

## CHAPTER 79

# Department of Labor, Licensing and Regulation— Manufactured Housing Board

(Statutory Authority: 1976 Code § 40–29–10)

### **79–1. Definitions.**

(A) “Act” means the “Uniform Standards Code for Manufactured Housing Act.”

(B) “Anchoring Equipment (Ties)” means straps, cables, turnbuckles, chains, or other devices of any kind including tensioning devices, which are used to secure a manufactured home to the ground or foundation.

(C) “Anchoring System” means a method of construction which when properly designed and installed will resist overturning and lateral movement of the manufactured home.

(D) “Approved” means acceptable to the authority having jurisdiction.

(E) “Authority Having Jurisdiction” means the organization, office, or individual responsible for “Approving” equipment, an installation, or a procedure.

(F) “Board” means the South Carolina Manufactured Housing Board.

(G) “Diagonal Tie” means a tie intended to primarily resist horizontal or shear forces and which may secondarily resist vertical, uplift, and overturning forces.

(H) “Department” means the Department of Labor, Licensing and Regulation and the staff responsible for providing administrative support to the Manufactured Housing Board.

(I) “Dwelling Unit” means one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking, eating, and sanitation.

(J) “Frame, Main” means that part of the structural system which is normally used to transmit accumulative design loads to the support system.

(K) “Foundation, Manufactured Home” means a site-built or site-assembled system of stabilizing devices which is:

(1) Capable of transferring design dead loads and live loads required by Federal Regulations and other design loads unique to local home sites due to wind, seismic, and water conditions, that are imposed by or upon the structure into the underlying soil bedrock without failure;

(2) In frost susceptible areas, placed at an adequate depth, or otherwise adequately protected, to prevent frost damage: and

(3) Constructed of materials acceptable to the authority having jurisdiction (See Appendix B for examples).

(L) “Gas Supply Connector, Manufactured Home” means a listed connector designed for connecting the manufactured home to the gas supply source.

(M) “Ground Anchor” means a device at the manufactured home stand designed to transfer manufactured home anchoring loads to the ground.

(N) “Habitable Room” means a room or enclosed floor space arranged for living, eating, food preparation, or sleeping purposes not including bathrooms, toilet compartments, laundries, pantries, foyers, hallways, and other accessory spaces.

(O) “Hurricane-Resistive Manufactured Home” means a manufactured home which meets the wind design load requirements for Zone II in Subpart D, Section 3280–305(c)(2) of the Federal Standard or

the applicable hurricane-resistive design requirements of the Standard for Manufactured Homes, NFPA 501B/ANSI A22 5.1 edition in effect at the time of manufacture.

(P) “Inspector” means a person employed by the Department as being qualified to adequately inspect the construction, electrical installations and mechanical installations of manufactured homes, as well as the installation, tie-downs, blocking and sewer connections of new manufactured homes.

(Q) “Install/Installed” means the installation operations performed at the occupancy site which render a manufactured home fit for habitation. Such operations include, but are not limited to, positioning, blocking, leveling, supporting, tying down, connecting utility systems, and assembling multiple or expandable units.

(R) “Labeled” means equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization acceptable to the “Authority having jurisdiction” and concerned with product evaluation, that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

(S) “Listed” means equipment or materials included in a list published by an organization acceptable to the “Authority having jurisdiction” and concerned with product evaluation, that maintains periodic inspection of production of labeled equipment or materials, and whose listing states either that the equipment or materials meets appropriate standards or has been tested and found suitable for use in a specified manner.

(T) “Manufactured Home” means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and all systems, appliances, accessories, and furnishings sold with the home, including, among other things, the plumbing, heating, air conditioning and electrical systems.

(U) “Modify” means to alter, change, adjust or convert in compliance with the Standards for Manufactured Homes published by the US Department of Housing and Urban Development.

(V) “Permit” means a certificate issued by the Board allowing a retail dealer to temporarily conduct business away from the normal place of business.

(W) “Pier” means that portion of the support system between the footing and the manufactured home, exclusive of caps and shims.

(X) “Red Tag” means a printed notification issued by the Department that a manufactured home may not be offered for sale because of violations of the Act or these Regulations.

(Y) “Repair” means the renewal, replacement or reconstruction of any structural, mechanical, or electrical component of an existing manufactured home for the purpose of its maintenance.

(Z) “Site, Manufactured Home” means a designated parcel of land designed for the accommodation of one manufactured home, its accessory buildings or structures, and accessory equipment for exclusive use of the occupants.

(AA) “Stabilizing Devices” means all components of the anchoring and support systems such as piers, footings, ties, anchoring equipment, ground anchors, or any other materials and methods of construction which supports and secures the manufactured home to the ground.

(BB) “Stand, Manufactured Home” means that area of a manufactured home site which has been reserved for the placement of a manufactured home.

(CC) “Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(DD) “Support System” means a combination of footings, piers, caps, and shims that will, when properly installed, support the manufactured home.

(EE) “Vertical Tie” means a tie intended to resist the uplifting and overturning forces.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.**

## **79–2. License Classifications.**

Any person, prior to engaging in any business regulated by the Act, shall obtain a license in accordance with the Act and these Regulations. The South Carolina Manufactured Housing Board shall issue licenses in the following classifications:

- (1) Manufactured Home Manufacturer, hereinafter referred to as Manufacturer;
- (2) Manufactured Home Retail Dealer, hereinafter referred to as Retail Dealer;
- (3) Manufactured Home Retail Salesperson, hereinafter referred to as Salesperson;
- (4) Manufactured Home Retail Multi-Lot Salesperson, hereinafter referred to as Multi-lot Salesperson;
- (5) Manufactured Home Apprentice Salesperson, hereinafter referred to as Apprentice salesperson;
- (6) Manufactured Home Show Permit/Temporary;
- (7) Manufactured Home Installer, hereinafter referred to as Installer;
- (8) Manufactured Home Repairer, hereinafter referred to as Repairer; and
- (9) Manufactured Home Contractor, hereinafter referred to as Contractor.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005. Amended by State Register Volume 34, Issue No. 6, eff June 25, 2010.**

## **79–3. License Application Requirements.**

(A) Applications for manufactured housing license shall contain but not be limited to the following:

- (1) Each applicant for license shall have attained the age of eighteen (18);
- (2) The name of the person or business applicant;
- (3) The address of applicant (residence);
- (4) The mailing address and physical location of the business;
- (5) Date of birth of applicant;
- (6) The name of the state under whose laws the firm or corporation is organized or incorporated;
- (7) The name and address of previous employers for the past seven years;
- (8) A statement of the previous history of each owner, partners, or officers of a corporation to establish knowledge of reputation for the past seven years;
- (9) Appropriate fees;
- (10) Appropriate surety bond or other approved security, provided for the length of the license; and
- (11) Criminal Background Check for every state of residence for the past seven years.

(B) A person previously licensed as a sales person or multi-lot sales person who applies for a new sales or multi-lot sales license must provide the name of every dealership for which previously employed and the reasons for leaving employment.

(C) The application shall contain such other information as may be required by the Board.

(D) A manufactured housing apprentice salesperson's license application shall contain the following:

- (1) Each applicant shall have attained the age of eighteen (18);
- (2) The name of applicant;
- (3) The residential address of applicant;
- (4) The mailing address and physical location of the business;
- (5) Date of birth of applicant;
- (6) The name and address of previous employers for the past seven (7) years;
- (7) Appropriate fees; and
- (8) Criminal background check for every state of residence for the past seven (7) years.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005. Amended by State Register Volume 34, Issue No. 6, eff June 25, 2010.**

#### **79-4. Financial Responsibility.**

Applicants applying for license in the following classifications will be required to demonstrate financial responsibility in the following manner:

(1) Salespersons and Multi-Lot Salespersons:

(a) A credit report may be made on each new applicant, or on each applicant whose license has been previously suspended or revoked; and

(b) The Board reserves the right to cause a credit report to be made on an applicant for the purpose of investigating a complaint or verifying the information contained on the application for license.

(2) Manufacturers:

(a) Applicants for manufacturer's license are required to report the net worth of the company/corporation/partnership;

(b) Applicants are required to furnish a copy of articles of incorporation if company is a corporation or partnership agreement if a partnership;

(c) Applicants are required to furnish three references from banks or two bank references and one reference from a business doing business with the applicant.

(3) Retail Dealers:

(a) A credit report must be provided by the applicant to the Department for the owner, authorized official or entity of the retail dealer upon initial application for a license, or if the license has been previously suspended or revoked, or if the license lapses for six months. The Board also may require a credit report to be provided for the purpose of investigating a complaint or verifying the information contained on an application for a license;

(b) Applicants are required to furnish a copy of articles of incorporation if the company is a corporation or partnership agreement if the company is a partnership;

(c) Applicants who have a net worth of less than one hundred fifty thousand dollars demonstrated by possession of one hundred fifty thousand dollars in cash or cash equivalency or a credit score of less than seven hundred must appear before the board;

(d) A financial statement reviewed by a licensed certified public accountant must be provided to the board.

(e) Should the board license an applicant who is unable to meet the financial responsibility guidelines of this section or regulations of the board, then the board may modify or restrict the activities of the licensee.

(f) Reviewed Financial Reports are required for Corporations and LLC's. Compiled Financial Reports are required for Sole Proprietorship and Partnerships;

(g) Applicants are required to furnish either a bank reference or business references from two companies doing business with the retail dealer.

(4) Installers, Repairers and Contractors:

(a) A credit report may be required on each new applicant, or on each applicant whose license has been previously suspended or revoked, or if a license lapses over six months; and,

(b) The Board may require a credit report to be provided for the purpose of investigating a complaint or verifying the information contained on the application for license.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005; Amended by State Register Volume 38, Issue No. 6, Doc. No. 4438, eff June 27, 2014.**

#### **79-5. Bad Checks.**

Checks issued to the Manufactured Housing Board or by order of the Board by any retail dealer, manufacturer, salesperson, multi-lot salesperson, installer, repairer or contractor which are dishonored by the financial institution for any reason, and which are not made good within ten (10) days after notice of non-payment, are considered prima facie evidence of untrustworthiness or incompetency in such a manner as to endanger the interest of the public.

(1) If in payment of a license renewal, and a license is issued on the basis of such payment, that license will be immediately canceled.

(2) Where a check or checks are incorrectly returned by a bank or other depository because of the bank or depository's error, a statement to such effect from the institution will be required before a license will be reinstated.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79-6. License Renewal.**

(A) Penalty for failure on the part of the applicant to file a renewal application shall be as follows:

(1) A late fee will be assessed for applications received after the end of the renewal period.

(2) If a licensee fails to renew within six months the applicant/authorized official is required to qualify as a new applicant.

(B) Continuation in business without proper license will be deemed a violation of the Act.

(C) All license renewals must be accompanied by a current criminal background check, with the exception of manufacturers.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79-7. Change of Business Name/Address.**

Any licensed entity changing business name, address or any other information as presented on the original application must notify the Department within twenty (20) days by completing an updated application. The licensee shall not do business under a proposed name or at any new location prior to issuance of a new license. A fee will be charged for each updated license issued by the Department. If the change includes a major change in the structure of the business, a new application for license will be required along with the appropriate license fee.

(1) A licensee shall not conduct the business of selling manufactured homes under any other name or at any other location than the one for which licensed unless the license classification is that of multi-lot salesperson.

(2) A license will not be issued to a dealer or manufacturer using a business name that is identical or similar to an existing licensee, unless the dealer or manufacturer is owned by, or in conjunction with the existing licensee, and is part of a single business entity, or in conjunction with a franchise arrangement approved by the Board.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79-8. Release of Surety Bond or Other Approved Security.**

If a licensee does not conduct business within a thirty (30) day period after issuance of a license by the Board, the purchaser or indemnifier of the licensee's surety bond or other approved security may petition the Board in writing for the return of the surety bond or other approved security. The petition must include satisfactory evidence that the licensee did not conduct any business and the original license issued to the licensee must be returned with the petition. If the original license is not available, the purchaser or indemnifier may provide evidence of purchase or indemnity of the surety bond or other approved security along with an affidavit attesting to the fact that no business was conducted.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79-9. Board Authorized to Make Investigations and Deny, Suspend or Revoke Licenses.**

A. The Board may, if it deems necessary, cause an investigation to be made to ascertain if all the criteria set forth in an application for license are true and shall not issue a license to the applicant until it is satisfied as to the accuracy of the application. The Board may deny or refuse to license any applicant based on misrepresentation of facts presented on the application for license, and/or for any of the reasons set forth in the Act, and if the application requirements are not met.

B. The Department shall investigate in accordance with Section 40-29-50 or upon receipt of inquiries or complaints any allegation of a wrongful act or acts involving licensees, and the Board shall have the authority to take appropriate action as provided in the Act.

C. If a licensee has been licensed in another state and that license has been suspended or revoked and/or if there is an outstanding penalty, the Board at its discretion based on information received with regard to any such suspension, revocation, or penalty may deny, suspend or revoke that licensee's ability to do business within the State of South Carolina.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005. Amended by State Register Volume 37, Issue No. 5, eff May 24, 2013.

### **79–10. Issuance of License after Denial or Revocation.**

A person or an entity for which a license was denied or revoked may not reapply for a license within twelve (12) months after the date of the action. Before the license may be issued, a new application and a written petition must be submitted by the applicant and approved by a majority of the members of the Board.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79–11. Manufacturer.**

A. A manufacturer's license entitles its holder to sell or offer for sale manufactured homes in the State of South Carolina.

B. For licensing purposes each plant or location of a manufacturer, firm or corporation shall be treated as a separate entity and adhere to all licensing requirements.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79–12. Retail Dealer.**

(A) A retail dealer's license entitles its holder to engage in the business of selling, exchanging, buying for resale, offering or attempting to negotiate sales or exchanges of new and/or pre-owned manufactured homes. A person or entity that performs any of the transactions stated in this section for three (3) or more manufactured homes in any consecutive twelve (12) month period is required to be licensed as a retail dealer. The term retail dealer does not include:

(1) Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the judgment or order of any court;

(2) Public officials while performing their official duties;

(3) Persons disposing of manufactured homes acquired for personal use, provided that said home is not used for the purpose of avoiding the provisions of this Act or Regulations;

(4) Licensed real estate salespersons or brokers who negotiate or sell a manufactured home for any individual who is the owner of not more than two manufactured homes;

(B) For licensing purposes each retail dealer location with an office shall be considered a separate entity and adhere to all licensing requirements.

(C) Each retail dealer location shall have one (1) authorized official representing the dealer. If the authorized official changes, the Board must be notified in writing within twenty (20) days.

(D) A retail dealer shall at all times display its license conspicuously at the place of business.

(E) A retail dealer shall maintain a physical location from which business can be conducted and where accounts and records shall be available for inspection during normal business hours by a representative of the Department. A post office box, secretarial service, telephone answering service, or similar entity does not constitute a physical location.

(F) A retail dealer's business sign of sufficient size to identify it shall be displayed outside the retail dealer's office.

(G) Each retail dealer shall display, in a conspicuous place in the office, notification of and the procedures for filing a complaint with the Board. The Board upon issuance of the retail dealer license shall provide a certificate of notification.

(H) As provided for in §40–29–80(B)(C), prohibited activity includes installing and repairing a manufactured home and working as an employee of a licensee whether or not the employment is in a position that requires a license from the Manufactured Housing Board.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79–13. Records to Be Kept by Retail Dealer.**

Each retail dealer shall keep records in such form as shall be prescribed by the Board. Such records shall include, but not be limited to:

- (1) A record of the purchase, sale or exchange, or receipt for the purpose of sale, of any manufactured home;
- (2) The description of each such manufactured home, including the serial number and such other numbers or identification marks as may be thereon, and a statement that a number has been obliterated, defaced, or changed, if such fact is apparent.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79–14. Responsibility of Retail Dealer for Test Inspections and Other Items.**

A. The retail dealer shall inspect every new manufactured home upon delivery from a manufacturer to determine if the home fails to conform to the Standards or contains an imminent safety hazard. Whenever a retail dealer finds a noncompliance or an imminent safety hazard in a manufactured home, the retail dealer shall contact the manufacturer, provide full information concerning the problem, and request appropriate action by the manufacturer. The retail dealer shall also notify the Department in writing that a manufactured home has been delivered by the manufacturer with a nonconformance or an imminent safety hazard. No retail dealer may sell a new manufactured home if it contains a failure to conform or an imminent safety hazard.

B. The retail dealer shall inspect every new manufactured home prior to selling to determine that all items of furniture, appliances, fixtures and devices are not damaged and are in place.

C. The retail dealer is responsible for making sure the installation and anchoring of all manufactured homes it sells meets the manufacturer's installation requirements and/or the minimum installation requirements as prescribed in these Regulations except as described in paragraph (D) below. If a retail dealer contracts or subcontracts the installation to a licensed installer, the installer or contractor will be responsible for all work it performs. Transportation of the manufactured home from the retail dealer's lot to the stand may be performed by a mover, employed or contracted by the retail dealer, or by an installer. When a mover employed or contracted by the retail dealer transports a manufactured home, the retail dealer will be responsible for any and all damage incurred to the home during the move. When an installer or contractor transports a manufactured home, the installer or contractor will be responsible for any and all damage incurred to the home during the move.

D. If the consumer elects not to contract with a retail dealer for the installation and anchoring services, upon signing of a waiver by the consumer, the retail dealer shall be released from this responsibility.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79–15. Retail Dealer Sales Transactions.**

A. Each retail dealer shall furnish each Consumer purchasing a manufactured home a copy of any and all documents pertaining to the sale of the manufactured home, which include, but are not limited to, the following:

- (1) A Copy of Purchase Agreement;
- (2) Contract of Sale;
- (3) Closing statement, including the purchase price, all funds paid and to be paid by the Consumer, receipt and disposition of all other funds relevant to the sales transaction, except those funds related to sales commissions and profit by the dealer;
- (4) Homeowner's Manual and Installation Manual; and
- (5) Warranties and Manuals for Appliances, Roof and Siding, if applicable.

B. A contract for sale for a manufactured home between a retail dealer and a consumer must contain an itemized list of all options and on site work to be included as part of the sales agreement. All costs totaling the sale price must be accounted for. In addition, the following certifications must be obtained before the completion of the sales transaction when the manufactured home is to be placed on property in South Carolina or to be installed by the retail dealer:

(1) Meets applicable zoning requirements as submitted by consumer to the retail dealer for certification to contract, the consumer must certify in writing to the retail dealer that the manufactured home meets the applicable zoning requirements for the property on which the home is to be installed;

(2) Meets or can be made to meet regulations of the South Carolina Department of Health and Environmental Control (SCDHEC) governing wells and septic tanks, if the property is served or is to be served by a well or septic tank, or both. The consumer must provide a form from the Department of Health and Environmental Control certifying to the retail dealer that the property on which the manufactured home is to be located meets or can be made to meet regulations of the Department of Health and Environment Control criteria governing wells or septic tanks or both, if the manufactured home is to be served by a well or septic tank or both. The certification form must be kept as a part of the permanent record of the sale of the home and maintained by the retail dealer;

(3) Further, the contract must have attached a certification submitted by the retail dealer, that if the manufactured home per the contract is to be installed in South Carolina that the installation will meet installation requirements of the Board;

(4) Failure by a retail dealer and/or salesperson or multi-lot salesperson to have these certifications attached to the contract shall be cause for the Board to suspend or revoke a retail dealer license or take other corrective action as provided in the Act or these Regulations.

C. Each retail dealer is required at the time of sale of a manufactured home to make a full disclosure to the buyer, concerning the disposition of the wheels, axles and hitch(es), and such disclosure must be signed and approved by the purchaser.

D. Each retail dealer is required at the time of sale of a manufactured home to present conspicuous notice to the consumer that if the new manufactured home is moved from the initial installation site during the term of the warranty period, the new home warranty does not apply to a defect or damage caused by the move.

E. The following provisions shall govern all transactions in which a retail dealer is involved in a transfer of a pre-owned manufactured home between a consumer and a seller, other than the retail dealer:

(1) The retail dealer's role is that of a fiduciary to his principal;

(2) In all such transactions which require a transfer of title, the retail dealer must:

(a) Determine the status of title, including all recorded liens and security interests, of the manufactured home according to the title records of the Department of Public Safety; and

(b) Disclose in writing to all parties in the transaction the status of the home as shown by such records.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.**

## **79-16. Handling of Funds.**

A. All monies received by a salesperson or multi-lot salesperson in connection with the sale of a manufactured home shall be immediately delivered to the retail dealer.

B. A salesperson or multi-lot salesperson shall not commingle monies or any other valuables belonging to others which have come into the salesperson's or multi-lot salesperson's possession as a result of the sale of a manufactured home.

C. A retail dealer shall maintain in the retail dealer office a complete record of all monies received as a result of the sale or offer of sale of a manufactured home including:

(1) the amount of deposit/down payment;

(2) from whom the money was received;

(3) date or dates of receipt;

(4) date of deposit;

(5) make and serial number of manufactured home involved in the transaction; and



(6) when a transaction has been completed, whether or not a manufactured home was sold, the final disposition of the monies, except those monies related to sales commissions and profit by the dealer.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79–17. Contracts; Deposits and Down Payments; Rescission.**

(A) For the purposes of this Regulation, an agreement to purchase a manufactured home will be deemed valid prior to closing, if the agreement is in writing, is signed and dated by the buyer and seller on the same date, and meets all other requirements of the Board's statutes and regulations. Further, the seller's failure to provide the buyer, as required by the Board's regulations, with an identical copy of any purported agreement that the seller wishes to enforce shall render the agreement invalid for purposes of this Regulation.

(B) The failure to accurately describe the exact nature of the deposit or down payment with respect to a manufactured home purchase agreement, including cash, real estate, titles, or objects exchanged, will render the agreement invalid for purposes of this Regulation.

(C) Where any manufactured home purchase agreement also obligates the buyer to the purchase or lease of land, the requirements of this Regulation will be deemed applicable to the entire deposit or down payment without regard to any purported allocation of the deposit or down payment between the manufactured home and the land.

(D) In the absence of a valid agreement in accordance with this Regulation, or in the absence of a provision in such an agreement that addresses the conditions under which the seller is entitled to retain a deposit or down payment, the seller must immediately return all cash and other items used as a deposit or down payment if the buyer rescinds the transaction at any time prior to completion of closing: provided, however, that the seller may retain the lesser of the actual financing application fee or fifty dollars where the buyer is rejected for financing.

(E) Where a valid agreement exists, in accordance with this Regulation, notwithstanding any contrary provisions of the agreement, the buyer may rescind the transaction at any time prior to closing, provided, however, that the seller may in such case retain reasonable costs actually incurred because of the buyer's rescission. Reasonable costs may include, but shall not necessarily be limited to, transportation, installation, decoration, and interest for modified floor plans.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79–18. Retail Dealer Supervision of Employees.**

A. A retail dealer shall adequately supervise and control employees. The failure of a retail dealer to undertake appropriate corrective action within a reasonable period of time after that retail dealer has actual knowledge of a violation of the Act or Regulations by an employee shall be prima facie proof of inadequate supervision and control.

B. A licensee's obligation to comply with the Act and Regulations shall not be altered by any contract or agreement between the licensee and his employees, agents or subcontractors.

C. Failure to comply with the provisions of this regulation may, after opportunity for hearing, result in a license denial, revocation or suspension.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79–19. Salesperson.**

(A) A salesperson's license entitles its holder to be employed for remuneration or consideration by a retail dealer to engage in the sale of new and/or pre-owned manufactured homes through that retail dealer.

(B) Each salesperson must be licensed individually.

(C) No salesperson shall offer for sale or sell manufactured homes in the State until receipt of a license from the Department.

(D) When doing business in this state, each salesperson shall be able to present a license on request.

(E) Change of Employment.

(1) When a licensed salesperson is discharged or changes place of employment, the retail dealer shall notify the Department within ten (10) days, by letter reporting such termination and the reason for termination and furnish a forwarding address if known, for the salesperson.

(a) The notice must specify the reason for the change in status, e.g., discharge.

(b) The communication by the retail dealer to the Department is privileged and subject to the provisions of S.C. Code Ann. Sec. 40-1-190 (Supp. 1996).

(2) The salesperson must notify the Department within twenty (20) days when no longer employed with the retail dealer identified on the license record and must complete an application, state the reason for termination and provide proof of surety bond or other approved security coverage at new location if the salesperson is to be employed with another licensed retail dealer.

(F) A salesperson shall not be employed by or conduct transactions for more than one retail dealer at the same time, except if the salesperson is licensed as a multi-lot salesperson as described in 79-20.

(G) All transactions handled by or involving a salesperson must be reviewed and supervised by the licensed employing retail dealer. That retail dealer must review all documents prepared by the salesperson in a transaction.

(H) Apprentice Salesperson.

(1) An apprentice salesperson's license entitles its holder to sell manufactured homes under the direct supervision of a licensed retail dealer for a period not to exceed one hundred and twenty (120) days from date of issuance.

(2) An apprentice salesperson's license is not renewable and at the date of expiration the apprentice salesperson must meet the requirements for licensure as a salesperson or multi-lot salesperson.

(3) An individual that has previously held a dealer's, salesperson's, or multi-lot salesperson's license is not eligible for the apprentice salesperson's license.

(4) The dealer shall notify the department at the end of the one hundred and twenty (120) day period that the apprentice salesperson has obtained the required license or is no longer employed by the dealership.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005. Amended by State Register Volume 34, Issue No. 6, eff June 25, 2010.**

## **79-20. Multi-Lot Salesperson.**

(A) A multi-lot salesperson's license entitles its holder to be employed by a retail dealership with multiple lot locations having the same ownership for remuneration or consideration, to engage in the sale of new and/or pre-owned manufactured homes on any of the retail dealer lot locations.

(B) Surety bond or other approved security shall be marked for the locations at which the multi-lot salesperson will be working.

(C) No multi-lot salesperson shall offer for sale or sell manufactured homes in the State until receipt of license from the Department.

(D) When doing business in this state, each multi-lot salesperson must present license on request.

(E) Change of Employment.

(1) When a multi-lot salesperson is discharged or changes place of employment the retail dealer shall notify the Department within ten (10) days, by letter, reporting such termination and the reason for termination and furnish a forwarding address if known, for the multi-lot salesperson.

(a) The notice must specify the reason for the change in status, e.g., discharge.

(b) The communication by the retail dealer to the Department is privileged and subject to the provisions of S.C. Code Ann. Sec. 40-1-190 (Supp. 1996).

(2) The multi-lot salesperson must notify the Department within twenty (20) days if no longer employed by the retail dealer identified in the license record and must complete an update application, state the reason for termination and provide proof of surety bond or other approved

security coverage at new location if the multi-lot salesperson is to be employed by another licensed retail dealer.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79-21. Installers.**

(A) An installer's license entitles its holder to install manufactured homes on a contract or subcontract basis for manufacturers, dealers or home purchasers. All work must be in compliance with all applicable federal, state statutes, regulations and standards. Work authorized by an installer's license is limited to:

(1) transportation of the manufactured home from dealership to stand:

(2) stand preparation:

(3) physical placement of the manufactured home on the stand:

(4) physical connection of sections and structural, nonstructural and mechanical components of the manufactured home:

(5) installation of foundation system, piers, block work, ground anchors and tiedown straps, leveling, vapor barrier, prefabricated steps: and,

(6) physical connection and testing of electrical, plumbing, gas and mechanical components and services, unless otherwise authorized by law.

(B) All work undertaken by an installer must be accomplished in good and workmanlike manner. Upon completion the installer must prepare three copies of a "Certificate of Completion." One copy of the form must be mailed or delivered to the retail dealer within three calendar days after installation is complete, one copy must be given to the home owner on the day of installation and one copy must be retained by the installer. A copy of the certificate of completion must be provided to the local building authority upon request.

(C) Electric, water, sewer and gas utilities must not be connected until the manufactured home is properly blocked and leveled.

(D) An installer's license does not permit an individual to perform modifications or repairs to any manufactured home.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79-22. Repairers.**

(A) A repairer's license entitles its holder to modify or repair manufactured homes on a contract or subcontract basis for manufacturers, dealers or home purchasers. All work must be in compliance with all applicable federal, state statutes, regulations and standards. Work authorized by a repairer's license is limited to repair of components, systems, appliances, fixtures or devices on or in a manufactured home;

(B) All work undertaken by a repairer must be accomplished in a good and workmanlike manner. Upon completion the repairer must prepare three copies of a "Certificate of Completion". One copy must be mailed or delivered to the entity that requested the repairs within three calendar days after all repair work is complete, one copy must be given to the home owner on the day the repair work is complete and one copy must be retained by the repairer.

(C) A repairer's license does not permit an individual to install a manufactured home.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79-23. Contractors.**

(A) A contractor's license entitles its holder to install, modify or repair manufactured homes on a contract or subcontract basis for manufacturers, dealers or home purchasers. All work must be in compliance with all applicable federal, state statutes, regulations and standards. Work authorized by a contractor's license is limited to:

(1) all work authorized for installers and repairers;

(2) construction of porches, decks, ramps, handrails and guardrails: and,

(3) installation of awnings and other add-on components produced specifically for use on or in manufactured homes.

(B) All work undertaken by a contractor must be accomplished in a good and workmanlike manner. Upon completion the contractor must prepare three (3) copies of a "Certificate of Completion." One copy must be mailed or delivered to the entity that requested the work within three (3) calendar days after installation is complete, one copy must be given to the home owner on the day the work is complete and one copy must be retained by the contractor. A copy of the certificate of completion must be provided to the local building authority upon request.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.**

## **79-24. Installers, Repairers and Contractors.**

(A) To qualify for licensure as a manufactured housing installer, repairer or contractor, the applicant must:

- (1) show proof of a minimum of two (2) years experience in the actual practice of the discipline for which the license is applied;
- (2) show proof of attendance at a Board approved training program: and,
- (3) have attained a minimum grade of seventy-five (75) on the Board approved examination.

(B) Licenses must be issued only to individual persons as follows.

- (1) For a proprietorship, the proprietor must be the licensee.
- (2) For a partnership, at least one partner must be a licensee.
- (3) For a corporation, at least one of the corporate officers must be a licensee.

(C) Licensed installers, repairers and contractors are considered independent contractors and are held fully responsible and liable for the work they and their employees perform.

(D) A license is not required for persons holding a current license issued by other Boards or commissions of the state. All work performed on manufactured homes by such licensees is restricted to the specific discipline and conditions of the license held. Action for complaints lodged against such licensees must be investigated and taken by the Board or commission that issued the license.

(E) A license is not required for individuals working as direct employees of a licensed manufacturer or dealer, providing the individuals are covered by the employer's bond and install, modify, alter or repair manufactured homes exclusively for the employer.

(F) Manufacturers and dealers are responsible and liable for any and all work performed by the installers, repairers or contractors they employ.

(G) Licenses are not transferable. If a licensee dies, no longer qualifies for or otherwise loses the license, it will be rendered null and void and must be returned to the Department. The employing entity must notify the Department in writing within ten (10) days of any incident for which a license would be rendered null and void. The business will then have an additional fifteen (15) days to have an individual qualify or the business must relinquish its right to practice.

(H) All licenses remain the property of the Board and, upon written notification by the Board, must be surrendered.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.**

## **79-25. Standard of Conduct.**

A. No licensee shall aid or abet an unlicensed person to evade the provisions of the Act or Regulations: knowingly combine or conspire with, or act as an agent, partner, or associate for an unlicensed person.

B. No licensee shall use dual sets of contracts, written or otherwise, which would falsify the transaction by stating a sales price higher than the actual sales price in an effort to obtain a larger loan from any lender or lending institution or in any way providing intentional misinformation to any governmental agency.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.**

## **79–26. Fees.**

(A) All fees are payable in advance and must be accompanied by an application.

(B) The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10–22 and on the South Carolina Board of Manufactured Housing website at [http://llr.sc.gov/POL/Manufactured Housing/](http://llr.sc.gov/POL/ManufacturedHousing/). Fees shall not be refunded.

(C) The Department will charge a fee each time a reinspection is performed on a manufactured home that is involved in a complaint. The fee will be charged to the dealer, manufacturer, installer, repairer or contractor as appropriate. If more than one entity is responsible for the reinspection, the fee will be prorated. If a reinspection reveals that all complaint items have been satisfied, no fee will be charged to any licensee. If it is determined by the Board that a reinspection requested by a consumer is frivolous or without basis, the fee will be charged to the consumer.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005. Amended by State Register Volume 34, Issue No. 6, eff June 25, 2010; State Register Volume 39, Issue No. 6, Doc. No. 4508, eff June 26, 2015.

## **79–27. Manufactured Home Show Permits.**

(A) Permits for display or offering homes for sale at locations other than the normal business location must be obtained from the Department. Written notice of display, show, date/time, location, names and addresses of retail dealers, number of homes and names of any licensees who may be showing or offering homes for sale, must be received by the Department thirty (30) days in advance of the date of the show.

(B) Permits for display or special showings of manufactured homes at locations other than the normal business location for educational, charitable or information purposes must also be obtained from the Department: however, no fee will be charged.

(C) Applications for both permits may be obtained from the Department upon request.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

## **79–28. Training.**

(A) Prior to issuance of an installers, repairers, contractors, retail dealers or salespersons license, the applicant must submit proof of training as approved by the Board.

(B) All training providers, course curriculums, examinations and any other criteria necessary to satisfy the requirements of these regulations must be approved by the Board. Fees and fee increases charged by training providers, for courses and examinations required by these regulations, must be approved, not less than sixty (60) days in advance by the Board.

(C) The training provider must furnish the Department, in writing, notice of any change in course curriculum, not less than sixty (60) days prior to the effective date of the change. Changes in course curriculum cannot occur until approved by the Board.

(D) The training provider must furnish the Department with a schedule of classes or sessions, stating their dates, time and location. The Department reserves the right to audit any class or session at any time, with or without notice and without fee for entry.

(E) Examinations administered by training providers or examination services, are and remain, the sole property of the Board. Use of the examinations by any entity or for any purpose not approved by the Board is a misdemeanor.

(F) Approval as a training provider may be suspended or revoked by the Board for misuse of examinations or failure to comply with these regulations.

(G) Proof of training must include curriculum and written examination in the following areas.

(1) Installers:

- (a) federal and South Carolina statutes and regulations governing manufactured housing;
- (b) manufacturer's installation manuals and requirements;
- (c) preparation of manufactured housing stands;
- (d) installation of foundation systems;

- (e) blocking, perimeter support and leveling of manufactured homes;
  - (f) structural connections of sections and major components;
  - (g) installation of anchoring systems and components;
  - (h) installation of vapor barriers, curtain walls, access and ventilation for crawl space areas;
  - (i) electrical connections;
  - (j) plumbing connections;
  - (k) mechanical equipment connections;
  - (l) gas equipment connections; and,
  - (m) connections of vents, ducts, carpet and other nonstructural components.
- (2) Repairers:
- (a) federal and South Carolina statutes and regulations governing manufactured housing;
  - (b) manufacturer's installation manuals and requirements;
  - (c) reblocking and releveling of manufactured homes;
  - (d) repair and replacement of vapor barriers, curtain walls, access and ventilation for crawl space areas;
  - (e) repair and replace electrical devices and fixtures;
  - (f) repair and replace plumbing devices and fixtures;
  - (g) repair and replace mechanical equipment;
  - (h) repair and replace gas equipment; and,
  - (i) repair and replace nonstructural components.
- (3) Contractors:
- (a) all areas required for installers and repairers;
  - (b) light frame carpentry; and,
  - (c) installation of light frame metal.
- (4) Retail Dealers:
- (a) rules, regulations and standards governing the Manufactured Housing Board;
  - (b) South Carolina Laws and Regulations effecting Manufactured Housing Industry;
  - (c) business and law;
  - (d) retail dealer/sales ethics;
  - (e) general installation knowledge;
  - (f) different types of transactions, land home packages, conventional;
  - (g) types of license required and what work may be performed with each license;
  - (h) zoning (different counties have different zone requirements); and
  - (i) title and deeding information, Manufacturer Certificates of Origin.
- (5) Retail Salespersons
- (a) Rules, regulations and standards governing the Manufactured Housing Board;
  - (b) South Carolina Laws and Regulations effecting Manufactured Housing Industry;
  - (c) retail dealer/sales ethics; and
  - (d) general installation knowledge.
- (6) Multi-lot Salespersons
- (a) Rules, regulations and standards governing the Manufactured Housing Board;
  - (b) South Carolina Laws and Regulations effecting Manufactured Housing Industry;
  - (c) retail dealer/sales ethics; and

(d) general installation knowledge.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79–29. Examinations.**

(A) License applications and licensing requirements are available from the Department. The applicant shall contact and arrange with a Service Provider approved by the Department for taking the examination. The approved Service Provider shall provide the applicant with the results on the day of examination. The applicant shall provide the department with the passing score report at the time of application.

(B) Passing examination results for any person who takes the examination will remain in effect for a six-month period: a person who has not applied for license during that period will be required to be reexamined before a license application will be accepted.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79–30. Failure of Examination.**

Any person who fails to achieve a passing score on the examination shall be eligible for further examination for a one year period upon payment of necessary examination fee. If the applicant has not passed the exam within one year, the applicant must retake the mandatory training class as required by the Board.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79–31. Complaints and Hearings.**

(A) Any person claiming to be injured by an alleged violation of the Act or these Regulations may file a written complaint with the Department which shall contain the name and address of the licensee(s) against whom the complaint is made, a concise statement of the alleged violation, and any other pertinent information that the Board may determine necessary to adequately evaluate the complaint.

(B) Upon receipt of a written complaint, the Department shall investigate by telephone or personal contact the alleged violation to determine whether cause exists to investigate further. If such cause exists and involves matters pertaining to the warranty or nonconformance of a manufactured home, the Department shall contact by mail the licensee(s), forwarding a copy of the written complaint, and request correction of the alleged violation(s) within ten (10) days upon receipt. If the violation(s) is not corrected, the Department may perform an on-site inspection of the home.

(1) The Department shall notify the licensee(s) and consumer by mail of the date and time of the inspection. The licensee(s) must be present for the inspection, but may be relieved under special circumstances or upon reasonable request in writing prior to inspection date.

(2) The consumer shall make himself available during reasonable business hours to be present for the inspection.

(3) From the date of the inspection the licensee(s) shall be given thirty (30) days in which to correct any violation(s) noted during the on-site inspection.

(4) If the violation(s) has not been satisfactorily corrected within the thirty (30) days and the licensee(s) has not provided a satisfactory explanation, the licensee(s) shall be directed, after proper notification, to appear before the Hearing Examiner for the Manufactured Housing Board for an administrative hearing.

(C) If the complaint involves nonstructural matters, the licensee will be forwarded a copy of the written complaint and advised that corrections must be made within fifteen (15) days as to the action that the licensee has taken or intends to take in order to resolve the complaint. If the complaint is not resolved within the fifteen (15) days, the licensee shall be directed, after proper notification, to appear before the Hearing Examiner for the Board for an administrative hearing.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79–32. Complaints from Other than Consumers.**

A. All complaints against licensees shall be in writing.

B. The Board will not enter into disputes between licensees or between licensees and business associates over payment of salaries, wages, debts or commissions: however, the Board may take these matters into consideration for the purpose of determining whether a violation of the Act or these Regulations has occurred.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79-33. Hearing Examiner.**

The Board shall designate one or more individuals who will act as a Hearing Examiner and who will not be a member of the Board. The Hearing Examiner shall hold hearings in accordance with the Act and Regulations and shall have power to administer oaths and to issue subpoenas for the attendance of witnesses and the production of books, records, accounts and papers pursuant to the Administrative Procedures Act.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

### **79-34. State Administrative Agency (SAA) Handling of Consumer Complaints.**

The handling of consumer complaints under the State Administrative Agency Program (SAA) is separate and distinct from the handling of complaints under the State Licensing Program. All complaints concerning units constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (Act) shall be handled in compliance with Subpart I of the regulations established pursuant to that Act.

(1) Upon receipt of a consumer complaint or other information indicating the possible existence of a noncompliance, defect, serious defect, or imminent safety hazard, the Department will review the complaint or information and forward the complaint or other information to the manufacturer of the manufactured home in question. When it appears from the complaint or other information that more than one manufactured home may be involved, the complaint will simultaneously be forwarded to the United States Department of Housing and Urban Development (HUD) and to the SAA of the state where the manufactured home was manufactured.

(2) When the complaint is forwarded to the manufacturer, the manufacturer will be requested, in writing, to investigate the complaint within twenty (20) days after receipt of the information and carry out any necessary investigations and inspections to determine whether the manufacturer is responsible.

(3) When the manufacturer is physically located within this state the following additional procedures apply:

(a) Where the manufacturer has determined and reports that no imminent safety hazard, serious defect, defect or noncompliance exists and the Board is able to concur from all available information, the Board will consider the complaint closed for SAA purposes and so inform the manufacturer and complainants: however if the Board is unable to concur with the manufacturer's report, an SAA investigation will be made and a copy of the investigation will be sent to the manufacturer and complainants. If it is found that the manufacturer's report was correct, the Board will consider the matter closed.

(b) Where, upon investigation, the Board determines that an imminent safety hazard, serious defect, defect or noncompliance may exist, it will notify the manufacturer and request the manufacturer to take necessary action. Where the manufacturer does not take action after notification by the Board and it appears that an imminent safety hazard or serious defect may exist, the Board will inform the manufacturer of its opinion and simultaneously forward to HUD documentation of the factual basis upon which an opinion was made, for administrative determination by HUD, pursuant to 24 C.F.R., Section 3282.407 (a). Where the manufacturer does not take action after notification by the Board and it appears that a defect or noncompliance may exist, the Board will so notify the manufacturer. The notice shall be sent to the manufacturer by certified mail and will include:

- (1) The preliminary determination by the Board;
- (2) The factorial basis for the determination;
- (3) The identifying criteria of the manufactured homes to be affected;



(4) Notice to the manufacturer that a hearing or presentation of views may be requested pursuant to 24 C.F.R. Part 3282, Subpart D, to establish that there is no such defect or noncompliance;

(5) Notice to the manufacturer that the preliminary determination shall become final unless the manufacturer responds within fifteen (15) days after receipt of such notice and requests a hearing or presentation of views; and

(6) Notice to the manufacturer that any information upon which the determination has been based, such as test results, records of inspection, etc., shall be available for inspection by the manufacturer.

(c) Where the manufacturer requests a hearing or presentation of views, one shall be held pursuant to 24 C.F.R. Section 3282.152.

(d) Where the manufacturer fails to respond to the notice of preliminary determination or if the Board decides that the views and evidence presented by the manufacturer or others are insufficient to rebut the preliminary determination, the Board may make a final determination that a defect or noncompliance exists and will notify the manufacturer to make a notification and submit a plan in accordance with 24 C.F.R. Section 3282.409. Within ten (10) days after receipt of the notice of final determination, the manufacturer may appeal to the Secretary of the United States Department of Housing and Urban Development.

(e) The manufacturer's plan for notification and correction, including contents of notice, time for implementation and completion of actions and reports, shall be made in accordance with the provisions of 24 C.F.R. Section 3282.409 through 3282.413. When the manufactured home is in the hands of a distributor or retail dealer, it shall be handled in accordance with 24 C.F.R. Section 3282.414.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.**

### **79-35. Increase of Surety Bond or Other Approved Security Requirements.**

(A) The Board may upon finding a licensee in violation of the provisions of the Act or Regulations increase the surety bonding or other approved security amount requirement not to exceed the maximum amount allowable under the Act.

(B) The Board may upon finding that an applicant for license has violation(s) which occurred during the past ten (10) years increase the surety bonding or other approved security amount requirement as a prerequisite for the issuance of license.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.**

### **79-36. Reduction of Surety Bond or Other Approved Security Requirements.**

A licensee may, after twelve (12) months of increased surety bonding or other approved security requirements, petition the Board in writing for the surety bonding or other approved security requirement to be reduced. The written request must also include any corrective action which has been taken by the licensee to rectify the violation(s) which occurred. The Board, after reviewing the record of the licensee during the year of increased surety bonding or other approved security to determine if the violation(s) has been cured by corrective action and there have not been further violation(s), may reduce the surety bonding or other approved security requirement to a lesser amount or to the minimum as provided in the Act.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.**

### **79-37. Claims against Surety Bond or Other Approved Security.**

A. In the event the responsible licensee(s) is unavailable or otherwise fails to resolve a complaint registered by a consumer, a claim may be filed against the surety bond or other approved security of the appropriate licensee(s) for the resolution of the complaint. Proceeds from the surety bond or other approved security may be disbursed only to the consumer who has followed the complaint process as provided by the Board or to a licensed retail dealer or manufacturer of a consumer's home who has performed service on the consumer's home on behalf of an out of business licensee.

(1) When it has been determined by investigation and/or inspection that the claim is valid, the consumer will be notified that a claim may be filed;

(2) If the complaint involves money, title or contractual dispute, the consumer will be requested to present receipts, canceled checks, contracts and other documentation to substantiate the claim.

(3) If the complaint involves repairs the consumer will be requested to provide estimates, which will be reviewed by the Department and an estimate will be chosen, if reasonable.

(4) In circumstances where the consumer has attempted but has been unsuccessful in obtaining estimates, the consumer may petition the Department for waiver of the requirement. The petition shall be a statement by the consumer of all efforts made in attempting to obtain estimates and the results of those efforts.

(5) If the complaint involves reimbursement for repairs the consumer will be requested to present the bill(s) received for repairs. The Department will review the cost(s) and a determination will be made as to whether the cost(s) is fair and reasonable.

(6) If repairs are necessary to maintain the safety, health and well-being of the consumer, or if a delay in repairs may cause further damage to the consumer's property, and a licensed retail dealer or manufacturer of the consumer's home is out of business, service may be provided to that consumer's home by the other currently licensed party on behalf of the out of business licensee. That licensee may petition the Board for reasonable reimbursement under the surety bond or other approved security of the licensee which is out of business.

B. All claims, upon determination by the Department to be reasonable will be presented to the Board Chairman for authorization to pay the claim.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.**

### **79-38. Inspections.**

A. An inspector may enter, at any reasonable time, any licensee's premises where manufactured homes are manufactured, sold, or offered for sale, and inspect any documents and records required to be maintained under the Act and Regulations. The Department may determine the times for periodic monitoring of retail dealer locations to ascertain compliance with the Act.

B. An inspector may enter any licensee's location during normal working hours to inspect new manufactured homes for compliance with the Act and Regulations.

C. A manufactured home found by an inspector to contain a violation(s) shall be conspicuously tagged with a "Red Tag", which specifies that the sale of the home is prohibited. Upon notification from the licensee that the violation(s) in the manufactured home has been corrected and upon inspection or verification of appropriate corrections, the Department shall authorize the removal of the "Red Tag".

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.**

### **79-39. Injunction.**

The Department may enforce the provisions of the Uniform Standards Code for Manufactured Housing Act by injunction or mandamus or any proper legal proceeding in the circuit court of the county in which the offense was committed.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.**

### **79-40. National Manufactured Housing Construction and Safety Standards.**

The South Carolina Manufactured Housing Board hereby adopts the standards contained in the National Manufactured Housing Construction and Safety Act of 1974, 42 U.S.C. 5401 et. seq., as amended.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.**

### **79-41. National Manufactured Housing Construction and Safety Regulations.**

The South Carolina Manufactured Housing Board hereby adopts the manufactured home procedural and enforcement regulations 24 C.F.R. 3282, as amended, promulgated by the Department of Housing and Urban Development pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 72 U.S.C. 5401 et. seq., as amended.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.**

## **79–42. Manufactured Home Installation Requirements.**

(A) Scope and Applicability. New manufactured homes in the State of South Carolina must be installed per the Manufacturers Installation Instructions. Used homes, without manufacturers installation instructions, are to be installed per Manufactured Housing Board Installation Regulations. The Manufacturers Installation Instructions and the Manufactured Housing Board Installation Regulations shall preempt any existing local standard. (See paragraph G).

(B) Manufactured Home Installation. The Federal Manufactured Home Construction and Safety Standards Program (24 CFR 3280, 3282 and 3283) requires that all manufactured homes be provided with installation instructions covering foundation, anchoring, utility connections, and other items. Where such installation instructions are provided, they shall be followed and supplemented by this regulation.

(1) Foundation Systems for Manufactured Homes. A Manufactured Home Foundation System is one constructed in accordance with the foundation system included in the manufacturer's installation instructions, supplemented by the requirements of these regulations. The manufacturer or homeowner shall be permitted to design for unusual installation not provided for in the manufacturer's standard installation instructions, provided a licensed professional engineer or architect approves the design in writing. When the manufacturer's instructions are not available Table 1 in Appendix A indexes information for the design of manufactured home foundation systems which meet the minimum criteria established in this regulation.

(2) Manufactured Homes with Manufacturer's Instructions. The manufacturer's instructions include a typical foundation system designed by a registered professional engineer or architect to support the anticipated loads specified in the manufacturer's installation instructions for the design zone (including climate) of installation, and shall meet the requirements of these regulations. These instructions shall be provided with the home following installation as required by 24 C.F.R., Parts 3280, 3282, and 3283 (42 U.S.C. 5401 et seq.).

(3) Manufactured Home Stabilizing Devices and Design. Each manufactured home, upon being installed on a manufactured home stand, shall have stabilizing devices, or shall be installed on a foundation constructed in accordance with the Standard Building Code. Stabilizing devices not provided with the manufactured home shall be listed or labeled to meet or exceed the design and capacity requirements of the manufactured home manufacturer's installation instructions and these regulations.

(a) Anchoring.

(1) Each manufactured ground anchor shall be listed and installed in accordance with the terms of its listing and the anchor manufacturer's instructions and shall include means of attachment of ties meeting the requirements of paragraph (B) (3) (b) (v). Ground anchor manufacturer's installation instructions shall include tensioning adjustments which may be needed to prevent damage to the manufactured home, particularly damage that can be caused by frost heave.

(2) Each ground anchor shall have the manufacturer's identification and listed model identification number marked thereon so that the number is visible after installation. Instructions shall accompany each listed ground anchor specifying the types of soil for which the anchor is suitable under the requirements of paragraph (B) (3) (b) (4) (a).

(3) Ground anchors, including means for attaching ties, shall be located to effectively match the anchoring system instructions provided by the manufactured home manufacturer, or, if there are no instructions, in accordance with the requirements of this section.

(4) If concrete slabs or continuous footings are used to transfer the anchoring loads to the ground, the following shall be required:

(a) Steel rods cast in concrete shall be capable of resisting loads as specified in paragraph (B) (3) (b) (4)(a).

(b) Deadman concrete anchors may be used in place of listed anchors if they meet the requirements of paragraph (B) (3) (b) (4) (a).

(c) Concrete slabs may be used in place of ground anchors, provided the slab is constructed so that it provides holding strength equal to the requirements of paragraph (B) (3) (b) (4)(a).

(b) Foundation Standards.

(1) Support System Spacing. Unless a professional engineer or architect designs the entire support system, the support system shall be designed in accordance with this standard.

(2) Footings. Footings shall be sized to support the loads shown in the manufacturer's instructions and as specified below. Where no manufacturer's instructions are available, the footings shall be adequate in size to withstand the uniform live and dead loads of the manufactured home and any concentrated loads.

(a) The supports shall begin not more than two feet from the exterior of each end wall. Supports shall be installed directly under the main frame (chassis) of the manufactured home. The South Carolina Manufactured Housing Board may approve methods other than those specified herein.

(b) Table 2 in Appendix A shall be applicable unless the entire support system is designed and calculated by a registered professional engineer or architect.

(c) Footings shall be at least 144 square inches of solid concrete, block, or other materials approved for the intended use by the South Carolina Manufactured Housing Board. (Check Appendix B for minimum thickness.)

(d) Footings or pier foundations (unless approved by a registered professional engineer), when required, shall be placed level on firm undisturbed soil or on controlled fill which is free of grass and organic materials to minimum load-bearing capacity of 1000 pounds per square foot. Where unusual conditions exist, the spacing of piers and the load-bearing capacity of the soil shall be determined specifically for such conditions (see paragraph (B) (6) (b)).

(3) Piers. Piers or load-bearing supports or devices shall be designed and constructed to evenly distribute the loads. Load-bearing supports or devices shall be listed and labeled, shall be designed by a registered professional engineer or architect, shall be approved for the use intended, or piers shall be constructed as follows:

(a) Piers less than 36 inches in height shall be constructed of open or closed cell, eight inches by 16 inches, concrete blocks (with open cells vertically placed upon the footing). Single-stacked block piers shall be installed with the 16 inches perpendicular to the main (I-beam) frame. The piers shall be covered with a two inches by eight inches by 16 inches wood or concrete cap (See Figure B-10, Appendix B).

(b) Subject to the limitations of paragraph (B) (4) (b), piers between 36 inches and 80 inches in height and all corner piers over three blocks high shall be double blocked with blocks interlocked and capped with a four inches by 16 inches by 16 inches solid concrete block, or equivalent (See Figure B-11, Appendix B).

(c) Subject to the limitations of paragraph (B) (4) (b), piers over 80 inches in height shall be constructed as per paragraph (B) (3) (b) (3) and they shall be laid in concrete mortar and steel reinforcing bars inserted in block cells with the block cells filled with concrete (See Figures B-12 (a) and B-12 (b) in Appendix B).

(d) Steel Piers. Steel piers, when used, shall be in compliance with paragraph (B) (3) (b) (5)(l), after fabrication to provide corrosion protection (See B-8 in Appendix B).

(e) Walls. Load bearing and nonload-bearing walls constructed on site shall be constructed of concrete, masonry, or any other material or system that is recognized by the authority having jurisdiction. Minimum thickness shall be that required to resist lateral pressure from adjacent earth and support design loads as determined by acceptable engineering practice.

(4) Anchors.

(a) Capacity of Anchors. Each approved ground anchor, when installed, shall be capable of resisting an allowable working load at least equal to 3,150 pounds in the direction of the tie plus a 50 percent overload (4,725 pounds) without failure.

(b) Anchoring Equipment. Anchoring equipment, shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50 percent overload (4,725 pounds) without failure of either the anchoring equipment or the attachment point on the manufactured home. When the stabilizing system is designed by a qualified registered professional engineer or architect, alternative working loads may be used

provided the anchoring equipment is capable of withstanding a 50 percent overload. All anchoring equipment shall be listed or labeled as being capable of meeting all the requirements of this section.

(c) Anchor Installation Specifications. Each type anchor suitable for this purpose shall have specification data showing the soil classification(s) for which it qualifies.

(d) Anchors designed for connection of multiple ties shall be capable of resisting the combined working load and overload consistent with the intent expressed herein, and shall be installed to resist resultant forces.

(e) Selection of Anchors. Anchor selection shall be based on a determination of the soil class at the depth the anchor helical plate will be installed.

(f) Other Anchoring Devices. Other anchoring devices meeting the requirements of this section shall be permitted if acceptable to the authority having jurisdiction.

(g) Depth of Anchors. All anchors shall be installed to the full depth shown in the anchor manufacturer's installation instructions. The load-carrying portion of the ground anchors shall extend below the frost line.

(5) Ties. Strappings or other approved methods or material shall be used for ties. All ties shall be fastened to ground anchors and drawn tight with turnbuckles or other adjustable tensioning devices or devices supplied with the ground anchor.

(a) Tie materials shall be capable of resisting an allowable working load of 3,150 pounds with no more than two percent elongation and shall withstand a 50 percent overload (4,725 pounds total). Ties shall comply with the weathering requirements of paragraph (B) (3) (b) (v) l).

(b) Ties shall connect the ground anchor and the main structural steel frame (I-beam or other shape) which runs lengthwise under the manufactured home. Ties shall not connect to steel outrigger beams which fasten to and intersect the main structural frame unless specifically stated in the manufacturer's installation instructions.

(c) Connection of the cable frame tie to the manufactured home I-beam or equivalent main structural frame member shall be by a five-eighths inch drop-forged closed-eye bolt through a hole drilled in the center of the I-beam web or other approved methods. The web shall be reinforced if necessary to maintain the designed I-beam strength.

(d) Cable ends shall be secured with at least three U bolt-type cable clamps with the U portion of the clamp installed on the short (dead) end of the cable to assure strength equal to that required by paragraph (B) (3) (b) (v) a).

(e) Number of Ties. The minimum number of ties per side for various lengths of manufactured homes in hurricane zone shall be in accordance with Table 3 in Appendix A.

(f) Location of Ties. When continuous straps are provided as vertical ties, such ties shall be positioned at rafters and studs. Where a vertical tie and diagonal tie are located at the same place, both ties shall be permitted to be connected to a single ground anchor, provided that either the anchor used is capable of carrying both loadings, or that the load capacity of the total number of anchors used is equal to 3150 pounds. Working load plus 50 percent overload (4725 pounds.) times the number of ties specified in Table 3 in Appendix A.

(g) Spacing of Vertical Ties. Vertical ties shall be as evenly spaced as practicable over rafters or over studs along the length of the manufactured home with not more than eight feet open-end spacing on each end.

(h) Special Ties. Clerestory roofs and add-on sections of expandable manufactured homes shall have provisions for vertical ties at the exposed ends.

(i) Alternate Method Using Strapping. If the alternate method incorporating straps specified in Table 3 in Appendix A is used, the baling straps shall be wrapped completely around the manufactured home passing under the main steel frame, with both ends of each strap fastened together under tension. The straps shall be in accordance with paragraph (B) (3) (b) (v). The method used to connect the ends of the strap shall not reduce the allowable working load and overload. S traps shall be installed in accordance with the requirements for ties in paragraph (B) (3) (b) (v) a) through l).

(j) Tensioning Device Design. Tensioning devices such as turnbuckles or yoke-type fasteners shall be ended with a clevis or forged or welded eyes.

(k) Permanency of Connections. Anchoring equipment shall be designed to prevent self-disconnection when ties are slack. Open hook ends shall not be used in any part of the anchoring system.

(l) Resistance to Weather Deterioration. All anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot on each side of the surface coated, as determined by ASTM Standard Methods of Test for Weight of Coating on Zinc-Coated (Galvanized) Iron or Steel Articles (ASTM A90-B1).

(4) Placement of Manufactured Homes.

(a) Clearance Under Homes. A minimum clearance of 12 inches shall be maintained beneath the lowest member of the main frame (I-beam or channel beam) in the area of utility connections. No more than 25 percent of the underside of the main frame of the home shall be less than 12 inches above grade.

(b) Plates and Shims. A wood plate not exceeding two inches in thickness and shims that transfer loads uniformly not exceeding one inch in thickness shall be permitted to be used to fill any gap between the top of the pier and the main frame. Two, two inches or four inches solid concrete blocks shall be permitted to be used to fill the remainder of any gap. Shims shall be at least nominal four inches wide and six inches long and shall be fitted and driven tight between the wood plate or pier and main frame.

(c) Elevated Manufactured Homes. When the manufactured home is installed on a basement or split entry type foundation over a habitable lower-level area, or when more than one-fourth of the area of a manufactured home is installed so that the bottom of the main frame members are more than three feet above ground level, the foundation system shall be designed by a registered professional engineer or architect and the installation shall be approved by the local authority having jurisdiction.

(d) Removal of Manufactured Home Transportation Components at Time of Installation. No portion of a manufactured home shall be removed when located on its home site unless it is designated to be removable and removed in accordance with the manufacturer's instructions.

(5) Ventilation of Manufactured Homes.

(a) Access to and Ventilation of Underfloor Areas.

(1) Provisions shall be made to minimize condensation in underfloor areas through ventilation openings or other suitable means.

(2) If combustion air for heat-producing appliance(s) is taken from within the underfloor areas, ventilation shall be adequate to assure proper operation of the appliance(s). This requirement shall take precedence over the provisions of paragraph (B) (5) (a) (i).

(3) Ventilation openings shall be provided for low profiled manufactured homes that are installed by depressing the supporting foundation in accordance with paragraph (B) (5) (a) (iv).

(4) A minimum of four ventilation openings shall be provided from the underfloor space to the exterior. One shall be placed at or near each corner as high as practicable. Their total net area shall be calculated by:  $a = A/150$  where:

A = the area of the crawl space, square feet

a = the total net free vent area.

(a) Openings shall provide cross ventilation on at least two opposite sides. The openings shall be covered with corrosion resistant wire mesh not less than one-eighth inch and not more than one-half inch in any dimension or with screened louvered openings to retard entry of dry vegetation, waste materials, or rodents.

(b) Intake air for ventilation purposes shall not be drawn from underfloor spaces of the home.

(c) Moisture producing devices, such as dryers, shall be vented to the atmosphere in such a manner to insure that moisture laden air is carried beyond the perimeter of the home.

(d) **Curtain Walls.** Curtain walls, if used, although not necessary for stabilizing the home, shall be installed in accordance with the manufacturer's installation instructions. It shall be secured, as necessary, to assure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave. Access opening(s) not less than 18 inches in any dimension and not less than three square feet in area shall be provided and shall be located so that any water supply and sewer drain connections located under the manufactured home are accessible for inspection. Such access panel(s) or door(s) shall not be fastened in a manner requiring the use of a special tool to remove or open same. On-site fabrication of curtain wall shall meet the objectives cited herein. Materials designed for curtain walls may be used, including, but not limited to vinyl, treated wood, corrosion resistant metal or masonry products. Curtain walls constructed or installed in accordance with this provision satisfy the requirements of the Act.

(6) **Maintenance.**

(a) **Protection of Ties and Manufactured Home Roofing and Siding.** Protection shall be provided at sharp corners where the anchoring system requires the use of external cables or straps. Protection shall also be provided to minimize damage to roofing or siding by the cable or strap.

(b) **Maintenance of Anchoring Systems.** The homeowner shall be advised that tie tension should be checked and adjusted when necessary to prevent damage to the manufactured home from settling or other unforeseen movements (such as frost heave).

(C) **Plumbing.** Each manufactured home stand shall be provided with a water supply and sewer located and arranged to permit attachment to the manufactured home in a workmanlike manner.

(D) **Mechanical Equipment (Heating and Cooling)**

(1) **Exterior Mechanical Equipment.**

(a) Mechanical equipment installed outside of and not attached to a manufactured home shall be mounted on a level concrete slab not less than three and one-half inches thick, a precast reinforced concrete slab, treated wood of equivalent strength, or be mounted in accordance with the equipment manufacturer's installation instructions.

(b) Mechanical equipment installed outside shall be listed and labeled for outside installation and installed in accordance with the manufacturer's installation instructions.

(c) Mechanical equipment shall not be installed in a manner that would obstruct any means of required egress. Mechanical equipment shall not be installed in window openings which are part of an existing system and shall not obstruct sidewalks or other means of egress from the manufactured home.

(E) **Manufactured Home Electrical Connections.**

(1) When a manufactured home consists of two or more sections, all utility connections from one section to another shall be installed in accordance with the manufacturer's installation requirements. In the absence of manufacturer's instructions utility connections shall be made in accordance with the National Electrical Code.

(2) No rigid utility connections shall be made unless the home is installed on a foundation constructed in accordance with the Standard Building Code.

(3) All manufactured home utility services shall be connected to the supply sources only with approved materials.

(4) When a manufactured home is equipped with a meter base from the manufacturer, a municipality or county cannot require that the home be hooked up in any other fashion.

(F) **Dealer Lot Installation.**

(1) All manufactured homes stored on dealership lots shall be installed to such a degree as to not allow damage to occur while the home is on display.

(a) **Piers.** Pier requirements for dealer lot installations shall equal one-third the required piers for field installation in accordance with the manufacturer's installation instructions. In areas where special pier installations are required, the dealer shall incorporate these piers in the lot installation.

(b) Used Manufactured Homes. Used manufactured homes offered for sale on dealership lots shall be installed to assure that load-bearing supports maintain the integrity of the home. Dealer lot owners will have the discretion as to what extent installation is necessary. However, in no situation shall any unit be installed on a dealer lot without pier support.

(G) National Flood Insurance Program. In areas where a community meets the eligibility requirements for the National Flood Insurance Program, the local jurisdiction having authority shall have the authority to change, delete or modify these regulations in order to comply with the National Flood Insurance Program created by the National Flood Insurance Act of 1968, as amended. A copy of any different standard adopted under this paragraph shall be filed with the South Carolina Manufactured Housing Board.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.**

### **79-43. Used Manufactured Home Minimum Habitability Requirements.**

(A) Scope and Applicability. No person or retail dealer shall sell to a consumer for occupancy any used manufactured home to be used for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements. Any home meeting the standards for habitability of this Section may be placed for occupancy throughout the State. No additional regulation or standard may be enforced with regard to the condition or repair of the home.

#### **(B) Facilities Required.**

(1) Sanitary facilities. Every Manufactured home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition free from defects, leaks, and obstructions.

(2) Hot and cold water supply. Every manufactured home shall have connected to the kitchen sink, lavatory, and tub or shower an adequate supply of both cold water and hot water. All water shall be supplied through an approved distribution system connected to a portable water supply.

(3) Water heating facilities. Every manufactured home shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit.

(4) Heating facilities. Every manufactured home shall have heating facilities which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, and bathrooms. Where a central heating system is not provided, each manufactured home shall be provided with facilities whereby heating appliances may be connected. Unvented fuel burning heaters shall be prohibited except for gas heaters listed for unvented use and the total input rating of the unvented heaters is less than 30 BTU per hour per cubic foot of room content. Unvented fuel burning heaters shall be prohibited in bedrooms.

(5) Cooking and heating equipment. All cooking and heating equipment and facilities shall be installed in accordance with Federal Manufactured Home Construction and Safety Standards and shall be maintained in a safe and good working condition. Portable cooking equipment employing flame is prohibited.

(6) Smoke detector. Every manufactured home shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm.

(7) Windows. Every habitable room excluding bathrooms, kitchens and hallways, shall have at least one window or skylight facing directly to the outdoors.

(8) Ventilation. Every habitable room shall have at least one window or skylight which can be easily opened, or such other device as will adequately ventilate the room.

(9) Electric service. Where there is electric service available to the manufactured home, every habitable room or space shall contain at least two separate and remote convenience outlets and bedrooms shall have, in addition, at least one wall switch controlled ceiling or wall type light fixture.



In kitchens, three separate and remote convenience outlets shall be provided, and a wall or ceiling type light fixture controlled by a wall switch shall be required. Every hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one electric fixture. In bathrooms a wall switch shall control the electric light fixture. In addition to the electric light fixture in every bathroom and laundry room there shall be provided at least one convenience outlet. Any new bathroom outlet shall have ground-fault circuit interrupter protection. Every such outlet shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.

(10) Exterior Walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the manufactured home.

(11) Roofs. Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the home.

(12) Window sash. Window sash shall be properly fitted and weather tight within the window frame.

(13) Interior floors, walls and ceiling. Every floor, interior wall and ceiling shall be substantially rodent proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every toilet, bathroom and kitchen floor surface shall be maintained so as to be substantially impervious to water.

(14) Structural supports. Every structural element of the dwelling shall be maintained structurally sound and show no evidence of deterioration which would render it incapable of carrying normal loads.

(15) Dangerous structures. Any manufactured home which shall be found to have any of the following defects shall be red tagged and deemed unfit for human habitation, and shall be so designated by the placement of a red tag on the home by the State Inspector. Placement of the red tag means that the manufactured home cannot be sold unless and until repairs are completed and the home is brought back into compliance with this section of the regulations.

(a) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates hazard to the health or safety of the occupants or the public.

(b) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or the public.

(16) Removal of red tag. An employee of the South Carolina Manufactured Housing Board can only remove the red tag, after inspection and verification that repairs have been completed. Removal of red tag by any licensee prior to this verification could result in license revocation or suspension by the South Carolina Manufactured Housing Board.

(C) Exception for Homes Purchased for Repair.

(1) If a home is to be sold for purposes of repair prior to occupancy, the provisions of this Section will not apply if the purchaser shall have executed a document indicating the home is purchased for purposes of repair and not for habitation until the standards established hereby are met.

(2) No home may be placed for occupancy until standards herein are met.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.**

## **79-44. Retail Managers; Finance Managers.**

A. Persons designated as retail managers must be licensed as retail salespersons. A retail manager is any person who has the authority to act on behalf of a retail dealer in the management of a retail center or to supervise any function that requires a retail salesperson license.

B. Activities which indicate a person is a manager include, but are not limited to, the general supervision of a retail center, the authority to approve purchase agreements or other contracts, the practice of receiving funds on behalf of the retail dealer, the approval of advertising, and the hiring, firing, supervision or compensation of salespersons.

C. The retail manager is responsible under Section 40-29-150, concurrently with the retail dealer and salespersons, for any activities (1) carried out by the retail manager related to the operation of the retail center or (2) carried out by anyone acting in an area supervised by the retail manager.

D. Any person who holds himself out to a consumer as the retail dealer’s representative for the purpose of obtaining financing falls under the definition of retail salesperson and must be so licensed.

**HISTORY: Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.**

**APPENDIX A**

**Tables**

Table 1

Alternate Manufactured Home Foundation Systems (Single or Multi-Section Homes)	
Alternate Systems	Main Components
Concrete or Concrete Block Load Bearing Perimeter Foundation	<ol style="list-style-type: none"> <li>1. Exterior load bearing perimeter foundation on concrete footing.</li> <li>2. Wooden structure of home is securely fastened to the load bearing perimeter foundation.</li> <li>3. For multi-sectional homes, interior piers, or wall.</li> </ol>
Pile/Post Foundation	<ol style="list-style-type: none"> <li>1. Wooden, concrete, or steel interior piles or posts with timber or concrete caps.</li> <li>2. Perimeter enclosure material of block, brick, permanent wood, or material similar to exterior siding of the home.</li> </ol>
Concrete Slab or Continuous Footing Foundations	<ol style="list-style-type: none"> <li>1. Concrete slab or continuous interior pier footings.</li> <li>2. Perimeter concrete footings.</li> <li>3. Frame ties attached to perimeter footings.</li> <li>4. Perimeter enclosure material of block, brick, permanent wood, material similar to exterior siding of the home.</li> </ol>
Piers-Ground Anchors Foundation	<ol style="list-style-type: none"> <li>1. Piers composed of formed-in-place concrete, concrete block or steel pedestals on concrete footers or crushed stone.</li> <li>2. Steel ground anchors in soil or embedded in concrete deadmen in soil.</li> <li>3. Frame ties with or without over-the-top ties.</li> <li>4. Enclosure material (skirting) to match exterior siding of the home.</li> </ol>
Permanent Wood Foundation	<ol style="list-style-type: none"> <li>1. Permanent wood blocks or steel interior piers on concrete footers.</li> <li>2. Steel ground anchors embedded in soil or embedded in concrete in the soil.</li> <li>3. Frame ties with or without over-the-top ties.</li> <li>4. Permanent wood perimeter enclosure.</li> </ol>

Table 2

Nondesignated Footing Areas for Allowable Soil Bearing Capacity	
	Roof Live Load (psf)
	South Zone 75 (psf)

	Single Section		Multi-Section ***	
Width of Units up to and including (ft.) **	12	14	12	14
Tributary Pier Spacing (ft.) **	6	8	8	8
Pier Load (lb.) **	2700	3150	3600	4200
Allowable Soil Bearing Capacity	Minimum Required Footing Area (sq. in.)			
1000 psf	389	454	518	605
1500 psf	259	302	346	403
2000 psf	194	227	259	302
3000 psf	*	151	173	202
4000 psf	*	*	*	151
6000 psf	*	*	*	*
8000 psf	*	*	*	*

Notes:

(a) Rear cantilever or floor beyond the frame is assumed to be less than 2 feet.

(b) For units wider than the dimensions shown in the above table, an engineering analysis will be needed to determine pier spacing.

(c) Individual supports shall not bear a design load greater than 8,000 lb, 14,000 lb, ultimate.

\* Minimum required footings shall be not less than 144 sq. in. (1 sq. ft.).

All values above 144.0 shown.

\*\* If unit(s) is supplied with overhanging eaves, see manufacturer's installation instructions.

\*\*\* See appropriate column for individual section width selected. Multiple section homes may have concentrated roof support which will require special consideration.

Table 3 A  
Number of Ties Required Per Side, for Single Section Manufactured Homes.  
Zone I

Length of Home	Vertical Ties	Diagonal Ties
Up to 40'	2	3
40' to 46'	2	4
46' to 49'	2	5
49' to 58'	3	5
58' to 84'	3	6

Table 3 B  
Number of Ties Required Per Side, for Single Section Manufactured Homes.  
Zone II

Length of Home	Vertical Ties	Diagonal Ties
Up to 46'	2	4
46' to 49'	2	5
49' to 58'	3	5
58' to 70'	3	6
70' to 73'	3	7
73' to 84'	4	7

1. Multi section homes only require diagonal ties. Vertical ties not required.
2. Length of home, as used in tables 3 A and 3 B, excludes draw bar.
3. An alternate method of tie down may be accepted when designed by a registered architect or engineer based on the criteria set forth in the Federal Manufactured Home Construction and Safety Standards.
4. If vertical tie brackets are not installed by the manufacturer, add number of required vertical ties to diagonal requirements.

**HISTORY:** Added by State Register Volume 29, Issue No. 2, eff February 25, 2005.

# APPENDIX B. TYPICAL DESIGNS FOR LOAD-BEARING SUPPORTS FOR MANUFACTURED HOMES

## APPENDIX B

### Typical Designs of Piers for Load-Bearing Supports for Manufactured Homes

The following represent typical design arrangements followed by several producers of manufactured homes. They are illustrative examples only. It should be noted that, in addition to these design examples, guidance is found in these typical arrangements for draining under the manufactured home, moisture prevention, consideration of termite infestation, and other critical aspects that must be taken into consideration when installing or setting-up a manufactured home. The user should consult the producer or dealer of the manufactured home in question for the actual design configuration of support, piers, etc. to be followed.

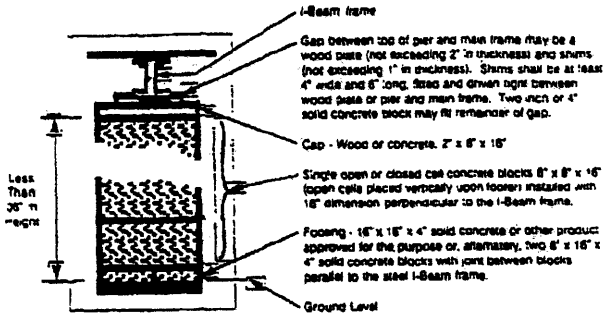


Figure B-1

Footing placed on firm undisturbed soil or on controlled fill free of grass and organic materials compacted to a minimum load-bearing capacity of 2000 PSF

Note: In areas subject to frost heave.

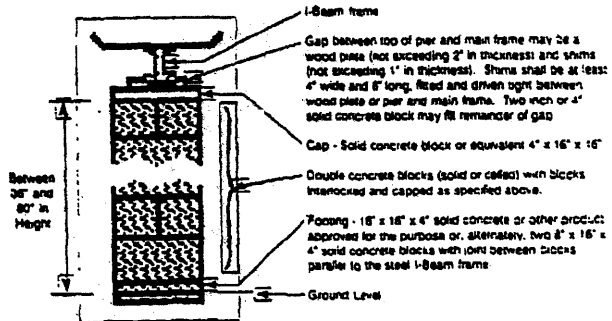


Figure B-2

Footing placed on firm undisturbed soil or on controlled fill free of grass and organic materials compacted to a minimum load bearing capacity of 2000 PSF

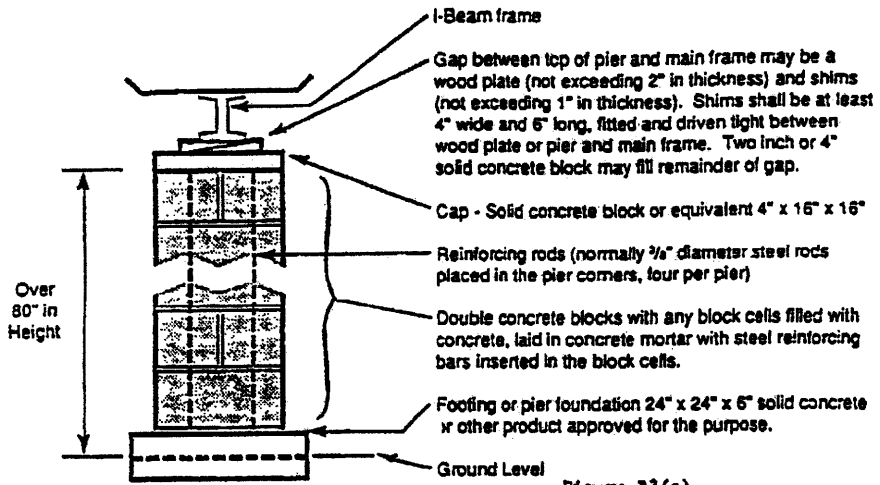


Figure 33(a)

Footing placed on firm undisturbed soil or on controlled fill free of grass and organic materials compacted to a minimum load-bearing capacity of 2000 PSF

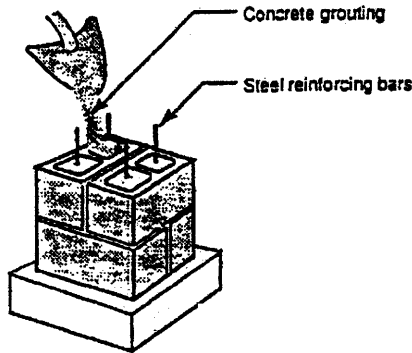


Figure 33(b) For piers exceeding 80 inch in height the concrete blocks should be filled with concrete grouting and steel reinforcing rods utilized.

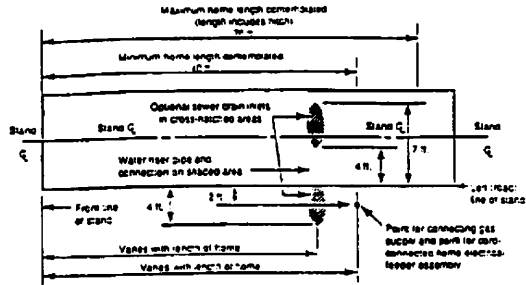


Figure B-4

Diagram of Optional Placement of Utility Connections Serving a Manufactured Home

The diagram illustrates suggested locations of utility connections for the convenience of users of this standard.

**Note 1: Drainage.** Underfloor areas should be drained in accordance with the requirements of the authority having jurisdiction.

**Note 2: Wood and Earth Separation.** Wood joists or the bottom of perimeter joists should be a minimum of 6 in. from the finished exterior grade.

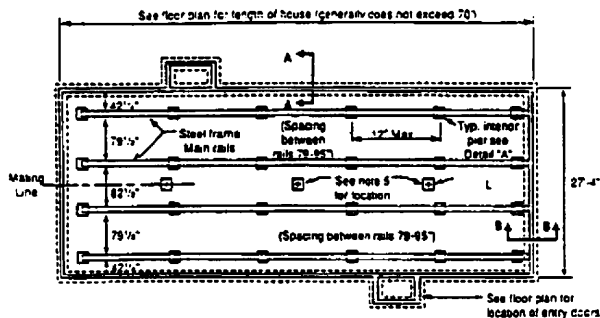
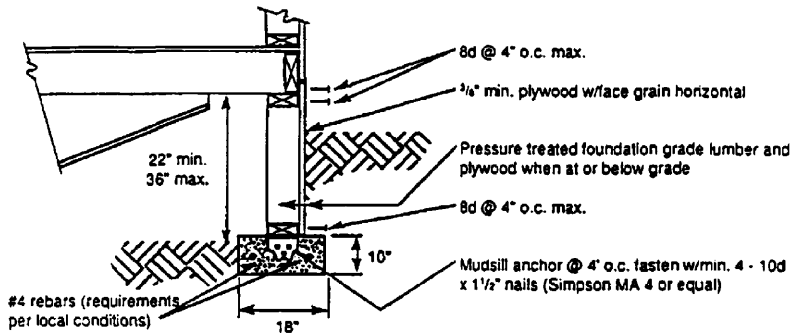
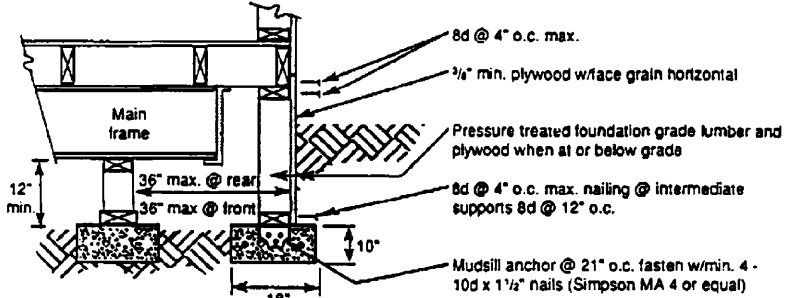


Figure B-5 Typical Permanent Wood Foundation System

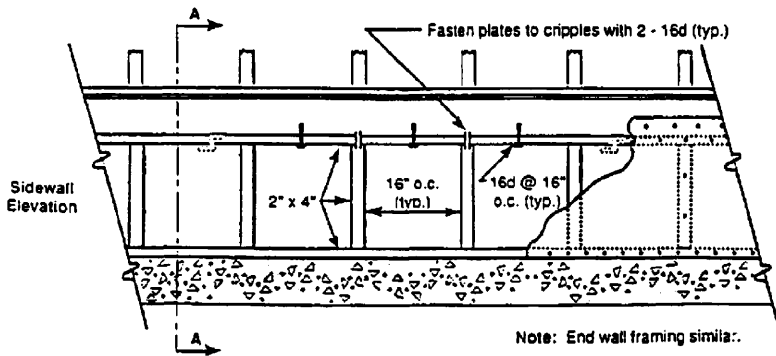
1. Design Assumptions: Uniform Building Code, Chapter 29, 1965 Ed.  
30 PSF max. wind force  
30 PSF roof live load  
Seismic Zone 3
2. Foundation footing size and depth to be based on soil conditions at the site.
3. Crawl space access and ventilation to be provided.
4. All lumber and plywood used in the foundation system within 6 in. of earth shall be preservative treated and shall bear the FDN grade mark:
  - a. Lumber shall be standard or stud grade Douglas Fir-Larch or Hem-Fir or better.
  - b. Plywood shall be minimum 3/8 in. CD with exterior glue and bearing the APA trademark.
  - c. Fasteners in preservative treated wood shall be stainless steel or hot-dipped zinc-coated steel.
5. Centaline piers to be located directly below ridge beam support posts.
6. When under floor clearances exceed 36 in. a special foundation stem wall design may be required.
7. Alternate designs and materials may be used when in accordance with the National Forest Products Association Technical Report No. 7.



Section "A-A" - Typical Sidewall Foundation

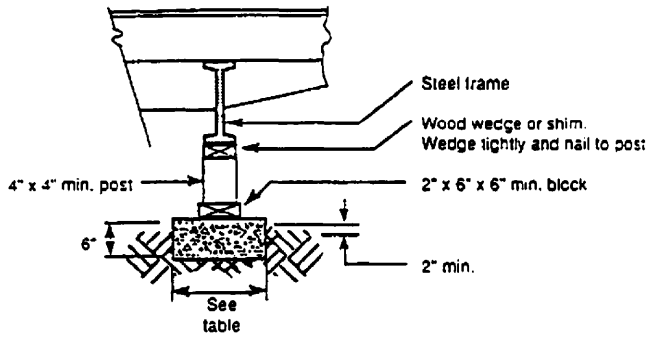


Section "B-B" - Typical Front/Rear End Wall Foundation



Permanent Wood Foundation System

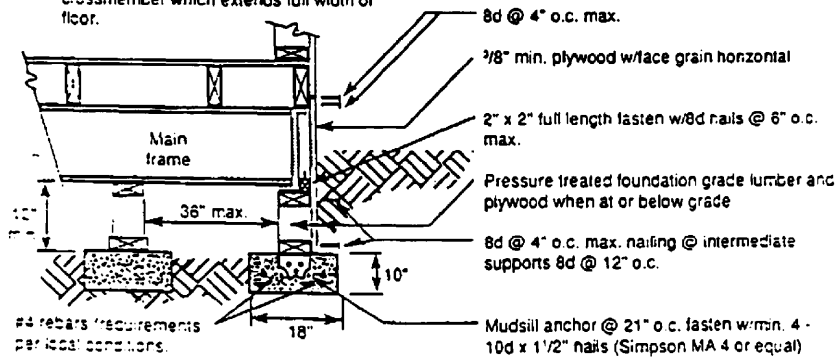
Figure B-6



Detail "A" - Typical Interior Pier

<b>Footing Size - Interior Pier</b>			
On-Center Pier Spacing	Allowable Soil Bearing Pressure		
	1000 PSF	1500 PSF	2000 PSF
6'	18" x 18"	14" x 14"	12" x 12"
8'	20" x 20"	16" x 16"	14" x 14"
10'	22" x 22"	18" x 18"	16" x 16"
12'	25" x 25"	20" x 20"	18" x 18"

Note: This alternate to be used only with front crossmember which extends full width of floor.

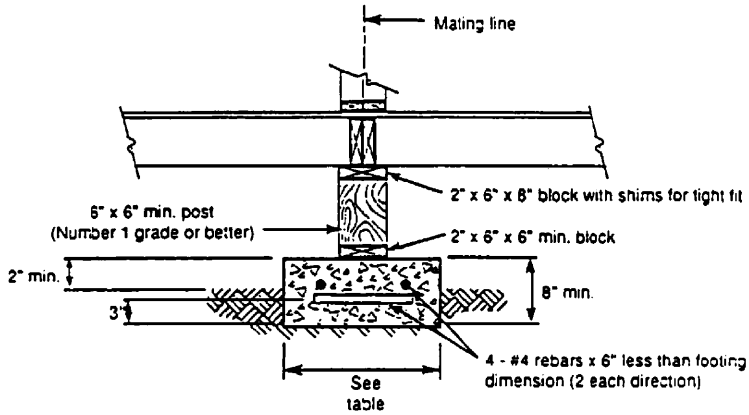


Section "B-B" - Typical Front/Rear End Wall Foundation

Permanent Wood Foundation System

Figure B-7





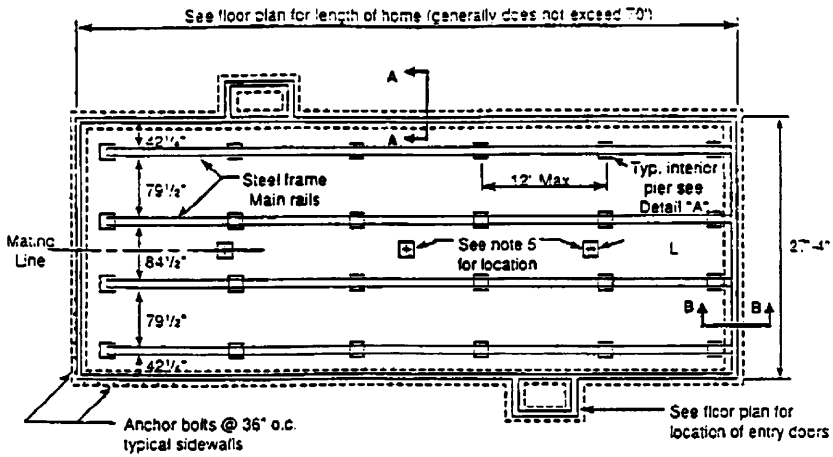
Detail "B" - Typical Ridge Beam Column Pier

Footing Size - Ridge Beam Pier							
Column No.*	Allowable Soil Bearing Pressure			Column No.*	Allowable Soil Bearing Pressure		
	1000 PSF	1500 PSF	2000 PSF		1000 PSF	1500 PSF	2000 PSF
1	24" x 30"	20" x 20"	20" x 20"	14	30" x 36"	24" x 30"	24" x 24"
2	24" x 30"	20" x 20"	20" x 20"	15	30" x 30"	24" x 24"	24" x 24"
3	24" x 30"	20" x 20"	20" x 20"	16	30" x 30"	24" x 24"	20" x 20"
4	36" x 36"	30" x 30"	24" x 24"	17	30" x 30"	24" x 24"	24" x 24"
5	30" x 36"	24" x 30"	24" x 24"	18	36" x 42"	30" x 36"	24" x 30"
6	30" x 36"	24" x 30"	24" x 24"	19	36" x 36"	30" x 30"	24" x 24"
7	36" x 36"	30" x 30"	24" x 24"	20	30" x 30"	24" x 24"	20" x 20"
8	36" x 40"	30" x 36"	24" x 30"	21	36" x 42"	30" x 30"	24" x 30"
9	36" x 36"	30" x 30"	24" x 30"	22	30" x 30"	24" x 24"	24" x 24"
10	30" x 36"	24" x 30"	24" x 24"	23	42" x 42"	36" x 36"	30" x 30"
11	30" x 30"	24" x 24"	24" x 24"	24	36" x 42"	30" x 36"	24" x 30"
12	36" x 36"	30" x 30"	24" x 30"	25	36" x 36"	30" x 30"	24" x 24"
13	36" x 42"	30" x 36"	24" x 30"				

\* See Table II

Permanent Wood Foundation System - Ridge Beam Support

Figure B-8

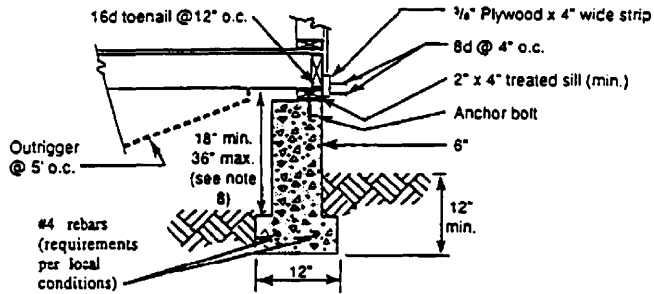


### Concrete or Concrete Block Foundation System

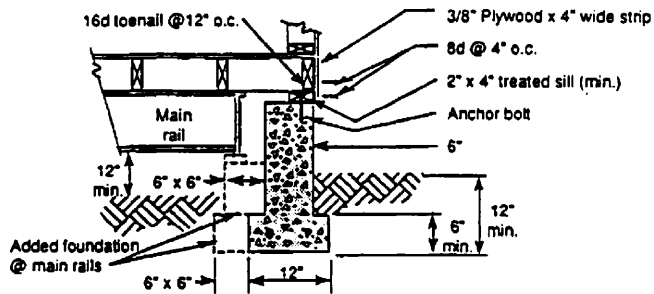
Figure B-9

#### Notes:

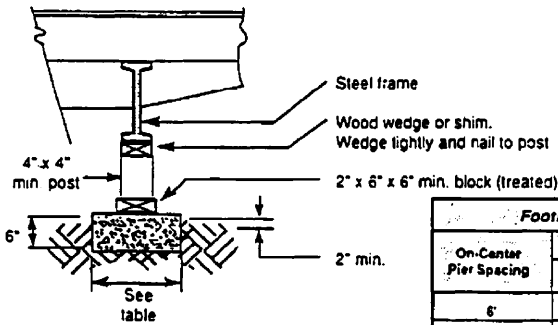
1. Design Assumptions: Uniform Building Code, Chapter 19, 1985 E1.  
20 PSF max. wind force  
30 PSF roof live load  
Seismic Zone 3
2. Foundation footing size and depth to be based on soil conditions at the site.
3. Crawl space access and ventilation to be provided.
4. Anchor bolts to be installed within 12 in. of each end of sill and as shown on plan. Bolts to be 1/2 in.  $0 \times 7$  in. in concrete foundation. Bolts to be 1/2 in.  $0 \times 1\frac{1}{2}$  in. in concrete block foundation.
5. Centerline piers to be located directly below ridge beam support posts.
6. (ASTM C-90) with 2 - 14 fully grouted in cell with anchor bolt may be used in lieu of foundation stem wall.
7. Front and/or rear end wall stems may be built after house is placed on foundation.
8. When under floor clearances exceeds 36-in. a special foundation stem wall design is required.



Section "A-A" - Typical Sidewall Foundation



Section "B-B" - Typical Front End Wall Foundation

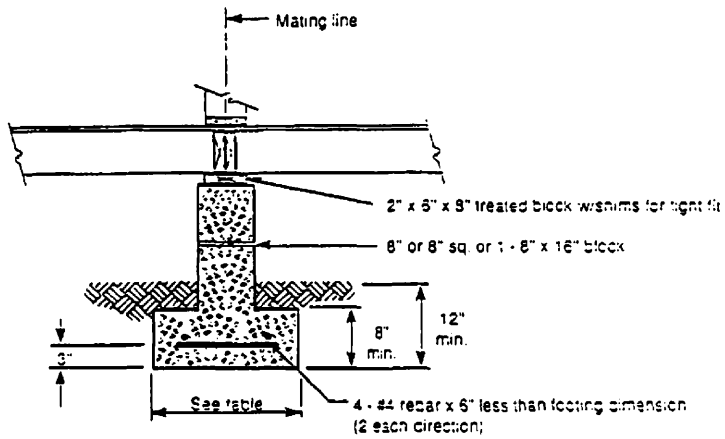


Detail "A" - Typical Interior Pier

Footing Size - Interior Pier			
On-Center Pier Spacing	Allowable Soil Bearing Pressure		
	1000 PSF	1500 PSF	2000 PSF
6'	18" x 18"	14" x 14"	12" x 12"
8'	20" x 20"	16" x 16"	14" x 14"
10'	22" x 22"	18" x 18"	16" x 16"
12'	25" x 25"	20" x 20"	18" x 18"

Concrete or Concrete Block Foundation System

Figure B-10



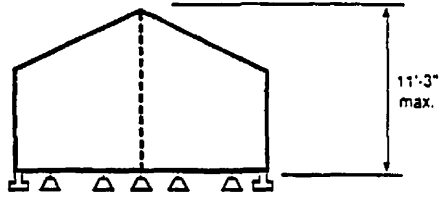
Detail "B" - Typical Ridge Beam Column Pier

Footing Size - Ridge Beam Pier							
Column No."	Allowable Soil Bearing Pressure			Column No."	Allowable Soil Bearing Pressure		
	1000 PSF	1500 PSF	2000 PSF		1000 PSF	1500 PSF	2000 PSF
1	24" x 30"	20" x 20"	20" x 20"	14	30" x 36"	24" x 30"	24" x 24"
2	24" x 30"	20" x 20"	20" x 20"	15	30" x 30"	24" x 24"	24" x 24"
3	24" x 30"	20" x 20"	20" x 20"	16	30" x 30"	24" x 24"	20" x 20"
4	36" x 36"	30" x 30"	24" x 24"	17	30" x 30"	24" x 24"	24" x 24"
5	30" x 36"	24" x 30"	24" x 24"	18	36" x 42"	30" x 36"	24" x 30"
6	30" x 36"	24" x 30"	24" x 24"	19	36" x 36"	30" x 30"	24" x 24"
7	36" x 36"	30" x 30"	24" x 24"	20	30" x 30"	24" x 24"	20" x 20"
8	36" x 40"	30" x 36"	24" x 30"	21	36" x 42"	30" x 30"	24" x 30"
9	36" x 36"	30" x 30"	24" x 30"	22	30" x 30"	24" x 24"	24" x 24"
10	30" x 36"	24" x 30"	24" x 24"	23	42" x 42"	36" x 36"	30" x 30"
11	30" x 30"	24" x 24"	24" x 24"	24	36" x 42"	30" x 36"	24" x 30"
12	36" x 36"	30" x 30"	24" x 30"	25	36" x 36"	30" x 30"	24" x 24"
13	36" x 42"	30" x 36"	24" x 30"				

Concrete or Concrete Block Foundation System

**Design Basis**

- Uniform building code, chapter 29, 1979 ed.
- 15 and 20 PSF maximum wind forces
- 20, 30, 40, 60, 80 and 120 PSF roof live loads
- Seismic zone 4

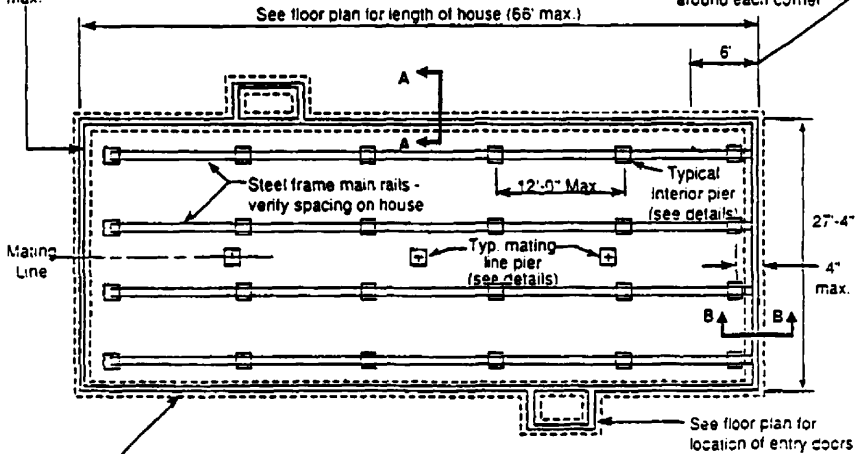


End

Wall sill anchors  
 $\frac{1}{2}$ " Ø bolts @ 3' o.c.  
 max. Simpson MA  
 4 or MA 5 @ 2' o.c.  
 max.

Front

Use endwall  
 foundation details 6'  
 around each corner



Side

Wall sill anchors  $\frac{1}{2}$ "  
 Ø bolts @ 6' o.c. max.  
 Simpson MA 4 or MA  
 5 @ 4 1/2' o.c. max.

Section A-A, see "Sidewall Foundation Details"  
 Section B-B, see "End Wall Foundation Details"

Figure B-12

## Mating Line Details

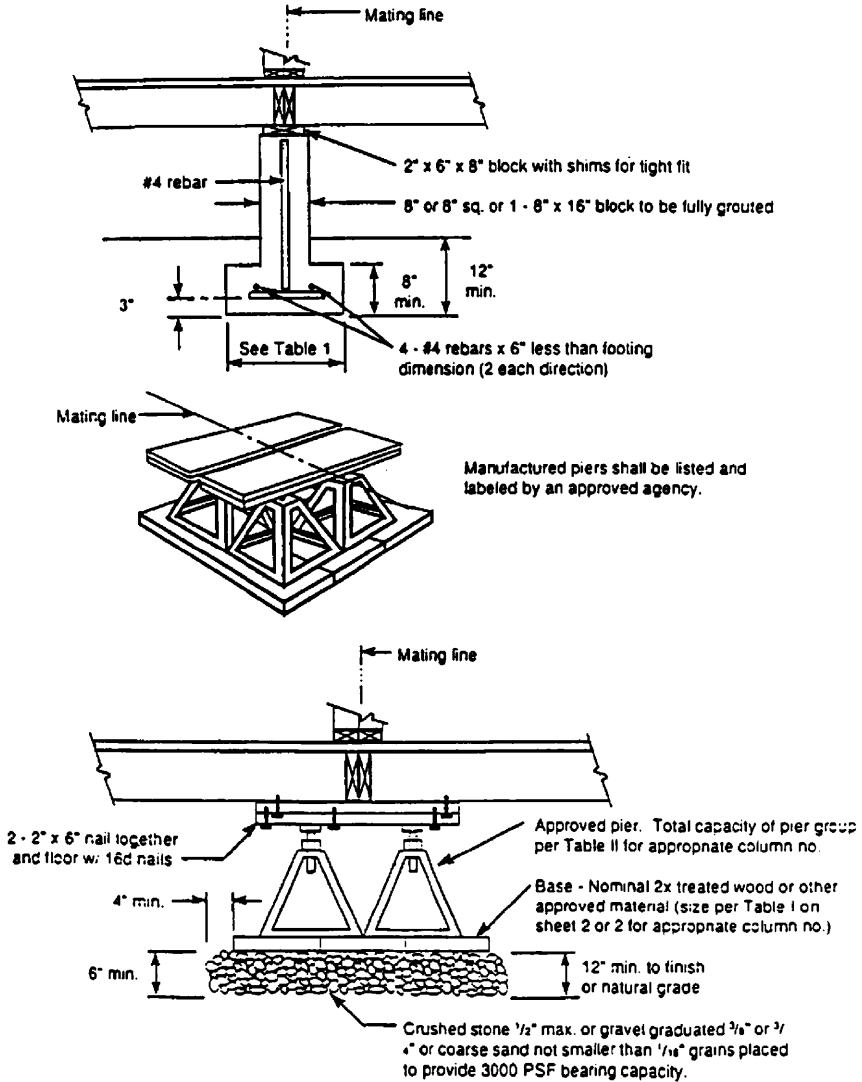


Figure B-13

### Table I

Footing Size - Ridge Beam Pier							
Column No.*	Allowable Soil Bearing Pressure			Column No.*	Allowable Soil Bearing Pressure		
	1000 PSF	1500 PSF	2000 PSF		1000 PSF	1500 PSF	2000 PSF
1	24" x 30"	20" x 20"	20" x 20"	23	42" x 42"	36" x 36"	30" x 30"
2	24" x 30"	20" x 20"	20" x 20"	24	36" x 42"	30" x 36"	24" x 30"
3	24" x 30"	20" x 20"	20" x 20"	25	36" x 36"	30" x 30"	24" x 24"
4	36" x 36"	30" x 30"	24" x 24"	26	18" x 24"	12" x 18"	12" x 15"
5	30" x 36"	24" x 30"	24" x 24"	27	42" x 42"	36" x 36"	30" x 30"
6	30" x 36"	24" x 30"	24" x 24"	28	18" x 24"	12" x 18"	12" x 15"
7	36" x 36"	30" x 30"	24" x 24"	29			
8	36" x 40"	30" x 36"	24" x 30"	30	20" x 24"	15" x 24"	12" x 20"
9	36" x 36"	30" x 30"	24" x 30"	31			
10	30" x 36"	24" x 30"	24" x 24"	32	18" x 24"	12" x 18"	12" x 15"
11	30" x 30"	24" x 24"	24" x 24"	33	18" x 24"	12" x 18"	12" x 15"
12	36" x 36"	30" x 30"	24" x 30"	34	24" x 30"	20" x 20"	20" x 20"
13	36" x 42"	30" x 36"	24" x 30"	35	30" x 30"	24" x 24"	24" x 24"
14	30" x 36"	24" x 30"	24" x 24"	36	30" x 36"	24" x 30"	24" x 24"
15	30" x 30"	24" x 24"	24" x 24"	37	20" x 24"	15" x 24"	12" x 20"
16	30" x 30"	24" x 24"	20" x 20"	38	20" x 24"	15" x 24"	12" x 20"
17	30" x 30"	24" x 24"	24" x 24"	39	30" x 36"	24" x 30"	24" x 24"
18	36" x 42"	30" x 36"	24" x 30"	40	36" x 36"	30" x 30"	24" x 24"
19	36" x 36"	30" x 30"	24" x 24"	41	24" x 30"	20" x 20"	20" x 20"
20	30" x 30"	24" x 24"	20" x 20"	42	40" x 42"	30" x 36"	30" x 30"
21	36" x 42"	30" x 30"	24" x 30"	43	30" x 30"	24" x 24"	24" x 24"
22	30" x 30"	24" x 24"	24" x 24"	44	46" x 46"	36" x 40"	30" x 36"

\* Applicable column numbers are shown on floor plan for specific house being installed.

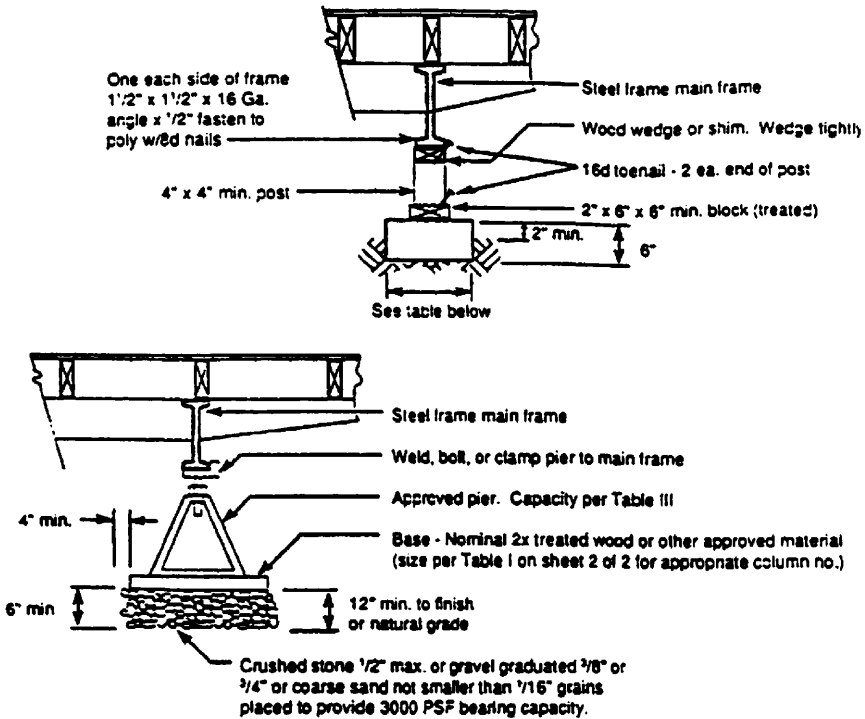
### Table II

Column No.	Minimum Pier Capacity Required (lbs.)
26, 28, 32, 33	2,250
30, 37, 38	3,250
1, 2, 3, 34, 41	5,000
11, 15, 16, 17, 22, 35, 43	6,250
5, 6, 10, 14, 20, 36, 39	7,500
4, 7, 9, 12, 19, 25, 40	9,000
8	10,000
13, 18, 21, 24	10,500
42	11,500
23, 27	12,250
44	15,250

Figure B-14

For latest statutes call 1-800-527-0430

## Interior Pier Details

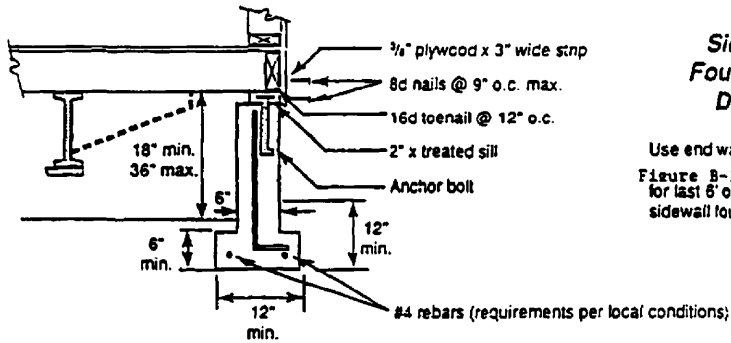
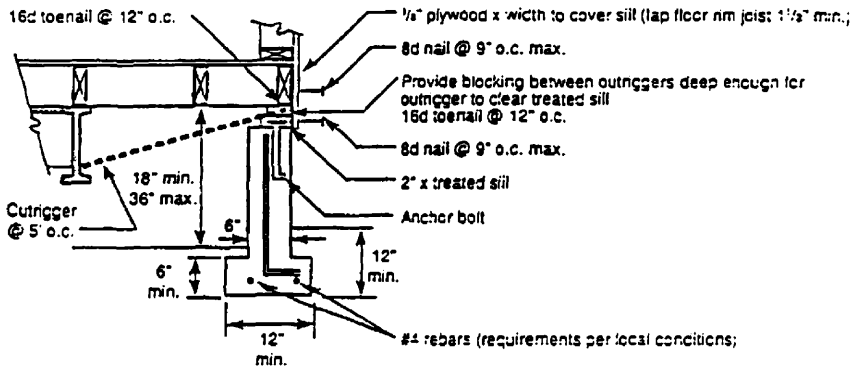


<b>Footing Size - Interior Pier*</b>				
On-Center Pier Spacing	Pier Load	Allowable Soil Bearing Pressure		
		1000 PSF	1500 PSF	2000 PSF
6'	2132#	24" x 13"	12" x 18"	12" x 12"
8'	2843#	24" x 17"	24" x 12"	24" x 12"
10'	3553#	24" x 22"	24" x 15"	24" x 12"
12'	4264#	24" x 24"	24" x 18"	24" x 14"

\* Footing of other dimensions with equal or greater earth contact area may be used.

Figure 8-15





### Sidewall Foundation Details

Use end wall footing  
Figure B-18 dimensions  
for last 8' of each end of  
sidewall foundation

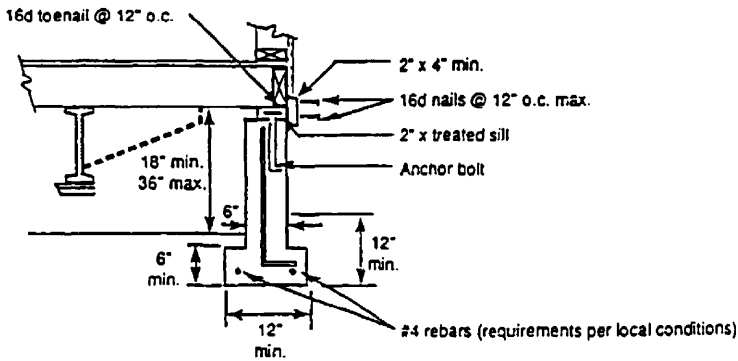


Figure B-16

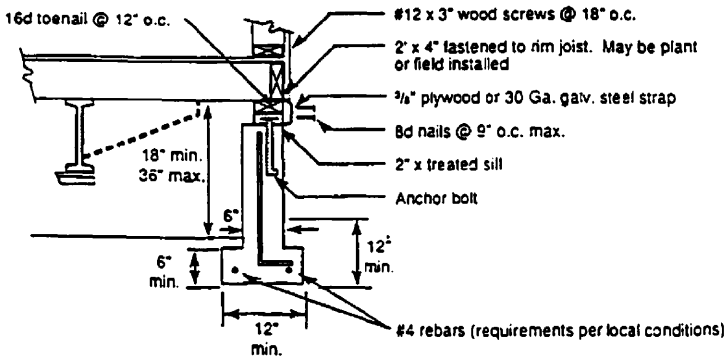
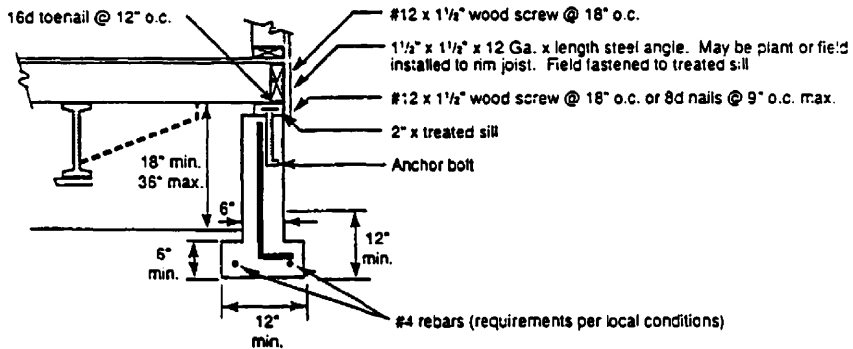
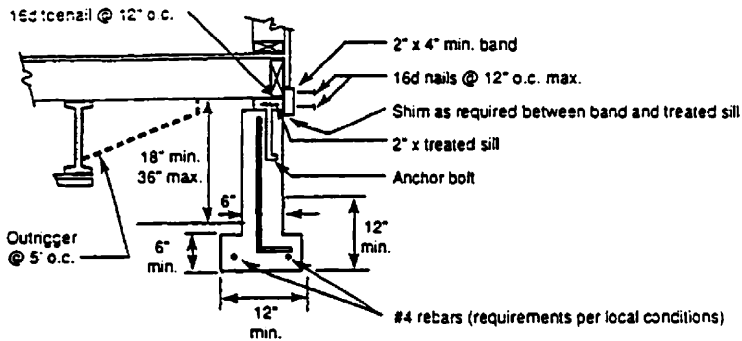


Figure B-17

## End Wall Details

End Wall Footing Dimensions					
Max. House Length (FL)	Wind Load (PSF)	Roof Load (PSF)	Dimensions (Min.)		
			D"	T"	W"
40	15	20-30	12	6	12
40	15	120	12	12	12
40	20	20-30	12	12	12
52	15	20-30	12	12	12
52	15	120	16	16	12
52	20	20-30	12	12	12
52	20	120	18	18	12
66	15	20-30	12	12	12
66	15	80-120	18	18	14
66	20	20-30	18	18	12
66	20	120	18	18	14

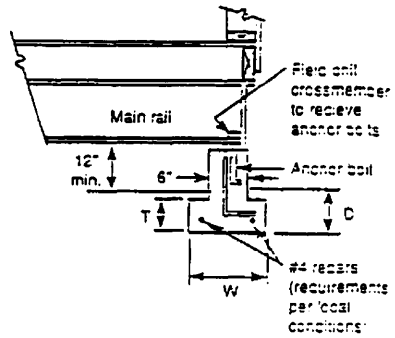


Figure B-18

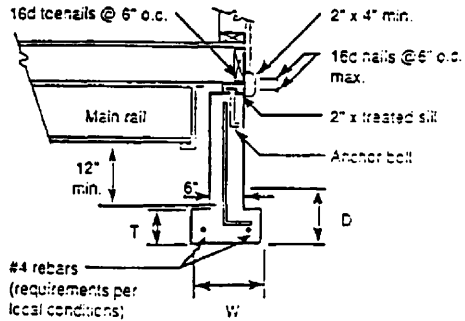
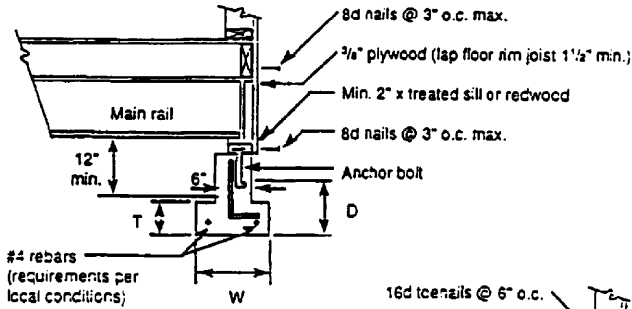


Figure B-19

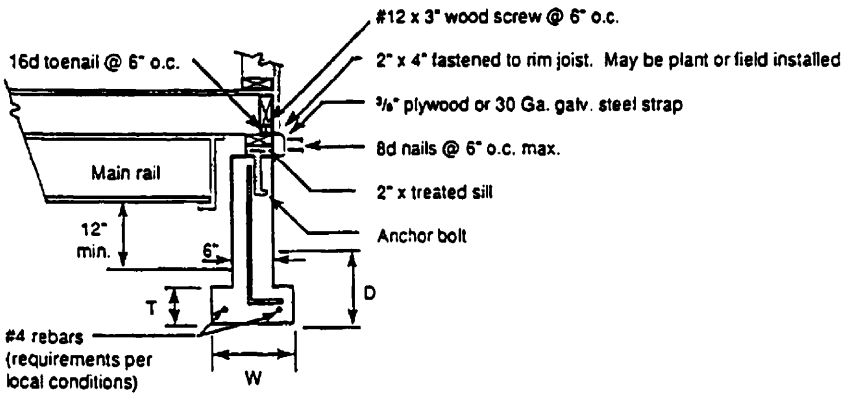
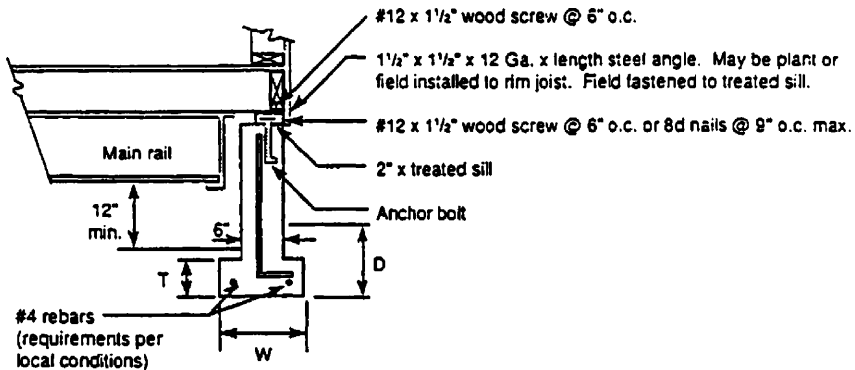
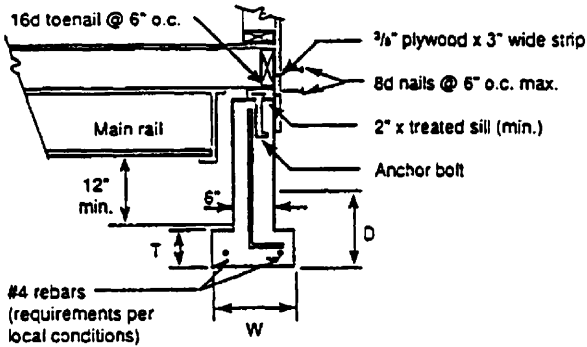


Figure B-20