

13 VAC 5-95. VIRGINIA MANUFACTURED HOME SAFETY REGULATIONS (Amending 13 VAC 5-95-10 and 13 VAC 5-95-30).

13 VAC 5-95-10. Definitions.

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

“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, 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.

13 VAC 5-95. VIRGINIA MANUFACTURED HOME SAFETY REGULATIONS (Amending 13 VAC 5-95-10 and 13 VAC 5-95-30).

“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.

13 VAC 5-95. VIRGINIA MANUFACTURED HOME SAFETY REGULATIONS (Amending 13 VAC 5-95-10 and 13 VAC 5-95-30).

“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

13 VAC 5-95. VIRGINIA MANUFACTURED HOME SAFETY REGULATIONS (Amending 13 VAC 5-95-10 and 13 VAC 5-95-30).

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.~~ 13 VAC 5-63).

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

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

A. In accordance with § 36-85.11 of the Code of Virginia, manufactured homes displaying the ~~HUD~~ certification label as prescribed by the federal standards shall be accepted in all localities

13 VAC 5-95. VIRGINIA MANUFACTURED HOME SAFETY REGULATIONS (Amending 13 VAC 5-95-10 and 13 VAC 5-95-30).

as meeting the requirements of ~~this chapter~~ 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. ~~Notwithstanding this provision~~ In addition, as a requirement of this chapter , local code officials ~~are authorized to~~ shall 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 through inspection 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~~ If the manufactured home has been damaged , then the local code official is authorized to require 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 through inspection that (i) supplemental components required by the ~~label~~ manufacturer's installation instructions or this chapter are properly provided :

3. ~~Local code officials shall verify that~~ , (ii) manufacturer's installation or erection instructions are followed :

13 VAC 5-95. VIRGINIA MANUFACTURED HOME SAFETY REGULATIONS (Amending 13 VAC 5-95-10 and 13 VAC 5-95-30).

- ~~4. Local code officials shall verify that~~ and (iii) any special conditions or limitations of use stipulated by the manufacturer's installation instructions or the label in accordance with the standards or this chapter are followed.
- ~~5. B. Local code officials shall~~ are required by the USBC to 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 for utility connections, site preparation, foundations, stoops, decks, porches, alterations and additions to existing manufactured homes, 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. In addition,~~ local code officials ~~may~~ shall verify that a manufactured home displays the required HUD label :
- ~~8. Local code officials may verify that nonconforming items have been corrected .~~