

PREFACE

This edition of the Virginia Manufactured Home Safety Regulations (MHSR) 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 4.1 (§36-85.2 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 MHSR provide for the administration and enforcement of uniform, statewide, health and safety standards for manufactured homes. A major purpose of the regulation is to provide for the enforcement by Virginia of the Federal Manufactured Housing Act and the standards and regulations adopted by the Secretary of HUD under authority granted by the Federal Act. This activity will make good quality housing more affordable for residents of Virginia.

The regulations designate the Division of Building and Fire Regulation of DHCD as a State Administration Agency in the HUD enforcement program and enable manufactured home inspection and enforcement activities to be carried out by DHCD. The MHSR also assign certain inspection and enforcement activities to local building inspection departments. Procedures for handling manufactured home consumer complaints are also explained in the MHSR. §36-119 of the Code of Virginia provides that these regulations supersede the USBC when a manufactured home is constructed and labeled under HUD and the MHSR.

State law requires the BHCD to properly maintain the MHSR. The BHCD plans to do this by updating the MHSR on a three year cycle.

Manufacturers, dealers, local officials and consumers may obtain technical assistance and information regarding the application and enforcement of the MHSR by contacting the following office:

Manufactured Housing and Industrialized Building Office
Division of Building and Fire Regulation
501 North Second Street
Richmond, Virginia 23219-1321
(804) 371-7160
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CHAPTER 95.
VIRGINIA MANUFACTURED HOME SAFETY REGULATIONS.

13 VAC 5-95-10. Definitions.

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

"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 USC § 5401 et seq.).

"Administrator" means the Director of DHCD or his designee.

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

"Dealer" means any person engaged in the sale, leasing, or distribution of 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.

"Federal regulation" means the federal Manufactured Home Procedural and Enforcement Regulations, enacted May 13, 1976, under authority granted by § 625 of the Act, and designated as Part 3282, Chapter XX, Title 24 of HUD's regulations (24 CFR Part 3282). (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.)

"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 24 CFR 3282.362(c)(2)(i) of the Manufactured Home Procedural and Enforcement Regulations, is permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States.

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

"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 HUD.

"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 (24 CFR Part 3280) adopted by HUD, in accordance with authority in the Act. The standards were enacted December 18, 1975, and amended May 11, 1976, to become effective June 15, 1976.

"State administrative agency" or "SAA" means DHCD which is responsible for the administration and enforcement of Chapter 4.1 (§36-85.2 et seq.) of Title 36 of the Code of Virginia throughout Virginia and of the plan authorized by § 36-85.5 of the Code of Virginia.

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

B. Terms defined within the federal regulations and standards shall have the same meanings in this chapter.

13 VAC 5-95-20 Application and enforcement.

A. This chapter shall apply to manufactured homes as defined in 13 VAC 5-95-10 and 13 VAC 5-95-20.

B. Enforcement of this chapter shall be in accordance with the federal regulation.

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

D. DHCD 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 and Fire Regulation of DHCD 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.

E. All local code officials are authorized by § 36-85.11 of the Code of Virginia to enforce the provisions of this chapter within the limits of their jurisdiction. Such local code officials shall enforce this chapter, subject to the general oversight of the Division of Building and Fire Regulation and shall not permit the use of any manufactured home containing a serious defect or imminent safety hazard within their jurisdiction.

F. Mounting and anchoring of manufactured homes shall be in accordance with the applicable requirements of the USBC.

13 VAC 5-95-30. Effect of label.

Manufactured homes displaying the HUD label shall be accepted in all localities as meeting the requirements of this chapter which supersedes the building codes of the counties, municipalities and state agencies. Notwithstanding this provision, local code 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 homes or parts of the homes, change of design, or result in the imposition of more stringent conditions than those required by the federal regulations:

1. Local code officials shall verify that the manufactured home has not been damaged in transit to a degree that would render it unsafe. When determined necessary by the local code official, tests may be required for tightness of plumbing systems and gas piping, and

electrical short circuits at meter connections.

2. Local code officials shall verify that supplemental components required by the label or this chapter are properly provided.

3. Local code officials shall verify that installation or erection instructions are followed.

4. Local code officials shall verify that any special conditions or limitations of use stipulated by the label in accordance with the standards or this chapter are followed.

5. Local code officials shall enforce applicable requirements of this chapter and the USBC for alterations and additions to manufactured homes, and may enforce the USBC for maintenance of the homes.

6. Local code officials shall enforce the requirements of the USBC applicable to utility connections, site preparation, building permits, skirting, certificates of use and occupancy, and all other applicable requirements, except those governing the design and construction of the labeled units.

7. Local code officials may verify that a manufactured home displays the required HUD label.

8. Local code officials may verify that nonconforming items have been corrected.

13 AC 5-95-40. Report to DHCD.

Whenever any manufactured home is moved from a local jurisdiction before a noted violation has been corrected, the local code 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 manufacture 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.

13 VAC 5-95-50. Alterations.

A. 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.

B. In handling and approving dealer requests for alterations, the administrator may be assisted by local code officials. The local code official shall report violations of subsection A of this section and failures to conform to the terms of their approval to the administrator.

13 VAC 5-95-60. Installations.

Distributors or dealers installing or setting up a manufactured home shall perform such installation in accordance with the manufacturer's installation instructions or other support and anchoring system approved by the local code official in accordance with the USBC.

13 VAC 5-95-70. Prohibited resale.

No distributor or dealer shall offer for resale any manufactured home possessing a serious defect or imminent safety hazard.

13 VAC 5-95-80. Lot 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.

13 VAC 5-95-90. Consumer complaints; on-site inspections..

A. The administrator shall receive all consumer complaints on manufactured homes reported to DHCD 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 DHCD.

B. 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;
2. The reported complaint indicates extensive and serious noncompliances;
3. Consumer complaints lead the administrator to suspect that a class 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.

C. 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.

D. 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.

E. 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.

F. 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.

13 VAC 5-95-100. Violation; appeal; penalty.

A. Where the administrator finds any violation of the provisions of this chapter 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. 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. 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.

C. Any person, firm or corporation violating any provisions of this chapter shall, upon conviction, be considered guilty of a misdemeanor in accordance with § 36-85.12 of the Code of Virginia.