

ALABAMA MANUFACTURED HOUSING COMMISSION
 MANUFACTURED HOUSING

CHAPTER 535-X-12
 CERTIFICATION OF INSTALLATION PERSONNEL

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535-X-12-.01 Purpose. For the health, safety, and welfare of people who utilize manufactured homes and/or manufactured buildings (modulars), all manufactured homes, new or used, shall be installed by a person duly certified by the Commission to make said installation. All manufactured buildings, new or used, shall be installed by a person duly certified by the Commission to make said installation.

Author: Jim Sloan

Statutory Authority: Code of Ala. 1975, §§24-4A-3, 24-5-31, 24-5-32, 24-6-4.

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535-X-12-.02 Definitions. As used in this chapter, the following terms shall have the meanings ascribed to them by this section:

(1) Approved Installation Plans - Plans which conform to the recognized codes and regulatory requirements of the Commission and which provide for (1) the assembly of a manufactured home or manufactured building or the components of a manufactured home or manufactured building on site, and (2) the process of affixing a manufactured home or manufactured building

to land, a foundation, footing, or an existing building and service connections which are a part thereof.

(2) Certified Installer - A person certified by the Commission to install a manufactured home or manufactured building.

(3) Transporter/Carrier/Mover - A person who transports, hauls or moves a manufactured home or manufactured building.

(4) Commission - The Administrator, an Advisory Board and other staff and personnel.

(5) Installation - The locating, setting up, siting, installing, tying down, anchoring, or placing a manufactured home or manufactured building on the lot or site of installation. To eliminate questions and concerns about whether a carrier installed a home or building, the carrier will be required to furnish, upon a request from the Commission, a signed and witnessed statement from the owner of the home or building that the carrier did not participate or contribute in any manner to the installation of the home or building. Carriers will only be allowed to block said units for the sole purpose of removing wheels and axles from the home or building. Any further blocking of the home or building by the carrier will be considered as an installation of the unit. The connection of gas, electrical, central heat and air conditioning, sewer, and water services shall be connected by licensed and/or certified contractors who are otherwise regulated by law.

(6) Manufactured Building - See Section 24-4A-2.

(7) Manufactured Home - Any residential dwelling unit constructed to standards and codes as promulgated by the United States Department of Housing and Urban Development.

(8) Modular Home - A manufactured building built and inspected in accordance with a national building code and in compliance with the provisions of Code of Ala. 1975, Title 24, Chapter 4A.

(9) Person - As defined in the Code of Ala. 1975, Section 24-5-2.

Author: Jim Sloan

Statutory Authority: Code of Ala. 1975, §§24-4A-3, 24-5-31, 24-5-32, 24-6-4.

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535-X-12-.03 Certification.

(1) Each applicant for certification as an installer must complete the Commission application form and submit it to the Commission for approval along with a certification fee.

(2) Each applicant shall satisfactorily complete an installer's course conducted by the Commission and pass a written or oral test prior to being issued a certification to install manufactured homes or manufactured buildings (modulars). The Commission will offer the course on various dates during the year at locations throughout the state. Each applicant, once certified, may thereafter renew their certification with Commission approval and the payment of an annual certification fee.

(3) Each certified installer shall be required to satisfactorily complete a refresher course on installation every two years after completion of the initial course.

(4) Failure to satisfactorily complete in a timely manner, any of the installer courses described herein may result in the revocation of an installer's certification.

(5) The spouse of active duty military personnel may apply for a license or provisional license pursuant to the Military Family Jobs Opportunity Act codified in Section 31-1-16, Code of Ala. 1975.

Author: Elwyn Thomas

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535-X-12-.04 Installation Of Manufactured Homes Or Manufactured Buildings.

(1) No manufactured home or manufactured building shall be installed within this state unless such installation is done by a certified installer in accordance with the manufacturer's approved installation plan or the Commission's minimum standards. The certified installer or an employee of the certified installer who possesses a current certificate of training from the Commission must be present during the entire installation process. The owner or purchaser of a manufactured home or manufactured building is not allowed to install said home or building unless the owner or purchaser is a certified installer. If the manufacturer's plans are unavailable for installation, then the home must be installed according to minimum standards as established by the Commission or according to installation plans drawn and approved by a registered engineer.

(2) All ground anchors and tiedown devices must be installed according to the anchor manufacturer's installation instructions for their respective ground anchors and tiedown devices. No ground anchor or tiedown device shall be used to anchor a manufactured home or manufactured building to the ground unless that ground anchor or tiedown device has received the Commission's approval. All manufacturers of ground anchors and tiedown devices must meet the Commission's requirements regarding anchor and tiedown manufacture and installation.

(3) Certified installers shall purchase installation decals from the Commission and place said decal on each home or building so installed. This decal shall denote the date of installation and the name and certification number of the installer. The certified installer must place the decal on the home or building immediately upon site location and prior to installation. Installation decals shall not be transferred. They must be used by the certified installer who purchased them.

(4) No person, retailer, or manufacturer shall employ or contract with any person, firm, or corporation as an installer who is not certified as required by this Section. Violation of this section may be punished by the imposition of a fine against the violator in the amount of not more than \$500.00 for each home installed by an uncertified installer. Appeal of a decision pursuant to this paragraph shall be according to the appeal provisions of Section 8 of this Chapter.

(5) Manufactured homes that do not have a HUD label and data plate indicating federal construction and safety

standards were met during construction shall not be relocated from another state into Alabama unless the home was a trade-in to a retailer licensed with the Alabama Manufactured Housing Commission.

(6) Other conditions under which a manufactured home shall not be relocated from another state into Alabama are:

(a) It has been altered structurally from the manufacturer's design approval plan.

(b) It has been damaged by flood, wind and/or fire.

(c) It has been denied siting in another state for reasons other than the federal zone requirements for wind, thermal and/or roof load protection.

(7) Fire separation requirements contained in Paragraph 4-2.1 of NFPA 501A must be complied with when installing a manufactured home or manufactured building.

(8) Transporters must have the proper number of escorts and individuals accompany them to aid in the safe transport of the home or building to its destination.

(9) The transporter and/or business with which the transporter is employed will be responsible for all safety-related damages to the home or building while it is in the care, custody and/or control of said transporter.

(10) Any home or building abandoned on a highway, parking lot or other location during a move shall be the sole responsibility of the transporter and/or the business with which the transporter is employed.

Author: Jim Sloan

Statutory Authority: Code of Ala. 1975, §§24-4A-3, 24-5-31, 24-5-32, 24-6-4.

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535-X-12-.05 **Reporting Requirements.**

(1) All installers shall complete a monthly installation report on a form provided by the Commission and file it with the Commission no later than the tenth day of the month denoting the previous month's installations. Failure to submit the report may result in revocation of the installer's certification. This report shall include the name of the installer, the name and the address of the owners of the home (and location of home if different), and the name of the person or persons who hired the installer.

(2) The installation report shall also include an affidavit stating that the installer has installed said homes in accordance with the manufacturer's plans or the minimum Commission standards, or plans drawn and approved by a registered engineer which are in accordance with minimum Commission standards. If a home is installed in accordance with the plans provided by an engineer, a copy of those plans must be attached to the report.

Author: Jim Sloan

Statutory Authority: Code of Ala. 1975, §§24-4A-3, 24-5-31, 24-5-32, 24-6-4.

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535-X-12-.06 Requirements Of Manufacturer's Plans Or Engineer's Plans.

(1) The manufacturer's installation manual must be approved and certified by the manufacturer's DAPIA or a third party agency approved by the Commission.

(2) Manufacturers are required to furnish to the Commission their approved copy of a set-up manual for each model produced that is sold or set up within the State of Alabama.

(3) Each manufacturer's DAPIA or third party inspector must certify that each manual meets the State and Federal requirements for installation of the home.

Author: Jim Sloan

Statutory Authority: Code of Ala. 1975, §§24-4A-3, 24-5-31, 24-5-32, 24-6-4.

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535-X-12-.07 Inspection Of Installation. The Commission may inspect, or cause to be inspected, the installation of all manufactured homes or manufactured buildings. The Commission shall prepare a written report of its inspection. The installer shall correct all installation deficiencies within 30 days. The failure to make required corrections may result in suspension or revocation of the installer's license.

Author: Elwyn Thomas

Statutory Authority: Code of Ala. 1975, §§24-4A-3, 24-5-31, 24-5-32, 24-6-4.

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535-X-12-.08 Penalties And Appeals.

(1) The Commission may deny or revoke certification or re-certification for failure to maintain certification requirements, for improper installations, for failure to meet Commission reporting requirements, or for such other reasons as the Commission may determine from time to time which may affect the public health, safety, or welfare.

(2) Any person who violates the installation requirements of this article shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00 or by imprisonment for up to 30 days or both.

(3) Each applicant who has been refused certification or re-certification, has been assessed a fine, or has had his certification revoked by the Commission's Administrator may appeal the decision by filing a request for a hearing in writing with the Commission at its office within ten days from receipt of the adverse notice. The Commission shall then notify the person within ten days from receipt of the notice of the date, time, and place of the hearing, which hearing shall not be more than 30 days from the date of the request for hearing. The hearing shall afford the applicant an opportunity to be heard. The Commission's Administrator or designee and the applicant will be allowed to present evidence. The applicant may be represented by a person of his or her own choosing. The hearing officer shall issue a written decision within ten days of the conclusion of the hearing.

Author: Jim Sloan

Statutory Authority: Code of Ala. 1975, §§24-4A-3, 24-5-31, 24-5-32, 24-6-4.

History: Filed February 6, 1990. **Amended:** June 24, 1993; Effective July 29, 1993. **Amended:** Filed July 27, 2000; effective August 31, 2000; operative October 1, 2000. **Amended:** Filed January 7, 2014; effective February 11, 2014.