

**MISSISSIPPI DEPARTMENT OF INSURANCE  
DIVISION OF THE FIRE MARSHAL  
EMERGENCY REGULATION MH-2009-01**

**MANUFACTURED HOME INSTALLATION INSPECTION PROGRAM**

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**Section 1. Purpose**

The purpose of this Emergency Regulation is to establish and implement standards and requirements for an installation inspection program for all manufactured homes sited within the State of Mississippi. Said program shall be called the Mississippi Manufactured Home Installation Program (hereinafter “MS Inspection Program”).

**Section 2. Authority**

This Regulation is promulgated by the Commissioner of Insurance, in his duties as State Fire Marshal, pursuant to the authority granted to him by House Bill 1435, 2008 Regular Legislative Session as codified in Miss. Code Ann. § 75-49-9(11); Miss. Code Ann. § 75-49-11 (Rev. 2008); as well as the provisions of Mississippi Department of Insurance Regulation No. 88-101, said Regulation being the Rules of Practice and Procedure before the Mississippi Insurance Department.

This Regulation is being filed as an emergency regulation pursuant to the provisions of Miss. Code Ann. § 25-43-3.108; House Bill 1435, 2008 Regular Legislative Session as codified in Miss. Code Ann. § 75-49-9(11); Miss. Code Ann. § 75-49-11 (Rev. 2008); and upon agreement between

the Mississippi State Fire Marshal's Office, Factory Built Home Division ("Division") and the Department of Housing and Urban Development ("HUD"), which requires the Division to conduct installation inspections of Manufactured Homes from and after July 1, 2009.

### **Section 3. Scope**

This Regulation shall apply to all manufactured homes sited within the State of Mississippi installed on or after July 1, 2009.

### **Section 4. Definitions**

- A. Manufactured Home – a new or used structure defined by, and constructed in accordance with, the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000. For the purposes of this Regulation, it also includes those structures defined as a mobile home pursuant to Miss. Code Ann. § 75-49-3.
- B. Manufacturer – any person engaged in the production (construction) of manufactured homes.
- C. Developer – any person who buys manufactured homes and real estate and then offers to sell or lease to the general public land-home "package deals" consisting of a manufactured home with real estate.
- D. Retailer – any person engaged in the retail sale of new or used manufactured homes to the general public.
- E. Installer - the person or entity who is retained to engage in, or who engages in, the business of directing, supervising, controlling, or correcting the installation of a manufactured home sited in this state. For the purposes of this Regulation, "installer" shall not include persons who do not hold themselves out for hire to the general public for the purposes described in this definition.
- F. Inspector – any person who is employed as a Deputy State Fire Marshal, or any person or entity designated and authorized by the State Fire Marshal's Office pursuant to requirements set forth in Section 9 of this Regulation who conducts installation inspections pursuant to the MS Inspection Program.
- G. Installation - completion of work performed to stabilize, support, anchor, and close up a manufactured home and to join sections of a multi-section manufactured home sited in this state.

- H. Installation instructions - DAPIA-approved instructions provided by the home manufacturer that accompany each new manufactured home and detail the home manufacturer requirements for support and anchoring systems and other work completed at the installation site to comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000.
- I. Set up - any assembly or installation of a manufactured home onsite.
- J. DAPIA – (Design Approval Primary Inspection Agency) is a state or private organization that has been accepted by the Secretary of Housing and Urban Development to evaluate and approve or disapprove manufactured home designs and quality control procedures.
- K. Installation Decal - the decal issued by the Fire Marshal’s Office that is to be placed on all new and used factory-built homes at the time of installation by any retailer, developer and installer/transporter who is responsible for the set-up (installation, blocking, anchoring and tie-down) of a factory-built home when delivered to a home site intended for human habitation. The label is to be affixed near the HUD seal at the rear of the home and is to be completed by the licensee performing the installation, blocking, anchoring and tie-down at the home site.
- L. General Liability Insurance - A form of insurance that indemnifies against liability on account of injury to the person or property of another.
- M. Surety Bond - A type of bond which protects against loss due to the inability or refusal of an obligor to perform his or her contract

**Section 5. Mississippi Manufactured Home Installation Program Standards**

The Mississippi Manufactured Home Installation Program Standards (hereinafter “MS Installation Standards”) shall be the standards and requirements as set forth by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000, as same may be revised and amended; and Mississippi Department of Insurance Emergency Regulation MH-2009-2.

**Section 6. Licensure of Installers**

Each installer must be licensed pursuant to Miss. Code Ann. § 75-49-9. Any person who knowingly and willfully fails to obtain a license in violation of Miss. Code Ann. § 75-49-9 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both, pursuant to Miss. Code Ann. § 75-49-19.

## **Section 7. Surety Bond or Insurance**

An applicant for an installation license must provide evidence of and must maintain a surety bond in the amount of Ten Thousand Dollars (\$10,000.00), or a general liability insurance policy with a minimum limit of coverage in the amount of Five Hundred Thousand Dollars (\$500,000.00) that will cover the cost of repairing all damage to the home and its supports caused by the installer during the installation up to and including replacement of the home.

## **Section 8. Installation Inspection Requirements**

Beginning July 1, 2009, each manufactured home that is sited within the State of Mississippi shall be subject to inspection under the MS Inspection Program prior to occupation. Said inspection shall be conducted by an inspector assigned by the State Fire Marshal's Office to verify that the installation of the manufactured home meets the MS Installation Standards.

Furthermore, each installer shall certify with the State Fire Marshal's Office that they have installed said manufactured home in accordance with the requirements set forth by the MS Installation Standards.

- (A) Installation Inspection Procedure:
- (1) Scheduling of Inspection: Ten (10) business days prior to the completion of installation, the installer must contact the Fire Marshal's Office in the form and manner set forth in Exhibit "A" to arrange for an inspection of the work performed. However, the installer and retailer who contracted with the purchaser for the sale of the manufactured home may agree in writing that the retailer will arrange for the inspection within ten (10) business days prior to the completion of installation. Such inspection shall be performed as soon as practicable by an inspector. The scope of the inspections that are required to be performed is addressed in §8(B) of this Regulation.
    - (a) Fees. The State Fire Marshal shall set a reasonable standard fee, which shall not be more than \$350.00, for said inspection. The fee shall be paid by the installer or the retailer and, absent a written agreement with the purchaser that specifically states otherwise, the fee cannot be charged to the purchaser of the manufactured home.
    - (b) Contract rights not affected. Failure to arrange for an inspection of a home within five (5) business days will not affect the validity or enforceability of any sale or contract for the sale of any manufactured home.
    - (c) State or local permits. The licensed installer should obtain all

necessary permits required under state or local laws.

- (2) Inspection Checklist: The installation of every manufactured home shall be inspected for each of the installation elements included in the checklist below. The checklist must include assurance that each of the following elements complies with the MS Installation Standards.

- (1) Transit/pre-occupancy damage
- (2) Proper wind zones placement
- (3) Soil conditions/Soil classifications and bearing capacity
- (4) Site drainage
- (5) Ground moisture control (vapor barrier)
- (6) Pier construction/configuration/spacing
- (7) Clearance under homes
- (8) Required perimeter supports.
- (9) Footings
- (10) Ground anchor/stabilizer plates installations
- (11) Skirting
- (12) Crawlspace ventilation
- (13) Utility connections
- (14) Interconnection of multi-section homes.
- (15) Bottom board damage/repair
- (16) Dryer venting/appliance installation
- (17) Whole house ventilation
- (18) Proprietary systems installation
- (19) Final leveling of manufactured home.

- (3) Reinspection upon failure to pass

(a) Procedures for failed inspection. If the inspector cannot verify the proper installation of the manufactured home, the inspector must immediately notify the installer of any failures to comply with the installation standards and provide a written explanation with the reasons why the inspector cannot approve installation. After the installation is corrected, it must be reinspected by an inspector before verification can be issued.

(b) Cost of reinspection. If there is any cost for the reinspection of a failed installation, that cost must be paid by the installer or the retailer and, absent a written agreement with the purchaser that specifically states otherwise, that cost cannot be charged to the purchaser of the manufactured home. If the manufacturer or retailer retains the installer, they are jointly and severally responsible with the installer for correcting installation defects.

(B) Installer Certification of Installation

- (1) When the installation work is complete, the installer shall certify in writing to the State Fire Marshal's Office in the form and manner provided in Exhibit "A" of this Regulation that:
  - (a) The manufactured home has been installed in accordance with:
    - (i) An installation design and instructions that have been provided by the manufacturer and approved by the Secretary for Housing and Urban Development directly or through review by the DAPIA; or,
    - (ii) An installation design and instructions that have been prepared and certified by a professional engineer or registered architect, that have been approved by the manufacturer and the DAPIA as providing a level of protection for residents of the home that equals or exceeds the protection provided by the MS Installation Standards.
    - (iii) If the installation instructions do not comply with the installation standards, the manufacturer is responsible for any aspect of installation that is completed in accordance with the installation instructions and that does not comply with the installation standards.
    - (iv) If the manufacturer or retailer retains the installer, they are jointly and severally responsible with the installer for correcting installation defects.
  - (2) The installation of the home has been inspected and an inspector has verified the installation as proper.
  - (3) All installation defects brought to the installer's attention have been corrected.
  - (4) The installer must also provide a signed copy of its certification to the retailer that contracted with the purchaser or lessee for the sale or lease of the home, and to the purchaser or other person with whom the installer contracted for the installation work.

(C) Installation Decal:

- (1) Installers performing the installation, blocking, anchoring and tie-down at the home site, shall permanently attach a serial numbered installation decal near the HUD label on new or used manufactured homes built after June 1976, and opposite the hitch-end of manufactured homes built prior to or on June 1976, an installation decal to each manufactured home accepted as proof that the manufactured home installation meets the MS Installment Standards and is in compliance with the MS Installment Program
- (2) The State Fire Marshal's Office will supply installation decals to each licensed independent installer/transporter upon written request. Each decal will have the installer's name, address, date of installation and license number, and will bear the following statement:

**THIS FACTORY-BUILT, MOBILE OR MODULAR HOME HAS BEEN INSTALLED IN COMPLIANCE WITH THE UNIFORM STANDARDS CODE FOR THE FACTORY-BUILT HOMES LAW. ANYONE TAMPERING WITH OR REMOVING THIS INSTALLATION DECAL FROM THIS UNIT WILL BE PROSECUTED AS SET FORTH IN THESE RULES AND REGULATIONS, AND SHALL BE SUBJECT TO SUSPENSION OR REVOCATION OF THEIR PRIVILEGE LICENSE. (SECTION 75-49-1 ET SEQ., CODE OF MISSISSIPPI (1972), AS AMENDED)**

- (i) Each decal to be attached to a manufactured home shall be assessed an administrative fee as set by the Fire Marshal's Office.
- (ii) Installation fees shall be paid by check or money order made payable to the State Fire Marshal's Office, P. O. Box 79, Jackson, MS 39205.

## **Section 9. Inspector Qualifications**

Any person who is a Deputy State Fire Marshal may conduct inspections pursuant to this Regulation. Furthermore, the State Fire Marshal's Office may designate and authorize persons or entities to conduct these inspections provided they meet the following qualifications.

- (A) Qualifications. Any individual or entity who meets at least one of the following qualifications may be designated or authorized by the State Fire Marshal to review the work and verify the installation of a manufactured home:
  - (1) A manufactured home or residential building inspector employed by the local authority having jurisdiction over the site of the home, provided that the jurisdiction has a residential code enforcement program;
  - (2) A professional engineer;
  - (3) A registered architect;

- (4) A HUD-accepted Production Inspection Primary Inspection Agency (IPIA) or a Design Approval Primary Inspection Agency (DAPIA);
  - (5) An International Code Council certified inspector; or
  - (6) Any person or entity who has one (1) year or more experience in inspecting homes, provided the Commissioner finds to his satisfaction that said person or entity is qualified and competent to fulfill the responsibilities of an inspector.
- (B) Independence required. The inspector must be independent of the manufacturer, the retailer, the installer, and any other person that has a monetary interest, other than collection of an inspection fee, in the completion of the sale of the home to the purchaser.
- (C) Suspension or revocation of inspection authority. The Commissioner may, in writing, suspend or revoke an inspector's authority to inspect manufactured home installations for cause. In deciding whether to suspend or revoke an inspector's authority to conduct such installation inspections, the Commissioner may consider the impact of the suspension or revocation on other affected parties and will seek to assure that the sales and siting of manufactured homes are not unduly disrupted

#### **Section 10. Recordkeeping**

The installer must retain the following for a period of three (3) years after certification of installation is received:

- (1) A record of the name and address of the purchaser or other person with whom the installer contracted for the installation work and the address of the home installed;
- (2) A copy of the contract pursuant to which the installer performed the installation work;
- (3) A copy of any notice from an inspector disapproving the installation work;
- (4) A copy of the installer's certification of completion of installation in accordance with the MS Installation Standards; and,
- (5) A copy of foundation designs used to install the manufactured home, if different from the designs provided by the manufacturer, including evidence that the foundation designs and instructions were certified by a professional engineer or registered architect, including the name, address, and telephone number of the professional engineer or architect certifying the designs.

#### **Section 11. Verification of Installer License**

When the retailer or manufacturer agrees to provide any set up in connection with the sale of a manufactured home, the retailer or manufacturer must verify that the installer is licensed pursuant

to Miss. Code Ann. § 75-49-9.

**Section 12. Temporary Storage of Units**

Every manufacturer, distributor, retailer, or installer that has possession of a home is required to support each transportable section of a manufactured home that is temporarily located on a site used by that manufacturer, distributor, retailer, or installer in accordance with the manufacturer's instructions.

**Section 13. Waiver of Rights Invalid**

Any provision of a contract or agreement entered into by a manufactured home purchaser that seeks to waive any recourse under the MS Installation Program is void.

**Section 14. Violations and Penalties**

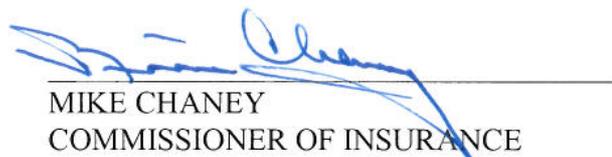
Failure of a retailer or installer or both to comply with a material provision of this Regulation is considered a violation of Miss. Code Ann. § 75-49-7(2). The State Fire Marshal may deny a license application or suspend or revoke a license, or may impose an administrative fine, or both as provided in Miss. Code Ann. § 75-49-19, after giving notice of hearing to the applicant or licensee by serving a written statement of charges on the licensee at least twenty (20) days prior to hearing, in the manner provided for in Miss. Code Ann. § 75-49-13 for any violation of this Regulation.

**Section 15. Severability**

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

**Section 16. Effective Date**

The Effective Date of this Emergency Regulation shall be July 1, 2009.

  
MIKE CHANEY  
COMMISSIONER OF INSURANCE

**EXHIBIT "A"**  
STATE OF MISSISSIPPI  
FIRE MARSHAL'S OFFICE  
FACTORY-BUILT HOME DIVISION  
POST OFFICE BOX 79, JACKSON, MS 39205  
(601) 359-1061 - WATTS NO: 1-888-648-0877  
FAX NO: (601) 359-1076

**INSTALLER CERTIFICATE OF INSPECTION  
REQUEST FOR INSPECTION**

RETAILER/DEVELOPER

INSTALLER/TRANSPORTER

Name: \_\_\_\_\_

Name: \_\_\_\_\_

License No: \_\_\_\_\_

License No: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Installation Decal No: \_\_\_\_\_

HOMEOWNER

Name: \_\_\_\_\_

Serial #: \_\_\_\_\_ Size: \_\_\_\_\_

Address: \_\_\_\_\_

HUD #: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Wind Zone: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Year/Make/Model: \_\_\_\_\_

County where home is located: \_\_\_\_\_

New: \_\_\_\_\_ Used: \_\_\_\_\_

Date/Time of Installation: \_\_\_\_\_

Manufacturer: \_\_\_\_\_

**LOCATION:** Directions must start from a known (be specific) starting point so that the Field Inspector may proceed to the location of the manufactured home. For example, use route # and pertinent street and road names. Use left, right or preferably compass directions, (north, south, east, west). Refrain from the use of such landmarks as dealerships, vehicles, and service stations, as they are subject to name changes and physical relocation.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**INSTRUCTIONS: PLEASE COMPLETE BELOW. A DEPUTY WILL BE ASSIGNED AND AN INSPECTION WILL BE SCHEDULED IN A REASONABLE TIME.**

**I HEREBY CERTIFY THAT THIS HOME IS INSTALLED ACCORDING TO THE MANUFACTURER'S SPECIFICATIONS AND IS READY FOR INSPECTION ON THIS DATE: \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.**

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)