



**State of New York
Department of State
Division of Code Enforcement and Administration**

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Rules and Regulations - Department of State

**TITLE 19 (NYCRR)
CHAPTER XXXII - DIVISION OF CODE ENFORCEMENT AND ADMINISTRATION**

**PART 1209 - REGULATIONS AND FEES
FOR FACTORY MANUFACTURED BUILDINGS**

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- §1209.1 Definitions.**
- §1209.2 Administration.**
- §1209.3 Insignia of approval: application.**
- §1209.4 Application fees.**
- §1209.5 Insignia of approval.**
- §1209.6 Insignia of approval fees.**

§1209.1 Definitions.

In addition to the definitions specified in **Part 600**, the following definitions shall apply herein:

Clarification:

. . . specified in ~~Part 600~~ the Codes of New York State (19 NYCRR Parts 1220 through 1226)

- (a) *Approved* means conforming to the requirements of the State Uniform Fire Prevention and Building Code.
- (b) *Building site* means that portion of a site which is within property lines, upon which a factory-manufactured home or component is to be installed.
- (c) *Component* means any room, subsystem or subassembly designed for use as a part of a factory-manufactured home.
- (d) *Commissioner* means the Commissioner of the Division of Housing and Community Renewal.

(e) *Division* means the **Division of Housing and Community Renewal of the State of New York**.

Clarification:

. . . means the ~~Division of Housing and Community Renewal of the State of New York~~ New York State Department of State Division of Code Enforcement and Administration

(f) *Dwelling unit* means one or more rooms, with provision for living, sanitary and sleeping facilities, arranged for the use of one family, used as part of a one or two-family dwelling or multiple dwelling.

(g) *Factory manufactured home* means a structure designed primarily for residential occupancy, constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation, on a building site.

(h) *In substantial part, manufactured* means a factory manufactured home assembled at an off-site location whereby all portions may not be reasonably inspected at the installation site without disassembly or destruction thereof.

(i) *Insignia of approval* means the certificate, tab or tag issued by the Division on behalf of the State Fire Prevention and Building Code Council to indicate compliance with the standards, rules and regulations established for factory-manufactured homes.

(j) *Installation* means the assembly of and the process of affixing a factory-manufactured home or component to land, a foundation, footings, or to an existing building.

(k) *Local enforcement agency* means the agency of a local government under whose jurisdiction a factory manufactured home is installed, which has authority to make inspections and to enforce the regulations governing the construction of buildings.

(l) *Local government* means any county, city, village, town or other jurisdiction with authority to enforce the Uniform Fire Prevention and Building Code.

(m) *Manufacturer* means any individual, corporation, firm or association which engages in the process of making, fabricating, constructing, forming or assembling a product from raw, unfinished or semifinished material into factory-manufactured homes or components.

(n) *Manufacturing facilities* means the place or places at which machinery, equipment and other materials are assembled and operated for the purpose of making, fabricating, forming, or assembling factory manufactured homes or their components.

(o) *Model, initial* means a specific design of factory-manufactured homes, in accordance with plans submitted to the Division. A model may include options which do not change the quality control manual and which, in the determination of the Division, would not materially affect the structural, plumbing, mechanical or electrical systems.

(p) *Model, additional* means any change from the approved plans or installation instructions which, in the determination of the Division, would materially affect the structural, mechanical, electrical or plumbing systems of factory-manufactured homes or components bearing an insignia of approval, including changes in bearing partitions, exterior dimensions or space heat distribution systems.

(q) *Modified* means any change from approved plans.

(r) *Quality assurance agency* means an organization which is:

(1) in the business of inspecting buildings and equipment systems and conducting quality control programs; and

(2) approved by the Division.

(s) *Stamp of approval* means an imprint placed by the Division on each approved sheet of plans for a factory manufactured home or dwelling unit which shall contain the Division's approval number, date of approval, and the signature of the **commissioner** or his duly designated agent empowered to sign such stamp of approval.

Clarification:

. . . signature of the ~~commissioner~~ secretary of state . . .

§1209.2 Administration.

(a) The presence of the insignia of approval required by Part 1212 of this Title and prescribed in this Part shall be presumptive evidence that the factory-manufactured home or component to which the insignia is affixed complies with the provisions of the State Uniform Fire Prevention and Building Code applicable to its construction.

(b) The installation of a factory manufactured home at a site shall conform to applicable provisions of the State Uniform Fire Prevention and Building Code such as those for foundations and utility and service connections and to applicable local requirements such as height, bulk, area and site development restrictions. The installation shall be subject to the permitting, inspection, and approval of the agency or agencies charged with the enforcement of such laws.

§1209.3 Insignia Of Approval: Application.

(a) Approval of a plan shall be obtained from the Division for each model of factory manufactured home and component. Applications, plans, specifications and other documentation shall be submitted in triplicate, indicating details of equipment and systems for each model and component, including options, on forms provided by the Division, and shall be accompanied by the plan filing fee and the plan checking fee.

(b) A quality control manual shall also be submitted by the manufacturer.

(c) Each plan shall bear the signature and seal of a New York State registered architect or of a professional engineer licensed to practice in New York State.

(d) The Division may require that specific components, systems, etc., be tested. Such tests shall be performed by an agency approved by the Division.

(e) All plans shall indicate the location on the model of the insignia of approval.

(f) *Limitations on plan approval; requirement for periodic certification and reissuances.* A plan approval shall remain in effect for a period of two years from the date of issuance, unless earlier revoked. Upon expiration of such term, specific application for re-issuance of the plan approval must be made by the manufacturer, and such application shall contain a certification by the manufacturer that

production conforms to plans approved and on file with the Division.

(g) *Quality control requirements.* It shall be the manufacturer's responsibility to execute every aspect of quality control, including responsibility for all inspections and corrective actions required. A contractual relationship with a quality assurance agency shall not diminish such responsibility. The manufacturer shall:

(1) provide a quality control manual with index;

(2) identify and submit qualification of the quality assurance agency and the contract with such agency providing for conducting the manufacturer's quality control program and any subsequent changes, amendments or modifications thereof;

(3) identify the specific individual or individuals who will be assigned the responsibility for implementing the quality control program, his obligations, responsibilities and authority;

(4) qualify the personnel responsible for implementing the quality [control] program throughout all phases of construction operations through actual experience and relevant training;

(5) conduct timely and effective performance of service, adjustments and repairs during the warranty period;

(6) inspect the factory manufactured home at point of receipt before installation;

(7) provide procedures for storage and handling factory manufactured homes and components at the site;

(8) provide installation procedures with appropriate inspection procedures; and

(9) provide procedures for final inspection of the installed factory manufactured home or component.

(h) *Quality control manual.* The quality control manual shall provide for:

(1) procedure for periodic revision and resubmittal to the Division;

(2) procedures for implementing and maintaining the quality program and the functional relationship with other elements of the manufacturing process;

(3) a uniform system of audit (in depth analysis of quality program effectiveness and means to identify deficiencies) to periodically monitor program performance;

(4) the identification of items that do not conform to drawings or specification requirements by a conspicuous and securely placed label, and segregated to prevent unauthorized use and disposition;

(5) procedures for timely remedial and preventative action for all problems that affect housing quality;

(6) use and maintenance of appropriate inspection and test equipment to assure conformance to documentation approved by the Division;

(7) a system to indicate inspection status during manufacturing operations;

(8) inspection and test procedures, including accept/reject criteria;

(9) the maintenance of adequate records of inspections and tests performed during manufacturing and site operations and assurance that such records are complete and reliable. Copies of forms

to be utilized shall be included in the submission to the Division;

(10) a system to control changes in production or inspection procedures;

(11) procedures to assure effective control over materials, supplies and other items used in manufacture and factory supplied items used in site operations, to conform to applicable drawings, specifications and quality requirements, including items that do not require an insignia of approval;

(12) inspection of materials, supplies and other items at the point of receipt;

(13) workmanship standards to supplement drawings and specifications;

(14) implementation of inspection and test procedures to control the quality of in process fabrication, manufacture and workmanship;

(15) final inspection of all factory manufactured homes and components upon completion of production before shipment to the site or storage point;

(16) procedures for handling and storing all finished factory manufactured homes and components;

(17) procedures for packing, packaging and shipping operations and related inspection;

(18) procedures for activities and operations involved in the transportation of finished factory manufactured homes and components from completion of in-plant assembly or storage to start of installation; and

(19) structural, plumbing, mechanical and electrical details.

(i) *Requirements for the quality assurance agency.* The quality assurance agency shall:

(1) certify, on a form provided by the Division, that it is not under the control or jurisdiction of, and is completely separate and independent from, any manufacturer or supplier;

(2) establish that it has the capabilities to inspect the type of construction proposed by the manufacturer and to evaluate compliance with the plans, specifications, and quality control manual for which Division approval is granted;

(3) substantiate that it has experienced personnel and adequate equipment to perform testing in accordance with the applicable approved standards and the approved quality control manual when the quality control involves sampling and testing of materials or components;

(4) conduct an approved quality control program to ensure that the production of the factory-manufactured home and component complies with the approved plans, specifications and quality control manual;

(5) independently of any report by the manufacturer, send directly to the Division a full and complete report as required by the Division, as to the results of all tests, inspections, recommendations, actions, analyses, evaluations and dispositions during the prior month;

(6) perform inspections of each factory-manufactured home and render reports required to be made for an approved quality control program. Such inspections and reports shall include, but shall not be limited to, the following:

(i) conduct 100 percent inspection of the structural, plumbing, heating and electrical systems for each unit until it is satisfied that the manufacturer's quality control procedures are satisfactory.

These procedures shall be deemed to be satisfactory where 100 percent inspection on each of 10 successive units have evidenced conformity with the approved plans, specifications and quality control manual;

(ii) send directly to the Division a full and complete report of inspections conducted in accordance with subparagraph (i) of this paragraph;

(iii) where the manufacturer's quality control procedures are satisfactory, as determined in accordance with subparagraph (i) of this paragraph, a routine inspection schedule shall be instituted and conducted by the quality assurance agency of the structural, plumbing, heating or electrical system inspection on each unit on an alternating, repetitive basis;

(iv) where it is found that any routine system inspection indicates significant nonconformity as determined by the quality assurance agency, then 100 percent inspections and reports as described in subparagraphs (i) and (ii) of this paragraph shall be reinstated until the manufacturer's quality control procedures are again deemed to be satisfactory; and

(v) report to the Division on the status of its routine system inspections at least once a month;

(7) employ a professional engineer or registered architect, licensed to practice in the State of New York, to be responsible for all undertakings of the quality assurance agency in connection herewith.

§1209.4 Application Fees.

The following filing and application fees shall be paid to the Division by the manufacturer:

(a) *Plan filing.* Fifty dollars for each application for plan approval.

(b) *Supplemental plan filing fee.* Fifteen dollars for each supplemental plan request.

(c) *Plan checking fee - initial approval.*

(1) One thousand dollars for each model designed for use as a single-family dwelling, or for a dwelling unit for use as part of a multiple dwelling.

(2) Fifteen hundred dollars for each model designed for use as a two-family dwelling.

(3) Five hundred dollars for a sleeping room, with or without bathrooms, not part of a dwelling unit (i.e., hotel sleeping rooms).

(4) Five hundred dollars for each component designed for use as a kitchen, bathroom or combination thereof, or a component that is not part of paragraphs 1209.4(c)(1) to 1209.4(c)(3) of this subdivision.

(d) *Additional approval.* Where applications for additional models, components, etc., are submitted using the same quality control manual and quality assurance agency as for the initial approval, fees shall be 40 percent of the plan checking fee for initial approval, except that no additional fee shall be due for a one-family dwelling where the only change is a reduction in exterior length, not exceeding seven feet, and there is no change in the arrangement of rooms.

(e) *Multiple dwelling exceeding two stories.* Fees for factory manufactured multiple dwellings which are to be installed in structures exceeding two stories will be determined by the Division based upon the actual costs to the Division for the processing of the application and checking of documents submitted, not to exceed \$1,500 per dwelling unit.

(f) *Supplemental plan checking.* Fifty dollars per person-hour for review time.

(g) *Return of insignia.* The Division shall give full credit for all insignia returned by applying the cost thereof to fees or other purchases of insignia.

(h) Plan renewal or change of ownership. Thirty percent of the amounts under subdivision 1209.4(c) of this section.

(i) *Inspection.* Twenty-two dollars and fifty cents per person-hour.

(j) *Out-of-state travel.* Where it is necessary for Division personnel to travel outside of New York State, the manufacturer, in addition to the fees specified above, shall reimburse the Division for travel costs based on published air fare, or equivalent rate, between New York City and the out-of-state location, plus necessary supplemental surface transportation, and reimbursement for food and lodging consistent with New York State allowances.

(k) The maximum plan review fee for any individual submittal shall be limited to \$15,000.

§1209.5 Insignia Of Approval.

(a) *Form.* Prior to shipment from the factory each factory manufactured home, model and component manufactured pursuant to these regulations shall have securely attached thereto, in a visible location as shown on the approved plans, an insignia of approval containing the following information:

- (1) insignia serial number;
- (2) name of manufacturer;
- (3) plan approval number;
- (4) model or component designation;
- (5) manufacturer's serial number; and
- (6) date of manufacture.

The Division shall imprint the information required by paragraphs 1209.5(a)(1), 1209.5(a)(2), 1209.5(a)(3) and 1209.5(a)(4) of this subdivision prior to issuance. The information required by paragraphs 1209.5(a)(5) and 1209.5(a)(6) of this subdivision shall be imprinted by the manufacturer prior to affixing the insignia of approval.

(b) *Issuance.* The insignia of approval shall be issued by the Division to the manufacturer upon application, payment of the appropriate fee, and compliance with these regulations.

(c) *Reporting.* The manufacturer shall report monthly to the Division the disposition of the insignia of approval. Such reporting shall include with respect to each insignia issued:

- (1) information completed on the issued insignia set forth in paragraphs 1209.5(a)(1), 1209.5(a)(4), 1209.5(a)(5) and 1209.5(a)(6) of this section;
- (2) name and address of first owner of the factory manufactured home;
- (3) installation site address of the factory manufactured home;

(4) component to which the insignia is affixed; and

(5) an accounting of insignias used, returned, or on hand.

(d) *Return of insignia.* The manufacturer shall return all insignia allocated for a factory manufactured home and component to the Division where the manufacturer, for any reason, determines that such insignia shall not longer be needed.

(e) *Revocation or discontinuance.* Insignia of approval not affixed to a factory manufactured home, model and component or not reported to the Division as having been affixed by the manufacturer prior to revocation of plan approval or discontinuance of manufacture of factory manufactured homes and components shall be returned to the Division.

(f) *Copy of stamp of approval.* A registered architect or professional engineer, on plans and/or specifications signed and sealed by him/her, may certify that the stamp of approval thereon is identical to the stamp of approval emplaced on the original of said plans and specifications on file with the Division and, further, that such plans and specifications have not been modified in any manner whatsoever. Such copy of the stamp of approval shall thereupon be deemed a duplicate original stamp of approval.

§1209.6 Insignia Of Approval Fees.

The following fees for insignia of approval shall be paid to the Division by the manufacturer. Insignia of approval will be issued in lots of not less than five.

(a) one hundred and twenty-five dollars for each insignia of approval for each one or two-family dwelling;

(b) thirty-seven dollars and fifty cents for any one unit, model, component or combination thereof;

(c) one insignia of approval shall be required for:

(1) each one or two-family dwelling;

(2) each dwelling unit in a multiple dwelling (B1, B3 and B4 occupancies);

Clarification:

(2) each dwelling unit in a multiple dwelling (B1, B3 and B4 R-2, R-3 and R-4 occupancies);

(3) each sleeping room in a multiple dwelling (B2 occupancy), with or without bath; and

Clarification:

(3) each sleeping room in a multiple dwelling (B2 R-1 occupancy), with or without bath; and

(4) each component that does not fit into a description above;

(d) withdrawal of application for plan approval prior to completion of processing will result in:]

(1) forfeiture of plan filing fee; and

(2) forfeiture of that portion of the plan approval fee based on actual cost, as determined by the Division.