

TITLE 14 HOUSING AND CONSTRUCTION
CHAPTER 12 MANUFACTURED HOUSING
PART 9 INSPECTIONS

14.12.9.1 ISSUING AGENCY: The Manufactured Housing Division of the Regulation and Licensing Department.

[14.12.9.1 NMAC - Rp, 14.12.2.1 NMAC, 12-01-10]

14.12.9.2 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.

[14.12.9.2 NMAC - Rp, 14.12.2.2 NMAC, 12-01-10]

14.12.9.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Manufactured Housing Act, Sections 60-14-1 through 60-14-20 NMSA 1978.

[14.12.9.3 NMAC - Rp, 14.12.2.3 NMAC, 12-01-10]

14.12.9.4 DURATION: Permanent.

[14.12.9.4 NMAC - Rp, 14.12.2.4 NMAC, 12-01-10]

14.12.9.5 EFFECTIVE DATE: 12-01-10 unless a later date is cited at the end of a section.

[14.12.9.5 NMAC - Rp, 14.12.2.5 NMAC, 12-01-10]

14.12.9.6 OBJECTIVE: The objective of 14.12.9 NMAC is to set forth the standard to determine habitability pre-owned manufactured homes, the requirements to auction pre-owned manufactured homes and manufactured housing division inspections.

[14.12.9.6 NMAC - Rp, 14.12.2.6 NMAC, 12-01-10]

14.12.9.7 DEFINITIONS: [RESERVED]

[Refer to 14.12.1.7 NMAC]

14.12.9.8 HABITABILITY: The following regulations apply only to pre-owned manufactured homes for the purpose of resale.

A. For purposes of this regulation or other laws of this state the term "habitable" as applied to manufactured housing is limited to and means that there are no known structural defects, damage or deterioration to the home which creates a dangerous or unsafe situation or condition and all plumbing, heating and electrical systems are in safe working order at the time of delivery.

B. Any home offered for resale that is not suitable for human habitation must be clearly marked, as such, with a posted sign not less than 18" x 12" with letters not smaller than one inch high. Also, all purchase agreements or contracts of sale must reflect that the consumer purchased the home "As Is - Not Suitable for Human Habitation".

[14.12.9.8 NMAC - N, 12-01-10]

14.12.9.9 AUCTIONS:

A. All pre-owned homes to be sold at an auction must meet the requirements as set forth in 14.12.9.8 NMAC of these regulations.

B. All homes to be auctioned will be sold through a bona fide manufactured home dealer licensed by the manufactured housing division.

C. All homes to be auctioned must be at the auction location one working day before the auction and the division must be notified in writing of all homes to be auctioned at least 5 days before the auction.

D. All documentation will be ready to transfer ownership at completion of sale.

E. The division will inspect each home and documents on each home to be auctioned.

F. All pre-owned homes to be auctioned must have affixed a pre-owned label as referred to in Subsection M of 14.12.10.8 NMAC of these regulations.

G. Any home not in compliance with these regulations will be posted with "Prohibited Sales Notice". Upon compliance to the regulation a fee of \$60.00 will be paid for removal of notice prohibiting the sale.

H. Only licensed manufactured home dealers may purchase manufactured homes at an auction.

[14.12.9.9 NMAC - Rp, 14.12.2.23 NMAC, 12-01-10]

14.12.9.10 INSPECTIONS: Pursuant to the Manufactured Housing Act, division inspectors are authorized to conduct inspections, re-inspections or investigations of any section or component of a manufactured home, its installation, set-up or utility connection.

[14.12.9.10 NMAC - Rp, 14.12.2.37 NMAC, 12-01-10]

14.12.9.11 GENERAL:

A. An inspector may enter, at any reasonable time, any licensee's premises where manufactured homes are manufactured and inspect any documents and records required to be maintained under the act and these regulations.

B. An inspector may enter, at any reasonable time, any licensee's premises where manufactured homes are sold, or offered for sale, and inspect any purchase agreement or sales contract pertaining to a sales transaction.

C. An inspector may enter any licensee's location during normal working hours to inspect new or pre-owned manufactured homes for compliance with the act and these regulations.

D. An inspector shall, upon discovery of license violations or other violations which may constitute an immediate danger to the health and safety of a consumer, issue a notice of violation to the licensee describing the violation. A manufactured home, which contains violations, shall be conspicuously tagged with a "Prohibited Sales Notice".

E. Upon notification from the licensee that license violations or other violations in a manufactured home have been corrected, and upon inspection and verification of appropriate correction, including payment of the inspection fee for removal of a "Prohibited Sales Notice" by the division, the division shall authorize the removal of the "Prohibited Sales Notice".

F. The division may grant written approval to transfer locations of any manufactured home bearing a "Prohibited Sales Notice" upon receipt of a written request from the licensee or owner indicating the purpose of the relocation and the relocation address.

G. Any inspector may order or cause the immediate discontinuance of natural gas, LP gas, electrical or other service to a manufactured home determined to be dangerous to life or property because of any defect, faulty design, incorrect installation or other deficiency in any manufactured home or component, appliance, part or service equipment in a manufactured home, connected to a manufactured home or provided for service to the manufactured home.

(1) The inspector shall notify the homeowner or current occupant of the discontinuance of service or intention to discontinue service and shall also notify the public utility or other entity providing the service.

(2) The inspector may order the correction of any defect or incorrect installation and shall issue a notice to the owner or current occupant of the manufactured home outlining the corrections to be made in order to meet the requirements of these regulations and the H.U.D. standards.

(3) If the defects or incorrect installation are caused by a licensee of the division, the inspector shall issue a notice to such licensee outlining the corrections to be made in order to meet the requirements of these regulations and the H.U.D. standards. The inspector shall order the licensee to make such corrections within a specified period of time. The licensee shall notify the inspector of the completion of the corrections in order that they may be inspected. The licensee shall perform any additional corrections ordered by the inspector if the inspected corrections are insufficient to correct the defects. Failure by a licensee to comply with any order of an inspector under this regulation shall be grounds for disciplinary action.

(4) The inspector shall attach a notice to the manufactured home, which shall state that the particular service to the home has been discontinued by order of the inspector and shall detail the reasons for the discontinuance.

(5) Service to the manufactured home shall not be restored until authorized by the inspector after all necessary corrections have been made.

H. All manufactured homes that have been re-manufactured or reconstructed must be permitted and inspected before being offered for sale. All utilities in the home must pass the tests as outlined in the Federal Manufactured Housing Construction and Safety Standards.

I. The division has the right jointly with the appropriate utility company to condemn a manufactured home that is found to be a fire hazard, or which constitutes a hazard to health and safety of a person residing in the state of New Mexico.

J. If the division finds a licensee or its qualifying party to be in violation of this regulation, the licensee must correct the violation at its own expense to the satisfaction of the division.
[14.12.9.11 NMAC - Rp, 14.12.2.38 NMAC, 12-01-10]

14.12.9.12 REQUESTED INSPECTIONS: A request for inspection, of a manufactured home, may be made by HUD or by an SAA, any licensee, financial institution or manufactured home homeowner, in which they have a substantial interest.
[14.12.9.12 NMAC - Rp, 14.12.2.39 NMAC, 12-01-10]

14.12.9.13 INSTALLATION INSPECTIONS:

- A.** The division shall inspect each installation of a manufactured home.
 - B.** The division shall issue a notice of violation whenever a manufactured home contains a violation of the installation requirements pursuant to regulations. The notice shall include a description of each violation.
 - C.** Upon correction of any violation a re-inspection of the manufactured home shall be requested.
 - D.** Upon receipt of an inspection request, the division shall inspect the manufactured home and shall post notice of any continuing violation.
 - E.** Mechanical, electrical and general construction contractors licensed with the construction industries division and who perform work on manufactured homes are not required to hold a license with the manufactured housing division. However, they must be registered with the manufactured housing division. The registration form shall show the name of the license holder, business address, mailing address, type of license issued by the construction industries division, expiration date of license, and the name of the qualifying party. Registrants must pay any required fee and must post a consumer protection bond with the division.
 - F.** All materials used in the installation of all manufactured homes shall be listed materials or have prior written approval of the division.
- [14.12.9.13 NMAC - Rp, 14.12.2.40 NMAC, 12-01-10]

14.12.9.14 INSPECTION PERMITS:

- A.** No manufactured home shall be installed in New Mexico unless the dealer, installer, or homeowner, if authorized, has obtained an installation permit or a combined installation and permanent foundation inspection permit from the division.
- B.** Installation inspection permits shall include the name and license number of each licensee performing installation work and the consumer's name and address. Names and license numbers of licensee shall be included on the permit at the time of final inspection. Incomplete or inaccurate permits shall be considered an inspection failure and will be subject to re-inspection. When the consumer's address is a post office box or rural route, a map showing the current location shall be included. Unlicensed homeowners performing work on their own principal residential property must perform all the work themselves, or must employ or contract division approved licensees, to perform said work. The unlicensed homeowner shall execute a document, prepared by the division, acknowledging their understanding and expertise, pursuant to federal and New Mexico installation rules, regulations, standards, including the manufacturer's installation and site engineering requirements; and, shall assume all legal liability for any work performed, or under the supervision or contract of said homeowner. The unlicensed homeowner shall assume all responsible for compliance with all local and state requirements, codes and inspection requirements.
- C.** Installation inspection permits shall be returned to the division in accordance with the instructions on the permit. Upon final inspection, inspectors shall certify on the permit, or upon any inspection report, that the manufactured home meets the minimum standards for use and occupancy provided for by the act and these regulations.
- D.** Permits are valid one hundred eighty (180) days from the date of issuance. A time extension may be granted by the division for delay occasioned by weather conditions or with inspections involving a home that is being re-manufactured or installed on a permanent foundation.
- E.** An installation permit must be issued with each new or pre-owned manufactured home to be installed in the state of New Mexico.
- F.** Upon a written request the division may issue a \$15.00 permit for any alteration, modification or repair of a manufactured home or any component part of a manufactured home except warranty work, which is performed under a previous permit and installation.
- G.** Any system or structural modification work done under the manufacturer II license must be permitted and inspected.

H. If a manufactured home installation is made without a permit, the homeowner, dealer or installer will be subject to a fine of a double permit fee.

I. The division may assess a re-inspection fee against any person found to be in violation of this regulation.

J. Upon a written request the division may issue a \$15.00 permit for an existing installation when the home is converting from LP Gas to natural gas or natural gas to LP gas.

K. Permit must be affixed to the window closest to the front exterior door in a weather resistant container. The container shall be affixed to the exterior of the window for access to all licensee's and division inspection.

L. The use of digital, electronic or hard copy photographs prior to pouring concrete in foundation related work may be permitted when the installer, to include individuals granted licensures in accordance with 14.12.2.14 NMAC adhere to the following.

(1) The images shall render site specific landmarks in which the inspector is able to identify said work with relation to subject site. These land marks may be mountains, hills, surrounding parcel improvements or other subjects that link the subject site to the landmark.

(2) The images render specific placement of required rebar, thickness and size of forms and placement of anchors within concrete. The installer or contractor shall make every effort to display the subject site in the best possible manner.

(3) The installer or contractor may not proceed or conduct said concrete associated work without the prior approval of the division inspector.

[14.12.9.14 NMAC - Rp, 14.12.2.41 NMAC, 12-01-10]

HISTORY of 14.12.9 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 14.12.9 NMAC, Inspections, effective 12-01-2010.