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# COMMONWEALTH of VIRGINIA

William C. Shelton  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**TO:** Local Building and Maintenance Code Officials

**FROM:** Cindy Davis, Deputy Director, Building and Fire Regulations Division  
Department of Housing and Community Development

**DATE:** August 1, 2017

**SUBJECT:** HB 2203

The 2017 General Assembly approved and the Governor signed HB 2203 that requires local building or maintenance officials to provide a copy of the notice to each tenant impacted by the notice of violation sent to the Manufactured Home Park (MHP) owner. The proposed code change was approved by a DHCD Workgroup on April 11, 2017 without any opposition. Note that the code change provides for the notification where the MHP has 10 or more tenants. HB 2203 was introduced when a MHP owner failed to maintain the sewerage system thus impacting the health and sanitation of the MHP tenants. The HB 2203 had the full support from VBCOA in crafting the legislation and later the MHP code change.

The Board of Housing and Community Development will be considering this code change in September of 2017. Since this code change is based on legislative action by the 2017 General Assembly and signed by the Governor, we are confident it will be codified into the 2015 USBC VMC. In the interim, DHCD is requesting that should a similar situation occur in your jurisdiction that you provide the MHP tenants with a copy of the notice of violation provided to the MHP owner.

It is anticipated that these events requiring notification will happen infrequently and will not create an administrative burden. As always, my staff and I are more than happy to provide assistance and counsel.

Your support and cooperation will be greatly appreciated.

Attachments:  
HB 2203  
MHP code change



# VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

## CHAPTER 731

*An Act to direct the Department of Housing and Community Development to consider revision to the Uniform Statewide Building Code, relating to notice to residents of manufactured home parks of building code violations by the park owner.*

[H 2203]

Approved March 24, 2017

**Be it enacted by the General Assembly of Virginia:**

- 1. § 1. That the Department of Housing and Community Development shall consider including in the current revision of the Uniform Statewide Building Code a provision designed to ensure that localities provide appropriate notice to residents of manufactured home parks of any Building Code violation by a park owner that jeopardizes the health and safety of those residents and shall report to the General Assembly regarding the status of such efforts no later than November 1, 2017.*
- 2. That an emergency exists and this act is in force from its passage.**

# M-104.5.4.3 cdpVA-15

**Proponent :** Sub-workgroup for Manufactured Home Parks

DHCD Staff Contact: Vernon Hodge (vernon.hodge@dhcd.virginia.gov)

## 2012 Virginia Maintenance Code

**104.5.4.3 Manufactured home park tenant notification.** If a notice of violation is issued to a manufactured home park owner for violations of this code that jeopardize the health or safety of tenants of the park, a copy of the notice shall be provided to each affected tenant of the manufactured home park. The terms, "manufactured home park" and "owner," as used in this section, shall be as defined in the Manufactured Home Lot Rental Act (Chapter 13.3 (§ 55-248.41 et seq.) of Title 55 of the Code of Virginia).

### **Reason:**

This code change is submitted in response to HB 2203 (2017 session). There were cases cited to the General Assembly where manufactured home park operators had been cited for code violations that potentially impacted park residents and the residents had not been notified.

Text from the bill:

Be it enacted by the General Assembly of Virginia:

**1. § 1.** *That the Department of Housing and Community Development shall consider including in the current revision of the Uniform Statewide Building Code a provision designed to ensure that localities provide appropriate notice to residents of manufactured home parks of any Building Code violation by a park owner that jeopardizes the health and safety of those residents and shall report to the General Assembly regarding the status of such efforts no later than November 1, 2017.*

2. That an emergency exists and this act is in force from its passage.

Link to the bill:

<https://lis.virginia.gov/cgi-bin/legp604.exe?171+sum+HB2203>

The sub-workgroup met in March of 2017, reviewed the two pieces of legislation which passed and discussed the issues relative to adding a provision in the Virginia Maintenance Code (VMC). The proposal was crafted using reference to the Manufactured Home Lot Rental Act (MHLRA) for several definitions to assure that the notice requirements in the VMC aligned with the threshold for protection under the MHLRA (parks with ten or more homes). The sub-workgroup consisted of representatives from the Virginia Building and Code Officials Association, the Virginia Manufactured and Modular Housing Association and lobbyist and legal firms involved in the legislation.

**Cost Impact:** The only cost impact will be to localities for increased notification costs.

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## Workgroup Recommendation

**Workgroup 1 Recommendation Recommendation:** Consensus for Approval

**Workgroup 1 Reason:** Combined workgroup 1, 2, 3, and 4 meeting

**Workgroup 2 Recommendation Recommendation:** Consensus for Approval

**Workgroup 2 Reason:** Combined workgroup 1, 2, 3, and 4 meeting

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## **Board Decision**

None

**M-104.5.4.3 cdpVA-15**