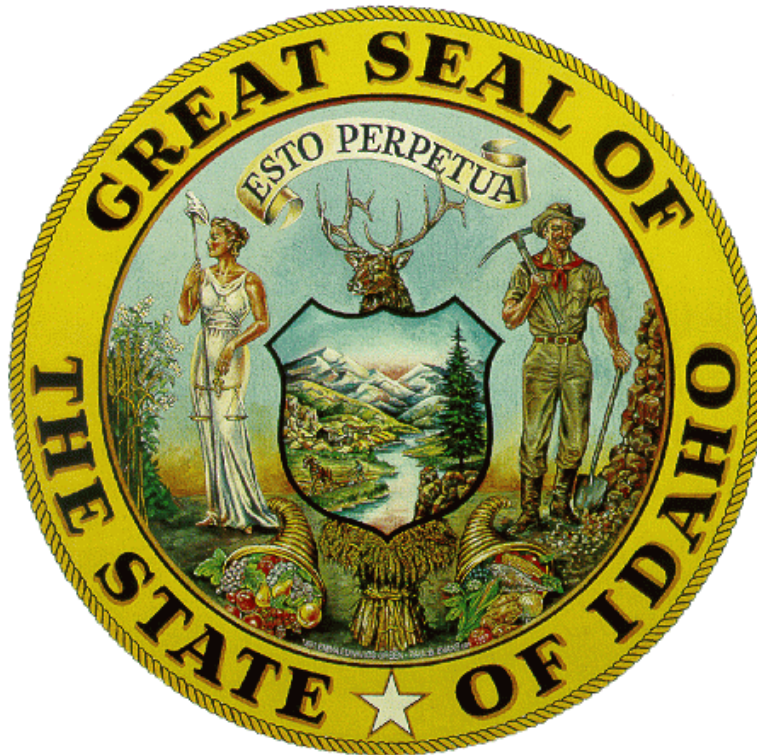


DIVISION OF BUILDING SAFETY
FACTORY BUILT STRUCTURES
ADVISORY BOARD
VIDEOCONFERENCE MEETING

MAY 8, 2018



FACTORY BUILT STRUCTURES ADVISORY BOARD

Agenda Item No. 01

Agenda

PRESENTER: Markus Alley, Chairman

OBJECTIVE: Approve agenda for the May 8, 2018 Factory Built Structures Advisory Board meeting.

ACTION: Consent

BACKGROUND:

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Tentative Agenda



TENTATIVE AGENDA

NOTICE OF PUBLIC MEETING

FACTORY BUILT STRUCTURES ADVISORY BOARD VIDEOCONFERENCE MEETING

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d'Alene
2055 Garrett Way, Building 1, Suite 4, Pocatello
dbs.idaho.gov – (208) 332-7137**

**Tuesday, May 8, 2018
9:30 a.m. – 11:30 a.m. (MDT)**

(Note: North Idaho - Meeting Commences @ 8:30 a.m. PDT)

9:30 a.m. CALL TO ORDER – Markus Alley, Chairman

- Roll Call & Introductions
- Open Forum

CONSENT AGENDA

1. Approval of the May 8, 2018 Agenda – Markus Alley
2. Approval of the February 13, 2018 Draft Minutes – Markus Alley

INFORMATIONAL AGENDA

(These items are for informational purposes only. Any action will be at the Factory Built Structures Advisory Board's discretion.)

3. IHA Education – Teri Ottens, Idaho Housing Alliance
4. Licensing Freedom Executive Order--Update – Patrick J. Grace, Regional Manager
5. Administrator Report – Chris L. Jensen, Administrator
 - a. Financial Report

11:30 a.m. ADJOURN

For additional agenda information, refer to the packet, available one week prior to this meeting, at the DBS's central and regional offices and <https://dbs.idaho.gov/boards/fbsboard/fbsmeetings.html>.

All times, other than beginning, are approximate and scheduled in accordance to Mountain Standard Time (MDT), unless otherwise noted. Agenda items may shift depending on the Factory Built Structures Advisory Board preference. 04/17/2018rb

FACTORY BUILT STRUCTURES ADVISORY BOARD

Agenda Item No. 02

Minutes

PRESENTER: Markus Alley, Chairman

OBJECTIVE: Approve minutes from the February 13, 2018 Factory Built Structures Advisory Board meeting.

ACTION: Consent

BACKGROUND:

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Draft Minutes



**FACTORY BUILT STRUCTURES ADVISORY BOARD
VIDEOCONFERENCE MEETING**

Tuesday – February 13, 2018 – 9:30 a.m. (MST)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian, Idaho
1250 Ironwood Drive, Suite 220, Coeur d’Alene, Idaho
2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho**

***DRAFT MINUTES OF THE FEBRUARY 13, 2018 MEETING**

NOTE: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but rather to record the significant features of those discussions.

Chairman Markus Alley called the meeting to order at 9:35 a.m. (MST)

Board Members Present:

Markus Alley, Chairman
Jeff Chrisman, Vice-Chairman
Brian Mattson
Michael Hampton
Spencer McLean
Mike Jensen
Kenna Draper

DBS Staff Members Present:

Chris L. Jensen, Administrator
Ron Whitney, Deputy Administrator
Spencer Holm, Deputy Attorney General
Arlan Smith, Building Program Manager
Larry Jeffres, Regional Manager, Region 1
Patrick J. Grace, Regional Manager, Region 2
Jeff Egan, Regional Manager, Region 3
Shelly Farris, Regional Supervisor, Region 3
Renee Bryant, Administrative Assistant 2

◆ **Introduction**

Kenna Draper, Dealer/Installer Modular Representative, was welcomed as the newest board member.

- ◆ **Recognition** – Chairman Alley acknowledged Scott Flynn, Indie Dwell, for building factory built modular homes using frames of recycled shipping containers.

◆ **Open Forum**

House Bill 547 – There was concern what effects, if any, the modular industry would endure from cities and counties amending the 2012 International Residential Code (IRC), to include provisions of the 2015 IRC, in their jurisdictions. A residential modular unit with an Idaho insignia is a state inspected structure and subject to the 2012 IRC. Cities and counties can only approve site work on a building.

Representative Joe Palmer sponsored and introduced House Bill 547 to the 2018 legislature. The intent of the bill is to amend the Idaho Building Code Act; clarifying local jurisdictions are limited in their authority to adopt residential building codes different from building codes reviewed, amended, and adopted by the Idaho Building Code Board. This would provide uniformity and consistency of residential building codes across jurisdictions of the state of Idaho, and more clearly define the role of local jurisdictions in maintaining that intent.

◆ **Approval of the February 13, 2018 Agenda**

MOTION: Jeff Chrisman made a motion to approve the agenda as presented. Spencer McLean seconded. All in favor, motion carried.

◆ **Approval of the July 11, 2017 Board Meeting Minutes**

MOTION: Jeff Chrisman made a motion to approve the minutes as written. Spencer McLean seconded. All in favor, motion carried.

◆ **Tri-State Agreement**

Chairman Alley stated the original intent of the Tri-State Agreement between Washington, Oregon and Idaho was for uniformity of codes; however, each state is on different code cycles. Inevitably, plan approvals expire, creating additional funds for design review, as well as a great deal of work on the manufacturer's drafting and engineering staff. Building Program Supervisor Lisa Stover explained part of the problem is Idaho cannot dictate to other states when they can adopt codes. In addition, it is the Idaho Building Code Board's responsibility to recommend to the legislature the adoption of new codes.

◆ **Licensing Freedom Executive Order**

In May 2017, the Lt. Governor signed Executive Order 2017-06. The Order requires state agencies issuing professional and occupational licenses to assess their license requirements and procedures and provide a report to the Governor's office by July 1, 2018.

When questioned, the state must license installers in order for HUD to approve the state to run its program. Board Member Jeff Chrisman recommended DBS confer with Board Member Mike Jensen and Doug Strunk, Idaho Housing Alliance (IHA) Director, as they are good resources for licensing.

To obtain information or submit comments, a link is available on the Division's website. For the May meeting, Regional Manager Patrick J. Grace offered to provide the Division's report.

ACTION: Regional Manager Grace will present the Division's report at the May 8, 2018 Board meeting.

ACTION: The topic *Licensing Freedom Executive Order* will be placed as an informational item on the May 2018 agenda.

◆ **Administrator Report**

Financial Report – The Board's budget is in good shape, and the perspective year-in cash availability is a bit higher.

Budget – The Division of Financial Management approved the Division's budget request for fiscal year 2019. In the budget is the hire of six new inspectors.

Legislation – Approved were the Division's rules, with the exception of industrial safety. Statutes have been through the routing slip (RS) cycle and are printed.

Construction – A new extended core facility at the Idaho National Laboratory (INL) in Idaho Falls to begin construction within the year. It is estimated five to seven year to build with approximately 1,200 electricians. The Federal Bureau of Investigation begins construction on a major data center

in Pocatello with 60 electricians, and the Idaho Central Credit Union has approximately 40 electricians on a project. In addition, the Division has completed the plan review on a new, privately owned, cyber security building for the INL.

Budget (Cont'd) – With an excess in the budget, the Chairman asked whether the Division, on behalf of the Board, is able to spend money on technology, etc., to help the manufactured and modular industries. The Division does not have spending authority; however, it can request to the legislature to spend funds on specific item(s).

IHA Meeting with ITD – A meeting of IHA and Idaho Transportation Department (ITD) will be February 20, 2018, 2:00 p.m., at ITD to discuss transportation issues; i.e., road restrictions, adequate notice, etc. Anyone from the modular industry interested in attending needs to contact Teri Ottens, IHA, for an invitation.

IHA Training – For the May Board meeting, Mrs. Ottens offered to provide a report on education; i.e., number of installers and inspectors attended classes this year by IHA, number of individuals recertified, etc.

ACTION: The topic *IHA Education* will be placed as an informational item on the May 2018 agenda.

Continuing Education Units (CEU) – Manufactured housing’s CEU hours now match HUD’s criteria of eight hours every three years. Recently, IHA, in association with the Idaho Association of Building Officials, held its first official class in Fort Hall. There is a great deal of modular issues that come up in the classes; therefore, Doug Strunk and Teri Ottens, IHA Representatives, are creating a program that would include more modular involvement within classes.

Public Records – When asked, the Division’s license database is searchable on its website. If unable to locate pertinent information, an individual can complete a Public Records Request to DBS for additional assistance.

◆ **Adjournment**

MOTION: Jeff Chrisman made a motion to adjourn the meeting. Mike Hansen seconded. All in favor, motion carried.

The meeting adjourned at 10:55 a.m. (MST)

MARKUS ALLEY, CHAIRMAN
FACTORY BUILT STRUCTURES
ADVISORY BOARD

CHRIS L. JENSEN, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

**These DRAFT minutes are subject to possible correction and final approval by the Factory Built Structures Advisory Board. 04/18/2018rb*

FACTORY BUILT STRUCTURES ADVISORY BOARD

Agenda Item No. 03

IHA Education

PRESENTER: Teri Ottens, Idaho Housing Alliance

OBJECTIVE: Provide statistics on education/training provided by IHA.

ACTION: Informational

BACKGROUND: **February 2018** - For the May Board meeting, Mrs. Ottens offered to provide a report on education; i.e., number of installers and inspectors attended classes this year by IHA, number of individuals recertified, etc.

**PROCEDURAL
HISTORY:**

ATTACHMENTS: IHA Report



IDAHO HOUSING ALLIANCE
P.O. BOX 8224
BOISE, ID 83707
208-947-8094

April 19, 2018

To: Factory Built Structures Board
Re: Updated Report – Training

We held the training in the following locations:

January 27 – Boise	24 attendees
April 12 – Meridian	14
October 19 – Twin Falls	13
October 25 – Lewiston	10
October 26 – Post Falls	19
December 13 – Boise	6
January 26- Pocatello	35
TOTAL	121

This included 76 building inspectors and 45 installers. All certificates were filed with the Division of Building Safety in a timely manner.

Evaluations were received from all participants and the average rating of all aspects of the training was 4.6 with nearly all rankings in the 4's and 5's (ranking is 1-5 with 5 being the highest).

We are in the process of planning the following trainings:

Early summer, 2018 - Boise
Fall, 2018 – Coeur d'Alene, Pocatello, Boise and Lewiston
Winter, 2019 - Boise

FACTORY BUILT STRUCTURES ADVISORY BOARD

Agenda Item No. 04 Licensing Freedom Executive Order--Update

PRESENTER: Patrick J. Grace, DBS Regional Manager

OBJECTIVE: Review the Division's report as required in Executive Order 2017-06.

ACTION: Informational

BACKGROUND: In May 2017, the Governor's Office implemented an Executive Order (E.O. 2017-06), which requires all state agencies that issue professional and occupational licenses to review their license requirements and procedures to determine whether such licenses are in the public interest. Specifically, each such agency must submit a report to the Governor's Office by July 1, 2018 with a determination as to whether such licenses are in the public's interests, and recommendations, if any, for improvements, modifications, or elimination of licensure requirements.

PROCEDURAL HISTORY:

ATTACHMENTS: Report



Division of Building Safety and Factory Built Structures Board

Manufactured & Mobile Home Licensing

Board/Commission Members: (8) members: Chairman – Markus Alley, Vice Chairman – Jeff Chrisman, Members – Spencer McLean, Ken Roche, Kenna Draper, Mike Jensen, Michael Hampton, and Brian Mattson <https://dbs.idaho.gov/boards/fbsboard/fbsmembers.html>

Board/Commission Composition: (8) members make up the Factory Built Structures (FBS) Advisory Board as follows: One (1) member shall represent a manufacturer of commercial modular buildings, one (1) member shall be a consumer who lives in a manufactured home, two (2) members shall be licensed as a retailer or installer of manufactured or mobile homes, one (1) member shall represent a manufacturer of manufactured homes, two (2) members shall be either a dealer or installer of modular buildings, and one (1) member shall be a consumer who uses or has used modular buildings.

Idaho Code §39-4302 - <https://legislature.idaho.gov/statutesrules/idstat/Title39/T39CH43/SECT39-4302/>

The FBS advisory board is comprised of individuals in both the manufactured home industry and the modular building industry. Manufactured homes are only residential units of closed construction built in a factory setting in accordance with standards adopted by the U.S. Department of Housing and Urban Development (HUD) and the State of Idaho, and regulated by Idaho through a program at DBS approved by HUD. Various participants involved in the manufactured home industry (manufacturers, retailers, installers, etc.) are required to be licensed by the State of Idaho (and HUD). “Manufactured homes” are units constructed after June 1976, and “mobile homes” are those constructed prior to that date (and prior to the establishment of the HUD regulatory program over manufactured homes). Modular buildings are also built in a factory setting – and are structures of closed construction prefabricated or assembled at a location other than the building site. Modular buildings may be residential or commercial, and are built in accordance with the state’s adopted residential and building codes – just like site-built structures. Those who construct or sell modular buildings are *not* required to be licensed by the State of Idaho.

Summary

The information contained herein this report reflects the licensing details of Manufactured Home licensing over the period of time between January 1, 2017 to December 31, 2017 (calendar year 2017). As of January 2018, the Division of Building Safety (DBS) and Factory Built Structures advisory board license approximately (169) participants in six different categories of manufactured home licensure – manufacturers (10), retailers (46), installers (46), resale brokers (2), salesman (51), and responsible managing employees (RME) (14). Upon issuance, all such licenses are valid for a period of one (1) year, and fees and bonds for such work shall be paid exclusively to DBS and supersede any program of any political subdivision of the state which sets fee or bond requirements for the same services (I.C. §44-2103).

Division of Building Safety & Factory Built Structures Board - Manufactured & Mobile Home Licensing

The following provides more detail about the various types of manufactured home license categories: **manufacturers** manufacture the home in a factory; **retailers** are in the business of selling new or used homes to a consumer; installers install the homes at the site of occupancy; **resale brokers** are those in the business of selling used or third-party homes; a **salesman** works for retailers or resale brokers and negotiates the sale of new or used units for a wage (salary, commission, etc.); and **RMEs** are those designated by a manufacturer, retailer, resale broker, or installer to supervise other employees.

A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal

Manufactured & Mobile Home Licensing	
Issuance Requirements	<p>All Manufactured Home Licenses are issued for a period of one (1) upon the submission and/or completion of the following:</p> <ul style="list-style-type: none"> ▪ Submission of a complete written application and payment of the license fees; ▪ Proof of age (18 years old) if the DBS has reason to seek such ▪ Evidence of a performance bond for the following categories of licensure in the following amounts: <ul style="list-style-type: none"> Manufacturer \$20,000 bond Retailer \$40,000 bond Resale broker \$30,000 bond Installer \$5,000 bond <p>A deposit of cash or securities in lieu of a bond may also be accepted by the Administrator</p> <ul style="list-style-type: none"> ▪ If the applicant for licensure is a legal entity such as corporation, partnership, trust, society, club, association, or other organization - the written designation of a natural person to represent the licensee. ▪ Any proof the Division may deem necessary that the applicant is actually a manufacturer, retailer, resale broker, or installer. ▪ 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; ▪ Any proof the Division may require that the applicant has a principal place of business (see below)

Division of Building Safety & Factory Built Structures Board - Manufactured & Mobile Home Licensing

<p>Issuance Requirements (<i>cont.</i>)</p>	<p>Additional Requirements for Specific Licenses:</p> <ul style="list-style-type: none"> ▪ For retailers, resale brokers, and installers, successful completion of an examination (70%). There is no cost for the exam. ▪ 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. Submission of a full set of the applicant’s fingerprints and the fees to cover the cost of the criminal history background check for such person ▪ Additionally, retailer or resale brokers have additional requirements related to their business office and retail sales locations, including the identity and maintenance of their principle place of business, and certain requirements thereof including the display of signage, the display of their license, hours of operation, ownership changes, and their authority to sell (franchise dealer of) a manufacturer’s product. (I.C. §44-2108). ▪ Salesman and Responsible Managing Employee (RME) license applicants must be verified by their employer and include their residential and employer’s address, any previous manufactured home salesman licensure history, and any other relevant information the Division deems necessary. ▪ Original Installer license applicants must demonstrate proof of completion of (8) hours of initial education ▪ Note that while a license is required to engage in various activities related to manufactured homes (as identified above), 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. (I.C. §44-2107) <p>Idaho Code §§ 44-2101 through 44-2108 https://legislature.idaho.gov/statutesrules/idstat/Title44/T44CH21/</p> <p>IDAPA 07.03.11 - Rules Governing Manufactured/Mobile Home Industry Licensing https://adminrules.idaho.gov/rules/current/07/03/11.pdf</p>
<p>Statute I.C. §</p>	<p>I.C. §§ 44-2101 through 44-2108. Title 44, Chapter 21 - Manufacture Home Licensing: https://legislature.idaho.gov/statutesrules/idstat/Title44/T44CH21/</p>
<p>Rule IDAPA</p>	<p>IDAPA 07.03.11 - Rules Governing Manufactured/Mobile Home Industry Licensing https://adminrules.idaho.gov/rules/current/07/03/11.pdf</p>
<p>Policy</p>	<p>DBS follows the governing statutes and rules. There are no applicable policies.</p>

Division of Building Safety & Factory Built Structures Board - Manufactured & Mobile Home Licensing

<p>Application</p>	<p>https://dbs.idaho.gov/forms/mfg_housing/</p>
<p>Time from Complete Application to Final Action</p>	<p>Range The timeframe range may be anywhere between 3 to 10 business days.</p> <p>Average On average, a valid & complete original application will take approximately 3-5 days to process any of the manufactured home licenses. If items are missing (fees, background checks, required documentation, etc.) then it may take as long as it takes for the applicant to submit such. Applications are left open by DBS for 6 months during which applicants have the time to submit required documentation.</p> <p>Open book exams may be scheduled on any day with 1-2 days advance notice, and taken at any one of three locations around the state.</p>
<p>Basis to Deny or Not Accept Application</p>	<p>For all license categories:</p> <ul style="list-style-type: none"> ▪ Failure to submit a complete written application and payment of the application fees; ▪ Failure to provide proof of age (18 years old) - if the DBS has reason to seek such ▪ Failure to provide evidence of a performance bond (or a deposit of cash or securities in lieu of a bond) for those categories of licensure that require such (manufacturer, retailer, resale broker, and installer) ▪ If the applicant for licensure is a legal entity such as corporation, partnership, etc. – failure to designate in writing a natural person to represent the licensee, ▪ Failure to provide proof the Division may deem necessary that the applicant is actually a manufacturer, retailer, resale broker, or installer. ▪ Failure to provide proof of the applicant's good character and reputation and of his fitness to engage in the activities for which the license is sought; ▪ Failure to provide proof the Division may require that the applicant has a principal place of business (see below) <p>Additional requirements for specific licenses:</p> <ul style="list-style-type: none"> ▪ Failure of retailers, resale brokers, and installers, applicants to successfully complete an examination (70%). ▪ For original retailer or resale broker licenses applications – failure 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.

Division of Building Safety & Factory Built Structures Board - Manufactured & Mobile Home Licensing

<p>Basis to Deny or Not Accept Application (cont.)</p>	<ul style="list-style-type: none"> ▪ Failure of retailer or resale brokers applicants to provide evidence of the additional requirements related to their business office and retail sales locations, including the identity and maintenance of their principle place of business, and certain requirements thereof including the display of signage, the display of their license, hours of operation, ownership changes, and their authority to sell (franchise dealer of) a manufacturer’s product. (I.C. §44-2108). ▪ Failure of Salesman and Responsible Managing Employee (RME) license applicants to provide employment verification from their employer and include their residential and employer’s address, any previous manufactured home salesman licensure history, and any other relevant information the Division deems necessary. <p>Idaho Code §§ 44-2101 through 44-2108 https://legislature.idaho.gov/statutesrules/idstat/Title44/T444CH21/</p> <p>IDAPA 07.03.11 - Rules Governing Manufactured/Mobile Home Industry Licensing https://adminrules.idaho.gov/rules/current/07/0311.pdf</p>
<p>Basis to Refuse Renewal</p>	<p>For all license categories:</p> <ul style="list-style-type: none"> ▪ Failure to submit a complete written application and payment of the license fees; ▪ Failure to provide proof of age (18 years old) - if the DBS has reason to seek such ▪ Failure to provide evidence of a performance bond (or a deposit of cash or securities in lieu of a bond) for those categories of licensure that require such (manufacturer, retailer, resale broker, and installer) ▪ If the applicant for licensure is a legal entity such as corporation, partnership, etc. – failure to designate in writing a natural person to represent the licensee, or notify the DBS if an individual’s working relationship with the licensee was terminated ▪ Failure to provide proof the Division may deem necessary that the applicant is actually a manufacturer, retailer, resale broker, or installer. ▪ Failure to provide 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; ▪ Failure to provide proof the Division may require that the applicant has a principal place of business (see below) <p>Additional requirements for specific licenses:</p> <ul style="list-style-type: none"> ▪ Failure of retailer or resale brokers applicants to provide evidence of the additional requirements related to their business office and retail sales locations, including the identity and maintenance of their principle place of business, and certain

Division of Building Safety & Factory Built Structures Board - Manufactured & Mobile Home Licensing

	<p>requirements thereof including the display of signage, the display of their license, hours of operation, ownership changes, and their authority to sell (franchise dealer of) a manufacturer's product. (I.C. §44-2108).</p> <ul style="list-style-type: none"> ▪ Failure of Salesman and Responsible Managing Employee (RME) license applicants to provide employment verification from their employer and include their residential address and employer's address, or failure to provide any other relevant information the Division deems necessary. ▪ Renewal Installer license applicants must demonstrate proof of completion of (8) hours of an approved course of continuing education in the three years prior to licensure renewal <p>Idaho Code §§ 44-2101 through 44-2108 https://legislature.idaho.gov/statutesrules/idstat/Title44/T44CH21/</p> <p>IDAPA 07.03.11 - Rules Governing Manufactured/Mobile Home Industry Licensing https://adminrules.idaho.gov/rules/current/07/0311.pdf</p>
<p>Fees</p>	<p>The following licenses issued annually may be obtained on an initial and renewal basis for the following fees:</p> <p>For Manufacturers: There is no cost to submit the application Manufacturer initial and renewal license fee - \$440</p> <p>For Retailers and Resale Brokers: There is no cost to submit the application or to take the examination Criminal background check through Idaho Central Criminal Database - \$39.75 Retailer and Resale Broker initial and renewal license fee - \$440</p> <p>For Installers: There is no cost to submit the application Installer initial and renewal license fee - \$220</p> <p>For Salesperson: There is no cost to submit the application Salesperson initial and renewal license fee - \$45</p>

Division of Building Safety & Factory Built Structures Board - Manufactured & Mobile Home Licensing

<p>Fees (cont)</p>	<p>For Responsible Managing Employee (RME): There is no cost to submit the application RME initial and renewal license fee - \$45</p> <p>Idaho Code §§ 44-2103 https://legislature.idaho.gov/statutesrules/idstat/Title44/T44CH21/SECT44-2103/</p> <p>IDAPA 07.03.11 § 019 - Rules Governing Manufactured/Mobile Home Industry Licensing https://adminrules.idaho.gov/rules/current/07/03/11.pdf</p>
<p>Cost per applicant or licensee</p>	<p>Costs per license is the amount of the license fee, and the application administration fee</p>
<p>Renewal Requirements</p>	<p>For all license categories:</p> <ul style="list-style-type: none"> ▪ Submission of a complete written application and payment of the license fees; ▪ Proof of age (18 years old) - if the DBS has reason to seek such ▪ Evidence of a performance bond (or a deposit of cash or securities in lieu of a bond) for those categories of licensure that require such (manufacturer, retailer, resale broker, and installer) ▪ If the applicant for licensure is a legal entity such as corporation, partnership, etc. – written designation of a natural person to represent the licensee, or notification to the DBS if an individual’s working relationship with the licensee was terminated ▪ Proof the Division may deem necessary that the applicant is actually a manufacturer, retailer, resale broker, or installer. ▪ 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; ▪ Proof the Division may require that the applicant has a principal place of business (see below) <p>Additional requirements for specific licenses:</p> <ul style="list-style-type: none"> ▪ Retailer or Resale Brokers applicants - evidence of the additional requirements related to their business office and retail sales locations, including the identity and maintenance of their principle place of business, and certain requirements thereof including the display of signage, the display of their license, hours of operation, ownership changes, and their authority to sell (franchise dealer of) a manufacturer’s product. (I.C. §44-2108). ▪ Salesman and Responsible Managing Employee (RME) license applicants - employment verification from their employer along with their residential address and employer’s address, or failure to provide any other relevant information the Division deems necessary.

Division of Building Safety & Factory Built Structures Board - Manufactured & Mobile Home Licensing

- **Installer** license applicants must demonstrate proof of completion of (8) hours of an approved course of continuing education in the three years prior to licensure renewal

Idaho Code §§ 44-2101 through 44-2108
<https://legislature.idaho.gov/statutesrules/idstat/Title44/T44CH21/>

IDAPA 07.03.11 §§012-014 - Rules Governing Manufactured/Mobile Home Industry Licensing
<https://adminrules.idaho.gov/rules/current/07/03/11.pdf>

Note – for all license categories – if a 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 (I.C. §44-2101(3)).
<https://legislature.idaho.gov/statutesrules/idstat/Title44/T44CH21/SECT44-2103/>

B. Applications and Renewals Denied (1 January 2017 through 31 December 2017)

Refusal to Issue Initial License [Total Number: # 0]

Application/ Identification Number	Number of Applicants	Statutory Authority	Factual Summary (optional)
1	169	I.C. 44-2101 through 44-2108	Applications are left open by DBS for 6 months during which applicants have the time to submit required documentation.

Refusal to Renew License [Total Number: # 0]

License/ Identification Number	Number of Applicants	Statutory Basis	Factual Summary (optional)
1			The DBS system which tracks licensure applications does not differentiate between original or renewal licensure denial.

C. Disciplinary Actions (suggested past 5 years)

Case No	Date of Final Action	Action Taken	Statutory Basis	Factual Basis (optional)
	NONE			

D. Law, Rule, or Policy Changes or Attempted Changes in Last 5 Years to Eliminate Barriers to Entry

Session	Legislation or Rule	Summary
2018	IDAPA 07-0311-1701 https://adminrules.idaho.gov/bulletin/2017/09.pdf (page 60)	Modification of Installer continuing education requirements from (4) every year to (8) every three years
2013	H0028 http://legislature.idaho.gov/sessioninfo/2013/legislation/H0028/	Elimination of the Service Company license – which previously required that individuals and companies who provided service and repair work on manufactured and mobile homes be licensed
2014	IDAPA 07-0311-1301 https://adminrules.idaho.gov/bulletin/2017/09.pdf (page 68)	

E. Assessment of Public Interest

[Provide an assessment or statement as to whether the licensure, or requirements relating thereto, are in the public interest, together with the reasons for such assessment or opinion. Executive Order 2.a.]

The Agency and Board believe that manufactured and mobile home licenses are in the public interest because it helps ensure that those who manufacture, sell, and install manufactured or mobile homes are properly qualified through experience, integrity, and financial ability to provide such homes to the public. Effective licensing procedures protect the public health and safety, and ensure that contractors of integrity provide services related to manufactured homes – which can often represent a large financial investment by members of the public; and which, due to their itinerant nature may be sold, re-sold, moved, re-set, and renovated numerous times without homeowners’ full understanding and appreciation of the manufactured home construction and installation standards, as well as possible financial lending ramifications. Additionally, as it relates to the Installer license category, much of the state’s licensing requirements are required by federal HUD requirements.

F. Recommendations for Improvement, Modification, or Elimination of Requirements

- Establish provisions regarding the renewal of all manufactured home licenses from an annual one to a three-year license cycle (§§44-2101 & IDAPA 07.03.11 § 012).
- Consider elimination of the retailer and resale broker license category, or transfer the license to a different regulatory agency. While the retailer and resale broker license may provide protections to consumers with regard to the sale of manufactured homes, there is no nexus to building safety or construction standards – for which the DBS and Factory Built Structures Board is primarily tasked with establishing and enforcing.
- Elimination of the resale broker, salesperson, and RME license (for all categories – manufacturer, retailer and installer) in favor of the following: resale broker be required to obtain a retailer license and equivalent bond, and make retailers and installers responsible for their own employees without the need for designating one or more of them as RMEs – by amending the statutes to require retailers and installers to take on the responsibilities of the RME. (This recommendation was submitted by the Idaho Housing Alliance dated March 7, 2018)

G. Public Comments

The DBS and Factory Built Structures Board received **one (1)** comments through the DBS email/website regarding manufactured and mobile home licensing. It was as follows:

- Elimination of the resale broker, salesperson, and RME license (for all categories – manufacturer, retailer and installer) in favor of the following: resale broker be required to obtain a retailer license and equivalent bond, and make retailers and installers responsible for their own employees without the need for designating one or more of them as RMEs – by amending the statutes to require retailers and installers to take on the responsibilities of the RME. (This recommendation was submitted by the Idaho Housing Alliance dated March 7, 2018)

FACTORY BUILT STRUCTURES ADVISORY BOARD

Agenda Item No. 05

Administrator Report

PRESENTER: Chris L. Jensen, Administrator

OBJECTIVE: Provide an overview of the Division's current activities.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled Factory Built Structures Advisory Board meetings.

**PROCEDURAL
HISTORY:**

ATTACHMENTS: No Documentation



FACTORY BUILT STRUCTURES ADVISORY BOARD

Agenda Item No. 05a

Financial Report

PRESENTER: Chris L. Jensen, Administrator

OBJECTIVE: Review financial report for the Factory Built Structures Advisory Board Fund.

ACTION: Informational

BACKGROUND:

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Financial Report





Division of Building Safety
FACTORY BUILT STRUCTURES - 0229-28
 Fiscal Year 2017 Financial Statements
 As of 03/31/2018

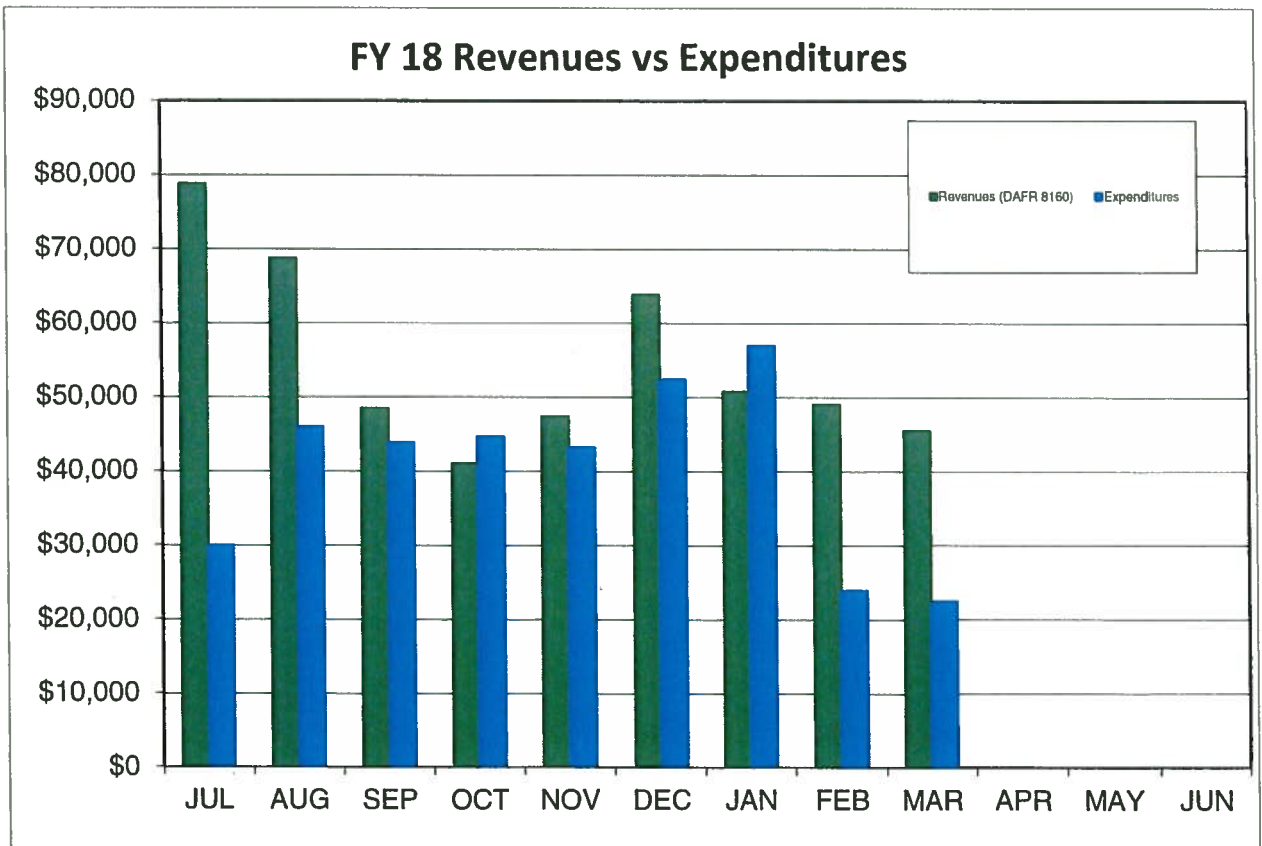
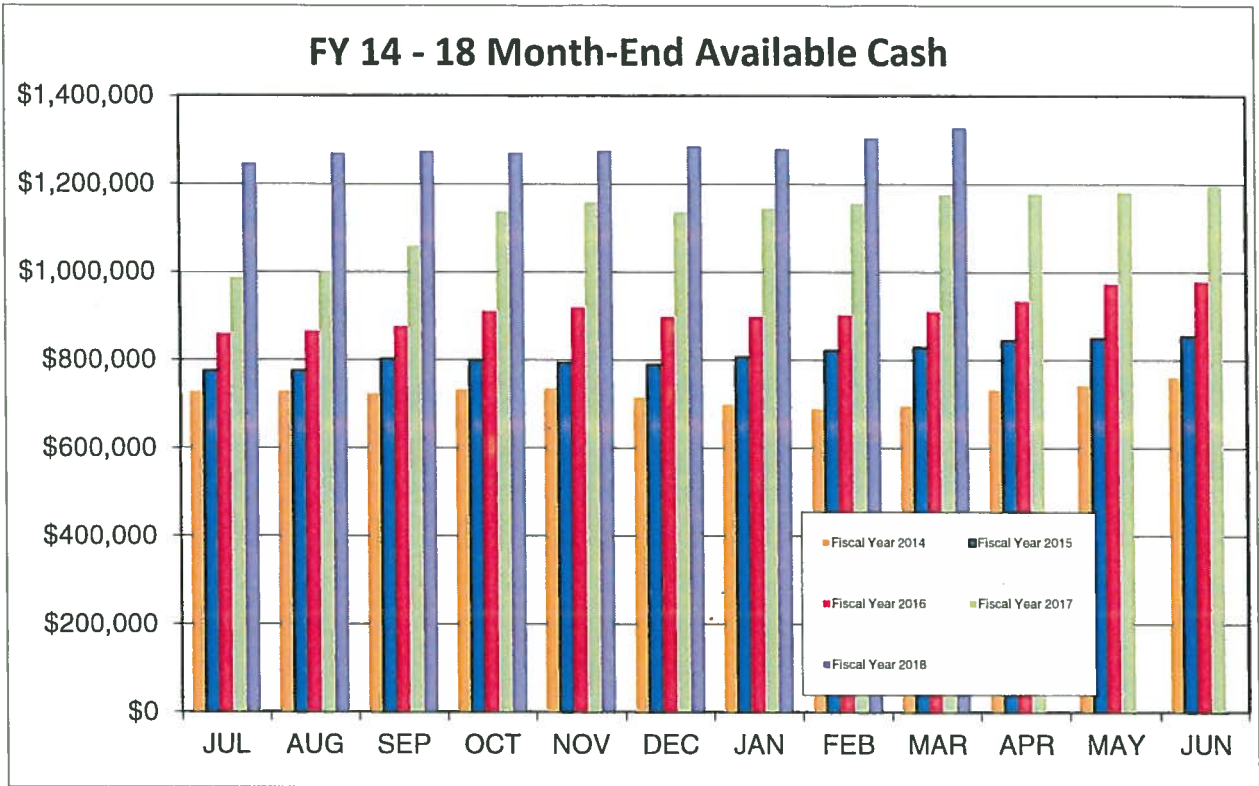
Statement of Revenues and Expenditures

Class	Budget	Fiscal Year To Date	YTD as a % of Budget	Remaining Budget	Projected for Remainder of Year	Projected Year End Totals	Projected Total as a % of Budget
Revenues:	554,400	493,214	89.0%	61,186	140,342	633,556	114.3%
Expenditures							
Personnel:	420,800	279,929	66.5%	140,871	103,132	383,060	91.0%
Operating:	92,300	57,860	62.7%	34,440	13,091	70,951	76.9%
Capital:	41,300	25,277	61.2%	16,023	16,023	41,300	100.0%
Total Expenditures	554,400	363,065	65.5%	191,335	132,246	495,311	89.3%
Net for FY 2018	0	130,149			8,096	138,245	

Statement of Cash Balance

	Fiscal Year to Date Revenues	Fiscal Year to Date Expenditures and Encumbrances	Other Changes in Cash	Available Cash as of March 31, 2018	Projected Change in Cash for Remainder of Year	Projected Year End Available Cash
July 1, 2017 Beginning Cash Available	493,214	(363,065)	45	1,327,465	8,096	1,335,560

FACTORY BUILT STRUCTURES - 0229-28



FACTORY BUILT STRUCTURES - 0229-28

