

FREQUENTLY ASKED QUESTIONS (FAQs)



RETAILER AND DISTRIBUTOR RESPONSIBILITIES

Under the

HUD MANUFACTURED HOME
PROCEDURAL AND ENFORCEMENT
REGULATIONS
(24 CFR Part 3282)

The following States have been approved to act as SAAs:

ALABAMA – Manufactured Housing Commission, 350 S. Decatur Street, Montgomery, AL 36104-4306 (334) 242-4036

ARIZONA – Department of Fire, Building and Life Safety, Office of Manufactured Housing, 1110 W. Washington, Ste. 100, Phoenix, AZ 85007-2957, (602) 364-1022/1032

ARKANSAS – Arkansas Mfd Home Commission, 101 E. Capitol Ave., Suite 210, Little Rock, AR 72201-3826, (501) 324-9032

CALIFORNIA – Dept. of Housing/Community Development, Mfd. Housing Section, 1800 Third St., #260, Sacramento, CA 95814-6000, (916) 445-3338

COLORADO – Housing Div., Dept of Local Affairs, 1313 Sherman St., #321, Denver, CO 80203-2244, (303) 866-2036/4616

FLORIDA – Bureau of Mobile Homes & RV, Division of Motor Vehicles, 2900 Apalachee Pkwy, #A-129, Tallahassee, FL 32399-0640, (850) 813-612-7116/850-617-2808

GEORGIA – Manufactured Housing Division, State Fire Marshal's Office, #2 Martin Luther King Jr. Dr., #620 West Tower, Atlanta, GA 30334, (404) 656-3687/9498

IDAHO – Division of Building Safety, Building Bureau, 1090 E. Watertower Drive, Meridian, ID 83642, (208) 332-7139/8986

ILLINOIS – IL Dept. of Public Health, Div. Of Environmental Health, Gen. Engineering Section, 525 W. Jefferson St., Springfield, IL 62761-5056, (217) 782-3517/5830

INDIANA – Codes Enforcement Division, Indiana Division of Fire & Bldg Safety, Indiana Government Center South, 302 Washington St, #W-241, Indianapolis, IN 46204, (317) 232-1407/1417

IOWA – Iowa State Fire Marshal Division, 215 E. 7th Street, Des Moines, IA 50319-0047, (515) 725-6157

KENTUCKY – Kentucky Fire Marshal's Office, Manufactured Housing Section, 101 Sea Hero Road, Suite 1 (100), Frankfort, KY 40601-4322, (502) 573-1795

LOUISIANA – Manufactured Housing Division, State Administrative Agency, Louisiana Manufactured Housing Commission, 8181 Independence Blvd., Baton Rouge, LA 09, (225) 362-5500

MAINE – Mfd Housing Board, Dept. of Professional & Financial Registrations, 35 State House Station, Augusta, ME 04333-0035, (207) 624-8678

MARYLAND – Maryland Code Administration, Department of Housing & Community Development, 100 Community Place, Crownsville, MD 21032-2023, (410) 514-7220/7217

MICHIGAN – Office of Local Govt. and Consumer Services., Bureau of Construction Codes, P.O. Box 30254, Lansing, MI 48909, (517) 241-9347/9302

MINNESOTA – Dept of Labor & Industry, Construction Codes and Licensing Div., Building Codes & Standards, 443 Lafayette Road, 2nd Floor, St. Paul, MN 55155-4341, (651) 284-5068/5875

MISSISSIPPI – Factory-Built Housing Div., State Fire Marshal's Office, P.O. Box 79, Jackson, MS 39205, (601) 359-1061

MISSOURI – Department of Mfd Housing & Modular Units, Public Service Commission, 200 Madison St., #500, Jefferson City, MO 65102-3254 (800) 819-3180

NEBRASKA – NE Public Service Commission, Housing & Recreational Vehicle Department, 1200 N St., 300 The Atrium, Lincoln, NE 68508-4927, (402) 471-0518

NEVADA – Dept. of Business & Industry, Manufactured Housing Div., 2501 E. Sahara Ave, Ste 204, Las Vegas, NV 89104-4137, (702) 486-4138

NEW JERSEY – Bureau of Homeowner Protection, NJ Div. Of Codes & Standards, Dept. of Community Affairs, P.O. Box 805,101 S. Broad St., Trenton, NJ 08625-0805, (609) 984-7974

NEW MEXICO – Mfd Housing Division, Regulation & Licensing Department, 2550 Cerrillos Road, Santa Fe, NM 87505, (505) 476-4770

NEW YORK – Dept of State, Div. of Code Enforcement and Admin., Manuf. Housing Unit, One Commerce Plaza, Suite 1160, 99 Washington Ave., Albany, NY 12231-0001, (585) 554-3610

NORTH CAROLINA – NC Dept. of Insurance, Mfd. Building Division, 322 Chapanoke Road, Ste. 200, Raleigh, NC 27603-3415, (919) 661-5880

NORTH DAKOTA – Dept. of Commerce, Div. of Community Services, 1600 East Century Ave., Suite 2, P.O. Box 2057, Bismarck, ND 58502-2057, (701) 328-5300/701-227-7415

OREGON – Bldg Codes Division, Dept of Consumer & Business Services, 1535 Edgewater Drive, NW, P.O. Box 14470, Salem, OR 97309-0404, (503) 378-4133/8450

PENNSYLVANIA – Housing Standards Div. Dept of Community & Economic Development, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7416

RHODE ISLAND – Bldg Code Commission, Dept of Admin, One Capitol Hill, Providence, RI 02908-5859, (401) 222-3529/6340

SOUTH CAROLINA – Dept of Labor, Licensing & Regulation, SC Manufactured Housing Board, P.O. Box 11329,110 Counterview Dr., #202, Columbia, SC 29211, (803) 896-4682/4613

SOUTH DAKOTA – Dept of Public Safety, Office of State Fire Marshal, 118 W. Capitol Ave, Pierre, SD 57501-2000, (605) 773-3562

TENNESSEE – Manufactured Housing, Dept. of Commerce & Insurance, State Fire Marshal's Office, 500 James Robertson Pkwy, Nashville, TN 37243-1162, (615) 741-7190

TEXAS – Mfd. Housing Div., Texas Dept. of Housing & Comm. Affairs, (P.O. Box 12489, Austin, TX 78711-2489) 1106 Clayton Lane, Suite 270W, Austin, TX 78723, (512) 475-1174/2884, 800-500-7074

UTAH – Div. of Occupational & Professional Licensing, P.O. Box 146741, 160 E. 300 South, Salt Lake City, UT 84111-6741, (801) 530-6720

VIRGINIA – State Bldg. Code Administration Office, Dept. of Housing & Comm. Dev., Main Street Center, 600 East Main St., Richmond, VA 23219 (804) 371-7160/7163

WASHINGTON – Dept. of Labor & Industries, Factory Assembled Structures, Installer/SAA Program, P.O. Box 44420, Olympia, WA 98504-4420, (800) 647-0982

WEST VIRGINIA – Manufactured Housing, WV Division of Labor, Building 6, B749, Capitol Complex, Charleston, WV 25305, (304) 558-7890 x237

WISCONSIN – Dept of Commerce, Safety & Bldg Div. 3824 Creekside Lane, Holman, WI 54636-9466, (608) 785-9335

www sites are available at www.hud.gov

U.S. Department of Housing & Urban Development, Room 9164, 451 7th St. SW, Washington, DC 20410, (202) 708-6423
www.hud.gov/offices/hsg/sfh/mhs/mhshome.cfm

Copies of this brochure may be obtained from:

Institute for Building Technology and Safety, 505 Huntmar Park Drive, Suite 250, Herndon, VA 20170, (703) 481-2000, www.ibts.org

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This brochure provides answers to some FAQs regarding manufactured housing retailer and distributor responsibilities under the Federal Manufactured Housing Program. Please refer to the Manufactured Home Procedural and Enforcement Regulations (24 CFR Part 3282) for specific requirements. NOTE: This brochure only addresses responsibilities under the HUD Procedural and Enforcement Regulations. Refer to your responsible State official (see back of brochure) for any additional requirements.

Q. How do I know what my responsibilities are under the Department of Housing and Urban Development (HUD) Regulations as a manufactured home retailer or distributor?

A. Retailer and distributor responsibilities are outlined in Subpart F and Subpart I of the Manufactured Home Procedural and Enforcement Regulations. Copies of this document may be purchased through the following:

Institute for Building Technology and Safety., 505 Huntmar Park Dr., Suite 250, Herndon, VA 20170, (703) 481-2000

The Standards and Regulations are available for purchase from the Government Printing Office (GPO) <http://www.gpo.gov/>

Q. Are there penalties for not complying with the Federal Regulations?

A. YES. Failure to comply with the Federal Regulations may result in a civil or criminal penalty, imposed by HUD or a State Administrative Agency (SAA). Assessed penalties are \$1,100 per violation up to a maximum of \$1,100,000 for related violations. [3282.10] Furthermore, any person other than an officer or employee of the United States, or a person exercising inspection functions under a State plan, who knowingly and willfully fails to report a violation of any construction or safety standard may be fined up to \$1,100 or imprisoned for up to one year or both. [42 USC 5420]

Q. The manufacturer provides a consumer manual in each home. Must I provide it to the purchaser?

A. YES. The Regulations require the manufacturer to put the consumer manual in a conspicuous place to ensure that only the purchaser removes it. No retailer or distributor may interfere with the distribution of the consumer manual. The retailer shall take any appropriate steps to ensure the purchaser receives a consumer manual. [3282.207(d)]

Q. Do I have to leave the formaldehyde notice displayed in the home?

A. YES. You may not remove the formaldehyde notice until the sales contract has been completed. In fact, if removed the notice must be replaced. [3280.309(c)]

Q. What information am I required to forward to the manufacturer of the home?

A. Regardless of the home's age, you must, in a timely manner, refer every matter to the manufacturer where the retailer believes or knows that the complaint or other information that indicates the possible existence of an imminent safety hazard, serious defect, defect, or noncompliance is in a new home that you have sold or intend to sell. This applies regardless of who provided the service work or the warranty status of the home. Sources of information include, but are not limited to, consumer complaints, transportation damage, product recall information, and, until the completion of the home's first sale, alterations and repairs. [3282.256]

Q. Am I required to complete the homeowner information card [3282.21] and forward it to the manufacturer?

A. YES. Each consumer manual should contain three postage paid homeowner information cards. Complete one of these cards at the time of sale with appropriate owner information and return it to the manufacturer. If the homeowner information card is not available, obtain the information the card requires and forward it to the manufacturer. [3282.255]

Q. May I sell or lease a "new" home that contains an imminent safety hazard or failure to conform to the Standards?

A. NO. You may not sell, offer for sale, lease, or offer for lease a new home that you know contains an imminent safety hazard or failure to conform to the Standards. [3282.252(a)]

Q. May I sell or lease a "used" home that does not contain a manufacturer certification label (red metal tag on exterior of each floor) or that contains a failure to conform with the Federal Standards?

A. YES. Under the Federal Regulations, the general prohibition of sale does not apply to used manufactured homes that are being sold or leased or offered for sale after the first purchase for purposes other than resale. [3282.252(c)] NOTE: State laws concerning the sale of used homes may apply.

Q. What is my responsibility as a retailer if I know a new home on the lot does not conform to the HUD Standards?

A. You must contact the manufacturer, provide full information concerning the problem, and request appropriate action. This action may include manufacturer repair or authorization for you to repair on a reimbursable basis. [3282.414(b)] You may not offer to either sell or lease the home until it meets the Standards.

Q. May I make corrections or alterations to a new manufactured home prior to the sale of the home?

A. YES, as long as the home is not altered in such a way as to create an imminent safety hazard or take it out of conformance. [3282.504] But in order to avoid taking the home out of conformance, you must receive manufacturer authorization, obtain applicable instructions, perform additional testing, and maintain complete records of the work (see definition of Alteration below). The manufacturer is responsible for correcting all nonconformances and imminent safety hazards on homes not yet sold, regardless of the severity. [3282.253(c)]

Q. Am I required to maintain records of alterations or repairs that I have made to a new manufactured home?

A. YES. You must maintain complete records of all alterations and repairs conducted by your retail operation or service contractor on new manufactured homes. [3282.414(b), 3282.254(c)]

Q. Who do I contact when I forward a complaint or a request for service to the manufacturer but the manufacturer does not adequately respond?

A. You may refer this matter to the SAA where the home is currently located or to HUD if there is no SAA. [3282.256(a)] A list of all SAAs and HUD's address are included in this brochure and are on HUD's website: www.hud.gov.

DEFINITIONS— *Imminent safety hazard*: a condition that presents an imminent and unreasonable risk of death or severe personal injury. *Serious defect*: a failure to conform that causes a manufactured home or component within to be unfit for ordinary use and that results in an unreasonable risk of injury or death. *Defect*: a failure to conform that causes a manufactured home or component within to be unfit for its intended use, but that does not result in unreasonable risk of injury or death. *Noncompliance*: a failure to comply with the Federal Standards that does not constitute a defect, serious defect, or imminent safety hazard. *Failure to Conform*: a noncompliance, defect, serious defect, or imminent safety hazard that is Standards-related. *Alteration*: replacement, addition, modification, or removal of any equipment (generally plug-in type) prior to sale of the home by a retailer to a consumer, that may affect the construction, fire safety, occupancy, plumbing, or heat-producing or electrical system. *Completion of sale*: A sales transaction is considered completed when all the goods and services that the retailer agreed to provide at the time the contract was entered into are provided. This may include delivery and set-up of the home. *Retailer*: any person engaged in the sale, lease, or distribution of new manufactured homes for purposes other than resale. *Distributor*: any person engaged in the sale and distribution of manufactured homes for resale. [3282.7 and 3282.252(b)]