

A bill for an act

relating to labor and industry; modifying the requirements of the Manufactured Home Building Code; amending Minnesota Statutes 2008, sections 327.31, by adding a subdivision; 327.32, subdivision 1, by adding subdivisions; repealing Minnesota Statutes 2008, section 327.32, subdivision 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 327.31, is amended by adding a subdivision to read:

Subd. 21. **Used manufactured home.** "Used manufactured home" means a home being offered for sale not less than 24 months after the first purchaser took legal ownership or possession of the home.

Sec. 2. Minnesota Statutes 2008, section 327.32, subdivision 1, is amended to read:

Subdivision 1. **Requirement.** No person shall sell, or offer for sale, in this state, any used manufactured home manufactured after June 14, 1976, or installed for occupancy any manufactured home manufactured after July 1, 1972, manufacture any manufactured home in this state or install for occupancy any manufactured home manufactured after July 1, 1972, in any manufactured home park in this state June 14, 1976, unless the manufactured home complies with the ~~Manufactured Home Building Code and:~~

~~(a) bears a seal issued by the commissioner, and is, whenever possible, accompanied by a certificate by the manufacturer or dealer, both evidencing that it complies with the Manufactured Home Building Code; or~~

~~(b) if manufactured after June 14, 1976, bears a label as required by the secretary.~~
Notice of Compliance Form as provided in this subdivision. If manufactured after June 14, 1976, the home must bear a label as required by the secretary. The Notice of Compliance

2.1 Form shall be signed by the seller and purchaser indicating which party is responsible for
2.2 either making or paying for any necessary corrections prior to the sale and transferring
2.3 ownership of the manufactured home. A "seller" for purposes of this section is defined
2.4 as either the homeowner, manufactured home retailer or dealer, broker, limited dealer or
2.5 retailer, or listing agent.

2.6 The Notice of Compliance Form shall be substantially in the following form:

2.7 **"Notice of Compliance Form as required in Minnesota Statutes,**
2.8 **section 327.32, subdivision 1.**

2.9 This notice must be completed and signed by the purchaser(s) and the seller(s) of the
2.10 used manufactured home described in the purchase agreement and on the bottom of this
2.11 notice before the parties fully execute the sale of a used manufactured home constructed
2.12 after June 14, 1976.

2.13 Electric ranges and clothes dryers must have required four-conductor cords and plugs.

2.14 Complies Correction required
2.15 Initialed by Responsible Party: Buyer Seller

2.16 Solid fuel-burning fireplaces or stoves must be listed for use in manufactured homes, Code
2.17 of Federal Regulations, title 24, section 3280.709(g), and installed correctly, in accordance
2.18 with their listing or standards (i.e., chimney, doors, hearth, combustion, or intake, etc.,
2.19 Code of Federal Regulations, title 24, section 3280.709(g)(i)).

2.20 Complies Correction required
2.21 Initialed by Responsible Party: Buyer Seller

2.22 Gas water heaters and furnaces must be listed for manufactured home use, Code of
2.23 Federal Regulations, title 24, section 3280.709(d)(1) or (2), and installed correctly, in
2.24 accordance with their listing or standards.

2.25 Complies Correction required
2.26 Initialed by Responsible Party: Buyer Seller

2.27 Smoke alarms are required to be installed and operational in accordance with Code of
2.28 Federal Regulations, title 24, section 3280.305(g).

2.29 Complies Correction required
2.30 Initialed by Responsible Party: Buyer Seller

2.31 Carbon monoxide alarms or CO detectors that are approved and operational are required
2.32 to be installed within ten feet of each room lawfully used for sleeping purposes.

2.33 Complies Correction required
2.34 Initialed by Responsible Party: Buyer Seller

3.1 Egress windows are required in every bedroom with at least one operable window with
3.2 a net clear opening of 20 inches wide and 24 inches high, five square feet in area, with
3.3 the bottom of windows opening no more than 36 inches above the floor. Locks, latches,
3.4 operating handles, tabs, or other operational devices shall not be located more than 54
3.5 inches above the finished floor.

3.6 Complies Correction required
3.7 Initialed by Responsible Party: Buyer Seller

3.8 The furnace compartment of the home is required to be lined with gypsum board, as
3.9 specified in the 1976 United States Department of Housing and Urban Development Code
3.10 governing manufactured housing construction.

3.11 Complies Correction required
3.12 Initialed by Responsible Party: Buyer Seller

3.13 The water heater enclosure in this home is required to be lined with gypsum board, as
3.14 specified in the 1976 United States Department of Housing and Urban Development Code
3.15 governing manufactured housing construction.

3.16 Complies Correction required
3.17 Initialed by Responsible Party: Buyer Seller

3.18 The home complies with the snowload and heat zone requirements for the state of
3.19 Minnesota as indicated by the data plate.

3.20 Complies Correction required
3.21 Initialed by Responsible Party: Buyer Seller

3.22 The parties to this agreement have initialed all required sections and agree by their
3.23 signature to complete any necessary corrections prior to the sale or transfer of ownership
3.24 of the home described below as listed in the purchase agreement. The state of Minnesota
3.25 or a local building official has the authority to inspect the home in the manner described in
3.26 Minnesota Statutes, section 327C.07, prior to or after the sale to ensure compliance was
3.27 properly executed as provided under the Manufactured Home Building Code.

3.28 Signature of Purchaser(s) of Home
3.29date.....date.....
3.30

3.31 Print name as appears on purchase Print name as appears on purchase
3.32 agreement agreement

3.33 Signature of Seller(s) of Home
3.34date.....date.....
3.35

3.36 Print name and license number, if applicable Print name and license number, if applicable

(Street address of home at time of sale
.....
City/State/Zip).....
Name of manufacturer of home.....
Model and Year.....
Serial Number....."

Sec. 3. Minnesota Statutes 2008, section 327.32, is amended by adding a subdivision to read:

Subd. 1a. **Manufacturer's installation instructions and reinstallation requirements for multisection used homes.** (a) For each new manufactured home as defined in section 327B.01, all reinstallations of multisection manufactured homes for which a first purchaser was required to have a frost-protected foundation shall have its stabilizing system installed according to the manufactured home manufacturer's installation instructions or in accordance with a frost-free alternative design stamped by a licensed professional engineer or architect that meets or exceeds the requirements of the manufacturer's installation manual for the home.

(b) Alternative designs stamped by a licensed professional engineer or architect in compliance with the federal installation standard in effect at the date of manufacture and submitted to the authority having jurisdiction shall be granted approval and be issued all necessary permits by the authority having jurisdiction within ten business days of submission. The manufacturer's instructions shall be left with the manufactured home following the installation.

Sec. 4. Minnesota Statutes 2008, section 327.32, is amended by adding a subdivision to read:

Subd. 1b. **Reinstallation requirements for single-section used manufactured homes.** (a) A single-section used manufactured home is not required to be reinstalled in accordance with the manufacturer's installation manual requirements for a frost-protected foundation system if the reinstallation occurs not less than 24 months from the date of installation. A single-section used manufactured home that is not reinstalled in accordance with the manufacturer's installation manual shall be reinstalled according to the requirements in Minnesota Rules, chapter 1350, for above-frost line installations or according to an alternative design stamped by a licensed professional engineer or architect.

(b) The purchaser of the single-section used manufactured home and the seller shall comply with the notice requirement in subdivision 1c if the single-section used

manufactured home's first purchaser was required to install the home with footings placed below the local frost line.

(c) The installer shall affix an installation seal issued by the Department of Labor and Industry to the outside of the home as required by the State Building Code. The certificate of installation issued by the installer of record shall clearly state that the home has been reinstalled with footings placed above the local frost line. Fees for the inspection of a reinstallation and for the issuance of reinstallation seals shall follow the same requirements of sections 326B.802 to 326B.885 for issuance of installation seals. Fees for review of plans, specifications, and onsite inspections shall be those specified in section 326B.153, subdivision 1, paragraph (c). Whenever an installation certificate for an above the frost line installation is issued to a manufactured home being listed for sale, the purchase agreement must disclose that the home is installed on a nonfrost-protected foundation and recommend that the purchaser have the home inspected to determine the effects of frost upon the home.

Sec. 5. Minnesota Statutes 2008, section 327.32, is amended by adding a subdivision to read:

Subd. 1c. **Notice requirement.** The seller of the single-section used manufactured home being reinstalled under subdivision 1b shall provide the following notice to the purchaser and secure signatures of all parties to the purchase agreement on or before signing a purchase agreement prior to submitting an application for an installation certificate. Whenever a current owner of a manufactured home reinstalls the manufactured home under subdivision 1b, the current owner is not required to comply with the notice requirement under this subdivision. The notice, which shall be in the same font size as required for the purchase agreement and becomes a part of the purchase agreement, shall be substantially in the following form:

"Notice of Reinstalling of a Single-Section Used Manufactured Home Above Frost Line

It is recommended that the single-section used manufactured home being reinstalled follow the instructions in the manufacturer's installation manual. By signing this notice, the purchaser(s) are acknowledging they have elected to use footings placed above the local frost line in accordance with the manufacturer's installation manual.

The seller has explained the differences between the manufacturer's installation instructions and the installation system selected by the purchaser(s) with respect to possible effects of frost on the structural integrity of the manufactured home.

The purchaser(s) acknowledge by signing this notice that there is no manufacturer's original warranty remaining on the home and recognize that any other extended or ancillary warranty could be adversely affected if any applicable warranty stipulates that the home be installed in accordance with the manufacturer's installation manual to remain effective.

After the reinstallation of the manufactured home, it is highly recommended that the purchaser(s) have a licensed manufactured home installer recheck the home's installation for any releveled needs or anchoring system adjustments each spring.

The purchaser(s) of the used manufactured home described below that is being reinstalled acknowledge they have read this notice and have been advised to contact the manufacturer of the home and/or the Department of Labor and Industry if they desire additional information before signing this notice. It is the intent of this notice to inform the purchaser(s) that the purchaser(s) elected not to use a frost-protected foundation system for the reinstallation of the manufactured home as originally required by the home's installation manual.

Plain language notice.

I understand that because this home will be installed without frost-protected footings, this home may be subject to adverse effects from frost heave that may damage this home. Purchaser(s) initials:

I understand that the installation of this home without frost-protected footings could affect my ability to obtain a mortgage or mortgage insurance on this home. Purchaser(s) initials:

I understand that the installation of this home without frost-protected footings could void my warranty on the home if any warranty is still in place on this home. Purchaser(s) initials:

Signature of Purchaser(s)
.....date.....

Print name Print name
(Street address of location where
manufactured home is being reinstalled)

.....
(City/State/Zip).....
Name of manufacturer of home.....
Model and year.....
Serial number.....

Name of licensed installer and license number or homeowner responsible for the installation of the home as described above.

7.1 Installer name:.....
7.2 License number:....."

7.3 Sec. 6. **REPEALER.**
7.4 Minnesota Statutes 2008, section 327.32, subdivision 4, is repealed.

APPENDIX
Repealed Minnesota Statutes: 10-5279

327.32 CODE COMPLIANCE.

Subd. 4. **Exception.** Notwithstanding the provisions of subdivision 1, a manufactured home dwelling unit bearing a label issued by the secretary shall not be required to bear a seal of this state. Upon a showing that another state provides for the sealing of manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976, upon compliance with standards which are at least equal to those provided in the Manufactured Home Building Code, the commissioner shall, by rule, provide that a seal affixed under the authority of that state has the same effect as a seal affixed under authority of this state, and thereafter any manufactured home which bears the seal of that state shall not be required to bear the seal of this state as provided in subdivision 1. The commissioner may make any rule contingent upon the other state granting reciprocal effect to seals affixed under authority of this state.