

2015

Virginia Manufactured Home Safety Regulations



Effective September 10, 2014



13VAC5-95-10. Definitions.

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

“**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, lease, 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 Act**” means the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USC§ 5401 et seq.)

“**Federal installation standards**” means the federal Model Manufactured Home Installation Standards (24 CFR Part 3285).

“**Federal regulations**” means the federal Manufactured Home Procedural and Enforcement Regulations (24 CFR Part 3282).

“**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.

“**Installation**” means completion of work to include, but not be limited to, stabilizing, supporting, anchoring, and closing-up a manufactured home and joining sections of a multi-section manufactured home, when any such work is governed by the federal installation standards.

“**Installer**” means the person or entity who is retained to engage in or who engages in the business of directing, supervising, controlling, or correcting the initial installation of a manufactured home.

“**Label**,” “**certification label**,” or “**HUD label**” means the certification label prescribed by the federal standards.

“**Local building 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 Federal 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* (13VAC5-63).

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

13VAC5-95-20. Application and enforcement.

A. This chapter shall apply to manufactured homes as defined in 13VAC5-95-10 and as set out in this section.

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

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, making such reports as may

be required, and seeking enforcement of the civil and criminal penalties established by § 36-85.12 of the Code of Virginia.

E. In accordance with § 36-85.11 of the Code of Virginia, all local building officials are authorized to and shall enforce the provisions of this chapter within the limits of their jurisdiction and shall be responsible for the following:

1. Verify through inspection that a manufactured home displays the required HUD label and data plate;
2. Determine whether the manufactured home has been damaged during transit. If the manufactured home has been damaged, then the local building official is authorized to require tests, in accordance with the federal standards, for tightness of plumbing systems and gas piping and an operational test to ensure that all luminaries and receptacles are operable. If a manufactured home has sustained damage to the structural components, the local building official shall require the appropriate design approval primary inspection agency approval on any repairs or designs;
3. Prevent the use of a manufactured home that in the opinion of the local building official contains a serious defect or imminent safety hazard, and notify the administrator immediately;
4. Notify the administrator of any apparent violations of this chapter, to include defects and noncompliance that occurred during the manufacturing process and any alterations that occurred during installation; and
5. Verify through inspection that the installation is in accordance with the federal installation standards. Where the local building official finds that the installation of the manufactured home is not in accordance with the federal installation standards, the local building official shall order the home to be brought into compliance within a reasonable time. If the order is not complied with, then the local building official shall notify the administrator.

F. In accordance with § 36-85.11 of the Code of Virginia, site preparation, utility connection, and skirting installation for manufactured homes shall meet the requirements of the USBC. In addition, as a requirement of this chapter and the USBC, administrative provisions of the USBC, such as requirements for permits, inspections, and certificates of occupancy, and the specific requirements of § 425 of Part I of the USBC (13VAC5-63-220 L through 13VAC5-63-220 Q), shall also be applicable.

13VAC5-95-30. Effect of label.

In accordance with § 36-85.11 of the Code of Virginia, manufactured homes displaying the certification label as prescribed in the federal standards shall be accepted in all localities as meeting the requirements of the Manufactured Housing Construction and Safety Standards Law [(Chapter 4.1 (§ 36-85.2 et seq.) of Title 36 of the Code of Virginia)], which shall supersede the building codes of the counties, municipalities and state agencies.

13VAC5-95-50. Alterations.

A. No distributor, installer or dealer shall perform or cause to be performed any alteration affecting one or more requirements set forth in the federal standards unless the alteration is included in the manufacturer's design approval primary inspection agency's approved design and installation instructions.

B. In accordance with § 36-99 of the Code of Virginia and the USBC, alterations, additions, and repairs associated with existing manufactured homes are subject to applicable provisions of the USBC and not this chapter.

13VAC5-95-60. Installations.

Distributors, installers, or dealers setting up a manufactured home shall perform such installation in accordance with the manufacturer's installation instructions.

13VAC5-95-80. 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 regulations and federal standards, and the dealer's or distributor's compliance with applicable state and federal law and regulation. The administrator shall give written notice to the dealer or distributor when any home inspected does not comply with the federal regulations and federal standards or this chapter.

13VAC5-95-90. Consumer complaints.

A. The administrator shall receive all consumer complaints on manufactured homes reported to DHCD by owners, dealers, distributors, local building officials, and other state or federal agencies. The administrator may request all consumer complaints to be submitted by letter or on a form supplied by DHCD or in another format acceptable by the administrator.

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 notify the manufacturer of the home in writing of any consumer complaint concerning that home reported to the administrator. The administrator shall refer any such reported complaint to HUD, to the SAA in the state where the manufacturer is located, and, as necessary, to the inspection agency involved with certifying the home.

F. The administrator shall assist the owner, dealer, distributor, installer, and manufacturer in resolving consumer complaints.

G. The administrator shall monitor the manufacturer's performance to assure compliance with Subpart I (24 CFR 3282.401 et seq.) of the federal regulations for consumer complaint handling and shall take such actions as are necessary to ensure compliance of all involved parties with applicable state and federal regulation.

13VAC5-95-100. Violation; penalty.

In accordance with § 36-85.12 of the Code of Virginia, it shall be unlawful for any person, firm, or corporation to violate any provisions of Chapter 4.1 (§ 36-85.2 et seq.) of Title 36 of the Code of Virginia, this chapter, or the Federal Act 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 a 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 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 (42 USC § 5409) of the Federal Act in a manner that 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.

