

**1350.0100 DEFINITIONS.**

Subpart 1. **Applicability.** For the purposes of parts 1350.0100 to 1350.9200, the terms defined in this part have the meanings given them.

Subp. 2. **Accessory structure.** "Accessory structure" means manufactured home accessory structure.

Subp. 3. **Act.** "Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, title VI of the Housing and Community Development Act of 1974, United States Code, title 42, sections 5401 to 5426 (1976), and all amendments to the act.

Subp. 4. **Anchor.** "Anchor" means ground anchor.

Subp. 5. **Anchoring equipment.** "Anchoring equipment" means bolts, straps, cables, turnbuckles, and chains, including tensioning devices, which are used with ties to secure a manufactured home to ground anchors or the foundation system.

Subp. 6. **Anchoring system.** "Anchoring system" means any method used for securing the manufactured home to a foundation system or the ground.

Subp. 7. **Approved.** "Approved" means acceptable to the authority having jurisdiction.

Subp. 7a. **Architect.** "Architect" means an architect that is an individual or entity licensed to practice architecture in a state or other United States jurisdiction and subject to all laws and limitations imposed by the agency in the state or jurisdiction that regulates the architect.

Subp. 8. **Authority having jurisdiction.** "Authority having jurisdiction" means the commissioner.

Subp. 9. **Authorized representative.** "Authorized representative" means any person, firm, corporation, or employee approved or hired by the commissioner to perform inspection services.

Subp. 10. **Baling.** "Baling" means a method of "wrapping" a cross section (roof, walls, and floor) and the main frame (chassis) of a manufactured home with straps.

Subp. 10a. **Climatic conditions.** "Climatic conditions" means meteorological circumstances that would prevent a complying installation of a manufactured home, including, but not limited to, frost, extreme rains, or flooding.

Subp. 11. **Code.** "Code" means the manufactured home building code.

Subp. 12. **Commissioner.** "Commissioner" means the commissioner of labor and industry or the commissioner's duly authorized representatives.

Subp. 13. **Construction alteration.** "Construction alteration" means the replacement, addition, modification, or removal of any equipment or installation which may affect the construction, plumbing, heating, cooling, or fuel-burning system, or electrical system or the functioning of any of these in manufactured homes subject to the code.

Subp. 14. **Construction compliance certificate.** "Construction compliance certificate" means the certificate provided by the manufacturer or dealer to both the commissioner and the owner which warrants that the manufactured home complies with the code.

Subp. 15. **Dealer.** "Dealer" means any person who engages in the business, either exclusively or in addition to any other occupation, of selling or brokering manufactured homes, new or used, or who offers to sell, solicit, broker, or advertise the sale of manufactured homes, new or used.

Subp. 16. **Defect.** "Defect" means a failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 24, part 3280, that renders the manufactured home or any part or component of it not fit for the ordinary use for which it was intended, but that does not result in an unreasonable risk of injury or death to occupants of the manufactured home.

Subp. 17. **Design approval inspection agency.** "Design approval inspection agency" means a state or private organization that has been accepted by the secretary.

Subp. 18. **Diagonal tie.** "Diagonal tie" means a tie intended primarily to resist horizontal or shear forces and which may secondarily resist vertical, uplift, and overturning forces.

Subp. 19. **Distributor.** "Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

Subp. 19a. **Engineer.** "Engineer" means an engineer that is an individual or entity licensed to practice engineering in a state or other United States jurisdiction and subject to all laws and limitations imposed by the agency in the state or jurisdiction that regulates the engineer.

Subp. 20. **Evaluation agency.** "Evaluation agency" means an organization approved by the secretary which is qualified by reason of facilities, personnel, experience, and demonstrated reliability to investigate and evaluate manufactured homes.

Subp. 21. **Failure to conform.** "Failure to conform" includes noncompliance, having a defect or serious defect, and having an imminent safety hazard related to failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 42, part 3280. "Failure to conform" is used as a substitute for all of those terms.

Subp. 22. **Footing.** "Footing" means that portion of the support system that transmits loads directly to the soil.

Subp. 23. **Foundation system.** "Foundation system" means a permanent foundation constructed in conformance with the State Building Code.

Subp. 24. **Ground anchor.** "Ground anchor" means any device at the manufactured home installation site designed to transfer manufactured home anchoring loads to the ground.

Subp. 24a. **HUD.** "HUD" means the United States Department of Housing and Urban Development.

Subp. 25. **Imminent safety hazard.** "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 mobile home construction and safety standard in Code of Federal Regulations, title 42, part 3280.

Subp. 26. **Independent inspection agency.** "Independent inspection agency" means an organization approved by the secretary qualified to review and approve plans and specifications for manufactured homes with respect to model, structural, electrical, mechanical, and plumbing requirements and to evaluate quality control programs and make inspections.

Subp. 26a. **Individual.** "Individual" means a human being.

Subp. 27. **Installation.** "Installation" of a manufactured home means the completion of work to stabilize, support, anchor, and close up a manufactured home, and to join sections of a multisection manufactured home when any such work is governed by the state installation standards or federal installation standards in Code of Federal Regulations, title 24, part 3285, or by state installation standards that are certified as part of a qualifying installation program.

Subp. 28. **Installation alteration.** "Installation alteration" means the replacement, addition, modification, or removal of any components of the ground support or ground anchoring systems required under parts 1350.0100 to 1350.6900.

Subp. 29. **Installation compliance certificate.** "Installation compliance certificate" means the certificate provided by the installer to both the commissioner and the owner which warrants that the manufactured home complies with parts 1350.0100 to 1350.6900.

Subp. 30. **Installation instructions.** "Installation instructions" means a manufacturer's Design Approval Primary Inspection Agency (DAPIA) approved set of specifications to ensure that a manufactured home is set up according to applicable installation standards, as required under Code of Federal Regulations, title 24, part 3285.

Subp. 31. **Installation seal.** "Installation seal" means a device or insignia issued by the commissioner to a manufactured home installer to be displayed on the manufactured home to evidence compliance with the commissioner's rules pertaining to manufactured home installations.

Subp. 31a. **Installation standards.** "Installation standards" means the standards established by HUD in Code of Federal Regulations, title 24, part 3285, or any set of state standards that the secretary has determined provide protection to the residents of manufactured homes that equals or exceeds the protection provided by the standards in Code of Federal Regulations, title 24, part 3285.

Subp. 32. **Installer.** "Installer" means a person or entity that is retained to engage in, or who engages in, the business of directing, supervising, controlling, or correcting the installation or repair of a manufactured home, as governed by Code of Federal Regulations, title 24, part 3285, and this chapter. Installers are required to be licensed according to Minnesota laws and rules.

Subp. 33. **Label.** "Label" means the approved form of certification required by the secretary or the secretary's agents to be affixed to each transportable section of each manufactured home manufactured for sale, after June 14, 1976, to a purchaser in the United States.

Subp. 34. **Length of a manufactured home.** "Length of a manufactured home" means its largest overall length in the traveling mode, including cabinets and other projections which contain interior space. Length does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space, nor does it include drawbars, couplings, or hitches.

Subp. 34a. **Limited dealer.** "Limited dealer" means the owner, as principal only, of a licensed manufactured home park authorized by license to sell, offer for sale, solicit, and advertise for sale ten used manufactured homes annually within the owner's licensed manufactured home park, as defined in Minnesota Statutes, section 327.14, subdivision 3.

Subp. 35. **Listed.** "Listed" means equipment or materials included in a list published by a nationally recognized testing laboratory that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

Subp. 36. **Listing agency.** "Listing agency" means an agency approved by the commissioner which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed products, and which makes available at least an annual published report of the listing which includes specific information that the product has been tested to approved standards and found safe for use in a specified manner.

Subp. 37. **Main frame.** "Main frame" means the structural component on which is mounted the body of the manufactured home.

Subp. 38. **Manufactured home.** "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under Minnesota Statutes, chapter 327.

Subp. 39. **Manufactured home accessory structure.** "Manufactured home accessory structure" means a factory-built building or structure which is an addition or supplement to a manufactured home and, when installed, becomes a part of the manufactured home.

Subp. 40. **Manufactured home building code.** "Manufactured home building code" means for manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976, the standards code promulgated by the American National Standards Institute and identified as ANSI A119.1, including all revisions thereof in effect on May 21, 1971, or the provisions of the National Fire Protection Association identified as NFPA 501B, and further revisions adopted by the commissioner.

"Manufactured home building code" means for manufactured homes constructed after June 14, 1976, the Manufactured Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development which are in effect at the time of the manufactured home's manufacture.

Subp. 41. **Manufactured home installer.** "Manufactured home installer" means any person, firm, or corporation which installs manufactured homes for others at site of occupancy.

Subp. 42. **Manufacturer.** "Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes for sale.

Subp. 43. **Mobile home.** "Mobile home" is synonymous with manufactured home whenever it appears in parts 1350.0100 to 1350.9200 and in other documents or on construction or installation seals.

Subp. 44. **Model group.** "Model group" means two or more manufacturer-designed accessory structures which constitute one model.

Subp. 45. **Noncompliance.** "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.

Subp. 46. **Person.** "Person" includes, unless the context indicates otherwise, a corporation, company, association, firm, partnership, society, or joint stock company, as well as an individual, but does not include a tribal entity on a federal reservation.

Subp. 47. **Production inspection primary inspection agency.** "Production inspection primary inspection agency" means an agency which evaluates the ability of manufactured home manufacturing plants to follow approved quality control procedures and which provides ongoing surveillance of the manufacturing process.

Subp. 48. **Purchaser.** "Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

Subp. 48a. **Repair.** "Repair" means the reconstruction, replacement, or renewal of any part of an existing structure, using materials of like kind and type for the purpose of the structure's maintenance.

Subp. 48b. **Replacement construction seal.** "Replacement construction seal" means a construction seal issued by the commissioner to replace a construction seal or label that has been lost or removed from a manufactured home after application has been made and verification has been received by the commissioner that the home complies with the manufactured home code.

Subp. 48c. **Retailer.** "Retailer" is synonymous with dealer wherever it appears in parts 1350.0100 to 1350.9200 and in federal and state laws and rules relating to manufactured housing.

Subp. 49. **Seal.** "Seal" means a device or insignia issued by the commissioner to be displayed on the manufactured home to evidence compliance with the manufactured home building code. "Seal" includes construction, accessory structure, and installation seals.

Subp. 50. **Secretary.** "Secretary" means the secretary of the United States Department of Housing and Urban Development or the head of any successor agency with responsibility for enforcement of federal laws relating to manufactured homes.

Subp. 51. **Serious defect.** "Serious defect" means any failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 24, part 3280 that renders the manufactured home or any part of it not fit 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.

Subp. 51a. **Set up.** "Set up" means any assembly or installation of a manufactured home on site that includes aspects of work that are governed by Code of Federal Regulations, title 24, part 3280 or 3285, and this chapter.

Subp. 52. **Stabilizing devices.** "Stabilizing devices" means all components of the anchoring and support systems such as piers, footings, ties, anchoring equipment, ground anchors, and any other equipment which supports the manufactured home and secures it to the ground.

Subp. 53. **Stabilizing system.** "Stabilizing system" means a combination of the anchoring system and the support system when properly installed.

Subp. 54. **State administrative agency.** "State administrative agency" means an agency of a state which has been approved or conditionally approved to carry out the state plan for enforcement of the federal manufactured home construction and safety standards. For manufactured homes manufactured after June 14, 1976, and located or manufactured in Minnesota, the commissioner of labor and industry is the state administrative agency.

Subp. 55. **Support system.** "Support system" means any foundation system or other structural method used for the purpose of supporting a manufactured home at the site of occupancy.

Subp. 56. **Testing agency.** "Testing agency" means an organization which:

- A. is primarily interested in testing and evaluating equipment and installations;
- B. is qualified and equipped to observe experimental testing to approved standards;
- C. is not under the jurisdiction or control of any manufacturer or supplier of any industry;
- D. makes available a published report in which specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and
- E. is approved by the commissioner.

Subp. 57. **Tie.** "Tie" means a strap, cable, or securing device used to connect the manufactured home to ground anchors.

Subp. 58. **Utility connections.** "Utility connections" means the connection of the manufactured home to existing utilities including, but not limited to, electricity, water, sewer, gas, or fuel oil.

Subp. 59. **Vertical tie.** "Vertical tie" means a tie intended primarily to resist the uplifting and overturning forces.

Subp. 60. **Width of a manufactured home.** "Width of a manufactured home" means its largest overall width in the traveling mode, including cabinets and other projections which contain interior space. Width does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space.

**Statutory Authority:** *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

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