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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

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| <b>Agency name</b>  | Board of Housing and Community Development  |
| <b>Virginia Administrative Code (VAC) Chapter citation(s)</b> | 13 VAC 5 - 95                               |
| <b>VAC Chapter title(s)</b>                                   | Manufactured Home Safety Regulations (MHSR) |
| <b>Action title</b>   | Review and Update of the MHSR               |
| <b>Date this document prepared</b>                            | March 2025                                  |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

The subject matter is the regulation of manufactured homes by the Department of Housing and Community Development, which serves through a Cooperative Agreement with the US Department of Housing and Urban Development (HUD) as the State Administrative Agency (SAA) for enforcement of HUD's Manufactured Home Construction and Safety Standards (MHCSS) in the Commonwealth and administration of Virginia's HUD Approved Manufactured Home Installation Program.

This regulatory action is to update the regulation as determined necessary by the Board of Housing and Community Development to align with updates to the MHCSS and the Uniform Statewide Building Code (USBC) for continued administration of Virginia's Manufactured Home Installation Program by DHCD.

## Acronyms and Definitions

*Define all acronyms or technical definitions used in this form.*

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DHCD - Department of Housing and Community Development  
MHSR - Manufactured Home Safety Regulations  
MHCSS - Manufactured Home Construction and Safety Standards  
HUD - United States Department of Housing and Urban Development  
SAA - State Administrative Agency; responsible for administering Federal Construction Standards for Manufactured Housing  
USBC – Uniform Statewide Building Code (13 VAC 5 – 63)

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

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To ensure DHCD can meet the SAA requirements and the Cooperative Agreement with HUD, it is important for the regulation to be updated to ensure correlation with the MHCSS and the USBC.

At its March 10, 2025, meeting, the Board of Housing and Community Development reviewed a tentative regulatory schedule and directed staff to proceed with initiating the code development process, approving publication of a NOIRA.

## 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.*

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The agency is the Board of Housing and Community Development. The legal authority for amendments to the regulation is § 36-85.7 of the Code of Virginia.

## Purpose

*Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.*

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The intent and goal of this action is to update the regulation to align with current federal standards and the updated USBC. This action will also consider amendments to administrative and enforcement provisions of the MHSR as determined necessary by the Board of Housing and Community Development

for the administration of Virginia’s Manufactured Home Installation Program. This action will ensure that manufactured homes are installed according to the federal MHCSS to protect the health, safety, and welfare of the citizens of the Commonwealth.

**Substance**

*Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

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The regulation will be updated to align with current federal MHCSS and the USBC, as determined necessary by the Board of Housing and Community Development.

**Alternatives to Regulation**

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

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As the federal MHCSS encompass the bulk of the requirements for the installation of manufactured homes, the agency believes this action to be the least burdensome and intrusive method of ensuring the provisions of the regulations and modifications thereof allow manufactured homes to be installed at the least possible cost consistent with recognized standards of safety, while ensuring the continued health, safety, and welfare of the residents and visitors of the Commonwealth.

**Periodic Review and Small Business Impact Review Announcement**

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”*

This NOIRA is not being used to announce a periodic review or a small business impact review.

**Public Participation**

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.*

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The Board of Housing and Community Development is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail or email to Chase Sawyer; address: 600 East Main Street, Suite 300, Richmond, VA 23219; telephone number: 804-310-5872; email address: [chase.sawyer@dhcd.virginia.gov](mailto:chase.sawyer@dhcd.virginia.gov). In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.