

**REPORT OF THE VIRGINIA DEPARTMENT OF  
HOUSING AND COMMUNITY DEVELOPMENT**

**Manufactured Home Parks:  
Uniform Statewide Building  
Code and Virginia Maintenance  
Code Notice of Violations  
(HB2203, 2017)**

**TO THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 13**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2017**





Terence R. McAuliffe  
Governor

Todd P. Haymore  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

William C. Shelton  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**TO:** Members of the General Assembly

**FROM:** Bill Shelton, Director  
Virginia Department of Housing and Community Development (DHCD)

**DATE:** August 1, 2017

**RE:** HB 2203, Delegate Luke Torian

The 2017 General Assembly approved and the Governor signed into law HB 2203 patroned by Delegate Luke Torian. The legislation was the result of a long running water and sewerage problem at a manufactured home park (MHP). The occupants were unaware of notice of violations being issued to the MHP owner. HB 2203 would also require, where notice of violations of the Virginia Maintenance Code (VMC) impacts one or more of the tenants, each tenant of the manufactured home park be notified by the local Maintenance Code Official.

HB2203 contains an emergency enactment clause for the Board of Housing and Community Development (BHCD) to promulgate regulations in the VMC to implement the legislation for the 2015 Uniform Statewide Building Code (USBC) VMC. The BHCD is entering the final regulatory phase for the 2015 USBC VMC.

The following is the regulatory status for HB2203:

- Attached is a summary of a DHCD workgroup meeting with the impacted stakeholders held on March 21, 2017. A unanimous consensus code change was approved by the stakeholders.
- The Department of Housing and Community Development (DHCD) held a workgroup meeting on April 11, 2017, where the MHP code change was approved without any opposition.
- The BHCD will hear the MHP code change in September of 2017; approve the final regulations in October of 2017; and, the anticipated effective date is April of 2018. The entire administrative process for the 2015 USBC regulatory cycle is attached.

Finally, DHCD has notified all the building and maintenance code officials statewide regarding the HB2203 intent on their responsibility to provide notice to the tenants in manufactured home parks that a notice of violation has been issued to the MHP owner where one or more tenants are impacted by the violation.

**CC:** Honorable Todd Haymore  
Honorable Delegate Luke Torian  
Cindy Davis

**Attachments:** HB2203, DHCD Workgroup meeting and attendee list, VMC code change, DHCD letter for code officials, BHCD 2015 adoption schedule



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# 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.**



**DHCD AD-HOC COMMITTEE  
HB 2203, 2017 MANUFACTURED HOME PARKS  
USBC VMC NOTICE OF VIOLATIONS**

**Virginia Housing Center  
March 21, 2017, 10:00 a.m.**

1. Introductions
2. HB2203 discussion
3. Overview of VMC
4. Review proposed VMC code change
5. Conclusion and Summary:
  - a. June 13, 2017 DHCD Workgroup Meeting
  - b. BHCD Codes and Standards Meeting
  - c. General Assembly Report November 1, 2017
  - d. Next meeting if necessary

**Attachments:**

HB2203  
Proposed code change VMC 104.5.4.3  
VCC 115.2  
Copy of VMC  
Copy of BHCD 2015 schedule  
Copy of DHCD Workgroup meetings







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## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**TO:** Manufactured Home Parks, DHCD Ad-hoc Meeting  
**FROM:** Emory Rodgers, DHCD Facilitator  
**DATE:** March 22, 2017  
**RE:** Notes from March 21, 2017 Meeting on HB2203

### ATTENDEES:

DHCD- Cindy Davis, Mike Maenner, Vernon Hodge, Emory Rodgers; VBCOA- Ron Clements, Earl Weaver, David Beahm; INDUSTRY-Randy Grumbine, Henry Jordan, Chrissy Mara

Mr. Rodgers provided an overview of the Uniformed Statewide Building Code (USBC) and the Virginia Maintenance Code (VMC). The VMC is enforced in 60% of the localities statewide covering 80% of the state's population. The VMC is adopted by local ordinance. The adoption of the VMC can be for enforcement of all the VMC's provisions for existing buildings; can be adopted to enforce certain provisions like unsafe buildings and structures; can be enforced only on a complaint basis or on a more pro-active basis; and, can be enforced as criminal charges or civil penalties.

The VMC is enforced upon existing buildings and is not enforceable for many exterior issues such as cutting of grass and weeds; junk vehicles; rodent infestation on the property (except within the existing building); and, erosion and sediment controls unless impacting buildings. The Code of Virginia and other state agencies with functional design responsibilities can be used by localities to cover these other types of issues.

HB 2203, patroned by Delegate Luke E. Torian, was approved by the General Assembly and signed by the Governor. It has an emergency enactment date of July 1, 2017. A report from DHCD to the General Assembly is due by November 1, 2017 on administrative progress and regulatory actions. Emory Rodgers will provide the legislative report to DHCD by August 1, 2017 that outlines the steps and progress made to conform to HB 2203.

DHCD will send out an advisory to all Maintenance Code Officials regarding the legislation and to advise if a Notice of Violation is issued to a Manufactured Home Park and it affects more than 10 MHP homes, they need to provide those tenants/owners with a copy of the violation.

The current 2015 USBC VMC regulatory process is on schedule with the DHCD Work Group to consider the code change April 11, 2017. The BHCD will consider this code change and all of the USBC VMC amendments in September of 2017. The BHCD will consider and approve the final regulations in December of 2017. The effective date of the USBC VMC is projected to be April 1, 2017.



**Manufactured Home Parks, DHCD Ad-hoc Meeting**

**HB2203**

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**A consensus code change was agreed upon by the MH Park ad-hoc group. The trigger/scope for this mandate of providing the Notice of Violation to all affected owners/tenants occurs where there are 10 or more manufactured homes in the MH Park. This scope was selected because that is the same scope for the MH Lot Rental Act.**

**Attached is the consensus code change that will be on the DHCD Workgroup agenda for the April 11, 2017 meeting.**





# 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**



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## 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



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## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**TO:** DHCD Stakeholders

**FROM:** Cindy Davis, Deputy Director  
Division of Building and Fire Regulation

**DATE:** January 18, 2017

**SUBJECT:** Workgroup Meetings – Final Regulations Phase for the 2015 Code Change Cycle

The schedule of workgroup meetings for the final regulations phase of the Virginia code update cycle is outlined below. Please be aware that the schedule may change and meetings may be added or deleted as needed, depending on the number of changes submitted. We encourage everyone to check the DHCD website or cdpVA for the most up-to-date workgroup information. All meetings begin at 9:30 a.m. and with the exception of the May 31 meeting, will be held at the Virginia Housing Center, 4224 Cox Road, Glen Allen VA. The workgroups are as follows:

**Workgroup 1:** Administrative provisions of VCC, VMC, VRC (now VEBC) and SFPC, VADR (amusement rides); VCS (certification requirements) and IBSR (modular buildings)

**Workgroup 2:** Technical provisions of VCC, VMC, VEBC, SFPC (IBC, IFB, IEBC and IPMC & other model codes).

**Workgroup 3:** Residential provisions of the VCC, including IRC model code, trades and energy provisions.

**Workgroup 4:** Technical trade provisions of the VCC, including IPC, IMC, IFGC and NEC.

The tentative schedule is as follows:

March 14, 2017 - Combined Workgroups 1 and 2

April 11, 2017 - Combined Workgroups 3 and 4

June 13, 2017 - Combined Workgroups (All except Fire Code edits)

August 23, 2017 - Combined Workgroups (All except Fire Code edits)

Fire Code edit only Workgroup:

April 25, 2017

May 31, 2017 – Location to be determined

June 22, 2017

July 19, 2017

August 16, 2017 (if needed)



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## **2015 Regulatory Cycle Tentative Schedule (Updated December 2016)**

|                     |  |
|---------------------|--|
| March 21, 2016      | BHCD to review the Notices of Intended Regulatory Action (NOIRAs) for 2015 USBC, SFPC, VADR and IBSR.  |
| March 30, 2016      | Deadline for submittal of NOIRAs to Code Commission.   |
| April 18, 2016      | Publishing of NOIRAs in Virginia Register.   |
| May 18, 2016        | End of 30-day NOIRA comment period.  |
| April – August 2016 | Workgroup meetings on issues and proposals.  |
| June 27, 2016       | Publish public hearing notice in Virginia Register.  |
| July 18, 2016       | Public hearing prior to publishing proposed regulations. (Virginia Fire Services Board (VFSB) members to sit with BHCD for public hearing on SFPC.)  |
| September 19, 2016  | BHCD's Codes and Standards Committee (CSC) meets to consider base documents for USBC, VADR and IBSR and any proposals for proposed regulations.  |
| October 24, 2016    | BHCD's Statewide Fire Prevention Code Development Committee (SFPCDC) meets to consider base document for SFPC and any proposals for proposed regulation. BHCD's CSC meets to review recommendations of SFPCDC.   |
| December 19, 2016   | BHCD's SFPCDC meets to review proposed regulation for SFPC. BHCD's CSC meets to review proposed regulation for SFPC as recommended by SFPCDC and to review proposed regulations for USBC, VADR and IBSR. Immediately following Committee meetings, BHCD meets to consider approval of proposed regulation for SFPC, USBC, VADR and IBSR. |
| January 2017        | Obtain statutory authority letter from Office of Attorney General for proposed regulations.  |
| Jan. – Feb. 2017    | Proposed regulations for SFPC, USBC, VADR and IBSR published in Virginia Register.   |
| Feb. – May 2017     | Public comment period on proposed regulations for SFPC, USBC, VADR and IBSR.   |
| April 2017          | Publish public hearing notice in Virginia Register.  |

|                  |   |
|------------------|---|
| May 2017         | Public hearing for SFPC, USBC, VADR and IBSR. (VFSB members to sit with BHCD for public hearing on SFPC.)   |
| May 26, 2017     | Deadline for submittal of proposals for 2015 SFPC, USBC, VADR and IBSR. Deadline date to coincide with end of comment period.   |
| Apr – Sept. 2017 | Workgroup meetings on proposals and issues.   |
| Sept. 2017       | BHCD’s SFPCDC meets to consider proposals for final regulation for the SFPC. BHCD’s CSC meets to consider proposals for final regulations for the USBC, VADR and IBSR.  |
| Oct. 2017        | BHCD’s SFPCDC meets to review final regulation for SFPC. BHCD’s CSC meets to review final regulation for SFPC as recommended by SFPCDC and to review final regulations for USBC, VADR and IBSR. Immediately following Committee meetings, the joint meeting of VFSB and BHCD to consider approval of final regulations for SFPC followed by BHCD to consider approval of final regulations for USBC, VADR and IBSR. |
| Oct./Nov 2017    | Obtain statutory authority letter from Office of Attorney General for final regulations and obtain permission from Secretary of Commerce and Trade and Governor’s Office to publish final regulations.  |
| Dec. - Jan.      | Final regulations for SFPC, USBC, VADR and IBSR published in Virginia Register.   |
| Feb - March 2018 | 2015 SFPC, USBC, VADR and IBSR become effective (pending any petitions received during the 30-day comment period following the publishing of the final regulations).  |

