

**1987**

**EDITION**

**VIRGINIA  
UNIFORM STATEWIDE  
BUILDING CODE**



**INDUSTRIALIZED BUILDING  
AND MANUFACTURED HOME  
SAFETY REGULATIONS**

**COMMONWEALTH OF VIRGINIA  
BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**

## USER ASSISTANCE

Assistance in applying these Regulations may be obtained from the Office of State Building Code.

Office of State Building Code  
Department of Housing and Community Development  
205 North Fourth Street  
Richmond, VA 23219  
Telephone No. (804) 786-5041

1987 Edition

VIRGINIA INDUSTRIALIZED BUILDING AND MANUFACTURED HOME  
SAFETY REGULATIONS

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Adopted by the State

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

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205 North Fourth Street  
Richmond, Virginia 23219

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## PREFACE

### SUMMARY

The Virginia Industrialized Building and Manufactured Home Safety Regulations provide for the administration and enforcement of uniform, statewide, health and safety standards for industrialized buildings and manufactured homes, wherever produced. A major purpose of the Regulation is to make good quality housing more affordable for residents of Virginia. It does so by providing precertification of manufactured buildings that contain concealed parts which can not be readily inspected at the point of use. Such units must be accepted by the local building official without disassembly. The enforcement system includes: (a) State accreditation, use, and monitoring of independent third-party compliance assurance agencies to review the design of manufactured buildings and to inspect their production for code compliance, (b) assignment of responsibility for safe installation to local building departments, and (c) State action to secure correction of defects discovered after installation.

### ARRANGEMENT OF 1987 EDITION

For clarity and ease of enforcement, the Regulations are divided into two parts. Part ONE continues the existing State Regulations for industrialized buildings. Part TWO applies exclusively to manufactured homes that are subject to the Federal regulations that were adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974. They provide for preemptive Federal regulation of manufactured homes by the U. S. Department of Housing and Urban Development. Virginia participates in the enforcement program under a plan approved by HUD.

## RELATION TO UNIFORM STATEWIDE BUILDING CODE

Section 36-119 of the Code of Virginia provides that these regulations supersede the Uniform Statewide Building Code when a manufactured building or mobile home is constructed, labeled and registered under the Industrialized Building Regulations. However, every effort has been made to coordinate both the administrative and technical requirements of the two sets of regulations. Both are adopted by the same agency, the Virginia Board of Housing and Community Development and are updated on the same schedule.

## CHANGES TO THIS EDITION

The major change to the 1987 edition has been to update the safety standards for industrialized buildings. The 1987 editions of the referenced model codes and standards replace the 1984 editions. The new standards are generally consistent with the model codes and standards referenced in the 1987 edition of the Uniform Statewide Building Code (USBC). Several changes to this edition are due to legislative action that created a new Chapter 4.1 in Title 36, Code of Virginia. The term "mobile home" has been deleted throughout these Regulations and the term "manufactured home" is used to be consistent with State and Federal laws. A new Article 14 is included in PART TWO to address the new provisions in Chapter 4.1 for violations. A new section has been added to PART TWO explaining the process for handling consumer complaints on manufactured homes.

## FUTURE EDITIONS

The Board of Housing and Community Development is responsible by State law for adopting and keeping the

Virginia Industrialized Building and Manufactured Home Safety Regulations up-to-date. Most of the model codes referenced in the Regulations are revised every three years. The Board plans to update the Regulations at three-year intervals when the new editions become publicly available. Interested persons may participate in future revisions by submitting comments and suggestions for changes at any time. They should be addressed to the Board of Housing and Community Development in care of:

Office of State Building Code  
Department of Housing and Community Development  
205 North Fourth Street  
Richmond, Virginia 23219  
Telephone No. (804) 786-5041

1987 EDITION

VIRGINIA INDUSTRIALIZED BUILDING AND MANUFACTURED HOME  
SAFETY REGULATIONS

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1987 EDITION

VIRGINIA INDUSTRIALIZED BUILDING AND  
MANUFACTURED HOME SAFETY REGULATIONS

PART ONE

Industrialized Buildings

ARTICLE 1

ADMINISTRATION

SECTION 100.0 GENERAL

100.1 Title: Articles 1 through 5 of these regulations shall be known as the Virginia Industrialized Building and Manufactured Home Safety Regulations - PART ONE. Except as otherwise indicated, regulations, or these regulations, as used in Articles 1 through 5, shall mean the Virginia Industrialized Building and Manufactured Home Safety Regulations - PART ONE.

100.2 Authority: These regulations are adopted according to the authority granted the Board of Housing and Community Development by the Virginia Industrialized Building Safety Law, Chapter 4, Title 36 of the Code of Virginia.

100.3 Adoption: The Virginia Industrialized Building and Manufactured Home Safety Regulations were adopted by order of the Board of Housing and Community Development on December 14, 1987. This order was prepared according to the requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and

Community Development, and is available for public inspection.

100.4 Application: PART ONE shall apply to industrialized buildings, as defined in Section 200.0.

100.5 Effective date: The effective date of PART ONE of these regulations is March 1, 1988.

100.5.1 Compliance after effective date: No person, firm or corporation shall offer for sale or rental, or sell or rent, any industrialized building produced after the effective date of any provision of these regulations unless it conforms with such provision of the regulations.

100.5.2 Local regulations: Nothing in these regulations shall prevent the local adoption of requirements for industrialized buildings or mobile homes produced before the effective date of these regulations where necessary to provide for adequate safety to life, health, and property.

1-1-72

100.6 Continued compliance: Industrialized buildings and mobile homes subject to any edition of these regulations when constructed shall be maintained in compliance with the applicable edition by the owners and/or occupants.

100.7 Purpose: The purpose of these regulations is to ensure safety to life, health, and property through compliance with uniform statewide construction standards for industrialized buildings.

## SECTION 101.0 ENFORCEMENT GENERALLY

101.1 General: These regulations shall be enforced as authorized by Chapter 4 of Title 36 of the Code of Virginia. (Note: See Addendum 3, "Virginia

Industrialized Building Safety Law.")

101.2 Inspection and enforcement: The Office of State Building Code is designated as the administrator's representative for the enforcement of these regulations. It shall have authority to make such inspections and to take such other actions as are required to enforce the regulations.

Note: The Office of State Building Code shall act as the Building Official for registered industrialized buildings.

101.2.1 Factory inspections: The administrator's representative shall, during reasonable hours, make such inspections of factories producing industrialized buildings as may be necessary to determine whether the compliance assurance agency having jurisdiction is performing its evaluation and compliance assurance functions in a satisfactory manner.

101.2.2 Field inspections: The administrator's representative may, during reasonable hours, make inspections to determine whether industrialized buildings, not at the time occupied as dwellings, are in compliance with these regulations. Such inspections may include but are not limited to industrialized buildings on dealer lots, or industrialized buildings that are otherwise offered for sale to the public. Industrialized buildings that are occupied as dwellings may be inspected at the request of the owners or occupants.

101.2.3 Notice of violation: Where the administrator finds any violation of the provisions of these regulations, a notice of violation shall be issued. This notice of violation shall order the party responsible to bring the unit into compliance, within a reasonable time.

101.2.4 Placarding units in violation: Wherever the administrator finds any violations of the regulations, placards may be required on the noncomplying unit. Such placards shall not be removed except upon permission of the administrator. The placard shall list the violations and may prohibit the use of any unit, until the necessary corrections have been made.

101.2.5 Referral to local building officials: If the nature of the violation is such that it may be remedied under Section 102.0 of these regulations, the administrator may refer the matter to the local building official for enforcement.

101.3 Appeals: Local building officials, compliance assurance agencies or manufacturers of industrialized buildings may appeal the department's application of these regulations or notice of violation to the State Building Code Technical Review Board established by §36-108 of the Code of Virginia. Such appeals shall be according to the procedures and time limits established in the Uniform Statewide Building Code, Volume I - New Construction, Section 119.0.

101.3.1 Enforcement of decision: Upon receipt of the written decision of the State Building Code Technical Review Board, the administrator shall take immediate action in accordance with the decision.

101.3.2 Court review: Decisions of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building Code Technical Review Board may be presented to the Court of the original jurisdiction in accordance with the provisions of the Administrative Process Act, Article 4, §9-6.14:1 of Title 9 of the Code of Virginia.

101.4 Limitation of manufacturer's liability: The manufacturer of the building shall not be required to

remedy violations caused by on-site work by others not under his control or violations involving components and materials furnished by others and not included with the registered industrialized building.

101.5 Penalty for violation: Any person, firm or corporation violating any provisions of these regulations shall be considered guilty of a Class 1 misdemeanor and, upon conviction, shall be fined not more than \$1,000.00 (§36-83 of the Code of Virginia.)

## SECTION 102.0 ENFORCEMENT IN LOCALITIES

102.1 Responsibility of local building officials: Every local building official is authorized to and shall enforce the provisions of these regulations within the limits of his jurisdiction. He shall not permit the use of any industrialized building that does not comply with these regulations.

102.2 Registered industrialized buildings: Industrialized buildings that are registered shall be accepted in all localities as meeting the requirements of this law. Notwithstanding this provision, local building officials are authorized to carry out the following functions that apply to registered industrialized buildings provided such functions do not involve disassembly of the registered building or change of design, or result in the imposition of more stringent conditions than those required by the compliance assurance agency or by these regulations.

1. They shall verify that it has not been damaged in transit to a degree that would render it unsafe. Where indicated, this may include tests for tightness of plumbing systems and gas piping and tests for shorts at the meter connection in the electrical system.
2. They shall verify that supplemental components

required by the label or by these regulations are properly provided.

3. They shall verify that the instructions of the label for installation and erection are observed.
4. They shall verify that any special conditions or limitations of use that are stipulated by the label in accordance with the standards of Article 3 of these regulations are observed.
5. They may require submission and approval of plans and specifications for the supporting structures, foundations including anchorages, and all other components necessary to form the completed building. They may require such architectural and engineering services as may be specifically authorized by the standards of Article 3 of these regulations to assure that the supporting structures, foundations including anchorages, and other components necessary to form the completed building are designed in accordance with these regulations.
6. They shall enforce applicable requirements of these Regulations and the USBC - Volume I for alterations and additions to the units or to the buildings. As an aid, they may require submission of plans and specifications of the model of the unit. Such plans and specifications may be furnished on approved microfilm.
7. They shall enforce the requirements of the Uniform Statewide Building Code applicable to utility connections, site preparation, fire limits, building permits, certificates of use and occupancy, and all other applicable requirements of the USBC, except those governing the design and construction of the registered building.
8. They shall verify that the building displays the

required State registration seal and the proper label of the compliance assurance agency.

102.3 Unregistered industrialized buildings: The building official shall determine whether any unregistered industrialized building complies with these regulations and shall require any noncomplying unregistered building to be brought into compliance with these regulations. The building official shall enforce all applicable requirements of these regulations including those relating to the sale, rental and disposition of noncomplying buildings. The building official may require submission of full plans and specifications for each building. Concealed parts of the building may be exposed to the extent necessary to permit inspection to determine compliance with the applicable requirements. The government of any locality for which a building official has not been appointed may exercise the powers of enforcement for unregistered industrialized buildings that are granted to the local building official, except for inspection.

102.3.1 Unregistered industrialized buildings offered for sale: Unregistered industrialized buildings offered for sale by dealers in this Commonwealth shall be marked by a warning sign to prospective purchasers that the building is not registered in accordance with these regulations and must be inspected and approved by the local building official having jurisdiction. The sign shall be of a size and form approved by the administrator and shall be conspicuously posted on the exterior of the unit near the main entrance door.

102.4 Disposition of noncomplying building: When a building is found to be in violation of these regulations, the local building official may require the violations to be corrected before occupancy of the building is permitted and may require the building to be conspicuously placarded to indicate that it may not be used in this Commonwealth until the corrections



have been made. If the building is moved to another locality before the violations are corrected, such placard shall not be removed except upon permission of the building official in the new locality. If such locality has no building official, permission shall be obtained from the department before the placard is removed.

102.5 Report to the Office of State Building Code: If the building is moved from the jurisdiction before the violations have been corrected, the local building official shall make a prompt report of the circumstances to the Office of State Building Code. The report shall include the following:

1. A list of the uncorrected violations.
2. All information contained on the label pertinent to the identification of the building, the manufacturer and the compliance assurance agency.
3. The number of the Virginia registration seal.
4. The new destination of the building, if known.
5. The party responsible for moving the building.
6. Whether the building was placarded for violation.

## SECTION 103.0 MODIFICATION OF THE REGULATIONS

103.1 When modification may be granted: The administrator shall have the power upon request in specific cases to authorize modification of the regulations so as to permit certain specified alternatives where the objectives of this law can still be fulfilled. Such request shall be in writing and shall be accompanied by the plans, specifications and other

information necessary for an adequate evaluation of the modification requested.

103.1.1 Input by local building official: Before a modification is authorized, the building official having local jurisdiction may be afforded an opportunity to present his views and recommendations.

## ARTICLE 2

### DEFINITIONS

#### SECTION 200.0 DEFINITIONS

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

"Administrator" means the Director of the Department of Housing and Community Development or his designee.

"Approved" as applied to a material, device, method of construction, registered building or as otherwise used in these regulations means approved by the Administrator, unless the context clearly indicates another meaning.

"Board" means the Board of Housing and Community Development.

"Compliance assurance agency" means an architect or professional engineer registered in Virginia, or an organization, determined by the department to be specially qualified by reason of facilities, personnel, experience and demonstrated reliability, to investigate, test and evaluate industrialized buildings; to list such buildings complying with standards at least equal to those promulgated by the board; to provide adequate follow-up services at the point of manufacture to ensure that production units are in

full compliance; and to provide a label as evidence of compliance on each manufactured section or module.

"Department" means the Department of Housing and Community Development.

"Industrialized building" means a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in §36-85.3 and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act shall not be considered industrialized buildings for the purpose of this law.

"Local building official" means an official designated by any city, town, or county to enforce structural, plumbing, electrical, mechanical or other building regulations for safety to life, health and property.

"Model" means a specific design, as designated by the producer, of an industrialized building. Production buildings of any model may include variations and options that do not affect compliance with the standards governing structural, plumbing, mechanical or electrical systems or any other items governed by these regulations.

"Office of State Building Code" means the Office of the Department of Housing and Community Development which has been designated to carry out the state plan for enforcement of the Virginia Industrialized Building and Manufactured Home Safety Regulations.

"Registered" means an industrialized building displays a registration seal issued by the Department of

Housing and Community Development in accordance with Article 5 of these regulations.

"Regulations" means regulations as defined by Section 100.1.

"State building official" means the Office of State Building Code.

"The law" or "this law" means the Virginia Industrialized Building Safety Law as embraced in Chapter 4 (§36-70 et seq.) of the Code of Virginia.

### ARTICLE 3

#### SAFETY STANDARDS FOR INDUSTRIALIZED BUILDINGS

##### SECTION 300.0 REQUIREMENTS

300.1 Hazards prohibited and standards specified: Industrialized buildings produced after the effective date of these regulations shall be reasonably safe for the users and shall provide reasonable protection to the public against hazards to life, health and property. Compliance with all applicable requirements of the codes and standards specified in Section 301.0, subject to the specified time limitations, shall be acceptable evidence of compliance with this provision.

##### SECTION 301.0 REFERENCE STANDARDS

301.1 Reference standards and time limits established: The standards and time limitations specified below are those referred to in Section 300.0:

BOCA NATIONAL BUILDING CODE

Published by: Building Officials and Code Adminis-

trators International, Inc. (BOCA), 4051 West Flossmoor Road, Country Club Hills, Illinois 60477-5795

1. 1984 Edition -- until June 1, 1988
2. 1987 Edition -- no time limit

BOCA NATIONAL PLUMBING CODE

1. 1984 Edition -- until June 1, 1988
2. 1987 Edition -- no time limit

BOCA NATIONAL MECHANICAL CODE

1. 1984 Edition -- until June 1, 1988
2. 1987 Edition -- no time limit

NATIONAL ELECTRICAL CODE -- NFPA NO. 70

Published by: National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269

1. 1984 Edition -- until June 1, 1988
2. 1987 Edition -- no time limit

301.2 Optional standard: The following standard may be used for one and two family dwellings only, as an alternative to the standards specified in Section 301.1.

ONE AND TWO FAMILY DWELLING CODE

Jointly published by: BOCA; Southern Building Code Congress International, 900 Montclair Road, Birmingham, Alabama 35213; International Conference

of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601

1. 1983 Edition and 1984 Supplement -- until June 1, 1988
2. 1986 Edition and 1987 Supplement -- no time limit

301.3 General amendment to reference codes and standards: All requirements of the referenced model codes and standards that relate to fees, permits, certificates of use and occupancy, approval of plans and specifications and other procedural, administrative and enforcement matters are deleted and replaced by the procedural, administrative and enforcement provisions of these regulations and the applicable provisions of Article 1 of the Virginia Uniform Statewide Building Code.

301.4 Soldered joints: Solder or flux containing greater than 0.2% lead shall not be used in potable water service or potable water distribution piping.

301.5 Insect screens: Every door and window or other outside opening used for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tight fitting screens of not less than 16 mesh per inch.

## ARTICLE 4

### COMPLIANCE ASSURANCE AGENCIES

#### SECTION 400.0 PROCEDURES FOR APPROVAL

400.1 Application to administrator: Application may be made to the administrator for acceptance as a

compliance assurance agency as defined in Article 2. Application shall be made under oath and shall be accompanied by information and evidence that is adequate for the administrator to determine whether the applicant is specially qualified by reason of facilities, personnel, experience and demonstrated reliability to investigate, test and evaluate industrialized buildings for compliance with these regulations, and to provide adequate follow-up and compliance assurance services at the point of manufacture.

Note: A suggested format for the application for acceptance as a compliance assurance agency may be obtained from the Office of State Building Code.

400.2 Freedom from conflict of interest: A compliance assurance agency shall not be affiliated with nor influenced or controlled by producers, suppliers, or vendors of products in any manner which might affect its capacity to render reports of findings objectively and without bias. A compliance assurance agency is judged to be free of such affiliation, influence, and control if it complies with all of the following conditions:

1. It has no managerial affiliation with producers, suppliers or vendors, and is not engaged in the sale or promotion of any product or material.
2. The results of its work accrue no financial benefits to the agency through stock ownership and the like, of any producer, supplier or vendor of the product involved.
3. Its directors and other management personnel, in such capacities, receive no stock option, or other financial benefit from any producer, supplier, or vendor of the product involved.
4. It has sufficient interest or activity that the

loss or award of a specific contract to determine compliance of a producer's, supplier's or vendor's product with these regulations would not be a determining factor in its financial well-being.

5. The employment security status of its personnel is free of influence or control by producers, suppliers, or vendors.

400.3 Information required by the administrator: The following information and criteria will be considered by the administrator in designating compliance assurance agencies:

1. Names of officers and location of offices.
2. Specification and description of services proposed to be furnished under these regulations.
3. Description of qualifications of personnel and their responsibilities. Personnel involved in system analysis, design and plans review, compliance assurance inspections, and their supervisors shall meet the requirements of the American Society for Testing and Materials (ASTM) Standards E-541-84, Criteria for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Buildings.
4. Summary of experience within the organization.
5. General description of procedures and facilities to be used in proposed services, including evaluation of the model, factory follow-up, quality assurance, labeling of production buildings, and specific information to be furnished on or with labels.
6. Procedures to deal with any defective buildings resulting from oversight.



7. Acceptance of these services by independent accrediting organizations and by other jurisdictions.
8. Proof of independence and absence of conflict of interest.

## ARTICLE 5

### LABELING, REGISTRATION AND FEES

#### SECTION 500.0 LABELS

500.1 Minimum information required: Every registered industrialized building shall be marked with a label, seal or similar evidence of compliance supplied by the compliance assurance agency that includes the following information directly or by reference:

1. Name and address of compliance assurance agency.
2. List of codes and standards for which the building has been evaluated, inspected and found in compliance by the compliance assurance agency and the type of construction classification, the use group classification and occupancy under those codes and standards.
3. Serial number of label.
4. Special instructions for handling, installation and erection, or list of such instructions that are furnished separately with the building.
5. Special conditions or limitations of use of the building under the standards for which the building has been evaluated, or list of such conditions and limitations that are furnished separately with the building.

500.2 Mounting of label: To the extent practicable, the label shall be so installed that it cannot be removed without destroying it. It shall be applied in the vicinity of the electrical distribution panel or other location that is readily accessible for inspection. When a building is comprised of more than one section or module, the required label may be furnished as a single label for the entire building, provided each section or module is marked by the compliance assurance agency in a clearly identifiable manner that is listed with the label.

500.3 Manufacturer's data plate and other markings: The following information shall be placed on one or more permanent manufacturer's data plates in the vicinity of the electrical distribution panel or in some other location that is readily accessible for inspection. The compliance assurance agency shall approve the form, completeness and location of the data plate to include the information listed below:

1. Manufacturer's name and address.
2. Serial number of the label of the compliance assurance agency.
3. Serial number of the building.
4. Name of manufacturer and model designation of major factory installed appliances.
5. Where applicable, identification of permissible type of gas for appliances, designation of electrical ratings for single and multiple cord entrance, and directions for water and drain connections.
6. Serial number of the registration seal.
7. Seismic design zone number.

8. Design loads: live load, dead load, snow load, and wind load.

500.4 Label control: The labels shall be under direct control of the compliance assurance agency until applied by the manufacturer to buildings that comply fully with these regulations. The manufacturer shall place its order for labels with the compliance assurance agency. The manufacturer is not permitted to acquire labels from any other source. Each compliance assurance agency shall keep a list of the serial numbers of labels issued to each manufacturer's plant in such manner that a copy of the record can be submitted to the administrator upon request.

## SECTION 501.0 REGISTRATION OF LABELED UNITS

501.1 Industrialized buildings eligible for registration: Any industrialized building must meet the following requirements to be registered and eligible for a Virginia Registration Seal:

1. The design of the building has been found by a compliance assurance agency to be in full compliance with these regulations; and
2. The compliance assurance agency has conducted any necessary testing and evaluation of the building and its component parts; and
3. The compliance assurance agency has provided the required inspections and other quality assurance follow-up services at the point of manufacture to assure the building complies with these regulations; and
4. The building has been provided with appropriate evidence of such compliance with a label, seal or similar device permanently affixed by the compliance assurance agency.

501.2 Registration seal for industrialized buildings: Registered industrialized buildings shall be marked with an approved registration seal issued by the department. The seal shall be applied by the manufacturer to a registered industrialized building intended for sale or use in Virginia prior to the shipment of the building from the place of manufacture.

501.2.1 Number of seals required: Registered industrialized buildings shall bear a registration seal for each dwelling unit in residential occupancies. For non-residential occupancies, a registration seal is required for each registered building of a single occupancy and use group.

501.3 Issue of registration seals and fees: Approved registration seals may be purchased from the Department of Housing and Community Development in advance of use. The fee for each registration seal shall be set by the board. Checks shall be made payable to "Treasurer of Virginia".

501.4 Mounting of registration seal: To the extent practicable, the registration seal shall be installed so that it cannot be removed without destroying it. It shall be installed near the label applied by the compliance assurance agency.

## PART TWO

### Manufactured Homes Subject to Federal Regulations

#### ARTICLE 11

##### ADMINISTRATION

#### SECTION 1100.0 GENERAL

1100.1 Title: Articles 11 through 14 shall be known as the Virginia Industrialized Building and Manufactured Home Safety Regulations - PART TWO. PART TWO shall mean the Virginia Industrialized Building and Manufactured Home Safety Regulations - PART TWO.

1100.2 Authority: These regulations are adopted according to the authority granted the Board of Housing and Community Development by the Virginia Manufactured Housing Construction and Safety Standards Law, Chapter 4.1, Title 36 of the Code of Virginia.

1100.3 Application: PART TWO shall apply to manufactured homes as defined in Section 1200.0.

1100.4 Effective date: The effective date of PART TWO of these regulations is March 1, 1988.

#### SECTION 1101.0 ENFORCEMENT GENERALLY

1101.1 Federal regulation: Enforcement of PART TWO shall be in accordance with the Federal Manufactured Home Procedural and Enforcement Regulations, enacted May 13, 1976, under authority granted by Section 625 of the Act, and designated as Part 3282, Chapter XX, Title 24 of the department's regulations. (Part 3282 consists of subparts A through L, with Sections numbered 3282.1 through 3282.554, and has an effective

date of June 15, 1976.)

1101.2 Delegation of authority: The Department of Housing and Community Development is delegated all lawful authority for the enforcement of the federal standards pertaining to manufactured homes by the administrator according to §36-85.5 of the Code of Virginia. The Division of Building Regulatory Services of the Department of Housing and Community Development is designated as a State Administrative Agency in the HUD enforcement program, and shall act as an agent of HUD. The administrator is authorized to perform the activities required of an SAA by the HUD enforcement plan, including (but not limited to) investigation, citation of violations, handling of complaints, conducting hearings, supervising remedial actions, monitoring, and making such reports as may be required.

## SECTION 1102.0 ENFORCEMENT IN LOCALITIES

1102.1 Responsibility of local building officials: All local building officials are authorized by § 36-85.11 of the Code of Virginia to enforce the provisions of PART TWO within the limits of their jurisdiction. Such local building officials shall enforce PART TWO, subject to the general oversight of the division, and shall not permit the use of any manufactured home containing a serious defect or imminent safety hazard within their jurisdiction.

1102.2 Effect of label: Manufactured homes displaying the HUD label shall be accepted in all localities as meeting the requirements of this Law, which supersedes the building codes of the counties, municipalities and state agencies. Notwithstanding this provision, local building officials are authorized to carry out the following functions with respect to manufactured homes displaying the HUD

label, provided such functions do not involve disassembly of the units or parts of the units, change of design, or result in the imposition of more stringent conditions than those required by the Federal regulations:

1. They shall verify that it has not been damaged in transit to a degree that would render it unsafe. Where indicated, tests may be made for tightness of plumbing systems and gas piping, and electrical short circuits at meter connections.
2. They shall verify that supplemental components required by the label or PART TWO are properly provided.
3. They shall verify that installation or erection instructions are observed.
4. They shall verify that any special conditions or limitations of use stipulated by the label in accordance with the standards or PART TWO are observed.
5. They shall enforce applicable requirements of PART TWO and the USBC - Volume I for alterations and additions to manufactured homes, and may enforce the USBC - Volume II for maintenance of the homes.
6. They shall enforce the requirements of the Uniform Statewide Building Code applicable to utility connections, site preparation, fire limits, building permits, certificates of use and occupancy, and all other applicable requirements, except those governing the design and construction of the labeled units.
7. They may verify that a manufactured home displays the required HUD label.

8. They may verify that nonconforming items have been corrected.

1102.3 Action upon noncompliance: Whenever any local building official finds that a manufactured home delivered for use in his jurisdiction is in violation of PART TWO, he shall initiate the corrective procedure required, in accordance with PART TWO.

1102.4 Report to the department: Whenever any manufactured home is moved from a local jurisdiction before a noted violation has been corrected, the building official shall make a prompt report of the circumstances to the administrator. The report shall include a list of uncorrected violations, all information pertinent to identification and manufacturer of the home contained on the label and the data plate, the destination of the home if known, and the name of the party responsible for moving it.

## SECTION 1103.0 DISTRIBUTORS AND DEALERS

1103.1 Alterations: No distributor or dealer shall perform or cause to be performed any alteration affecting one or more requirements set forth in the federal standards, except those alterations approved by the administrator.

1103.1.1 Assistance from local building officials: In handling and approving dealer requests for alterations, the administrator may be assisted by local building officials. The building officials shall report violations of this section and failures to conform to the terms of their approval to the administrator.

1103.2 Installations: Distributors or dealers installing or setting up a manufactured home shall perform such installation in accordance with the manufac-



turer's installation instructions or other support and anchoring system approved by the building official in accordance with Section 621.0 of the USBC - Addendum 1.

1103.3 Prohibited re-sale: No distributor or dealer shall offer for resale any manufactured home possessing a serious defect or imminent safety hazard.

#### SECTION 1104.0 CONTINUING ENFORCEMENT

1104.1 Inspections: At any time during regular business hours when a manufactured home is located on a dealer's or distributor's lot and offered for sale, the administrator shall have authority to inspect such home for transit damages, seal tampering, violations of the federal standards and the dealer's or distributor's compliance with applicable state and federal laws and regulations. The administrator shall give written notice to the dealer or distributor when any home inspected does not comply with the federal standards.

#### SECTION 1105.0 CONSUMER COMPLAINTS

1105.1 Reports: The administrator shall receive all consumer complaints on manufactured homes reported to the department by owners, dealers, distributors, code officials, and other state or federal agencies. The administrator may request such reports to be submitted by letter or on a report form supplied by the department.

1105.2 Inspections: The administrator may conduct, or cause to be conducted, an on-site inspection of a manufactured home at the request of the owner reporting a complaint with the home or under the following conditions with the permission of the owner of the home.

1. The dealer, distributor or manufacturer requests an on-site inspection; or
2. The reported complaint indicates extensive and serious noncompliances; or
3. Consumer complaints lead the SAA to suspect that classes of homes may be similarly affected; or
4. Review of manufacturer's records, corrective action, and consumer complaint records leads the administrator to suspect secondary or associated noncompliances may also exist in a class of homes.

1105.2.1 Coordination of inspections: When conducting an on-site inspection of a home involving a consumer complaint, the administrator may request the dealer, distributor, and manufacturer of the home to have a representative present to coordinate the inspection and investigation of the consumer complaint.

1105.3 Determination: After reviewing the complaint report or the on-site inspection of the home involved, the administrator shall, where possible, indicate the cause of any nonconformance and, where possible, indicate the responsibility of the manufacturer, dealer, distributor or owner for the noncompliance and any corrective action necessary.

1105.4 Referral: The administrator shall refer to the manufacturer of the home, in writing, any consumer complaint concerning that home reported to the administrator. The administrator may refer any such reported complaint to HUD, to the SAA in the State where the manufacturer is located and to the inspection agency involved with certifying the home.

1105.4.1 Referral to the Virginia Department of Motor Vehicles: When a review of the reported complaint or the on-site investigation of the complaint indicates a

dealer or distributor is in violation of or has violated these regulations, the administrator shall refer the complaint to the DMV and shall provide such assistance and reports as requested by DMV in their handling of the complaint.

1105.5 Follow-up: The administrator shall assist the owner, dealer, distributor and manufacturer in resolving consumer complaints. The administrator shall monitor the manufacturer's performance to assure compliance with Subpart I of the federal regulations for consumer complaint handling and shall take such actions as are necessary to assure compliance of all involved parties with applicable state and federal regulations.

## ARTICLE 12

### DEFINITIONS

#### SECTION 1200.0 DEFINITIONS

1200.1 Definitions from PART ONE: Terms defined in PART ONE (Article 2) shall have the same meaning in PART TWO, unless otherwise specifically indicated. Terms defined within the Federal Manufactured Home Construction and Safety Standards and the Federal Manufactured Home Procedural and Enforcement Regulations, as adopted by the United States Department of Housing and Urban Development, shall have the same meanings in these regulations.

#### 1200.2 Additional definitions:

"Act" or "The Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, Title VI of the Housing and Community Development Act of 1974 (42 U.S.C. 5401, et seq.).

"Administrator" means the Director of the Department of Housing and Community Development or his designee.

"Dealer" means any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.

"Defect" means a failure to comply with an applicable federal manufactured home construction and safety standard that renders the manufactured home or any part of the home unfit for the ordinary use of which it was intended, but does not result in an imminent risk of death or severe personal injury to occupants of the affected home.

"Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

"HUD" means the United States Department of Housing and Urban Development.

"Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable federal manufactured home construction or safety standard.

"Label" or "Certification label" means the approved form of certification by the manufacturer that, under Section 3282.362(c)(2)(i) of the Act, is permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States.

"Manufactured Home" means a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode,

or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

"Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes.

"Noncompliance" means a failure of a manufactured home to comply with a federal manufactured home construction or safety standard that does not constitute a defect, serious defect, or imminent safety hazard.

"Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

"Secretary" means the Secretary of the United States Department of Housing and Urban Development.

"Serious defect" means any failure to comply with an applicable federal manufactured home construction and safety standard that renders the manufactured home or any part thereof not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to occupants of the affected manufactured home.

"Standards" or "federal standards" means the Federal Manufactured Home Construction and Safety Standards adopted by HUD, in accordance with authority in the Act. Said standards were enacted December 18, 1975, and amended May 11, 1976, to become effective June 15, 1976.

"State administrative agency" or "SAA" means the Department of Housing and Community Development which is responsible for the administration and enforcement of this law throughout Virginia and of the plan authorized by §36-85.5 of the Code of Virginia.

## ARTICLE 13

### SAFETY STANDARDS

#### SECTION 1300.0 FEDERAL STANDARDS

1300.1 Compliance required: Manufactured homes produced on or after June 15, 1976, shall conform to all the requirements of the federal standards, as amended.

#### SECTION 1301.0 MOUNTING AND ANCHORING

1301.1 Reference to Uniform Statewide Building Code: Mounting and anchoring of manufactured homes shall be in accordance with the applicable requirements of the 1987 Edition of the Virginia Uniform Statewide Building Code.

## ARTICLE 14

### VIOLATIONS

#### SECTION 1400.0 VIOLATIONS

1400.1 Notice of violation: Where the administrator finds any violation of the provisions of these regulations, a notice of violation shall be issued. This notice of violation shall order the party responsible to bring the unit into compliance, within

a reasonable time.

1400.2 Appeals to notice of violation: Parties aggrieved by the findings of the notice of violation may appeal to the State Building Code Technical Review Board, which shall act on the appeal in accordance with the provisions of the USBC - Volume I. The aggrieved party shall file the appeal within 10 days of the receipt of the notice of violation. Unless the notice of violation is revoked by the review board, the aggrieved party must comply with the stipulations of the notice of violation.

1400.3 Penalty: Any person, firm or corporation violating any provisions of these regulations shall, upon conviction, be considered guilty of a misdemeanor in accordance with §36-85.12 of the Code of Virginia.

1987 EDITION

VIRGINIA INDUSTRIALIZED BUILDING AND MANUFACTURED HOME  
SAFETY REGULATIONS

ADDENDA

ADDENDUM 1

REQUIREMENTS FOR MOUNTING AND ANCHORING MOBILE UNITS  
AND MANUFACTURED HOMES

The following requirements are from the 1987 Edition  
of the Virginia Uniform Statewide Building Code:

SECTION 621.0 MOBILE UNITS AND MANUFACTURED HOMES

621.1 General: Mobile units, as defined in section  
201.0 shall be designed and constructed to be  
transported from one location to another and not  
mounted on a permanent foundation. Manufactured homes  
shall be designed and constructed to comply with the  
Federal Manufactured Housing Construction and Safety  
Standards and used with or without a permanent  
foundation.

621.2 Support and anchorage of mobile units: The  
manufacturer of each mobile unit shall provide with  
each unit specifications for the support and anchorage  
of the mobile unit. The manufacturer shall not be  
required to provide the support and anchoring  
equipment with the unit. Mobile units shall be  
supported and anchored according to the manufacturer's  
specifications. The anchorage shall be adequate to  
withstand wind forces and uplift as required in  
Article 11 for buildings and structures, based upon  
the size and weight of the mobile unit.



621.3 Support and anchorage of manufactured homes: The manufacturer of the home shall provide with each manufactured home printed instructions specifying the location, required capacity and other details of the stabilizing devices to be used with or without a permanent foundation (i.e. tiedowns, piers, blocking, footings, etc.) based upon the design of the manufactured home. Manufactured homes shall be supported and anchored according to the manufacturer's printed instructions or supported and anchored by a system conforming to accepted engineering practices designed and engineered specifically for the manufactured home. Footings or foundations on which piers or other stabilizing devices are mounted shall be carried down to the established frost lines. The anchorage system shall be adequate to resist wind forces, sliding and uplift as imposed by the design loads.

621.3.1 Hurricane zone: Manufactured homes installed or relocated in the hurricane zone shall be of hurricane and windstorm resistive design in accordance with Federal Manufactured Housing Construction and Safety Standards and shall be anchored according to the manufacturer's specifications for the hurricane zone.

The hurricane zone includes the following counties and all cities located therein, contiguous thereto, or to the east thereof:

Accomack	King William	Richmond
Charles City	Lancaster	Surry
Essex	Mathews	Sussex
Gloucester	Middlesex	Southampton
Greensville	Northumberland	Westmoreland
Isle of Wight	Northampton	York
James City	New Kent	
King & Queen	Prince George	

621.4 Anchorage of used mobile units and manufactured homes: When used mobile units or used manufactured homes are being installed or relocated and the manufacturer's original installation instructions are not available, the anchoring system, including ground anchors, shall be designed by a professional engineer or architect or shall be as follows:

1. Hurricane zone: Tiedowns shall be not more than eight feet on center and not more than two feet from the end of the unit.
2. Nonhurricane zone: Tiedowns shall be not more than 12 feet on center and not more than two feet from the end of the unit.
3. Ground anchor load capacity: Each ground anchor shall be capable of resisting without failure an allowable working load equal to or exceeding 3,150 pounds plus a 50% overload factor.
4. Weather resistance: Ground anchors shall be resistant to weathering deterioration at least equivalent to that provided by a coating of zinc on steel strapping of not less than 0.30 ounces per square foot of surface coated.

## ADDENDUM 2

### PREVIOUS ADOPTIONS AND AMENDMENTS

The Virginia Industrialized Building Unit and Mobile Home Safety Regulations were first adopted in 1971 by the State Corporation Commission and became effective on January 1, 1972. Subsequent editions and amendments were adopted by the Commission to update the reference standards or reflect changes in State and Federal legislation. On July 1, 1978, responsibility for the Regulations passed to the State Board of Housing and Community Development. The Board has also amended the Regulations to incorporate later editions of the reference standards and legislative changes.

The Office of State Building Code has compiled a list of the successive editions of the Regulations and amendments. This list includes the effective dates and a summary of the major changes incorporated in each edition or amendment. A copy may be obtained without charge upon request to:

Office of State Building Code  
Department of Housing and Community Development  
205 North Fourth Street  
Richmond, Virginia 23219  
Telephone (804) 786-5041

# **ADDENDUM 3**

## **Virginia Industrialized Building Safety Law**

§ 36-70. Short title. The short title of the law embraced in this chapter is the Virginia Industrialized Building Safety Law.

§ 36-71.1. Definitions. As used in this chapter, unless a different meaning or construction is clearly required by the context: "Administrator" means the Director of the Department of Housing and Community Development or his designee.

"Board" means the Board of Housing and Community Development.

"Compliance assurance agency" means an architect or professional engineer registered in Virginia, or an organization, determined by the Department to be specially qualified by reason of facilities, personnel, experience and demonstrated reliability, to investigate, test and evaluate industrialized buildings; to list such buildings complying with standards at least equal to those promulgated by the Board; to provide adequate follow-up services at the point of manufacture to ensure that production units are in full compliance; and to provide a label as evidence of compliance on each manufactured section or module.

"Department" means the Department of Housing and Community Development.

"Industrialized building" means a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in § 36-85.3 and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act shall not be considered industrialized buildings for the purpose of this law.

"Registered" means that an industrialized building displays a registration seal issued by the Department of Housing and Community Development.

"The law" or "this law" means the Virginia Industrialized Building Safety Law as provided in this chapter.

§ 36-72. Declaration of policy. Industrialized buildings, because of the manner of their construction, assembly and use and that of their systems, components and appliances (including heating, plumbing and electrical systems) like other finished products having concealed vital parts, may present hazards to the health, life and safety of persons and to the safety of property unless properly designed and manufactured. In the sale or rental of industrialized buildings, there is also the possibility of defects not readily ascertainable when inspected by purchasers or users or by the local building official. It is the policy and purpose of this Commonwealth to provide protection to the public against those possible hazards and to promote sound building construction, and for that purpose, to forbid the sale, rental or use of new industrialized buildings which are not so constructed as to provide reasonable safety and protection to their owners and users and involve reasonably sound building practices. It is the further policy of this Commonwealth to minimize the unique problems presented by a lack of uniform standards and inspection procedures affecting the mass production of housing and to hereby declare its intention to encourage the reduction of construction costs and to make housing more feasible for all residents of the Commonwealth.

§ 36-73. Authority of Board to promulgate rules and regulations.

The Board shall from time to time promulgate rules and regulations prescribing standards to be complied with in industrialized buildings for protection against the hazards thereof to safety of life, health and property and prescribing procedures for the administration, enforcement and maintenance of such rules and regulations. The standards shall be reasonable and appropriate to the objectives of this law and within the guiding principles prescribed by the General Assembly in this law and in any other law in pari materia. The standards shall not be applied to manufactured homes defined in § 36-85.3.

In making rules and regulations, the Board shall have due regard for generally accepted safety standards as recommended by nationally recognized organizations, such as the Building Officials and Code Administrators International, Inc., the Southern Building Codes Congress, the International Conference of Building Officials, the National Fire Protection Association and the Council of American Building Officials.

Where practical, the rules and regulations shall be stated in terms of required levels of performance, so as to facilitate the prompt acceptance of new building materials and methods. Where generally recognized standards of performance are not available, the rules and regulations of the Board shall provide for acceptance of materials and methods whose performance has been found by the Department, on the basis of reliable test and evaluation data presented by the proponent, to be substantially equal in safety to those specified.

§ 36-74. Notice and hearing on rules and regulations. The Board shall comply with all applicable requirements of the Administrative Process Act (§ 9-6.14:1 et seq.) when adopting, amending or repealing any rules or regulations under this law.

§ 36-75. Amendment, etc., and annual review of rules and regulations. The Board may modify, amend or repeal any rules or regulations as the public interest requires.

The Administrator shall make an annual review of the rules and regulations, considering the housing needs and supply in the Commonwealth and factors that tend to impede or might improve the availability of housing for all citizens of the Commonwealth and shall recommend to the Board such modifications, amendments or repeal as deemed necessary.

§ 36-76. Printing and distribution of rules and regulations. The Administrator shall have printed from time to time, and keep in pamphlet form, all rules and regulations prescribing standards for industrialized buildings. Such pamphlets shall be furnished upon request to members of the public.

§ 36-77. Rules and regulations to be kept in office of Administrator. A true copy of all rules and regulations adopted and in force shall be kept in the office of the Administrator, accessible to the public.

§ 36-78. Effective date and application of rules and regulations. No rules or regulations shall be made effective earlier than twelve months after June 26, 1970. No person, firm or corporation shall offer for sale or rental or sell or rent any industrialized buildings which have been constructed after the effective date of such rule or regulation unless it conforms with said rules and regulations. Any industrialized building constructed before the effective date of these regulations shall remain subject to the ordinances, laws or regulations in effect at the time such industrialized building was constructed, but nothing in this chapter shall prevent the enactment or adoption of additional requirements where necessary to provide for adequate safety of life, health and property.

§ 36-79. Effect of label of compliance assurance agency. Any industrialized building shall be deemed to comply with the standards of the Board when bearing the label of a compliance assurance agency.

§ 36-80. Modifications to rules and regulations. The Administrator shall have the power upon appeal in specific cases to authorize modifications to the rules and regulations to permit certain specified alternatives where the objectives of this law can be fulfilled by such other means.

§ 36-81. Application of local ordinances; enforcement of chapter by local authorities. Registered industrialized buildings shall be acceptable in all localities as meeting the requirements of this law, which shall supersede the building codes and regulations of the counties, municipalities and state agencies. The local building official is authorized to and shall determine that any unregistered industrialized building shall comply with the provisions of this law. Local requirements affecting industrialized buildings, including zoning, utility connections, preparation of the site, and maintenance of the unit, shall remain in full force and effect. All local building officials are authorized to and shall enforce the provisions of this law, and the rules and regulations made in pursuance thereof.

§ 36-82. Right of entry and examination by Administrator; notice of violation. The Administrator shall have the right, at all reasonable hours, to enter into any industrialized building upon permission of any person who has authority or shares the use, access and control over the building, or upon request of local officials having jurisdiction, for examination as to compliance with the rules and regulations of the Board. Whenever the Administrator shall find any violation of the rules and regulations of the Board, he shall order the person responsible therefor to bring the building into compliance, within a reasonable time, to be fixed in the order.

§ 36-82.1. Appeals. Appeals from local building officials, compliance assurance agencies, or manufacturers of industrialized buildings concerning the Department's application of the rules and regulations of the Industrialized Building Safety Law shall be heard by the State Building Code Technical Review Board established by § 36-108 of the Code of Virginia. The Technical Review Board shall have the power and duty to render its decision in any such appeal, which decision shall be final if no further appeal is made.

§ 36-83. Violation a Class 1 misdemeanor; penalty. It shall be unlawful for any person, firm or corporation, on or after June 26, 1970, to violate any provisions of this law or the rules and regulations made pursuant hereto. Any person, firm or corporation violating any of the provisions of this law, or the rules and regulations made hereunder, shall be deemed guilty of a Class 1 misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000.

§ 36-84. Clerical assistants to Administrator; equipment, supplies and quarters. The Administrator may employ such permanent or temporary, clerical, technical and other assistants as is found necessary or advisable for the proper administration of this law, and may fix their compensation and may likewise purchase equipment and supplies deemed necessary.

§ 36-85. Fee for registration seal; use of proceeds. The Board, by rule and regulation, shall establish a fee for each approved registration seal. The proceeds from the sale of such seals shall be used to pay the costs incurred by the Department in the administration of this law.

§ 36-85.1. Refund of fee paid for registration seal. Any person or corporation having paid the fee for an approved registration seal which it will not use may, unless and except as otherwise specifically provided, within one year from the date of the payment of any such fee, apply to the Administrator for a refund, in whole or in part, of the fee paid; provided that no payment shall be recovered unless the approved registration seal is returned, unused and in good condition, to the Administrator. Such application shall be by notarized letter.

# ADDENDUM 4

## Virginia Manufactured Housing Construction and Safety Standards Law

§ 36-85.2. Short title. The short title of the law embraced in this chapter is the Virginia Manufactured Housing Construction and Safety Standards Law.

§ 36-85.3. Definitions. As used in this chapter, unless a different meaning or construction is clearly required by the context:

"Administrator" means the Director of the Department of Housing and Community Development or his designee.

"Any person" shall, in addition to referring to a natural person, include any partnership, corporation, joint stock company or any association whether incorporated or unincorporated.

"Board" means the Board of Housing and Community Development.

"Dealer" means any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.

"Defect" means a failure to comply with an applicable federal manufactured home construction and safety standard that renders the manufactured home or any part of the home unfit for the ordinary use for which it was intended, but does not result in an imminent risk of death or severe personal injury to occupants of the affected home.

"Department" means the Department of Housing and Community Development.

"Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

"Federal Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended (42 U.S.C. § 5401 et seq.).

"Federal Regulations" means the Federal Manufactured Home Procedural and Enforcement Regulations.

"Federal Standards" means the Federal Manufactured Home Construction and Safety Standards.

"HUD" means the United States Department of Housing and Urban Development.

"Imminent safety hazard" means a hazard that presents an imminent risk of death or severe personal injury.

"Manufactured home" means a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

"Manufactured home construction" means all activities relating to the assembly and manufacture of a manufactured home including but not limited to those relating to durability, quality, and safety.

"Manufactured home safety" means the performance of a manufactured home in such a manner that the public is protected against unreasonable risk of the occurrence of accidents due to the design or construction of the home, or any unreasonable risk of death or injury to the user if such accidents do occur.

"Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes.

"Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

"Secretary" means the Secretary of the United States Department of Housing and Urban Development.

"State Administrative Agency" or "SAA" means the Department of Housing and Community Development which is responsible for the administration and enforcement of this law throughout Virginia and of the plan authorized by § 36-85.5.

"The law" or "this law" means the Virginia Manufactured Housing Construction and Safety Standards Law as embraced in this chapter.

§ 36-85.4. Purpose and application. The primary purpose of this law is to provide for enforcement by Virginia of the Federal Act and the standards and regulations adopted by the Secretary under authority granted by the Federal Act. Adoption of this law is intended to enable manufactured home inspection and enforcement activities to be performed by the Department. Any manufactured home constructed on or after July 1, 1986, or constructed on or after June 15, 1976, and formerly subject to the Federal Act or the Industrialized Building Unit and Mobile Home Safety Law (§ 36-70 et seq.), shall be subject to this law.

§ 36-85.5. Enforcement. The Department of Housing and Community Development is designated as the agency of this State Administrative Agency plan approved by HUD. The Administrator is authorized to perform the following functions:

1. Enforce the Federal Standards with respect to all manufactured homes manufactured in Virginia;
2. Assure that no state or local standard conflicts with those Federal Standards governing manufactured housing construction and performance;
3. Enter and inspect factories, warehouses, or establishments in which manufactured homes are manufactured, stored, or offered for sale as may be required;
4. Seek enforcement of the civil and criminal penalties established by § 36-85.12 of this law;
5. Carry out the notification and correction procedures specified in the Federal Regulations, including holding such hearings and making such determinations as may be necessary and requiring manufacturers in the Commonwealth to provide such notifications and corrections as may be required by the Federal Regulations;
6. Employ such qualified personnel as may be necessary to carry out the approved plan for enforcement and otherwise administer this law;
7. Require manufacturers, distributors, and dealers in the Commonwealth to make reports to the Secretary in the same manner and to the same extent as if such plan were not in effect;
8. Participate, advise, assist, and cooperate with other state, federal, public, and private agencies in carrying out the approved plan for enforcement;
9. Provide for participation by the SAA in any interstate monitoring activities which may be carried out on behalf of HUD;
10. Receive consumer complaints and take such actions on the complaints as may be required by the Federal Regulations;
11. Give satisfactory assurance to HUD that the SAA has and will have the legal authority necessary for enforcement of the Federal Standards;
12. Take such other actions as may be necessary to comply with Federal Regulations and Standards referenced in this law.

§ 36-85.6. Federal Standards and Regulations. The Federal Standards shall be the sole standard applicable regarding design, construction, or safety of any manufactured home as defined by this law. The Administrator shall accept manufactured home plan approvals from state or private agencies authorized by HUD to conduct plan reviews and approvals. The Administrator shall accept certifications of compliance with the Federal Standards for homes manufactured in other states when such certifications are made according to Federal Regulations.



§ 36-85.7. Authority of Board to adopt rules and regulations. The Board shall from time to time adopt, amend, or repeal such rules and regulations as are necessary to implement this law in compliance with the Federal Act and the Federal Standards and Regulations enacted by HUD.

§ 36-85.8. Notice and hearing on rules and regulations. The Board shall comply with all applicable requirements of the Administrative Process Act (§ 9-6.14:1 et seq.) of the Code of Virginia when adopting, amending, or repealing any rules and regulations under this law.

§ 36-85.9. Printing and distribution of rules and regulations. The Administrator shall have printed and keep in pamphlet form all rules and regulations prescribing the implementation and enforcement of this law. Such pamphlets shall be furnished to members of the public upon request.

§ 36-85.10. Rules and regulations to be kept in office of Department. A true copy of all rules and regulations adopted and in force shall be kept in the office of the Department, accessible to the public.

§ 36-85.11. Application of local ordinances; enforcement of chapter by local authorities. Manufactured homes displaying the certification label as prescribed by the Federal Standards shall be accepted in all localities as meeting the requirements of this law, which shall supersede the building codes of the counties, municipalities and state agencies. Local requirements for zoning and requirements of the Virginia Uniform Statewide Building Code for site preparation, utility connections and maintenance shall remain in full force and effect. All local building officials are authorized to and shall enforce the rules and regulations adopted by the Board in accordance with this law.

§ 36-85.12. Violation; civil and criminal penalties. It shall be unlawful for any person, firm or corporation, to violate any provisions of this law, the rules and regulations enacted under authority of this law, or the Federal Law and Regulations. Any person, firm or corporation violating any provision of said laws, rules and regulations, or any final order issued thereunder, shall be liable for civil penalty not to exceed \$1,000 for each violation. Each violation shall constitute a separate violation with respect to each manufactured home or with respect to each failure or refusal to allow or to perform an act required by the legislation or regulations. The maximum civil penalty may not exceed 1 million dollars for any related series of violations occurring within one year from the date of the first violation.

An individual or a director, officer, or agent of a corporation who knowingly and willfully violates Section 610 of the National Manufactured Housing Construction and Safety Standards Act in a manner which threatens the health or safety of any purchaser shall be deemed guilty of a Class 1 misdemeanor and upon conviction fined not more than \$1,000 or imprisoned not more than one year, or both.

§ 36-85.13. Staff, equipment or supplies. The Administrator may employ permanent or temporary technical, clerical and other assistants as is necessary or advisable for the proper administration of this law. The Administrator may purchase equipment and supplies deemed necessary for the staff.

§ 36-85.14. Fees. The Board may establish inspection fees to be paid by manufacturers to cover the costs of monitoring inspections. Such fees shall be in the amount and manner as set out in the Federal Regulations. The SAA shall participate in the fee distribution program established by HUD and is authorized to enter into and execute a Cooperative Agreement with HUD for such participation.

§ 36-85.15. Validity. If any part or provision of this law, or the application to any person or circumstance, is held to be illegal or invalid, the validity of the remainder of this law, or the application to other persons or circumstances, shall not be affected by such ruling.





COMMONWEALTH OF VIRGINIA  
DIVISION OF BUILDING REGULATORY SERVICES  
209 NORTH FOURTH STREET  
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