

13 VAC 5-91. VIRGINIA INDUSTRIALIZED BUILDING SAFETY REGULATIONS (amending 13 VAC 5-91-10, 13 VAC 5-91-20, 13 VAC 5-91-40 through 13 VAC 5-91-90, 13 VAC 5-91-110 through 13 VAC 5-91-220 and 13 VAC 5-91-240 through 13 VAC 5-91-270).

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 this chapter means approved by the ~~administrator~~ Administrator .

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

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

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

~~"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~~ DHCD to be specially qualified by

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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~~ this chapter ; 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 registered industrialized building.

"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.

"Model" means a specific design ~~, as designated by the producer,~~ of an industrialized building designated by the producer of the building including ~~Production~~ production buildings ~~of any model may include~~ with variations and options that do not affect compliance with the standards

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governing structural, plumbing, mechanical, or electrical systems or any other items governed by this chapter.

~~"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.~~

~~"State Building Code Administrative Office" or "SBCAO" means the office of State Building Code Administrative Office within DHCD that has been designated to carry out the enforcement of the Virginia Industrialized Building Safety Regulations .~~

~~"The law" or "this law"~~ "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~~ (13 VAC 5-63) .

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

A. This chapter shall apply to industrialized ~~building, as defined in 13 VAC 5-91-10~~ buildings .

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~~ this chapter unless it conforms with such provision ~~of the regulations~~ .

C. Industrialized buildings subject to any edition of ~~these regulations~~ this chapter 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~~ this chapter shall be subject to the pertinent provisions of the USBC when relocated .

Note: January 1, 1972 was the effective date of the first edition of this chapter.

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

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A. The SBCAO is designated as the ~~administrator's~~ Administrator's representative for the enforcement of this chapter and shall act as the building official for registered industrialized buildings . It shall have authority to make such inspections and to take such other actions as are required to enforce ~~the regulations~~ this chapter .

~~NOTE: The SBCAO shall act as the code official for registered industrialized buildings.~~

B. The SBCAO will maintain a list of approved compliance assurance agencies. Each manufacturer producing registered industrialized buildings will contract with one or more compliance assurance agencies for required evaluation, monitoring and inspection services. The contract will delineate the services to be provided by the compliance assurance agency. The compliance assurance agency will notify the SBCAO within 30 days of signing a new contract or terminating an existing contract with any manufacturer.

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

A. The SBCAO shall ~~, during reasonable hours, make~~ conduct such inspections of factories producing industrialized buildings as may be necessary during reasonable hours to determine whether the designated compliance assurance agency ~~having jurisdiction~~ is performing its evaluation and compliance assurance functions in a satisfactory manner.

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B. The SBCAO may ~~, during reasonable hours,~~ also make inspections during reasonable hours to determine whether unoccupied industrialized buildings ~~not at the time occupied~~ 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~~ Occupied industrialized buildings ~~that are occupied~~ may be inspected by the SBCAO at the request of the owners or occupants.

13 VAC 5-91-60. Violations.

Where the ~~administrator~~ 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. The ~~administrator~~ Administrator may request assistance from the building official for enforcement of this section.

13 VAC 5-91-70. Appeals.

A. Appeals from ~~local code~~ building officials, compliance assurance agencies or manufacturers of industrialized buildings concerning DHCD's application of this chapter ~~will be heard by~~ shall be submitted to 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 DHCD's decision ~~by DHCD~~ . A copy of the decision of DHCD to be appealed shall be submitted with the application

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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~~ a registered industrialized 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~~ In accordance with § 36-83 of the Code of Virginia, 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 5-91-110. Registered industrialized buildings.

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Industrialized buildings that are registered shall be accepted in all localities as meeting the requirements of this law. Notwithstanding this provision, building 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 a change of in its design , or result in the imposition of more stringent conditions than those required by the compliance assurance agency or by this chapter.

1. Building 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 damaged or loose wires , or both , in the electrical system.
2. Building officials shall verify that supplemental components required by the label or by this chapter are properly provided.
3. Building officials shall verify that the instructions of the label for installation and erection are observed.
4. Building officials shall verify that any special conditions or limitations of use that are stipulated by the label ~~in accordance with~~ and authorized by this chapter are observed.

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5. Building officials may require submission and approval of plans and specifications for items not included or specified in the manufacturer's installation instructions such as the supporting structures, foundations ~~including~~ and 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~~ and anchorage ; and other components necessary to form the completed building are designed in accordance with this chapter.

6. Building 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. Building 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. Building officials shall verify that the building displays the required state registration seal and the proper label of the compliance assurance agency.

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

A. The building 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 building official shall enforce all applicable requirements of this chapter including those relating to the sale, rental and disposition of noncomplying buildings. The building 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. The building official may also accept reports of inspections and tests from individuals or agencies deemed acceptable to the building official.

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~~ building official . The sign shall be of a size and form approved by the ~~administrator~~ 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.

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

13 VAC 5-91-140. Report to the SBCAO.

If the building is moved from the jurisdiction before the violations have been corrected, the building official shall make a prompt report of the circumstances to the SBCAO. The report shall include all of 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 ; ~~and~~ _
5. The party responsible for moving the building.

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

A. The ~~administrator~~ Administrator shall have the power upon request in specific cases to authorize modification of ~~the regulations~~ this chapter 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~~ building official ~~having jurisdiction~~ may be afforded an opportunity to present his views and recommendations.

13 VAC 5-91-160. Use of model codes and standards.

A. Industrialized buildings produced after ~~October 1, 2003~~, (effective date of final regulation to be inserted) 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:

The following codes and standards may be used until ~~January 1, 2004~~ (date three months after above date to be inserted) :

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1. ~~BOCA National Building Code 1996 Edition~~ ICC International Building Code - 2000 Edition

2. ICC International Plumbing Code ~~1995 - 2000 Edition with 1996 Supplement~~

3. ICC International Mechanical Code ~~1996 - 2000 Edition~~

4. ~~National Electrical Code - NFPA~~ National Fire Protection Association Standard Number 70 (National Electrical Code) 1996 - 1999 Edition

5. ~~CABO One and Two Family Dwelling Code 1995~~ ICC International Residential Code - 2000 Edition

B. The following documents are adopted and incorporated by reference to be an enforceable part of ~~these regulations~~ this chapter :

1. ICC International Building Code ~~—2000 - 2003 Edition~~

2. ICC International Plumbing Code ~~—2000 - 2003 Edition~~

13 VAC 5-91. VIRGINIA INDUSTRIALIZED BUILDING SAFETY REGULATIONS (amending 13 VAC 5-91-10, 13 VAC 5-91-20, 13 VAC 5-91-40 through 13 VAC 5-91-90, 13 VAC 5-91-110 through 13 VAC 5-91-220 and 13 VAC 5-91-240 through 13 VAC 5-91-270).

3. ICC International Mechanical Code —~~2000~~ - 2003 Edition

4. ~~NFPA 70~~ National Electrical Code —~~1999~~ - 2002 Edition

5. ICC International Residential Code —~~2000~~ - 2003 Edition

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

International Code Council, Inc.

5203 Leesburg Pike, Suite ~~708~~ 600

Falls Church, VA 22041 ~~3401~~

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.

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B. The referenced codes and standards are amended as ~~per~~ set forth in the USBC.

13 VAC 5-91-180. Compliance assurance agencies.

Application may be made to the SBCAO 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 SBCAO 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 follow-up and compliance assurance services at the point of manufacture.

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.

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2. The results of the agency's work accrue no financial benefits to the agency through stock ownership ~~and the like~~ of , or other similar affiliation to, any producer, supplier or vendor of the product involved.

3. The agency's directors and other management personnel ; in ~~such~~ their job 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 this chapter 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~~ Administrator .

~~The~~ All of the following information and criteria will be considered by the ~~administrator~~ Administrator in designating compliance assurance agencies:

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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~~ , including an assurance that personnel involved in system analysis, design and plans review, compliance assurance inspections, and their supervisors ~~shall meet~~ comply with the requirements of the American Society for Testing and Material (ASTM) ~~Standards E-541-84, Standard Number E541-01 - Criteria~~ Standard Specification for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured ~~Buildings~~ Building ; .
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 follow-up, 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 ; .

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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~~ Number E541-01 may be procured from:

American Society for Testing and Materials

100 Barr Harbor Drive

West Conshohocken, PA 19428-2959

13 VAC 5-91-210. Compliance assurance agency certification label.

Every registered industrialized building shall be marked with a label supplied by the compliance assurance agency that includes the ~~following information~~ : ~~1. Name~~ name and address of the compliance assurance agency ~~;~~ and ~~2. Certification~~ the certification label number.

13 VAC 5-91-220. Mounting of label.

To the extent practicable, the label shall be ~~so~~ installed so that it cannot be removed without destroying it. ~~#~~ The label shall be applied in the vicinity of the electrical distribution panel or

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~~other~~ in another 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~~ provided with or on the label.

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~~ Administrator upon request.

13 VAC 5-91-245. Manufacturer's data plate.

A. ~~The~~ All of the following information shall be placed on a permanent manufacturer's data plate 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 following information~~ and shall insure that the data plate is complete:

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1. Manufacturer's name and address ;
2. Compliance assurance agency certification number ;
3. Serial number of each module of the building ;
4. Serial number of the Virginia registration seal ;
5. Date of manufacture of the building ;
6. List of codes and standards ~~for~~ under which the building ~~has been~~ was evaluated ;
~~inspected and found in compliance by the compliance assurance agency~~ and constructed
and the type of construction and ~~the use and~~ occupancy classification under those codes
and standards ;
7. Design ~~loads:~~ roof load, ~~and~~ design floor live load and design wind load ;
8. Seismic design zone number ;
9. Thermal transmittance values or "R" thermal resistance ("R") values;

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10. Special conditions or limitations ~~of~~ concerning the use of the building under the codes and standards for which applicable to the building has been evaluated , ~~or~~ however, a list of such conditions ~~and~~ or limitations that are furnished separately with the building shall satisfy this requirement ; .

11. Special instructions for handling, installation and erection of the building , ~~or~~ however, a list of such instructions that are furnished separately with the building shall satisfy this requirement ; .

12. Designation of electrical service ratings, directions for water and drain connections and, where applicable, identification of permissible type of gas for appliances ; ~~and~~ .

13. Name of manufacturer and model designation of major factory installed appliances.

B. The manufacturer shall maintain copies of the data plate and reports of inspection, tests and any corrective ~~action(s)~~ action taken for a minimum period of 10 years from the date of manufacture of the building.

13 VAC 5-91-250. Industrialized buildings eligible for registration.

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Any industrialized building must meet all of 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. Approved designs shall be evidenced by the stamp and date of approval on each design sheet by the compliance assurance agency ; .
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 follow-up services at the point of manufacture to assure the building complies with this chapter ; ~~and~~ .
4. The building ~~has been provided with~~ contains the appropriate evidence of such compliance ~~with~~ through a label permanently affixed by the compliance assurance agency.

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

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

C. Approved registration seals may be purchased from the SBCAO in advance of use. The fee for each registration seal shall be \$75. Checks shall be made payable to "Treasurer of Virginia." Payment for the seals must be received by the SBCAO 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.

E. The compliance assurance agency or the manufacturer under the supervision of the compliance assurance agency shall maintain permanent records of the disposition of all Virginia registration seals obtained by the compliance assurance agency or manufacturer.

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13 VAC 5-91-270. Manufacturer's installation instructions.

A. The manufacturer of each industrialized building shall provide specifications or instructions, or both, 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.

DOCUMENTS INCORPORATED BY REFERENCE

~~BOCA National Building Code - 1996 Edition.~~

ICC International Plumbing Code ~~- 1995 Edition with 1996 Supplement~~ - 2000 and 2003 Editions .

ICC International Mechanical Code ~~- 1996 Edition~~ - 2000 and 2003 Editions .

13 VAC 5-91. VIRGINIA INDUSTRIALIZED BUILDING SAFETY REGULATIONS (amending 13 VAC 5-91-10, 13 VAC 5-91-20, 13 VAC 5-91-40 through 13 VAC 5-91-90, 13 VAC 5-91-110 through 13 VAC 5-91-220 and 13 VAC 5-91-240 through 13 VAC 5-91-270).

~~National Electrical Code - NFPA~~ National Fire Protection Association Standard Number 70 (National Electrical Code) - 1996 and - 1999 Edition and 2002 Editions .

~~CABO One and Two Family Dwelling Code - 1995 Edition.~~

ICC International Building Code -- ~~- 2000 Edition~~ and 2003 Editions .

~~ICC International Plumbing Code - 2000 Edition.~~

~~ICC International Mechanical Code - 2000 Edition.~~

ICC International Residential Code -- ~~- 2000 Edition~~ and 2003 Editions .

ASTM ~~E541-84, Criteria~~ Standard Number E541-01 - Standard Specification for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Buildings, American Society for Testing and Materials Building .

I certify that this regulation is full, true, and correctly dated.

William C. Shelton, Director

13 VAC 5-91. VIRGINIA INDUSTRIALIZED BUILDING SAFETY REGULATIONS
(amending 13 VAC 5-91-10, 13 VAC 5-91-20, 13 VAC 5-91-40 through 13 VAC 5-91-90, 13
VAC 5-91-110 through 13 VAC 5-91-220 and 13 VAC 5-91-240 through 13 VAC 5-91-270).

Department of Housing and Community Development

Date: _____