pages (231128) to (231129).

Cross References

This section cited in 12 Pa. Code § 145.42 (relating to alternate standards); and 12 Pa. Code § 145.70 (relating to Departmental evaluation and inspection).

§ 145.44. Adoption and effective dates—code amendments.

(a) Except as provided in subsection (b), if the code writing authority amends a provision of the code adopted under §§ 145.41 and 145.42 (relating to adoption of standards; and alternate standards), the Department will be deemed to have adopted the amendment on the first day of the month following the month in which the code writing authority adopted the amendment.

(b) If the Department determines that a later date for adoption is necessary to implement the purposes of the act and this chapter, the Department will publish the later date of adoption in the *Pennsylvania Bulletin*.

(c) Except as provided in subsections (d) and (e), the effective date of the amendment shall be the first day of the month 1 year from the date of adoption by the Department.

(d) If the Department determines that an earlier date is necessary to protect the health, safety and welfare of the citizens of this Commonwealth, the Department will publish the earlier effective date in the *Pennsylvania Bulletin* at least 30 days before the effective date.

(e) If the Department determines that a later effective date is necessary to avoid unreasonable hardship on a manufacturer, the Department will publish the later effective date in the *Pennsylvania Bulletin*.

Source

The provisions of this § 145.44 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2524; amended September 19, 1997, effective September 20, 1997, 27 Pa.B. 4828. Immediately preceding text appears at serial pages (231129) to (231130).

Cross References

This section cited in 12 Pa. Code § 145.36 (relating to applicability of locally-enacted codes and ordinances); 12 Pa. Code § 145.41 (relating to adoption of standards); 12 Pa. Code § 145.42 (relating to alternate standards); 12 Pa. Code § 145.43 (relating to amendment policy); 12 Pa. Code § 145.45 (relating to proposals by local enforcement agencies relating to special environmental conditions); 12 Pa. Code § 145.52 (relating to approval of building system documentation); 12 Pa. Code § 145.55 (relating to general requirements for approval of amendments to building system documentation); 12 Pa. Code § 145.65 (relating to certification of experimental housing); 12 Pa. Code § 145.71 (relating to responsibilities of evaluation agencies); 12 Pa. Code § 145.92 (relating to reports by the Department); 12 Pa. Code § 145.102 (relating to determinations of acceptability of certifications of a competent State authority); and 12 Pa. Code § 145.122 (relating to effective date).

§ 145.45. Proposals by local enforcement agencies relating to special environmental conditions.

A local enforcement agency may propose to the Department that certain provisions of the codes and standards adopted in §§ 145.41, 145.42 and 145.44 (relating to adoption of standards; alternate standards; and procedure for adoption of amendments) be changed as applied to its locality because of special local environmental conditions such as snow loads, wind loads, seismic conditions, temperature, humidity or soil conditions. The local enforcement agency's proposal should indicate the nature and extent of the special environmental conditions, suggest substitute code provisions to be applicable to its locality, and define the geographic boundaries to which the substitute provisions would apply. The Department will review the proposal on the basis of the information that it deems necessary to make an informed decision, and shall determine whether amendments to the applicable codes would serve the health, safety and welfare of the citizens of this Commonwealth in consideration of other applicable Commonwealth requirements and promote the purposes of the act and this chapter. If the Department favors adoption of amendments, the provisions of § 145.97 (relating to amendments to this chapter) are applicable.

Source

The provisions of this § 145.45 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631. Immediately preceding text appears at serial page (21405).

§ 145.46. Applicability and interpretation of code provisions.

(a) A question regarding the applicability or interpretation of a provision of a code adopted under §§ 145.41 and 145.42 (relating to adoption of standards; and alternate standards), or of an amendment or addition thereto, shall be submitted

in writing by an interested person to the Department for resolution. It is the policy of the Department that, with respect to question regarding the interpretation of a provision of a code adopted under §§ 145.41 and 145.42, it shall whenever feasible solicit the advice of the organization sponsoring the code in accordance with the established procedures of the organization. The decision of the Department will be in writing.

(b) The Department will furnish, on request, to a person decisions made by the Department under this section upon paying a handling fee not to exceed \$5, plus applicable postage.

Source

The provisions of this § 145.46 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended July 25, 1975, effective July 26, 1975, 5 Pa.B. 1911. Immediately preceding text appears at serial pages (21405) to (21406).

Cross References

This section cited in 12 Pa. Code § 145.92 (relating to reports by the Department).

§ 145.47. Acquisition of adopted codes and amendments.

(a) Copies of the ICC International Building Code, ICC International Residential Code, ICC International Mechanical Code and ICC International Plumbing Code adopted under §§ 145.41 and 145.42 (relating to adoption of standards; and alternate standards) may be obtained from:

International Code Council
5203 Leesburg Pike
Suite 708
Falls Church, Virginia 22041-3401.

(b) Copies of the National Electrical Code, adopted under §§ 145.41 and 145.42 (relating to adoption of standards; and alternate standards), including supplements, may be obtained from:

National Fire Protection Association
Battery March Park
Quincy, Massachusetts 02269

(c) Copies of the 1993 BOCA National codes adopted in part under § 145.41, may be obtained from:

Building Officials and Code
Administrators International, Inc.
4051 West Flossmoor Road
Country Club Hills, Illinois 60477

(d) Copies of other alternate standards adopted under § 145.42, including supplements, may be obtained from:

Standard

CABO One and Two
Family
Dwelling Code
(1992 edition)

Address

Building Officials and Code
Administrators International, Inc.
4051 West Flossmoor Road
Country Club Hills, Illinois 60477

(e) The Department will provide, on request, a copy of currently applicable amendments of and additions to codes which are adopted under this chapter and are not published by NFPA, BOCA, ASHRAE or NCSBCS, as the case may be. The Department may charge a reproduction and handling fee not to exceed \$25, plus applicable postage, for each set of amendments and additions.

Source

The provisions of this § 145.47 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; amended September 29, 1978, effective September 30, 1978, 8 Pa.B. 2681; amended April 17, 1981, effective April 18, 1981, 11 Pa.B. 1320; amended July 8, 1988, effective July 9, 1988, 18 Pa.B. 3040; amended November 5, 2004, effective February 4, 2005, 34 Pa.B. 6024; effective date corrected at 34 Pa.B. 6133. Immediately preceding text appears at serial pages (233937) to (233938).

Cross References

This section cited in 12 Pa. Code § 145.42 (relating to alternate standards).

CERTIFICATION**§ 145.51. General requirements for certification.**

Industrialized housing and housing components shall be certified if the building system documentation for the industrialized housing or housing components and the compliance assurance program relating to its design, materials, manufacture, transportation and installation have been approved by an evaluation agency, and if the industrialized housing or housing components have been manufactured under approved building system documentation and an approved compliance assurance program inspected and approved by an inspection agency. Certification shall be evidenced by insignia of certification which conform to the requirements of this chapter and which shall be issued for each dwelling unit of industrialized housing and for each housing component or set of housing components that, upon installation, are incorporated in a single-dwelling unit.

Source

The provisions of this § 145.51 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631. Immediately preceding text appears at serial page (21407).

§ 145.52. Approval of building system documentation.

An evaluation agency shall approve a set of building system documentation for purposes of this chapter if the evaluation agency determines that the building system documentation conforms to the applicable requirements of the applicable codes and standards adopted under §§ 145.41, 145.42 and 145.44 (relating to adoption of standards; alternate standards; and procedure for adoption of amendments). Approval of building system documentation shall be evidenced by the stamp of approval of the evaluation agency, affixed on each sheet of the building system documentation and signed by a designated employe of the evaluation agency. Each stamp shall show the date of approval of each sheet of the building system documentation to which it is affixed. Each sheet constituting the approved building system documentation shall have a separate identification number. The Department may approve alternate methods for identifying approved building system documentation. The evaluation agency shall provide the manufacturer and the Department and inspection agency, if other than the evaluation agency, with an approved building system documentation.

Source

The provisions of this § 145.52 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631. Immediately preceding text appears at serial page (21407).

Cross References

This section cited in 12 Pa. Code § 145.53 (relating to variations); 12 Pa. Code § 145.54 (relating to Building System Approval Report and Summary); and 12 Pa. Code § 145.55 (relating to general requirements for approval of amendments to building system documentation).

§ 145.53. Variations.

Building system documentation approved under § 145.52 (relating to approval of building system documentation) may contain variations or a range of variations for one or more elements of the industrialized housing or housing components described in the building system documentation, provided that the approved building system documentation conforms to all of the applicable requirements of the applicable codes and standards under each variation or set of variations within the range of variations. Any material deviation from variations contained within the approved building system documentation must be approved by the evaluation agency, consistent with this chapter, prior to the start of construction.

Source

The provisions of this § 145.53 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631; amended November 5, 2004, effective February 4, 2005, 34 Pa.B. 6024; effective date corrected at 34 Pa.B. 6133. Immediately preceding text appears at serial pages (233939) to (233940).

§ 145.54. Building System Approval Report and Summary.

At the time that an evaluation agency approves a set of building system documentation under § 145.52 (relating to approval of building system documentation) and the related compliance assurance program under § 145.57 (relating to approval of compliance assurance program), it shall prepare a Building System Approval Report (BSAR) and a Building System Approval Summary. The BSAR shall contain a list of the identification numbers of each sheet constituting the approved building system documentation, the Compliance Control Manual of the manufacturer, an Index of Code Compliance in the form specified by the Department for industrialized housing, a statement of the fire districts, if any, in which the industrialized housing can be installed, and the additional information relating to the building system documentation and the compliance assurance program as the evaluation agency deems necessary or as the Department may require. The Building System Approval Summary shall be prepared on a form furnished by the Department. The evaluation agency shall furnish to the Department and to the manufacturer one copy each of the BSAR and the Building System Approval Summary, clearly stating the date it is effective. The BSAR shall be revised every 2 years to reflect changes made in the manufacturing process.

Source

The provisions of this § 145.54 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631; amended August 9, 1991, effective August 10, 1991, 21 Pa.B. 3509. Immediately preceding text appears at serial page (128005).

Cross References

This section cited in 12 Pa. Code § 145.55 (relating to general requirements for approval of amendments to building system documentation).

§ 145.55. General requirements for approval of amendments to building system documentation.

The evaluation agency shall approve amendments to the building system documentation submitted to it by the manufacturer if the building system documentation, as so amended, conforms to the applicable requirements of the applicable codes and standards adopted under §§ 145.41, 145.42 and 145.44 (relating to adoption of standards; alternate standards; and procedure for adoption of amendments). Approval of amendments to building system documentation shall be evidenced by the signed stamp of the evaluation agency as provided in § 145.52 (relating to approval of building system documentation), with the additional

requirement that the stamp shall show both the date of approval and the date after which the industrialized housing or housing components described in the building system documentation shall be manufactured under the building system documentation as so amended. Approvals of amendments to building system documentation may be by oral authorization by an officer or employe of the evaluation agency, but in the event the approval is subsequently evidenced by affixing the signed stamp of the evaluation agency to the amended sheets of the building system documentation within 10 days after the oral authorization. At the same time that the evaluation agency affixes its stamp on the approved amendments to the building system documentation, it shall prepare and distribute to the manufacturer and to the Department one copy of the amendments and supplements to the Building System Approval Report and the Building System Approval Summary as may be necessary so that the Report and Summary will accurately reflect the amended building system documentation and will continue to meet the requirements of § 145.54 (relating to Building System Approval Report and Summary).

Source

The provisions of this § 145.55 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631. Immediately preceding text appears at serial page (21409).

Cross References

This section cited in 12 Pa. Code § 145.56 (relating to amendments to building system documentation following changes in standards); and 12 Pa. Code § 145.64 (relating to modification of industrialized housing or housing components after certification)

§ 145.56. Amendments to building system documentation following changes in standards.

(a) Evaluation agencies shall notify those manufacturers with whom they then have implementing contracts under § 145.78(c) (relating to contractual arrangements) of an amendment to a code or standard adopted by the Department under §§ 145.41 and 145.42 (relating to adoption of standards; and alternate standards).

(b) Within 1 year from the date of adoption by the Department of an amendment to a code or standard adopted under §§ 145.41 and 145.42, the manufacturer shall have done one of the following:

(1) Amended its building system documentation, if necessary, to assure compliance with the amended codes and standards.

(2) Obtained the approval of the applicable evaluation agency of the amendments to its building system documentation or the determination from the applicable evaluation agency that its building system documentation requires no amendment.

(3) Ceased attaching insignia of certification to industrialized housing or housing components which have not been manufactured under the amendments to its building system documentation if the amendments are required to assure compliance with the amended codes and standards.

(c) Within 6 months from the date of final publication in the *Pennsylvania Bulletin* of an amendment to a code or standard adopted by the Department under § 145.97 (relating to amendments to this chapter), the manufacturer shall have amended its building system documentation, if necessary, to assure compliance with the amended codes and standards.

(d) If the Department determines that an earlier effective date is necessary to protect the health, safety and welfare of the citizens of this Commonwealth, the Department may establish a shorter compliance period. The Department will publish the earlier effective date in the *Pennsylvania Bulletin* at least 30 days prior to the earlier effective date.

(e) If the Department determines that a later effective date is necessary to prevent an unreasonable hardship on a manufacturer in comparison with the anticipated benefits to the health, safety or welfare of the citizens of this Commonwealth, the Department may establish a longer compliance period. The Department will publish the later effective date in the *Pennsylvania Bulletin*.

(f) Section 145.55 (relating to general requirements for approval of amendments to building system documentation) applies to the amendments to building system documentation required by this section.

Source

The provisions of this § 145.56 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631; amended September 19, 1997, effective September 20, 1997, 27 Pa.B. 4828. Immediately preceding text appears at serial pages (231135) to (231136).

§ 145.57. Approval of compliance assurance program.

An evaluation agency shall approve a compliance assurance program for purposes of this chapter if the evaluation agency determines that the manufacturer's compliance control program, described in the compliance control manual, meets the requirements of this chapter, and the compliance control program will be monitored by an approved inspection agency. The evaluation agency shall review the manufacturer's building system documentation, the manufacturer's compliance control manual and the manufacturer's proposed implementing contract with an inspection agency, shall inspect each of the manufacturer's manufacturing facilities where the industrialized housing or housing components are to be manufactured for installation on sites in this Commonwealth, and shall review the other data and information as the evaluation agency may deem necessary.

Source

The provisions of this § 145.57 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

Cross References

This section cited in 12 Pa. Code § 145.54 (relating to Building System Approval Report and Summary).

§ 145.58. Basic requirements for a compliance control program.

(a) An evaluation agency shall approve a compliance control program if it determines that the implementation of the compliance control program will assure that the industrialized housing or housing components, when installed at the site, will conform to the approved building system documentation, the manufacturer possesses the facilities, personnel and organization to implement its compliance control program properly, and the requirements of this section are met. It is the policy of the Department to recognize that the level of sophistication of a compliance control program of a manufacturer will depend on many factors, includ-

ing the level of sophistication and technological characteristics of the building system and the manufacturing process. It is further the policy of the Department that the maximum respect shall be accorded to a manufacturer's customary business practice consistent with achievement of the purposes of the act and this chapter. It is further the policy of the Department that the approval of a compliance control program under this chapter does not relieve the manufacturer and the inspection agency of responsibility for assuring that industrialized housing and housing components manufactured for sale, lease or installation for use on sites in this Commonwealth conform in every material respect to the approved building system documentation.

(b) To facilitate review and approval, the manufacturer's compliance control program shall present an overview of its policies and procedures on the following:

- (1) The placement, storage and handling of construction materials.
- (2) The manufacturing process within the manufacturing facilities, including the jigs and fixtures necessary for production.
- (3) The storage and transportation of industrialized housing and housing components to the site, including detailed lifting calculations.
- (4) The installation of industrialized housing and housing components at the site.

(c) For approval, except as modified under subsection (e), the compliance control program shall include requirements on the following items:

- (1) Specific assignments of responsibility to designated divisions or employes of the manufacturer for every significant phase in the production, transportation and installation of the industrialized housing or housing components.
- (2) Procedures under which employes of the manufacturer inspect and approve each significant process in every significant phase of the manufacture, transportation and installation of the industrialized housing or housing components.
- (3) Procedures for marking identified deficiencies—such as serialized colored tags that can be attached to the deficiency—and for assuring their correction or the disposal of the deficient item.
- (4) Procedures to assure that the fabrication or shop drawings for the industrialized housing and housing components conform to the approved building system documentation or to the drawings approved by the third-party agency with whom the manufacturer has an implementing contract.
- (5) Procedures to maintain, file and control fabrication or shop drawings and documents constituting the building system.
- (6) Procedures to maintain complete and reliable records of the manufacture, transportation and installation of the industrialized housing and housing components, each unit of which shall be assigned a manufacturer's serial number to facilitate identification.

(7) Procedures employed by the manufacturer to request, store and attach the insignia of certification issued to it by the Department under § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification).

(8) Procedures for controlling the storage and transportation of industrialized housing and housing components from the manufacturing facilities to the site, identifying specific functions and techniques that are of critical importance.

(9) Procedures for controlling the installation of industrialized housing and housing components at the site, identifying specific functions and techniques that are of critical importance.

(10) A brief identification and description of physical testing to be performed at a point during a phase of manufacture, transportation and installation, the frequency of its performance, and the identification and qualifications of the persons performing the testing.

(d) The list of topics set forth in subsection (c) is not exclusive and is not intended to preclude additional items and greater details prior to approving a compliance control program.

(e) If a manufacturer transfers title to and effective control over its industrialized housing or housing components to other, unrelated persons at a point prior to its installation at the site, the manufacturer shall be responsible for furnishing to the persons responsible for transportation and installation adequate information and manuals relating to the transportation and installation of the industrialized housing and housing components, including the relevant portions from its compliance control program referred to in subsections (c)(8)—(10), but the manufacturer may not be responsible for implementation after the transfer of title and effective control.

(f) An evaluation agency's approval of a compliance control program shall be evidenced by the stamp of approval of the evaluation agency affixed to the title page of the compliance control manual and signed and dated by a designated employe of the evaluation agency.

Authority

The provisions of this § 145.58 amended under section 5 of the Industrialized Housing Act (35 P. S. § 1651.5).

Source

The provisions of this § 145.58 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended July 8, 1988, effective July 9, 1988, 18 Pa.B. 3040; amended August 9, 1991, effective August 10, 1991, 21 Pa.B. 3509. Immediately preceding text appears at serial pages (128008) to (128010).

§ 145.59. Amendments to compliance control program.

The evaluation agency shall approve changes and amendments to the manufacturer's compliance control program provided that the compliance control program, as so amended, meets the applicable requirements of this chapter. Approval of changes and amendments to a compliance control program shall be evidenced by the stamp of the evaluation agency, signed and dated by a designated employee, which is affixed either to substitute pages for the compliance control manual embodying the approved changes and amendments or on the title page of a complete substitute compliance control manual which includes the approved changes and amendments.

Source

The provisions of this § 145.59 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

§ 145.60. Insignia of certification.

(a) Certified industrialized housing constituting a single dwelling unit must bear insignia of certification for each module. The insignia of certification will be furnished by the Department to the manufacturer under the procedures of § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification). The manufacturer shall permanently attach the insignia of certification for each module to the data plate located in a visible location in the utility room or utility area or other area identified in the building system documentation and in the Building System Approval Report as provided in § 145.62(a) (relating to data plates). Each insignia of certification must bear an insignia serial number furnished by the Department and contain the following language:

INSIGNIA OF CERTIFICATION FOR INDUSTRIALIZED HOUSING**Serial No.**

This insignia certifies that this dwelling unit of industrialized housing has been manufactured from plans, specifications and other related design documents under a compliance assurance program in accordance with the requirements of the Industrialized Housing Act, Title 35 of the Purdon's Pennsylvania Statutes Annotated, §§ 1651.1 to 1651.12, and the regulations issued thereunder by the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

(b) Each certified housing component must bear an insignia of certification. The insignia of certification must be furnished by the Department to the manufacturer under the procedures of § 145.63. The manufacturer shall permanently attach the insignia of certification to the housing component in a visible location identified in the building system documentation and in the Building System Approval Report. Each insignia of certification must bear an insignia serial number furnished by the Department and shall contain the following language:

INSIGNIA OF CERTIFICATION FOR HOUSING COMPONENTS**Serial No.**

This insignia certifies that this housing component has been manufactured from plans, specifications and other related design documents under a compliance assurance program in accordance with the requirements of the Industrialized Housing Act, Title 35 of the Purdon's Pennsylvania Statutes Annotated, §§ 1651.1 to 1651.12, and the regulations issued thereunder by the Department of Community and Economic Development of the Commonwealth of Pennsylvania. If the size, shape or other physical characteristic of the housing component make impractical the use of such insignia of certification, the Department may specify such alternative forms of insignia as may be appropriate.

(c) Insignia of certification issued by the Department will be of a size and design and of materials and will provide for the methods of attachment as determined by the Department.

Source

The provisions of this § 145.60 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended November 5, 2004, effective February 4, 2005, 34 Pa.B. 6024; effective date corrected at 34 Pa.B. 6133. Immediately preceding text appears at serial pages (231139) to (231140).

Cross References

This section cited in 12 Pa. Code § 145.62 (relating to data plates).

§ 145.61. Insignia of inspection agencies.

(a) The inspection agency shall attach its label, seal or other insignia to the data plate for each industrialized housing module.

(b) The inspection agency shall attach its label, seal or other insignia or other identification to each housing component which is transported to the building site for installation in a housing structure and to each separate element, if any, of the housing component which is transported to the building site for assembly and installation.

(c) The label, seal or other insignia of the inspection agency must identify the name and address of the inspection agency and have a serial number. In other respects, the inspection agency may design its label, seal or other insignia as it wishes, provided that the label, seal or other insignia does not contain statements which the Department determines are inconsistent with the act or this chapter. Each label, seal or other insignia must be attached in a clearly visible location to the housing component or element of the industrialized housing or housing component, as applicable, by the time of its arrival at the building site, but the label, seal or other insignia may be covered up during the process of assembly and installation at the building site so that it is not permanently visible.

Source

The provisions of this § 145.61 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631; amended November 5, 2004, effective February 4, 2005, 34 Pa.B. 6024; effective date corrected at 34 Pa.B. 6133. Immediately preceding text appears at serial pages (231140) to (231141).

Cross References

This section cited in 12 Pa. Code § 145.62 (relating to data plates).

§ 145.62. Data plates.

(a) A dwelling unit of certified industrialized housing must contain a data plate. The data plate shall be furnished by the manufacturer and be permanently attached by the manufacturer in a visible location in the utility room or utility area, if feasible, and otherwise in other areas identified in the building system documentation. The data plate must contain sufficient space to permit the attachment of insignia of certification as provided in § 145.60(a) (relating to insignia of certification) and of the label, seal or other insignia of the inspection agency as provided in § 145.61(a) (relating to insignia of inspection agencies). The data plate must contain, but not be limited to, the following information:

- (1) Name of manufacturer.
- (2) Address of principal office of manufacturer.
- (3) Address of manufacturing facility where the industrialized housing or its principal elements were produced.
- (4) Manufacturer's model name.
- (5) Manufacturer's serial number for dwelling unit and date of manufacture.
- (6) Inspection and evaluation agencies' serial numbers.
- (7) Department insignia of certification numbers.
- (8) Serial or other identifying numbers of each module of industrialized housing.
- (9) Minimum Btu output of furnace needed to maintain average 70° F interior temperature at outside design temperature of _____ F.
- (10) Annual degree days for which the house has been designed.
- (11) Snow loads—maximum.
- (12) Wind loads—maximum.
- (13) Floor loads—maximum, sleeping/nonsleeping.
- (14) Other special environmental factors.
- (15) Tests required and actually conducted.

(b) A housing structure containing certified housing components shall contain a data plate. The data plate shall be furnished by the manufacturer and be permanently attached by the manufacturer in a visible location in the utility room or utility area, if feasible, and otherwise in other areas identified in the plans for the housing structure. The insignia of certification of the Department may not be

attached to the data plate. The data plate must contain, but not be limited to, the following information relating to the housing components:

- (1) Name of manufacturer.
- (2) Address of principal office of manufacturer.
- (3) Address of manufacturing facility where housing components were produced.
- (4) Manufacturer's model name.
- (5) Manufacturer's serial number for housing components.
- (6) Inspection and evaluation agencies' serial numbers.
- (7) Serial number of Department's insignia of certification attached to each housing component.
- (8) Snow loads—maximum.
- (9) Wind loads—maximum.
- (10) Other special environmental factors, if applicable.
- (11) Applicable codes, including name of code, edition, year of publication and applicable supplement, if any.
- (12) Date data plate attached to dwelling unit.
- (13) Tests required and actually conducted.

(c) Additional information may be included on the data plate for dwelling units of certified industrialized housing and housing structures containing certified housing components if there is no conflict with the requirements of the act or this chapter. If less than the minimum data required in this section is deemed necessary, prior approval shall be obtained from the Department.

(d) To insure that proper installation equipment is utilized for the lifting of industrialized housing units or housing components, a manufacturer shall indicate on the data plate the total shipping weight in tons per component.

Source

The provisions of this § 145.62 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended July 25, 1975, effective July 26, 1975, 5 Pa.B. 1911; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631; amended July 8, 1988, effective July 9, 1988, 18 Pa.B. 3040; amended August 9, 1991, effective August 10, 1991, 21 Pa.B. 3509; amended November 5, 2004, effective February 4, 2005, 34 Pa.B. 6024; effective date corrected at 34 Pa.B. 6133. Immediately preceding text appears at serial pages (231141) to (231142).

Cross References

This section cited in 12 Pa. Code § 145.60 (relating to insignia of certification).

§ 145.63. Procedures for requesting, controlling and attaching insignia of certification.

(a) A manufacturer with an approved building system documentation and related approved compliance assurance program may request the Department to issue to it insignia of certification, in a quantity not less than five and not more than the quantity needed for the manufacturer's reasonably estimated production during a 1-month period. The manufacturer's request shall be made on a Request for Insignia of Certification Form furnished by the Department and shall be accompanied by a check or money order, in an amount calculated in accordance with the fee schedule in § 145.94 (relating to fees). If the manufacturer's request is complete and the fee payment is correct, the Department will promptly issue to the manufacturer the requested number of insignia of certification. Each individual insignia of certification shall bear a separate insignia serial number written thereon by the Department. The insignia of certification issued to the manufacturer shall be accompanied by an Insignia of Certification Inventory Control List, on a form furnished by the Department, on which the Department has written the serial number of each insignia and the date of shipment to the manufacturer, and with space to permit additional information to be recorded regarding the storage and disposition of each insignia of certification. The Department will send a copy of the Insignia of Certification Inventory Control List to the appropriate inspection agency.

(b) The manufacturer shall entrust the custody of the insignia of certification received from the Department only to employes designated in the compliance control program as responsible for the custody and control of the insignia of certification. The manufacturer shall attach the insignia to dwelling units of industrialized housing or to housing components only in the circumstances prescribed in the compliance control program and only with the prior specific authorization from the inspection agency. The manufacturer shall attach the insignia of certification in the manner specified by the Department intended to assure that the insignia cannot be removed without destroying the insignia. The manufacturer shall promptly record the attachment of each insignia of certification on the Insignia of Certification Inventory Control List. A copy of the Insignia of Certification Inventory Control List, with all columns filled out by the manufacturer to the extent of its knowledge, shall be sent by the manufacturer to the Department and to the inspection agency promptly following the use of the insignia listed on the list or 3 months after receipt of the list from the Department, whichever occurs first.

(c) The manufacturer shall return to the Department unused insignia of certification that have been issued to it within 10 days following the suspension of approval under § 145.66(a) (relating to emergency suspension) of previously approved building system documentation or compliance assurance programs of the manufacturer, or following the suspension under § 145.66(b) of the manufac-

turer's right to receive or attach insignia of certification, or following recall under § 145.69 (relating to suspension of certificate of approval of out-of-State manufacturer for lack of activity) or following the manufacturer's discontinuance of the manufacture of industrialized housing or housing components for sale, lease or installation for use in this Commonwealth, or following the bankruptcy or dissolution of the manufacturer or the discontinuance of the manufacturer's business for whatever reason, or following the manufacturer's determination that the insignia of certification is no longer needed. The Department will cause the manufacturer to be refunded a portion of the fee already paid for the insignia equal to the product of the number of insignia of certification returned by the manufacturer and the fee per insignia paid by the manufacturer, less \$50 to be retained by the Department for handling expenses. Insignia returned to the Department under § 145.69 will not be subject to the charge for handling expenses.

(d) A manufacturer may not use, transfer, sell or otherwise dispose of insignia of certification issued to it by the Department in any manner not specifically authorized of this chapter.

Source

The provisions of this § 145.63 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended July 25, 1975, effective July 26, 1975, 5 Pa.B. 1911; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631; amended August 9, 1991, effective August 10, 1991, 21 Pa.B. 3509. Immediately preceding text appears at serial pages (128014) to (128016).

Cross References

This section cited in 12 Pa. Code § 145.58 (relating to basic requirements for a compliance control program); 12 Pa. Code § 145.60 (relating to insignia of certification); 12 Pa. Code § 145.70 (relating to Departmental evaluation and inspection); 12 Pa. Code § 145.94 (relating to fees); and 12 Pa. Code § 145.103 (relating to issuance of insignia of certification).

§ 145.64. Modification of industrialized housing or housing components after certification.

(a) Certified industrialized housing and certified housing components bearing the insignia of certification may not be modified after the insignia of certification has been attached, unless the modification is approved in advance by the evaluation agency on the basis that the industrialized housing or housing component, as so modified, will still conform to the approved building system documentation. Approvals of modifications which are consistent with the approved building system documentation may be by oral authorization by an officer or employe of the evaluation agency, but in such event each approval shall be subsequently evidenced by a letter from the evaluation agency to the manufacturer within 10 days after the oral authorization. Proposed modifications which are inconsistent with the approved building system documentation shall be treated as proposed amendments to the building system documentation subject to the approval of the evalu-

ation agency under § 145.55 (relating to general requirements for approval of amendments to building system documentation).

(b) Modifications of certified industrialized housing or certified housing components are not prohibited under the act or the provisions of this chapter if the modifications are made after the issuance of a certificate of occupancy, or other similar permit, by the local enforcement agency or, if the industrialized housing or housing components have been installed for use in a jurisdiction of local government which does not issue certificates of occupancy, or other similar permit, after occupancy of such industrialized housing or housing structure containing the housing components by a person intending to reside therein for a continuous period of 6 months, unless the modifications are made by the manufacturer or other person with an intent to evade the requirements of the act or this chapter. The modifications referred to in this subsection shall be subject to other applicable laws, codes and ordinances of the Commonwealth and of the local government of the jurisdiction in which the industrialized housing or housing structure is located.

(c) Nothing in this section shall prevent a manufacturer, on its own motion or at the order of the inspection agency or of the Department, from repairing damage to or remedying a defect found in an industrialized housing component.

Source

The provisions of this § 145.64 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

§ 145.65. Certification of experimental housing.

Industrialized housing or housing components which are intended for prototype, experimental or demonstration purposes in or on a site in this Commonwealth designated by the Department as a test facility under § 145.32 (relating to experimental housing) may be certified by the Department, and insignia of certification attached thereto to evidence the certification, upon a determination by the Department, on the basis of the evaluations and inspections as may be appropriate, the building system documentation for the industrialized housing or housing components conforms to the applicable requirements of the applicable codes and standards adopted under §§ 145.41, 145.42 and 145.44 (relating to adoption of standards; alternate standards; and procedure for adoption of amendments) and the industrialized housing or housing components, as manufactured and installed, conform to the approved building system documentation. The Department may designate a third-party agency to make the determination, to certify the industrialized housing or housing components, and to authorize the attachment of insignia of certification.

Source

The provisions of this § 145.65 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

Cross References

This section cited in 12 Pa. Code § 145.32 (relating to experimental housing).

§ 145.66. Emergency suspension.

(a) The Department may suspend and an evaluation agency with an implementing contract with a manufacturer may suspend the approval of the manufacturer's building system documentation or the manufacturer's building system documentation or the related compliance assurance program following a determination by the agency causing the suspension that the issuance of the approval was not made in accordance with sound technical judgment or that the approval was based on fraudulent or materially incorrect information or was not made in conformity with the requirements of the act or this chapter in a material respect or that the manufacturer does not have a currently valid and effective implementing contract with an approved evaluation and inspection agency with the result that there is created an imminent and substantial risk to the public health, safety and welfare of the citizens of this Commonwealth.

(b) Notice of emergency suspension under this section shall be in writing and shall be delivered by the agency causing the suspension by hand to an officer of the manufacturer or by certified mail to the principal office of the manufacturer. The notice of emergency suspension shall set forth the reasons for the suspension. If the suspension is caused by a third-party agency, the third-party agency shall immediately inform the Department by telephone of the suspension and shall promptly send to the Department a copy of the notice of suspension. Copies of the notice of emergency suspension shall be delivered by hand or sent by certified mail by the Department to every other third-party agency with an implementing contract with the manufacturer. The suspension shall be effective on the date the manufacturer receives the notice of suspension. The period of suspension shall be specified in the notice of suspension but may not exceed 45 days. The suspension shall be lifted at the conclusion of the period unless the suspension has been converted to a revocation following a hearing.

(c) Within 30 days following an emergency suspension, the Department will establish a time and place for a hearing to consider whether the suspension shall be lifted or converted to a revocation or what other order, if any, should be issued. The Department will send a written notice of the hearing by hand or by certified mail to the manufacturer and to third-party agencies with implementing contracts. Notice of the hearing may be sent to other interested persons. The hearing will be treated as an appeal, the manufacturer will be considered the appealing person and the provisions on appeals set forth in § 145.112 (relating to procedures for formal appeal proceedings) will be applicable. Without limiting the authority of the Department, the Department is specifically authorized to attach reasonable conditions to an order lifting a suspension including requiring that changes be made in the building system documentation or in the compliance assurance program so that they will conform with the requirements of this title.

(d) No industrialized housing or housing components may be certified and insignia of certification attached thereto while an emergency suspension under this section pertaining to the manufacturer shall remain in effect, unless otherwise permitted by order of the Department.

Source

The provisions of this § 145.66 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631. Immediately preceding text appears at serial pages (21419) to (21420).

Cross References

This section cited in 12 Pa. Code § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification).

§ 145.67. Revocation of certification of industrialized housing and housing components.

(a) The Department or the appropriate third-party agency may send by certified mail a notice of intent to revoke:

(1) The approval of the manufacturer's building system documentation or the related compliance assurance program, following a determination by the agency that the issuance of the approval was not made in accordance with sound technical judgment or was based on fraudulent or materially incorrect information or was not made in conformance with the requirements of the act or this title with the result that there could be a risk to the public health, safety and welfare of the citizens of this Commonwealth.

(2) The authority of the manufacturer to receive and to attach insignia of certification to industrialized housing or housing components following a determination by the agency that the manufacturer is possibly failing in any material respect to conform with its approved building system documentation or to meet its responsibilities under the approved compliance assurance program or that the manufacturer is in violation in any material respect of the act or this title.

(b) Notice of intent to revoke shall be in writing and shall be delivered by hand to an officer of the manufacturer or by certified mail to the principal office of the manufacturer. The notice shall set forth the reasons for the intent to revoke. If the notice of intent is issued by a third-party agency, the third-party agency shall immediately inform the Department by telephone of the notice and shall promptly send to the Department a copy of the notice. Not less than 15 days but not more than 30 days shall be given to a manufacturer to correct the violations in the notice of intent to revoke.

(c) If the manufacturer fails to correct the violations within the time allowed, the Department will schedule a hearing to consider revocation of:

(1) The certification of industrialized housing and housing components.

(2) The authority of the manufacturer to receive or attach an insignia of certification.

(3) Both.

(d) Written notice of the hearing, including the time and place of the hearing and a brief statement of the grounds on which the revocation is considered, will be delivered by hand to an officer of the manufacturer or by certified mail to the principal office of the manufacturer. Copies of the notice will be delivered to every other third-party agency with an implementing contract with the manufacturer. Notice of the hearing may be sent to other interested persons. The hearing will be treated as an appeal, the manufacturer considered the appealing person and the provisions on appeal in § 145.112 (relating to procedures for formal appeal proceedings) is applicable.

(e) Notwithstanding a decision by the Department not to cause a revocation following the hearing required under subsection (c), a third-party agency with an implementing contract with the affected manufacturer shall have an unconditional right to terminate its contract with the manufacturer.

Source

The provisions of this § 145.67 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631. Immediately preceding text appears at serial pages (21420) to (21421).

§ 145.68. [Reserved].

Source

The provisions of this § 145.68 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; reserved September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524. Immediately preceding text appears at serial pages (21421) to (21422).

§ 145.69. Suspension of certificate of approval of out-of-State manufacturer for lack of activity.

A manufacturer certified to ship industrialized housing or housing components into this Commonwealth and whose plant is located in another state will have its certificate suspended if it fails to ship any units into this Commonwealth for 2 consecutive years. Written notice of this suspension will be provided to the manufacturer. If the manufacturer desires to ship a unit into this Commonwealth within 1 year of its suspension, approval may be reinstated through a letter submitted by an approved third-party agency to the Department which provides that the manufacturer meet the requirements of the laws and this title, including the submission to the Department of its current approved building system documentation and compliance assurance program if the previous submissions to the Department have been revised. The Department will review the third-party evaluation and then conduct an inspection of the plant. If a manufacturer has not made

shipments into this Commonwealth for 1 year from the date of the suspension of its certificate, the certificate will lapse. To be reapproved the manufacturer shall comply with this title in the same manner as would another manufacturer applying for initial approval.

Source

The provisions of this § 145.69 adopted August 9, 1991, effective August 10, 1991, 21 Pa.B. 3509.

Cross References

This section cited in 12 Pa. Code § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification).

THIRD-PARTY AGENCIES

§ 145.70. Departmental evaluation and inspection.

A manufacturer producing industrialized housing or housing components for installation in this Commonwealth has the option of electing the Department to evaluate or inspect, or both, its products for certification. The Department will provide the services requested subject to the availability of staff. The following are applicable:

(1) The manufacturer shall enter into an implementing contract with the Department which shall include, but not be limited to, a specific time period for the contract, a mutual termination clause with a minimum of 45 days of notice to terminate period, the services to be provided, and the fees to be charged to the manufacturer for services in accordance with § 145.94(e) (relating to fees).

(2) Evaluation services by the Department will include:

(i) Investigation, evaluation, testing, and, if justified, approval of each set of building system documentation, and each amendment thereto submitted to it by a manufacturer for compliance with all of the applicable requirements of the codes and standards adopted under §§ 145.41, 145.42 and 145.43 (relating to adoption of standards; alternate standards; and amendment policy).

(ii) Investigation, evaluation, and, if justified, approval of the compliance assurance program and each amendment thereto—relating to the manufacture, transportation and installation of industrialized housing or housing components described in each set of building system documentation approved under this section—submitted by the manufacturer for compliance with the requirements of this title.

(iii) Preparation and periodic revisions as necessary of the Building System Approval Report for each set of approved building system documentation and related compliance program.

(3) Inspection services by the Department will include:

(i) Monitoring the manufacturer's compliance control program for the manufacture, transportation and installation of industrialized housing or housing components of each manufacturer having an implementing contract.

(ii) Verification that the industrialized housing or housing components have been manufactured under approved building documentation and an approved compliance assurance program and authorization to the manufacturer for the attachment of insignia of certification to the industrialized housing or housing components.

(4) Procedure for requesting, controlling and attaching insignia of certification shall be the same as detailed in § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification). Manufacturers shall purchase their insignia of certification at fees indicated in § 145.94(c) and (d), and the cost of the insignia is not included in their evaluation or inspection, services, or both, provided by the Department under paragraphs (1)—(3).

(5) The specification document defining the requirements for submission of drawings, specifications, calculations and related material for Departmental approval will be provided upon request of the manufacturer.

Source

The provisions of this § 145.70 adopted September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524.

Cross References

This section cited in 12 Pa. Code § 145.1 (relating to definitions); 12 Pa. Code § 145.78 (relating to contractual arrangements); 12 Pa. Code § 145.80 (relating to expiration of approval period of third-party agencies); and 12 Pa. Code § 145.94 (relating to fees).

§ 145.71. Responsibilities of evaluation agencies.

Each evaluation agency shall discharge under these regulations the following responsibilities:

(1) Investigation, evaluation, testing and, if justified, approval of each set of building system documentation, and each amendment thereto, submitted to it by a manufacturer with which it has an implementing contract for compliance with the applicable requirements of the codes and standards adopted under §§ 145.41, 145.42 and 145.44 (relating to adoption of standards; alternate standards; and procedure for adoption of amendments).

(2) Investigation, evaluation and, if justified, approval of the compliance assurance program, and each amendment thereto, relating to the manufacture, transportation and installation of the industrialized housing or housing components described in each set of building system documentation approved under subsection (a), submitted to it by a manufacturer with which it has an implementing contract for compliance with the requirements of this chapter.

(3) Preparation and periodic revision as necessary of the Building System Approval Report for each set of approved building system documentation and related compliance assurance program.

(4) Preparation of reports to the Department as are required by this chapter or as may be required by the Department in carrying out its responsibilities under the act and this chapter.

(5) Performance of its obligations under its contract with the Department.

Source

The provisions of this § 145.71 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

§ 145.72. Responsibilities of inspection agencies.

Each inspection agency shall discharge under this chapter the following responsibilities:

(1) Monitoring the manufacturer's compliance control program for the manufacture, transportation and installation of industrialized housing or housing components of each manufacturer with which it has an implementing contract.

(2) Verification that industrialized housing or housing components have been manufactured under approved building system documentation and an approved compliance assurance program and authorization to the manufacturer of the attachment of insignia of certification to the industrialized housing or housing components.

(3) Preparation of reports to the Department as are required by this chapter or as may be required by the Department in carrying out its responsibilities under the act and this chapter.

(4) Performance of its obligations under its contract with the Department.

Source

The provisions of this § 145.72 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

Cross References

This section cited in 12 Pa. Code § 145.72a (relating to frequency of inspections).

§ 145.72a. Frequency of inspections.

(a) In carrying out its monitoring responsibilities under § 145.72(1) and (2) (relating to responsibilities of inspection agencies), an inspection agency shall observe the following minimum frequency of inspection requirements for factory inspections when the inspection agency label is being attached to every dwelling unit produced in the factory:

(1) The inspection agency shall inspect each major subsystem of each unit produced by the factory during its start-up period or during the inspection agency's initial work at the factory.

(2) At any time after a minimum of ten complete units have been inspected as required by paragraph (1), the inspection agency may reduce the frequency of inspection, but not to less than a 20% frequency of inspection level. A “20% frequency of inspection” means that the inspection agency will inspect either one complete dwelling unit (including four major subsystems) out of every five dwelling units produced or one-fifth of major subsystems approximately evenly distributed among a larger sampling of dwelling units, that is 20 major subsystems in 25 dwelling units of production.

(b) In carrying out its monitoring responsibilities under §§ 145.72(1), an inspection agency shall inspect every major subsystem of every dwelling unit produced which is to bear the insignia of certification when the inspection agency label is not being attached to every dwelling unit produced in the factory.

(c) An inspection agency’s monitoring responsibilities under § 145.72(1) and (2) shall include the periodic inspection of the storage and transportation methods and facilities employed by or on behalf of the manufacturer for as long as the manufacturer retains title to or effective control over the dwelling units to insure that the units are not altered from the manner in which they were approved.

(d) In carrying out its monitoring responsibilities under § 145.72(1) and (2) an inspection agency shall inspect industrialized housing at the site after installation is complete in a manner and frequency, consistent with factors set forth in subsection (e), necessary to confirm that the manufacturer’s approved compliance control program is effective in assuring installation consistent with the manufacturer’s approved building system documentation. Documentation of the onsite inspections must be on file in each manufacturing facility and be provided to the Department within 30 days of the Department’s request for the documentation.

(e) The minimum frequency of inspection requirements of this section are not intended to substitute for the professional judgment of an inspection agency in determining whether a greater frequency of inspections is necessary to discharge its responsibilities properly. Factors that should be considered in establishing an appropriate frequency of inspection level for any manufacturer are the production volume of the factory, the design complexity of the dwelling units, the qualifications of the manufacturer’s compliance control personnel and the experience record of the manufacturer.

Source

The provisions of this § 145.72a adopted July 25, 1975, effective July 26, 1975, 5 Pa.B. 1911; amended November 5, 2004, effective February 4, 2005, 34 Pa.B. 6024; effective date correction at 34 Pa.B. 6133. Immediately preceding text appears at serial pages (231151) to (231152).

§ 145.73. Criteria for approval of evaluation and inspection agencies.

(a) The Department will approve a written application from the designated employe of an agency who applies to it to become an evaluation agency or an inspection agency if the Department determines, on the basis of the inquiry as the Department deems necessary and appropriate, that the agency possesses the capacity of discharging reliably, objectively and without bias the responsibilities assigned by this chapter to an evaluation agency or to an inspection agency, as the case may be. In making the determination, the Department will consider that:

(1) There is a sufficient breadth of interest or activities so that the loss or award of a specific contract to an agency determining compliance of a product with this chapter would not be a substantial factor in the financial well-being of the agency performing the required functions.

(2) Employment security of personnel is free of influence or control by any manufacturer, supplier or vendor.

(3) The agency is not engaged in the promotion of products that they shall determine to be in compliance with this chapter.

(b) The Department will evaluate information on the following factors that relate to the ability of the applying agency to discharge the responsibilities that would be assigned to it as an approved evaluation agency or an approved inspection agency, as the case may be:

(1) The legal character and good standing of the applying agency.

(2) The financial strength of the applying agency.

(3) The qualifications of the management and technical personnel of the applying agency.

(4) The range of salaries and other compensation of the technical personnel, including inspectors of the applying agency, excluding principals, principal officers, and directors of the applying agency.

(5) The policies and procedures of the applying agency for the hiring, training and supervision of technical personnel, including education and training following changes in the codes and standards applicable under this chapter.

(6) The extent, if any, to which the applying agency will engage independent consultants and the functions the independent consultants will perform; in general, the Department will not approve an applying agency who utilizes as key technical or supervisory personnel anyone who is an independent consultant. Also, the Department will not permit the use, by an inspection agency, of part-time inspectors unless the inspection agency's present volume of business in designated geographic areas does not justify full-time personnel or unless there are other compelling justifications.

(7) The prior experience of the applying agency in performing similar or related functions.

(8) The capability, if any, of the applying agency to perform testing, including the nature of the testing and the facilities and personnel to perform it, and the identity, facilities, experience and key personnel of an independent testing agency with which arrangements have been made for testing services and the nature of the testing services.

(9) The extent, if any, to which the applying agency is affiliated with or influenced or controlled by a producer, manufacturer, supplier or vendor of products, supplies or equipment used in industrialized housing or housing components.

(10) The procedures to be used by the applying agency in discharging the responsibilities under this chapter of an evaluation agency or inspection agency,

as the case may be. An applying agency seeking approval as an inspection agency should furnish representative examples of compliance assurance manuals it would use for each type of construction for which it seeks approval, and state its policy with respect to the frequency at which it will conduct inspections of each phase of the manufacture, transportation and installation of industrialized housing and housing components.

(c) The Department may consider information with respect to other factors that it may deem relevant to its determination of approval or disapproval. In approving an evaluation or inspection agency, the Department may limit the scope of the agency's approved activities to particular types of industrialized housing or housing components, geographic area or the number of manufacturers the Department determines an agency can effectively evaluate or inspect, or both.

Source

The provisions of this § 145.73 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended July 25, 1975, effective July 26, 1975, 5 Pa.B. 1911; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631. Immediately preceding text appears at serial pages (21425) and (21426).

Cross References

This section cited in 12 Pa. Code § 145.1 (relating to definitions); and 12 Pa. Code § 145.75 (relating to procedures for obtaining approvals of evaluation and inspection agencies).

§ 145.74. Combined evaluation and inspection agencies; separate evaluation and inspection agencies.

(a) Nothing in this chapter prevents the Department from approving the same agency as an evaluation agency and as an inspection agency if the person is determined by the Department to meet the requirements of both.

(b) If an applying agency seeks approval only as an evaluation agency, it shall include information in its application describing the nature of the relationship it would establish with an approved inspection agency which will be monitoring the manufacturer's production. If an applying agency seeks approval only as an inspection agency, it shall include information in its application describing the nature of the relationship it would establish with an approved evaluation agency which will be approving the manufacturer's building system documentation and compliance control program. In both instances, the Department will require that the technical personnel of the evaluation agency be involved in the inspection function through periodic oversight and training of the technical personnel of the inspection agency.

(c) The application for approval of an evaluation or inspection agency seeking approval only as an evaluation or inspection agency may designate a counterpart inspection or evaluation agency, as the case may be, with which it will operate as a team if approved by the Department.

Source

The provisions of this § 145.74 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended July 25, 1975, effective July 26, 1975, 5 Pa.B. 1911; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631. Immediately preceding text appears at serial page (21427).

§ 145.74a. Prohibition on consulting services.

A third-party agency may not perform consulting engineering services relating to industrialized housing or housing components for a manufacturer for as long as the third-party agency has an implementing contract with the manufacturer under § 145.78(c) (relating to contractual arrangements).

Source

The provisions of this § 145.74a adopted July 25, 1975, effective July 26, 1975, 5 Pa.B. 1911.

§ 145.75. Procedures for obtaining approvals of evaluation and inspection agencies.

(a) An agency seeking to obtain approval of the Department as an evaluation agency or inspection agency shall apply to the Department. The applying agency shall completely and accurately furnish as part of its application pertinent information available to it, including samples where relevant, that relate to the criteria that the Department shall consider in evaluating the application under § 145.73 (relating to criteria for approval of evaluation and inspection agencies). The applying agency shall provide the additional information as the Department may request. The applicant shall utilize application forms that the Department may require. The application shall be accompanied by the fee established under § 145.94 (relating to fees). The application shall become a permanent record of the Department.

(b) Prior to a full evaluation of an application for approval, the Department will, within 30 days after receipt of the application, determine whether the application is complete and suitable for processing. In the event that the Department determines that the application is not complete and suitable for processing, it shall notify the applying agency in writing of the unsuitability and the basis thereof. If the applying agency does not remedy the elements of unsuitability within 30 days after the sending of the notice by the Department, the Department will refund all but \$100 of the fee of the applying agency and the findings of unsuitability shall be without prejudice. A subsequent application shall be treated as a new application.

(c) Following a determination by the Department that an application is complete and suitable for processing, the Department will review and evaluate the information contained in the application and other information that the Department will deem necessary and appropriate to enable it to make an accurate and informed determination of approval or disapproval. The Department may visit the offices and other facilities of the applying agency and meet with its management,

technical and other personnel. Within 90 days following the Department's determination that an application is complete and suitable for processing, unless additional time is necessary by reason of the applying agency's failure to furnish information required by the Department, the Department will make its determination whether the applying agency will be approved or will not be approved under this chapter as an evaluation agency or an inspection agency, or both, as the case may be. In the event of a disapproval, the Department will provide the applying agency with a brief written explanation of the reasons for the disapproval. In the event of an approval, the Department will provide the applying person with a brief written letter of approval.

(d) The approval by the Department of an agency as an evaluation agency or an inspection agency shall expire on the day of the first anniversary of the date of the Department's letter of approval or the date indicated in the letter of approval.

(e) Each approved third-party agency shall within 10 days notify the Department of a major event or occurrence which would materially affect its ability to discharge its responsibilities under this chapter or which constitutes a material change from the information currently on file in the Department with the third-party agency's applications for approval or reapproval. Examples of major events or occurrences are changes of ownership, changes of key supervisory or managerial personnel, changes in the availability of testing equipment, or significant deterioration in its financial condition. The third-party agency shall at reasonable intervals notify the Department of other changes, such as the resignation and appointment of inspectors in the information on file with the Department with the third-party agency's applications for approval or reapproval.

Source

The provisions of this § 145.75 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631. Immediately preceding text appears at serial pages (21427) to (21429).

Cross References

This section cited in 12 Pa. Code § 145.76 (reapprovals of third-party agencies); 12 Pa. Code § 145.78 (relating to contractual arrangements); 12 Pa. Code § 145.91 (relating to reports to the Department); and 12 Pa. Code § 145.94 (relating to fees).

§ 145.76. Reapprovals of third-party agencies.

(a) An evaluation agency or inspection agency approved by the Department under § 145.75 (relating to procedures for obtaining approvals of evaluation and inspection agencies) may apply to the Department for reapproval. The application for reapproval may be filed with the Department within 60 days prior to the scheduled expiration of the current approval from the Department. The applying third-party agency seeking reapproval shall completely and accurately furnish

pertinent information necessary to make current the information previously submitted to the Department as part of its original application for approval and subsequent applications for reapproval. The applying third-party agency shall provide additional information that the Department may request. The application for reapproval shall utilize forms that the Department may require. The application for reapproval shall become a permanent record of the Department. The application shall be accompanied by the fee established under § 145.94 (relating to fees). The Department may conduct additional investigations of the applying third-party agency that it deems necessary.

(b) Within 30 days following the receipt by the Department of an application for reapproval, the Department will make its determination whether the applying third-party agency continues to meet the requirements of this chapter for an evaluation agency or an inspection agency, or both. In the event of a disapproval, the Department will provide the applying third-party agency with a brief written explanation of the reasons for the disapproval. In the event of a reapproval, the Department will provide the applying third-party agency with a brief written letter of reapproval. A reapproval shall expire on the date of the next anniversary of the date of the scheduled expiration of the current approval from the Department.

(c) The Department may, on its own motion or at the request of an evaluation agency or inspection agency, grant a temporary reapproval of an evaluation agency or inspection agency for a period not to exceed 60 days. The applying third-party agency seeking reapproval shall be subject to procedures that satisfy the Department of its ability to perform its functions. The procedures shall require annual interviews of third-party agency personnel at their headquarters to assess the desired performance.

Authority

The provisions of this § 145.76 amended under section 5 of the Industrialized Housing Act (35 P. S. § 1651.5).

Source

The provisions of this § 145.76 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631; amended July 8, 1988, effective July 9, 1988, 18 Pa.B. 3040. Immediately preceding text appears at serial pages (38262) to (38263).

Cross References

This section cited in 12 Pa. Code § 145.91 (relating to reports to the Department); and 12 Pa. Code § 145.94 (relating to fees).

§ 145.77. Publication of approved evaluation and inspection agencies.

The Department will make available on request and without cost to an interested person the names and addresses of evaluation agencies and inspection

agencies with contracts with the Department entered into under § 145.78(b) (relating to contractual arrangements) which are then in force and effect.

Source

The provisions of this § 145.77 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

§ 145.78. Contractual arrangements.

(a) No evaluation agency or inspection agency may discharge a responsibility under this chapter unless under valid contracts with the Department and with manufacturers contemplated by this section.

(b) As soon as practical but not later than 30 days after the Department approves an evaluation agency or an inspection agency under § 145.75 (relating to procedures for obtaining approvals of evaluation and inspection agencies), the Department and the third-party agency shall enter into a contract which will set forth the rights and obligations of the Department and the third-party agency. The contracts shall contain representations by the third-party agencies with respect to their fees to be paid by manufacturers for the discharge of their responsibilities under this chapter; the establishment of the fees may not be subject to negotiation with the Department. In all other respects, except for the limitations scope and the special conditions contained therein, contracts with evaluation agencies shall be uniform for evaluation agencies and contracts with inspection agencies shall be uniform for inspection agencies. Each contract shall also contain a provision under which the Department may require an evaluation agency or an inspection agency to enter into and implement an implementing contract under subsection (c), whether on a temporary or permanent basis, with a manufacturer that is unable to comply with this chapter because third-party agencies are unwilling voluntarily to enter into an implementing contract with the manufacturer or because the manufacturer is otherwise without a currently valid implementing contract with an evaluation agency or an inspection agency because the approval of the third-party agency was suspended or revoked under the provisions of this chapter. Each contract shall also contain provisions which are required by law for contracts of which the Department is a party, including, without limitation, provisions for equal employment opportunity.

(c) A manufacturer seeking certification of industrialized housing or housing components that it manufactures shall enter into implementing contracts with an evaluation agency and an inspection agency with contracts with the Department under subsection (b). Each third-party agency shall send a copy of each implementing contract to the Department.

(d) A manufacturer of industrialized housing or housing components approved under this title shall have a current implementing contract with an approved evaluation agency and an approved inspection agency or have alternate arrangement for evaluation or inspection, or both, of its products with the Department under § 145.70 (relating to Departmental evaluation and inspection).

Source

The provisions of this § 145.78 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631. Immediately preceding text appears at serial pages (21430) to (21431).

Cross References

This section cited in 12 Pa. Code § 145.56 (relating to amendments to building system documentation following changes in standards); 12 Pa. Code § 145.74a (relating to prohibition on consulting services); and 12 Pa. Code § 145.77 (relating to publication of approved evaluation and inspection agencies).

§ 145.79. Suspension and revocation of third-party agencies.

(a) The Department may suspend or revoke its approval of an evaluation agency or inspection agency if the Department determines that the approval or a reapproval was based on fraudulent or materially inaccurate information, or that the approval or reapproval was issued in violation of this chapter, or that a change of facts or circumstances make it unlikely that the third-party agency can continue to discharge its responsibilities under this chapter in a satisfactory manner, or that the third-party agency had failed to discharge its responsibilities under this chapter in a satisfactory manner or had violated this chapter or its contract with the Department in any material respect. During the period of suspension or revocation, the affected third-party agency may not be authorized to discharge its responsibilities under this chapter or under its contract with the Department, unless otherwise specified in the notice of suspension referred to in subsection (b) or by order of the Department.

(b) A written notice of a suspension under subsection (a) shall be delivered by the Department by hand to an officer of the affected third-party agency or by registered mail to the principal office of the affected third-party agency. The written notice shall include a brief statement of the reasons for the suspension. Copies of the notice of suspension shall be delivered by the Department to manufacturers with implementing contracts with the affected third-party agency either by hand to officers of the manufacturers or by registered mail to the principal offices of the manufacturers. The suspension shall be effective on the date the affected third-party agency receives the notice of suspension or on a later date that may be designated in the notice of suspension. The period of suspension shall be specified in the notice of suspension, but it may not continue beyond a date 15 days after the date the hearing provided for in subsection (c) is held.

(c) Promptly following a suspension under subsection (a), the Department will establish a time and place for a hearing to consider whether the suspension should be lifted or converted to a revocation or what other order, if any, should be issued. The Department will send a written notice of the hearing by hand or by registered mail to the affected third-party agency and to manufacturers with implementing contracts with the affected third-party agency. Notice of the hear-

ing may be sent to other interested persons. The hearing shall be treated as an appeal, the affected third-party agency shall be considered the appealing person and § 145.112 (relating to procedures for formal appeal proceedings) is applicable.

(d) The Department may revoke its approval of an evaluation agency or inspection agency without previously suspending its approval. The Department will send a written notice to the affected third-party agency of its intention to consider revocation of its approval, stating the grounds therefor and establishing a time and a place for a hearing on the question. The notice shall be sent by hand or by registered mail to the affected third-party agency and to manufacturers with implementing contracts with the affected third-party agency. The notice may be sent to other interested persons. The hearing shall be treated as an appeal, the affected third-party agency shall be considered the appealing person, and § 145.112 is applicable.

(e) Upon the suspension or revocation of approval of an evaluation agency or inspection agency under this section, a manufacturer with an implementing contract with the affected third-party agency shall have an unconditional right to terminate its contract with the third-party agency and to enter into an implementing contract with another third-party agency.

(f) If the Department determines that there is a substantial threat to the health, safety or welfare of the occupants of industrialized housing or housing structures containing housing components because the industrialized housing or housing components were manufactured in accordance with building system documentation and related compliance assurance program approved by an evaluation agency whose approval has been suspended or revoked by the Department under this section or were certified by an inspection agency whose approval has been suspended or revoked by the Department under this section, the Department may require the manufacturer to take the actions with respect to the industrialized housing or housing components as may be necessary to eliminate substantially the threat to the health, safety or welfare of the occupants.

(g) Upon the suspension or revocation of an evaluation agency or inspection agency under this section, the Department will, upon the request of a manufacturer with an implementing contract with the suspended or revoked third-party agency, consult with the manufacturer to establish a temporary arrangement by which the manufacturer can continue to manufacture, sell, lease and install industrialized housing and housing components in conformity with the act and this chapter until the suspension or revocation is lifted or an implementing contract entered into with another third-party agency. For these purposes, the Department may in its sole discretion discharge some or all of the responsibilities of a third-party agency. The Department may also approve another temporary arrangement which the Department determines would best promote the purposes of the act and this chapter under the circumstances.

Source

The provisions of this § 145.79 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

§ 145.80. Expiration of approval period of third-party agencies.

If for any reason the Department approval or reapproval of an evaluation agency or an inspection agency expires and the manufacturer having an implementing contract with that agency has not contracted another third-party agency, the Department may, at its own discretion, discharge some or all of the responsibilities of a third-party agency. In such a case, § 145.70 (relating to Departmental evaluation and inspection) is applicable. The Department may also approve another temporary arrangement which the Department determines would best promote the purposes of the act and this title.

Source

The provisions of this § 145.80 adopted September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631.

LOCAL ENFORCEMENT AGENCIES**§ 145.81. Responsibilities of local enforcement agencies.**

(a) Local enforcement agencies can make an important contribution to the effective administration of the act and this chapter. In addition to discharging the responsibility under local law for the enforcement of applicable locally-enacted codes and ordinances governing site preparation work and water, sewer, electrical and other energy supply connections as described more particularly in § 145.36 (relating to applicability of locally-enacted codes and ordinances), and in view of the responsibilities of local enforcement agencies under State and local law and of the responsibilities of local governments to cooperate with agencies of the Commonwealth to protect the health, safety and welfare of the citizens of the Commonwealth, local enforcement agencies shall assist the Department in enforcing the act and this chapter for industrialized housing and housing components at the time of installation in the jurisdiction of their local government in the following respects:

(1) Site inspections of industrialized housing and housing components upon arrival at the site, but prior to installation, for apparent damage occurring during transportation from the manufacturing facilities to the site and other apparent nonconformity with the approved building system documentation.

(2) Site inspections of the installation of the industrialized housing and housing components at the site for nonconformity with the installation instructions in the Building System Approval Report.

(3) Notifications to the manufacturer and to the inspection agency with an implementing contract with the manufacturer of damage and nonconforming elements found in the industrialized housing and housing components as a

result of the site inspections, as well as additional site inspections of efforts made to remedy or repair the damage and nonconforming elements shall be channelled through the Department.

(4) Notification to the Department of violations of the act and this chapter by the manufacturer, inspection agency or other person, including instances in which industrialized housing and housing components are installed or are intended for installation without bearing the required insignia of certification.

(5) Cooperation with the Department in efforts to take action to remedy the violations and prevent future occurrences.

(b) Site inspections of industrialized housing and housing components which a local enforcement agency performs under this chapter shall include, and be limited to, any type of visual exterior inspection and monitoring of tests performed by other persons during installation in accordance with the installation requirements in the Building System Approval Report. Destructive disassembly of the industrialized housing or housing components may not be performed, and nondestructive disassembly may not be performed in the course of an inspection except to the extent of opening access panels and cover plates.

Source

The provisions of this § 145.81 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended July 8, 1988, effective July 9, 1988, 18 Pa.B. 3040; amended August 9, 1991, effective August 10, 1991, 21 Pa.B. 3509. Immediately preceding text appears at serial pages (128034) to (128035).

§ 145.82. Issuance of building permits.

(a) A person seeking a building permit from a local enforcement agency for industrialized housing or a housing structure in which will be installed housing components shall furnish a statement signed by the person seeking the building permit or, if a corporation, by an officer or authorized representative of the corporation, that the work to be performed under the building permit will include the installation of certified industrialized housing or certified housing components, bearing the insignia of certification issued by the Department under the act and this chapter.

(b) The local enforcement agency may not withhold the issuance of a building permit for certified industrialized housing or a housing structure in which will be installed certified housing components if the applicant submits the documents required by this section, and the application for a building permit complies with applicable locally-enacted codes and ordinances with regard to set-up and site details, consistent with the approved building system documentation.

Source

The provisions of this § 145.82 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631; amended July 8, 1988, effective July 9, 1988, 18 Pa.B. 3040; amended August 9, 1991, effective August 10, 1991, 21 Pa.B. 3509; amended November 5, 2004, effective February 4, 2005, 34 Pa.B. 6024; effective date corrected at 34 Pa.B. 6133. Immediately preceding text appears at serial pages (231162) to (231163).

§ 145.83. Issuance of certificates of occupancy.

The local enforcement agency may not withhold the issuance of a certificate of occupancy or other similar permit for certified industrialized housing or a housing structure in which has been installed certified housing components if the industrialized housing or housing structure was constructed and installed on the site under a validly issued building permit and in other respects complies with applicable locally-enacted codes and ordinances not preempted by the act and this chapter.

Source

The provisions of this § 145.83 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

ADMINISTRATIVE PROVISIONS**§ 145.91. Reports to the Department.**

(a) The Department is authorized to require that evaluation agencies, inspection agencies and manufacturers with approved building system documentation shall prepare and submit to the Department regular periodic reports regarding their activities relating to industrialized housing and housing components falling within the scope of the act and this chapter. These reports shall be promptly filed with the Department on forms and at times the Department may specify.

(b) The Department is authorized to require that evaluation agencies, inspection agencies and manufacturers with approved building system documentation shall promptly furnish to the Department the special reports and other information as the Department may require which relate in any way to the administration and enforcement of the act and this chapter.

(c) Evaluation agencies and inspection agencies are required to notify the Department of the following:

(1) A change of facts which would render inaccurate in material respect their application for approval submitted to the Department under § 145.75 (relating to procedures for obtaining approvals of evaluation and inspection agencies), as updated by the latest application for reapproval submitted to the Department under § 145.76 (relating to reapprovals of third-party agencies), as provided more particularly in § 145.75(e).

(2) A fact or circumstance of which the third-party agency has actual knowledge which could lead a reasonable person to believe that a manufac-

turer, third-party agency or other person in violating the act or this chapter, the notification to be promptly given to the Department.

(d) Manufacturers with approved building system documentation are required promptly to notify the Department of any fact or circumstance of which the manufacturer has actual knowledge which could lead a reasonable person to believe that a third-party agency or other person is violating a provision of the act or of this chapter.

(e) A person installing industrialized housing or housing components for use on a site in a jurisdiction in this Commonwealth shall prepare and mail to the inspection agency a Site Installation Inspection Report on a form furnished by the manufacturer as part of their approved compliance control program. The manufacturer is responsible for furnishing to the person performing the installation a copy of the Site Installation Inspection Report form and instructions as to its intended use.

Source

The provisions of this § 145.91 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended November 5, 2004, effective February 4, 2005, 34 Pa.B. 6024; effective date corrected at 34 Pa.B. 6133. Immediately preceding text appears at serial pages (231163) to (231164).

§ 145.92. Reports by the Department.

(a) The Department will send periodic reports, no less frequently than once every calendar quarter, to third-party agencies and manufacturers with approved building system documentation which reports shall include all of the following:

(1) Decisions of the Department under § 145.46 (relating to applicability and interpretation of code provisions) since the last report regarding the availability or interpretation of a provision of a code adopted under §§ 145.41, 145.42 and 145.44 (relating to adoption of standards; alternate standards; and procedure for adoption of amendments).

(2) Decisions of the Department of general applicability under § 145.96 (relating to interpretation of this chapter) since the last report interpreting this chapter.

(3) Decisions of the Department of general applicability under § 145.112 (relating to procedures for formal appeal proceedings) since the last report rendered at the conclusion of a formal appeal proceeding.

(4) A current list of the names and addresses of currently approved third-party agencies.

(b) Each report may contain additional information relating to the administration of this chapter.

(c) Nothing in this section shall be construed as relieving the Department of another reporting requirement as may be specifically required in other provisions of this chapter.

Source

The provisions of this § 145.92 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

Cross References

This section cited in 12 Pa. Code § 145.96 (relating to interpretation of this chapter); and 12 Pa. Code § 145.112 (relating to procedures for formal appeal proceedings).

§ 145.93. Factory inspections; right of entry.**(a) Authorized inspections by Department.****(1) The Department is authorized to inspect:**

(i) A manufacturing facility of a manufacturer with approved building system documentation or to whom insignia of certification has been issued under § 145.103 (relating to issuance of insignia of certification).

(ii) The transportation facilities utilized for the transport of certified industrialized housing or housing components.

(iii) The building sites on which certified industrialized housing or housing components have been or are intended to be installed.

(iv) The books and records—wherever maintained—of a manufacturer with approved building system documentation or to whom insignia of certification has been issued under § 145.103 which relate to the manufacture, sale, lease or installation of industrialized housing or housing components for use on a site in this Commonwealth.

(v) The facilities and the books and records of a third-party agency which relate to the discharge of its responsibilities under this chapter.

(2) A manufacturer with approved building system documentation or to whom insignia of certification has been issued under § 145.103 and every approved evaluation agency and approved inspection agency shall grant to authorized representatives of the Department the right of entry on its property at reasonable times during normal business hours for the purpose of conducting the inspections and examinations as authorized under this section.

(3) Persons selling, acquiring or leasing the industrialized housing or housing components, and persons engaged in its transportation to and installation at the building site, shall grant to authorized representatives of the Department the same right of entry on their property as the manufacturer is required to grant under this chapter.

(b) *Yearly inspections.* A factory or manufacturing facility with approved building system documentation will be inspected at least once each year by the Department. The inspections are to verify the effectiveness of the sponsor's quality program and compliance with approved building systems documentation.

(c) *Inspection upon complaints or suspected violations.* A manufacturer with approved building system documentation shall grant to authorized representatives of an evaluation and inspection agency with which it has an implementing con-

tract the right of entry on its property at least twice per year during normal business hours and at other times upon complaint or a reasonable belief that violations of this chapter may exist, for the purpose of conducting inspections and examination as the evaluation or inspection agency deems necessary to discharge its responsibilities under this chapter and under its contract with the manufacturer. Persons selling, acquiring or leasing the industrialized housing or housing components, and persons engaged in its transportation to and installation on the building site, shall grant to an evaluation and inspection agency with an implementing contract with the manufacturer the same right of entry on their property as the manufacturer is required to grant under this chapter.

(d) *Inspection restrictions.* Upon entry onto a manufacturer's property or other property for the purpose of conducting an inspection under this section, the Department's employe or representative will state the scope of the intended inspection and that the inspection will be conducted under the act.

Source

The provisions of this § 145.93 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended July 8, 1988, effective July 9, 1988, 18 Pa.B. 3040; amended April 20, 2007, effective June 20, 2007, 37 Pa.B. 1840. Immediately preceding text appears at serial pages (307433) to (307434).

Cross References

This section cited in 12 Pa. Code § 145.94 (relating to fees).

§ 145.94. Fees.

(a) A person submitting an application to the Department under § 145.75(a) (relating to procedures for obtaining approvals of evaluation and inspection agencies) for approval as an evaluation agency or inspection agency shall pay a fee of \$1,000. If the person seeks approval as both an evaluation agency and an inspection agency, the combined fee shall be \$2,000.

(b) A third-party agency submitting an application to the Department under § 145.76 (relating to reapprovals of third-party agencies), for reapproval as an evaluation agency or inspection agency shall pay a fee of \$500. If the person seeks reapproval as both an evaluation agency and an inspection agency, the combined fee shall be \$1,000.

(c) Each manufacturer requesting the Department under § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification) to issue insignia of certification shall pay a fee of \$40 for the insignia of certification for each module of industrialized housing.

(d) Each manufacturer requesting the Department under § 145.63 to issue insignia of certification for housing components shall pay a fee of \$40 for each housing component which will bear insignia of certification. The fee payable under this subsection for housing components to be installed in a single-dwelling unit may not exceed \$100.

(e) When the Department is authorized to monitor or inspect under § 145.93 (relating to factory inspections; right of entry) or otherwise, or provide evaluation

or inspection services, or both, under § 145.70 (relating to Departmental evaluation and inspection), the manufacturer shall pay to the Department the following fees:

- (1) Engineering services—\$400 per day or \$60 per hour.
- (2) Administrative services—\$175 per day or \$25 per hour.
- (3) Travel and per diem expenses—current Commonwealth travel and per diem expenses.

(f) The Department may establish reasonable handling and other administrative fees as indicated elsewhere in this chapter, subject to the stated limitations in amount.

(g) Fees paid to the Department under this chapter are nonrefundable except as otherwise specifically set forth in this chapter. Fees must be paid by check or money order.

Source

The provisions of this § 145.94 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended July 2, 1976, effective August 1, 1976, 6 Pa.B. 1581; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2631; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631; amended September 14, 1979, effective September 15, 1979, 9 Pa.B. 3193; amended July 8, 1988, effective July 9, 1988, 18 Pa.B. 3040; amended November 5, 2004, effective February 4, 2005, 34 Pa.B. 6024; effective date corrected at 34 Pa.B. 6133. Immediately preceding text appears at serial pages (231166) and (233945).

Cross References

This section cited in 12 Pa. Code § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification); 12 Pa. Code § 145.70 (relating to Departmental evaluation and inspection); 12 Pa. Code § 145.75 (relating to procedures for obtaining approvals of evaluation and inspection agencies); 12 Pa. Code § 145.76 (relating to reapprovals of third-party agencies); 12 Pa. Code § 145.103 (relating to issuance of insignia of certification); and 12 Pa. Code § 145.104 (reciprocal agreements).

§ 145.95. Proprietary information.

A manufacturer may designate all or any portion of its building system documentation and compliance control program as proprietary information. In such event, no portion of the manufacturer's building system documentation or compliance control program designated as proprietary information shall be disclosed by a third-party or by the Department to another person except under the requirements of an applicable law or a court order or except as may be necessary in the administration and enforcement of the act and this chapter.

Source

The provisions of this § 145.95 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

§ 145.96. Interpretation of this chapter.

A question regarding the interpretation of this chapter shall be submitted in writing by an interested person to the Department for resolution. This chapter will be liberally construed by the Department to facilitate achievement of the purposes

of the act and of this chapter. If the question of interpretation is of general applicability, the Department will furnish a copy of its resolution to third-party agencies and manufacturers with approved building system documentation no later than at the time of its next report required under § 145.92 (relating to reports by the Department).

Source

The provisions of this § 145.96 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

Cross References

This section cited in 12 Pa. Code § 145.36 (relating to applicability of locally-enacted codes and ordinances); and 12 Pa. Code § 145.92 (relating to reports by the Department).

§ 145.97. Amendments to this chapter.

The Department may propose amendments to this chapter. The Department will mail a copy of each proposed amendment to third-party agencies and to manufacturers with approved building system documentation. The Department will hold public hearings on proposed amendments to this chapter. A proposed amendment shall become effective upon compliance with the applicable requirements of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1102, 1201—1208 and 1602) and 45 Pa.C.S. Chapters 5, 7 and 9, known as the Commonwealth Documents Law.

Source

The provisions of this § 145.97 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

Cross References

This section cited in 12 Pa. Code § 145.43 (relating to amendment policy); 12 Pa. Code § 145.45 (relating to proposals by local enforcement agencies relating to special environmental conditions); 12 Pa. Code § 145.56 (relating to amendments to building system documentation following changes in standards); and 12 Pa. Code § 145.122 (relating to effective date).

§ 145.98. Variances from this chapter.

An interested person may request the Department to grant a variance from the requirements of this chapter as applied to the person. The person shall furnish the Department with the information pertaining to its request for a variance as the Department may deem necessary for an informed decision. The variance may be granted by the Department only if the following conditions have been met:

- (1) The Department determines that granting the requested variance would not impair the health, safety and welfare of consumers and would be consistent with the purposes of the act and this chapter.

(2) The request for the variance has been reviewed and approved by the Industrialized Housing Advisory Commission established under section 8 of the act (35 P. S. § 1651.8).

Source

The provisions of this § 145.98 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

§ 145.99. Remedies.

The Department may seek an order from a court of applicable jurisdiction in this Commonwealth for the enforcement of the act or this chapter, including without limitation an order for injunctive relief to enjoin the sale, lease, delivery or installation of an industrialized housing or housing components which have not been manufactured, transported or installed in conformity with the requirements of the act or this chapter, or for the refusal of a party to comply with the act or this chapter.

Source

The provisions of this § 145.99 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended August 9, 1991, effective August 10, 1991, 21 Pa.B. 3509. Immediately preceding text appears at serial page (128043).

INTERSTATE ACCEPTABILITY

§ 145.101. General authority.

The Department is authorized under section 6 of the act (35 P. S. § 1651.6) to issue insignia of certification to manufacturers of industrialized housing and housing components for their industrialized housing or housing components which have been certified by any competent authority within a State of the United States following a finding by the Department that the certifications have been granted on the basis of standards substantially equivalent to this chapter. Sections 145.102 and 145.103 (relating to determinations of acceptability of certifications of a competent State authority; and issuance of insignia of certification) set forth more detailed criteria to support a finding by the Department that the standards are substantially equivalent to this chapter and establish additional procedures necessary to safeguard the health, safety and welfare of the citizens of this Commonwealth from noncomplying industrialized housing and housing components certified by a competent State authority.

Source

The provisions of this § 145.101 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

§ 145.102. Determinations of acceptability of certifications of a competent State authority.

(a) The Department may, on the basis of its review of the applicable statutes, regulations and administrative practices and experience and the other information as it may consider necessary for an informed finding, find that the standards of a competent authority of a State of the United States under which industrialized housing or housing components are certified, are substantially equivalent to the provisions of this chapter. The finding by the Department shall be based on the following subsidiary findings:

(1) An agency, authority or division of the government of a State of the United States has established and is actively administering under valid legislative authority a program for the certification of industrialized housing or housing components, or type of industrialized housing or housing components, similar in its purposes to the program authorized by the act.

(2) The codes and standards utilized by the competent authority of the other State governing the design, materials and method of construction of the industrialized housing or housing components are substantially equivalent to the codes and standards adopted by the Department under §§ 145.41, 145.42 and 145.44 (relating to adoption of standards; alternate standards; and procedure for adoption of amendments). The determination of substantial equivalency shall be based on a finding that the degree of protection to the health, safety and welfare of the citizens of this Commonwealth would not be materially less under other codes and standards than under the codes and standards adopted by the Department under §§ 145.41, 145.42 and 145.44. It is not intended that findings of substantial equivalency be limited to codes adopted by other jurisdictions which are identical or substantially identical with the codes adopted under §§ 145.41, 145.42 and 145.44. In addition, a finding of substantial equivalency may be limited to designated types of buildings or methods of construction for buildings.

(3) The competent State authority will not certify industrialized housing or housing components unless there has been a finding that the manufacturer is administering an acceptable compliance control program or, if third-party agencies are utilized, there is an acceptable compliance assurance program.

(4) The evaluation of the building system documentation of manufacturers for conformity with the adopted codes and standards and of the related compliance control program or compliance assurance program, as the case may be, is performed by personnel possessing satisfactory qualifications to assure determinations that are reliable, objective and without bias.

(5) The procedures adopted by the competent State authority are satisfactory to assure effective enforcement of the regulations and standards adopted by that jurisdiction.

(b) If the Department makes a finding of substantial equivalency under subsection (a), it shall further determine whether there are procedures adopted by the competent State authority with respect to which the finding of substantial equivalency is made under which the Department would be promptly notified in the event of the suspension or revocation of approval of any manufacturer or third-party agency or of any other approval issued by the competent State authority relating to the enforcement of its applicable regulations. If there are no procedures for prompt notification to the Department, the Department may seek agreement from the competent State authority for the establishment of notification procedures.

(c) Promptly after the Department makes a finding of substantial equivalency under subsection (a) with respect to the standards adopted by a competent State authority under which industrialized housing or housing components are certified by the authority, and further determines that the competent State authority has adopted the notification procedures prescribed in subsection (b), the Department will notify third-party agencies and manufacturers with approved building system documentation that, on compliance with the requirements of § 145.103 (relating to issuance of insignia of certification), the Department will issue to a manufacturer insignia of certification for attachment to industrialized housing or housing components certified by the competent State authority with respect to which the findings have been made.

Source

The provisions of this § 145.102 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631. Immediately preceding text appears at serial pages (21441) to (21442).

Cross References

This section cited in 12 Pa. Code § 145.101 (relating to general authority); 12 Pa. Code § 145.103 (relating to issuance of insignia of certification); 12 Pa. Code § 145.104 (relating to reciprocal agreements); and 12 Pa. Code § 145.105 (relating to suspension and revocation).

§ 145.103. Issuance of insignia of certification.

(a) A manufacturer, regardless of whether its building system documentation and related compliance assurance program have been approved under this chapter, may request that the Department issue to it insignia of certification for attachment to industrialized housing or housing components which have been or will be certified by a competent State authority with respect to which the Department has made the requisite findings required by § 145.102 (relating to determinations of acceptability of certifications of a competent State authority). In addition to meeting all of the requirements of § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification), the manufacturer's request shall contain the following additional information:

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- (1) A list of the building system documentation which was approved by the competent State authority for the industrialized housing or housing components to which the insignia of certification are to be attached.
 - (2) Evidence that building system documentation and related compliance assurance program or compliance control program, as the case may be, was approved under the policies and procedures of the competent State authority as conforming to the standards with respect to which the Department's determination of substantial equivalency was made.
 - (3) The name and address of an inspection agency, approved by the Department, which will participate in the compliance assurance program and authorize the attachment of the insignia of certification to the industrialized housing or housing components to be sold, leased or installed for use on a site in this Commonwealth.
- (b) If the competent State authority uses its own personnel for monitoring a manufacturer's compliance control program and inspecting industrialized housing or housing components, the manufacturer seeking the issuance of insignia of certification under subsection (a) may eliminate the requirement of subsection (a)(3) for utilizing an inspection agency to monitor its compliance control program and authorize the attachment of insignia of certification, provided that the Department and the competent State authority have entered into an agreement under which the competent State authority will institute procedures, acceptable to the Department, for authorizing the attachment of the insignia of certification for industrialized housing or housing components intended for sale, lease or installation for use on sites in this Commonwealth. The Department will enter into an agreement only if it determines that the procedures for controlling the use of the insignia of certification contain adequate safeguards and that the competent State authority has the satisfactory organization and personnel to discharge its obligations under the agreement and will not charge the approval or reapproval fees as outlined in § 145.94(a) and (b) (relating to fees).

Source

The provisions of this § 145.103 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524. Immediately preceding text appears at serial page (21444).

Cross References

This section cited in 12 Pa. Code § 145.93 (relating to factory inspections; right of entry); 12 Pa. Code § 145.101 (relating to general authority); 12 Pa. Code § 145.102 (relating to determinations of acceptability of certifications of a competent State authority); 12 Pa. Code § 145.104 (relating to reciprocal agreements); and 12 Pa. Code § 145.105 (relating to suspension and revocation).

§ 145.104. Reciprocal agreements.

- (a) The Department is authorized to enter into agreements with the United States Department of Housing and Urban Development or with a competent

authority within a State of the United States which has established under valid legislative authority a program for the certification of industrialized housing or housing components under which each party to an agreement will recognize the certification of industrialized housing or housing components issued under the laws, regulations and administrative procedures of the other party. An agreement shall establish procedures additional to those set forth in this chapter and shall in respects be consistent with the act.

(b) The reciprocal agreement may also establish that acceptability of the competent State authority insignia of certification for industrialized housing units or components shall be recognized by the Department in lieu of the provisions set forth in §§ 145.102 and 145.103 (relating to determinations of acceptability of certifications of a competent State authority; and issuance of insignia of certification).

(c) The inspection and evaluation agency fees outlined in § 145.94(a) and (b) (relating to fees) will not be charged to a competent State authority entering into a reciprocal agreement, as outlined in this chapter, using its own personnel for monitoring a manufacturer's compliance control program and inspecting industrialized housing or housing components.

Source

The provisions of this § 145.104 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524. Immediately preceding text appears at serial page (21444).

§ 145.105. Suspension and revocation.

(a) The Department, on the basis of its review of the applicable statutes, regulations and administrative practices and experience and other information that it may consider necessary for an informed finding, determine that its finding that the standards of a competent State authority, previously found by the Department to be substantially equivalent to this chapter, is no longer justified under the criteria set forth in § 145.102(a) (relating to determinations of acceptability of certifications of a competent State authority) or the procedures for notification set forth in § 145.102(b) are no longer effective. The Department will promptly notify third-party agencies and manufacturers with approved building system documentation or possessing insignia of certification issued to them under § 145.103 (relating to issuance of insignia of certification) of its finding. If requested by the Department, manufacturers possessing insignia of certification issued under § 145.103 shall promptly return the insignia to the Department and, upon receipt by the Department of the returned insignia, the fee paid by the manufacturer for the insignia shall be refunded in full. No additional insignia of certification will be issued by the Department under § 145.103 with respect to industrialized housing or housing components certified by the competent State authority with respect to which the finding by the Department was made. In

addition, the Department will be authorized to remove, or cause the removal of, insignia of certification theretofore attached to industrialized housing or housing components certified by the competent State authority, if the Department determines that there is a substantial threat to the health, safety or welfare of the occupants of the industrialized housing or housing structures containing the housing components unless such industrialized housing or housing components are brought into compliance with this chapter.

(b) The suspension or revocation of the certification of a manufacturer or third-party agency or of an industrialized housing or housing components by a competent State authority shall automatically suspend the right of a manufacturer affected in a material respect by the suspension or revocation to utilize an insignia of certification issued to it under § 145.103. The manufacturer may thereafter request the Department to determine in writing those circumstances in which it may continue to use the insignia of certification.

(c) Nothing in this section shall be construed to limit or restrict the rights of suspension and revocation of the Department under this chapter.

Source

The provisions of this § 145.105 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

APPEALS

§ 145.111. Informal appeals.

(a) A person aggrieved by a decision of the Department or of a third-party agency or of a local enforcement agency taken in connection with the administration of the act or this chapter may initiate an informal appeal to the Department by sending a letter or other writing to the Department which will serve as an informal complaint. The Department will give a serial number to the informal complaint for identification purposes. No specified form of informal complaint is required, but the letter or other writing should identify the persons involved, summarize the decision subject to the informal appeal, state the grounds of disagreement with the decision, and be signed by the appealing person or, if a corporation, by an officer of the appealing person. Only one copy of the informal complaint need be filed. It may include supporting papers that the appealing person may consider useful.

(b) If the informal complaint appears to the Department to be susceptible of informal adjustment, a copy of the informal complaint will be sent by the Department within 7 days after receipt to each person identified in the informal complaint as being involved. The Department will attempt to have the question resolved by correspondence, telephone or other informal communication. If the informal complaint appears to the Department not to be susceptible of informal adjustment, the Department will within 7 days following receipt of the informal complaint ask the appealing person whether it desires to have its informal com-

plaint treated as a formal complaint, initiating formal appeal proceedings under § 145.112 (relating to procedures for formal appeal proceedings).

(c) A proceeding instituted as an informal appeal is without prejudice to the right of the aggrieved person to file and prosecute a formal appeal, in which event the proceeding on the informal appeal will be discontinued.

Source

The provisions of this § 145.111 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

§ 145.112. Procedures for formal appeal proceedings.

(a) A person aggrieved by a decision of the Department or of a third-party agency or of a local enforcement agency taken in connection with the administration of the act or the provisions of this chapter may initiate a formal appeal to the Department by filing a formal complaint with the Department within 45 days following the date of the decision from which the appeal is taken. To initiate a formal appeal proceeding, the formal complaint shall contain the following:

(1) The name and address of the appealing person.

(2) The names and addresses, if available, of other persons likely to be involved.

(3) A summary of the decision from which the appeal is taken, including a copy of the decision if it was in writing and is available to the appealing person.

(4) The grounds of disagreement with the decision from which the appeal is taken.

(5) A statement that the appealing person desires a hearing.

(6) The signature of the appealing person or, if a corporation, of an officer of the appealing person.

(7) The additional supporting documentation as the appealing person may consider useful.

(b) Promptly following receipt of a formal complaint, the Department will establish a time and place for a hearing to consider the questions raised in the formal complaint. To the maximum possible extent, the hearing should be held not later than 60 days following receipt of the formal complaint. The Department will send a written notice of the hearing by hand or by registered mail, return receipt requested, to the appealing person and to other persons indicated in the formal complaint as likely to be involved and to other persons that the Department believes would have an interest in the decision. If the formal complaint raises questions of general applicability, the Department may send written notice of the hearing, but not by registered mail, to all third-party agencies and all manufacturers with approved building system documentation.

(c) An interested person may intervene in the formal appeal proceeding by filing with the Department a written notice of intervention which shall include the name and address of the intervening person and the reason why the person desires to intervene.

(d) The presiding officer of the hearing shall be the Chief, Division of Manufactured Housing of the Department, or other official of the Department as may be designated by the Secretary of the Department. The appealing person, the Department and any intervening person shall have an opportunity to present witnesses and documentary evidence, to cross-examine witnesses presented by others, and to present its reasons in favor of or against the decision from which the appeal is being taken. Technical rules of evidence are not applicable, and relevant evidence of reasonable probative value may be received. The hearing shall be stenographically recorded.

(e) Promptly following the conclusion of the hearing, the presiding officer shall report his findings to the Secretary of the Department. The Secretary of the Department will render his decision within 60 days following the conclusion of the hearing. The decision will be made in writing, stating the reasons therefor. The Department will send copies of the decision by mail to the appealing person and to each person intervening in the proceedings. If the appealing person is a manufacturer, the Department will furnish copies of its decision to third-party agencies with implementing contracts with the manufacturer. If the appealing person is a third-party agency, the Department will furnish copies of its decision to manufacturers with implementing contracts with the third-party agency. If the decision is of general applicability, the Department will furnish copies to third-party agencies and manufacturers with approved building system documentation no later than at the time of the next report of the Department required under § 145.92 (relating to reports by the Department).

(f) The appealing person shall pay the costs of preparing the stenographic record and of its transcription, if a transcription is required.

(g) In the event of a conflict between a provision of this section and another provision of these regulations relating to notices, timing or another aspect of the formal appeal proceedings, the other provision shall prevail.

Source

The provisions of this § 145.112 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

Cross References

This section cited in 12 Pa. Code § 145.66 (relating to emergency suspension); 12 Pa. Code § 145.67 (relating to revocation of certification of industrialized housing and housing components); 12 Pa. Code § 145.79 (relating to suspension and revocation of third-party agencies); 12 Pa. Code § 145.92 (relating to reports by the Department); and 12 Pa. Code § 145.111 (relating to informal appeals).

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§ 145.113. Right to appeal decision of the Secretary.

The appealing person or any person intervening in the formal appeal proceeding shall have the right to appeal the decision of the Secretary of the Department to the Commonwealth Court in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to practice and procedure of Commonwealth agencies and judicial review of Commonwealth agency action).

Source

The provisions of this § 145.113 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403.

TRANSITIONAL PROVISIONS**§ 145.121. [Reserved].****Source**

The provisions of this § 145.121 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; reserved July 25, 1975, effective July 25, 1975, 5 Pa.B. 1911. Immediately preceding text appears at serial page (21448).

Cross References

This section cited in 12 Pa. Code § 145.31 (relating to requirement of certification).

§ 145.122. Effective date.

(a) After January 1, 1976, no industrialized housing or housing components may be sold, leased or installed for use on a site in this Commonwealth unless the industrialized housing or housing components are certified as complying with this chapter.

(b) Six months after the effective date of an amendment to this chapter adopted under § 145.97 (relating to amendments to this chapter) or 1 year after the date of adoption by the Department of an amendment under § 145.44 (relating to adoption and effective dates—code amendments), no industrialized housing or housing components may be sold, leased or installed for use on a site in this Commonwealth unless the industrialized housing or housing components are certified as complying with the amendment.

Source

The provisions of this § 145.122 adopted July 12, 1974, effective July 13, 1974, 4 Pa.B. 1403; amended July 25, 1975, effective July 26, 1975, 5 Pa.B. 1911; amended September 8, 1978, effective March 9, 1979, 8 Pa.B. 2524; corrected September 22, 1978, effective March 9, 1979, 8 Pa.B. 2631; amended September 19, 1997, effective September 20, 1997, 27 Pa.B. 4828. Immediately preceding text appears at serial page (231177).

Cross References

This section cited in 12 Pa. Code § 145.41 (relating to adoption of standards); and 12 Pa. Code § 145.42 (relating to alternate standards).

[Next page is 147-1.]