



**VIRGINIA**  
**INDUSTRIALIZED**  
**BUILDING SAFETY**  
**REGULATIONS**

**2006**

Effective May 1, 2008



**13VAC5-91-10. 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.

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

**“Compliance assurance agency”** means an architect or professional engineer registered in Virginia, or an organization, determined by DHCD to be specially qualified by 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 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 of an industrialized building designated by the producer of the building including production buildings with variations and options that do not affect compliance with the standards governing structural, plumbing, mechanical, or electrical systems or any other items governed by this chapter.

**“Registered”** means an industrialized building which displays a registration seal issued by DHCD in accordance with this chapter.

**“SBCAO”** means the State Building Code Administrative Office within DHCD.

**“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.

**“State Review Board”** means the Virginia State Building Code Technical Review Board as established by §36-108 of the Code of Virginia.

**“USBC”** means the *Virginia Uniform Statewide Building Code* (13VAC5-63).

**13VAC5-91-20. Application and compliance.**

**A.** This chapter shall apply to industrialized buildings. The following provisions are in accordance with §36-81 of the Code of Virginia. Registered industrialized buildings shall be acceptable in all localities as meeting the requirements of the Industrialized Building Safety Law (Chapter 4 (§36-70 et seq.) of Title 36 of the Code of Virginia), which shall supersede the building codes and regulations of the counties, municipalities and state agencies. Local requirements affecting industrialized buildings, including zoning, utility connections, preparation of the site and maintenance of the unit shall remain in full force and effect. All building officials are authorized to and shall enforce the provisions of this law, and the rules and regulations made in pursuance thereof.

**B.** No person, firm or corporation shall offer for sale or rental, or sell or rent, any industrialized building subject to any provisions of this chapter if the industrialized building is not in compliance with any such provisions.

**C.** In accordance with subsection A of this section, the provisions of the USBC shall not be applicable to the design and construction of registered industrialized buildings. However, the provisions of this chapter do not prohibit the administrative provisions of the USBC for permits, inspections, certificates of occupancy and other matters from being applicable to the extent they are not addressed by the requirements of this chapter. Additionally, the provisions of this chapter do not prohibit alterations and additions to existing industrialized buildings from being regulated by the USBC or building officials from requiring the submission of plans and specifications for the model involved in electronic or other available format to aid in the evaluation of the proposed addition or alteration.

**D.** Industrialized buildings constructed prior to January 1, 1972, shall remain subject to the ordinances, laws or regulations in effect at the time such industrialized building was constructed. Additionally, the provisions of this chapter do not prohibit pertinent provisions of the USBC from being applicable when such industrialized buildings are relocated.

**13VAC5-91-30. Purpose.**

The purpose of this chapter is to ensure safety to life, health, and property through compliance with uniform statewide construction standards for industrialized buildings.

**13VAC5-91-40. Inspection and enforcement.**

**A.** The SBCAO is designated as the 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 this chapter.

**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.

**13VAC5-91-50. Factory and field inspections.**

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

**B.** The SBCAO may also make inspections during reasonable hours to determine whether unoccupied industrialized buildings 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. Occupied industrialized buildings may be inspected by the SBCAO at the request of the owners or occupants.

**13VAC5-91-60. Violations.**

Where the 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 may request assistance from the building official for enforcement of this section.

**13VAC5-91-70. Appeals.**

**A.** Appeals from building officials, compliance assurance agencies or manufacturers of industrialized buildings concerning DHCD's application of this chapter shall be submitted to the State Review Board within 21 calendar days of receipt of DHCD's decision. A copy of the decision of DHCD to be appealed shall be submitted with the application 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 State Review Board are in accordance with Article 2 (§36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the State Review Board shall be final if no appeal is made therefrom.

**13VAC5-91-80. Limitation of manufacturer's liability.**

The manufacturer of 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.

**13VAC5-91-90. Penalty for violation.**

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.

**13VAC5-91-100. Duties and responsibilities of building officials in the installation or erection of a registered industrialized building.**

**A.** Building officials shall carry out the following functions provided such functions do not involve disassembly of the registered building or a change 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. Verify through inspection that the registered industrialized building displays the required state registration seal and the proper label of the compliance assurance agency and has not been damaged in transit to a degree that would render it unsafe. If the building has been damaged, then the building official is authorized to require tests for tightness of plumbing systems and gas piping and tests for damaged or loose wires, or both, in the electrical system.
2. Verify through inspection that (i) supplemental components required by the data plate or by the installation instructions are properly provided and properly installed, (ii) the construction work associated with the installation of the building and the instructions from the manufacturer for the installation and erection of the building are followed, and (iii) any special conditions or limitations of use for the building that are stipulated in the manufacturer's instructions or by the data plate and authorized by this chapter are followed.

**B.** Building officials are authorized to require submission of plans and specifications for details of items needed to comprise the finished building that are not included or specified in the manufacturer's installation instructions such as footings, foundations, supporting structures and proper anchorage. They may require such architectural and engineering services as may be necessary to assure that the footings, foundations and supporting structures, proper anchorage and other components necessary to comprise the finished building are designed in accordance with the applicable provisions of this chapter.

**C.** When a building official determines that a violation of any provision of this section is present, the responsible person shall be notified and given a reasonable time to correct the violation. If the violation is not corrected, the building official shall institute the appropriate proceedings to require correction or abatement of the violation and may prohibit the occupancy of the building until the violation is corrected. In accordance with 13VAC5-91-60, the administrator shall also have the authority to compel correction of violations of this section and may be contacted by the building official for assistance.

**13VAC5-91-115. Change of occupancy classification.**

When the occupancy classification of a registered industrialized building is proposed to be changed, a compliance assurance agency shall inspect the building, including any disassembly necessary, to determine whether compliance may be achieved for a change of occupancy classification in accordance with the USBC. If factory plans are available, then disassembly is not required to the extent that the factory plans can be reasonably verified to reflect the actual construction. Once any

necessary work is completed, the compliance assurance agency shall prepare a report documenting the method utilized for the change of occupancy and any alterations to the building to achieve compliance. When the report is complete, the compliance assurance agency shall (i) mark the building with a new compliance assurance agency label in accordance with 13VAC5-91-210 which replaces the existing label, (ii) place a new manufacturer's data plate on the building in accordance with 13VAC5-91-245 which replaces the existing manufacturer's data plate and reflects the new occupancy classification, and (iii) forward a copy of the report and new data plate to the SBCAO.

### **13VAC5-91-120. 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 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 building official. The sign shall be of a size and form approved by the administrator and shall be conspicuously posted on the exterior of the unit near the main entrance door.

**C.** An existing unregistered industrialized building may be registered in accordance with the following:

1. Where an unregistered building was constructed under an industrialized building program of another state and approved under such program, a compliance assurance agency shall prepare a report based on review of the plans and specifications and inspection of the building to determine whether there is compliance with the construction requirements of this chapter that were in effect on the date of manufacture of the building. If compliance is determined, the compliance assurance agency shall (i) mark the building with a compliance assurance agency label in accordance with 13VAC5-91-210, (ii) place a new manufacturer's data plate on the building in accordance with 13VAC5-91-245, (iii) mark the building with a registration seal in accordance with 13VAC5-91-260, and (iv) forward a copy of the report and new data plate to the SBCAO.
2. Where an unregistered building was not approved under an industrialized building program of another state, the compliance assurance agency shall inspect the building, including any disassembly necessary, to determine

whether there is compliance with the construction requirements of this chapter that were in effect on the date of manufacture of the building. When factory plans are available, then disassembly is not required to the extent that the factory plans can be verified to reflect the actual construction of the building. When compliance with the construction requirements of this chapter that were in effect on the date of manufacture of the building is achieved, the compliance assurance agency shall prepare a report documenting compliance, outlining any changes made to the building, and certifying the building in accordance with clauses (i) through (iv) in subdivision 1 of this subsection.

3. When the date of manufacture of the existing unregistered building cannot be verified, the building shall be evaluated for compliance with the codes and standards specified in 13VAC5-91-160. The compliance assurance agency shall inspect the building, including any disassembly necessary, to determine whether there is compliance with these construction requirements. If compliance is achieved, the compliance assurance agency shall prepare a report documenting compliance, outlining any changes made to the building, and certifying the building in accordance with clauses (i) through (iv) in subdivision 1 of this subsection.

### **13VAC5-91-130. Disposition of noncomplying building.**

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

### **13VAC5-91-140. 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 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.
5. The party responsible for moving the building.

### **13VAC5-91-150. When modification may be granted.**

**A.** The administrator shall have the power upon request in specific cases to authorize modification of 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 building official may be afforded an opportunity to present his views and recommendations.

**13VAC5-91-160. Use of model codes and standards.**

**A.** Industrialized buildings produced after May 1, 2008 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 August 1, 2008.

1. ICC *International Building Code* - 2003 Edition
2. ICC *International Plumbing Code* - 2003 Edition
3. ICC *International Mechanical Code* - 2003 Edition
4. National Fire Protection Association Standard Number 70 (*National Electrical Code*) - 2002 Edition
5. ICC *International Residential Code* - 2003 Edition

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

1. ICC *International Building Code* - 2006 Edition
2. ICC *International Plumbing Code* - 2006 Edition
3. ICC *International Mechanical Code* - 2006 Edition
4. *National Electrical Code* - 2005 Edition
5. ICC *International Residential Code* - 2006 Edition

The codes and standards referenced above may be procured from:

International Code Council, Inc.  
500 New Jersey Avenue, NW, 6th Floor  
Washington, DC 20001-2070

**13VAC5-91-170. 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.

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

**13VAC5-91-180. Compliance assurance agencies.**

Application may be made to the SBCAO for acceptance as a compliance assurance agency. 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.

**13VAC5-91-190. 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.
2. The results of the agency's work accrue no financial benefits to the agency through stock ownership 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 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.

**13VAC5-91-200. Information required by the administrator.**

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

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, including an assurance that personnel involved in system analysis, design and plans review, compliance assurance inspections, and their supervisors comply with the requirements of the American Society for Testing and Material (ASTM) Standard Number E-541-01 – Standard Specification for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured 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.
7. Acceptance of these services by independent accrediting organizations and by other jurisdictions.
8. Proof of independence and absence of conflict of interest.

The ASTM Standard Number E541-01 may be procured from:

American Society for Testing and Materials  
100 Barr Harbor Drive  
West Conshohocken, PA 19428-2959

### **13VAC5-91-210. Compliance assurance agency certification label.**

Every registered industrialized building shall be marked with a label supplied by the compliance assurance agency that includes the name and address of the compliance assurance agency and the certification label number.

### **13VAC5-91-220. Mounting of label.**

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

### **13VAC5-91-240. 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 upon request.

### **13VAC5-91-245. Manufacturer's data plate.**

**A.** 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 and location of the data plate and shall ensure that the data plate is complete:

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 under which the building was evaluated and constructed and the type of construction and occupancy classification under those codes and standards.
7. Design roof load, design floor live load and design wind load.
8. Seismic design zone number.
9. Thermal transmittance values or thermal resistance ("R") values.
10. Special conditions or limitations concerning the use of the building under the codes and standards applicable to the building; however, a list of such conditions or limitations that are furnished separately with the building shall satisfy this requirement.
11. Special instructions for handling, installation and erection of the building; 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.
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 taken for a minimum period of 10 years from the date of manufacture of the building.

### **13VAC5-91-250. Industrialized buildings eligible for registration.**

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.
4. The building contains the appropriate evidence of such compliance through a label permanently affixed by the compliance assurance agency.

**13VAC5-91-260. Registration seal for industrialized buildings.**

**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 non-residential 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.

**13VAC5-91-270. Manufacturer's installation instructions and responsibilities of installers.**

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

**C.** Where the installation or erection of an industrialized building utilizes components which are to be concealed, the installer shall notify and obtain approval from the building official prior to concealment of such components unless the building official has agreed to an alternative method of verification.