

**TITLE 14 HOUSING AND CONSTRUCTION**  
**CHAPTER 12 MANUFACTURED HOUSING**  
**PART 6 WARRANTY**

**14.12.6.1 ISSUING AGENCY:** The Manufactured Housing Division of the Regulation and Licensing Department.  
[14.12.6.1 NMAC - Rp, 14.12.2.1 NMAC, 12-01-10]

**14.12.6.2 SCOPE:** These rules and regulations apply to all manufacturers, dealers, brokers, salesman, installers, repairman, contractors, and purchasers of manufactured homes in the state of New Mexico.  
[14.12.6.2 NMAC - Rp, 14.12.2.2 NMAC, 12-01-10]

**14.12.6.3 STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Manufactured Housing Act, Sections 60-14-1 through 60-14-20 NMSA 1978.  
[14.12.6.3 NMAC - Rp, 14.12.2.3 NMAC, 12-01-10]

**14.12.6.4 DURATION:** Permanent.  
[14.12.6.4 NMAC - Rp, 14.12.2.4 NMAC, 12-01-10]

**14.12.6.5 EFFECTIVE DATE:** 12-01-10 unless a later date is cited at the end of a section.  
[14.12.6.5 NMAC - Rp, 14.12.2.5 NMAC, 12-01-10]

**14.12.6.6 OBJECTIVE:** The objective of 14.12.6 NMAC is to adopt a requirement that dealers, repairmen and installers provide to customers' warranties on their product and work and to specify the minimum requirements for such warranties.  
[14.12.6.6 NMAC - Rp, 14.12.2.6 NMAC, 12-01-10]

**14.12.6.7 DEFINITIONS:** [RESERVED]  
[Refer to 14.12.1.7 NMAC]

**14.12.6.8 WARRANTIES:** The following warranties shall be issued by each licensee as prescribed: If a licensee fails to correct a violation within the prescribed warranty period and the consumer has written documentation to the licensee before the expiration of the warranty, the consumer may file a written complaint with the division within a two year period from the start of the original warranty.  
[14.12.6.8 NMAC - Rp, 14.12.2.33 NMAC, 12-01-10]

**14.12.6.9 MANUFACTURER'S WARRANTY:**

**A.** The manufacturer's warranty shall be set forth in a separate written document, which shall be delivered to the consumer and shall contain, but is not limited to, the following terms:

- (1) that the manufactured home complies with the act and these regulations;
- (2) that the warranty shall be in effect for a period of at least one (1) year from the date of delivery to the consumer and is not restricted to the original consumer and shall carry forward to subsequent owners during the one (1) year period;
- (3) that the manufactured home is free from defects in materials and workmanship;
- (4) that the manufacturer warrants all appliances and equipment installed in the manufactured home by the manufacturer to be free from defects in material and workmanship, unless the manufacturer furnishes a valid warranty from the manufacturer or dealer of the appliances and equipment warranting against any defects in materials and workmanship to the consumer for a period of at least one (1) year from date of delivery;
- (5) that the manufacturer shall take appropriate corrective action, within a reasonable period of time, after the warranty violation has been communicated to the manufacturer by the division or by the consumer;
- (6) that the warranty shall contain the license number, address and telephone number of the manufacturer where notices of defects or warranty violations may be given and shall also contain the H.U.D. label number, serial number and year model of the manufactured home involved;
- (7) the warranty shall not be voided as long as the installation of the manufactured home conforms to these regulations.

**B.** Each manufacturer shall warrant repair work performed under the one-year warranty. Such repair work shall be warranted for a period of at least 90 days or until the end of the original one-year warranty, whichever is later. The warranty need not be in writing.

**C.** All work performed under a Manufacturer II license must be warranted against defects in materials and workmanship for a period of at least six (6) months.  
[14.12.6.9 NMAC - Rp, 14.12.2.34 NMAC, 12-01-10]

**14.12.6.10 DEALER'S WARRANTY: (New homes only).**

**A.** The dealer's warranty shall be set forth in a separate written document which shall be delivered to the consumer on or before the date of delivery of the manufactured home to the consumer and shall contain, but is not limited to, the following term:

(1) that all changes, additions, or alterations made to the manufactured home by the dealer are free from defects in materials and workmanship; and that all appliances and equipment installed by the dealer are free from defects in materials and workmanship unless the dealer furnishes a valid written warranty from the manufacturer or dealer of the appliances and equipment to the consumer warranting against any defect in materials or workmanship to the consumer for a period of time customary in the industry for a warranty for the particular appliance or equipment;

(2) that all warranties shall be in effect for a period of at least one (1) year from the date of delivery to the consumer and is not restricted to the original consumer and shall carry forward to subsequent owners during the one (1) year period;

(3) that the dealer shall take appropriate corrective action within a reasonable period of time after the warranty violation has been communicated to the dealer by the division or by the consumer;

(4) that the warranty shall contain the license number, address and telephone number of the dealer where notice of defects or warranty violations may be given and shall also contain the H.U.D. label number, serial number and year model of the manufactured home involved.

**B.** Each dealer shall warrant repair work on changes, additions or alterations made or authorized by the dealer performed under the one-year warranty. Such repair work shall be warranted for a period of at least 90 days or until the end of the original one - year warranty, whichever is later. This warranty need not be in writing.  
[14.12.6.10 NMAC - Rp, 14.12.2.35 NMAC, 12-01-10]

**14.12.6.11 INSTALLER'S AND REPAIRMAN'S WARRANTY:**

**A.** Installers and repairmen of manufactured homes must each provide the consumer at the time of installation or repair with a written warranty which shall contain, but is not limited to, the following terms:

(1) that all services performed by the installer or repairman have been performed in compliance with the act and these regulations;

(2) that all labor and materials furnished by the installer for blocking and leveling the manufactured home are free from defects in materials and workmanship for ninety (90) days from the date of installations; re-leveling required as a result of ground settling or site conditions does not fall within the scope of this warranty.

(3) that any installation or repair, appliance or accessory sold by the installer or the repairman to the consumer other than blocking and leveling are free from defects in materials and workmanship unless the installer or repairman shall provide the consumer with a valid written warranty from the maker or dealer of the materials, appliances or accessory warranting against any defect in the materials or workmanship for a period of time customary in the industry for a warranty for the particular appliance, equipment or material;

(4) that the installer or repairman shall take the appropriate corrective action within a reasonable period of time after a warranty violation has been communicated to the installer or repairman by the division or the consumer;

(5) that the warranty shall contain the license number, address and telephone number of the installer or repairman where notice of defects and warranty violations may be given and shall also contain the H.U.D. label number, if applicable, and serial number of the manufactured home involved.

**B.** Each installer and repairman shall warrant against defects in materials or workmanship and all repair work performed by him under the warranty required in this section. Such repair work shall be warranted for a period of at least 90 days or until the end of the original warranty, whichever is later. This warranty need not be in writing.

[14.12.6.11 NMAC - Rp, 14.12.2.36 NMAC, 12-01-10]

**HISTORY of 14.12.6 NMAC:**

**Pre-NMAC History:**

Material in the part was derived from that previously filed with the commission of public records - state records center and archives:

CIC 70-5, 1969 Standards for Mobile Homes, filed 09-02-70

CIC MB 70-9, Standard for Mobile Homes for New Mexico, filed 10-23-70

CIC 71-5, 1971 Mechanical Mobile Home Code for New Mexico, filed 09-16-71

CIC 72-3, 1972 Standards for Mobile Homes, filed 08-18-72

CIC 73-1, 1973 Standards for Mobile Homes, filed 10-30-73

CIC MHB 75-4, 1975 Standard for Mobile Home Regulations pertaining to Manufacturers, Dealers, and Installers, filed 10-08-75

CIC MHB 77-7, Regulations pertaining to Manufacturers, Dealers, Brokers, Salesmen, Installers, and Repairmen, filed 04-02-77

MHD 77-1, Regulations pertaining to Manufacturers, Dealers, Brokers, Salesmen, Installers and Repairmen, filed 04-26-77

MHD 81-1, Mobile Housing Division Regulations, filed 05-27-81

MHD 83-1, Manufactured Housing Division Regulations, filed 08-18-83

MHD 85-1, Manufactured Housing Division Regulations, filed 02-01-85

MHD 88-1, Manufactured Housing Division Regulations, filed 08-09-88

MHD 90-1, Manufactured Housing Division Regulations, filed 12-08-89

**History of Repealed Material:**

14 NMAC 12.2, Manufactured Housing Requirements (filed 9-16-97) repealed 12-01-1998.

14 NMAC 12.2, Manufactured Housing Requirements (filed 10-14-98) repealed 6-01-1999.

14 NMAC 12.2, Manufactured Housing Requirements (filed 4-14-99) repealed 9-14-2000.

14.12.2 NMAC, Manufactured Housing Requirements (filed 8-01-00) repealed 12-01-2010.

**Other History:**

MHD 90-1, Manufactured Housing Division Regulations (filed 12-08-89) was renumbered, reformatted, amended and replaced by 14 NMAC 12.2, Manufactured Housing Requirements, effective 12-01-1998.

14 NMAC 12.2, Manufactured Housing Requirements (filed 10-14-98) was replaced by 14 NMAC 12.2, Manufactured Housing Requirements, effective 6-01-1999.

14 NMAC 12.2, Manufactured Housing Requirements (filed 4-14-99) was replaced by 14.12.2 NMAC, Manufactured Housing Requirements, effective 9-14-2000.

Those applicable portions of 14.12.2 NMAC, Manufactured Housing Requirements (filed 8-01-00) were replaced by 14.12.6 NMAC, Warranty, effective 12-01-2010.