

2MCAR 1

7-12-82

1 Department of Administration
 2 Division of Building Codes and Standards
 3
 4 Adopted Rules for the Minnesota Manufactured Home Building Code
 5 2 MCAR SS 1.90100-1.90904 Adopting Federal Mobile Home
 6 Construction and Safety Standards and Procedural and Enforcement
 7 Regulations and Revisions to the Existing Rules.
 8
 9 Rules as Adopted

10 2 MCAR S 1.90101 Authorization. Rules 2 MCAR SS 1.90101-1.90906
 11 are authorized by Minn. Stat. SS 327.31-327.36; and 327.55 and
 12 established through the rulemaking procedures set forth in Minn.
 13 Stat. SS 15.0411-15.0417, to implement, interpret, and carry out
 14 the provisions of Minn. Stat. SS 327.31-327.36; and 327.55
 15 relating to manufactured homes. If these rules differ from the
 16 code promulgated by the American National Standards Institute as
 17 ANSI A119.1, or the provisions of the National Fire Protection
 18 Association identified as NFPA 501B, or the federal mobile home
 19 construction and safety standards in Code of Federal
 20 Regulations, title 24, part 3280 (1981), or the mobile home
 21 procedural and enforcement regulations in Code of Federal
 22 Regulations, title 24, part 3282 (1981), as amended at Federal
 23 Register, volume 47, pages 5887 and 5888, (1981), these rules
 24 shall govern in all cases.

25 2 MCAR S 1.90102 Enforcement. The commissioner shall administer
 26 and enforce all the provisions of 2 MCAR SS 1.90101-1.90906 and
 27 the code. Any authorized representative of the Department of
 28 Administration may enter any premises where manufactured homes
 29 are manufactured, sold, offered for sale, parked in any
 30 manufactured home park in the state, or installed in the state
 31 if the installation was made after September 1, 1974. The
 32 authorized representative may examine any records and may
 33 inspect any manufactured home, equipment, or installations to
 34 ensure compliance with the provisions of 2 MCAR SS
 35 1.90101-1.90906 and the code. The authorized representative may

1 require that a portion or portions of a manufactured home be
2 removed or exposed in order that an inspection may be made to
3 determine compliance, or require that all portions of an
4 installation be removed or exposed to make this determination.

5 2 MCAR S 1.90103 Definitions.

6 A. Applicability. For the purposes of 2 MCAR SS
7 1.90101-1.90906, the terms defined in B.-GGG. have the meanings
8 given them.

9 B. Accessory structure. "Accessory structure" means
10 manufactured home accessory structure.

11 C. Act. "Act" means the National Manufactured Housing
12 Construction and Safety Standards Act of 1974, title VI of the
13 Housing and Community Development Act of 1974, United States
14 Code, title 42, sections 5401-5426 (1976), as amended through
15 March 15, 1982.

16 D. Anchor. "Anchor" means ground anchor.

17 E. Anchoring equipment. "Anchoring equipment" means straps,
18 cables, turnbuckles, and chains, including tensioning devices,
19 which are used with ties to secure a manufactured home to ground
20 anchors.

21 F. Anchoring system. "Anchoring system" means any method
22 used for securing the manufactured home to a foundation system
23 or the ground.

24 G. Approved. "Approved" means acceptable to the authority
25 having jurisdiction.

26 H. Authority having jurisdiction. "Authority having
27 jurisdiction" means the Commissioner of Administration or his
28 authorized representative.

29 I. Authorized representative. "Authorized representative"
30 means any person, firm, or corporation, or employee thereof,
31 approved or hired by the commissioner to perform inspection
32 services.

33 J. Baling. "Baling" means a method of "wrapping" a cross
34 section (roof, walls, and floor) and the main frame (chassis) of
35 a manufactured home with straps.

36 K. Code. "Code" means the manufactured home building code.

1 L. Commissioner. "Commissioner" means the Commissioner of
2 Administration or his duly authorized representative.

3 M. Construction alteration. "Construction alteration" means
4 the replacement, addition, modification, or removal of any
5 equipment or installation which may affect the construction,
6 plumbing, heating, cooling, or fuel burning system, or
7 electrical system or the functioning of any of these in
8 manufactured homes subject to the code.

9 N. Construction compliance certificate. "Construction
10 compliance certificate" means the certificate provided by the
11 manufacturer or dealer to both the commissioner and the owner
12 which warrants that the manufactured home complies with the code.

13 O. Dealer. "Dealer" means any person engaged in the sale,
14 leasing, or distribution of a manufactured home primarily to
15 persons who purchase or lease for purposes other than resale.

16 P. Defect. "Defect" means a failure to comply with an
17 applicable federal mobile home construction and safety standard,
18 as set forth in Code of Federal Regulations, title 24, part 3280
19 (1981), that renders the manufactured home or any part or
20 component of it not fit for the ordinary use for which it was
21 intended, but that does not result in an unreasonable risk of
22 injury or death to occupants of the manufactured home.

23 Q. Design approval inspection agency. "Design approval
24 inspection agency" means a state or private organization that
25 has been accepted by the secretary.

26 R. Diagonal tie. "Diagonal tie" means a tie intended
27 primarily to resist horizontal or shear forces and which may
28 secondarily resist vertical, uplift, and overturning forces.

29 S. Distributor. "Distributor" means any person engaged in
30 the sale and distribution of manufactured homes for resale.

31 T. Evaluation agency. "Evaluation agency" means an
32 organization approved by the commissioner which is qualified by
33 reason of facilities, personnel, experience, and demonstrated
34 reliability to investigate and evaluate manufactured homes.

35 U. Failure to conform. "Failure to conform" includes
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noncompliance, having a defect or serious defect, and having an

1 imminent safety hazard related to failure to comply with an

2 applicable federal mobile home construction and safety standard

3 in Code of Federal Regulations, title 42, part 3280 (1981).

4 "Failure to conform" is used as a substitute for all of those

5 terms.

6 U. Footing. "Footing" means that portion of the support
7 system that transmits loads directly to the soil.

8 V. Foundation system. "Foundation system" means a permanent
9 foundation constructed in conformance with the state building
10 code.

11 W. Ground anchor. "Ground anchor" means any device at the
12 manufactured home stand designed to transfer manufactured home
13 anchoring loads to the ground.

14 X. Imminent safety hazard. "Imminent safety hazard" means a
15 hazard that presents an imminent and unreasonable risk of death
16 or severe personal injury that may or may not be related to
17 failure to comply with an applicable federal mobile home
18 construction and safety standard in Code of Federal Regulations,
19 title 42, part 3280 (1981).

20 Y. Independent inspection agency. "Independent inspection
21 agency" means an organization approved by the commissioner
22 qualified to review and approve plans and specifications for
23 manufactured homes with respect to model, structural,
24 electrical, mechanical, and plumbing requirements and to
25 evaluate quality control programs and make inspections.

26 Z. Installation. "Installation" of a manufactured home
27 means assembly, at the site of occupancy, of all portions of the
28 manufactured home, connection of the manufactured home to
29 existing utility connections, and installation of support or
30 anchoring systems.

31 AA. Installation alteration. "Installation alteration"
32 means the replacement, addition, modification, or removal of any
33 components of the ground support or ground anchoring systems
34 required under the provisions of 2 MCAR SS 1.90101-1.90906.

35 BB. Installation compliance certificate. "Installation
36 compliance certificate" means the certificate provided by the

1 installer to both the commissioner and the owner which warrants
2 that the manufactured home complies with 2 MCAR SS
3 1.90101-1.90906.

4 CC. Installation instructions. "Installation instructions"
5 means those instructions provided by the manufacturer
6 accompanying each manufactured home detailing the manufacturer's
7 requirements for ground supports and anchoring systems
8 attachments.

9 DD. Installation seal. "Installation seal" means a device
10 or insignia issued by the commissioner to a manufactured home
11 installer to be displayed on the manufactured home to evidence
12 compliance with the commissioner's rules pertaining to
13 manufactured home installations.

14 EE. Installer. "Installer" means manufactured home
15 installer.

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

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

28 HH. Listed. "Listed" means equipment or materials included
29 in a list published by a nationally recognized testing
30 laboratory that maintains periodic inspection of production of
31 listed equipment or materials and whose listing states either
32 that the equipment or material meets nationally recognized
33 standards or has been tested and found suitable for use in a
34 specified manner.

35 II. Listing agency. "Listing agency" means an agency
36 approved by the commissioner which is in the business of listing

1 or labeling and which maintains a periodic inspection program on
2 current production of listed products, and which makes available
3 at least an annual published report of the listing which
4 includes specific information that the product has been tested
5 to approved standards and found safe for use in a specified
6 manner.

7 JJ. Main frame. "Main frame" means the structural component
8 on which is mounted the body of the manufactured home.

9 KK. Manufactured home. "Manufactured home" means a
10 structure, transportable in one or more sections, which in the
11 traveling mode is eight body feet or more in width or 40 body
12 feet or more in length, or, when erected on site, is 320 or more
13 square feet, and which is built on a permanent chassis and
14 designed to be used as a dwelling with or without a permanent
15 foundation when connected to the required utilities, and
16 includes the plumbing, heating, air conditioning, and electrical
17 systems contained therein; except that the term includes any
18 structure which meets all the requirements and with respect to
19 which the manufacturer voluntarily files a certification
20 required by the secretary and complies with the standards
21 established under Minn. Stat. ch. 327.

22 LL. Manufactured home accessory structure. "Manufactured
23 home accessory structure" means a factory-built building or
24 structure which is an addition or supplement to a manufactured
25 home and, when installed, becomes a part of the manufactured
26 home.

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

35 "Manufactured home building code" means for manufactured
36 homes constructed after June 14, 1976, the mobile home

1 construction and safety standards promulgated by the United
2 States Department of Housing and Urban Development which are in
3 effect at the time of the manufactured home's manufacture.

4 NN. Manufactured home installer. "Manufactured home
5 installer" means any person, firm, or corporation which installs
6 manufactured homes for others at site of occupancy, except
7 manufactured homes installed on a foundation system.

8 OO. Manufacturer. "Manufacturer" means any person engaged
9 in manufacturing or assembling manufactured homes, including any
10 person engaged in importing manufactured homes for sale.

11 PP. Mobile home. "Mobile home" is synonymous with
12 manufactured home whenever it appears in 2 MCAR SS
13 1.90101-1.90906 and in other documents or on construction or
14 installation seals.

15 QQ. Model group. "Model group" means two or more
16 manufacturer-designed accessory structures which constitute one
17 model.

18 RR. Noncompliance. "Noncompliance" means a failure of a
19 manufactured home to comply with a federal mobile home
20 construction or safety standard that does not constitute a
21 defect, serious defect, or imminent safety hazard.

22 SS. Person. "Person" means a person, partnership,
23 corporation, or other legal entity.

24 TT. Production inspection primary inspection agency.
25 "Production inspection primary inspection agency" means an
26 agency which evaluates the ability of manufactured home
27 manufacturing plants to follow approved quality control
28 procedures and which provides ongoing surveillance of the
29 manufacturing process.

30 UU. Purchaser. "Purchaser" means the first person
31 purchasing a manufactured home in good faith for purposes other
32 than resale.

33 VV. Seal. "Seal" means a device or insignia issued by the
34 commissioner to be displayed on the manufactured home to
35 evidence compliance with the manufactured home building code.
36 "Seal" includes construction and installation seals.

1 WW. Secretary. "Secretary" means the Secretary of the
2 United States Department of Housing and Urban Development or the
3 head of any successor agency with responsibility for enforcement
4 of federal laws relating to manufactured homes.

5 XX. Serious defect. "Serious defect" means any failure to
6 comply with an applicable federal mobile home construction and
7 safety standard in Code of Federal Regulations, title 24, part
8 3280 (1981) that renders the manufactured home or any part of it
9 not fit for the ordinary use for which it was intended and which
10 results in an unreasonable risk of injury or death to occupants
11 of the affected manufactured home.

12 YY. Stabilizing devices. "Stabilizing devices" means all
13 components of the anchoring and support systems such as piers,
14 footings, ties, anchoring equipment, ground anchors, and any
15 other equipment which supports the manufactured home and secures
16 it to the ground.

17 ZZ. Stabilizing system. "Stabilizing system" means a
18 combination of the anchoring system and the support system when
19 properly installed.

20 AAA. State administrative agency. "State administrative
21 agency" means an agency of a state which has been approved or
22 conditionally approved to carry out the state plan for
23 enforcement of the federal mobile home construction and safety
24 standards. For manufactured homes manufactured after June 14,
25 1976, and located in Minnesota, the commissioner of
26 administration is the state administrative agency.

27 BBB. Support system. "Support system" means any foundation
28 system or other structural method used for the purpose of
29 supporting a manufactured home at the site of occupancy.

30 CCC. Testing agency. "Testing agency" means an organization
31 which:

32 1. Is primarily interested in testing and evaluating
33 equipment and installations;

34 2. Is qualified and equipped to observe experimental
35 testing to approved standards;

36 3. Is not under the jurisdiction or control of any

1 manufacturer or supplier of any industry;

2 4. Makes available a published report in which specific
3 information is included stating that the equipment and
4 installations listed or labeled have been tested and found safe
5 for use in a specific manner; and

6 5. Is approved by the commissioner.

7 DDD. Tie. "Tie" means a strap, cable, or securing device
8 used to connect the manufactured home to ground anchors.

9 EEE. Utility connections. "Utility connections" means the
10 connection of the manufactured home to existing utilities
11 including, but not limited to, electricity, water, sewer, gas,
12 or fuel oil.

13 FFF. Vertical tie. "Vertical tie" means a tie intended
14 primarily to resist the uplifting and overturning forces.

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

20 2 MCAR S 1.90201 Requirement for seals, code compliance,
21 construction compliance certificates, or labels.

22 A. Construction seals; code compliance; construction
23 compliance certificates; or labels. After July 1, 1972, no
24 person shall sell or offer for sale in this state any
25 manufactured home manufactured after July 1, 1972; manufacture
26 any manufactured home in this state; or park any manufactured
27 home manufactured after July 1, 1972, in any manufactured home
28 park in this state, unless the manufactured home complies with
29 the code and the commissioner's revisions to it, bears a
30 construction seal issued by the commissioner, and is accompanied
31 by a construction compliance certificate by the manufacturer or
32 dealer, on a form issued by the commissioner, both evidencing
33 that it complies with the code, or if manufactured after June
34 14, 1976, bears a label as required by the secretary.

35 B. Alteration of manufactured homes required to have a
36 construction seal or label. After July 1, 1972, no person shall

1 alter any manufactured home bearing, or required to bear, a
2 construction seal or label as provided in A. unless the person
3 has complied with 2 MCAR S 1.90701.

4 C. Requirement for installation seals.

5 1. No person shall install or connect to any manufactured
6 home or manufactured home accessory structure a ground support
7 or anchoring system unless the system and installation comply
8 with these rules. The installer shall affix the correct
9 installation seals to the manufactured home or the manufactured
10 home accessory structure installed in compliance with 2 MCAR SS
11 1.90101-1.90906. Evidence of compliance shall be supported by
12 the submission of a certificate to the commissioner and the
13 manufactured home owner. Installation seals are not required
14 for manufactured homes installed on a foundation system. A
15 permit to install a manufactured home in a municipality
16 enforcing the state building code may be required by the
17 municipality.

18 2. When climatic conditions interfere with the completion
19 of installation, the dealer or installer will assign an
20 installation seal for the manufactured home incompletely
21 installed and notify the commissioner stating the condition
22 prohibiting the completion of the installation using the form
23 issued by the commissioner. A copy of this notice shall be
24 provided to the owner. When climatic conditions permit the
25 completion of installation, the installation will be promptly
26 completed and the installation seal affixed to the manufactured
27 home. The installation compliance certificate shall be provided
28 to the commissioner and the owner.

29 D. Requirement for manufactured home accessory structure
30 seal. No person shall install or connect to any manufactured
31 home a subordinate structure manufactured after September 1,
32 1974, unless the accessory structure complies with 2 MCAR SS
33 1.90101-1.90906 and the code and bears a manufactured home
34 accessory structure seal and is accompanied by a certificate by
35 the manufacturer or dealer evidencing that it complies with the
36 code.

1 2 MCAR S 1.90202 Acquisition of labels and seals; installer
2 registration.

3 A. Acquisition of labels. United States Department of
4 Housing and Urban Development labels are acquired by the
5 manufacturer from the secretary pursuant to the act and with
6 submission of the fee required in 2 MCAR S 1.90902.

7 B. Acquisition of construction seals. Any person may
8 qualify for construction seals by furnishing proof on forms
9 furnished by the commissioner that the manufactured home to
10 which the seal is to be affixed was manufactured in compliance
11 with the state manufactured home building code and has not been
12 brought out of conformance because of damage, additions, or
13 alterations.

14 C. Acquisition of accessory structure seals. Any
15 manufacturer of accessory structures shall qualify for
16 acquisition of a construction seal by:

17 1. Obtaining plan approval pursuant to 2 MCAR SS
18 1.90301-1.90310 and requesting an inspection of each
19 manufactured home constructed pursuant to 2 MCAR S 1.90401;

20 2. Obtaining plan approval pursuant to 2 MCAR SS
21 1.90301-1.90310 and quality control approval pursuant to 2 MCAR
22 S 1.90501; or

23 3. Obtaining certification by an independent agency
24 approved by the commissioner pursuant to 2 MCAR S 1.90601.

25 D. Installer registration. Application for installer
26 registration shall be on the form issued by the commissioner
27 supporting evidence the commissioner deems necessary to
28 establish that installation seals issued to an installer will be
29 affixed only to those manufactured homes where the support
30 system and ground anchoring system installations comply with 2
31 MCAR SS 1.90101-1.90906 and the code.

32 E. Acquisition of installation seals. Any registered
33 installer shall qualify for acquisition of an installation seal
34 by applying for registration as an installer to the commissioner
35 on the form issued by the commissioner.

1 2 MCAR S 1.90204 Application for seals.

2 A. Application for construction seals. Any person who has
3 met the applicable requirements of 2 MCAR S 1.90202 shall apply
4 for construction seals using the forms issued by the
5 commissioner. The application shall be accompanied by the
6 construction seal fee set forth in 2 MCAR S 1.90902.

7 B. Application for installation seals. Any registered
8 installer who has met the applicable requirements of 2 MCAR S
9 1.90202 shall apply for installation seals. The application
10 shall be on forms issued by the commissioner, and the
11 application shall be accompanied by the installation seal fee
12 set forth in 2 MCAR S 1.90902.

13 C. Application for accessory structure seals. Any
14 manufacturer of manufactured home accessory structures who has
15 met the applicable requirements of 2 MCAR S 1.90202 shall apply
16 for accessory structure seals. The application shall be on the
17 forms issued by the commissioner, and the application shall be
18 accompanied by the accessory structure seal fee set forth in 2
19 MCAR S 1.90902.

20 2 MCAR S 1.90205 Denial and repossession of seals.

21 A. Installation seals. Should investigation or inspection
22 reveal that a registered installer has not installed a
23 manufactured home according to 2 MCAR SS 1.90101-1.90906 and the
24 code, the commissioner may deny the installer's application for
25 new installation seals, and any installation seals previously
26 issued shall be confiscated. Upon satisfactory proof of
27 modification of such installation bringing it into compliance,
28 the installer may resubmit an application for installation seals.

29 B. Accessory seals. Should investigation or inspection
30 reveal that a manufacturer is not constructing manufactured home
31 accessory structures according to plans approved by the
32 commissioner, and the manufacturer, after having been served
33 with a notice setting forth in what respect the provisions of 2
34 MCAR SS 1.90101-1.90906 and the code have been violated,
35 continues to manufacture manufactured home accessory structures
36 in violation of these rules and the code, applications for new

1 accessory seals shall be denied, and the accessory seals
2 previously issued shall be confiscated. Upon satisfactory proof
3 of compliance the manufacturer may resubmit an application for
4 accessory seals.

5 2 MCAR S 1.90206 Seal or label removal.

6 A. Construction seals or labels. If any manufactured home
7 bearing the construction seal or label or any manufactured home
8 once sold to a consumer is found to be in violation of the code,
9 the commissioner may remove the construction seal or label after
10 furnishing the owner or his agent with a written statement of
11 the violation. The commissioner shall not issue a new
12 construction seal or reissue a label until corrections have been
13 made and the owner or his agent has requested an inspection
14 pursuant to 2 MCAR S 1.90401.

15 B. Installation seals. Should a violation of the rules and
16 regulations regarding installation be found, the commissioner
17 may remove the installation seal after furnishing the owner or
18 his agent with a written statement of the violation. The
19 commissioner shall not issue a new installation seal until
20 corrections have been made and the owner or his agent has
21 requested an inspection pursuant to 2 MCAR S 1.90401.

22 C. Accessory structure seals. If any accessory structure
23 bearing the accessory structure seal is found to be in violation
24 of the code, the commissioner may remove the accessory structure
25 seal after furnishing the owner or his agent with a written
26 statement of the violation. The commissioner shall not issue a
27 new accessory structure seal until corrections have been made
28 and the owner or his agent has requested an inspection pursuant
29 to 2 MCAR S 1.90401.

30 2 MCAR S 1.90207 Placement of seals.

31 A. Construction seals.

32 1. Each construction seal shall be assigned and affixed
33 to a specific manufactured home. Assigned construction seals
34 are not transferable and are void when not affixed as assigned,
35 and all voided construction seals shall be returned to, or may

1 be confiscated by, the commissioner. The construction seal
2 shall remain the property of the commissioner and may be
3 reappropriated by the commissioner in the event of violation of
4 the conditions of approval. Multiple unit manufactured homes
5 shall be assigned and bear consecutively serial numbered
6 construction seals.

7 2. The construction seal shall be securely affixed to the
8 rear of the manufactured home on the lower left corner of the
9 exterior wall not less than six inches above the floor line.

10 B. Installation seals. Only one of each type of
11 installation seal shall be assigned to a manufactured home
12 whether the manufactured home consists of one or multiple
13 units. The installation seal shall be placed in a readily
14 visible location adjacent to the primary label or construction
15 seal. Appropriate installation seals shall be affixed to each
16 accessory structure.

17 C. Accessory structure seals.

18 1. Each accessory structure seal shall be assigned and
19 affixed to a specific accessory structure. Assigned accessory
20 structure seals are not transferable and are void when not
21 affixed as assigned, and all such accessory structure seals
22 shall be returned to, or may be confiscated by, the
23 commissioner. The accessory structure seal shall remain the
24 property of the commissioner and may be reappropriated by the
25 commissioner in the event of violation of the conditions of
26 approval. Multiple unit accessory structures shall be assigned
27 and bear consecutively serial numbered accessory structure seals.

28 2. The accessory structure seal shall be securely affixed
29 in a readily visible location.

30 2 MCAR S 1.90209 Return of seals.

31 A. Installation seals. When an installer discontinues the
32 installation of manufactured homes, he shall notify the
33 commissioner within ten days of the date of such discontinuance
34 and return all unused installation seals which have been issued
35 to him. Installation seals may not be transferred by any
36 installer.

1 B. Accessory structure seals. When a manufactured home
2 manufacturer of accessory structures discontinues production of
3 a model carrying the commissioner's plan approval, the
4 manufacturer shall, within ten days, advise the commissioner of
5 the date of such discontinuance and either return all seals
6 allocated for such discontinued accessory structure model or
7 assign the seals to other approved accessory structure models.

8 2 MCAR S 1.90210 Compliance certificate.

9 A. Installation compliance certificate. The installer shall
10 provide the commissioner with an installation compliance
11 certificate in addition to the certificate required in 2 MCAR S
12 1.90201. The installation compliance certificate shall be
13 issued by the commissioner.

14 B. Manufactured home accessory structure compliance
15 certificate. A manufacturer shall provide the commissioner with
16 a manufactured home accessory structure compliance certificate
17 required in 2 MCAR S 1.90201. Manufactured home accessory
18 structure compliance certificate forms shall be issued by the
19 commissioner.

20 2 MCAR S 1.90301 Plans required. To obtain plan approval a
21 manufacturer shall submit plans for an accessory structure model
22 or model group and for structural, electrical, mechanical, and
23 plumbing systems, where such systems are involved in the
24 construction. The plans shall include installation requirements.

25 2 MCAR S 1.90302 Application for manufactured home accessory
26 structure approval.

27 A. Contents; generally. An application for a manufactured
28 home accessory structure approval shall contain the following:

- 29 1. Name and address of manufacturer;
- 30 2. Location of plant where manufacture will take place;
- 31 3. Identification of plans, specifications, or other
32 documents being submitted; and
- 33 4. Identification of approved quality control procedures
34 and manual.

35 B. Plans and specifications. Submissions of required plans

1 and specifications shall be in duplicate and shall include, but
2 not be limited to, the following:

- 3 1. A dimensioned floor plan(s);
- 4 2. Proposed use of rooms and method of light and
5 ventilation;
- 6 3. Size, type, and location of windows and exterior doors;
- 7 4. Type and location of all appliances and fixtures;
- 8 5. Type and location of plumbing, drain, water, gas, and
9 electrical connections;
- 10 6. Type and location of all electrical outlets
11 (receptacles and lights);
- 12 7. Number of outlets and appliances on each circuit and
13 circuit rating; and
- 14 8. Installation details and instructions.

15 2 MCAR S 1.90303 Application for support and anchoring systems
16 approval.

17 A. Contents. All support and anchor systems equipment
18 manufacturers shall submit plans, structural details,
19 specifications, installation instructions, and test reports
20 prepared by an independent testing agency, including engineering
21 calculations in such detail as is necessary for evaluation and
22 approval of support and anchoring systems based on 2 MCAR S
23 1.90450.

24 B. Approval. Approval of support and anchoring systems is
25 required from all equipment manufacturers.

26 2 MCAR S 1.90308 Evidence of commissioner's approval. Approved
27 plans and specifications for accessory structures and support
28 and anchoring systems shall be evidenced by the stamp of
29 approval of the commissioner and the assignment of an approval
30 number to evidence approval. Installation instructions shall be
31 supplied by the manufacturer and shall reference the Minnesota
32 approval number.

33 2 MCAR S 1.90309 Support and anchoring systems approval
34 expiration. Approval of support and anchoring systems shall
35 expire when the commissioner adopts revisions to requirements

1 under which approval was granted unless the manufacturer submits
2 evidence to the commissioner establishing that the plans are in
3 compliance with the code as revised.

4 2 MCAR S 1.90310 Changes to approved support and anchoring
5 systems. Where the manufacturer proposes changes to approved
6 support and anchoring systems, two sets of supplemental details
7 shall be submitted to the commissioner for review and approval.
8 Approved changes will be reflected in the approval number
9 identification previously assigned by the commissioner.

10 2 MCAR S 1.90402 Action after requested inspection. If the
11 manufactured home inspected meets the requirements of the code,
12 if plan approval has been obtained, and if all applicable fees
13 have been remitted, the applicant may apply for a construction
14 seal. If the requested inspection was to determine compliance
15 with respect to support and anchoring requirements and if all
16 applicable fees have been remitted, the applicant may apply for
17 an installation seal.

18 2 MCAR S 1.90403 Other inspections. In addition to making
19 inspections on request, the commissioner shall make periodic
20 inspections of the facilities of persons who are subject to the
21 code and 2 MCAR SS 1.90101-1.90906. The inspections shall
22 include oversight inspections at the in-state manufactured home
23 manufacturing facilities to review the manufacturer's consumer
24 complaint handling and notification and correction as required
25 by 2 MCAR SS 1.90702-1.90720. Oversight inspections shall be
26 made annually. The frequency of oversight inspections may be
27 increased when the need is indicated by the number of consumer
28 complaints received by the commissioner.

29 2 MCAR S 1.90450 Stabilizing systems for manufactured home
30 installation.

31 A. Stabilizing devices installed at site of occupancy.
32 Stabilizing devices when installed at the site of occupancy
33 shall comply with these rules.

34 1. Manufacturer's installation instructions. Each

1 manufactured home shall have its stabilizing system installed in
2 accordance with the manufactured home manufacturer's
3 installation instructions. The manufacturer's instructions
4 shall include a typical support system designed by a registered
5 professional engineer or architect to support the anticipated
6 loads that the manufacturer's installation instructions specify
7 for the design zone, including climate, of installation. The
8 instructions shall also meet the requirements of 2 MCAR SS
9 1.90702-1.90720. These instructions shall be left with the
10 manufactured home following installation.

11 Footings shall be sized to support the loads shown in these
12 instructions.

13 Stabilizing devices not provided with the manufactured home
14 shall meet or exceed the design and capacity requirements of the
15 manufactured home manufacturer and these rules and shall be
16 installed in accordance with the manufactured home
17 manufacturer's installation instructions.

18 Foundation systems shall be in compliance with the state
19 building code.

20 No portion of a manufactured home shall be removed during
21 installation or when located on its home site unless it is
22 designed to be removable and is removed in accordance with the
23 manufacturer's instructions.

24 2. [Unchanged.]

25 B. Foundation and support systems. Each manufactured home
26 shall be installed on a foundation system or shall have a
27 support system as specified herein. A minimum clearance of 12
28 inches shall be maintained beneath the underside of the main
29 frame (I-beam or channel beam) in the area of utility
30 connections when the manufactured home is not installed on a
31 foundation system.

32 1.-6. [Unchanged.]

33 C. [Unchanged.]

34 D. Ground anchors. Ground anchors, including means for
35 attaching ties, shall be located to effectively match the
36 anchoring system instructions provided by the manufactured home

1 manufacturer, or, if there are no instructions, in accordance
2 with the requirements of A., and shall be designed and installed
3 to transfer the anchoring loads to the ground.

4 1. [Unchanged.]

5 2. Anchor design and installation. Each manufactured
6 ground anchor shall be approved pursuant to 2 MCAR S 1.90303 and
7 installed in accordance with the anchor manufacturer's
8 instructions and shall include means of attachment of ties
9 meeting the requirements of C.4. Ground anchor manufacturer's
10 installation instructions shall include the amount of preload
11 required, the methods of adjustment after installation, and the
12 load capacity in various types of soils. These instructions
13 shall include tensioning adjustments which may be needed to
14 prevent damage to the manufactured home, particularly damage
15 that can be caused by frost heave.

16 a. [Unchanged.]

17 3.-4. [Unchanged.]

18 E.-F. [Unchanged.]

19 Table 1.90450 A.2.a.(1) [Unchanged.]

20 Figures A-1 to A-4 [Unchanged.]

21 2 MCAR S 1.90460 Utility connections.

22 A. Water connections. Water piping to manufactured homes
23 shall be in compliance with the 1979 Minnesota Plumbing Code,
24 rules MHD 120-135 of the Department of Health. Pipes shall be
25 protected from freezing. A heat tape, when installed, shall be
26 listed and installed in conformance with its listing and the
27 manufacturer's instructions. When the manufactured home is
28 installed on a support system subject to ground movement due to
29 freezing and thawing, approved flexible connectors or semirigid
30 copper tubing shall be used to prevent pipe breakage.

31 B. Sewer connections. Waste piping to manufactured homes
32 shall be in compliance with the 1979 Minnesota Plumbing Code,
33 rules MHD 120-135 of the Department of Health. When a
34 manufactured home is installed on a support system subject to
35 ground movement due to freezing and thawing, offsets or approved
36 flexible connectors, or both, shall be used to prevent pipe

1 breakage.

2 C. Gas piping. Gas piping to the manufactured home shall be
3 of adequate capacity rating to supply the connected load. It
4 shall be installed in compliance with the Minnesota Heating,
5 Ventilating, Air Conditioning, and Refrigeration Code, rules SBC
6 7101-8505 of the Department of Administration. When the
7 manufactured home is installed on a support system subject to
8 ground movement because of freezing and thawing, semi-rigid
9 copper pipe or a listed manufactured home gas connector for
10 exterior use only shall be installed to prevent pipe breakage.
11 Gas piping shall be protected from physical damage.

12 1. The manufactured home fuel gas piping system shall be
13 tested before it is connected to the gas supply. Only air shall
14 be used for the test. The manufactured home gas piping system
15 shall be subjected to a pressure test with all appliance shutoff
16 valves, except those ahead of fuel gas cooking appliances, in
17 the open position. Appliance shutoff valves ahead of fuel gas
18 cooking appliances shall be closed.

19 2. The test shall consist of air pressure at not less
20 than ten inches nor more than 14 inches water column (six ounces
21 to eight ounces per square inch). The system shall be isolated
22 from the air pressure source and maintain this pressure for not
23 less than ten minutes without perceptible leakage. Upon
24 satisfactory completion of the test, the appliance valves ahead
25 of fuel gas cooking appliances shall be opened, and the gas
26 cooking appliance connectors tested with soapy water or bubble
27 solution while under the pressure remaining in the piping
28 system. Solutions used for testing for leakage shall not
29 contain corrosive chemicals. Pressure shall be measured with
30 either a manometer, slope gage, or gage calibrated in either
31 water inches or pounds per square inch with increments of either
32 one-tenth inch or one-tenth pounds per square inch, as
33 applicable. Upon satisfactory completion of the test, the
34 manufactured home gas supply connector shall be installed and
35 the connections tested with soapy water or bubble solution.

36 D. Electrical connections. On-site electrical connections

1 to the manufactured home and any on-site electrical wiring
2 required to prepare the manufactured home for occupancy shall be
3 done in conformance with the manufactured home building code and
4 shall be installed and inspected as required by the Minnesota
5 Electrical Act, Minn. Stat. SS 326.241-326.248.

6 2 MCAR S 1.90701 Construction alterations.

7 A. Effect on seal. Any alteration of the construction,
8 plumbing, heating, cooling, or fuel burning system, electrical
9 equipment or installations or fire safety in a manufactured home
10 which bears a seal shall void such approval, and the seal shall
11 be returned to the commissioner.

12 B. Acts not constituting alterations. The following shall
13 not constitute an alteration:

- 14 1. Repairs with approved components or parts;
- 15 2. Conversion of listed fuel-burning appliances in
16 accordance with the terms of their listing;
- 17 3. Adjustment and maintenance of equipment; or
- 18 4. Replacement of equipment in kind.

19 C. Application. Any person proposing an alteration to a
20 manufactured home bearing a seal or label shall make application
21 to the commissioner on the form issued by the commissioner.

22 D. Inspection. Upon completion of the alteration, the
23 applicant shall request the commissioner to make an inspection
24 pursuant to 2 MCAR S 1.90401.

25 E. Replacement construction seal. The applicant may apply
26 for a replacement construction seal upon inspection and approval
27 of the alteration.

28 F. Replacement accessory structure seal. The applicant may
29 apply for a replacement accessory structure seal upon inspection
30 and approval of the alteration.

31 2 MCAR S 1.90702 Consumer complaint handling and remedial
32 actions. Rules 2 MCAR SS 1.90702-1.90720 govern consumer
33 complaint handling and remedial actions.

34 2 MCAR S 1.90703 Purpose. The purpose of 2 MCAR SS
35 1.90702-1.90720 is to establish a system under which the

1 protections of the act are provided with a minimum of formality
2 and delay, but in which the rights of all parties are protected.

3 2 MCAR S 1.90704 Scope. Rules 2 MCAR SS 1.90702-1.90720 set out
4 the procedures to be followed by manufacturers, production
5 inspection primary inspection agencies, and the commissioner to
6 assure that manufacturers provide notification and correction
7 with respect to their manufactured homes as required by the
8 act. Rules 2 MCAR SS 1.90702-1.90720 set out the rights of
9 dealers under United States Code, title 42, section 5412 (1976),
10 as amended through March 15, 1982 to obtain remedies from
11 manufacturers in certain circumstances.

12 2 MCAR S 1.90705 Consumer complaints. Under 2 MCAR SS
13 1.90702-1.90720, all consumer complaints or other information
14 indicating the possible existence of an imminent safety hazard,
15 serious defect, defect, or noncompliance shall be referred to
16 the manufacturer of the potentially affected manufactured homes
17 in a timely manner so that the manufacturer can quickly respond
18 to the consumer and take any necessary remedial actions.

19 2 MCAR S 1.90706 Notification and correction requirement.

20 A. Requirement. Notification and correction shall be
21 required to be provided with respect to manufactured homes that
22 have been sold or otherwise released by the manufacturer to
23 another party when the manufacturer, a state administrative
24 agency, the commissioner, or the secretary determines that an
25 imminent safety hazard, serious defect, defect, or noncompliance
26 may exist in those manufactured homes.

27 B. Extent of manufacturer's responsibility. The extent of a
28 manufacturer's responsibility for providing notification or
29 correction shall be governed by the seriousness of problems for
30 which the manufacturer is responsible under 2 MCAR SS
31 1.90702-1.90720.

32 C. Limitation of manufacturer's liability to provide
33 remedial action. The liability of manufactured home
34 manufacturers to provide remedial actions under 2 MCAR SS
35 1.90702-1.90720 is limited by the principle that manufacturers

1 are not responsible for failures that occur in manufactured
2 homes or components solely as the result of normal wear and
3 aging, gross and unforeseeable consumer abuse, or unforeseeable
4 neglect of maintenance.

5 2 MCAR S 1.90707 Consumer complaint and information referral.
6 When a consumer complaint or other information indicating the
7 possible existence of a noncompliance, defect, serious defect,
8 or imminent safety hazard is received by the commissioner, the
9 commissioner shall forward the complaint or other information to
10 the manufacturer of the manufactured home in question. The
11 commissioner shall, when it appears from the complaint or other
12 information that more than one manufactured home may be
13 involved, simultaneously send a copy of the complaint or other
14 information to the state administrative agency of the state
15 where the manufactured home was manufactured or to the secretary
16 if there is no such state administrative agency, and when it
17 appears that an imminent safety hazard or serious defect may be
18 involved, simultaneously send a copy to the secretary.

19 2 MCAR S 1.90708 Notification pursuant to manufacturer's
20 determination.

21 A. Notice requirement. The manufacturer shall provide
22 notification as set out in 2 MCAR SS 1.90702-1.90720 with
23 respect to all manufactured homes produced by the manufacturer
24 in which there exists or may exist an imminent safety hazard or
25 serious defect. The manufacturer shall provide such
26 notification with respect to manufactured homes produced by the
27 manufacturer in which a defect exists or may exist if the
28 manufacturer has information indicating that the defect may
29 exist in a class of manufactured homes that is identifiable
30 because the cause of the defect or defects actually known to the
31 manufacturer is such that the same defect would probably have
32 been systematically introduced into more than one manufactured
33 home during the course of production. This information may
34 include, but is not limited to, complaints that can be traced to
35 the same cause, defects known to exist in supplies of components

1 or parts, information related to the performance of a particular
2 employee, and information indicating a failure to follow quality
3 control procedures with respect to a particular aspect of the
4 manufactured home. A manufacturer is required to provide
5 notification with respect to a noncompliance only after the
6 issuance of a final determination under 2 MCAR S 1.90711.

7 B. Investigations and inspections. Whenever the
8 manufacturer receives from any source information that may
9 indicate the existence of a problem in a manufactured home for
10 which the manufacturer is responsible for providing notification
11 under A., the manufacturer shall, as soon as possible, but not
12 later than 20 days after receiving the information, carry out
13 any necessary investigations and inspections to determine and
14 shall determine whether the manufacturer is responsible for
15 providing notification under A. The manufacturer shall maintain
16 complete records of all such information and determinations in a
17 form that will allow the commissioner to discern readily who
18 made the determination with respect to a particular piece of
19 information, what the determination was, and the basis for the
20 determination. The records shall be kept for a minimum of five
21 years from the date the manufacturer received the information.
22 Consumer complaints or other information indicating the possible
23 existence of noncompliances or defects received before the
24 effective date of 2 MCAR SS 1.90702-1.90720 shall, for purposes
25 of this paragraph, be deemed to have been received on the date 2
26 MCAR SS 1.90702-1.90720 became effective.

27 C. Preparation of plan. If a manufacturer determines under
28 B. that the manufacturer is responsible for providing
29 notification under A., the manufacturer shall prepare a plan for
30 notification as set out in 2 MCAR S 1.90713. Where the
31 manufacturer is required to correct under 2 MCAR S 1.90710, the
32 manufacturer shall include in the plan provision for correction
33 of affected manufactured homes.

34 D. Submission of plan. The manufacturer shall, as soon as
35 possible, but not later than 20 days after making the
36 determination, submit the plan to the commissioner.

1 However, where only one manufactured home is involved, the
2 manufacturer need not submit the plan if the manufacturer
3 corrects the manufactured home within the 20-day period. The
4 manufacturer shall maintain, in the plant where the manufactured
5 home was manufactured, a complete record of the correction. The
6 record shall describe briefly the facts of the case and state
7 what corrective actions were taken. It shall be maintained in a
8 separate file in a form that will allow the commissioner to
9 review all such corrections.

10 E. Action after approval of plan. Upon approval of the plan
11 with any necessary changes, the manufacturer shall carry out the
12 approved plan within the time limits stated in it.

13 F. Action before plan approval. The manufacturer may act
14 before obtaining approval of the plan. However, such action is
15 subject to review and disapproval by the commissioner except to
16 the extent that agreement to the correction is obtained as
17 described in this paragraph. To be assured that the corrective
18 action will be accepted, the manufacturer may obtain the
19 agreement of the commissioner that the corrective action is
20 adequate before the correction is made regardless of whether a
21 plan has been submitted under D. If such an agreement is
22 obtained, the correction shall be accepted as adequate by the
23 commissioner if the correction is made as agreed to and any
24 imminent safety hazard or serious defect is eliminated.

25 G. Waiver of formal plan approval and notification. If the
26 manufacturer wishes to obtain a waiver of the formal plan
27 approval and notification requirements that would result from a
28 determination under B., the manufacturer may act under this
29 paragraph. The plan approval and notification requirements
30 shall be waived by the commissioner who would otherwise review
31 the plan under D. if:

32 1. The manufacturer, before the expiration of the time
33 period determined under D., shows to the satisfaction of the
34 commissioner through documentation that:

35 a. The manufacturer has identified the class of
36 possibly affected manufactured homes in accordance with 2 MCAR S

1 1.90713;

2 b. The manufacturer will correct, at the
3 manufacturer's expense, all affected manufactured homes in the
4 class within 60 days of being informed that the request for
5 waiver has been accepted; and

6 c. The proposed repairs are adequate to remove the
7 failure to conform or imminent safety hazard that gave rise to
8 the determination under B.; and

9 2. The manufacturer corrects all affected manufactured
10 homes within 60 days of being informed that the request for
11 waiver has been accepted.

12 The formal plan and notification requirements are waived
13 pending final resolution of a waiver request under G. as of the
14 date of the request. If a waiver request is not accepted, the
15 plan called for by C. and D. shall be submitted within five days
16 after the manufacturer is notified that the request was not
17 accepted.

18 H. Classification of problem. When a manufacturer acts
19 under A.-G., the manufacturer will not be required to classify
20 the problem that triggered the action as a noncompliance,
21 defect, serious defect, or imminent safety hazard.

22 2 MCAR S 1.90709 Responsibilities of commissioner.

23 A. Consumer complaints. The commissioner shall oversee the
24 handling of consumer complaints by manufacturers within this
25 state. As part of that responsibility, the commissioner shall
26 monitor manufacturer compliance with 2 MCAR SS 1.90702-1.90720,
27 and particularly with 2 MCAR S 1.90708. This monitoring will be
28 done primarily by periodically checking the records that
29 manufacturers are required to keep under 2 MCAR S 1.90708 B.

30 B. Preliminary determination. If the commissioner finds
31 under A. that a manufacturer has failed to comply with 2 MCAR S
32 1.90708 or if the commissioner finds that the manufacturer has
33 decided not to act under 2 MCAR S 1.90708 C. and D. and the
34 commissioner believes the manufacturer is required to act, or if
35 the manufacturer failed to fulfill the requirements of 2 MCAR S
36 1.90708 G. after requesting a waiver, the commissioner shall

1 make the preliminary determination he deems appropriate under 2
2 MCAR S 1.90711. However, if the affected manufactured homes
3 were manufactured in more than one state or if it appears that
4 the appropriate preliminary determination would be an imminent
5 safety hazard or serious defect, the commissioner shall refer
6 the matter to the secretary.

7 C. Preliminary determinations under 2 MCAR S 1.90711. Where
8 the commissioner who is reviewing a plan under 2 MCAR S 1.90708
9 D. finds that the manufacturer is not acting reasonably in
10 refusing to accept changes to a proposed plan, the commissioner
11 shall make such preliminary determinations as may be appropriate
12 under 2 MCAR S 1.90711. However, if it appears that it would be
13 appropriate to make a preliminary determination of imminent
14 safety hazard or serious defect, the commissioner shall refer
15 the matter to the secretary.

16 2 MCAR S 1.90710 Required manufacturer correction. A
17 manufacturer required to furnish notification under 2 MCAR S
18 1.90708 or 2 MCAR S 1.90711 shall correct, at its expense, any
19 imminent safety hazard or serious defect that can be related to
20 an error in design or assembly for the manufactured home by the
21 manufacturer, including an error in design or assembly of any
22 component or system incorporated in the manufactured home by the
23 manufacturer.

24 2 MCAR S 1.90711 Notification and correction pursuant to
25 administrative determination.

26 A. Preliminary determinations. Whenever the commissioner
27 has information indicating the possible existence of an imminent
28 safety hazard or serious defect in a manufactured home, the
29 commissioner may issue a preliminary determination to that
30 effect to the manufacturer.

31 Whenever the information indicates that the manufacturer is
32 required to correct the imminent safety hazard or serious defect
33 under 2 MCAR S 1.90710, the commissioner shall issue a
34 preliminary determination to that effect to the manufacturer.
35 Whenever the commissioner has information indicating that a

1 defect or noncompliance may exist in a class of manufactured
2 homes that is identifiable because the cause of the defect or
3 noncompliance is such that the same defect or noncompliance
4 would probably have been systematically introduced into more
5 than one manufactured home during production, and whenever all
6 manufactured homes in the class appear to have been manufactured
7 in this state, the commissioner may issue a preliminary
8 determination of defect or noncompliance to the manufacturer.
9 Information on which the commissioner will base a conclusion
10 that an affected class of manufactured homes exists consists of
11 complaints that can be traced to the same cause, defects known
12 to exist in supplies of components or parts, information related
13 to the performance of a particular employee, and information
14 indicating a failure to follow quality control procedures with
15 respect to a particular aspect of the manufactured home. If,
16 during the course of these proceedings, evidence arises that
17 indicates that manufactured homes in the same identifiable class
18 were manufactured in more than one state, the commissioner shall
19 refer the matter to the secretary.

20 B. Notice and request for hearing or presentation of views.
21 Notice of the preliminary determination under A. shall be sent
22 by certified mail. It shall include the factual basis for the
23 determination and the identifying criteria of the manufactured
24 homes known to be affected and those believed to be in the class
25 of possibly affected manufactured homes. The notice shall
26 inform the manufacturer that the preliminary determination shall
27 become final unless the manufacturer requests a hearing or
28 presentation of views under 2 MCAR S 1.90803 within 15 days
29 after receiving a notice of preliminary determination of serious
30 defect, defect, or noncompliance, or within five days of receipt
31 of a notice of preliminary determination of imminent safety
32 hazard.

33 Promptly upon receipt of a manufacturer's request for a
34 hearing or presentation of views meeting, the hearing or
35 presentation shall be held pursuant to 2 MCAR S 1.90803.
36 Parties may propose in writing, at any time, offers of

1 settlement which shall be submitted to and considered by the
2 commissioner. If determined to be appropriate, the party making
3 the offer may be given an opportunity to make an oral
4 presentation in support of the offer. If an offer of settlement
5 is rejected, the party making the offer shall be so notified,
6 and the offer shall be deemed withdrawn and shall not constitute
7 a part of the record in the proceeding. Final acceptance by the
8 commissioner of any offer of settlement shall automatically
9 terminate any proceedings related to it.

10 C. Final determinations. If the manufacturer fails to
11 respond to the notice of preliminary determination within the
12 time period established in B., or if the commissioner decides
13 that the views and evidence presented by the manufacturer or
14 others are insufficient to rebut the preliminary determination,
15 the commissioner shall make a final determination that an
16 imminent safety hazard, serious defect, defect, or noncompliance
17 exists. If there is a final determination that an imminent
18 safety hazard, serious defect, defect, or noncompliance exists,
19 the commissioner shall issue an order directing the manufacturer
20 to furnish notification.

21 D. Appeals. When the commissioner has made a final
22 determination that a defect or noncompliance exists, the
23 manufacturer may appeal to the secretary within ten days after
24 receiving the notice of final determination.

25 E. Waiver of formal notification requirements. Where a
26 preliminary determination of defect or noncompliance has been
27 issued, the manufacturer may request a waiver of the formal
28 notification requirements at any time during the proceedings
29 called for in A.-D. or after the issuance of a final
30 determination and order. The manufacturer may request a waiver
31 from the commissioner. When requesting a waiver, the
32 manufacturer shall certify and provide assurances that:

33 1. The manufacturer has identified the class of possibly
34 affected manufactured homes in accordance with 2 MCAR S 1.90713;

35 2. The manufacturer will correct, at the manufacturer's
36 expense, all affected manufactured homes in the class within a

1 time period specified by the commissioner but not later than 60
2 days after being informed of the acceptance of the request for
3 waiver or issuance of the final determination, whichever is
4 later; and

5 3. The proposed repairs are adequate to remove the
6 failure to conform or imminent safety hazard that gave rise to
7 the issuance of the preliminary determination.

8 The commissioner shall grant the request or waiver if the
9 manufacturer agrees to an offer of settlement that includes an
10 order that embodies the assurances made by the manufacturer.

11 2 MCAR S 1.90712 Reimbursement for prior correction by owner. A
12 manufacturer that is required to correct under 2 MCAR S 1.90710
13 or who decides to correct and obtain a waiver under 2 MCAR S
14 1.90708 G. or 2 MCAR S 1.90711 E. shall provide reimbursement
15 for reasonable cost of correction to any owner of an affected
16 manufactured home who chooses to make the correction before the
17 manufacturer does.

18 2 MCAR S 1.90713 Manufacturer's plan for notification and
19 correction.

20 A. Basic requirement. Paragraphs A.-F. set out the
21 requirements that manufacturers shall meet in preparing plans
22 they are required to submit under 2 MCAR S 1.90708 C. and D.
23 The underlying requirement is that a plan show how the
24 manufacturer will fulfill its responsibilities with respect to
25 notification and correction.

26 B. Copy of proposed notice. The plan shall include a copy
27 of the proposed notice that meets the requirements of 2 MCAR S
28 1.90714.

29 C. Affected class. The plan shall identify, by serial
30 number and other appropriate identifying criteria, all
31 manufactured homes with respect to which notification is to be
32 provided. The class of manufactured homes with respect to which
33 notification shall be provided and which shall be covered by the
34 plan is that class of manufactured homes that was or is
35 suspected of having been affected by the cause of an imminent

1 safety hazard or failure to conform. The class is identifiable
2 to the extent that the cause of the imminent safety hazard or
3 failure to conform is such that it would probably have been
4 systematically introduced into the manufactured homes in the
5 class during the course of production. In determining the
6 extent of such a class, the manufacturer may rely either upon
7 information that positively identifies the extent of the class
8 or upon information that indicates what manufactured homes were
9 not affected by the same cause, thereby identifying the class by
10 excluding those manufactured homes. Methods that may be used in
11 determining the extent of the class of manufactured homes
12 include, but are not limited to:

- 13 1. Inspection of manufactured homes produced before and
14 after the manufactured homes known to be affected;
- 15 2. Inspection of manufacturer quality control records to
16 determine whether quality control procedures were followed;
- 17 3. Inspection of production inspection primary inspection
18 agency records to determine whether the imminent safety hazard
19 or failure to conform was either detected or specifically found
20 not to exist in some manufactured homes;
- 21 4. Inspection of the design of the manufactured home in
22 question to determine whether the imminent safety hazard or
23 failure to conform resulted from the design itself;
- 24 5. Identification of the cause as relating to a
25 particular employee or process that was employed for a known
26 period of time or in producing the manufactured homes
27 manufactured during that time; and
- 28 6. Inspection of records relating to components supplied
29 by other parties and known to contain or suspected of containing
30 imminent safety hazards or failures to conform.

31 The class of manufactured homes identified by these methods
32 may include only manufactured homes actually affected by the
33 imminent safety hazard or failure to conform if the manufacturer
34 can identify the precise manufactured homes. If it is not
35 possible to identify the precise manufactured homes, the class
36 shall include manufactured homes suspected of containing the

1 imminent safety hazard or failure to conform because the
2 evidence shows that they may have been affected.

3 D. Production inspection primary inspection agency statement.
4 The plan shall include a statement by the production inspection
5 primary inspection agency operating in each plant in which
6 manufactured homes in question were produced. In this
7 statement, the production inspection primary inspection agency
8 shall concur in the methods used by the manufacturer to
9 determine the class of potentially affected manufactured homes
10 or state why it believes the methods to have been inappropriate,
11 inadequate, or incorrect.

12 E. Deadline. The plan shall include a deadline for
13 completion of all notification and corrections.

14 F. Notification. The plan shall provide for notification by
15 certified mail or other more expeditious means to the dealers or
16 distributors of a manufacturer to whom the manufactured homes
17 were delivered. Where a serious defect or imminent safety
18 hazard is involved, notification shall be sent by certified mail
19 if it is mailed. The plan shall provide for notification by
20 certified mail to the first purchaser of each manufactured home
21 in the class of manufactured homes set out in the plan under C.
22 and to any subsequent owner who has any warranty provided by the
23 manufacturer or required by federal, state, or local law on the
24 manufactured home that has been transferred, to the extent
25 feasible. However, notification need not be sent to any person
26 known by the manufacturer not to own the manufactured home in
27 question if the manufacturer has a record of a subsequent owner
28 of the manufactured home. The plan shall provide for
29 notification by certified mail to any other person who is a
30 registered owner of each manufactured home containing the
31 imminent safety hazard, serious defect, defect, or noncompliance
32 and whose name has been ascertained pursuant to the
33 manufacturer's records.

34 2 MCAR S 1.90714 Contents of notice. Except as otherwise agreed
35 by the commissioner who will review the plan under 2 MCAR S
36 1.90708 D., the notification to be sent by the manufacturer

1 shall include the following:

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

5 B. Except where the manufacturer is acting under 2 MCAR S
6 1.90708 the following statement, as appropriate:

7 "(manufacturer's name, or the commissioner or the secretary)"
8 has determined that:

9 1. An imminent safety hazard may exist in (identifying
10 criteria of manufactured home);

11 2. A serious defect may exist in (identifying criteria of
12 manufactured home);

13 3. A defect may exist in (identifying criteria of
14 manufactured home); or

15 4. (Identifying criteria of manufactured home) may not
16 comply with an applicable federal mobile home construction or
17 safety standard;

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

20 1. The location of the imminent safety hazard, serious
21 defect, defect, or noncompliance in the manufactured home;

22 2. A description of any hazards, malfunctions,
23 deterioration, or other consequences which may result from the
24 imminent safety hazard, serious defect, defect, or noncompliance;

25 3. A statement of the conditions which may cause such
26 consequences to arise; and

27 4. Precautions, if any, that the owner should take to
28 reduce the chance that the consequences will arise before the
29 manufactured home is repaired;

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

34 1. The type of injury which may occur to occupants of the
35 manufactured home; and

36 2. Whether there will be any warning that a dangerous

1 occurrence may take place and what that warning would be, and
2 any signs which the owner might see, hear, smell, or feel which
3 might indicate danger or deterioration of the manufactured home
4 as a result of the imminent safety hazard, serious defect,
5 defect, or noncompliance.

6 E. If the manufacturer will correct the manufactured home, a
7 statement that the manufacturer will correct the manufactured
8 home;

9 F. A statement in accordance with whichever of the following
10 is appropriate:

11 1. Where the manufacturer will correct the manufactured
12 home at no cost to the owner, the statement shall indicate how
13 and when the correction will be done, how long the correction
14 will take, and any other information that may be helpful to the
15 owner; or

16 2. When the manufacturer does not bear the cost of
17 repair, the notification shall include a detailed description of
18 all parts and materials needed to make the correction, a
19 description of all steps to be followed in making the
20 corrections, including appropriate illustrations and an estimate
21 of the cost to the purchaser or owner of the correction;

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

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

33 2 MCAR S 1.90715 Time for implementation.

34 A. Plan for correction. The manufacturer shall complete
35 implementation of the plan for correction approved under 2 MCAR
36 S 1.90708 E. on or before the deadline established in the plan

1 as required by 2 MCAR S 1.90713 E. The deadline shall allow a
2 reasonable amount of time to complete the plan, taking into
3 account the seriousness of the problem, the number of
4 manufactured homes involved, the immediacy of any risk, and the
5 difficulty of completing the action. The seriousness and
6 immediacy of any risk shall be given greater weight than other
7 considerations. If a manufacturer is required to correct an
8 imminent safety hazard or serious defect under 2 MCAR S 1.90710,
9 the deadline shall be no later than 60 days after approval of
10 the plan.

11 B. Notifications and corrections. The manufacturer shall
12 complete the implementation of any notifications and corrections
13 being carried out under an order of the commissioner under 2
14 MCAR S 1.90711 C. on or before the deadline established in the
15 order. In establishing each deadline, the commissioner shall
16 allow a reasonable time to complete all notifications and
17 corrections, taking into account the seriousness of the imminent
18 safety hazard, serious defect, defect, or noncompliance; the
19 number of manufactured homes involved; the location of the
20 homes; and the extent of correction required. In no case shall
21 the time allowed exceed the following limits:

22 1. 30 days after the issuance of final determination of
23 imminent safety hazard; and

24 2. 60 days after the issuance of final determination of
25 serious defect, defect, or noncompliance.

26 C. Extension of time. The commissioner shall grant an
27 extension of the deadlines included in a plan or order if the
28 manufacturer requests extension in writing and shows good cause
29 for the extension and if the commissioner is satisfied that the
30 extension is justified in the public interest. When the
31 commissioner grants an extension, the commissioner shall notify
32 the manufacturer and forward to the secretary a draft notice of
33 the extension to be published in the Federal Register.

34 2 MCAR S 1.90716 Completion of remedial actions and report.

35 A. Notification. Where a manufacturer is required to
36 provide notification under 2 MCAR SS 1.90702-1.90720, the

1 manufacturer shall maintain in its files for five years from the
2 date the notification campaign is completed a copy of the notice
3 sent and a complete list of the names and addresses of those
4 persons notified. The files shall be organized so that each
5 notification and correction campaign can be readily identified
6 and reviewed by the commissioner.

7 B. Correction. Where a manufacturer is required to provide
8 correction under 2 MCAR S 1.90710 or where the manufacturer
9 otherwise corrects under 2 MCAR S 1.90708 or 2 MCAR S 1.90711
10 E., the manufacturer shall maintain in its files, for five years
11 from the date the correction campaign is completed, one of the
12 following, as appropriate for each manufactured home involved:

13 1. Where the correction is made, a certification by the
14 manufacturer that the repair was made to satisfy completely the
15 standards in effect at the time the manufactured home was
16 manufactured and that any imminent safety hazard has been
17 eliminated; or

18 2. Where the owner refuses to allow the manufacturer to
19 repair the home, a certification by the manufacturer that the
20 owner has been informed of the problem which may exist in the
21 manufactured home, that the owner has been informed of any risk
22 to safety or durability of the manufactured home which may
23 result from the problem, and that an attempt has been made to
24 repair the problems only to have the owner refuse the repair.

25 C. Additional notifications or corrections. If any actions
26 taken under 2 MCAR SS 1.90702-1.90720 are not adequate under the
27 approved plan or an order of the commissioner, the manufacturer
28 may be required to provide additional notifications or
29 corrections to satisfy the plan or order.

30 D. Report. The manufacturer shall, within 30 days after the
31 deadline for completing any notifications and required
32 corrections, under an approved plan or under an order of the
33 commissioner, or any corrections required to obtain a waiver
34 under 2 MCAR S 1.90708 G. or 2 MCAR S 1.90711 E., provide a
35 complete report of the action taken to the commissioner who
36 approved the plan under 2 MCAR S 1.90708 D., granted the waiver,

1 or issued the order under 2 MCAR S 1.90711 C., and to any other
2 state administrative agency or the secretary that forwarded a
3 relevant complaint or information to the manufacturer under 2
4 MCAR S 1.90707.

5 2 MCAR S 1.90717 Correction of certain hazards and defects. If,
6 in the course of making corrections under 2 MCAR S 1.90715, the
7 manufacturer creates an imminent safety hazard or serious
8 defect, the manufacturer shall correct the imminent safety
9 hazard or serious defect under 2 MCAR S 1.90710.

10 2 MCAR S 1.90718 Manufactured homes in the hands of dealers and
11 distributors.

12 A. Responsibility of manufacturer. The manufacturer is
13 responsible for correcting any failures to conform and imminent
14 safety hazards which exist in manufactured homes which have been
15 sold or otherwise released to a distributor or dealer but which
16 have not yet been sold to a purchaser. Generally this
17 responsibility does not extend to failures to conform or
18 imminent safety hazards that result solely from transit damages
19 that occur after the manufactured home leaves the control of the
20 manufacturer when the home is released by the manufacturer.
21 Rule 2 MCAR S 1.90718 sets out the procedures to be followed by
22 dealers and distributors for handling manufactured homes in
23 these cases. Regardless of whether the manufacturer is
24 responsible for repairing a manufactured home, no dealer or
25 distributor may sell a manufactured home if it contains a
26 failure to conform or an imminent safety hazard.

27 B. Notification and record. Whenever a dealer or
28 distributor finds a problem in a manufactured home which the
29 manufacturer is responsible for correcting, the dealer or
30 distributor shall contact the manufacturer, provide full
31 information concerning the problem, and request appropriate
32 action by the manufacturer in accord with D. Where the
33 manufacturer agrees to correct, the manufacturer shall maintain
34 a complete record of its actions. Where the manufacturer
35 authorizes the dealer to make the necessary corrections on a

1 reimbursable basis, the dealer or distributor shall maintain a
2 complete record of its actions.

3 C. Amount of reimbursement. An agreement by the
4 manufacturer to correct or to authorize corrections on a
5 reimbursable basis constitutes the commissioner's determination,
6 for purposes of section 613(b) of the act with respect to
7 judicial review of the amount which the manufacturer agrees to
8 reimburse the dealer or distributor for corrections.

9 D. Manufacturer's option. Upon a final determination by the
10 commissioner under 2 MCAR S 1.90711, or upon a determination by
11 the secretary or a court of competent jurisdiction that a
12 manufactured home fails to conform to the standard or contains
13 an imminent safety hazard after the manufactured home is sold or
14 otherwise released by a manufacturer to a distributor or a
15 dealer and prior to the sale of the manufactured home by the
16 distributor or dealer to a purchaser, the manufacturer shall
17 have the option to either:

18 1. Immediately furnish, at the manufacturer's expense, to
19 the purchasing distributor or dealer the required conforming
20 part or parts or equipment for installation by the distributor
21 or dealer on or in the manufactured home, and the manufacturer
22 shall reimburse the distributor or dealer for the reasonable
23 value of the installation plus a reasonable reimbursement of not
24 less than one percent per month of the manufacturer's or
25 distributor's selling price prorated from the date of receipt by
26 certified mail of notice of noncompliance to the date the
27 manufactured home is brought into compliance with the standards,
28 so long as the distributor or dealer proceeds with reasonable
29 diligence with the installation after the part or component is
30 received; or

31 2. Immediately repurchase, at the manufacturer's expense,
32 the manufactured home from the distributor or dealer at the
33 price paid by the distributor or dealer, plus all transportation
34 charges involved and a reasonable reimbursement of not less than
35 one percent per month of the price paid prorated from the date
36 of receipt by certified mail of notice of the imminent safety

1 hazard, serious defect, defect, or noncompliance to the
2 distributor. The value of the reasonable reimbursements shall
3 be fixed by mutual agreement of the parties or by a court in an
4 action brought under section 613(b) of the act.

5 Rule 2 MCAR S 1.90718 does not apply to any manufactured
6 home purchased by a dealer or distributor which has been leased
7 by the dealer or distributor to a tenant for purposes other than
8 resale. In that instance the dealer or distributor has the
9 remedies available to a purchaser under 2 MCAR SS
10 1.90702-1.90720.

11 2 MCAR S 1.90719 Notices, bulletins, and other communications.
12 At the time of dispatch, each manufacturer shall give to the
13 commissioner a true or representative copy of all notices,
14 bulletins, and other written communications to the dealers or
15 distributors of the manufacturers regarding any serious defect
16 or imminent safety hazard which may exist in any manufactured
17 homes produced by the manufacturer. Manufacturers shall keep
18 complete records of all other communications with dealers,
19 owners, and purchasers regarding noncompliances and defects.

20 2 MCAR S 1.90720 Supervision of notification and correction
21 actions.

22 A. Notifications and corrections. The production inspection
23 primary inspection agency in each manufacturing plant shall be
24 responsible for assuring that notifications are sent to all
25 owners, purchasers, dealers, or distributors of whom the
26 manufacturer has knowledge under the requirements of the act.
27 The production inspection primary inspection agency shall be
28 responsible for assuring that the required corrections are
29 carried out by auditing the certificates required by 2 MCAR S
30 1.90716.

31 B. Accomplishment of remedial actions. The commissioner or
32 secretary to whom the report required by 2 MCAR S 1.90716 D. is
33 sent shall be responsible for assuring through oversight that
34 remedial actions described in the report have been carried out.

35 C. Inspection. The commissioner may inspect a manufactured

1 home to determine whether any required correction is carried out
2 to the approval plan, or, if there is no plan, to the standards
3 or other approval obtained by the manufacturer.

4 2 MCAR S 1.90803 Hearings and presentation of views meetings.

5 A. Policy. All hearings and presentations of views meetings
6 shall be public.

7 B. Request. On receiving a request for a hearing or
8 presentation of views meetings, the commissioner shall either
9 grant the relief for which the hearing or presentation of views
10 meeting is requested or shall issue a notice.

11 C. Notice. When the commissioner decides to conduct a
12 presentation of views meeting, the commissioner shall provide
13 notice as follows:

14 1. Except where the need for swift resolution of the
15 question involved prohibits it, notice of a proceeding shall be
16 published in the State Register at least ten days prior to the
17 date of the proceeding. In any case, notice shall be provided
18 to interested persons to the maximum extent practicable. Direct
19 notice shall be sent by certified mail to the parties involved
20 in the presentation of views meeting.

21 2. The notice, whether published or mailed, shall include
22 a statement of the time, place, and nature of the proceeding;
23 reference to the authority under which the proceeding will be
24 held; a statement of the subject matter of the proceeding, the
25 parties and issues involved; and a statement of the manner in
26 which interested persons shall be afforded the opportunity to
27 participate in the presentation of views meeting.

28 3. The notice shall designate the official who shall be
29 the presiding officer for the proceedings and to whom all
30 inquiries should be directed concerning the proceedings.

31 4. The notice shall state whether the proceeding shall be
32 held in accordance with the provisions of D. In determining
33 whether the requirements of D. shall apply, the commissioner
34 shall consider the following: the need for quick action; the
35 risk of injury to affected members of the public; the economic
36 consequences of the decisions to be made; and other factors the

1 commissioner considers appropriate.

2 5. Oral proceedings shall be stenographically or
3 mechanically reported, or recorded, or transcribed, under the
4 supervision of the presiding officer, unless the presiding
5 officer and the parties otherwise agree, in which case a summary
6 approved by the presiding officer shall be kept.

7 D. Presentation of views meetings.

8 1. A presentation of views meeting may be written or oral
9 and may include an opportunity for an oral presentation, whether
10 requested or not, whenever the commissioner concludes that an
11 oral presentation would be in the public interest and states
12 this in the notice. A presiding officer shall preside over all
13 oral presentations. The purpose of these presentations shall be
14 to gather information to allow fully informed decision making.
15 Presentations of views meetings shall not be adversary
16 proceedings. Oral presentations shall be conducted in an
17 informal but orderly manner. The presiding officer shall have
18 the duty and authority to conduct a fair proceeding, to take all
19 necessary action to avoid delay, and to maintain order. In the
20 absence of extraordinary circumstances, the presiding officer at
21 an oral presentation of views meeting shall not require that
22 testimony be given under oath or affirmation and shall not
23 permit either cross-examination of witnesses by other witnesses
24 or their representatives, or the presentation of rebuttal
25 testimony by persons who have already testified. The rules of
26 evidence prevailing in courts of law or equity shall not control
27 the conduct of oral presentation of views meeting.

28 2. Within ten days after a presentation of views meeting,
29 the presiding officer shall refer to the commissioner all
30 documentary evidence submitted, any transcript that has been
31 made, a summary of the issues involved, information presented in
32 the presentation of views meeting, and the presiding official's
33 recommendations with the rationale for them. The presiding
34 officer shall make any appropriate statements concerning the
35 apparent veracity of witnesses or the validity of factual
36 assertions which may be within the competence of the presiding

1 officer. The commissioner shall issue a final determination
2 concerning the matters at issue within 30 days of receipt of the
3 presiding officer's summary. The final determination shall
4 include a statement of findings, with specific references to
5 principal supporting items of evidence in the record and
6 conclusions, as well as the reasons or bases for them upon all
7 of the material issues of fact, law, or discretion as presented
8 on the record; and an appropriate order. Notice of the final
9 determination shall be given in writing and transmitted by
10 certified mail, return receipt requested, to all participants in
11 the presentation of views meeting. The final determination
12 shall be conclusive with respect to persons whose interests were
13 represented.

14 E. Hearings. Whenever the commissioner determines that a
15 formal hearing is necessary in order to resolve the presentation
16 of adversary views on matters governed by these rules, such
17 hearing shall be conducted in accordance with the applicable
18 provisions of Minn. Stat. ch. 15 governing contested case
19 hearings and applicable provisions of the administrative rules
20 of the Office of Administrative Hearings.

21 F. Public participation in presentation of views meetings.

22 1. Any interested persons may participate in writing in
23 any presentation of views meeting held under the provision of

24 D. The presiding officer shall consider to the extent
25 practicable any written materials.

26 2. Any interested person may participate in the oral
27 portion of any presentation of views meeting held under D.
28 unless the presiding officer determines that participation
29 should be limited or barred so as not to prejudice unduly the
30 rights of the parties directly involved or unnecessarily delay
31 the proceedings.

32 2 MCAR S 1.90902 Fees for seals, construction compliance
33 certificates, and labels.

34 A. Construction seal fees. Manufactured home and accessory
35 structure construction seal fees are \$5 per seal.

36 B. Installation seal fees. Manufactured home installation

1 seal fees are \$6 for a support/utility seal and \$4 for an
2 anchoring system seal.

3 C. Construction compliance certificate fee. The
4 manufactured home and accessory structure construction
5 compliance certificate fee is \$10.

6 D. Label fee. The United States Department of Housing and
7 Urban Development monitoring (label) fee is \$19 per label. The
8 United States Department of Housing and Urban Development
9 monitoring (label) fee shall be paid by the manufacturer to the
10 secretary.

11 2 MCAR S 1.90904 Annual registration fees. An installer shall
12 pay a registration fee of \$20 annually. The fee is due January
13 1 of each year.

14 2 MCAR S 1.90905 Other fees. For all other work performed by
15 the Department of Administration such as, but not limited to,
16 the review of plans, specifications, and independent agency
17 reports, and quality control evaluation, a fee of \$25 per man
18 hour shall be charged.

19 2 MCAR S 1.90906 Reservation of rights. Nothing in 2 MCAR SS
20 1.90101-1.90906 shall limit the rights of the purchaser under
21 any contract or applicable law.

22

23 Relettering. Reletter 2 MCAR S 1.90103 U.-GGG. as 2 MCAR S
24 1.90103 V.-HHH.

25

26 Repealer. Rules 2 MCAR SS 1.90200, 1.90203, 1.90211, 1.90212,
27 1.90213, 1.90300, 1.90304, 1.90306, 1.90400, 1.90500, 1.90600,
28 1.90700, 1.90800, and 1.90900 are repealed.