

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Manufactured Housing Commission
Rule No. 535-X-13-.04
Rule Title: Site Preparation
 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:

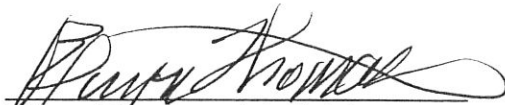
To clarify site preparation responsibility and to add retailers to clarify their liability for site preparation.

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


Ewyn Thomas, Administrator

535-X-13-.04 Site Preparation.

(1) The site shall have a grade that will provide water to drainage away from the home site. The site shall be properly crowned and sloped so that water will not stand under the home or run under the home. This will not be necessary if the existing site will not allow water to stand under the home or run under the home.

(2) The party to pay the cost of and do the site preparation work shall be determined by a written contractual agreement between the retailer and the landowner/homeowner, or the installer and the landowner/homeowner, except when the site is located within a park.

(3) ~~Park owners are responsible for site preparation in a park.~~ The responsibility to ensure that site preparation is done properly will be a shared responsibility of both the retailer and the installer of manufactured homes sold by the retailer except when the site is located within a park; then the park owner shall be responsible. The installer must notify the park owner of his/her responsibility.

(4) The retailer and/or installer must provide a signed copy of the Site Preparation: Information and Requirements form from the Alabama Manufactured Housing Commission (AMHC) to the homeowner and the AMHC along with the Property Locator, and retain the original in its customer file.

(5) Site preparation for all secondary sitings not involving a retailer and not installed in a park shall be the responsibility of the installer.

(6) After corrections have been made as described in the initial Set-up Inspection Report and confirmed by the Inspector, the Commission shall consider site preparation to be correct.

(7) A retailer, installer, or park owner may request a pre-delivery site inspection from the Commission to determine the suitability of the site. A written site inspection report shall be provided. The Commission may charge a fee for this service.

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:** Filed November 5, 2007; effective December 10, 2007.

Amended: