

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Manufactured Housing Commission
Rule No. 535-X-13-.12
Rule Title: Penalties and Appeals
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NA

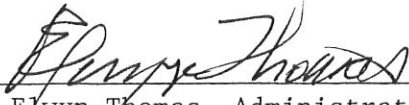
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Elwyn Thomas, Administrator

Date 2-5-14

(DATE FILED)
(STAMP)

APA-2
11/96

ALABAMA MANUFACTURED HOUSING COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Manufactured Housing Commission (AMHC)

RULE NO. & TITLE: 535-X-13-.04 Site Preparation
535-X-13-.12 Penalties and Appeals

INTENDED ACTION: To amend the rule.

SUBSTANCE OF PROPOSED ACTION:


To clarify site preparation responsibility and to add retailers to clarify their liability for site preparation.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Alabama Manufactured Housing Commission, 350 South Decatur Street, Montgomery, AL 36104. Persons wishing to express their views orally should contact the Commission's Executive Secretary at (334) 242-4036, Ext. 27, to set up an appointment.

FINAL DATE FOR COMMENT OF PRESENTING VIEWS:

April 4, 2014

CONTACT PERSON AT AGENCY: Ms. Kathryn Pinegar, Executive Secretary


Elwyn Thomas, Administrator

535-x-13-.12 Penalties And Appeals.

(a) It is a misdemeanor for any person to install, allow to be installed, occupy, or allow to be occupied, any manufactured home or manufactured building in this state which is not in accordance with the uniform standards and the rules and regulations adopted and set forth by the Commission pursuant to this article.

(b) The Commission is authorized to levy a civil penalty up to \$500 against any person found in violation of Subsection (a) of Section 24-5-32. The Commission is moreover authorized to levy a civil penalty up to \$500.00 for each violation against any installer, ~~or~~ installation personnel or retailer violating the rules and regulations adopted and set forth by the Commission pursuant to this article. Persons subjected to the operation of this Subsection shall be given a hearing by the Commission on application therefore, and shall be notified of the availability of a hearing by the Commission on imposition of a penalty.

(c) In addition to other penalties provided by law, the Commission and district attorneys are authorized to apply to the circuit courts within their respective jurisdictions, and such courts shall have jurisdiction, upon hearing and for cause shown, to grant appropriate additional relief to prevent or restrain violations of this article.

Author: Jim Sloan

Statutory Authority: Code of Ala. 1975, §§24-4A-3, 24-5-31, 24-5-32, 24-6-4.

History: New Rule: Filed June 24, 1993; effective July 29, 1993. **Amended:** Filed July 27, 2000; effective August 31, 2000; operative October 1, 2000. **Amended:**