

## **The Manufactured Home Certification Program**

Article 21-B (Manufactured Homes) of the New York State Executive Law was enacted in part to implement the provisions of the federal Manufactured Housing Improvement Act of 2000. The purpose of this legislation is to ensure that manufactured homes are constructed, installed and serviced in a professional manner; ensuring that disputes regarding the manufacture, installation, and servicing of manufactured homes are resolved fairly and expeditiously; and, providing a degree of security for the payment of legitimate claims.

### **What is a manufactured home?**

In general, a manufactured home is a structure, transportable in one or more sections and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation. It includes a home bearing a seal signifying conformance to the design and construction requirements of the Department of Housing and Urban Development (HUD), Manufactured Home Construction and Safety Standards, 24 CFR Part 3280. A manufactured home also includes mobile homes defined as a moveable or portable dwelling unit that was built prior to June 15, 1976, excluding travel trailers.

A manufactured home is not a modular home, also known as a factory manufactured home. A modular home is a dwelling unit conforming to the provisions of the Residential or Building Code of New York State and bears an Insignia of Approval by the Secretary of State. Modular homes are not part of the Manufactured Home Certification Program.

### **The key elements of the Manufactured Homes Certification Program**

- Requires individuals or businesses in New York State engaged in the manufacture, retail, installation, and servicing of manufactured homes to be certified.
- Provides minimum requirements for certified entities including education, experience, initial and continuous training, examination, and financial responsibilities.
- Requires that a manufacturer and installer attach warranty seals obtained from the Department of State that provides minimum warranties to the homeowner.
- Enables any homeowner, retailer, manufacturer, installer, mechanic, or lending entity to file a complaint with the Department of State seeking resolution of an allegation that a substantial defect in the delivered condition, installation, service or construction of a manufactured home.

### **Role of the Department of State**

- Review applications for certification, issues certifications when appropriate, and notify applicant of reasons for certification denial
- Provide training courses and review and approve training courses provided by others when appropriate
- Process applications for warranty seals

- Receive complaints, conduct investigations and provide for the resolution of disputes
- Review and assess compliance with applicable laws and regulations and conduct adjudicatory hearings to resolve violations of Article 21-B and 19NYCRR Part 1210
- Suspend and revoke certifications, and impose civil penalties as authorized for violations of the law and the rules and regulations
- Maintain a registry listing certified manufactures, retailers, installers, and mechanics
- Carry out the responsibilities and obligations of the federal Manufactured Housing Improvement Act of 2000

## Certification Standards

### Certification Requirement Summary

Requirements	Manufacturer	Retailer	Installer	Mechanic
Approval from HUD <sup>1</sup>	Required	NA	NA	NA
High School Graduate or equivalent	NA	Required	Required	Required
Experience	NA	1-year <sup>2</sup>	2-years <sup>3</sup>	1-year <sup>4</sup>
3-hour Article 21-B Introductory Course	NA	NA	Required	Required
13 hours of courses related to installations	NA	NA	Required	NA
Financial Security Amount <sup>5</sup>	\$50,000	\$25,000	\$10,000	\$5,000

1. United States Department of Housing and Urban Development (HUD)
2. Full time employment required in the manufactured home industry
3. Full time employment required in the business of installing manufactured homes or substantial involvement in the installation of 20 manufactured homes in New York State.
4. Experience in the servicing of Manufactured Homes.
5. Surety Bond, Deposit Account Control Agreement, or Letter of Credit

## How to Apply

- Determine whether you meet the minimum education and experience requirements.
- Complete the required course(s) for certification.
- Submit a properly completed application for certification, appropriate fee, and financial document (deposit account control agreement, acceptable letter of credit, or surety bond) for the appropriate amount to the Department of State Codes Division. Applications are available at the Department of State website.
- Provide proof of or exemption from Worker's Compensation and Disability Benefits Insurance.

## Resolution of Dispute Process

Any homeowner, retailer, manufacturer, installer, mechanic, or lending entity may file a complaint with the Department of State seeking resolution of an allegation that a substantial defect exists in the delivered condition, installation, service or construction of a manufactured home. Such complaint must

be in writing and must specify the name and address of each complaining party, the nature of the substantial defect alleged to exist, the name and address of the manufacturer, the retailer, and the installer of such manufactured home and, if applicable, the name and address of each mechanic who serviced the manufactured home. The complaint must be filed within one year and ten days after the date of service, installation, or issuance of a certificate of occupancy, or the expiration of any applicable provision of a contract or warranty, whichever is later.

Once the Department of State determines that a complaint is complete and properly alleges the existence of a substantial defect, the complaining party and responding party are notified and each responding party shall, within 30 days, file a response to the Department of State with a copy to the complaining party. The Department of State may attempt to resolve any complaint on an informal basis. If the complaining party and each responding party agree in writing to a Department of State proposal for resolution, the Department of State shall make a consent order reflecting such resolution which shall be final and binding when issued.

If an informal resolution is not successful, the Department of State shall resolve the complaint by an administrative hearing conducted by the Department of State's administrative law judge in accordance with State Administrative Procedure Act and Part 400 of 19NYCRR 1210. The administrative law judge will determine the merits of the complaint and, if the complaining party prevails, may direct appropriate compensation to the complaining party. Any party may file an appeal of a decision of the administrative law judge within 30 calendar days of the party's receipt of a copy of the decision.

### **Contact Information**

New York Department of State  
Codes Division  
99 Washington Ave.  
Albany, NY 12231  
Phone: (518) 474-4073  
Fax: (518) 486-4487  
Website: <http://www.dos.state.ny.us/code/manuf.html>

### **Fees**

#### Certification and Renewal of Certification

Manufacturer	\$200	Retailer	\$200
Installer	\$200	Mechanic	\$100
Limited (manufacturer, retailer, installer, or mechanic)	\$25		
Manufacturer's Warranty Seal	\$125		
Installer's Warranty Seal	\$35 (five or fewer)	\$25 (six or more)	