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Final Regulation Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) Chapter citation(s)	13 VAC5 -95
VAC Chapter title(s)	Manufactured Home Safety Regulations
Action title	Update the Manufactured Home Safety Regulations
Date this document prepared	December 2020

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Manufactured Home Safety Regulations set out the safety regulations for manufactured homes and that the Department of Housing and Community Development is delegated authority through HUD (Department of Housing and Urban Development) to regulate the installation of manufactured homes. It also includes provisions for inspections of manufactured home sales lots by the administrator, consumer complaint handling by the administrator, and details the responsibilities of local building officials in approving manufactured home installations. This change is an update to ensure the regulations are consistent with current federal requirements.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

MHSR – Virginia Manufactured Home Safety Regulations
HUD – US Department of Housing and Community Development.
BHCD – Board of Housing and Community Development
CFR – Code of Federal Regulations
USBC – Virginia Uniform Statewide Building Code

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The Board of Housing and Community Development adopted final regulations for the Manufactured Home Safety Regulations December 14, 2020.

Mandate and Impetus

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.

No change to information provided in the previous stage.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The statutory authority to update the regulation is contained in §36-85.7 of the Code of Virginia. The promulgating agency is the Board of Housing and Community Development.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.

The intent and goal of this action is to update the MHSR based on current HUD construction standards. This action will also consider amendments to administrative and enforcement provisions of the MHSR as determined necessary for the administration of Virginia's Manufactured Home Installation Program. The addition of specific CFR references in the regulations was a recommendation from HUD to ensure compliance of Virginia's installation program, with federal regulations. This action will ensure that

manufactured homes are installed in a safe manner to protect the health, safety and welfare of the citizens of the Commonwealth.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The proposed MHSR will be updated to include references to specific federal regulations (24 CFR Part 3285, 3286 and 3288). A reference to a specific code section in the USBC will be updated due to a renumbering of sections in the USBC. The proposed regulation will contain minor changes to the provisions of the regulations which have been vetted through the stakeholder groups affected by the MHSR and have met no opposition.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The regulatory changes approved at the December 14th, 2020 BHCD meeting provide greater clarity to authorities having jurisdiction in enforcing the construction standards of manufactured homes by pointing to the specific federal regulations associated with the design, construction and installation of manufactured homes. Ensures that the specific reference to the USBC, for the construction and installation of items associated with a manufactured home that are not covered by the federal regulations, is correct. There are no known disadvantages to the changes.

Requirements More Restrictive than Federal

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

The requirements are based on federal standards and do not exceed federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

Other State Agencies Particularly Affected

None

Localities Particularly Affected

None

Other Entities Particularly Affected

None

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

No public comment received.

Detail of Changes Made Since the Previous Stage

*List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

Current chapter-section number	New chapter-section number, if applicable	New requirement from previous stage	Updated new requirement since previous stage	Change, intent, rationale, and likely impact of updated requirements
13VAC5-95-20				Updates reference to specific federal regulations "24 CFR §§3285, 3286 and 3288". Updates reference to USBC Section 429. Correlates enforcement provisions to the CFR regulations and the USBC, where applicable.

Detail of All Changes Proposed in this Regulatory Action

List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of updated requirements
13VAC5-95-10		No definition of "Certificate of Installation". Existing definition of "Installer".	New Definition for "Certificate of installation" and clarification in definition of "installer".
13VAC5-95-20		References "federal regulations" in general. References USBC Section 425.	Updates reference to specific federal regulations "24 CFR §§3285, 3286 and 3288". Updates reference to USBC Section 429. Correlates enforcement provisions to the CFR regulations and the USBC, where applicable.
13VAC5-95-60		Currently homeowners are not required to receive a certificate of installation.	Adds a requirement that a copy of the certificate of installation be provided to the homeowner at the completion of installation.