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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH
SESSION

HOUSE FILE No. **342**

February 2, 2011

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The bill was read for the first time and referred to the Committee on Civil Law

February 14, 2011

By motion, recalled and re-referred to the Committee on Commerce and Regulatory Reform

February 28, 2011

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Jobs and Economic Development Finance

1.1 A bill for an act
1.2 relating to manufactured homes; providing for inspections; modifying alternative
1.3 design plans and reinstallation requirements; amending Minnesota Statutes
1.4 2010, sections 327.32, subdivisions 1a, 1b, 1e; 327.33, subdivision 1, by adding
1.5 subdivisions.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2010, section 327.32, subdivision 1a, is amended to read:

1.8 Subd. 1a. **Requirement; used manufactured homes.** No person shall sell or
1.9 offer for sale in this state any used manufactured home manufactured after June 14,
1.10 1976, or install for occupancy any used manufactured home manufactured after June
1.11 14, 1976, unless the used manufactured home complies with the Notice of Compliance
1.12 Form as provided in this subdivision. If manufactured after June 14, 1976, the home
1.13 must bear a label as required by the secretary. The Notice of Compliance Form shall be
1.14 signed by the seller and purchaser indicating which party is responsible for either making
1.15 or paying for any necessary corrections prior to the sale and transferring ownership of
1.16 the manufactured home.

1.17 The Notice of Compliance Form shall be substantially in the following form:

1.18 "Notice of Compliance Form as required in Minnesota Statutes,
1.19 section 327.32, subdivision 1

1.20 This notice must be completed and signed by the purchaser(s) and the seller(s) of the
1.21 used manufactured home described in the purchase agreement and on the bottom of this
1.22 notice before the parties transfer ownership of a used manufactured home constructed
1.23 after June 14, 1976.

2.1 Electric ranges and clothes dryers must have required four-conductor cords and plugs. For
 2.2 the purpose of complying with the requirements of section 327B.06, a licensed retailer or
 2.3 limited retailer shall retain at least one copy of the form required under this subdivision.

2.4 Complies Correction required
 2.5 Initialed by Responsible Party: Buyer Seller

2.6 Solid fuel-burning fireplaces or stoves must be listed for use in manufactured homes, Code
 2.7 of Federal Regulations, title 24, section 3280.709 (g), and installed correctly in accordance
 2.8 with their listing or standards (i.e., chimney, doors, hearth, combustion, or intake, etc.,
 2.9 Code of Federal Regulations, title 24, section 3280.709 (g)).

2.10 Complies Correction required
 2.11 Initialed by Responsible Party: Buyer Seller

2.12 Gas water heaters and furnaces must be listed for manufactured home use, Code of Federal
 2.13 Regulations, title 24, section 3280.709 (a) and (d)(1) and (2), and installed correctly, in
 2.14 accordance with their listing or standards.

2.15 Complies Correction required
 2.16 Initialed by Responsible Party: Buyer Seller

2.17 Smoke alarms are required to be installed and operational in accordance with Code of
 2.18 Federal Regulations, title 24, section 3280.208.

2.19 Complies Correction required
 2.20 Initialed by Responsible Party: Buyer Seller

2.21 Carbon monoxide alarms or CO detectors that are approved and operational are required
 2.22 to be installed within ten feet of each room lawfully used for sleeping purposes.

2.23 Complies Correction required
 2.24 Initialed by Responsible Party: Buyer Seller

2.25 Egress windows are required in every bedroom with at least one operable window with
 2.26 a net clear opening of 20 inches wide and 24 inches high, five square feet in area, with
 2.27 the bottom of windows opening no more than 36 inches above the floor. Locks, latches,
 2.28 operating handles, tabs, or other operational devices shall not be located more than 54
 2.29 inches above the finished floor.

2.30 Complies Correction required
 2.31 Initialed by Responsible Party: Buyer Seller

2.32 The furnace compartment of the home is required to have interior finish with a flame
 2.33 spread rating not exceeding 25 feet, as specified in the 1976 United States Department of
 2.34 Housing and Urban Development Code governing manufactured housing construction.

3.1 Complies Correction required

3.2 Initialed by Responsible Party: Buyer Seller

3.3 The water heater enclosure in this home is required to have interior finish with a flame
 3.4 spread rating not exceeding 25 feet, as specified in the 1976 United States Department of
 3.5 Housing and Urban Development Code governing manufactured housing construction.

3.6 Complies Correction required

3.7 Initialed by Responsible Party: Buyer Seller

3.8 The home complies with the snowload and heat zone requirements for the state of
 3.9 Minnesota as indicated by the data plate.

3.10 Complies Correction required

3.11 Initialed by Responsible Party: Buyer Seller

3.12 The parties to this agreement have initialed all required sections and agree by their
 3.13 signature to complete any necessary corrections prior to the sale or transfer of ownership
 3.14 of the home described below as listed in the purchase agreement. The state of Minnesota
 3.15 or a local building official has the authority to inspect the home in the manner described in
 3.16 Minnesota Statutes, section 327.33, prior to or after the sale to ensure compliance was
 3.17 properly executed as provided under the Manufactured Home Building Code.

3.18 Signature of Purchaser(s) of Home

3.19date.....date.....

3.20

3.21 Print name as appears on purchase agreement Print name as appears on purchase
 3.22 agreement agreement

3.23 Signature of Seller(s) of Home

3.24date.....date.....

3.25

3.26 Print name and license number, if applicable Print name and license number, if applicable
 3.27 (Street address of home at time of sale)

3.28

3.29 (City/State/Zip).....

3.30 Name of manufacturer of home.....

3.31 Model and year.....

3.32 Serial number....."

3.33 Sec. 2. Minnesota Statutes 2010, section 327.32, subdivision 1b, is amended to read:

3.34 Subd. 1b. **Alternative design plan.** An alternative frost-free design slab for a new
 3.35 or used manufactured home that is submitted to the local building official, third-party
 3.36 inspector, or the department, stamped by a licensed professional engineer or architect,~~and~~

4.1 ~~is as being~~ in compliance with either the federal installation standards in effect at the date
 4.2 of manufacture, the manufacturer's installation manual, or the Minnesota State Building
 4.3 Code, when applicable, shall be issued a permit ~~by the department~~ within ten days of
 4.4 being received by the approving authority.

4.5 **EFFECTIVE DATE.** This section is effective

4.6 Sec. 3. Minnesota Statutes 2010, section 327.32, subdivision 1e, is amended to read:

4.7 Subd. 1e. **Reinstallation requirements for ~~single-section~~ used manufactured**
 4.8 **homes.** (a) All ~~single-section~~ used manufactured homes reinstalled less than 24 months
 4.9 from the date of installation by the first purchaser must be reinstalled in compliance with
 4.10 subdivision 1c. All ~~single-section~~ used manufactured homes reinstalled more than 24
 4.11 months from the date of installation by the first purchaser may be reinstalled without
 4.12 a frost-protected foundation if the home is reinstalled in compliance with Minnesota
 4.13 Rules, chapter 1350, for above frost-line installations and the notice requirement of
 4.14 subdivision 1f is complied with by the seller and the purchaser of the ~~single-section~~ used
 4.15 manufactured home.

4.16 (b) The installer shall affix an installation seal issued by the ~~department~~ permitting
 4.17 authority to the outside of the home as required by the Minnesota State Building Code.
 4.18 The certificate of installation issued by the installer of record shall clearly state that the
 4.19 home has been reinstalled with an above frost-line foundation. Fees for inspection of a
 4.20 reinstallation and for issuance of reinstallation seals shall follow the requirements of
 4.21 sections 326B.802 to 326B.885. Fees for review of plans, specifications, and on-site
 4.22 inspections shall be those as specified in section 326B.153, subdivision 1, paragraph
 4.23 (c). Whenever an installation certificate for an above frost-line installation is issued to a
 4.24 ~~single-section~~ used manufactured home being listed for sale, the purchase agreement must
 4.25 disclose that the home is installed on a nonfrost-protected foundation and recommend that
 4.26 the purchaser have the home inspected to determine the effects of frost on the home.

4.27 **EFFECTIVE DATE.** This section is effective

4.28 Sec. 4. Minnesota Statutes 2010, section 327.33, subdivision 1, is amended to read:

4.29 Subdivision 1. **Inspections.** The commissioner, municipality, licensed manufactured
 4.30 home installer, or manufactured home owner shall, through the department's inspectors,
 4.31 municipal inspectors, or through a designated recognized inspection service ~~acting~~
 4.32 ~~as authorized representative of the commissioner~~ perform sufficient inspections of
 4.33 manufacturing premises and manufactured homes to ensure compliance with sections

5.1 327.31 to 327.35. ~~The commissioner shall have the exclusive right to conduct inspections,~~
 5.2 ~~except for the inspections conducted or authorized by the secretary.~~ A licensed
 5.3 manufactured home installer must retain for at least five years any inspection sign-off
 5.4 form issued by a local building official or recognized inspection service. The installer
 5.5 must also provide an exact duplicate copy of the inspection sign-off form to the licensed
 5.6 manufactured home retailer involved in the sale of the home within 14 days of the final
 5.7 inspection.

5.8 **EFFECTIVE DATE.** This section is effective

5.9 Sec. 5. Minnesota Statutes 2010, section 327.33, is amended by adding a subdivision
 5.10 to read:

5.11 Subd. 1a. **Fee schedule.** Municipalities which have adopted the State Building Code
 5.12 may provide inspection services in noncode areas of the state. Fees for inspections in
 5.13 areas that have not adopted the State Building Code must be equal to fees for inspections
 5.14 done in areas that have adopted the code.

5.15 **EFFECTIVE DATE.** This section is effective

5.16 Sec. 6. Minnesota Statutes 2010, section 327.33, is amended by adding a subdivision
 5.17 to read:

5.18 Subd. 1b. **Commissioner's fee.** An additional fee of \$..... shall be paid to
 5.19 the department for each final inspection of a new or used manufactured home. The
 5.20 commissioner shall use the fee imposed under this section to enhance communication with
 5.21 local building officials and include updates to the Manufactured Home Building Code in
 5.22 the continuing education programs for local building officials.

5.23 **EFFECTIVE DATE.** This section is effective

5.24 Sec. 7. Minnesota Statutes 2010, section 327.33, is amended by adding a subdivision
 5.25 to read:

5.26 Subd. 8. **Dispute resolution.** Notwithstanding any other law or rule to the contrary,
 5.27 disputes arising from the enforcement or administration of sections 327.31 to 327.35 shall
 5.28 be resolved under the procedures in effect for resolving disputes under section 327A.051.

5.29 **EFFECTIVE DATE.** This section is effective