

2015



Manufactured Housing

**Idaho Statutes
and
Administrative Rules**

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Manufactured Housing

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TITLE 39. HEALTH AND SAFETY
CHAPTER 40. MANUFACTURED HOMES -- STANDARDS

§ 39-4001. Enforcement of law

The administrator of the division of building safety shall enforce the provisions of this chapter. It shall be the responsibility and duty of the state building code board to assist the administrator in the administration and enforcement of the provisions of this chapter as hereinafter provided.

§ 39-4002. Compliance with law required

It is unlawful for any person, firm, partnership, association or corporation to sell or offer for sale within this state any manufactured home that is not manufactured in compliance with this chapter after March 8, 1971.

§ 39-4003. Administrator -- Duties

The administrator shall by rule define the term "manufactured home" to be consistent with 24 CFR 3280 (housing and urban development manufactured home construction and safety standards) and may delegate enforcement and administration of those standards to the Idaho building code board.

§ 39-4003A. Right of entry

In order to carry out the purposes of this chapter, the administrator or his authorized representative shall, during regular working hours and at other reasonable times, have the right of entry to conduct the inspections required by this chapter; the right of entry to make inspections to carry out the duties and responsibilities as an in-plant inspection agency (IPIA) by the authority granted by the U.S. department of housing and urban development pursuant to 24 CFR 3282.352 and 362; and the right of entry to make inspections to carry out the duties and responsibilities as a state administrative agency (SAA) by the authority granted by the U.S. department of housing and urban development pursuant to 24 CFR 3282.305.

§ 39-4004. Inspection and enforcement fees -- Schedule authorized

(1) The administrator is authorized to establish a schedule of fees to pay the cost of inspection and enforcement of this chapter without recourse to tax subsidies. Such fee schedule shall be consistent with the actual cost of maintaining the program.

(2) The administrator shall be authorized to participate in the fee distribution system of the U.S. department of housing and urban development set out in 24 CFR 3282. The

administrator shall establish a monitoring inspection fee in an amount established by the secretary of the U.S. department of housing and urban development. This monitoring inspection fee shall be an amount paid by each manufactured home manufacturer in the state for each manufactured home produced by the manufacturer in the state. This fee shall be in addition to any in-plant inspection agency (IPIA) fees assessed by the administrator, which shall be consistent with the actual cost of providing such inspections.

(3) The monitoring inspection fee shall be paid by the manufacturer to the secretary of the U.S. department of housing and urban development who shall distribute the fees collected from all manufactured home manufacturers among the approved and conditionally-approved states based on the number of new manufactured homes whose first location after leaving the manufacturing plant is on the premises of a distributor, dealer, or purchaser in that state.

§ 39-4005. Issuance of insignia -- Cost. [Repealed.]

§ 39-4006. Conversion of system following issuance of insignia prohibited. [Repealed.]

§ 39-4007. Reciprocity of standards with other states. [Repealed.]

§ 39-4008. Exemption from local ordinances or regulations. [Repealed.]

§ 39-4009. Certification of plant supervisor -- Basis of examination -- Issuance of certificate of competency -- Fees -- Number of supervisors required -- Automatic certification. [Repealed.]

§ 39-4010. Warranty by manufacturers

Any person, firm, partnership, association or corporation constructing, in whole or in part, a manufactured home in this state, or constructing outside of this state but selling at retail in this state, shall issue a warranty in writing to the buyer containing the following terms:

(1) That the manufactured home is free from any substantial defects in materials or workmanship in the structure, plumbing, heating and electrical systems and all appliances and other equipment installed or included therein or thereon by the manufacturer.

(2) That the manufacturer shall take appropriate corrective action at the site of the manufactured home in instances of substantial defects in materials or workmanship which become evident within one (1) year from the date of delivery of the manufactured home to the buyer, provided the buyer gives written notice of such defects to the manufacturer or dealer at their business address not later than one (1) year and ten (10) days after date of delivery.

The warranty provided herein shall be in addition to and not in derogation of any other right or privilege which the buyer may have as otherwise provided by law or instrument. The

manufacturer shall not require the buyer to waive his rights under this section and any waiver shall be deemed contrary to public policy and shall be void and unenforceable. Any action instituted by a buyer for failure of the manufacturer to comply with the provisions of this act shall be considered as an action within the provisions of *section 12-120, Idaho Code*, providing for recovery of attorney fees.

§ 39-4011. Violations

(1) Any person who violates any of the following provisions relating to manufactured homes, or any rule promulgated by the administrator of the division of building safety to administer the provisions of this chapter shall be liable for a civil penalty of not to exceed one thousand dollars (\$1,000) for each such violation. Each such violation shall constitute a separate violation with respect to each manufactured home, except that the maximum penalty shall not exceed one million dollars (\$1,000,000) for any related series of violations occurring within one (1) year from the date of the first violation. Violations include:

(a) Manufacturing for sale, leasing, selling, offering for sale, or introducing or delivering or importing, in the state of Idaho, any manufactured home which is manufactured on or after the effective date of any applicable federal manufactured home construction and safety standard which does not comply with such standard;

(b) Failure or refusal to permit entry or inspection as required by *section 39-4003A, Idaho Code*;

(c) Failure of manufacturer to give notification of any defects in any manufactured home, in the manner required by 42 USC 5414;

(d) Failure to furnish to distributor or dealer at the time of delivery of each manufactured home produced by such manufacturer, certification that said manufactured home conforms to all applicable federal construction and safety standards or issuance of a certification to the effect that a manufactured home conforms to all applicable federal manufactured home construction and safety standards, if such person in the exercise of due care has reason to know that such certification is false or misleading in a material respect;

(e) Failure of any manufacturer, distributor or dealer of manufactured homes to establish and maintain such records, make such reports, and provide such information as the administrator of the division of building safety may reasonably require to enable him to determine whether such manufacturer, distributor or dealer has acted or is acting in compliance with this chapter and with federal manufactured home construction and safety standards; or failure to permit, upon request of a person duly designated by the administrator, inspection of appropriate books, papers, records and documents relative to determining whether such manufacturer, distributor or dealer has acted or is acting in compliance with federal manufactured home construction or safety standards.

(2) Any person or officer, director or agent of a corporation who wilfully or knowingly violates the provisions enumerated in subsection [subsections] 1(a) through (e) of this section, in any manner which threatens the health or safety of any purchaser shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one (1) year, or both.

(3) Violations of this chapter shall be tried in any court of competent jurisdiction within the state of Idaho.

TITLE 44. LABOR
CHAPTER 21. MANUFACTURED HOME DEALER
AND INSTALLER LICENSING

§ 44-2101. Purpose -- License required -- Reinstatement

(1) The legislature finds that the regulation and control of those persons engaged in the business of manufacturing, selling or installing manufactured and mobile homes is necessary to protect the health and safety of the citizens of Idaho. To that end, it shall be unlawful for any person to engage in business as a manufacturer, retailer, resale broker, installer, salesman or responsible managing employee without being duly licensed as provided in this chapter.

(2) All applicants for original retailer or resale broker licenses are required to submit to a fingerprint-based criminal history background check of the Idaho central criminal database and the federal bureau of investigation criminal history database. Each applicant for original licensure must submit a full set of the applicant's fingerprints and the fees to cover the cost of the criminal history background check for such person along with the completed application.

(3) If the licensee fails to submit a completed application for renewal or to pay the renewal fee on or before the expiration date, the administrator may accept a later application for reinstatement subject to such conditions as the board may require by rule including, but not limited to, the assessment of a late fee; provided that between the license expiration date and the date of reinstatement of the license, the rights of the licensee under such license shall be expired, and during such period of expiration it shall be unlawful for such licensee to do or attempt to offer to do any of the acts of the kind and nature described in the definitions in *section 44-2101A, Idaho Code*, in consideration of compensation of any kind or expectation thereof. An expired license that is not reinstated within six (6) months of the expiration date shall be automatically terminated by the administrator and may not be reinstated.

§ 44-2101A. Definitions

As used in this chapter:

(1) "Administrator" means the administrator of the division of building safety of the state of Idaho.

(2) "Board" means the manufactured housing board established in *section 44-2104, Idaho Code*.

(3) "Engaged in the business" means the individual or entity buys, sells, brokers, trades, or offers for resale a manufactured or mobile home.

(4) "Installer" means a person who owns a business that installs a manufactured home or mobile home at the site where it is to be used for occupancy.

(5) "Manufactured home" or "manufactured house" means a structure as defined in *section 39-4105, Idaho Code*.

(6) "Manufacturer" means any person engaged in the business of manufacturing manufactured homes that are offered for sale, lease or exchange in the state of Idaho.

(7) "Mobile home" means a structure as defined in *section 39-4105, Idaho Code*.

(8) "Person" means a natural person, corporation, partnership, trust, society, club, association or other organization.

(9) "Place of business" refers to any physical location at which the business is lawfully conducted.

(10) "Resale broker" means any person engaged in the business of selling broker-owned, used, third-party owned, or other resale of manufactured or mobile homes.

(11) "Responsible managing employee" or "RME" means the person designated by the retailer, installer, manufacturer or resale broker to supervise other employees, either personally or through others.

(12) "Retailer" means any person engaged in the business of selling or exchanging new, used, resale or brokered manufactured or mobile homes.

(13) "Salesman" means any person employed by a retailer or resale broker for a salary, commission or compensation of any kind to sell, list, purchase or exchange or to negotiate for the sale, listing, purchase or exchange of new, used, brokered or third-party owned units, except as otherwise provided in this chapter.

§ 44-2102. Administration -- Powers and duties

The administrator is charged with the administration of the provisions of this chapter and shall:

(1) In accordance with the provisions of *chapter 52, title 67, Idaho Code*, promulgate, adopt, amend, and repeal rules for the establishment of a mandatory statewide manufactured home setup code. The administrator shall also define and prohibit any practice which is found to be deceptive.

(2) Prescribe the form and content of a new manufactured home buyer's information and disclosure form. Unless otherwise provided by the administrator, the form shall be presented by the retailer to each purchaser of a new manufactured home, and shall be executed by the retailer and purchaser at the time the initial purchase order is signed for the sale of a new manufactured home.

(3) (a) A used unit which has been determined to be or declared by the owner to be real property under the provisions of *section 63-304, Idaho Code*, may be offered for sale, listed, bought for resale, negotiated for, either directly or indirectly, by a licensed real estate broker or a real estate salesman representing a licensed real estate broker, but not a retailer, resale broker or salesman.

(b) A used unit which has been determined to be and is carried on the tax rolls as personal property may be offered for sale, listed, bought for resale, negotiated for, either directly or indirectly, by a licensed real estate broker or a real estate salesman, pursuant to *chapter 20, title 54, Idaho Code*, or by a licensed retailer, resale broker or salesman, but with respect to a licensed retailer, resale broker or salesman only to the extent such sale does not involve the purchase or sale of an interest in real estate.

(c) A licensed real estate broker or real estate salesman representing a licensed real estate broker pursuant to *chapter 20, title 54, Idaho Code*, may participate in new manufactured home sales that include real estate if the real estate broker or salesman has a valid, written agreement with a licensed retailer to represent the interests of the retailer in this type of transaction.

(4) Promulgate rules establishing a program for the timely resolution of disputes between

manufacturers, retailers, resale brokers and installers of manufactured homes. The rules shall be consistent with the United States department of housing and urban development's procedural and enforcement authority in 42 U.S.C. 5422(c)(12), and shall include identifying the respective responsibilities of manufacturers, retailers, resale brokers and installers; providing for the issuance of appropriate orders for the correction or repair of defects in manufactured homes that are reported during the one (1) year period following the date of installation; and may include an appropriate schedule of fees.

§ 44-2102A. Exceptions to chapter. [Repealed.]

§ 44-2103. Fees -- Deposit of fees

(1) Fees for licensing of retailers, resale brokers, installers, manufacturers, salesmen and RMEs shall not exceed:

(a) Retailer or resale broker license	\$ 500.00
(b) Manufacturer license	\$ 500.00
(c) Installer license	\$ 300.00
(d) Salesman license	\$ 50.00
(e) RME license	\$ 50.00

(2) All license fees collected by the division of building safety under the provisions of this chapter shall be paid into the manufactured housing account, which is hereby created in the dedicated fund. The expenses incurred in administering and enforcing the provisions of this chapter shall be paid from the account.

(3) The following performance bonding requirements shall be met before the issuance of these licenses:

(a) Manufacturer	\$ 20,000 bond
(b) Retailer	\$ 40,000 bond
(c) Resale broker	\$ 30,000 bond
(d) Installer	\$ 5,000 bond

(4) The administrator is authorized to provide by rule, in accordance with the provisions of *section 44-2102, Idaho Code*, for the acceptance of a deposit of cash or securities in lieu of a bond in satisfaction of the bonding requirements of this section.

(5) Fees and bond requirements of this section shall be the exclusive fee and bond requirements for retailers, resale brokers, installers, manufacturers and salesmen governed by the provisions of this chapter, and shall supersede any program of any political subdivision of the state which sets fee or bond requirements for the same services.

(6) A retailer or resale broker must obtain a separate installer license, pay the license fee set forth in subsection (1)(c) of this section and meet the bonding requirements of subsection (3)(d) of this section in order to provide the services covered by an installer license.

§ 44-2104. Manufactured housing board

(1) A manufactured housing board is established in the division of building safety to advise the administrator in the administration and enforcement of the provisions of this chapter. The board shall consist of five (5) members, appointed by the governor, four (4) of whom shall be licensed retailers and one (1) of whom shall be a consumer who lives in a manufactured home. Board members shall serve for a term of three (3) years. Not more than three (3) members shall at any time belong to the same political party. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term. The members of the board shall be compensated as provided in *section 59-509(n), Idaho Code*, for each day spent in attendance at meetings of the board. A majority of members shall constitute a quorum, and a quorum at any meeting called by the administrator shall have full and complete power to act upon and resolve in the name of the board any matter, thing or question referred to it by the administrator, or which by reason of any provision of this chapter, it has the power to determine.

(2) The board shall, on the first day of each January or as soon thereafter as practicable, elect a chairman, vice chairman and secretary from among its members and these officers shall hold office until their successors are elected. As soon as the board has elected its officers, the secretary shall certify the results of the election to the administrator. The chairman shall preside at all meetings of the board and the secretary shall make a record of the proceedings which shall be preserved in the offices of the division of building safety. If the chairman is absent from any meeting of the board, his duties shall be discharged by the vice chairman. All members of the board present at a meeting shall be entitled to vote on any question, matter, or thing which properly comes before it.

(3) The board shall have the authority to promulgate rules in accordance with *chapter 52, title 67, Idaho Code*, to implement the provisions of this chapter.

§ 44-2105. Discipline -- Hearing -- Judicial review -- Reapplication

(1) The administrator may refuse to issue, renew, or reinstate or may suspend, revoke or take other disciplinary action against any license, if the license was obtained through error or fraud, or if the holder thereof is shown to be grossly incompetent, or has willfully violated any provision of this chapter or the rules adopted thereunder, or has been convicted of conduct constituting a felony or any theft or fraud offense, or has ever had a business license revoked in this or any other state or territory of the United States.

(2) The administrator shall have the power to appoint, by an order in writing, any

competent person to take testimony at any disciplinary hearing. The administrator, and any hearing officer appointed by the administrator, shall have the power to administer oaths, issue subpoenas and compel the attendance of witnesses and the production of documents and records.

(3) Before any license shall be suspended, revoked or otherwise disciplined, the holder thereof shall be served with written notice enumerating the charges against him, and shall be afforded an opportunity for an appropriate contested case in accordance with the provisions of *chapter 52, title 67, Idaho Code*. The notice shall specify the time and place for hearing, which time shall not be less than five (5) days after the service thereof.

(4) Any party aggrieved by an order of the administrator disciplining a license shall be entitled to judicial review thereof in accordance with the provisions of *chapter 52, title 67, Idaho Code*.

(5) Any person whose license has been revoked may not apply for a new license until the expiration of one (1) year from the date of such revocation.

§ 44-2106. Violations

(1) It shall be unlawful to engage in business as a manufacturer, retailer, resale broker, installer, salesman or RME without being duly licensed by the division of building safety pursuant to this chapter, except that an individual may buy, sell, broker, trade or offer for resale up to two (2) manufactured or mobile homes, or a combination thereof, in any one (1) calendar year without being licensed under this chapter if all of the units have been properly titled in the name of that individual.

(2) It shall be unlawful for a manufacturer, retailer, resale broker, installer, salesman or RME to:

(a) Intentionally publish or circulate any advertising which is misleading or inaccurate in any material particular or which misrepresents any of the products or services sold or provided by a manufacturer, retailer, resale broker, installer, salesman or RME;

(b) Violate any of the provisions of this chapter or any rule adopted by the division of building safety pursuant to this chapter;

(c) Knowingly purchase, sell or otherwise acquire or dispose of a stolen manufactured or mobile home;

(d) With respect only to a retailer or resale broker, to engage in the business for which such retailer or resale broker is licensed without at all times maintaining a principal place of business located within the state.

§ 44-2107. Penalty provisions

(1) Whoever shall violate any of the provisions of this chapter, or any laws or rules adopted pursuant to this chapter, or who shall refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time, or who shall fail, neglect, or refuse to obey any lawful order given or made by the administrator, shall be guilty of a misdemeanor and shall be subject to the civil penalties established by administrative rule but not to exceed one thousand dollars (\$1,000) in accordance with the following:

(a) Each day of such violation shall constitute a separate offense. A violation will be

considered a second or additional offense only if it occurs within one (1) year from the first violation.

(b) The same penalties shall apply, upon conviction, to any member of a copartnership, or to any construction, managing or directing officer of any corporation, limited liability company or limited liability partnership or other such organization consenting to, participating in, or aiding or abetting any such violation of this chapter.

(2) In addition to any other penalties specified in this section, whenever any person violates the provisions of this chapter by acting as a retailer, resale broker, installer or RME, without a license, the administrator may maintain an action in the name of the state of Idaho to enjoin the person from any further violations in accordance with the following:

(a) Such action may be brought either in the county in which the acts are claimed to have been or are being committed, in the county where the defendant resides, or in Ada County.

(b) Upon the filing of a verified complaint in the district court, the court, if satisfied that the acts complained of have been or probably are being or may be committed, may issue a temporary restraining order and/or preliminary injunction, without bond, enjoining the defendant from the commission of any such act or acts constituting the violation.

(c) A copy of the complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other similar civil actions. If the commission of the act or acts is established, the court shall enter a decree permanently enjoining the defendant from committing such act or acts. If an injunction issued under this section is violated, the court, or the judge thereof at chambers, may summarily try and punish the offender for contempt of court.

§ 44-2108. Retailer and resale broker -- Additional licensure requirements

(1) Each business office or retail sales location shall be owned or leased by the retailer or resale broker and shall comply with all local building codes, zoning, and other applicable land use regulatory ordinances, and:

(a) If the location is on leased property, the retailer or resale broker must provide written confirmation of the term and existence of the lease, signed by the lessor; and

(b) An exterior sign that identifies the retailer or resale broker by the name shown on the license must be prominently affixed to the location or the office building and be clearly visible and easily readable from the nearest major avenue of traffic; and

(c) The retailer or resale broker must prominently display his license, or a true and correct copy of that license, in each location; and

(d) The licensee must post, in a clearly visible and readily accessible location, written information concerning regular hours of business and emergency contact information.

(2) Regardless of the number of locations at which a retailer or resale broker engages in business, he must maintain a principal place of business that complies with the requirements set forth in subsection (1) (a) of this section, and at which the records of the business are maintained on a permanent basis.

(3) The retailer or resale broker must promptly notify the division of building safety, in writing, of any change in ownership, business name, location of business, mailing address or telephone numbers.

(4) For each new product sold, the retailer must provide proof, satisfactory to the board, of the retailer's current authority to sell that manufacturer's products.

(5) Failure to adhere to the requirements of this section, or any other requirement pertaining to licensure as set forth in law or rule, shall constitute grounds for the imposition of discipline up to and including revocation of licensure.

TITLE 44. LABOR
CHAPTER 22. MANUFACTURED HOME
INSTALLATION STANDARD

§ 44-2201. Mobile/manufactured homes installation

(1) All new manufactured homes must be installed in accordance with the manufacturer's approved installation instructions. All used mobile and manufactured homes shall be installed in accordance with the Idaho manufactured home installation standard, as provided by rule pursuant to this chapter. All mobile and manufactured homes must be installed in accordance with all other applicable state laws or rules pertaining to utility connection requirements.

(2) The administrator of the division of building safety may promulgate rules in accordance with the provisions of *chapter 52, title 67, Idaho Code*, specifying standardized installation instructions for mobile/manufactured homes. Upon the effective date of such rules, the rules shall prevail over any conflicting provisions in this chapter.

§ 44-2202. Installation permits and inspections required

(1) The owner or the installer of a mobile or manufactured home must obtain an installation tag and permit as applicable before installing a mobile or manufactured home that will be used as a residence on a building site or in a park. The installer's license must be in effect at the time of the application for the installation permit.

(2) Installation tags shall be obtained from the division of building safety and are required for each installation of a new manufactured home. The fee for the installation tag shall be prescribed in administrative rules promulgated by the administrator of the division of building safety.

(3) Installation permits shall be issued by the division of building safety or a city or county that has by ordinance adopted a building code and whose installation inspection programs have been approved by the division. All installations shall be inspected by the authority having jurisdiction for compliance.

(4) Permit fees shall be prescribed in administrative rules promulgated by the administrator of the division of building safety or as established by the city or county having jurisdiction whose installation inspection program has been approved by the division, as applicable.

(5) Immediately upon completion of the installation of a mobile or manufactured home, a licensed installer or the responsible managing employee of the licensed installer shall perform an inspection of the completed installation to ensure compliance with the applicable installation standard. Such inspection shall be recorded on an inspection record document approved by the division and a copy shall be provided to the homeowner upon completion of the inspection.

§§ 44-2203-- 44-2205. Manufacturer's instructions on stabilizing system may be used -- Requirements for installing stabilizing systems -- Requirements for permanent foundations. [Repealed.]

§ 44-2206. Installation of electrical service equipment. [Repealed.]

TITLE 44. LABOR

CHAPTER 25. MOBILE HOME REHABILITATION

§ 44-2501. Legislative intent

In order to ensure a continued supply of safe, affordable housing, the state of Idaho hereby adopts a rehabilitation program for existing mobile homes constructed prior to June 15, 1976, the effective date of the federal manufactured housing and safety standards act (HUD code), that are currently sited within Idaho or that may be brought into the state after the effective date of this act. It is legislative intent that the relocation and installation of these homes be approved when the rehabilitation on the home has been completed as required in this chapter and proof of compliance has been issued by the administrator of the division of building safety of the state of Idaho.

§ 44-2502. Application of chapter -- Rehabilitation required -- Certificate of compliance

(1) This chapter shall apply to the installation of mobile homes constructed prior to June 15, 1976, within the jurisdiction of a city or county requiring an installation permit pursuant to *section 44-2202, Idaho Code*.

(2) Before a permit for the installation of the mobile home may be issued, the home must meet the rehabilitation requirements specified in this chapter and receive a certificate of compliance from the administrator of the division of building safety of the state of Idaho.

(3) Upon submission of the rehabilitation form required pursuant to *section 44-2504, Idaho Code*, and any other information required by the administrator to establish compliance with this chapter, the administrator shall issue a certificate of compliance to the homeowner. The certificate of compliance must be presented to the local jurisdiction before a permit for the installation of the home may be issued.

(4) Upon receipt of the certificate of compliance, the local jurisdiction shall issue the installation permit in the same manner as the permit would be issued with respect to a mobile/manufactured home for which rehabilitation is not required. No zoning or other ordinance or policy of the local jurisdiction prohibiting relocation or installation of a mobile home to which this chapter applies shall be effective to prohibit the relocation or installation of a mobile home for which a certificate of compliance has been issued in accordance with this

chapter.

§ 44-2503. Rehabilitation requirements

The mobile home shall meet the following rehabilitation requirements:

(1) A smoke detector (which may be a single station alarm device) shall be installed on any wall in a hallway or space communicating with each bedroom area and the living area on the living area side and, when located in a hallway, the detector shall be between the return air intake and the living area. Each smoke detector shall be installed in accordance with its listing and the top of the detector shall be located on a wall four (4) inches to twelve (12) inches below the ceiling. The detector may be battery-powered or may be connected to an electrical outlet box by a permanent wiring method into a general electrical branch circuit, without any switch between the over current protection device protecting the branch circuit and the detector.

(2) The walls, ceilings and doors of each compartment containing a gas-fired furnace or water heater shall be lined with five-sixteenth (5/16) inch gypsum board, unless the door opens to the exterior of the home, in which case, the door may be all metal construction. All exterior compartments shall seal to the interior of the mobile home.

(3) Each room designated expressly for sleeping purposes shall have an exterior exit door or at least one (1) outside egress window or other approved exit device with a minimum clear dimension of twenty-two (22) inches and a minimum clear opening of five (5) square feet. The bottom of the exit shall not be more than thirty-six (36) inches above the floor.

(4) All electrical systems shall be tested for continuity to assure that metallic parts are properly bonded, tested for operation to demonstrate that all equipment is connected and in working order, and given a polarity check to determine that connections are proper. The electrical system shall be properly protected for the required amperage load. If the unit wiring is of aluminum conductors, all receptacles and switches rated twenty (20) amperes or less directly connected to the aluminum conductors shall be marked CO/ALR. Exterior receptacles other than heat tape receptacles shall be of the ground fault circuit interrupter (GFI) type. Conductors of dissimilar metals (copper/aluminum or copper clad aluminum) must be connected in accordance with section 110-14 of the national electrical code.

(5) The mobile home's gas piping shall be tested with the appliance valves removed from the piping system and piping capped at those areas. The piping system shall withstand a pressure of at least six (6) inch mercury or three (3) psi gauge for a period of not less than ten (10) minutes without showing any drop in pressure. Pressure shall be measured with a mercury manometer or a slope gauge calibrated so as to read in increments of not greater than one-tenth (1/10) pound or an equivalent device. The source of normal operating pressure shall be isolated before the pressure test is made. After the appliance connections are reinstalled, the piping system and connections shall be tested with line pressure of not less than ten (10) inches nor more than fourteen (14) inches water column air pressure. The appliance connections shall be tested for leakage with soapy water or a bubble solution. All gas furnaces and water heaters shall be vented to the exterior in accordance with chapter 9 of the uniform mechanical code.

(6) A full water or air pressure test will be performed on the mobile home's water and sewer system.

(a) Water piping shall be tested and proven tight under a water pressure not less than the working pressure under which it is to be used. The water used for tests shall be obtained from a

potable source of supply. A fifty (50) pound per square inch (344.5kPa) air pressure may be substituted for the water test. In either method of test, the piping shall withstand a test without leaking for a period of not less than fifteen (15) minutes.

(b) A water test shall be applied to the drainage and vent system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except at the highest opening, and the system filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest opening of the section under the test and each section shall be filled with water, but no section shall be tested with less than a ten (10) foot (3m) head of water. In testing successive sections, at least the upper ten (10) feet (3m) of the next preceding section shall be tested, so that no joint or pipe in the structure, except the uppermost ten (10) feet (3m) of the system, shall have been submitted to a test of less than a ten (10) foot (3m) head of water. The water shall be kept in the system or in the portion under testing for at least fifteen (15) minutes before inspection starts. The system shall be tight at all points.

(7) All repairs or other work necessary to bring the mobile home into compliance with the requirements of this section shall be completed before a certificate of compliance may be issued.

§ 44-2504. Rehabilitation form and checklist -- Administrative fee -- Rules

(1) The administrator of the division of building safety shall, by rule, establish a mobile home rehabilitation form and checkoff list. The form shall be completed and signed by an authorized representative of an Idaho licensed manufactured home service company or installer or dealer holding an installer's license. Electrical, gas, water and sewer inspections and any necessary repairs must be performed by a person or company properly licensed and authorized to perform the work under Idaho law, with the person or company performing the inspections and repairs to be noted on the rehabilitation form. A properly completed rehabilitation form shall be presented to the division of building safety before a certificate of compliance may be issued.

(2) The administrator of the division of building safety may, by rule, establish an administrative fee to cover the costs of administering the provisions of this chapter.

(3) In addition to the rulemaking authority provided in this section, the administrator of the division of building safety may promulgate rules in accordance with the provisions of *chapter 52, title 67, Idaho Code*, deemed necessary to implement the provisions of this chapter.

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**IDAPA 07
TITLE 03
CHAPTER 09**

**07.03.09 - RULES GOVERNING MANUFACTURED HOMES -
CONSUMER COMPLAINTS - DISPUTE RESOLUTION**

000. LEGAL AUTHORITY.

The Idaho Manufactured Housing Advisory Board of the Division of Building Safety is authorized under Section 44-2102(4), Idaho Code, to promulgate rules concerning establishment of dispute resolution programs. (4-6-05)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 07.03.09, "Rules Governing Manufactured Homes - Consumer Complaints - Dispute Resolution," Division of Building Safety. (4-6-05)

02. Scope. These rules establish a program for the timely resolution of disputes between manufacturers, retailers and installers of manufactured homes in order to comply with Federal Housing and Urban Development regulations within 42 U.S.C. Section 5422(c)(12). (4-6-05)

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. (4-6-05)

003. ADMINISTRATIVE APPEALS.

Appeals from decisions of the Division administrator as provided for herein shall be governed by the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, and the contested case provisions of the Idaho Rules of Administrative Procedure of the Attorney General, IDAPA 04.11.01. (4-6-05)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into these rules. (4-6-05)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Division of Building Safety, Building Bureau is located at 1090 E. Watertower Street, Meridian, Idaho. The office is open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday, and legal holidays. The mailing address is: Division of Building Safety, 1090 E. Watertower Street, Meridian, Idaho 83642. The office telephone number is (208) 334-3896 and the facsimile number is (208) 855-9399. (4-6-05)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules were promulgated in accordance with the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. These rules are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (4-6-05)

007. -- 009. (RESERVED)

010. DEFINITIONS.

There are no definitions in this chapter. (4-6-05)

011. ABBREVIATIONS.

There are no abbreviations in this chapter. (4-6-05)

012 COMPLAINTS.

01. Initial Inquiry. Inquiries concerning complaints may be initiated by the consumer, and directed to the Division of Building Safety, either verbally or in writing. (4-6-05)

02. Statute of Limitations. Complaints must be reported within one (1) year following the date of initial home installation. Complaints reported more than one (1) year following the date of initial home installation are not eligible for this dispute resolution process. (4-6-05)

03. Procedure. The Division may discuss the nature of the complaint with the consumer, seek additional information or clarification, and provide the consumer with information regarding the complaint procedures. (4-6-05)

04. Complaint Form. The Division will provide the consumer with a consumer complaint form. This form must be completed and returned to the Division within thirty (30) days. (4-6-05)

013. INVESTIGATION.

01. Site Inspection. The completed consumer complaint form received by the Division is reviewed and, based either on the nature of the complaint (serious defect or imminent safety hazard) or upon request of the consumer, manufacturer, installer, or dealer, a site inspection is scheduled. (4-6-05)

02. Inspectors. The site inspection may have only the Division inspector and consumer present, at the consumer's request, or, if there is a dispute between the manufacturer, installer, or dealer, the inspection will be coordinated to include all involved parties. (4-6-05)

03. Costs. (4-6-05)

a. A site inspection made upon a consumer's request that involves issues concerning a defect as defined by HUD is conducted at no cost to the consumer. (4-6-05)

b. A charge for mileage to and from the inspection site, plus an hourly charge for the time spent conducting the inspection, is assessed the manufacturer, installer, or dealer if a site inspection is made upon a request by the manufacturer, installer, or dealer, and does not involve a serious defect or imminent safety hazard. (4-6-05)

04. Inspection Report. Following a site inspection, the inspector will prepare a final report and include copies of any photographs taken. (4-6-05)

05. Complaint Determination. Based on the complaint investigation, a determination is made as to the nature of the complaint and if follow-up is warranted by the Division for action pursuant to HUD guidelines. (4-6-05)

014. ACTION.

Based on the determination resulting from the complaint investigation, a notification letter and copies of the completed consumer complaint form and investigation findings may be provided to all involved parties and to HUD as required. (4-6-05)

01. Division Action. If the nature of the complaint requires Division action, notification and follow-up are completed according to HUD guidelines. (4-6-05)

02. License File. If the nature of the complaint pertains to dealer contractual issues or installation problems, a copy of the complaint is given to the manufactured housing section of the Division to be consolidated with the appropriate license files. (4-6-05)

03. Correction or Repair. A Division building inspector shall issue a report concerning correction or repair of defects that are a matter of dispute between the homeowner, dealer, installer, or manufacturer. The report will include the likely cause of the defect and identify the party responsible for creating the defect that is in need of correction or repair. (4-6-05)

015. DECISIONS - APPEALS - INFORMAL DISPOSITION.

01. Decisions. The Division administrator will review the inspector's report and enter a decision setting forth the required corrective action and identifying the party to be responsible for such action. The Division administrator may initiate a contested case proceeding if the administrator, in his sole discretion, determines that such a proceeding or further investigation would be of assistance in reaching a decision. The decision shall direct the

responsible party to complete the required corrective action within specified timelines. In reaching a decision with respect to appropriate timelines in which to complete corrective action, the administrator shall consider the needs of the involved parties including, but not limited to, safety, anticipated expense and availability of funds, time of year, and convenience to the parties. (4-6-05)

02. Appeals. Decisions of the administrator shall be final orders for purposes of appeal. (4-6-05)

03. Informal Disposition -- Arbitration -- Mediation. Unless otherwise prohibited by other provisions of law, informal disposition may be made of any complaint by negotiation, stipulation, agreed settlement, and consent order. The parties may agree to enter into binding arbitration or mediation. Informal settlement of matters is to be encouraged. (4-6-05)

016. -- 999. (RESERVED)

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**IDAPA 07
TITLE 03
CHAPTER 11**

07.03.11 - RULES GOVERNING MANUFACTURED/MOBILE HOME INDUSTRY LICENSING

000. LEGAL AUTHORITY.

The administrator of the Idaho Division of Building Safety and the Idaho Manufactured Housing Board are authorized to promulgate rules necessary to implement the provisions of Title 44, Chapters 21 and 22, Idaho Code, including the establishment of a mandatory statewide manufactured home setup code, as well as to define and prohibit deceptive practices, and to establish administrative penalties. (3-29-10)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," Division of Building Safety. (3-24-05)

02. Scope. These rules apply to persons engaged in the business of manufacturing, selling, or installing manufactured or mobile homes for purposes of human habitation (living and sleeping) in the state of Idaho. (3-20-14)

002. WRITTEN INTERPRETATIONS.

The Division may from time to time provide legal opinions regarding these rules. To the extent not privileged, these documents will be made available for inspection at the Division's main office, 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. (3-20-14)

003. ADMINISTRATIVE APPEALS.

Procedures for administrative relief of the provisions outlined herein shall be pursuant to Title 67, Chapter 52, Idaho Code, and the "Idaho Rules of Administrative Procedure of the Attorney General," IDAPA 04.11.01.000, et seq. (5-25-94)

004. -- 009. (RESERVED)

010. DEFINITIONS.

For the purposes of these rules, the following terms will be used, as defined below: (5-25-94)

01. Administrator. The administrator of the Division of Building Safety of the state of Idaho. (3-24-05)

02. Board. The Manufactured Housing Board. The composition and duties of the Board are set forth at Section 44-2104, Idaho Code. (3-29-10)

03. Bond. The performance bond required by Section 44-2103, Idaho Code. (5-25-94)

04. Branch Office. An enclosed structure accessible and open to the public, at which the business of the manufactured/mobile home retailer is conducted simultaneously with and physically separated from his principal place of business. There shall be displayed on the exterior a sign permanently affixed to the land or building with letters clearly visible to the major avenue of traffic. The sign shall provide the business name of the retailer. (3-29-10)

05. Business. Occupation, profession, or trade. (5-25-94)

06. Deceptive Practice. Intentionally publishing or circulating any advertising concerning mobile or manufactured homes which: (5-25-94)

a. Is misleading or inaccurate in any material respect; (3-29-10)

b. Misrepresents any of the products or services sold or provided by a manufacturer, manufactured/

mobile home retailer, salesman, or installation company. (3-20-14)

07. Division. The Division of Building Safety for the state of Idaho. (5-25-94)

08. Installer. A person who owns a business which installs manufactured/mobile homes at the sites where they are to be occupied by the consumer. The term does not include the purchaser of a manufactured/mobile home or a manufactured/mobile home retailer who does not install manufactured/mobile homes. A retailer who does install manufactured/mobile homes is an installer. The term also does not include concrete contractors or their employees. (3-29-10)

09. Installation. The term includes “setup” and is the complete operation of fixing in place a manufactured/mobile home for occupancy. (5-25-94)

10. Manufactured Home. A structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of Housing and Urban Development and complies with the standards established under 42 U.S.C. Section 5401, et seq. (3-20-14)

11. Manufactured Home Retailer. Except as otherwise provided in these rules: (3-29-10)

a. Any person engaged in the business of selling or exchanging new and used units; or (5-25-94)

b. Any person or who buys, sells, lists, or exchanges three (3) or more new and used units in any one (1) calendar year. (5-25-94)

12. Manufactured/Mobile Home Salesman. Any person employed by a manufactured/mobile home retailer or resale broker for a salary, commission, or compensation of any kind to sell, list, purchase, or exchange or to negotiate for the sale, listing, purchase, or exchange of new, used, brokered, or third-party owned units, except as otherwise provided in Title 44, Chapter 21, Idaho Code. (3-20-14)

13. Manufacturer. Any person engaged in the business of manufacturing manufactured homes that are offered for sale, lease, or exchange in the state of Idaho. (3-20-14)

14. Mobile Home. A factory-assembled structure or structures generally constructed prior to June 15, 1976, the date of enactment of the Federal Manufactured Housing and Safety Standards Act (HUD Code), and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. (3-20-14)

15. Person. A natural person, corporation, partnership, trust, society, club, association, or other organization. (5-25-94)

16. Principal Place of Business. The primary physical location at which the business of a manufactured home retailer or resale broker is lawfully conducted. Each of the following requirements shall be met to qualify as the principal place of business: (3-20-14)

a. The business of the manufactured or mobile home retailer or resale broker is lawfully conducted here; (3-20-14)

b. The office or offices of the retailer or resale broker is or are located here; (3-20-14)

c. The public may contact the retailer, resale broker, or salesman here; (3-20-14)

- d.** The offices are accessible and open to the public; and (3-20-14)
- e.** The greatest portion of the retailer's business is conducted here. The books and other records of a retailer must be kept and maintained at the retailer's principal place of business and be open to inspection during normal business hours by any authorized agent of the Division. Moreover, there shall be displayed on the exterior a sign permanently affixed to the land or building with letters clearly visible to the major avenue of traffic. The sign shall provide the business name of the retailer. (3-29-10)
- 17. Responsible Managing Employee (RME).** The person designated by the employer to supervise other employees, either personally or through others. (5-25-94)
- 18. Unit.** A mobile or manufactured home. (5-25-94)
- 19. Used Manufactured Home or Mobile Home.** A manufactured home or mobile home, respectively, which has been: (5-25-94)

 - a.** Sold, rented, or leased and occupied prior to or after the sale, rental, or lease; or (5-25-94)
 - b.** Registered with or been the subject of a certificate of title issued by the Idaho Department of Transportation or the appropriate authority of any state, the District of Columbia, or foreign state or country. (5-25-94)

011. (RESERVED)

012. LICENSE REQUIRED.

It shall be unlawful to engage in business as a manufacturer, manufactured/mobile home retailer, resale broker, manufactured/mobile home salesman, responsible managing employee, or installer without being duly licensed by the Division pursuant to Title 44, Chapter 21, Idaho Code, and these rules. No issued licenses are transferable. (3-20-14)

01. Minimum Age Requirement. No license will be issued to a person under eighteen (18) years of age at the time of license application. (5-25-94)

02. Designated License Holder. Any applicant for a license under these rules who is not a natural person must designate a natural person to be license holder and represent the corporation, partnership, trust, society, club, association, or other organization for all licensing purposes under these rules including, but not limited to, testing and education. (3-24-05)

a. The authorization to act as designated license holder must be in writing, signed by the applicant and the person designated, and filed with the Division along with the application. (5-25-94)

b. Any person designated under Subsection 012.02 of these rules shall represent one (1) applicant only, and shall immediately notify the Division in writing if his working relationship with the applicant has been terminated. The license will be issued in the name of the designated license holder with the name of the organization he represents also noted on the license. The license holder shall be considered by the Division to be the licensee, even if the license holder is the designated representative of an organization. (5-25-94)

c. The applicant and the person designated under Subsection 012.02 of these rules agree by acceptance of the designation that the designated person shall act as agent of the applicant for all purposes under Title 44, Chapters 21 and 22, Idaho Code, and all rules promulgated thereunder. (5-25-94)

03. Proof of License. Proof of the existence of any license issued pursuant to these rules shall be carried upon the person of the responsible managing employee or supervisor of any installation at all times during the performance of the installation work. Such proof shall be furnished upon demand of any person. Moreover, any license issued to a manufactured/mobile home retailer, resale broker, responsible managing employee, or salesman must be posted in a conspicuous place on the business premises of the employer for whom the holder of the license is licensed. The license of a manufacturing facility or branch office shall also be posted in a conspicuous place at the

location licensed. (3-20-14)

04. Real Estate Brokers. Licensed real estate brokers or real estate salesmen representing licensed real estate brokers shall not be required to obtain a license under these rules in order to sell or lease a used unit that is currently carried on the tax rolls as personal property and that otherwise falls within the exemption contained in Section 44-2102(2), Idaho Code. (3-24-05)

05. License for Manufacturers. In order to engage in business in the state of Idaho or to be entitled to any other license or permit required by these rules each manufacturer must be licensed by the Division. (3-24-05)

06. License for Branch Office of Manufactured/Mobile Home Retailer or Resale Broker. (3-29-10)

a. The Division shall require as a condition of licensing and bonding any information it deems necessary for each location where a manufactured/mobile home retailer or resale broker maintains a branch office. The mere listing of manufactured/mobile homes for sale does not constitute a branch office, but the use of a mobile home park or a state sales office by a licensee for the sale or offering for sale of manufactured/mobile homes does constitute the maintenance of a branch office. A branch office manager may not manage more than one (1) branch office. (3-29-10)

b. To open a branch office, a retailer or resale broker must: obtain a license from the Division to operate the branch office; and provide for direct supervision of the branch office, either by himself or by employing a branch office manager. (3-29-10)

c. If the branch office is closed, the retailer or resale broker shall immediately deliver the license to the Division. (3-29-10)

07. License to Engage in Business as Manufactured/Mobile Home Retailer, Resale Broker, Manufacturer, or Installer; Application; Bond; Issuance, Expiration, and Renewal. (3-20-14)

a. Applications for a manufacturer's, retailers, resale brokers, or installer's license must be filed upon forms supplied by the Division, and the applicant shall furnish: (3-20-14)

i. Any proof the Division may deem necessary that the applicant is a manufacturer, retailer, resale broker, or installer; (3-20-14)

ii. Any proof the Division may require that the applicant has a principal place of business; (5-25-94)

iii. Any proof the Division may require of the applicant's good character and reputation and of his fitness to engage in the activities for which the license is sought; (5-25-94)

iv. In the case of a retailer in new manufactured homes, an instrument in the form prescribed by the Division executed by or on behalf of the manufacturer certifying that the applicant is an authorized franchise dealer for the make concerned; (3-29-10)

v. A reasonable fee and proof of bond fixed by rule; and (5-25-94)

vi. In the case of a retailer, resale broker, or installer, proof of passing the examination required by these rules. (3-20-14)

b. Within thirty (30) days after receipt of a completed application, the Division shall issue or deny the license. (5-25-94)

c. Each license is valid for a period of one (1) year from the date of issuance and may be renewed for like consecutive period upon application to and approval by the Division. (5-25-94)

d. If any installer's working relationship with his employer is terminated, the employer shall

immediately deliver the license of the terminated installer to the Division. (3-20-14)

08. License for Manufactured/Mobile Home Salesman. (5-25-94)

a. A person shall not act as a salesman in this state for a person who sells or leases any manufactured/mobile home subject to the provisions of Title 44, Chapters 21 or 22, Idaho Code, without having first received a license from the Division. Before issuing such a license, the Division shall require: (1) an application, signed by the applicant and verified by his employer, stating that he desires to act as a salesman and providing his residential address and the name and address of his employer; (2) a statement as to whether any previous application of the applicant has been denied or license revoked; (3) payment of the license fee established by rule; and (4) any other relevant information the Division deems necessary. (5-25-94)

b. Within thirty (30) days after receipt of a completed application, the Division shall issue or deny the license. (5-25-94)

c. Each license is valid for a period of one (1) year from the date of issuance and may be renewed for like consecutive period upon application to and approval by the Division. (5-25-94)

d. A person licensed pursuant to Subsection 012.08 of these rules shall not engage in sales activity other than for the account of, or for and on behalf of, a single employer who is a licensed retailer or resale broker. (3-29-10)

e. If a salesman ceases to be employed by a licensed retailer or resale broker, his license to act as a salesman is automatically suspended and his right to act in that capacity immediately ceases. He shall not engage in such activity until reemployed by a licensed retailer or resale broker. If the salesman's working relationship with his employer is terminated, the employer shall immediately deliver his license to the Division. (3-29-10)

09. License for Responsible Managing Employee. (5-25-94)

a. A person shall not act as a responsible managing employee for an installer without first having been issued a license by the Division. Before issuing such a license the Division shall require: (3-20-14)

i. An application, signed by the applicant and verified by his employer, stating that he desires to act as a responsible managing employee and providing his residential address and the name and address of his employer; (5-25-94)

ii. A statement as to whether any previous application of the applicant has been denied or license revoked; (5-25-94)

iii. Payment of the license fee established by rule; and (5-25-94)

iv. Any other relevant information the Division deems necessary. (5-25-94)

b. Within thirty (30) days after receipt of a completed application, the Division shall issue or deny the license. (5-25-94)

c. Each license is valid for a period of one (1) year from the date of issuance and may be renewed for like consecutive period upon application to and approval by the Division. (5-25-94)

d. A person licensed pursuant to Subsection 012.09 of these rules shall not engage in such activity other than for the account of, or for and on behalf of, a single employer who is a licensed installer. (3-20-14)

e. If a responsible managing employee ceases to be employed by an installer, his license to act as a responsible managing employee is automatically suspended and his right to act in that capacity immediately ceases. He shall not engage in such activity until reemployed by a licensed installer. (3-20-14)

f. If the responsible managing employee's working relationship with his employer is terminated, the

employer shall immediately deliver his license to the Division. (5-25-94)

013. THE DIVISION'S MAILING ADDRESS.

Any correspondence or notices required by these rules or Title 44, Chapters 21 or 22, Idaho Code, shall be addressed to the Division of Building Safety, 1090 E. Watertower Street, Suite 150 Meridian, Idaho 83642. (3-20-14)

014. PROOF OF EDUCATION REQUIRED.

01. Satisfactory Proof for Initial Application Submission. An application for a license as a manufactured/mobile home installer must include proof satisfactory to the Division that the applicant has completed the following number of hours of initial education in order to be approved: (4-7-11)

a. Installers and retailers who are installers: eight (8) hours. (3-20-14)

b. The course of initial education must be approved by the Division and shall include information relating to the provisions of these rules, Title 44, Chapters 21 and 22, Idaho Code, and the Manufactured Housing Construction Safety Standards Act of 1974. (4-7-11)

02. Satisfactory Proof for License Renewal. The Division shall not renew any installer license, or retailer license of any dealer who is also an installer, issued pursuant to Title 44, Chapters 21 or 22, Idaho Code, or these rules until the licensee has submitted proof satisfactory to the Division that he has, during one (1) year immediately preceding the renewal of the license, completed at least four (4) hours of continuing education. (3-20-14)

03. Continuing Education Course. The course of continuing education must be approved by the Division and shall include information relating to the following: (4-7-11)

a. Manufactured housing or mobile home parks which will enable a person to give better service to the members of the general public and tenants of manufactured/mobile home parks; (4-7-11)

b. The construction, including components and accessories, rebuilding, servicing, installation, or sale of manufactured/mobile homes; (4-7-11)

c. Legislative issues concerning manufactured/mobile home housing and manufactured/mobile home parks, including pending and recently enacted state or federal legislation; and (4-7-11)

d. These rules, Title 44, Chapters 21 or 22, Idaho Code, and the Manufactured Housing Safety Standards Act of 1974. (4-7-11)

015. EXAMINATION OF APPLICANT FOR LICENSE.

01. Required Examinations. Effective January 1, 1995, the Division shall require a written examination of each applicant for a license, other than a license being renewed, as a manufactured/mobile home retailer, resale broker, or installer. The examination shall include, but may not be limited to, the following subjects: Title 44, Chapters 21 and 22, Idaho Code; these rules and IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations"; and the Manufactured Housing Construction Safety Standards Act of 1974. To avoid the requirement of an examination and be considered a renewal, any licensee must renew his license within six (6) months of its expiration date. (3-20-14)

02. Approval of Examination and Grade. Examinations for all classifications under these rules shall be approved by the Division and the Board. No license shall be issued unless the applicant receives a final grade of seventy percent (70%) or higher. (5-25-94)

03. Retesting. If an applicant for a license fails the written examination offered by the Division twice, he must wait at least thirty (30) days before retesting. (5-25-94)

016. DISCIPLINARY ACTION AGAINST LICENSEES.

The Division may deny, suspend, refuse to renew, or revoke any license issued under Title 44, Chapter 21, Idaho Code, or these rules or reissue the license subject to reasonable conditions upon any of the following grounds:

(3-24-05)

01. Violation of Rules and Statutes. For any willful or repeated violation of these rules, IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," or Title 44, Chapters 21 or 22, Idaho Code. (3-29-10)

02. Failure to Have Principal Place of Business. With regards only to a manufactured/mobile home retailer or resale broker, failure of the applicant or licensee to have a principal place of business. (3-29-10)

03. Revocation of License. The revocation of the license of the employer of a responsible managing employee or salesman is grounds for the revocation of the license of the installer, responsible managing employee or salesman. (3-29-10)

04. False Information. Material misstatement in the application or otherwise furnishing false information to the Division. (5-25-94)

05. Proof of Employment. Failure of a salesman or applicant for licensing as a salesman to establish by proof satisfactory to the Division that he is employed by a licensed retailer or resale broker. (3-29-10)

06. Disclosing Contents of Examination. Obtaining or disclosing the contents of an examination given by the Division. (5-25-94)

07. Deceptive Practice. The intentional publication, circulation, or display of any advertising which constitutes a deceptive practice as that term is defined in Subsection 010.06 of these rules. (3-24-05)

08. Failure to Provide Business Name. Failure to include in any advertising the name of the licensed retailer, resale broker, or installer, or the name under which he is doing business. (3-20-14)

09. Encouraging Falsification. Intentionally inducing an applicant or licensee to falsify his credit application. (5-25-94)

10. Poor Workmanship. Performing workmanship which is grossly incompetent or repeatedly below the standards adopted by Title 44, Chapters 21 and 22, these rules, IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," the Federal Manufactured Housing and Safety Standards Act of 1974, or the latest Idaho adopted editions of the International Building Code, the National Electrical Code, the Uniform Plumbing Code, and the International Mechanical Code, then in effect. (3-29-10)

11. Installation Supervisor Required. Failure to have a licensed responsible managing employee personally supervise any installation of a manufactured/mobile home. (3-20-14)

12. Failure of Organizations to License its Employees. Failure of an organization to have its employees maintain any license as required by these rules. (3-24-05)

13. Failure to Honor Warranties. Failure to honor any warranty or other guarantee given by a licensee for construction, workmanship, or material as a condition of securing a contract, or of selling, leasing, reconstructing, improving, repairing, or installing any manufactured/mobile home, or accessory structure. (3-29-10)

14. Revocation or Denial of License. Revocation or denial of a license issued pursuant to these rules or an equivalent license by any other state or U.S. territory. (3-29-10)

15. Failure to Maintain Any Required License. Failure of the licensee to maintain any other license required by any city or county of this state. (5-25-94)

16. Failure to Respond to Notice. Failure to respond to a notice served by the Division as provided by law within the time specified in the notice. (5-25-94)

17. Failure to Permit Access to Documentary Materials. Failure or refusing to permit access by the Division to relevant documentary materials after being requested to do so by the Division. (5-25-94)

18. Conviction of Misdemeanor. Conviction of a misdemeanor for violation of any of the provisions of Title 44, Chapters 21 or 22, Idaho Code. (5-25-94)

19. Conviction of Felony. Conviction or withheld judgment for a felony in this state, any U.S. territory, or country. (3-29-10)

20. Dealing with Stolen Manufactured or Mobile Homes. To knowingly purchase, sell, or otherwise acquire or dispose of a stolen manufactured or mobile home. (5-25-94)

21. Violation of Permit or Inspection Requirements. To knowingly violate any permit or inspection requirements of any city or county of this state. (5-25-94)

017. PROCEDURES FOR LICENSING SUSPENSION, REVOCATION OR NONRENEWAL.

Any proceeding to suspend, revoke, or not renew any license shall be conducted as a contested case in accordance with the provisions of Title 67, Chapter 52, Idaho Code, and the "Idaho Rules of Administrative Procedure of the Attorney General," IDAPA 04.11.01.000, et seq. Any party aggrieved by an order of the administrator suspending, revoking, or not renewing a license shall be entitled to judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code. (3-24-05)

018. APPLICATION FOR NEW LICENSE.

Any person whose license has been revoked may not apply for a new license until the expiration of one (1) year from the date of such revocation. (5-25-94)

019. FEES.

01. Fees for Issuance and Renewal of License. The following fees for the issuance and renewal of a license will be charged, and no application for licensing pursuant to these rules will be accepted by the Division unless it is accompanied by the appropriate fee: (5-25-94)

a. Manufactured/mobile home retailer or resale broker's license: four hundred forty dollars (\$440). Retailers who are also installers will not have to pay an installer's license fee in order to hold both licenses. (3-29-10)

b. Manufacturer license: four hundred forty dollars (\$440); (3-24-05)

c. Manufactured/mobile home installer license: two hundred twenty dollars (\$220); (3-20-14)

d. Manufactured/mobile home salesman's license: forty-five dollars (\$45). (3-24-05)

e. Responsible managing employee license: forty-five dollars (\$45). (3-29-10)

02. Performance Bonding Requirements. No application for licensing pursuant to these rules shall be accepted unless it is accompanied by evidence of the following performance bond: (3-24-05)

a. Manufacturer: twenty thousand dollar (\$20,000) bond; (5-25-94)

b. Manufactured/mobile home retailer: twenty thousand dollar (\$20,000) bond; (3-29-10)

c. Manufactured/mobile home resale broker: thirty thousand dollar (\$30,000) bond; (3-29-10)

d. Manufactured/mobile home installer: five thousand dollar (\$5,000) bond. Retailers who are also installers will not be required to post an installer's bond in order to hold both licenses. (3-20-14)

e. Responsible managing employee. No bond. (3-29-10)

03. Money or Securities Deposit in Lieu of Performance Bond. A money or securities deposit shall be accepted by the Division in lieu of the performance bonding requirement as set forth at Title 44, Chapter 21, Idaho Code, and Subsection 019.02 of these rules, under the following circumstances: (3-29-10)

a. Any such money or securities deposit shall be in a principal sum equal to the face amount of the performance bond required for the applicable licensing category; (3-29-10)

b. Any such money deposit shall be deposited in a time certificate of deposit which provides on its face that the principal amount of such certificate of deposit shall be payable to the Division upon presentment and surrender of the instrument; (7-1-96)

c. Any such time certificate of deposit shall have a maturity date of one (1) year from the effective date of licensure and shall have an automatic renewal provision for subsequent years; (7-1-96)

d. Any such time certificate of deposit shall be provided to the Division at the time of application for licensure and shall be retained by the Division during the effective period of licensure unless otherwise expended by the Division to insure completion of the licensee's performance; (7-1-96)

e. Any such time certificate of deposit shall be returned to an unsuccessful applicant for licensure; (7-1-96)

f. The principal amount of any such time certificate of deposit, to the extent not otherwise expended to insure completion of the licensee's performance, shall be returned to the depositor by the Division on or before ninety (90) days subsequent to the occurrence of any of the following events: voluntary surrender or return of a license; expiration of a license; lapse of a license; or revocation or suspension of a license; and (7-1-96)

g. Any interest income earned by reason of the principal amount of the time certificate of deposit shall be the property of the licensee. (7-1-96)

020. LICENSING COMPLAINTS.

Persons who wish to submit comments to the Division for its consideration regarding the fitness to hold a license of anyone currently licensed or applying for a license under these rules must do so in writing. To be considered, any such writing must be signed, dated, provide the name of the license holder or applicant, provide the specific details giving rise to the comments, and contain a valid and current address and telephone number for verification purposes. (3-24-05)

021. RETURN OF LICENSE UPON REVOCATION.

In the event a license is revoked by the Division, the former license holder shall immediately return the revoked license to the Division. (5-25-94)

022. CIVIL PENALTIES.

The following acts shall subject the violator to penalties based on the following schedule: (3-29-10)

01. Industry Licensing. Except as provided for by Section 44-2106, Idaho Code, any person who engages in the business of a manufacturer, retailer, resale broker, salesman, installer, or responsible managing employee (RME) as defined in Section 44-2101A, Idaho Code, without being duly licensed by the Division shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-20-14)

02. Deceptive Practice. In accordance with Section 44-2106(2), Idaho Code, any retailer, resale broker, installer, salesman, or RME who intentionally publishes or circulates any advertising that is misleading or inaccurate in any material respect or that misrepresents any of the products or service sold or provided by a manufacturer, retailer, resale broker, installer, or RME, shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-20-14)

03. Dealing with Stolen Manufactured or Mobile Homes. In accordance with Section 44-2106(2), Idaho Code, any person who knowingly purchases, sells, or otherwise acquires or disposes of a stolen manufactured or mobile home shall be subject to a civil penalty of not more than one thousand dollars (\$1,000). (3-29-10)

04. Failure to Maintain a Principal Place of Business. In accordance with Section 44-2106(2), Idaho Code, any person who is a retailer or resale broker duly licensed by the Division and who fails to maintain a principal place of business within Idaho, shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-29-10)

05. Violation of Rules and Statutes. Any person who knowingly violates any of the provisions of these rules, IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," or the provisions of Title 44, Chapters 21 or 22, Idaho Code, shall be subject to a civil penalty of five hundred dollars (\$500) for the first offense and one thousand dollars (\$1,000) for each offense thereafter. (3-29-10)

06. Gross Violation. In case of continued, repeated, or gross violations of these rules or IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," a license revocation may be initiated for licensed individuals under Title 44, Chapter 21, Idaho Code. Non-licensed individuals shall be subject to prosecution by the appropriate jurisdiction under Idaho law. (3-29-10)

07. Judicial Review. Any party aggrieved by the final action of the Administrator shall be entitled to a judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code. (3-29-10)

023. -- 029. (RESERVED)

030. MANUFACTURED HOME BUYER'S INFORMATION AND DISCLOSURE FORM.

The Manufactured Home Buyer's Information and Disclosure Form shall be presented by manufactured home retailers to each purchaser of a new manufactured home, and shall be executed by the retailer and purchaser at the time the initial purchase order is signed for the sale of a new manufactured home. The form is available at the Division office. (3-29-10)

031. -- 999. (RESERVED)

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**IDAPA 07
TITLE 03
CHAPTER 12**

07.03.12 - RULES GOVERNING MANUFACTURED OR MOBILE HOME INSTALLATIONS

000. LEGAL AUTHORITY.

In accordance with Section 44-2201, Idaho Code, the administrator of the Idaho Division of Building Safety is authorized to promulgate rules necessary to implement the provisions of Title 44, Chapters 21 and 22, Idaho Code. (5-3-03)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," Division of Building Safety. (5-3-03)

02. Scope. These rules apply to the installation of manufactured or mobile homes used for purposes of human habitation (living, sleeping) in the state of Idaho. (5-3-03)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations. (5-25-94)

003. ADMINISTRATIVE APPEALS.

This chapter does provide for administrative relief of the provisions outlined herein. (5-25-94)

004. ADOPTION AND INCORPORATION BY REFERENCE.

The Idaho Manufactured Home Installation Standard (January 1, 2004 edition), as adopted by the administrator, is hereby adopted and incorporated by reference into these rules. A current copy is available for review or copying at the office of the Division of Building Safety, 1090 E. Watertower St., Suite 150, Meridian, Idaho 83642. (3-29-10)

005. APPLICATION -- COMPLIANCE.

01. Application -- State Preemption. The standards referred to in this chapter are considered to be a comprehensive statement of all applicable standards which apply to the installation, alteration or repair of manufactured or mobile homes in Idaho. Cities and counties may not adopt or enforce more or less stringent standards, except as permitted by Section 67-6509(a), Idaho Code, as it pertains to the siting of manufactured homes in residential areas. (5-3-03)

02. Compliance -- Disciplinary Action Against Licensees. Failure to comply with these standards constitutes grounds for imposition of discipline as provided in Title 44, Chapters 21 and 22, Idaho Code, and IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Licensing," and these rules. (5-3-03)

006. -- 011. (RESERVED)

012. USE OF MANUFACTURERS' INSTALLATION INSTRUCTIONS.

All new HUD manufactured homes shall be installed in accordance with the manufacturer's Design Approval Primary Inspection Agency (DAPIA) approved installation instructions. In any instance in which there is a conflict between the DAPIA installation instructions and the Idaho Manufactured Home Installation Standards, the DAPIA installation instructions shall supersede and serve as the controlling authority. All manufactured or mobile homes must be installed in accordance with all other applicable state laws pertaining to utility connection requirements. (3-29-10)

013. INSTALLATION PERMITS AND INSPECTIONS REQUIRED.

The owner or the installer of a manufactured or mobile home shall obtain an installation permit in accordance with the requirements of Section 44-2202, Idaho Code. Installation permits shall be obtained from the Division of Building Safety for installations in areas where there is no approved local program, or from a city or county that has by ordinance adopted building codes pursuant to Section 39-4116, Idaho Code, and whose installation program has been approved by the Division. Installation permits shall only be issued to the owner of the manufactured home or to a

licensed installer. The installer must have a current and valid license in effect at the time of the application for the installation permit. All installations shall be inspected and approved by the authority having jurisdiction before the manufactured home is occupied. (3-27-13)

014. INSTALLATION PERMIT FEES.

A city or county whose installation inspection program has been approved by the Division shall establish their own fee schedule for installation permits within their jurisdiction. Permits obtained from the Division shall be accompanied by a fee in accordance with the following schedule: (3-27-13)

01. Single Section Unit. The permit fee for a single section unit shall be one hundred fifty dollars (\$150). (3-27-13)

02. Double Section Unit. The permit fee for a double section unit shall be two hundred dollars (\$200). (3-27-13)

03. More Than Two Sections. The permit fee for a home consisting of more than two (2) sections shall be two hundred fifty dollars (\$250). (3-27-13)

04. Electrical and Plumbing Permits. Electrical and plumbing permits are administered separately from installation permits, and fees for such are separate from the fees identified in Section 014. Such fees shall be paid to the Division or other jurisdiction in accordance with the rules promulgated by the governing boards or local ordinance. (3-27-13)

015. INSTALLATION TAGS REQUIRED.

The owner or installer of a new manufactured home must purchase an installation tag from the Division of Building Safety prior to commencing the installation of a manufactured home in Idaho. Such tag is required regardless of which jurisdiction has authority to perform the installation inspection. The fee for the installation tag shall be fifty dollars (\$50). (3-27-13)

016. APPROVAL OF LOCAL MANUFACTURED HOME INSTALLATION INSPECTION PROGRAMS.

01. Division Approval. A city or county that has by ordinance adopted a building code pursuant to Section 39-4116, Idaho Code, is eligible to participate in the inspection of manufactured and mobile homes. Such local installation inspection program shall be approved by the Division to provide inspection services if the following minimum criteria is met: (3-27-13)

a. Inspections are conducted by the city or county employing inspectors holding a valid certification as residential building inspector from the International Code Council; (3-27-13)

b. Inspectors have attended annual training sessions provided or approved by the Division of Building Safety and received a certificate evidencing successful completion thereof; and (3-27-13)

c. Approval of a city or county's inspection program has not been withdrawn by the Administrator of the Division of Building Safety. (3-27-13)

02. Voluntary Withdrawal. A city or county may voluntarily withdraw from participation in the program to inspect manufactured homes upon providing to the Administrator of the Division of Building Safety ninety (90) days written notice of its intention to do so. (3-27-13)

017. WITHDRAWAL OF APPROVAL OF PROGRAMS.

01. Division Withdrawal. Approval of city or county manufactured home installation program may be withdrawn by the Division of Building Safety if it determines that the city or county's program has failed, upon notification of the program deficiencies, to adequately remedy such deficiencies within a period of time specified by the Administrator. (3-27-13)

02. Administrative Proceedings. Proceedings which may result in the denial or withdrawal of approval shall be conducted in accordance with Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (3-27-13)

03. Re-Approval. Re-approval of a program may be made by the Division when it determines that the reasons for the withdrawal have been remedied. (3-27-13)

018. MINIMUM TRAINING REQUIREMENTS FOR INSPECTORS.

01. Annual Training or Instruction. All installation inspectors employed by the Division of Building Safety or a city or county shall complete four (4) hours of annual training or instruction dedicated to the installation and inspection of manufactured and mobile homes. (3-27-13)

02. Division Approval. All training and instruction shall be approved by the Division in order to qualify and satisfy the requirements in Subsection 018.01 of these rules. (3-27-13)

03. Revocation of Approval. Training or instruction approval is subject to revocation by the Division if in its discretion it determines that for any reason the training or instruction fails to meet the intent of furthering the education of manufactured home installation inspectors including, but not limited to, inadequacies in course content or methods of delivery. (3-27-13)

019. QUALITY ASSURANCE.

01. Inspected Installations. Any inspected installation shall be subject to quality assurance reviews by Division of Building Safety at its discretion. Findings made by the Division pursuant to such reviews shall be forwarded to the inspection authority having jurisdiction. (3-27-13)

02. Inspectors and Programs. All inspectors and approved programs including Division of Building Safety shall be subject to review. (3-27-13)

03. Reviews by Division Personnel. Quality assurance reviews shall be performed by Division of Building Safety supervisory personnel who are experienced in and knowledgeable about the installation requirements for manufactured homes. (3-27-13)

04. Division Personnel Training and Certification. Supervisory personnel as identified in Section 019 of these rules, shall meet minimum training and certification requirements for inspectors of manufactured home installations. (3-27-13)

020. MINIMUM SCOPE OF INSTALLATION INSPECTION.

01. Scope. At a minimum, the inspection of the installation of a manufactured home shall include the following by an installer: (3-27-13)

a. Completion of an inspection record document as required by Section 44-2202(5), Idaho Code. The inspection record document shall verify that the installer has visually inspected the installation and shall certify that the exterior and interior close-up processes, including the marriage line and other covered-up components, have been completed; (3-27-13)

b. Delivery of a copy of the completed inspection record document to the homeowner and the authority having jurisdiction; (3-27-13)

c. Verification that all installed ductwork, plumbing, electrical and fuel supply systems are operating properly; and (3-27-13)

d. If applicable, verification that skirting has been installed correctly. (3-27-13)

02. Inspection Minimum Requirements. At a minimum, the inspection of the installation of a

manufactured home shall include the following by an inspector: (3-27-13)

- a. Verification that site location is suitable for home design and construction, and inspection of site-specific conditions, including preparation and grading for drainage; (3-27-13)
- b. Inspection of the foundation construction; (3-27-13)
- c. Verification that installed anchorage meets minimum requirements; and (3-27-13)
- d. Verification of receipt of a completed inspection record document from the installer. (3-27-13)

021. SUPERVISION BY RESPONSIBLE MANAGING EMPLOYEE.

A responsible managing employee, as the term is defined in IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Licensing," Subsection 004.18, shall personally supervise any installation of a manufactured or mobile home at its place of occupancy unless the installer licensee personally supervises such installation. (5-3-03)

022. LICENSE SUSPENSION OR REVOCATION.

The administrator may suspend or revoke or not renew any license for any willful or repeated violation of these rules or Title 44, Chapters 21 or 22, Idaho Code. Any such proceeding shall be handled as a contested case and according to the procedures set forth in IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Licensing," Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (5-3-03)

023. -- 999. (RESERVED)

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**IDAPA 07
TITLE 03
CHAPTER 13**

07.03.13 - RULES GOVERNING MOBILE HOME REHABILITATION

000. LEGAL AUTHORITY.

In accordance with Section 44-2504, Idaho Code, the administrator of the Idaho Division of Building Safety is authorized to promulgate rules necessary to implement the provisions of Title 44, Chapter 25, Idaho Code, otherwise known as the Mobile Home Rehabilitation Act. (7-1-99)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 07.03.13, "Rules Governing Mobile Home Rehabilitation," Division of Building Safety. (7-1-99)

02. Scope. These rules shall apply to the rehabilitation of mobile homes constructed prior to June 15, 1976, intended for relocation into a city or county requiring an installation permit pursuant to Section 44-2202, Idaho Code. (7-1-99)

a. Before a permit for the installation of the mobile home may be issued, the home must meet the rehabilitation requirements specified in this chapter and receive a certificate of compliance from the administrator of the Idaho Division of Building Safety. (7-1-99)

b. Upon submission of the rehabilitation form required pursuant to Section 44-2504, Idaho Code, and any other information required by the administrator to establish compliance with this chapter, the administrator shall issue a certificate of compliance to the homeowner. The certificate of compliance must be presented to the local jurisdiction before a permit for the installation of the home may be issued. (7-1-99)

c. Upon receipt of the certificate of compliance, the local jurisdiction shall issue the installation permit in the same manner as the permit would be issued with respect to a mobile/manufactured home for which rehabilitation is not required. No zoning or other ordinance or policy of the local jurisdiction prohibiting relocation or installation of a mobile home to which this chapter applies shall be effective to prohibit the relocation or installation of a mobile home for which a certificate of compliance has been issued in accordance with this rule. (7-1-99)

002. WRITTEN INTERPRETATIONS.

The Division may from time to time provide legal opinions regarding these rules. To the extent not privileged, these documents will be made available for inspection at the Division's main office, 1090 E. Watertower Street, Meridian, Idaho. (7-1-99)

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for administrative relief of the provisions contained herein. (7-1-99)

004. DEFINITIONS.

01. Administrator. The administrator of the Division of Building Safety for the state of Idaho. (7-1-99)

02. Division. The Division of Building Safety for the state of Idaho. (7-1-99)

03. Local Unit of Government. A city or county within Idaho which has enacted ordinances which regulate the siting or installation of mobile homes. (7-1-99)

04. Mobile Home. A structure similar to a manufactured home, but built to a mobile home code prior to June 15, 1976, the date of enactment of the federal Manufactured Housing and Safety Standards Act (H.U.D. code). (7-1-99)

005. -- 010. (RESERVED)

011. REHABILITATION REQUIREMENTS.

The mobile home shall meet the following rehabilitation requirements: (7-1-99)

01. Smoke Detectors. A smoke detector (which may be a single station alarm device) shall be installed on any wall in a hallway or space communicating with each bedroom area and the living area on the living area side and, when located in a hallway, the detector shall be between the return air intake and the living area. Each smoke detector shall be installed in accordance with its listing and the top of the detector shall be located on a wall four (4) inches to twelve (12) inches below the ceiling. The detector may be battery powered or may be connected to an electrical outlet box by a permanent wiring method into a general electrical branch circuit, without any switch between the over current protection device protecting the branch circuit and the detector. (7-1-99)

02. Gas Furnace and Water Heater Compartment Protection. The walls, ceilings and doors of each compartment containing a gas-fired furnace or water heater shall as a minimum be lined with five-sixteenth (5/16) inch gypsum board, unless the compartment access door opens to the exterior of the home, in which case, the door may be all metal construction. All exterior compartments shall seal to the interior of the mobile home. (7-1-99)

03. Egress From Sleeping Areas. Each room designated expressly for sleeping purposes shall have an exterior exit door or at least one (1) outside egress window or other approved exit device with a minimum clear dimension of twenty-two (22) inches and a minimum clear opening of five (5) square feet. The bottom of the exit shall not be more than thirty-six (36) inches above the floor. (7-1-99)

04. Electrical System Testing. All electrical systems shall be tested for continuity to assure that metallic parts are properly bonded, tested for operation to demonstrate that all equipment is connected and in working order, and given a polarity check to determine that connections are proper. The electrical system shall be properly protected for the required amperage load. If the unit wiring is of aluminum conductors, all receptacles and switches rated twenty (20) amperes or less directly connected to the aluminum conductors shall be marked CO/ALR. Exterior receptacles other than heat tape receptacles shall be of the ground fault circuit interrupter (GFI) type. Conductors of dissimilar metals (copper/aluminum or copper clad aluminum) must be connected in accordance with Section 110-14 of the National Electrical Code. (7-1-99)

05. Gas System Testing. The mobile home's gas piping shall be tested with the appliance valves removed from the piping system and piping capped at those areas. The piping system shall withstand a pressure of at least six (6) inch mercury or three (3) psi gauge for a period of not less than ten (10) minutes without showing any drop in pressure. Pressure shall be measured with a mercury manometer or a slope gauge calibrated so as to read in increments of not greater than one-tenth (1/10) pound or an equivalent device. The source of normal operating pressure shall be isolated before the pressure test is made. After the appliance connections are reinstalled, the piping system and connections shall be tested with line pressure of not less than ten (10) inches nor more than fourteen (14) inches water column air pressure. The appliance connections shall be tested for leakage with soapy water or a bubble solution. All gas furnaces and water heaters shall be vented to the exterior in accordance with the latest state adopted mechanical code. (7-1-99)

06. Water System Testing. A full water or air pressure test will be performed on the mobile home's water and sewer system. (7-1-99)

a. Water piping shall be tested and proven tight under a water pressure not less than the working pressure under which it is to be used. The water used for tests shall be obtained from a potable source of supply. A fifty (50) pound per square inch (344.5kPa) air pressure may be substituted for the water test. In either method of test, the piping shall withstand a test without leaking for a period of not less than fifteen (15) minutes. (7-1-99)

b. A water test shall be applied to the drainage and vent system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except at the highest opening, and the system filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest opening of the section under the test and each section shall be filled with water, but no section shall be tested with less than a ten (10) foot head of water. In testing successive sections, at least the upper ten (10) feet of the next preceding section shall be tested, so that no joint or pipe in the structure, except the uppermost ten (10) feet of the system, shall have been submitted to a test of less than a ten (10) foot head of water. The water

shall be kept in the system or in the portion under testing for at least fifteen (15) minutes before inspection starts. The system shall be tight at all points. (7-1-99)

07. Requirements for Obtaining Certificates of Compliance. All repairs or other work necessary to bring the mobile home into compliance with requirements of this section shall be completed before a certificate of compliance may be issued by the Division. (7-1-99)

012. REHABILITATION FORM AND CHECKLIST -- COMPLIANCE CERTIFICATE.

01. Rehabilitation Checklist. The rehabilitation form will be completed and signed by an authorized representative of an Idaho licensed manufactured home service company or installer or dealer holding an installer's license. Electrical, gas, water and sewer inspections and any necessary repairs must be performed by a person or company properly licensed and authorized to perform the work under Idaho law, with the person or company performing the inspections and repairs to be noted on the rehabilitation form. The term "inspections" in the context of this section is intended to mean testing of the various electrical, gas, water and sewer systems. A properly completed rehabilitation form shall be presented to the Division before a certificate of compliance may be issued. (7-1-99)

02. Rehabilitation Checklist and Compliance Certification Form. The following is the official rehabilitation checklist and compliance certificate: (7-1-99)

DIVISION OF BUILDING SAFETY
 Manufactured Housing Section
 1090 E Watertower St Ste 120
 Meridian, ID 83642
 FAX : 208-855-9399

FOR DIVISION USE ONLY	
Compliance Certificate Issued	
By:	_____
Title:	_____
Date:	_____

MOBILE HOME REHABILITATION CHECKLIST -- COMPLIANCE CERTIFICATE
(TITLE 44 CHAPTER 25 IDAHO CODE)

These rehabilitation/testing requirements are applicable only to non-HUD mobile homes manufactured prior to June 15, 1976. Separate permits and inspections may be required for any repairs made to plumbing or electrical systems. Additional permits may be required by the local authority having jurisdiction in order to do any work or make any repairs on the mobile home not involving plumbing or electrical systems. Check with your local building department to determine the need for permits and inspections before initiating any repair work or before installing your mobile home at a new site.

The undersigned installer/service company representatives, electrical or plumbing contractors attest and verify that rehabilitative repairs and testing have been completed in accordance with Title 44 - Chapter 25 Idaho Code:

1. Smoke Detection	_____	DBS Licensed Installer/Service Co. Rep.	_____	Installer/Service Co. License #	_____	Date
2. Egress Windows/Exterior Exit Doors From All Sleeping Areas	_____	DBS Licensed Installer/Service Co. Rep.	_____	Installer/Service Co. License #	_____	Date
3. Fire Protection of Gas Water Heater/ Furnace Compartments	Home is equipped with gas water heater or furnace. _____ Yes _____ No					
Verified or Repaired By	_____	DBS Licensed Installer/Service Co. Rep.	_____	Installer/Service Co. License #	_____	Date
4. Gas System Testing/Repairs	Home has gas appliances _____ Yes _____ No					
If Yes, Testing Performed By	_____	DBS Licensed Installer/Srvc Co. License #	_____	Date	_____	Gas Utility
Repairs (If Required) Made By	_____	DBS Licensed Installer/Service Co. Rep. Or Licensed HVAC Contractor	_____	License #	_____	Date
5. Electrical System Testing Performed By	_____	DBS Licensed Electrical Contractor	_____	License #	_____	Date
Repairs (If Required) Made By	_____	DBS Licensed Electrical Contractor	_____	License #	_____	Permit #
6. Water/DWV System Test Performed By	_____	DBS Licensed Plumbing Contractor	_____	License #	_____	Date
Repairs (If Required) Made By	_____	DBS Licensed Plumbing Contractor	_____	License #	_____	Permit #

NAME ON TITLE: _____	HOME VIN #: _____
HOMEOWNER NAME: _____	TELEPHONE: _____
HOMEOWNER MAILING ADDRESS: _____	
LOCATION OF HOME AT TIME OF REHABILITATION/TESTING: _____	

MAIL OR FAX COMPLETED FORM TO THE DIVISION ADDRESS LISTED AT THE TOP OF THIS FORM

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013. -- 999. (RESERVED)

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