



Manufactured Homes Information

Manufactured Homes: Frequently Asked Questions

What is a "manufactured home?"

A manufactured home was built on or after June 15, 1976, and bears 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. Manufactured homes are regulated by Article 21-B Manufactured Homes and Part 1210 Manufactured Home Regulations.

For the definition of a "manufactured home," see Chapter 2 of the Residential Code of New York State (RCNYS).

What is a "mobile home?"

A mobile home was constructed in a factory **prior to June 15, 1976**, with or without a label certifying compliance with NFPA, ANSI or a specific state standard. Mobile homes are regulated by Article 21-B Manufactured Homes and Part 1210 Manufactured Home Regulations.

For the definition of a "mobile home," see Chapter 2 of the RCNYS.

What is a "modular home?"

A modular home is a factory-manufactured dwelling unit conforming to applicable provisions of the New York State Uniform Fire Prevention and Building Code (Uniform Code) and bearing insignia of approval issued by the Secretary of State of New York State. Modular homes are regulated by Part 1209 Regulations and Fees for Factory Manufactured Buildings.

For the definition of a "modular home," see Chapter 2 of the RCNYS.

What do Article 21-B Manufactured Homes and Part 1210 Manufactured Home Regulations require?
 Article 21-B and Part 1210 require that:

- Homes manufactured after 1/1/06 have a manufacturer's warranty seal.
- Homes installed after 1/1/06, either new or relocated (even within the same park or community), get a building permit and an installer's warranty seal.
- No person or business entity manufacture, sell, install, or service (service means structural repairs or alterations) a manufactured home unless the person or business is certified.
- No person or business entity install or service a manufactured home unless at least one certified person is on-site.
- Certificates of Occupancy not be issued until the warranty seals are installed in the largest closet in the largest bedroom.

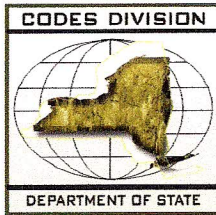
Where can a list of certified individuals be found?

See the List of certified manufacturers, retailers, installers and mechanics of manufactured homes.

What are the responsibilities of the manufactured home installer?

Whether they actually perform the work or not, installers are responsible for anything that makes the home livable after delivery (e.g. - electrical connections, plumbing hook-ups and site preparation) in compliance the applicable Codes and the construction documents.

What are the responsibilities of the code enforcement official (CEO)?



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Rules and Regulations - Department of State

**TITLE 19 (NYCRR)
CHAPTER XXXII - DIVISION OF CODE ENFORCEMENT AND ADMINISTRATION
PART 1210 - MANUFACTURED HOMES REGULATIONS**

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§1210.1 Purpose and applicability.

(a) *Purpose.* Article 21-B of the Executive Law (Executive Law sections 600, et seq) provides for the initial training, certification, and continuing education of manufacturers, retailers, installers, and mechanics of manufactured homes, establishes procedures for the resolution of disputes relating to manufactured homes, and otherwise implements the provisions of the federal Manufactured Housing Improvement Act of 2000 (PL 106-569). This Part implements the provisions of Article 21-B of the Executive Law.

(b) *Applicability.* This Part applies to manufactured homes; to persons and business entities engaged in the manufacture, sale, installation and service of manufactured homes; to purchasers of manufactured homes; to resolution of disputes relating to manufactured homes; and to other matters that are subject to Article 21-B of the Executive Law. The term "manufactured home" is defined in Article 21-B of the Executive Law as follows: a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty 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 includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term shall include any structure that meets all of the requirements of this subdivision except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under Title 42 of the United States code; and except that such term shall not include any self-propelled recreational vehicle.

(c) *Modular homes.* This Part does not apply to "factory manufactured homes" (factory manufactured homes being commonly referred to as "modular homes"). Part 1209 of this Title (19 NYCRR sections 1209.1, et seq.) applies to factory manufactured homes. The term "factory manufactured home" is defined in Part 1209 of this Title as follows: 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.

- (1) such course fails to comply with any provision of this Part;
- (2) the students taking such approved course demonstrate a significant deficiency in skills and knowledge in the area covered by such course; or
- (3) all or any part of the information provided in such course has become outdated.

(h) The instructional provider shall keep records with respect to each course it provides, including the date and location of each presentation of the course, the name and address of each student taking the course, and such other information as may be specified by the Department of State at the time of approval of such course. The instructional provider shall maintain such records for a period of not less than three years.

§1210.15 Approval of instructional providers.

(a) A private trade association or other entity applying for approval as an instructional provider must establish to the satisfaction of the Department of State that the applicant, and persons employed by or affiliated with the applicant, are qualified to provide the courses that the applicant intends to provide. An application for approval as an instructional provider shall be in writing, shall be submitted to the Department of State on a form provided by or otherwise acceptable to the Department of State, and shall be accompanied by the appropriate fee set forth in section 1210.19 (Fees) of this Part. In addition, the applicant shall provide such additional information and documentation as may be requested from time to time by the Department of State. An application shall not be deemed to be complete until the applicant has provided all additional information and documentation that may be so requested.

(b) Except as otherwise provided in subdivision (c) of this section, approval of an instructional provider shall be effective for a period of five years. An application for renewal of approval of an instructional provider shall be in writing, shall be submitted to the Department of State on a form provided by or otherwise acceptable to the Department of State, and shall be accompanied by the applicable fee set forth in section 1210.19 (Fees) of this Part. In addition, the applicant shall provide such additional information and documentation as may be requested from time to time by the Department of State. An application shall not be deemed to be complete until the applicant has provided all additional information and documentation that may be so requested.

(c) The Department of State may revoke approval of any instructional provider, or deny the renewal of approval of any instructional provider, if:

- (1) such instructional provider fails to comply with any term or condition of its approval, fails to comply with any provision of this Part, fails to comply with any provision of Article 21-B, or charges any fee for any course in excess of the maximum fee approved for such course; or
- (2) the students taking courses provided by such instructional provider demonstrate a significant deficiency in skills and knowledge in the area covered by such courses.

§1210.16 Warranty seals.

(a) Except as otherwise provided in subdivision (i), subdivision (j), or subdivision (k) of this section, no manufactured home may be installed in the State of New York at any time on or after January 1, 2006 unless:

- (1) the manufacturer of such manufactured home shall have obtained a manufacturer's warranty seal from the Department of State and shall have attached such manufacturer's warranty seal to such manufactured home; and

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(2) the installer of such manufactured home shall have obtained an installer's warranty seal from the Department of State and shall have attached such installer's warranty seal to such manufactured home. The installer shall attach such installer's warranty seal after installation is complete. X

(b) The manufacturer's warranty seal and installer's warranty seal shall be attached in a permanent fashion in a built-in closet in the master bedroom of such manufactured home. The seals shall be attached at places within the closet where both seals can be readily seen and read when the closet door is open. For the purposes of this subdivision, if there is one bedroom in the manufactured home, such bedroom shall be deemed to be the master bedroom; if there are two bedrooms in the manufactured home, the larger bedroom shall be deemed to be the master bedroom; if there are three or more bedrooms in the manufactured home, the largest bedroom shall be deemed to be the master bedroom; and if there are more than one built-in closet in the master bedroom, manufacturer's warranty seal and installer's warranty seal shall be attached in the larger (or largest) built-in closet in the master bedroom. If there is no built-in closet in the master bedroom, the manufacturer's warranty seal and installer's warranty seal shall be attached in such other place or places as may be approved by the Department of State in writing.

(c) A manufacturer may submit to the Department of State a request for five or more manufacturer's warranty seals. An installer may submit to the Department of State a request for one or more installer's warranty seals; provided, however, that a person holding a limited certificate issued pursuant to subdivision (f) of section 1210.6 (Standards for certification as an installer) of this Part shall not be permitted to submit any such request; and provided further that a person holding an owner-occupant installer certificate issued pursuant to subdivision (h) of said section 1210.6 shall be permitted to submit a request only for the installer's warranty seal to be attached to the manufactured home which is identified in such owner-occupant installer certificate. Any request for manufacturer's warranty seals or for installer's warranty seal(s) shall be in writing, shall be on a form provided by or otherwise acceptable to the Department of State, and shall be accompanied by the applicable fee set forth in or determined pursuant to section 1210.19 (Fees) of this Part. The requesting party must be certified by the Department of State as a manufacturer or installer, as applicable.

(d) A manufacturer attaching a manufacturer's warranty seal to a manufactured home shall be deemed to warrant to the buyer of such manufactured home:

(1) that the manufacturer is approved to construct manufactured homes by the United States Department of Housing and Urban Development;

(2) that such manufactured home was constructed in accordance with all applicable federal, state, and local statutes, laws, codes, rules, and regulations; and

(3) that the manufacturer is certified by the Department of State (or, in the case of a seal affixed prior to July 1, 2006, that the manufacturer satisfies all applicable standards for certification as a manufacturer and intends to obtain such certification). The warranties set forth in this subdivision shall be in addition to, and not in limitation of or substitution for, the warranty provided for in Article 35 of the General Business Law and any and all other warranties, express or implied, given or made by the manufacturer, whether contractually or by operation of law.

(e) An installer attaching an installer's warranty seal to a manufactured home will be deemed to warrant to the buyer of such manufactured home:

(1) that the installation of such manufactured home meets the standards of the uniform code; and

(2) that the installer is certified by the Department of State (or, in the case of a seal affixed prior to July 1, 2006, that the installer satisfies all applicable standards for certification as an installer and intends to obtain such certification). The warranties set forth in this subdivision shall be in addition to, and not in limitation of or substitution for, any and all other warranties, express or implied, given or made by the installer, whether contractually or by operation of law. The warranty of the installer that the installation of such manufactured home meets the standards of the uniform code shall be deemed

to include, without limitation, a warranty that the foundation or supports on which the manufactured home was installed were inspected and approved by the governmental agency or department or other person or entity responsible for enforcing the uniform code in the jurisdiction in which the manufactured home was installed, and if such foundation or supports were constructed by the installer, such warranty shall also be deemed to include, without limitation, a warranty that such foundation or supports were constructed in accordance with the applicable provisions of the uniform code.

(f) No manufacturer shall charge a fee in excess of the fee set forth in section 1210.19 (Fees) of this Part for attaching a manufacturer's warranty seal to any manufactured home. No installer shall charge a fee in excess of the fee set forth in section 1210.19 (Fees) of this Part for attaching an installer's warranty seal to any manufactured home.

(g) No governmental agency or department or other person or entity responsible for issuing certificates of occupancy in any jurisdiction shall issue a certificate of occupancy for any manufactured home installed in such jurisdiction at any time on or after January 1, 2006 unless:

(1) the manufacturer's warranty seal required by this section has been attached to such manufactured home (unless such manufacturer's warranty seal is not required by reason of subdivision (i), subdivision (j), or subdivision (k) of this section);

(2) the installer's warranty seal required by this section has been attached to such manufactured home; and

(3) the governmental agency or department or other person or entity responsible for issuing certificates of occupancy has independently determined that such manufactured home has been installed in accordance with the applicable provisions of the uniform code. In determining whether such installation was or was not in accordance with the applicable provisions of the uniform code, the governmental agency or department or other person or entity responsible for issuing certificates of occupancy shall not rely upon the presence of the installer's warranty seal, but shall make its own independent determination.

(h) Neither the State of New York nor the Department of State shall be deemed to make any warranty of any kind, express or implied, to any manufacturer, retailer, installer, mechanic, homeowner, or lending entity, or to any buyer of any manufactured home, to any governmental agency or department or other person or entity responsible for issuing certificates of occupancy, or to any other person, entity, or business entity, by reason of the issuance by the Department of State of any manufacturer's warranty seal or installer's warranty seal, or by reason of any manufacturer's warranty seal or installer's warranty seal being attached to or present on any manufactured home. No manufacturer, retailer, installer, or mechanic, and no person employed by or affiliated with any manufacturer, retailer, installer, or mechanic, shall give or make any statement or representation, written or oral, to any manufacturer, retailer, installer, mechanic, homeowner, or lending entity, to any buyer of any manufactured home, to any governmental agency or department or other person or entity responsible for issuing certificates of occupancy, or to any other person, entity, or business entity, which indicates or which is intended to indicate that any manufacturer's warranty seal or installer's warranty seal constitutes, evidences, or gives rise to a warranty of any kind by the State of New York or the Department of State.

(i) A manufactured home which was installed in the State of New York for a bona fide purchaser prior to January 1, 2006 and which is re-installed (whether at its original site of installation or at a new site) on or after January 1, 2006, may be so re-installed without attaching a manufacturer's warranty seal. However, the installer performing such re-installation must attach an installer's warranty seal at the time of such re-installation.

(j) A manufactured home which was installed in the State of New York for a bona fide purchaser on or after January 1, 2006, which bears the required manufacturer's warranty seal and installer's warranty seal

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from the original installation, and which is re-installed (whether at its original site of installation or at a new site) on or after January 1, 2006, may be so re-installed without attaching an additional manufacturer's warranty seal. However, the installer performing such re-installation must attach an installer's warranty seal at the time of such re-installation.

(k) A manufactured home which was manufactured prior to January 1, 2006 (as shown by the date of manufacture on the HUD data plate affixed to such manufactured home) may be installed or re-installed on or after January 1, 2006 without attaching a manufacturer's warranty seal. However, the installer performing any such installation or re-installation must attach an installer's warranty seal at the time of such installation or re-installation.

(l) The manufacturer shall type or print the name of the manufacturer in the space provided on the manufacturer's warranty seal, and the manufacturer or an authorized representative of the manufacturer shall sign the manufacturer's warranty seal in the space provided, prior to or at the time of installation of the manufacturer's warranty seal. Except as provided in the preceding sentence, no statement, information, or other matter shall be inserted in or otherwise added to a manufacturer's warranty seal, and no statement, information, or other matter shall be crossed-out, obliterated, or otherwise removed from a manufacturer's warranty seal. A manufacturer's warranty seal that does not comply with the requirements of this subdivision shall not be deemed to be a valid manufacturer's warranty seal.

(m) The installer shall check the appropriate box ("new manufactured" or "relocated manufactured") at the top of the installer's warranty seal, type or print the appropriate information in lines A to I, inclusive, of the installer's warranty seal, and type or print the name of the installer and the name of the authorized person signing the installer's warranty seal on behalf of the installer in the spaces provided in the installer's warranty seal, and the installer or an authorized representative of the installer shall sign the installer's warranty seal in the space provided, prior to or at the time of installation of the installer's warranty seal. Except as provided in the preceding sentence, no statement, information, or other matter shall be inserted in or otherwise added to an installers's warranty seal, and no statement, information, or other matter shall be crossed-out, obliterated, or otherwise removed from an installer's warranty seal. An installer's warranty seal that does not comply with the requirements of this subdivision shall not be deemed to be a valid installer's warranty seal.

§1210.17 Manufacturer's and installer's quarterly reports.

(a) Every installer shall file quarterly reports with the Department of State and, except as otherwise provided in subdivision (d) of this section, every manufacturer shall file quarterly reports with the Department of State. Such reports shall cover the first quarter (January 1 to March 31), second quarter (April 1 to June 30), third quarter (July 1 to September 30) and fourth quarter (October 1 to December 31) of each year. Each such report must be received by the Department of State on or before the thirtieth day after the end of the quarterly reporting period covered by such report.

(b) In the case of a manufacturer, each such report:

- (1) shall be on a form provided by or otherwise acceptable to the Department of State;
- (2) shall be signed by the manufacturer filing the report (or, if the manufacturer filing the report is a business entity, by an officer, member, or other authorized representative of such business entity);
- (3) shall specify the name and address of the manufacturer filing the report;
- (4) shall specify the reporting period covered by such report; and
- (5) shall specify, with respect to each manufactured home completed by the manufacturer during the reporting period covered by such report:

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