

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Manufactured Housing Commission
Rule No. 535-X-12-.04
Rule Title: Installation of Manufactured Homes or Manufactured
 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

Date 10-30-13

(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-12-.04 Installation of Manufactured Homes
or Manufactured Buildings

535-X-12-.05 Reporting Requirements

535-X-12-.08 Penalties and Appeals

INTENDED ACTION: To amend the rules.

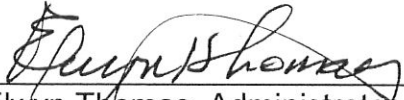
SUBSTANCE OF PROPOSED ACTION: To add the stipulation that no one can contract with an uncertified installer; to add language that specifies that failure to submit a monthly installation report may result in revocation of an installer's license; and to delete language that allows for the imposition of a fine for each violation and add language that allows for the imposition of a fine as well as suspension or revocation of licenses.

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:

January 1, 2014

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


Elwyn Thomas, Administrator

**535-X-12-.04 Installation Of Manufactured Homes Or
Manufactured Buildings.**

(1) No manufactured home or manufactured building shall be installed within this state unless such installation is done by a certified installer in accordance with the manufacturer's approved installation plan or the Commission's minimum standards. The certified installer or an employee of the certified installer who possesses a current certificate of training from the Commission must be present during the entire installation process. The owner or purchaser of a manufactured home or manufactured building is not allowed to install said home or building unless the owner or purchaser is a certified installer. If the manufacturer's plans are unavailable for installation, then the home must be installed according to minimum standards as established by the Commission or according to installation plans drawn and approved by a registered engineer.

(2) All ground anchors and tiedown devices must be installed according to the anchor manufacturer's installation instructions for their respective ground anchors and tiedown devices. No ground anchor or tiedown device shall be used to anchor a manufactured home or manufactured building to the ground unless that ground anchor or tiedown device has received the Commission's approval. All manufacturers of ground anchors and tiedown devices must meet the Commission's requirements regarding anchor and tiedown manufacture and installation.

(3) Certified installers shall purchase installation decals from the Commission and place said decal on each home or building so installed. This decal shall denote the date of installation and the name and certification number of the installer. The certified installer must place the decal on the home or building immediately upon site location and prior to installation. Installation decals shall not be transferred. They must be used by the certified installer who purchased them.

(4) No person, retailer, or manufacturer shall employ or contract with any person, firm, or corporation as an installer who is not certified as required by this Section. Violation of this section may be punished by the imposition of a fine against the violator in the amount of not more than \$500.00 for each home installed by an

uncertified installer. Appeal of a decision pursuant to this paragraph shall be according to the appeal provisions of Section 8 of this Chapter.

(5) Manufactured homes that do not have a HUD label and data plate indicating federal construction and safety standards were met during construction shall not be relocated from another state into Alabama unless the home was a trade-in to a retailer licensed with the Alabama Manufactured Housing Commission.

(6) Other conditions under which a manufactured home shall not be relocated from another state into Alabama are:

(a) It has been altered structurally from the manufacturer's design approval plan.

(b) It has been damaged by flood, wind and/or fire.

(c) It has been denied siting in another state for reasons other than the federal zone requirements for wind, thermal and/or roof load protection.

(7) Fire separation requirements contained in Paragraph 4-2.1 of NFPA 501A must be complied with when installing a manufactured home or manufactured building.

(8) Transporters must have the proper number of escorts and individuals accompany them to aid in the safe transport of the home or building to its destination.

(9) The transporter and/or business with which the transporter is employed will be responsible for all safety-related damages to the home or building while it is in the care, custody and/or control of said transporter.

(10) Any home or building abandoned on a highway, parking lot or other location during a move shall be the sole responsibility of the transporter and/or the business with which the transporter is employed.

Author: Jim Sloan

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

History: Filed February 6, 1990. **Amended:** Filed June 24, 1993; effective July 29, 1993. **Amended:** Filed

July 27, 2000; effective August 31, 2000; operative
October 1, 2000. **Amended:** Filed July 9, 2003; effective
August 13, 2003. **Amended:** Filed November 6, 2006;
effective December 11, 2006. **Amended:** Filed
November 5, 2007; effective December 10, 2007. **Amended:**
Filed November 6, 2008; effective December 11, 2008.