

PREFACE

This edition of the Virginia Industrialized Building Safety Regulations (IBR) was adopted on January 27, 1997, by order of the Virginia Board of Housing and Community Development (BHCD), and became effective on April 15, 1997. The adoption was made in accordance with the regulatory authority granted the BHCD by Chapter 4 (§ 36-70 et seq.) of Title 36 of the Code of Virginia. The adoption order was prepared according to the requirements of the Administration Process Act.

The IBR provides for the administration and enforcement of uniform, statewide, health and safety standards for industrialized buildings, wherever produced. A major purpose of the regulation is to make good quality buildings more affordable for citizens of Virginia. It does so by providing precertification of factory-built buildings which contain concealed parts that cannot 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 industrialized buildings and to inspect their production for code compliance, (b) assignment of the responsibility for safe installation to local building departments, and (c) state action to secure correction of defects discovered after installation and adjustments to the factory production processes to avoid recurrence of the defects. § 36-119 of the Code of Virginia provides that these regulations supersede the USBC when an industrialized building is constructed, labeled and registered under the IBR. However, every effort has been made to coordinate the requirements of the regulations.

The BHCD bases the technical requirements of its regulations on nationally accepted model codes and standards and makes as few amendments as possible. The purpose is to benefit the citizens of Virginia by promoting efficiency in the construction industry, many aspects of which are interstate in nature. For this reason, the BHCD encourages anyone who believes that a technical amendment is needed to submit their proposal directly to the model code or standard writing organization. Amendments made by such organizations will then be considered for inclusion in future editions of the USBC. State law requires the BHCD to properly maintain the IBR. The BHCD plans to do this by updating the IBR when new editions of the model codes become publicly available. Suggestions for improvements are invited at any time. Information on how to present proposals to model code or standard organizations may be obtained from the State Building Code Office.

Technical information and assistance regarding the administration and enforcement of the IBR may be obtained by contacting the following office:

Division of Building and Fire Regulation
Manufactured Housing and Industrialized
Building Office
501 North Second Street
Richmond, Virginia 23219-1321
(804) 371-7160
FAX (804) 371-7092

CHAPTER 91.
VIRGINIA INDUSTRIALIZED BUILDING SAFETY REGULATIONS.

13 VAC 5-91-10. Definitions.

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

"**Administrator**" means the Director of DHCD 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.

"**BHCD**" means the Virginia Board of Housing and Community Development.

"**BOCA**" means the Building Officials and Code Administrators International, Inc.

"**CABO**" means the Council of America Building Officials.

"**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.

"**DHCD**" means the Virginia Department of Housing and Community Development.

"**ICC**" means the International Code Council, Inc.

"**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 of the Code of Virginia and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act (42 USC § 5401 et seq.) shall not be considered industrialized buildings for the purpose of this law.

"**Local code official**" means the officer or other designated authority charged with the administration and enforcement of USBC, or duly authorized representative.

"**Manufactured Housing and Industrialized Building Office**" means the office of DHCD which has been designated to carry out the state plan for enforcement of the Virginia Industrialized Building Safety Regulations.

"**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.

"**NFPA**" means the National Fire Protection Association.

"**Registered**" means an industrialized building which displays a registration seal issued by DHCD in accordance with this chapter.

"**Regulation**" or "**Regulations**" means 13 VAC 5-91-10 et seq.

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

"**TRB**" means the State Building Code Technical Review Board as established by § 36-108 of the Code of Virginia.

"**USBC**" means the Virginia Uniform Statewide Building Code, 13 VAC 5-61-10 et seq.

13 VAC 5-91-20. Application and compliance.

A. This chapter shall apply to industrialized

building, as defined in 13 VAC 5-91-10.

B. 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.

C. Industrialized buildings subject to any edition of these regulations when constructed shall be maintained in compliance with the applicable edition by the owners or occupants or both.

D. Industrialized buildings constructed prior to the effective date of the first edition of these regulations (January 1, 1972) when relocated shall be subject to the pertinent provisions of the USBC.

13 VAC 5-91-30. Purpose.

The purpose of this chapter is to ensure safety to life, health, and property through compliance with uniform statewide construction standards for industrialized buildings.

13 VAC 5-91-40. Inspection and enforcement.

The Manufactured Housing and Industrialized Building Office is designated as the administrator's representative for the enforcement of this chapter.

It shall have authority to make such inspections and to take such other actions as are required to enforce the regulations.

Note: The Manufactured Housing and Industrialized Building Office shall act as the building code official for registered industrialized buildings.

13 VAC 5-91-50. Factory and field inspections.

A. 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.

B. 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 this chapter. 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.

13 VAC 5-91-60. Violations.

A. 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.

B. If the nature of the violation is such that it may be remedied under this chapter, the administrator may refer the matter to the local code official for enforcement.

13 VAC 5-91-70. Appeals.

A. Appeals from local code officials, compliance assurance agencies or manufacturers of industrialized buildings concerning DHCD's application of this chapter will be heard by the TRB upon application by the aggrieved party. The application shall be submitted to the Office of the TRB within 21 calendar days of receipt of the decision by DHCD. A copy of the decision of DHCD to be appealed shall be submitted with the application for appeal. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of DHCD's decision.

B. Procedures of the TRB are in accordance with Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the TRB shall be final if no appeal is made therefrom.

13 VAC 5-91-80. 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.

13 VAC 5-91-90. Penalty for violation.

Any person, firm or corporation violating any provisions of this chapter shall be considered guilty of a Class 1 misdemeanor and, upon conviction, shall be fined not more than \$1,000 (§ 36-83 of the Code of Virginia).

13 VAC 5-91-100. Responsibility of local code officials.

Every local code official is authorized to and shall enforce the provisions of this chapter within the limits of his jurisdiction. He shall not permit the use of any industrialized building that does not comply with this chapter.

13 VAC 5-91-110. 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 code 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 this chapter.

1. Local code officials shall verify that the registered industrialized building 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. Local code officials shall verify that supplemental components required by the label or by this chapter are properly provided.

3. Local code officials shall verify that the

instructions of the label for installation and erection are observed.

4. Local code officials shall verify that any special conditions or limitations of use that are stipulated by the label in accordance with these regulations are observed.

5. Local code officials may require submission and approval of plans and specifications for the supporting structures, foundations including anchorage, and all other components necessary to form the completed building. They may require such architectural and engineering services as may be specifically authorized by this chapter to assure that the supporting structures, foundations including anchorage, and other components necessary to form the completed building are designed in accordance with this chapter.

6. Local code officials shall enforce applicable requirements of this chapter and the USBC 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. Local code officials shall enforce the requirements of the USBC applicable to utility connections, site preparation, 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. Local code officials shall verify that the building displays the required state registration seal and the proper label of the compliance assurance agency.

13 VAC 5-91-120. Unregistered industrialized buildings.

A. The local code official shall determine whether any unregistered industrialized building complies with this chapter and shall require any noncomplying unregistered building to be brought into compliance with this chapter. The local code official shall enforce all applicable requirements of

this chapter including those relating to the sale, rental and disposition of noncomplying buildings. The local code 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.

B. 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 this chapter and must be inspected and approved by the local code 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.

13 VAC 5-91-130. Disposition of noncomplying building.

When a building is found to be in violation of this chapter, the local code official may require the violations to be corrected before occupancy of the building is permitted.

13 VAC 5-91-140. Report to the Manufactured Housing and Industrialized Building Office.

If the building is moved from the jurisdiction before the violations have been corrected, the local code official shall make a prompt report of the circumstances to the Manufactured Housing and Industrialized Building Office. 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; and
6. Whether the building was placarded for

violation.

13 VAC 5-91-150. When modification may be granted.

A. 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.

B. Before a modification is authorized, the local code official having jurisdiction may be afforded an opportunity to present his views and recommendations.

13 VAC 5-91-160. Hazards prohibited and standards specified.

Industrialized buildings produced after the effective date of this chapter 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 following codes and standards, subject to the specified time limitations, shall be acceptable evidence of compliance with this provision:

1. BOCA National Building Code
 - a. 1993 Edition - until June 1, 1997
 - b. 1996 Edition - no time limit
2. BOCA National Plumbing Code
1993 Edition - until June 1, 1997
3. ICC International Plumbing Code
1995 Edition with 1996 Supplement - no time limit
4. BOCA National Mechanical Code
1993 Edition - until June 1, 1997
5. ICC International Mechanical Code
1996 Edition - no time limit
6. National Electrical Code - NFPA NO. 70
 - a. 1993 Edition - until June 1, 1997
 - b. 1996 Edition - no time limit

7. CABO One- and Two-Family Dwelling Code

- a. 1992 Edition and 1993 Amendments -until June 1, 1997
- b. 1995 Edition - no time limit

The CABO One- and Two- Family Dwelling Code may be used as an optional alternative standard for one- and two-family dwellings to the standards specified in subdivisions 1 through 6 of this section.

Note: The codes and standards (BOCA, CABO, ICC and NFPA) referenced above may be procured from:

Building Officials and Codes Administrators International, Inc.
4051 West Flossmoor Road
Country Club Hills, Illinois 60478-5795

13 VAC 5-91-170. Amendments to codes and standards.

A. 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 this chapter and the applicable provisions of Chapter 1 of the USBC.

B. The referenced codes and standards are amended as per USBC.

13 VAC 5-91-180 Compliance Agencies.

Application may be made to the administrator for acceptance as a compliance assurance agency as defined in 13 VAC 5-91-10. 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 this chapter, and to provide adequate followup 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 Manufactured Housing and Industrialized Building Office.

13 VAC 5-91-190. 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. The agency 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 the agency's 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. The agency's 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. The agency 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 the agency's personnel is free of influence or control by producers, suppliers, or vendors.

13 VAC 5-91-200. 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 this chapter;

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 Material (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 followup, 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; and
8. Proof of independence and absence of conflict of interest.

Note: The ASTM Standard E-541-84 may be procured from:

American Society for Testing and Materials
100 Barr Harbor Drive
West Conshohocken, PA 19428-2956

13 VAC 5-91-210. 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; and
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.

13 VAC 5-91-220. 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.

13 VAC 5-91-230. 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; and
8. Design loads: live load, dead load, snow load, and wind load.

13 VAC 5-91-240. 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 this chapter. 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.

13 VAC 5-91-250. 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 this chapter;
2. The compliance assurance agency has conducted any necessary testing and evaluation of the building and its component parts;
3. The compliance assurance agency has provided the required inspections and other quality assurance followup services at the point of manufacture to assure the building complies with this chapter; 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.

13 VAC 5-91-260. Registration seal for industrialized buildings.

A. Registered industrialized buildings shall be marked with an approved registration seal issued by DHCD. 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.

B. Registered industrialized buildings shall bear a registration seal for each dwelling unit in residential occupancies. For nonresidential occupancies, a registration seal is required for each registered building of a single occupancy and use group.

C. Approved registration seals may be purchased from DHCD in advance of use. The fee for each registration seal shall be \$50. Checks shall be made payable to "Treasurer of Virginia." Payment for the seals must be received by the administrator before the seals can be sent to the user.

D. 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.

13 VAC 5-91-270. Manufacturer's instruction; installation.

A. The manufacturer of each industrialized building shall provide with each building, specifications or instructions, or both, for handling, installing or erecting the building. Such instructions may be included as part of the label from the compliance assurance agency or may be furnished separately by the manufacturer of the building. The manufacturer shall not be required to provide the foundation and anchoring equipment for the industrialized building.

B. Persons or firms installing or erecting registered industrialized buildings shall install or erect the building in accordance with the manufacturer's instructions.