

1350.5100 CONTENTS OF NOTICE.

Except as otherwise agreed by the commissioner who will review the plan under part 1350.4500, subpart 4, the notification to be sent by the manufacturer shall include the following:

A. an opening statement: "This notice is sent to you in accordance with the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974";

B. except where the manufacturer is acting under part 1350.4500 the following statement, as appropriate: "(manufacturer's name, or the commissioner, or the secretary)" has determined that:

(1) an imminent safety hazard may exist in (identifying criteria of manufactured home);

(2) a serious defect may exist in (identifying criteria of manufactured home);

(3) a defect may exist in (identifying criteria of manufactured home); or

(4) (identifying criteria of manufactured home) may not comply with an applicable federal mobile home construction or safety standard;

C. a clear description of the imminent safety hazard, serious defect, defect, or noncompliance which shall include:

(1) the location of the imminent safety hazard, serious defect, defect, or noncompliance in the manufactured home;

(2) a description of any hazards, malfunctions, deterioration, or other consequences which may result from the imminent safety hazard, serious defect, defect, or noncompliance;

(3) a statement of the conditions which may cause such consequences to arise; and

(4) precautions, if any, that the owner should take to reduce the chance that the consequences will arise before the manufactured home is repaired;

D. an evaluation of the risk to manufactured home occupants' safety and the durability of the manufactured home reasonably related to such imminent safety hazard, serious defect, defect, or noncompliance, including:

(1) the type of injury which may occur to occupants of the manufactured home; and

(2) whether there will be any warning that a dangerous occurrence may take place and what that warning would be, and any signs which the owner might see, hear,

smell, or feel which might indicate danger or deterioration of the manufactured home as a result of the imminent safety hazard, serious defect, defect, or noncompliance;

E. if the manufacturer will correct the manufactured home, a statement that the manufacturer will correct the manufactured home;

F. a statement in accordance with whichever of the following is appropriate:

(1) where the manufacturer will correct the manufactured home at no cost to the owner, the statement shall indicate how and when the correction will be done, how long the correction will take, and any other information that may be helpful to the owner; or

(2) when the manufacturer does not bear the cost of repair, the notification shall include a detailed description of all parts and materials needed to make the correction, a description of all steps to be followed in making the corrections, including appropriate illustrations and an estimate of the cost to the purchaser or owner of the correction;

G. a statement informing the owner that the owner may submit a complaint to the commissioner if the owner believes that the notification or the remedy described in it is inadequate or the manufacturer has failed or is unable to remedy within a reasonable time after the owner's first attempt to obtain a remedy; and

H. a statement that any actions taken by the manufacturer under the act in no way limit the rights of the owner or any other person under any contract or other applicable law and that the owner may have further rights under contract or other applicable law.

Statutory Authority: *MS s 327.33*

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