

This is an amendment to 14.12.11 NMAC, amending Section 8, effective April 22, 2022.

**14.12.11.8 COMPLAINTS AND HEARINGS:**

**A.** A person claiming to be injured by an alleged violation of the Act or these regulations or by reason of any other cause set forth in Section 60-14-6, NMSA 1978, may file with the division a written complaint which shall state the name and address of the licensee against whom the complaint is made and shall include a concise statement of the alleged violation. If it is determined by the division that the complaint is insufficient or defective, the complainant shall be promptly notified and permitted to amend the complaint.

**B.** Upon receipt of a written complaint, the division shall investigate by telephone or by personal contacts within 30 days of receipt of the complaint the alleged violation to determine whether cause exists to investigate further. If such cause exists, an on-site inspection will be made within 30 days of such determination. The consumer shall make himself available during reasonable business hours within the prescribed 30 days.

(1) The division shall contact the licensee by mail and request correction of the violations within 40 day's of receipt of the complaint. The letter may also request investigation according to Subpart I of the *Federal Manufactured Home Construction and Safety Standards, Federal Procedural and Enforcement Regulations*, which require investigation of class or re-occurrences of non-conformances to the federal standards.

(2) Following this initial 40 day period, if it is determined that there is no cause for the complaint, the complaint shall be dismissed. The division shall also place all information in their consumer complaint files for five years after closing of the case. This information shall include: ~~[(a) the determination; (b) who made the determination; and (c) how the determination was made.]~~

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(c) how the determination was made.

(3) If the committee determines that there is cause for the complaint, the division shall attempt to achieve a satisfactory resolution of the complaint through correspondence or informal conference. All resolutions are pending final approval of the committee.

(4) If the committee determines that the items requested to be corrected by the complainant are the responsibility of the manufacturer, and that these items are required to be corrected under the federal regulations, the manufacturer will be requested to submit a notification and correction plan to the director of the manufactured housing division within 20 days of receipt of the letter and as required under Subpart I of the federal regulations. If, within 20 days and there does not seem to be a reoccurrence of the same deficiencies, no formal plan needs to be submitted if the division has granted waiver to the plan. If a plan is submitted to the division, the division shall approve or modify the plan and send it back to the manufacturer for remedial action. The plan shall include, but not be limited to, a list of manufactured homes affected, method of correction, content of notification notice to consumer and the requirements as detailed under Subpart I of the federal regulations. The manufacturer shall have 60 days to notify and correct and an additional 30 days to submit closeout reports of all action taken by the manufacturer in the case.

C. The discovery by the committee or the division that an applicant for a license or permit or renewal of a license or permit under these rules has a disqualifying criminal conviction as defined herein and has failed to disclose this fact on the application, or failed to inform the division within 10 days of conviction shall be grounds for discipline under this rule.

~~C.] D.~~ If the complaint is not completely resolved by the foregoing method, the committee may proceed with formal disciplinary action in accordance with the Uniform Licensing Act, Sections 61-1-1, et seq., N.M.S.A. 1978, as amended, and the division may conduct further inspections or investigations.

~~D.] E.~~ The division will charge a re-inspection fee each time a re-inspection is performed on a home that is involved in a consumer complaint. Those consumer complaints that the division investigates that are dismissed by the committee, no fee will be charged. The fee shall be charged to the dealer, manufacturer, installer/repairman, or broker as appropriate.

[14.12.11.8 NMAC - Rp, 14.12.2.42 NMAC, 12/01/2010; A, 4/22/2022]