

## **Title 19**

### **Part 7 State Fire Marshal**

**Part 7 Chapter 5:** (MH-5) Uniform Standards Code For Factory-Built Homes Law. (10/16/2009).

**Rule 5.01:** Promulgation and Purpose

**Rule 5.01.1:** General

These Rules and Regulations for Factory-Built Homes are promulgated by the Commissioner of Insurance of the State of Mississippi acting through the Chief Deputy State Fire Marshal and the Factory-Built Home Division in accordance with the Uniform Standards Code for Factory-Built Homes Law and the Mississippi Administrative Procedures Act, *Miss. Code Ann.* § 25-43-1, et seq., as amended, and shall become effective after adopted and promulgated in accordance with the provisions of the Mississippi Administrative Procedures. This Regulation is being filed as a regulation pursuant to the provisions of House Bill 1435, 2008 Regular Legislative Session as codified in *Miss. Code Ann.* § 75-49-11 (Supp. 2013); 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 Factory-Built homes from and after July 1, 2009.

The purpose of these Rules and Regulations is to prevent the loss of life and property from fire and related hazards, and to restrict health hazards in Factory-Built homes by providing standards for construction, heating systems, and by requiring compliance with such standards during construction, marketing, transport, installation, anchoring and tie-down for Factory-Built homes in the State of Mississippi.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2013).

**Rule 5.01.2:** Definitions

For the purpose of this Regulation, the following terms are defined as follows, unless the context clearly indicates otherwise:

- A. "ANSI" – the American National Standards Institute or its successor.
- B. "Certificate of Inspection Form"- is a form issued by the Factory-Built Home Division of the State Fire Marshal's Office that contains the certificates of inspection submitted by any retailer, developer and installer/transporter who is engaged in the sale, transport and/or set-up (installation, blocking, anchoring and tie-down) of a Factory-Built home intended for human habitation, to the Division within 72 hours (3 days) of the completion of the installation of home at the home site.

- C. "Chief Deputy State Fire Marshal" - is the individual appointed by the Commissioner of Insurance, who, along with his employees, is designated by the Commissioner to implement and enforce this chapter and to maintain, among other duties, the Factory-Built Home Division of the Insurance Department.
- D. "Commissioner" - is the Commissioner of Insurance of the State of Mississippi.
- E. "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 Factory-Built home designs and quality control procedures.
- F. "Developer" – for the purposes of this Regulation, means any person who buys Factory-Built homes and real estate and then offers to sell to the general public land-home "package deals" consisting of a Factory-Built home with real estate. Upon renewal of a license, a developer must provide documentation to the Department of Insurance that he or she has at least five (5) available Factory-Built home sites. A developer shall be responsible for installation requirements for Factory-Built homes as set forth in Rule 5.04 – 5.06 of this Regulation.
- G. "Diagonal Tie" - any tie-down designed to resist horizontal sliding or shear forces and which deviates not less 30° (0.52 rad) from a vertical direction.
- H. "Division" - is the Factory-Built Home Division of the State Fire Marshal's Office.
- I. "Employee" - any person, including a minor whether lawfully or unlawfully employed, in the service of an employer under any contract of hire or apprenticeship, written or oral, express or implied, and is under the control of the employer, provided that there shall be excluded there from all independent contractors. The control of the employer includes supervision of an employee's work, setting the employee's work schedule, and determining the method that the employee uses to perform the specific work.
- J. "Employer" – any person or entity who is retained to engage in, or who engages in, the business of directing, supervising, controlling or correcting the work conducted by persons retained as their employee.
- K. "Fire Marshal's Office" – the Division of the Department of Insurance that is responsible for the regulation of Factory-Built housing in the State of Mississippi, and includes the Commissioner of Insurance, the State Chief Deputy Fire Marshal, and Deputy State Fire Marshals.
- L. "Foundational Designs" – designs by a licensed architect or engineer that sets forth the

foundations requirements for the Factory-Built home.

- M. “Factory-Built Home” - is a mobile home, manufactured home, and a modular home as those terms are defined in *Miss. Code Ann.* § 75-49-3 (Supp. 2013).
- N. “General Liability Insurance” – is a form of insurance that indemnifies against liability on account of injury to the person or property of another.
- O. “Ground Anchor” - any device at the Factory-Built home site designed for the purpose of securing a Factory-Built home to the ground.
- P. “Homeowner” (Consumer) – is any person or firm who has purchased or is purchasing a Factory-Built home in good faith for purposes other than resale.
- Q. “Hook and Drop” – the delivery of any Factory-Built to a residential site by a licensed installer/transporter with no intention of completing the anchoring and blocking of the unit which is to be used for human habitation.
- R. “Human Habitation” – describes a place which will be occupied by humans, but does not include places that will be inhabited only sporadically for use as a hunting or fishing camp. In these regulations, “human habitation” shall be presumed to be the intended purpose for any factory-built home manufactured under the guidelines of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.), as well as the Manufactured Home Construction and Safety Standards contained in Title 24 Code of Federal Regulations, Part 3280, et seq. (HUD). This definition includes factory-built homes having one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking and eating. Homes designed for human habitation shall be presumed to be intended for human habitation, unless properly certified otherwise pursuant to Rule 5.03.3-4 of these regulations.
- S. “Hurricane Zone” – an area of Mississippi that has encountered sustained winds of 100 mph or more. Wind (Hurricane) Zone II areas for the State of Mississippi include the following counties: Hancock, Harrison, Jackson, George, Stone and Pearl River.
- T. “Independent Contractor” - any person, firm or corporation who contracts to do a piece of work according to his own methods without being subject to the control of his employer except as to the results of the work, and who has the right to employ and direct the outcome of the workers independent of the employer and free from any superior authority in the employer to say how the specified work shall be done or what the laborers shall do as the work progresses, one who undertakes to produce a given result without being in any way controlled as to the methods by which he attains the result.
- U. “Installer/transporter” - is any person engaged for hire as an independent contractor in the movement of, transportation, or both, or the installation, blocking, anchoring and tie-

down of a Factory-Built home. An independent contractor “installer/transporter” shall not include persons who do not hold themselves out for hire to the general public for the purposes described in this definition. An installer/transporter shall be responsible for installation requirements for Factory-Built homes as set forth in Rule 5.04 – 5.06 of this Regulation. The use of the terms “installer/transporter” in these regulations is intended to be synonymous with the term “Independent contractor installer or transporter” as defined in *Miss. Code § 75-49-3 (Supp. 2013)*.

- V. “Inspection Decal” - is the decal issued and installed by a duly appointed representative (inspector) of the Factory-Built Home Division of the State Fire Marshal’s Office that is placed on all new and used Factory-Built homes at the time of a passed installation inspection by the State Fire Marshal inspector. The label is to be affixed near the HUD seal at the rear of the home or on the end of the home opposite the tongue end if no HUD seal is present.
- W. “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 Rule 5.02.4-6 of this Regulation who conducts installation inspections pursuant to the MS Inspection Program.
- X. “Installation” - completion of work performed to site, place, stabilize, support, anchor, and close up a Factory-Built home, upon footings, piers or foundations and to join sections of a multi-section Factory-Built home sited in this state.
- Y. “Installation Instruction Manual” - DAPIA-approved instructions provided by the home manufacturer that accompany each new Factory-Built 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 Factory-Built Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.) and as amended by the Factory-Built Housing Improvement Act of 2000.
- Z. “Licensee” - is any manufacturer, retailer, developer or installer/transporter who obtains a privilege license from the Factory-Built Home Division of the State Fire Marshal’s Office of the Department of Insurance. The licensee shall comply with all laws of the State of Mississippi regarding Factory-Built homes.
- AA. “Local Authority Having Jurisdiction” (LAHJ) - is any Federal, State, County, Municipal or community organization that oversees or regulates permitting, registration, and or installation of Factory-Built homes.
- BB. “Manufacturer” - is any person engaged in the production (construction) of Factory-Built homes.
- CC. “Manufactured Building” – a closed structure, building assembly or systems of

subassemblies which may include structural, electrical, plumbing, heating, ventilating, utility service lines, footings, foundations, porches or other service systems manufactured in manufacturing facilities, for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include, but not limited to, residential dwelling units, commercial, institutional, storage and industrial structures. Factory-Built homes are excluded. Manufactured building may also mean at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation on the building site. For purposes of these regulations, the licensing and other requirements imposed shall only apply to Manufactured Buildings intended for human habitation.

- DD. “Manufactured Home” – defined by the United States Department of Housing and Urban Development, as a new or used structure defined by, and constructed in accordance with, the National Factory-Built Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.) and as amended by the Factory-Built Housing Improvement Act of 2000. For the purposes of this Regulation, it also includes those structures defined as a manufactured home and mobile home pursuant to *Miss. Code Ann.* § 75-49-3 (Supp. 2013).
- EE. “Mississippi Department of Transportation” (MDOT) - is the regulatory agency for transportation in the State of Mississippi. All licensees (manufacturers, retailers, developers or installer/transporters) shall comply with the requirements regarding transportation of Factory-Built homes under the jurisdiction of MDOT in the State of Mississippi.
- FF. “Mobile Home” - is a structure Factory-Built before June 15, 1976, that is not constructed in accordance with the National Factory-Built Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C. Section 5401 et seq.). It is a structure that is transportable in one or more sections, that, in traveling mode, is eight (8) body feet or more in width and thirty-two (32) feet or more in length or when erected on site, is two hundred fifty six (256) or more square feet and that is built on a chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning and electrical systems contained therein. A "mobile home" also includes any structure which meets all the requirements and complies with the standards established under this chapter.
- GG. “Modular Home” - is a structure which is: (i) transportable in one or more sections; (ii) designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; and (iii) certified by its manufacturers as being constructed in accordance with a nationally recognized building code.

- HH. “Modular Home Contractor” - is a licensed residential building contractor or a licensed retailer who buys Factory-Built modular homes for resale to the general public, whether to be located on the consumer's home site or a land-home package on property owned by the modular home contractor. A Mississippi licensed modular home contractor is authorized to sell new modular homes for installation on a consumer's home site or as part of a land- home package without the necessity of maintaining a separate sales center. A modular home contractor shall be responsible for the installation requirements for modular housing as provided in as set forth in Rule 5.04 – 5.06 of this Regulation.
- II. “New Factory-Built Home” - is a Factory-Built home as defined in *Miss. Code Ann.* § 75-49-3, which has never been the subject of a first sale for human habitation.
- JJ. “NFPA” – The National Fire Protection Association or its successor.
- KK. “Non-coded Area” - is any local jurisdiction (county or municipality) who have not adopted the latest edition and Appendices of the International Building Code published by the International Code Council or the board of supervisors of any county who has not adopted *Miss. Code Ann.* § 75-49-21, or other recognized building codes or portion thereof.
- LL. “Non-compliance” - is failure or refusal to comply with imposed standards and/or regulations.
- MM. “Park Model” – is a recreational park trailer, built on a single chassis, and having a gross trailer area of 400 square feet or less in the set-up mode when measurements are taken on the exterior of the trailer. The square footage includes all the siding, corner trim, molding, storage space, and area enclosed by windows, but not the roofing overhang. A park model is not a permanent dwelling. It is temporary living quarters for recreational, camping, travel, or seasonal use.
- NN. “Person” – includes, unless the context indicates otherwise, corporations, companies, associations, firms, and partnerships, as well as individuals, but does not include any agency of government or tribal governmental entity.
- OO. “Pier Footing or Foundation” - the structural support pad that a support pier is placed upon.
- PP. “Pier Cap” – a concrete plate placed on top of the highest open cell block of the pier.
- QQ. “Proprietary Pan’-Type Foundation System – any engineer designed device used for windstorm and seismic protection of a Factory-Built home.
- RR. “Retailer” - is any person engaged in the buying and thereafter selling, displaying or offering for sale of new, used or repossessed Factory-Built homes to the general public.

- SS. “Set-up” - is any assembly or installation of a Factory-Built home onsite that includes aspects of work that are governed by this chapter.
- TT. “Site” – an area of land that a Factory-Built home is installed upon. It is defined as the area under the home to include a 10 ft. perimeter around the home.
- UU. “Stabilizer Plate” – is a device used to prevent horizontal movement of a ground anchor.
- VV. “Surety Bond” – is a type of bond which protects against loss due to the inability or refusal of an obligor to perform his or her contract.
- WW. “Tie-Down” – is any device designed for the purpose of anchoring a Factory-Built home to the ground anchors.
- XX. “Used Factory-Built Home” - is a Factory-Built home as defined in *Miss. Code Ann. § 75-49-3* that has been subject of a first sale for human habitation, whether within this state or elsewhere.
- YY. “Vehicle Decal” - is a decal to be issued and placed on both the driver and passenger doors of the transporter vehicle (toter) which transports (moves) the Factory-Built home. Escort vehicles are not required to have truck decals. The truck decal is to be placed near the DOT number on each door of the vehicle.
- ZZ. “Vertical Anchor Tie” – is an anchor tie designed primarily to resist overturning by applying a force to the home or building in a direction no more than 15 degrees from the vertical.

Source: *Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).*

**Rule 5.01.3: Use of Manufacturer’s Installation Instructions**

All new Factory-Built homes shall be installed in accordance with the manufacturer’s home installation instructions. These instructions may include but are not limited to the following details:

1. Skirting must have vents and an opening for access to the crawl space and heat tape outlet.
2. The dryer exhaust vent must terminate outside the home.
3. Combustion air vents may be needed for sealed combustion units and fireplaces.
4. A vapor barrier may be required on the soil.
5. Adequate clearance must be maintained between the soil and wood floor joists.
6. Water supply lines may be required to be insulated.

7. The lot should be properly graded to avoid standing water under the home.
8. The air conditioning condensate drain may be specified to have a termination outside the home.
9. Specifications for utility connections must be followed.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.01.4:** Manufacturer's Installation Instruction Unavailable

- A. If the manufacturer's installation instructions are not available, the anchoring and support requirements for used Factory-Built homes of this standard shall be followed and other aspects of the home installation shall conform to the minimum standards for occupancy established by the Rules and Regulations of the Factory-Built Home Division.
- B. Factory-Built homes, both new and used, built after July 13, 1994 that conform to Wind Zone I ratings only, cannot be installed within a designated Wind Zone II area, unless approved by the county or municipality having jurisdiction within the Wind Zone II area. The Wind Zone II area for homes Factory-Built after July 13, 1994, consists of the following counties: Hancock, Harrison, Jackson, George, Pearl River, and Stone.
- C. For used Factory-Built homes that were built prior to July 13, 1994, the following shall apply, If the Factory-Built home was built to the HUD Hurricane Zone rating that existed prior to July 13, 1994, it may be installed in one of the post-July 13, 1994, counties that are listed in No. 3 above. For reference, HUD designated Hurricane Zone counties that existed prior to July 13, 1994, were as follows: Hancock, Harrison, Jackson, George, Pearl River, Stone, Greene, Perry, Forrest, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson. However, if the county or municipality having jurisdiction within the post-July 13, 1994, Wind Zone II area has adopted more restrictive requirements that would prohibit the installation of a pre-July 13, 1994 Hurricane Zone house, then the requirements of such county or municipality shall govern.
- D. Used Factory-Built homes built prior to 1994, currently installed in a Wind Zone I location and having no accessible or readable data plate to determine the wind zone designation the home cannot be moved to a Wind Zone II location unless it can be proven that the home has a Wind Zone II designation or that the LAHJ in the county to which it is being located will allow it to be installed.
- E. Prior to the sales and installation of all new and used Factory-Built homes, the retailer, the developer and/or the installer/transporter shall determine whether the house is constructed to the properly rated Wind/Hurricane zone for its intended use and installation by referring to the HUD data plate. If no accessible or readable data

plate is available in the home to verify the Wind/Hurricane zone designation, a copy of the HUD data plate and compliance certificate must be obtained from either the manufacturer of the home or from the Institute for Building Technology and Safety (IBTS). This information must be available to the prospective buyer prior to the sale of the home.

- F. The support and anchoring systems of all Factory-Built homes that bear the HUD label shall be designated by a Registered Professional engineer or architect and meet the requirements of 24 CFR Section 3280.306, pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. Section 5401, et seq.) and the Manufactured Housing Improvement Act of 2000 as amended. The manufacturer shall provide complete tie-down instructions with each Factory-Built home.
- G. From and after July 1, 2005, no retailer, developer, transporter or installer/transporter shall deliver or cause to be delivered any Factory-Built home to any person at any site where such home is to be used for human habitation without anchoring and blocking such home in accordance with rules, regulations and procedures promulgated by the Commissioner pursuant to *Miss. Code Ann.* § 75-49-5; provided, however, that a period of thirty (30) days from date of delivery shall be allowed for the anchoring and blocking of such homes.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.01.5:** Instructions for Installation of Used Multi-Section Factory-Built Homes

The floor sections, roof sections, and wall sections are to be fitted together tightly. Connections must be sufficiently sealed to prevent air infiltration. Connection of multi-section Factory-Built homes (two or more sections), when manufacturer's installation instructions are not available shall be as follows:

1. Floor connection: All floors of multi-section Factory-Built homes shall be securely fastened together along the entire length of the home.
2. Roof and Ridge Beams: All roof and ridge beams of multi-section Factory-Built homes shall be securely fastened together along the entire length of the home.
3. End walls: End walls of multi section Factory-Built homes shall be securely fastened together with the proper weather seal material installed.
4. Siding and trim pieces are to be installed at the connection of the sections.
5. The joints at the ridge of the roof shall be secured and weather tight.

6. Plumbing drain lines must be supported off the ground.
7. Crossover, heating and other ducts shall be supported at 4 feet on centers minimum and must be supported off the ground.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.02:** Administration

The Commissioner, acting through the Chief Deputy State Fire Marshal and the Factory-Built Home Division of the Mississippi Insurance Department, is hereby charged with the administration of this chapter. He may make and amend, alter or repeal, general rules and regulations of procedure for carrying into effect all provisions of this chapter, for obtaining statistical data respecting Factory-Built homes, and to prescribe means, methods and practices to make effective such provisions and he may make such investigations and inspection as in his judgment are necessary to enforce and administer this chapter *Miss. Code Ann.* § 75-49-11.

Source: *Miss. Code Ann.* § 75-49-11 (Supp. 2013).

**Rule 5.02.1:** Rules and Regulations

**Rule 5.02.1-1:** Licensure of Manufacturers, Developers, Retailers and Installers/Transporters

Each manufacturer, developer, retailer and installer/transporter 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 (Supp. 2013).

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-2:** Manufacturer License Application

Every manufacturer engaged in the production (construction) of Factory-Built homes within or without the State of Mississippi shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility for cargo loss or damage by providing documentation of the bonding and liability insurance requirements as required by this regulation.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-3: Retailer/Developer License Application**

- A. Any retailer/developer within or without this state shall apply for a license annually to sell Factory-Built homes to be shipped into or sited in Mississippi. This licensure also applies to anyone who re-builds, sells and/or leases Factory - Built home units or anyone who buys and sells but does not move or relocate repossessed or used Factory-Built homes.
- B. Every retailer or developer that sells, transports, or installs new or used Factory-Built homes within the State of Mississippi, shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility for cargo loss or damage by providing documentation of the bonding and liability insurance requirements as required by this regulation.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-4: Repossession and Resale**

Any person as defined in *Miss. Code Ann.* § 75-49-3(h) that repossesses and sells new or used Factory-Built homes which will be transported or relocated from the existing home site within the State of Mississippi shall contract the resale of the Factory-Built home through a current licensed retailer or developer to insure that the Factory-Built home is installed and set-up by a licensed installer/transporter in compliance with the Division's rules and regulations. A copy of said contract with the licensed retailer/developer is required to be on file with the Division.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-5: Installer/transporter License Application**

Every installer/transporter that transports and/or installs new or used Factory-Built homes within the State of Mississippi shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility for cargo loss or damage by providing documentation of the bonding and liability insurance requirements as required by this regulation.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-6: Tax Identification Number**

- A. All license applicants shall certify in the application to the Commissioner that the applicant will comply with the Construction Standards set forth under Rules and Regulations provided in *Miss. Code Ann.* § 75-49-5, and that the applicant has obtained a current and valid tax identification number.

- B. All applications for license shall be obtained from and submitted to the Commissioner on forms prescribed by the Commissioner.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-7: License Fees**

- A. Pursuant to *Miss. Code Ann.* § 75-49-9, the original license fee and all annual renewals thereof shall be Two Hundred Fifty Dollars (\$250.00) for manufacturing plants located within or without the State of Mississippi manufacturing or delivering homes for sale within the State of Mississippi and One Hundred Fifty Dollars (\$150.00) per retailer location and developer location within the State of Mississippi. The licensing fee for a Factory-Built home and/or modular independent contractor transporter or installer is One Hundred Dollars (\$100.00) for each company. The fee for modular home plan review shall be Four Hundred Dollars (\$400.00) per floor plan. Except as otherwise provided in Rule 5.02.1-9, the license shall be valid for the current license period (July 1 through June 30 of the following year) unless suspended or revoked as provided herein.
- B. Every manufacturer, transporter or installer or retailer and developer who first sells, manufacturers, transports or installs a new or used Factory-Built home in this state, before such first construction, sale, transportation or installation, shall apply for and obtain a license from the Commissioner. The original license fee, registration fee, annual relicensing, and all other required fees shall be paid to the Commissioner in such a manner as the Commissioner may by rule require. All funds received by the Commissioner shall be deposited in the State Treasury to the credit of the Department of Insurance.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); § 75-49-19 (Supp. 2013).

**Rule 5.02.1-8: Manufacturer Monitoring Inspection Fee**

Every manufacturer of Factory-Built homes in the State shall pay a monitoring inspection fee to the Secretary of Housing and Urban Development, or the Secretary's Agent, for each Factory-Built home produced in the State by the manufacturer. The fee shall be in an amount established by the Secretary pursuant to the National Factory-Built Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401, et seq.) and as amended by the Factory-Built Housing Improvement Act of 2000. The portion of the fee which is returned to the State shall be deposited by the Commissioner in the State Treasury to the credit of the Department of Insurance.

Source: *Miss. Code Ann.* § 75-49-5 (Supp. 2013).

**Rule 5.02.1-9: Investigation and Examination of All License Applicants**

- A. The Commissioner shall investigate and examine all applicants for all licenses by holding such hearings as he shall deem necessary or conducting investigations or examinations, or any combination thereof, as to the fitness or expertise of the applicant for the type of license for which the applicant applied. A license shall be granted only to a person who bears a good reputation for honesty, trustworthiness, integrity and competency to transact the business in such a manner as to safeguard the interest of the public and only after satisfactory proof of such qualifications has been presented to the Commissioner.
- B. The Commissioner shall take all license applicants under consideration after having examined them through oral or written examinations, or both, before granting any license. If the license applicant is an individual, examination may be taken by his personal appearance for examination or by the appearance for examination of one or more of his responsible, full time managing employees; and if a partnership or corporation or any other type of business or organization, by the examination of one or more of the responsible, full time managing officers or members of the executive staff of the applicant's firm. Every application by an individual for a license to manufacture, sell, transport or install new or used Factory-Built homes, shall be verified by the oath or affirmation of the applicant, and every such application by a partnership or corporation shall be verified by the oath or affirmation of the applicant and a partner or an officer thereof. The applications for licenses shall be in such form and detail as the Commissioner shall prescribe.
- C. Pursuant to *Miss. Code Ann.* § 75-49-9(8), which states:
- “The commissioner shall take all applicants under consideration after having examined them through oral or written examinations, or both, before granting any license. If the applicant is an individual, examination may be taken by his personal appearance for examination or by the appearance for examination of one or more of his responsible, full-time managing employees...”
- D. Every independent contractor installer or transporter who transports or installs new or used Factory-Built homes within the State of Mississippi and who is applying for a license shall have passed a written examination (passing score of 70 or above). The examination shall consist of questions determined by the Commissioner to establish an applicant's knowledge related to the rules and regulations and administration relative to Factory-Built homes in the State of Mississippi and questions specifically related to the practical installation (anchoring, blocking, and tie-down) of Factory-Built homes in this state. The examination shall be provided by the Commissioner or by a testing service acting on behalf of the Commissioner. The applicant is responsible for registering with the testing service to schedule the examination and is

responsible for all fees. The applicant shall follow all procedures established with regard to conduct at the examination. Failure to comply with all procedures established with regard to conduct at the examination may be grounds for denial of application.

- E. Prior to the issuance of a privilege license, the person applying for the license shall return the license application received in the “Notice of Renewal” and submit a copy of training certificates, that he and all of his responsible, full-time employees has attended an approved eight (8) hour installation and set-up training class pursuant to the Factory-Built Housing Improvement Act of 2000.
- F. The holder of any valid license issued by the Commissioner at the time *Miss. Code Ann.* § 75-49-9(8) became effective shall be automatically issued an equivalent license in the same category for which his previous license was issued **if the licensee is in compliance** with this chapter.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

#### **Rule 5.02.1-10: Non-Compliance**

- A. Non-compliance by a license applicant, as a condition precedent, of the requirements of *Miss. Code Ann.* § 75-49-9(7) and with the regulations set forth in this document, will be assessed violations where applicable:
- B. Pursuant to *Miss. Code Ann.* § 75-49-13, the commissioner shall provide the license holder an opportunity to be heard on the question of these violations committed to determine whether he is qualified to receive the license applied for and if there may be sufficient grounds upon which to base a probation, denial, suspension or revocation of the license.
- C. Pursuant to *Miss. Code Ann.* § 75-49-9(10), every license shall be issued annually and shall expire on June 30 following the date upon which it was issued. **License fees shall not be prorated for the remainder of the year in which the application was made but shall be paid for the entire year regardless of the date of the application.**

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-11: Annual License Renewal Application**

- A. The Commissioner shall on or before April 30 of each year, forward a "Notice of Renewal" by regular United States mail to each licensee at his or its last known mailing address. The "Notice of Renewal" will contain an application that shall be properly filled out by the person whose name will appear on the license, signed and returned to the State Fire Marshal's Office.
- B. After depositing the "Notice of Renewal" in the United States mail, the Commissioner shall have no other duty or obligation to notify the licensee of the expiration of his or its annual license. **The failure of the licensee to obtain a renewal license on or before June 30 of the ensuing license period shall act as an automatic suspension of the license unless the Commissioner, for good cause shown in writing and the payment of an amount equal to double the renewal fee for said delinquency, lifts the suspension and issues the renewal license. During the period of suspension, any practice by the licensee under the color of such license shall be deemed a violation of this chapter.** If a license renewal application is not received from the retailer within thirty (30) days of the date of license suspension, the retailer shall be required to remove or cover-up **all forms** of advertisement (signage) identifying the retail business.
1. All applicants and licensees shall comply with the bonding and general liability requirements as established by *Miss. Code Ann.* § 75-49-11 (Rev. 2008) and as described in Rule 5.02.1-12 of this regulation.
  2. Annual renewals of a retailer's license shall require, as a condition precedent, that the retailer verify by oath or affirmation that all retail sales lots that he/or she maintains are done so in accordance with all rules and regulations promulgated by the Commissioner and that each lot has three (3) or more new or used Factory- Built homes located thereon for retail sale as a residential dwelling or for any other use at the time of application. Annual renewals of a developer's license shall require, as a condition precedent, that the developer verify and submit a copy of legal documentation indicating that the developer has five (5) or more locations for a Factory-Built home/land package.
  3. With return of the annual licensure application, **it shall be the responsibility of each retailer, developer and installer/transporter to request in writing the number of truck decals needed for their transporter vehicles** (toter). A decal is to be placed on the driver and passengers doors of each transporter vehicle. Escort vehicles are not required to have decals.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-12: Licensee Bonding and Insurance Requirements**

- A. After August 1, 2009, all new license applications and renewal applications for a license to act as a manufacturer, modular contractor, developer, retailer, transporter, or installer of Factory-Built homes in the State of Mississippi must provide to the State Fire Marshal's Office verification that they have obtained a general commercial liability policy and ~~or~~ a surety bond in the following specified amounts:
- B. Manufacturers or Modular Contractors – provide proof of a surety bond in the amount of \$25,000.00 per Licensed Facility or, for three (3) or more Licensed Facilities, a minimum bond in the amount of \$50,000.00; and proof of a general liability policy in the amount of \$1,000,000.00 in coverage;
- C. Developers – provide proof of a surety bond in the amount of \$25,000.00 per Facility or for three (3) or more Facilities, a minimum bond in the amount of \$50,000.00; and proof of a general liability policy in the amount of \$1,000,000.00 in coverage;
- D. Retailer (with 1 or more Facilities) – provide proof of a surety bond in the amount of \$25,000.00 per Facility or for three (3) or more Facilities, a minimum bond in the amount of \$50,000.00; and proof of a general liability policy in the amount of \$1,000,000.00 in coverage;
- E. Retailer (involved in the repossession and resale with no lot facilities) – provide proof of a surety bond in the amount of \$25,000.00 and proof of general liability in the amount of \$1,000,000.00 in coverage.
- F. Installer/Transporter - provide proof of a surety bond in the amount of \$25,000.00; and proof of a general liability policy in the amount of \$500,000.00 in coverage. The general liability policy is also required to have a cargo policy addition in the amount of \$100,000.00 in coverage for the transport of Factory-Built homes.
  - 1. Certificates of general liability policies for all manufacturers, retailer/developers and installer/transporters shall have the Mississippi State Fire Marshal's Office as the designated certificate holder.
  - 2. A surety bond written pursuant to the requirements set forth in this section shall comply with the Surety Bond for Licensure form that will be provided to the applicant from the State Fire Marshal's Office.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-13: Operating Without a Privilege License**

Any company/individual (retailer, developer or installer/transporter) who is found

to be operating without an appropriate privilege license in the State of Mississippi shall:

- A. Show good cause in writing to the Factory-Built Home Division of the State Fire Marshal's Office why this violation occurred and including the approximate number of homes sold and or moved prior to obtaining a privilege license.
- B. Request a retailer's, developer's, or installer/transporter's privilege license application. This application is to be returned, signed and notarized with a check payable to the Office of the State Fire Marshal pursuant to the fee schedule in Rule 5.02.1-7.
- C. Schedule with the State of Mississippi to attend an 8-hr training course and have passed a written examination (passing score of 70 or above).
- D. Set an inspection date with the State Fire Marshal's Office which is required to verify compliance with this chapter prior to issuance of license.
- E. Be subject to penalties as set forth in *Miss. Code Ann.* § 75-49-19.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

#### **Rule 5.02.1-14: Installation Inspection**

All Factory-Built Home passing an on-site inspection pursuant to this regulation, shall have a permanently attached serial numbered and color coded installation decal near the HUD label on new or used Factory-Built homes built after June 1976, and opposite the hitch-end of the Factory-Built homes built prior to or on June 1976. **The inspection decal for each Factory-Built Home implies acceptance as having been installed in accordance with the manufacturer's specification, the local authority having jurisdiction (LAHJ) in coded areas or in the absence of an installation manual, the State of Mississippi's Rules and Regulations for MH-5.**

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

#### **Rule 5.02.1-15: Site Preparation, Anchoring and Blocking Requirement**

No retailer, developer, or /transporter shall deliver or cause to be delivered any Factory-Built home that is to be used for human habitation, to any person at any site without proper site preparation, anchoring and blocking of such home in accordance with the rules, regulations and procedures promulgated by the Commissioner of Insurance.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-16: Time Period Allowed for Installation**

A period of not more than thirty (30) days from date of delivery to the site shall be allowed for the anchoring and blocking of all Factory-Built homes. No retailer, developer, or installer/transporter shall perform a “Hook and drop” of any Factory-Built home, originally designed for human habitation, to any installation site. This requirement is provided for in *Miss. Code Ann.* § 75-49-7(2) and Rule 5.02.1-15 of this Regulation.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-17: Retailer/Developer Certificate of Inspection Form**

- A. To ensure compliance with this regulation, it shall be the responsibility of each retailer and developer to submit the Retailer/Developer Certificate of Inspection, the Installer Certificate of Inspection and the Property Locator/Inspection Report form to the Factory- Built Home Division of the State Fire Marshal’s Office for **every** Factory-Built, Factory-Built homes that is has been sold and been installed. The above listed forms must be received in the State Fire Marshal’s Office within seventy-two (72) hours (3 days) of completion of the installation of home and **not** the sale of the home. The forms enable the duly appointed representative of the State Fire Marshal’s Office to conduct inspections as required according to the Division. The information on each page of the Certificate of Installation form must be legible and shall include all of the following information:
1. The retailer’s name, license number, address, telephone number, and fax number;
  2. The installer/transporter’s name, license number, address, telephone number, and fax number;
  3. The homeowner’s name, address of the home installation site, the homeowner’s telephone number, and county where home has been installed.
  4. The serial number of home, size of home, HUD number, Wind Zone designation, year/make/model of the home, new or used home designation, and the manufacturer of the home;
  5. The date the home was installed;
  6. Precise and accurate written directions to the home installation site; using state highway numbers, county road numbers, towns, street names, and road names and distances along each roadway; and
  7. A clear and legible map showing directions to the home-site from a known starting point.

- B. Nothing contained herein shall restrict or limit the customer's option of independently contracting with a properly licensed transporter or installer for set-up and installation rather than purchasing transportation and installation services from the retailer or developer.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-18:** Installer Certificate of Inspection Form

- A. It shall be the responsibility of each installer/transporter that transports or installs a home at a secondary location to submit, for **every** Factory-Built home, the Installer Certificate of Inspection form and the Property Locator/Inspection Report form to the Factory-Built Home Division of the State Fire Marshal's Office (SFMO). The above listed forms must be received in the SFMO within seventy-two (72) hours (3 days) of completion of the installation of home. The Installation Property Locator form is to enable the duly appointed representative of the State Fire Marshal's Office to conduct inspections as required according to the Division. **This report is required for all new and used homes that are transported or installed by an installer/transporter for someone other than a licensed retailer or developer.** The information on the forms must be legible and shall include all of the following:

1. The retailer's name, license number, address, telephone number, and fax number (if a retailer transacted the sale of the home to the consumer);
2. The installer/transporter's name, license number, address, telephone number, and fax number;
3. The homeowner's name, address of the home installation site, the homeowner's telephone number, and county where home has been installed.
4. The serial number of home, size of home, HUD number, Wind Zone designation, year/make/model of the home, new or used home designation, and the manufacturer of the home;
5. The date of the home installation;
6. Precise and accurate written directions to the home installation site; using state highway numbers, county road numbers, towns, street names, and road names and distances along each roadway; and
7. A clear and legible map showing directions to the home-site from a known starting point.

B. In all cases in which the installation is arranged and/or paid for by the retailer, the retailer shall assume responsibility for the proper set-up of the Factory-Built home. This subsection shall not relieve any installer/transporter from any responsibilities and applicable penalties.

C. All manufacturers, retailers, developers and installers shall comply with the Mississippi Factory-Built Home Installation Program as set forth in Rule 502.2 of this

Regulation. Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.2: Factory-Built Home Installation Inspection Program**

This section of the regulation describes the standards and requirements for an installation inspection program for **all** Factory-Built homes sited within the State of Mississippi. Said program shall be called the Mississippi Factory-Built Home Installation Inspection Program (hereinafter “MS Inspection Program”).

Source: *Miss. Code Ann.* § 75-49-11 (Supp. 2013).

**Rule 5.02.2-1: Purpose**

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; 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 Factory-Built Homes from and after July 1, 2009.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.02.2-2: Scope**

The inspection program shall apply to **all Factory-Built homes** sited within the State of Mississippi installed on or after July 1, 2009.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.02.2-3: Mississippi Factory-Built Home Installation Program Standards**

The Mississippi Factory-Built 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 Regulation MH-5, as amended.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.02.2-4: Installation Inspection Requirements**

- A. Beginning July 1, 2009, every Factory-Built 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 Factory-Built home meets the MS Installation Standards.
- B. Furthermore, each retailer/developer and/or installer/transporter shall certify, by submitting a Certificate of Inspection Form to the State Fire Marshal’s Office indicating that they have installed said Factory-Built home has been installed in accordance with the requirements set forth by the MS Installation Standards and this Regulation.

Source: *Miss. Code Ann.* § 75-49-1, et seq.; § 75-49-11 (Supp. 2013).

**Rule 5.02.3: Installation Inspection Procedure**

**Rule 5.02.3-1: Scheduling of the Inspection**

- A. For all new or used residential Factory-Built homes involving a retailer, the retailer is required within three (3) business days of the completion of the installation, minus skirting, to submit by e-mail, facsimile, or priority mail, a properly completed and signed Retailer/Developer Certificate of Inspection, Installer/Transporter Certificate of Inspection, and Property Locator /Inspection Report Form to the Factory-Built Home

Division of the State Fire Marshal’s Office. This will provide information on the exact location where the home has been installed.

- B. For secondary sitings not involving a retailer, the installer/transporter is required to submit within three (3) business days of the completion of the installation, minus skirting, by e- mail, facsimile, or priority mail, all the proper pages of a properly

completed and signed Installer/Transporter Certificate of Inspection and the Property Locator /Inspection Form to the Factory-Built Home Division of the State Fire Marshal's Office, for **all** Factory-Built, Factory-Built homes. This will provide information on the exact location of the home and when the home has been installed.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2013).

**Rule 5.02.3-2: Inspection Fees**

The State Fire Marshal has set a reasonable standard fee, which shall not be more than an amount allowed by HUD, for said inspection. The fee shall be paid by the installer/transporter, developer, or retailer. The State Fire Marshal will not charge the fee to the purchaser of the Factory-Built home. Inspection fee invoices shall be sent to the installer/transporter upon receipt of the Installer Certificate of Inspection Form. The payment for the inspection fees, including the remittance portion of the invoices, shall be promptly returned to the State Fire Marshal's Office. Failure to submit payment of the inspection fee invoices within 45 days from the date on the invoice shall be considered a violation of this regulation.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2013).

**Rule 5.02.3-3: Contract rights not affected**

Failure to arrange for an inspection of a home within three (3) business days of the completed installation will not affect the validity or enforceability of any sale or contract for the sale of any Factory-Built home.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2013).

**Rule 5.02.3-4: State and Local Permits**

All necessary permit requirements under state law shall be obtained prior to installation. Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2013).

**Rule 5.02.3-5: Inspection Checklist**

The installation of every Factory-Built home shall be inspected for each of the installation elements included in the checklist portion of the Property Locator/Inspection Report of the Installer Certificate of Inspection Form. The checklist must include assurance that all of the inspection elements complies with the MS Installation Standards. All deviations from the items listed on the checklist must be noted in the comment section of the checklist to alert the inspector of the existing condition.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2013).

**Rule 5.02.4: Certification of Installation**

**Rule 5.02.4-1: Certificate of Inspection**

When the installation work is complete, the retailer and/or installer/transporter shall certify by signature at the bottom of the Retailer/Developer and/or the Installer/Transporter Certificate of Inspection, devised for reprint purposes, that the Factory-Built home has been installed in accordance with:

1. 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,
2. 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 in MH-5, as amended.
3. 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.
4. If a Factory-Built home is classified as “used” and the manufacturer instructions cannot be located, the installer/transporter shall comply with the provisions of this regulation, as amended, in installing the Factory-Built home.
5. Upon completion of the inspection, where the inspector has verified the installation as proper and has passed the home, a signed Certificate of Inspection will be sent to the homeowner and to the installer/transporter and to the retailer when applicable. This certificate is verification that the installation of the home has passed a final inspection.

Source: *Miss. Code Ann.* §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013).

**Rule 5.02.4-2: Procedures for Re-inspection Upon Failure to Pass**

- A. If the inspector cannot verify the proper installation of the Factory-Built home, the inspector must immediately notify the company submitting the Certificate of Installation of any failures to comply with the installation standards and provide a

written explanation (letter and affidavit) with the reasons why the inspector cannot approve the installation.

If the installation is a secondary move the installer/transporter will receive the letter and affidavit. The responsible person shall have twenty (20) calendar days to correct the defects found during the inspection and return the signed and notarized affidavit to the State Fire Marshal's Office indicating that all the listed defects have been corrected. After the installation is corrected and the notarized affidavit has been returned, the installation may be re-inspected by an inspector before verification can be issued. Submission of a signed and notarized affidavit by a manufacturer, developer, retailer or installer/transporter that are not factually correct are considered to be a violation of *Miss. Code Ann. § 97-7-10*.

- B. If the manufacturer, developer or retailer retains the installer/transporter, they are jointly and severally responsible with the installer/transporter for correcting installation defects.

Source: *Miss. Code Ann. §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq.* (Supp. 2013).

**Rule 5.02.4-3: Cost of Re-inspection.**

A failed installation will require a re-inspection following the correction of the identified defects and may be assessed a re-inspection fee. The cost of that re-inspection will be paid by the installer/transporter or, if the installer/transporter was retained by the manufacturer, developer or retailer, by that individual or entity and, absent a written agreement with the purchaser that specifically states otherwise, that cost cannot be charged to the purchaser of the Factory-Built home. The re-inspection fee shall be reasonable and shall not exceed the cost of the original inspection fee.

Source: *Miss. Code Ann. §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq.* (Supp. 2013).

**Rule 5.02.4-4: Scheduling of Re-inspection.**

Within three (3) business days following completion of all work to correct the installation deficiencies, the installer/transporter must contact the Fire Marshal's Office to arrange for the re-inspection of the home installation site. Such inspection shall be performed as soon as practicable by an inspector.

Source: *Miss. Code Ann. §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq.* (Supp. 2013).

**Rule 5.02.4-5: Inspection Decal**

- A. Upon passing of final inspection, the inspector shall permanently attach a color-coded serial numbered inspection decal near the HUD label on new or used Factory-Built homes built after June 1976, and opposite the hitch-end of Factory-Built homes built prior to or on June 1976, an inspection decal to each Factory-Built home accepted as proof that the Factory-Built home installation meets the MS Installation Standards as set forth in this regulation.
- B. The State Fire Marshal's Office will supply inspection decals to each inspector. Each decal will have the installer/transporter's name, date of installation and license number, and will bear the following statement:

**THIS MANUFACTURED, 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 INSPECTION 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)**

Source: *Miss. Code Ann.* §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013).

#### **Rule 5.02.4-6: 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. 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 Factory-Built home:
  - 1. A professional engineer;
  - 2. A registered architect;
  - 3. A HUD-accepted Production Inspection Primary Inspection Agency (IPIA) or a Design Approval Primary Inspection Agency (DAPIA);
  - 4. An International Code Council certified inspector; or
  - 5. Any person or entity who has three (3) years or more experience in inspecting homes or experience in the Factory-Built home industry provided the

Commissioner finds to his satisfaction that said person or entity is qualified and competent to fulfill the responsibilities of an inspector.

- B. The inspector must be independent of the manufacturer, the retailer, the installer/transporter, 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. The Commissioner may, in writing, suspend or revoke an inspector's authority to inspect Factory-Built 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 Factory-Built homes are not unduly disrupted.

Source: *Miss. Code Ann.* §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013).

**Rule 5.02.4-7: Verification of Installer/Transporter License**

If the retailer/developer or manufacturer agrees to provide any transportation and/or set up in connection with the sale of a Factory-Built home, the retailer/developer or manufacturer must verify with the Mississippi State Fire Marshal's Office that the installer/transporter is licensed pursuant to *Miss. Code Ann.* § 75-49-9. The retailer/developer and or manufacturer shall forward a copy of the current license and the signed contract with each installer/transporter to the Division office.

Source: *Miss. Code Ann.* §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013).

**Rule 5.02.4-8: Site Preparation by Homeowner**

The manufacturer, retailer or installer/transporter may agree in writing to allow the consumer to conduct the site preparation for the Factory-Built home installation. However, before the installer/transporter may begin installation of the Factory-Built home, the site preparation must meet the requirements set forth in MH-5, as amended. If there is conflict between the installer/transporter and the consumer regarding the site preparation, the State Fire Marshal's Office may be required to mediate. Any fee charged by the State Fire Marshal's Office due to said mediation will be paid by the consumer.

Source: *Miss. Code Ann.* §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013).

**Rule 5.02.4-09: Waiver of Rights Invalid**

Any provision of a contract or agreement entered into by a Factory-Built home purchaser that seeks to waive any recourse under the MS Installation Program is void, except a waiver provision may be allowed for any agreement entered into pursuant to the provisions of Rule 5.02.4-9 of this Regulation.

Source: *Miss. Code Ann.* §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013).

**Rule 5.02.4-10: Violations and Penalties**

Failure of a retailer/developer or installer/transporter 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.

Source: *Miss. Code Ann.* §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013).

**Rule 5.02.5: License Exceptions**

Pursuant to *Miss. Code Ann.* §75-49-5, the following entities or individuals are not required to have a privilege license:

- A. An individual relocating and installing a Factory-Built home only within the boundaries of their personal property (defined as “Self-Set”), is the owner thereof, or the Factory-Built home is owned by a member of the individual's family, and the home is not intended for sale, exchange, lease or rent. Further, the installation of the home must meet the requirements set forth in this Regulation pertaining to the proper anchoring and blocking of the Factory-Built home. Any transportation of the home by an unlicensed individual upon a public right of way from another property not directly adjoining the destination property shall constitute a direct violation of this Regulation. The transportation of any Factory-Built home upon a public right of way shall require a licensed installer/transporter to provide this service.
- B. An individual performing maintenance, repairs, or corrections to an installation for the purpose of customer service on behalf of manufacturers, retailers or developers;

- C. An installer/transporter that conducts interstate transport through the State of Mississippi for manufacturers, retailers or developers and does not install at home sites intended for human habitation.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

**Rule 5.02.6: Manufacturer Qualifications for License**

- A. All manufacturer applicants shall certify in the application that they will fully comply with 24 CFR 3280 and CFR 3282 of the National Manufactured Home Construction Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000, set forth pursuant to *Miss. Code Ann.* § 75-49-5 and 75-49-11.
- B. All manufacturers of modular homes shall certify in the application that they will fully comply with the Regulation Number ME-2 for the Uniform Standards Code for the Factory-Built Homes Law as Related to Modular Homes.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.7: Retailer Qualifications for License**

- A. In order to protect the health, safety and welfare of the public of this state, each applicant for a retailer's license shall:
  - 1. Demonstrate to the Commissioner that he has a good general working mechanical knowledge of Factory-Built home construction and repair;
  - 2. Demonstrate to the Commissioner that he has a good practical working Knowledge of the manner in which Factory-Built homes are anchored and blocked in accordance with rules, regulations and procedures promulgated by the Commissioner;
  - 3. Demonstrate to the Commissioner that he shall have or has adequate facilities for the installation, repair and servicing of Factory-Built homes and storage of parts and accessories and has at least one operable service truck. If, however, the retailer is contracting out all installation, repair and service, then he shall provide a duplicate of the executed contract to the Commissioner and said contract shall contain a clause stating that the Commissioner shall be notified (30) days in advance of its cancellation.
  - 4. Demonstrate to the Commissioner that he has adequate space to display his Factory-Built homes at each sales lot and that he has or shall maintain a

permanent sales office located at each of those sales lots with running water and sewer facilities for public comfort and convenience and to comply with the county health department regulations and other applicable safety standards for a permanent sales site in the county or municipality in which they are located. Prior to the issuance of the license, the physical location of the retail lot will be inspected by a representative of the Factory-Built Homes Division of the State Fire Marshal's Office to certify that the facilities meet the standards set forth by this Regulation.

5. Demonstrate to the Commissioner that he shall maintain full compliance with all bonding and insurance requirements for the entire licensure period.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.7-1: Temporary Promotional Retail Sales Activity**

Nothing in this regulation shall prohibit a licensed Mississippi permanent retailer sales center from conducting a temporary promotional activity to retail consumers at a location other than its licensed permanent retailer location center so long as:

- A. The activity does not exceed seventeen (17) consecutive days in duration and is not repeated at that location within the next six (6) months;
- B. The activity is within the county in which the retailer sales center has a permanent license or within fifty (50) miles radius of the location of the permanent licensed Mississippi sales center location, whichever is greater; C. The temporary promotional site has:
  1. Running water and sewer facilities for public comfort and convenience and to comply with the health and safety standards as well as other local ordinance requirements for a temporary sales site in the county or municipality in which the site is located;
  2. If running water and sewer facilities are not fully accessible to the public at the site during the operation of the promotional event, then other arrangements must be made to ensure compliance with Rule 5.02.7-1(C)(1);
  3. The temporary promotional site has a sign at least four (4) feet by eight (8) feet in size with lettering at least twelve (12) inches high advising the public that this is a temporary location and designating the address of the permanent licensed sales center retailer location, with the sign to be prominently located on the temporary promotional site for viewing by the public. This sign cannot be placed on a public right-of-way, and it must be placed in the display area where the event is held;
  4. There is adequate space to display the Factory-Built homes at the temporary promotional site, and;

5. license must be granted by the Commissioner for each temporary promotional site where employees or agents of the retailer meet the public regardless of whether or not sales will be made on site;
6. The licensed Mississippi retailer shall provide a thirty (30) day advance notice to the Factory-Built Home Division of the State Fire Marshal's Office for the purpose of license application, all counties or municipalities, permits and site inspection. The license will only be good for the seventeen (17) day time-frame requested.
7. The licensed Mississippi retailer shall submit its application for a license to the Factory-Built Home Division of the State Fire Marshal's Office at least thirty (30) days prior to the proposed effective date of the temporary promotional event. The failure to submit the license application at least thirty (30) days in advance can serve as a basis for denial of a license. Any license issued will only be valid for the seventeen (17) day time-frame or any shorter period of time requested. Any license issued will only be effective for that period of time [actual days] in which sales are actively solicited or the period of time in which the homes are promoted by the retailer.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

#### **Rule 5.02.7-2: Safeguarding the Public Interest**

A retailer or developer may be required to demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended, and as amended by the Manufactured Housing Improvement Act of 2000 and the rules and regulations promulgated by the Department of Insurance for the State of Mississippi and by the Department of Housing and Urban Development as they pertain to the responsibilities of a retailer to properly safeguard the public interest. No retailer or developer shall make use of transportation affecting interstate or foreign commerce or the mails to sell, lease, or offer for sale or lease in the State of Mississippi any Factory-Built home not in conformity with the aforesaid standards unless the developer or retailer, acting as a reasonable developer or retailer, does not know that the Factory-Built home does not conform to applicable standards. This prohibition of sale applies to any affected Factory-Built homes until the completion of the entire sales transaction. **A sales transaction with a purchaser is considered completed when all the goods and services, that the retailer has agreed to provide at the time the contract was entered into, have been provided.** Completion of a retail sale will be at the time the retailer completes setup of the Factory-Built home if the retailer has agreed to provide setup. If the retailer has not agreed to transport or setup the Factory-Built home, this prohibition of sale does not apply.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.7-3: Training Requirements**

- A. The retailer shall ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training and thereafter, attend eight (8) hours training every three (3) years to be approved and/or provided by the Factory-Built Home Division. (Display current training certificates of all sales staff at the retailer’s current business location.) The employer of sales staff is responsible for submitting in writing to the Factory-Built Home Division a list of all sales staff and their date of employment.
  
- B. A retailer that employs their own installation staff shall ensure that within six (6) months of employment all the installation staff will attend an introductory eight (8) hour training seminar and thereafter, attend eight (8) hours training each year provided by the Factory- Built Home Division. The employer of the installation staff is responsible for submitting in writing to the Factory-Built Home Division a list of all the installation staff and their date of employment, which is due at the time of license renewal.
  
- C. With the submittal of the annual renewal application, all copies of approved certificates of training shall be submitted by the retailer license holder for themselves, their sales staff and installation staff to the Factory-Built Home Division and affirmation in writing, as required by the Division, as having three (3) Factory-Built homes on retail lot.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.7-4: Vehicle Decals**

With the submittal of the annual renewal application, it shall be the responsibility of each licensed retailer to request in writing the number of truck decals needed for their transporter (toter) vehicles. A decal is to be placed on the driver and passengers doors of each transporter vehicle. Escort vehicles are not required to have decals.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.7-5: Retail Lot Display and Temporary Storage**

- A. All Factory-Built homes displayed or stored on a retail lot for periods longer than 30 days shall be stabilized as described below and to such a degree as to not allow damage to occur while the home is present on the lot.
  
- B. All new Factory-Built homes at the retail location shall be temporarily blocked as required in the “Display and Storage Instructions of the Home” section of the

manufacturer's installation manual.

- C. For all used single section Factory-Built homes at a retail location, piers shall consist of a minimum of three (3) piers and are to be located under each I-beam, one at each end of the home and one in front of each axle area. The piers shall be located no further than 2 feet from each end and approximately at the center of the home.
- D. For all used multi-section Factory-Built homes at a retail location, any opening within the marriage wall greater than 48 inches shall have a pier installed at each side of the opening.
- E. Any exterior door opening, regardless of the width of the home, shall have a pier at each side of the opening. All patio doors and windows greater than 48 inches shall have a pier installed at each side of the opening.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.7-6:** Inspection of Retail Lot Units and Records

- A. Upon request of the State Fire Marshal Deputy, while conducting a regularly scheduled lot inspection, all licensed retail lot owners shall be required to provide documentation or records for each of the new and used homes present. The documentation for each home shall include the identifying numbers (HUD numbers and Serial Numbers) and a delivery invoice indicating the date that the home was delivered to the retail lot location.
- B. All homes on the retail lot that have been on display and/or stored for longer than 30 days and that have been found not to be properly stabilized as described above shall be marked with a "Non-Compliance" tag. The tag will remain attached to the unit until such time as it has been properly stabilized. If the home is a new home, a damage assessment shall be conducted by the manufacturer of the home and a letter on the findings shall be filed with the retailer's files on the home and with the State Fire Marshal's Office. The "Non-Compliance" tag may only be removed by the State Fire Marshal's Office at such time of notification that the home has been properly stabilized and that a damage assessment has been complete.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.8:** Developer Qualifications for License

In order to protect the health, safety and welfare of the public of this state, each applicant for a developer's license shall:

- A. Demonstrate to the Commissioner that he has a good general working

mechanical knowledge of Factory-Built home construction and repair;

- B. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which Factory-Built homes are anchored and blocked in accordance with rules, regulations and procedures promulgated by the Commissioner;
- C. Demonstrate to the Commissioner that he shall have or has adequate facilities for the repair and servicing of Factory-Built homes and storage of parts and accessories and has at least one operable service truck. If, however, the developer is contracting out all installation, repair and service, then he shall provide a duplicate of the executed contract to the Commissioner and said contract shall contain a clause stating that the Commissioner shall be notified thirty (30) days in advance of its cancellation.
- D. Demonstrate to the Commissioner that he has an adequate space to display his Factory- Built homes at each development site and that he has or shall maintain a permanent sales/business office within the State of Mississippi with running water and sewer facilities for public comfort and convenience and to comply with the county health department regulations and other applicable safety standards for a permanent structure in the county or municipality in which they are located. Prior to the issuance of the license the physical location of the developers retail office will be inspected by a representative of the Factory-Built Homes Division of the State Fire Marshal's Office to certify that the facilities are up to standards set forth by this regulation.
- E. Demonstrate to the Commissioner that he shall maintain full compliance with all bonding and insurance requirements for the entire licensure period.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.8-1: Safeguarding the Public Interest**

A retailer or developer may be required to demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended, and as amended by the Manufactured Housing Improvement Act of 2000 and the rules and regulations promulgated by the Department of Insurance for the State of Mississippi and by the Department of Housing and Urban Development as they pertain to the responsibilities of a retailer to properly safeguard the public interest. No retailer or developer shall make use of transportation affecting interstate or foreign commerce or the mails to sell, lease, or offer for sale or lease in the State of Mississippi any Factory-Built home not in conformity with the aforesaid standards unless the developer or retailer, acting as a reasonable developer or retailer, does not know that the Factory-Built home does not conform to applicable standards. This prohibition of sale applies to any affected Factory-Built homes until the completion of the entire sales transaction. **A sales transaction with a**

**purchaser is considered completed when all the goods and services, that the retailer has agreed to provide at the time the contract was entered into, have been provided.** Completion of a retail sale will be at the time the retailer completes setup of the Factory-Built home if the retailer has agreed to provide setup. If the retailer has not agreed to transport or setup the Factory-Built home, this prohibition of sale does not apply.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.8-2: Training Requirements**

- A. The developer shall ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training, and thereafter, attend eight (8) hours training every three (3) years to be approved and/or provided by the Factory-Built Home Division. (Display current training certificates of all sales staff at the developer's current business location.) The employer is responsible for submitting in writing to the Factory-Built Home Division a list of all sales staff and their date of employment, which is due at the time of license renewal.
- B. A developer that employs their own installation staff shall ensure that within six (6) months of employment all the installation staff will attend an introductory eight (8) hour training seminar and thereafter, attend eight (8) hours training each year provided by the Factory-Built Home Division. The employer of the installation staff is responsible for submitting in writing to the Factory-Built Home Division a list of all the installation staff, copies of training certificates and their date of employment.
- C. With the submittal of the annual renewal application, all copies of approved certificates of training shall be submitted by the developer license holder, for their sales staff and their installation staff to the Factory-Built Home Division and affirmation in writing, as required by the Division, as having five (5) Factory-Built home sites available.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.8-3: Vehicle Decals**

With annual renewal application, it shall be the responsibility of each developer to request in writing the number of truck decals needed for their transporter (toter) vehicles. A decal is to be placed on the driver and passengers doors of each transporter vehicle. Escort vehicles are not required to have decals.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.9: Installer/transporter Qualification for License**

In order to protect the Health, Safety and Welfare of the public of this State, each applicant

for an installer/transporter license shall:

- A. Demonstrate to the Commissioner that he has a good general working mechanical knowledge of Factory-Built home construction and repair;
- B. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which Factory-Built homes are anchored and blocked, in accordance with rules, regulations and procedures promulgated by the Commissioner and the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended and the Manufactured Housing Improvement Act of 2000.
- C. Demonstrate to the Commissioner that he shall maintain full compliance with all bonding and insurance requirements for the entire licensure period.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.9-1: Safeguarding the Public Interest**

Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended, and the Manufactured Housing Improvement Act of 2000, and the rules and regulations promulgated by the Department of Housing and Urban Development as they pertain to the responsibilities of installers or transporters to properly safeguard the public interest.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.9-2: State and Local Compliance Requirements**

Demonstrate to the Commissioner that he is in full compliance with the Mississippi Department of Transportation (MDOT) and any local requirements pertaining to the transportation of Factory-Built homes;

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.9-3: Training Requirements**

Demonstrate to the Commissioner that **the licensee and all employees** engaged in installation/set-up will attend eight (8) hours of training per licensing year (July 1 to June 30) as provided by, approved by, or recommended by the Factory-Built Home Division of the State Fire Marshal's Office. The Commissioner of Insurance or the State Chief Deputy Fire Marshal may at his discretion consent to reciprocity for training of licensees with other states

that has established training programs that meet or exceed the National Manufactured Home Construction and Safety Standards Act or State of Mississippi requirements of this chapter. The licensee is responsible for submitting in writing to the Factory-Built Home Division a list of all employees, copies of training certificates and their date of employment, which is due at the time of license renewal.

- A. Demonstrate to the Commissioner that he has passed a written examination (passing score of 70 or above) provided by the Commissioner or by a testing service acting on behalf of the Commissioner to establish an applicant's knowledge related to the rules and regulations and administration relative to Factory-Built homes in the State of Mississippi and questions specifically related to the practical installation (anchoring, blocking, and tie-down) of Factory-Built homes in this state.
- B. Demonstrate to the Commissioner that he has obtained his approved eight (8) hour installation and set-up training certificate to the Factory-Built Home Division pursuant to the Factory-Built Housing Improvement Act of 2000.
- C. All installer/transporters and employees who install new or used Factory-Built homes or modular homes shall be required to maintain a copy of their recent training certificate or a currently valid ID card in all trucks (toters) or on their person and be able to produce such document upon demand by a Deputy State Fire Marshal.
- D. All installer/transporters who install new or used Factory-Built homes or modular homes shall, at all times, be required to have a minimum of one employee on the installation crew who has completed the annual training requirement and that said person is in possession of a currently valid ID card.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.9-4: Contract Requirement**

All installer/transporters who conducts secondary moves of Factory-Built homes **shall have a written contract with the consumer** and that the installer/transporter will maintain a copy of the said contract on file for a period of not less than three (3) years available for random inspections by the Factory-Built Home Division pursuant to Section 75-49-5, Code of Mississippi (1972);

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.9-5: Vehicle Decals**

All installer/transporters who install new or used Factory-Built homes or modular homes shall be required to display a current license period decal on all trucks (toters). The current vehicle decals will be issued by the State Fire Marshal's Office/Factory-Built Home Division, based upon the number requested by the licensee at time of license renewal. The request must also

include the vehicle VIN numbers and the vehicle license numbers for each of the transport trucks to which the decals will be attached. The color of the decals shall denote the current licensing period. A decal must be placed on the driver's door and the passenger's door of the vehicle in plain view to verify current license.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.9-6: Monthly Installation Report**

All installer/transporters shall complete a monthly installation report, for **all** secondary Factory-Built home installations, on a form provided by the Factory-Built Home Division of the State Fire Marshal's Office and file it with the Fire Marshal's office no later than the tenth day of the month denoting the previous month's installations. This report shall include the name of the installer/transporter, the name and address of the owners of the home (and location of the home if different), and the name of the person or persons who hired the installer/transporter. Reports shall be submitted even when no homes were installed during the reporting period.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.9-7: Recordkeeping**

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

- A. A record of the name and address of the purchaser or other person with whom the installer/transporter contracted for the installation work and the address of the home installed;
- B. A copy of the contract pursuant to which the installer/transporter performed the installation work for the homeowner;
- C. A copy of any notice or affidavit from an inspector disapproving the installation work;
- D. A copy of the installer/transporter's certification of installation in accordance with the MS Installation Standards as set forth in this Regulation, as amended; and,
- E. A copy of foundation designs used to install the Factory-Built 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.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.9-8: Responsibility for Transportation Damage**

- A. The installer/transporter and/or business with which the installer/transporter is employed will be responsible for all safety related damages to the Factory-Built home while it is in the care, custody and/or control of said installer/transporter.
- B. Any Factory-Built home abandoned on a highway, parking lot or other location during a move shall be the sole responsibility of the installer/ transporter and/or the business with which the installer/transporter is employed.
- C. All installer/transporters retained by homeowners, retailer/developers or manufacturers shall be subject to the fines as set forth in this Regulation for the improper installation of Factory-Built homes.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.02.9-9: Temporary Installer/Transporter License**

A temporary license may be issued to persons or companies who are non-residents of this State and who are otherwise licensed transporters or installers in other states. Such temporary license shall remain in force for a period not to exceed thirty (30) days, unless extended for an additional period of sixty (60) days by the Commissioner or until a contract to transport or install entered into during the period of the temporary license has been completed. Within five (5) days of any applicant delivery or beginning work as a transporter or installer under this section, the employer or person contracting with such person shall provide a copy of their installer/transporter license from out-of-state, proof of insurance and surety bond, a list of all employees of the company that will be operating under the temporary license and certify to the Commissioner such application without being deemed in violation of this act.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013).

**Rule 5.03: Inspection Procedures**

**Rule 5.03.1: Authorized Inspections of Manufacturing Plants, Retail Locations, and Installer/Transporter.**

- A. Factory-Built Home Plants located in the State of Mississippi, Factory-Built Home Retail Sales Lots, Developers, and Installer/Transporter business locations and equipment shall be subject to inspection by the State Chief Deputy Fire Marshal, State Deputy Fire Marshals or Duly Authorized Representative as may be required to insure Compliance with *Miss. Code Ann.* § 75-49-11, as amended, all applicable federal statutes and regulations as well as this Regulation.

- B. A duly authorized representative of the Factory-Built Home Division of the State Fire Marshal's Office shall periodically inspect each manufacturing location to assist and insure that Factory-Built homes are being constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C.S. 5401 et seq.), the Manufactured Housing Improvement Act of 2000 as amended, as well as the governing federal regulations pertaining to Factory-Built housing construction.
- C. In the interest of public safety, deputy state fire marshals, who are certified law enforcement officers, are duly authorized to stop and conduct inspections of installer/transporters that are transporting Factory-Built homes to verify compliance with *Miss. Code Ann.* § 75-49-9, 75-49-19 and this Regulation.
- D. A duly authorized representative of the Factory-Built Home Division of the State Fire Marshal's Office shall periodically inspect each retailer and developer location to insure that Factory-Built homes offered for sale comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, as Amended, (42 U.S.C.S. 5401, et seq.), and the Manufactured Housing Improvement Act of 2000, pertinent federal regulations, as well as these rules and regulations.

Source: *Miss. Code Ann.* § 75-49-1, et seq.; § 75-49-11(Supp. 2013).

**Rule 5.03.2:** Inspection Findings of Non-Compliance.

- A. Results of the inspection may be made available to manufacturers, retailers or developers upon request. When serious violations are found on HUD certified units or with the temporary storage of the units, the Factory-Built Home Division of the State Fire Marshal's Office shall immediately attach a non-compliance identification tag to the unit in question.
- B. It shall be a violation of these Rules and Regulations for any Factory-Built home to be sold or offered for sale which has a non-compliance identification tag attached. The wording on such tag shall be as follows:
 

**"This unit, having been found to be in NON-COMPLIANCE with the Uniform Standards Code for Factory-Built Homes Law and having been so identified, shall not be sold or offered for sale in the State of Mississippi. Anyone tampering with or removing this Identification Tag from this unit will be prosecuted as set forth in this Act, and shall be subject to revocation of his license."**
- C. A non-compliance identification tag attached to a unit may be removed only by

the Factory-Built Home Division of the State Fire Marshal's Office. Such tag shall be completed as required thereon.

- D. When the State Fire Marshal has reasonable grounds to believe that a unit has been constructed in non-compliance with these standards, he may require, at the manufacturers expense that the walls, floors, decking or other panels be removed for the purpose of inspection.
- E. Units having been identified as being in non-compliance with these Rules and Regulations and having a non-compliance tag attached may be transported and relocated only after notice has been given to the Factory-Built Home Division of the State Fire Marshal's Office. Such notice will set forth the purpose for moving such unit, to whom the unit is to be delivered along with complete mailing address and telephone number, serial number, HUD label number and any other information as may be requested.
- F. When such violation(s) have been corrected, the unit in question shall be re inspected by the Factory-Built Home Division of the State Fire Marshal's Office and if found in compliance with the National Manufactured Home Construction and Safety Standards Act, the Manufactured Housing Improvement Act of 2000 and this Regulation, the inspector shall remove the non-compliance identification tag. The unit can then be sold or offered for sale.

Source: *Miss. Code Ann.* § 75-49-1, *et seq.*; § 75-49-11 (Supp. 2013).

**Rule 5.03.3:** Requirements of Factory-Built Homes for Human Habitation.

**Rule 5.03.3-1:** Anchoring and Blocking

All Factory-Built homes, which include new or used Factory-Built homes, delivered by retailers, developers or independent contractor installers or transporters to any site where such home is to be used for human habitation shall be anchored and blocked in accordance with the Mississippi Factory-Built Home Installation Program as administered by the Factory-Built Home Division of the State Fire Marshal's Office, this Regulation and *Miss. Code Ann.* § 75-49-7.

Source: *Miss. Code Ann.* § 75-49-1, *et seq.*; § 75-49-11 (Supp. 2013).

**Rule 5.03.3-2:** Installation Inspection

A duly authorized representative of the Factory-Built Home Division of the State Fire Marshal's Office shall periodically inspect site locations where Factory-Built homes, which include new and used Factory-Built homes, have been delivered and installed by retailers, developers or independent contractor installers or transporters when such home is to be used

for human habitation to insure that the home is tied down, anchored and blocked in accordance with the Mississippi Factory-Built Home Installation Program as administered by the Factory-Built Home Division of the State Fire Marshal's Office, ; this Regulation and *Miss. Code Ann. § 75-49-7*.

Source: *Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013)*.

**Rule 5.03.3-3: Skirting of Factory-Built Homes**

Factory-Built homes shall not be skirted until a duly authorized representative of the Factory-Built Home Division of the State Fire Marshal's Office has inspected the set-up. An inspection of the home is usually scheduled to occur within three (3) to five (5) business days following the receipt of the Certificate of Inspection Form from the retailer/developer and/or installer/transporter. If, at the time of the installation inspection, the skirting has already been installed, it will be necessary to reschedule the inspection until such time that the skirting can be removed for an unobstructed view of the underside of the home. The person(s) removing the skirting shall contact the State Fire Marshal's Office when the home is ready for the inspection to be conducted.

Source: *Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013)*.

**Rule 5.03.3-4: Factory-Built Homes Designated for Use Other Than Human Habitation.**

All Factory-Built homes originally built for human habitation, which an installer/transporter delivers to a home site, shall be required to be installed in compliance with the standards set forth in this regulation, with the exception of any homes properly certified as "not to be used for human habitation." Proper certification that a home will not be used for human habitation must be accomplished by the installer/transporter as follows:

- (1) The installer/transporter must obtain an Affidavit of Homeowner, signed and notarized, from the homeowner confirming that the Factory-Built home will not be used for human habitation. The affidavit must be on the form prescribed by the State Fire Marshal's Office.
- (2) No later than 72 hours from the time the installation is completed, the installer/transporter must submit to the State Fire Marshal's Office: (a) the completed Affidavit of Homeowner, (b) the Installer Certificate of Inspection form, and (c) the Property Locator/Inspection Report form.

Failure by the installer/transporter to comply with the certification requirements of this regulation shall create a presumption that the Factory-Built home is intended to be used for human habitation.

Source: *Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013).*

**Rule 5.03.4: Consumer Complaints**

- A. In cases of complaints of improper installation and set-up of new or used Factory-Built homes lodged against retailers, developers, or installers/transporters, the Factory-Built Home Division of the State Fire Marshal's Office will conduct the necessary inspections and investigations of problems reported during the first twelve (12) months from the date the home is sited at the location intended for human habitation and the date on the installation decal affixed to the Factory-Built home by the inspector to be in full compliance with *Miss. Code Ann. § 75-49-7(2)*.
- B. A duly authorized representative of the Factory-Built Home Division of the State Fire Marshal's Office when scheduling a site inspection regarding a consumer complaint the manufacturer, retailer, developer, and installer/transporter licensee shall be present for each such inspection. If any manufacturer, retailer, developer, and installer/transporter licensee is unable to attend the site inspection, his duly authorized representative shall be a person employed by the licensee with authority to make decisions regarding corrective action and remedial plans if required.

Source: *Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013).*

**Rule 5.03.5: Violations and Penalties.**

When any provision of *Miss. Code Ann. § 75-49-1 through 75-49-21*, as amended, is violated, the State Chief Deputy Fire Marshal, State Deputy Fire Marshals or Duly Authorized Representative may file appropriate action as set forth in *Miss. Code Ann. § 75-49-19*. The penalties include:

- A. Any person who knowingly and willfully violates any of the provisions of this chapter or any rules and regulations made hereunder shall be liable to the State of Mississippi for a civil penalty of not more than One Thousand Dollars (\$1,000.00) for each such violation. Each violation of a provision of this chapter or a rule or regulation made hereunder shall constitute a separate violation with respect to each Factory-Built home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed One Million Dollars (\$1,000,000.00) for any related series of violations occurring within one (1) year from the date of the first violation.
- B. An individual, or a director, officer or agent of a corporation, who knowingly and willfully violates any of the provisions of this chapter or any rules and regulations made hereunder in a manner which threatens the health and safety of any purchaser of a Factory-Built home is 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.

- C. This chapter shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that such Factory-Built home is not in conformity with applicable Manufactured construction and safety standards, or to any person who, before such first purchase, holds a certificate issued by the manufacturer or importer of such Factory-Built home to the effect that such Factory-Built home conforms to all applicable Manufactured home construction and safety standards, unless such person knows that such Factory-Built home does not so conform.
- D. An individual, or director, officer or agent of a corporation, who knowingly and willfully fails to obtain the applicable license under this chapter and who is required to obtain such a license under this chapter, and who may knowingly and willfully violate any provisions of this chapter or any rules and regulations made hereafter with respect to the manufacture, selling, distribution, or safe anchoring and blocking of a Factory-Built home when intended to be used for human habitation is 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.
- E. An administrative review of all privilege licenses issued pursuant to *Miss. Code Ann.* § 75-49-9(7), shall be conducted upon receipt of any verifiable complaint(s) of any nature that exceeds sixty (60) days in length without resolution, which may lead to a possible licensure hearing (hereafter known as the Dispute Resolution Program) pursuant to *Miss. Code Ann.* § 75-49-13, as amended. The sixty (60) day period shall not serve as a mandatory waiting period, and in the appropriate case the Commissioner may, at his discretion, schedule a licensure hearing prior to the expiration of sixty (60) days. The procedures set forth in *Miss. Code Ann.* § 75-49-13 for hearings and appeals shall govern the Dispute Resolution Program.
- F. The Dispute Resolution Program shall also address the following:
1. The timely resolution of disputes among manufacturers, retailers, or installers regarding responsibility for correction and repair of defects in Factory-Built homes;
  2. The issuance of appropriate orders for correction and repair of defects in such homes, and;
  3. Any dispute regarding defects in the Factory-Built home that are reported within one (1) year after the date of first installation.
- G. Nothing in this Regulation shall prohibit informal disposition by settlement or consent order, i.e., an order based upon an agreement in writing between the parties in lieu of an administrative hearing.

- H. If the administrative hearing order calls for the revocation, suspension, and/or voluntary surrender of a privilege license for any manufacturer, retailer/developer, or installer/transporter, a mandatory two (2) year waiting period will be imposed before any application for re-licensure may be submitted for review. In addition, all monetary obligations (outstanding invoices and fines) to the State, at the time of the loss of the privilege license, must be paid prior to the submittal of the license application. A formal administrative hearing may be held with the license applicant to review the status of all monetary obligations. If the license is to be issued to the applicant, all the requirements in Rule 5.02.9-2, Rule 5.02.9-3, and Rule 5.02.9-8 shall apply.

Source: *Miss. Code Ann.* § 75-49-1, *et seq.*; §§ 75-49-11, 75-49-13, 75-49-19 (Supp. 2013).

**Rule 5.04:** Minimum Standards for Blocking, Anchors, And Tie Downs

**Rule 5.04.1:** Standards for “Coded” Areas.

Any local government (county or municipality) which has adopted the latest edition and Appendices of the International Building Code published by the International Code Council (ICC) or the International Residential Code for One and Two-Family Dwellings as published by the ICC or the board of supervisors of any county who has adopted *Miss. Code Ann.* § 75-49-21, will be regarded by the Factory-Built Home Division of the State Fire Marshal's Office as being in full compliance with these Rules and Regulations of the "Uniform Standards Code for Factory-Built Homes Law" and as such will assume responsibility as LAHJ for local code enforcement for the installation, blocking, anchoring and tie-downs, and inspection procedures to ensure compliance with the National Manufactured Home Construction and Safety Standards Act, of Factory-Built homes, which are defined as Factory-Built homes within their respected jurisdictions. Additionally, homes that are installed and set-up in accordance with federal guidelines required to meet the financing criteria of a federal agency are regarded by the Factory-Built Home Division of the State Fire Marshal's Office as being in full compliance. However, the Factory-Built Home Division of the State Fire Marshal's Office is the State Administrative Agency for the Department of Housing and Urban Development only.

Source: *Miss. Code Ann.* § 75-49-1, *et seq.*; § 75-49-11(Supp. 2013).

**Rule 5.04.2:** Standards for “Non-Coded” Areas.

Minimum standards for blocking, anchors and tie-downs for Factory-Built homes in non-coded areas of the state, when delivered to a home site location in the State of Mississippi, where they are intended to be used for human habitation shall be installed in accordance with the Mississippi Factory-Built Home Installation Program, these regulations, and any and all applicable state and federal laws, rules and regulations, so as to prevent loss of life and property from wind storms and related hazards. A period of thirty (30) days from the date of delivery is allowed for blocking and anchoring of the home.

If the licensure exceptions do not apply (as listed in Rule 5.02.5), no Factory-Built home shall be installed within this state unless such installation is done by an installer/transporter licensed by the Mississippi Department of Insurance State Fire Marshal's office in accordance with the manufacturer's approved installation plan or the minimum standards set forth in this Regulation. The licensed installer/transporter or an employee of the licensed installer/transporter who possesses a current certificate of training from the State Fire Marshal's Office must be present during the entire installation process. The owner or purchaser of a Factory-Built home is not allowed to transport said home unless the owner or purchaser is a licensed installer/transporter.

If the manufacturer's installation manual is unavailable for the installation, then the home must be installed according to the minimum standards set forth in this regulation.

Source: *Miss. Code Ann.* § 75-49-1, *et seq.*; § 75-49-11 (Supp. 2013).

**Rule 5.04.3:** Windstorm Protection and Wind Zone Designation.

- A. All new and used Factory-Built homes shall be installed in compliance with the set-up/installation instructions manual, in accordance with Federal Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.306, Windstorm protection support and anchoring systems as follows: (a) Provisions for support and anchoring systems. Each Factory-Built home shall have provisions for support/anchoring or foundation systems that, when properly designed and installed, will resist overturning and lateral movement (sliding) of the Factory-Built home as imposed by the respective design loads. For Wind Zone I, the design wind loads to be used for calculating resistance to overturning and lateral movement shall be the simultaneous application of the wind loads indicated in Section 3280.305 (c)(1)(i), increased by a factor of 1.5 [D 7 76]. The 1.5 factor of safety for Wind Zone I is also applied simultaneously to both the vertical building projection, as horizontal wind load, and across the surface of the full roof structure, as uplift loading. For Wind Zones II and III, the resistance shall be determined by the simultaneous application of the horizontal drag and uplift wind loads, in accordance with Section 3280.305 (c)(1)(ii). The basic allowable stresses of materials required to resist overturning and lateral movement shall not be increased in the design and proportioning of these members. No additional shape or location factors need to be applied in the design of the tie down system. The dead load of the structure may be used to resist these wind loading effects in all Wind Zones.
- B. Used Factory-Built homes, as defined in this chapter, not provided with such set-up/installation instruction manuals, and not provided with instructions shall comply with the specifications listed under Rule 5.06, Mississippi Factory-Built Home Installation Program Standards, *infra*.

- C. Factory-Built homes, both new and used, built after July 13, 1994 that conform to Wind Zone I ratings only, cannot be installed within a designated Wind Zone II area, unless approved by the Local Authority Having Jurisdiction (LAHJ) within the Wind Zone II area. The wind Zone II area for homes Factory-Built after July 13, 1994 consist of the following counties: Hancock, Harrison, Jackson, George, Pearl River and Stone.
- D. For used Factory-Built homes that were built prior to July 13, 1994, the following shall apply: If the Factory-Built home was built to the HUD Hurricane Zone rating that existed prior to July 13, 1994, it may be installed in one of the post July 13, 1994, counties that are listed in (C) above. For reference, HUD designated Hurricane Zone counties that existed prior to July 13, 1994, were as follows: Hancock, Harrison, Jackson, George, Pear River, Stone, Greene, Perry, Forrest, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson. However, if the LAHJ within the post-July 13, 1994, Wind Zone II area has adopted more restrictive requirements that would prohibit the installation of a pre-July 13, 1994, Hurricane Zone house, then the requirements of such county or municipality shall govern.
- E. The retailer, developer, and installer/transporter are responsible for ensuring that the Factory-Built home is not located in a Wind Zone area that exceeds the design limitations for which the unit was constructed.

Source: *Miss. Code Ann.* § 75-49-1, *et seq.*; § 75-49-11 (Supp. 2013).

**Rule 5.04.4:** Data Plate and HUD Label Requirements.

**Rule 5.04.4-1:** HUD Label

Each section of each home Factory-Built under the Federal Manufactured Home Construction and Safety Standards (FMHCSS) shall contain a HUD label issued by the inspection agency. The label indicates that the home meets the applicable standards and that the construction process has been monitored by a third-party inspection agency.

Source: *Miss. Code Ann.* §§ 75-49-1, *et seq.*; 75-49-11 (Supp. 2013).

**Rule 5.04.4-2:** Data Plate

Each Factory-Built home is also required to bear a data plate affixed in a permanent manner near the electrical panel or other readily accessible and visible location. The data plate shall contain information, including the name of the manufacturer, design-approval agency, factory installed equipment, and the wind zone classification, roof load, and thermal zones for which the unit was constructed.

Source: *Miss. Code Ann.* § 75-49-1, *et seq.*; § 75-49-11 (Supp. 2013).

**Rule 5.04.4-3: Missing HUD Label and Data Plate**

No Factory-Built home constructed on or after June 15, 1976, may be installed within the State of Mississippi unless it contains the HUD label and a data plate (see paragraphs (5.04.4-1) and (5.04.4-2) above) or unless verification certificates of the HUD label or HUD data plate compliance certificates for the home have been obtained from The Institute for Building and Technology Safety (IBTS).

Source: *Miss. Code Ann.* § 75-49-1, *et seq.*; § 75-49-11 (Supp. 2013).

**Rule 5.04.4-4: Factory-Built Homes That Shall Not Be Transported**

The following Factory-Built homes when intended for human habitation, which are presumptively not in compliance with the requirements described in Miss. Code § 75-49-5(3), shall not be transported into or within Mississippi unless the installer/transporter has obtained a letter of exception from the State Fire Marshal's Office:

1. Any Factory-Built home Factory-Built before June 15, 1976.
2. Any pre-HUD Factory-Built home.
3. Any Factory-Built housing unit without a valid HUD label indicating federal construction and safety standards were met during construction unless the home was a trade in to a retailer licensed with the State Fire Marshal's Factory-Built Home Division.
4. Any Factory-Built home that has been structurally compromised from the manufacturer's design approval plan.
5. Any Factory-Built home that has been declared salvage after damage by flood, wind, and/or fire.
6. Any Factory-Built home that has been denied siting in another State for reasons other than the federal zone requirements for wind, thermal, and/or roof load protection.

Source: *Miss. Code Ann.* § 75-49-1, *et seq.*; § 75-49-11 (Supp. 2013).

**Rule 5.04.4-5:** Preparation of Manufactured Housing Units for Transportation

A. Transportation Originating Outside Of Mississippi: Preparation of the new manufactured housing unit for transport where transportation originates outside of Mississippi shall be in accordance with the laws and applicable rules for the State of origin.

B. Transportation Originating Within Mississippi: Only licensed manufacturers, licensed retailers, and licensed installer/transporters may prepare a manufactured housing unit located in Mississippi for transport.

- (a) Only licensed manufacturers, licensed retailers and factory-certified installer/transporters may prepare a new manufactured housing unit located in Mississippi for transport.
- (b) All used manufactured housing units that have been occupied and where a licensed manufacturer and/or a licensed retailer is **not** involved, the following tasks must be completed by the licensed installer/transporters:
  - 1. Anchoring systems and devices must be carefully removed in the reverse order from which they were installed;
  - 2. Ridge Caps must be removed from multi-section homes;
  - 3. Multi-section homes must be carefully separated following the reverse procedure used to connect homes or buildings together;
  - 4. The furnishings and contents must be either secured or removed;
  - 5. Plumbing, electrical, heat producing equipment and air conditioning must be properly disconnected by licensed/certified contractors who are otherwise regulated by State law;
  - 6. Wheels and axles must be properly installed to the frame of the home;
  - 7. All piers must be removed from under the home;
  - 8. The bottom board must be secured for movement;
  - 9. The unit must be secured to protect the inside of the home from moisture and wind damage.

Source: *Miss. Code Ann.* § 75-49-1, *et seq.*; § 75-49-11 (Supp. 2013).

**Rule 5.05:** Installation Standards For New Factory-Built Homes

The Mississippi Factory-Built Home Installation Inspection Program (“Installation Program”) is established to set forth the requirements by which manufacturers, retailers, developers, installer/transporters, and installation inspectors will be held accountable for assuring the appropriate installation of new Factory-Built homes within the State of Mississippi meet the intent of the manufacturer’s installation requirements. The Mississippi Factory-Built Home Installation Program Standards (“Installation Standards”) are the

standards and requirements as set forth by the Federal 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, and as same may be revised and amended.

Source: *Miss. Code Ann.* § 75-49-1, et seq.; § 75-49-11 (Supp. 2013).

#### **Rule 5.06:** Installation Standards For Used Factory-Built Homes

The Mississippi Factory-Built Home Installation Inspection Program (“Installation Program”) is established and sets forth the requirements by which manufacturers, retailers, developers, installer/transporters, and installation inspectors will be held accountable for assuring the appropriate installation of used Factory-Built homes within the State of Mississippi.

Source: *Miss. Code Ann.* § 75-49-1, et seq.; § 75-49-11 (Supp. 2013).

#### **Rule 5.06.1:** Site Preparation

##### **Rule 5.06.1-1:** Planning

Before attempting to move a home, the installer/transporter shall ensure that the transportation equipment and home can be routed to the installation site. Special transportation permits that may be required from federal, state, county, or city officials shall be the responsibility of the installer/transporter.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

##### **Rule 5.06.1-2:** Soil Conditions

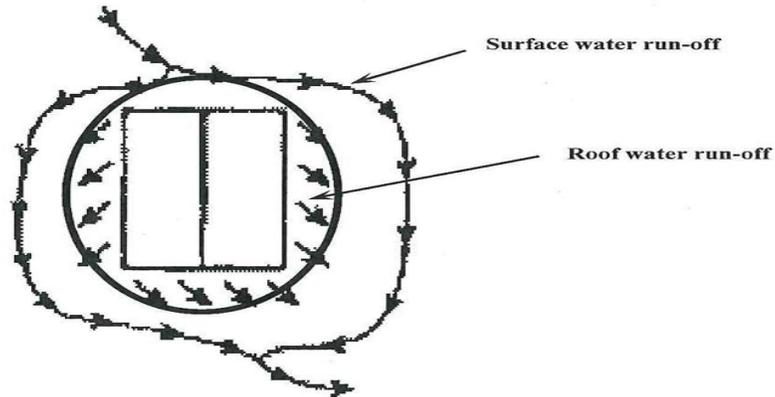
To help prevent settling or sagging, the foundation must be constructed on firm, undisturbed soil or fill compacted to at least 90 percent of its maximum relative density. Loose sands, gravel or other materials having an allowable soil bearing pressure less than 2000 pounds per square foot (psf) are not to be used as the fill material. All organic material such as grass, roots, twigs, and wood scraps must be removed in areas where footing are to be placed.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

##### **Rule 5.06.1-3:** Site Grading and Drainage

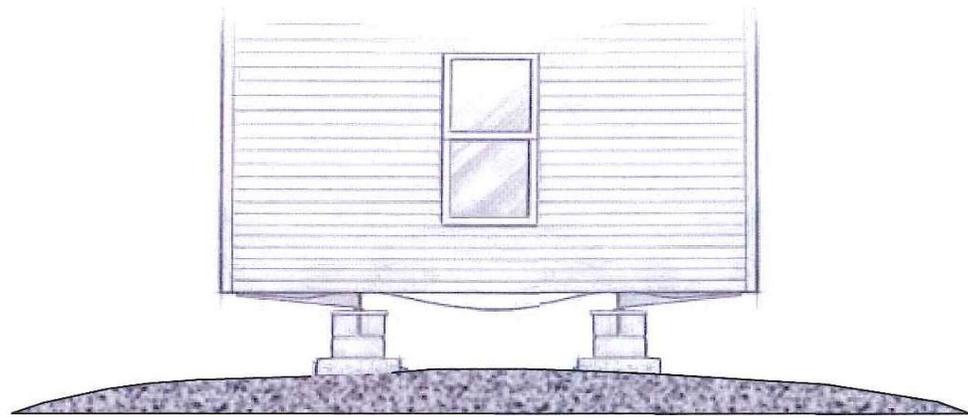
- A. The Factory-Built home shall be placed on a properly prepared site. After removal of all organic material, the home site must be graded or otherwise prepared to ensure adequate drainage. Site drainage will be a shared responsibility of the

retailer, developer and installer/transporter of Factory-Built homes sold by the retailer except when the site is located in a mobile home park, as contemplated by Mississippi Code Ann., Section 75-49-5, and applicable HUD Regulations. Each site where a home is to be installed shall have a properly crowned and finished grade that will provide for drainage of all water around and away from the home site (see Figure 1).



**Figure 1. Water drainage must be diverted around and away from the home.**

B. The site shall be properly crowned and sloped so that water will not stand under the home or run under the home (see Figure 2).

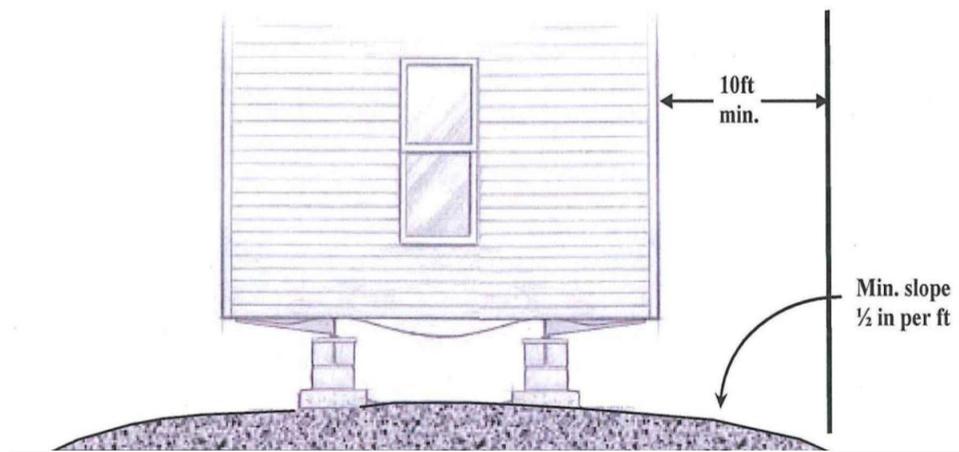


**Figure 2. The appearance of a properly crowned soil under the home.**

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.1-4: Raised Soil Pad**

If the installation site is flat or is in a low area, the soil must be brought to the site to create the proper grading under the home. The fill material for the pad of soil must be placed on each home installation site such that the dimensions of the pad will extend up to 10 ft beyond all four (4) sides of the home. The soil pad fill material must be compacted to 90 percent of maximum relative density to provide the proper load bearing capacity for the support pier footings. Loose sands, gravel or other non-compactable materials are not to be used as the fill material for the pad. The soil under the home shall be compacted and adequately crowned and sloped from the centerline of the home and provide a minimum slope of ½ inch per foot out and away from each side of the home (see Figure 3). All depressions in the soil pad resulting from the use of the transportation equipment moving the home onto the installation site shall be properly filled and graded by the installer/transporter before departing the installation site.



**Figure 3. Slope of pad and distance of slope beyond edges of**

**home.** Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.1-5: Determination of Proper Site Preparation**

- A. Before installing the Factory-Built home, the installer/transporter has the responsibility to determine that the site preparation meets the requirements set forth in either the manufacturer’s installation manual for all new Factory-Built homes or as set forth in this Regulation for all secondary sitings of used Factory-Built homes. If the LAHJ has more stringent regulations for homes installed in local mobile home parks, those regulations shall take precedence.

- B. If the retailer or developer sells the Factory-Built home and retains the installer/transporter, the responsibility to ensure that site preparation is done properly shall be a shared responsibility of both the retailer, the developer, and the installer/transporter. Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.1-6: Written Contract on Site Preparation**

A written contractual agreement between the homeowner, the retailer, the developer and/or installer/transporter may be used to determine which party is to perform the site preparation. The installation of Factory-Built homes shall not be performed on improperly prepared home sites.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.1-7: Site Preparation by Landowner and/or Homeowner**

In the event that site preparation work is requested to be done by the landowner and/or homeowner, the retailer, developer or the installer/transporter, may agree to this, but, the agreement must be made in writing. However, the existence of said contractual agreement shall not relieve the installer/transporter of the responsibility of determining that the site for the home has been properly prepared. Before the installer/transporter may begin the installation of the Factory-Built home, the installer/transporter shall determine that the site preparation meets the requirements set forth in either the manufacturer's installation manual for all new Factory-Built homes or as set forth in this Regulation for all used Factory-Built homes. If there is conflict between the retailer, developer, installer/transporter and the landowner and/or homeowner regarding the site preparation, the State Fire Marshal's Office may be required to mediate. Any fee charged by the State Fire Marshal's Office due to said mediation will be paid by the landowner and/or homeowner.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.1-8: Removal of Organic Material**

All organic material, such as grass, roots, twigs, and wood scraps, shall be removed from beneath the site where the home will be placed and will include where the footings and the piers of the home are to be installed. The purpose of this is to minimize settling and reduce the potential for any insect damage.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.1-9: Clearance Under the Home**

The site should be properly graded such that a minimum clearance of 12 inches shall be

maintained beneath the lowest member of the main frame (I beam or channel beam) and the soil under the home. No more than 25 % of the underside of the main frames of the home shall be at the minimum clearance of 12 inches above the existing grade.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.1-10:** Sloped Site Installation

Where the site slopes toward the foundation (piers) of the home, it is important to provide wide, shallow, drainage swales on the uphill side of the home for diversion of water around and away from the underside of the home.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.1-11:** Ventilation of Under-floor Areas and Moisture Barrier

- A. Provisions shall be made to minimize condensation in under-floor areas through ventilation openings or other suitable means. A 6 mil polyethylene sheeting or equivalent must be placed on the ground area in the crawlspace below the home. A minimum of 90 percent of the ground area must be covered, not to include the areas under the footer.
- B. A minimum of four ventilation openings totaling no less than 4 square feet of net free vent area must be provided. One shall be placed at or near each corner as high as practicable. If manufacturer's installation instructions are available and require more vents, the manufacturer's instructions shall apply.
- C. Vent openings shall provide cross ventilation on at least two opposite sides. The openings shall be covered with corrosion resistant mesh or as part of the vinyl skirting material.
- D. Moisture producing devices, such as dryers, shall be vented to the atmosphere in such a manner to insure that moisture laden air is carried beyond the perimeter of the home.
- E. Ventilation and moisture barrier requirements for all new Factory-Built homes shall be provided according to the manufacturer's installation manual.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.2:** Fire Separation

Separation from adjacent structures and lot lines is based on the fire resistance rating of the home pursuant to **NFPA 501A Standard for Fire Safety Criteria for Factory-Built Home Installations, Sites and Communities**, Section 4 2.1, entitled "Fire Safety Separation

Requirements," Sub section 4.2.1.1 as follows:

Any portion of a Factory-Built home, excluding the tongue, shall not be located closer than 10 ft. side to side, 8 ft. end to side, or 6 ft. end to end horizontally from any other Factory-Built home or community building unless the exposed composite walls and roof of either structure are without openings and constructed of materials that will provide a one hour fire rating or the structures are separated by a one hour fire rated barrier." Most Factory-Built homes may be classified as "non-rated" construction. However, manufacturers may, in some instances, construct one hour rated walls. Information regarding the fire rating of the unit may be obtained from the manufacturer or third party inspection agency identified on the data plate.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.3: Sites Prone to Flooding**

- A. Prior to the installation of the Factory-Built home, the installer/transporter is responsible for determining if the home site is wholly or partially within a flood prone area. If the home is located within a flood prone area, the installer/transporter is also responsible for contacting the homeowner to determine if they have obtained the proper flood elevation permit/certificate for the property from the county floodplain coordinator. All new Factory-Built homes that are to be located in a flood prone area shall require the manufacturer's approval of the location of the home. If the location is approved by the manufacturer then the installation shall require that (1) the home be set a minimum distance above the base flood elevation as determined by the LAHJ, (2) meet all the requirements set forth in the Federal Emergency Management Agency (FEMA) September 1985 publication, *Factory-Built Home Installation in Flood Hazard Areas*, and (3) shall have an engineer-designed foundation system installed.
- B. All used Factory-Built homes that are installed within a flood prone area shall be required to (1) be set a minimum height above the base flood elevation, (2) meet all the installation standards set forth in this Regulation, (3) meet all the installation standards set forth in the FEMA 1985 publication, and (4) shall be required to have an engineer- designed foundation system.
- C. For all homes placed in sites that have a potential for flooding, special elevations and anchoring techniques are required. Consult an engineer and the LAHJ (local building official, etc.) to make sure that the design and construction of the foundation system of the home conform to applicable federal, state, and local codes and regulations. Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.4: Soil Classification**

The following soil classifications in Table I have been adopted for the purpose of determining design loads, specifications and holding power of anchors and tie-down devices.

**Table I Soil Classification**

<b>Soil Class</b>	<b>Types of Soils</b>	<b>Blow Count (ASTM)</b>	<b>Test Probe (1) Torque Value (2)</b>
I	Sound hard rock; Very dense and/or cemented ....	N/A	N/A
II	Sands, coarse gravel and cobbles, preloaded silts, clays and corals...	40 and up	More than 550 lbs.-in.
III	Medium-dense coarse, sands, sandy gravel, very stiff silts and clays....	24-39	350-549 lbs.- in.
IV(4)	Loose to medium dense sands, firm to stiff clays and silts, alluvian fill.....	(3) 14-23	(3) 200-349 lbs. – in.
V	Peat, organic silt, inundated silts, loose fine sand, alluvium, loess, varied clays, fill, fly ash....	0-14	0-200 lbs. – in.

1. The test probe is a device for measuring the torque of soils to assist in evaluating the holding capacity of the soils in which the anchor is placed. The test probe has a helix on it. The overall length of the helical section is 10.75 inches; the major diameter is 1.25 inches, the minor diameter is 0.81 inches; the pitch is 1.75 inches. The shaft must be of suitable length for anchor depth.
2. A measure synonymous with the moment of a force when distributed around the shaft of the test probe.
3. Below these values a registered professional engineer must be consulted.
4. A C-4 anchor must be used unless the soil is tested with a soil test probe and the readings allow for another soil type anchor to be used.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.5: Soil Type/Bearing Capacity**

Under the Federal Standards, manufacturers are only required to provide one acceptable

method for installing the home. However, manufacturers usually provide installation instructions that can be applied to a number of sites. These "generic" instructions commonly specify a minimum acceptable bearing capacity of the soil. Additionally, the manufacturer may offer options for acceptable footing sizes based on the bearing capacity of the soil. Installer/transporters and inspection personnel should first determine the bearing capacity of the soil in order to determine the proper size footing or foundation. Different soil types will have different bearing and holding capacities. The bearing capacity of the soil is the load per unit area that can be supported safely by the ground. The performance of the ground anchor is also related to the soil's holding capacity. In the absence of borings, test pits, and other soil investigations that provide information on the proposed site, the following description of soil types in Table II may be used for homes installed in Mississippi.

**TABLE II – BEARING CAPACITY/SOIL TYPE\***

<b>Bearing Capacity psf</b>	<b>Bearing Capacity kg/m2</b>	<b>Soil Type</b>
2000	9765	Loose sand clay soils or medium soft clay
3000	14647	Firm or stiff clay
4000	19530	Loose fine sand or compact inorganic silt soils
6000	29295	Compact sand clay soils
8000	39059	Loose coarse to medium compact fine sand

\*Note: The above table may be used if the soil characteristics are known. If the soil type is unknown, the following resources may be consulted to determine the soil type/bearing capacity:

- (a) LAHJ;
- (b) Soil conservation district;
- (c) United States Geological Survey;
- (d) The Resource Conservation Agency of the U. S. Department of Agriculture;
- (e) Highway Department;
- (f) Qualified Professional Engineer; and/or
- (g) Other methods approved by the Commissioner.

In lieu of determining the soil bearing capacity by the use of the methods described above, an allowable bearing capacity of 2000 psf may be used unless the site-specific information requires the use of lower values based on soil classification and soil type.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.6: Required Piers and Anchorages**

- A. All used Factory-Built homes require diagonal ties to restrict the unit from being pushed from the main support piers. These diagonal ties also restrict overturning of the structure. Additional over the top tie downs or vertical side wall tie downs to restrict overturning are required by some Factory-Built home installations. When a used Factory-Built home is relocated (secondary siting) **all** of the original diagonal and over-the-top (vertical) tie downs must be reinstalled.
- B. Piers or load-bearing supports or devices shall be designed and constructed to evenly distribute the loads. The maximum pier loads are listed in Table III and Table IV. Piers shall be securely attached to the frame of the Factory-Built home or shall extend at least six (6) inches from the centerline of the frame member. Factory-Built load-bearing supports or devices shall be listed or approved for the use intended.

**TABLE III – MAXIMUM PIER LOAD IN POUNDS**

Number of Concrete Blocks	Soil Bearing Value	Maximum Allowable Load
1	1,000 lbs./square foot	4,800 lbs.
2	2,000 lbs./square foot & greater	9,600 lbs.

\* ABS Pad types include the following:

13 1/4" x 26 1/4" Pad	2.395 square feet	ID#4148 4 or
20" x 20" Pad	2.777 square feet	ID#1055 7

**TABLE IV - MAXIMUM PIER LOAD**

Type	Pad Configuration	Pad Area (in square inches)	Soil Bearing Capacity PSF (in pounds)					Remarks
			000	500	000	500	000	
1	1-16 x 16 w/1 or w/2 CMUs	256	780	670	560	450	340	Max: 5340 #
2	1-18.5 x 18.5 w/1 CMU	342	375	563	750	598	598	Max: 5600 #
3	1-18.5 x 18.5 w/2 CMUs	342	375	563	750	938	125	Max: 7125 #
4	2-13.13 x 26.13 w/1 CMU	342	375	563	750	938	400	Max: 6400 #

<b>5</b>	1-18.5 x 18.5 w/1 CMU ID# SPA 264-1-1	342	375	563	750	938	125	Max: 7125 #
<b>6</b>	1-20 x 20 w/1 CMU	400	775	167	556	600	600	Max: 5600 #
<b>7</b>	1-20 x 20 w/2 CMUs	400	775	167	556	944	333	Max: 8333 #

*All pad sizes shown are nominal dimensions and may vary up to 1/8 inch.*

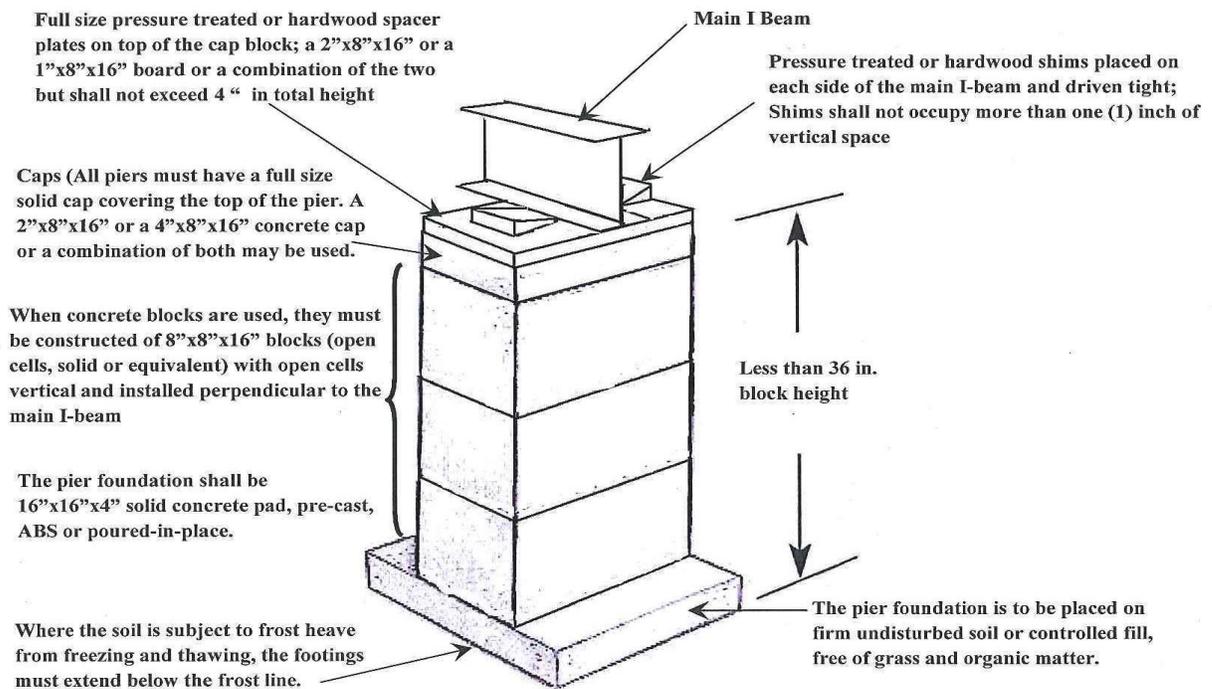
- C. Pier foundations shall be installed directly under the main frame of the Factory-Built home. The piers shall not be further apart that six (6) feet on center when using a minimum pier foundation of a 16"x16"x4" concrete pad or equivalent in the minimum soil bearing capacity of 2000 psf. Piers shall be placed no more than two (2) feet and no less than one (1) foot from the end of the frame.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.7: Pier Construction**

**Rule 5.06.7-1: Single Stacked Piers**

**Except for corner piers**, support piers less than 36 inches high, shall be constructed of single stacked masonry units, placed with the open cells in the vertical position when placed upon the pier footing. The frame piers must be installed so that the long sides are at right angles to the supported I-beam. (See Figure 4).



**Figure 4. Single block pier construction.**

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.7-2: Pier Caps**

All single stacked piers must have a full size cap covering the top of the pier. A 2"x8"x16" or a 4"x8"x16" concrete cap or a combination of both may be used. A full size pressure treated wood or hardwood spacer shall be placed on top of the cap. A 2 x 8x16 inch treated or hardwood plate or a 1x8x16 inch treated or hardwood plate or a combination of both shall be placed on top of the pier cap. Additional full size plates not less than 1 x 8 x 16 inch may be used but the additional plates shall not exceed 4 inches in total height.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.7-3: Shims**

- A. The frame may be cushioned with treated wood or hardwood or other approved shims (wedges). The shims (wedges) shall be used in pairs, installed in opposite directions and be fitted and driven tightly between the pressure-treated wood plate

and main frame of the home.

- B. One shim at least 4"x6" nominal shall be placed on each side of the main frame on single tiered piers.
- C. Two shims shall be placed on each side of the main frame on double tiered piers.
- D. Shims shall not occupy more than 1 inch of vertical space between the top plate and the main frame.
- E. Shims shall be used in pairs and driven tight.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.7-4: Removal of Organic Material**

All grass, grass sod, debris and other organic material shall be removed before footings or pier foundations are installed. The minimum main frame support pier foundation shall be a 16 inch x 16 inch x 4 inch solid concrete pad, pre-cast, poured-in-place, or ABS pads.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.7-5: Protection From Frost Heave**

Where the soil is subject to frost heave from freezing and thawing, the footings for support piers must extend below the frost line (no less than two (2) inches from the top of the ground).

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.7-6: Corner Piers**

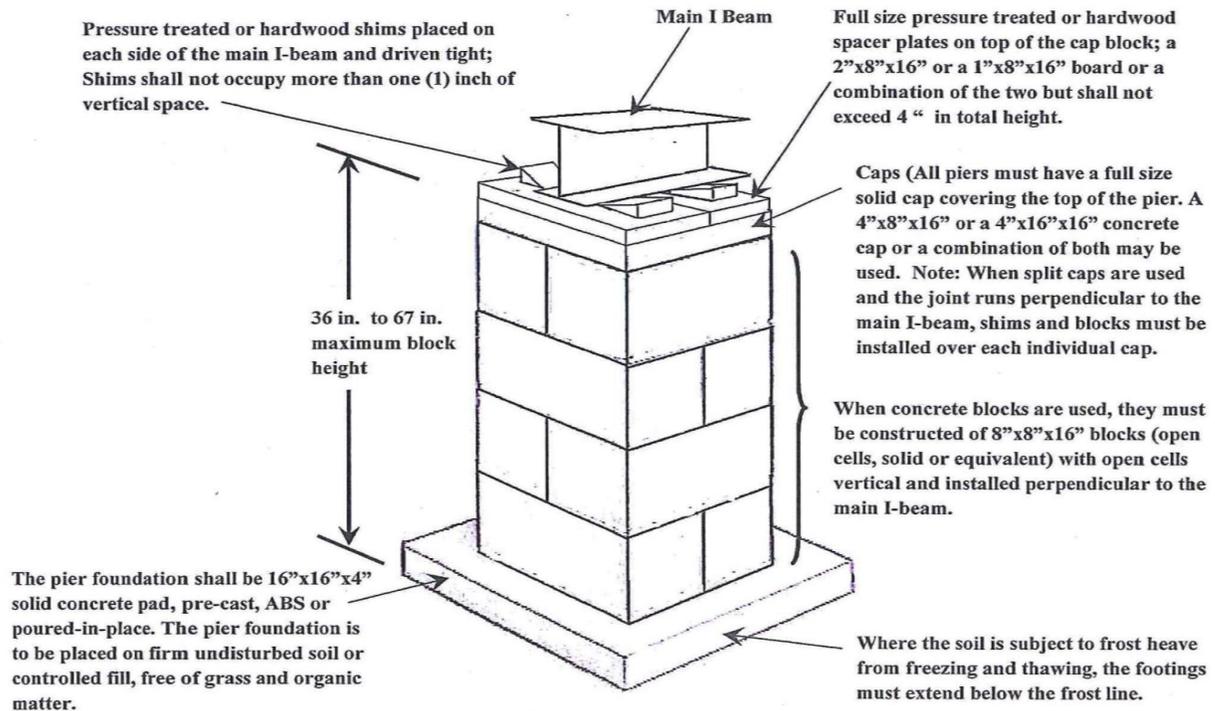
All corner piers shall be double tiered units at least 16" x 16" consisting of interlocking masonry units and shall be fully capped as shown in Figure 4. Two 8x16x4 inch cap blocks may be used on a double tiered pier provided that the joint between the blocks is perpendicular to the joint between the open cell concrete blocks and is also perpendicular to the main frame I-beam. The corner piers shall be placed not more than 2 ft. and not less than 1 ft. from the end of each main frame support beam.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.7-7: Double Tiered Pier Heights**

- A. Piers 36 inches to 67 inches high shall be double-tiered units at least 16x16 inches consisting of interlocking masonry units and shall be fully capped with a 2 inch or 4

inch thick solid masonry unit or equivalent. (See Figure 5).



**Figure 5. Double Block Pier Construction.**

- B. Piers between 68-80 inches high shall be constructed in accordance with the provisions of Rule 5.06.7-7(A), provided the piers shall be filled with grout and reinforced with four continuous No. 5 bars. One bar shall be placed in each corner of the grouted space of the piers.
- C. The maximum pier height shall be no more than 67 inches unless designed and approved by a registered engineer or a higher height/different design is required by the National Flood Insurance Program (NFIP) floodplain management criteria.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.7-8: Cast-In-Place Concrete Piers**

Cast-in-place concrete piers meeting the same size and height limitations of Rule 5.06.7-1 through 5.06.7-7 above, may be substituted for piers constructed of masonry units.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.7-9: Pier Footings**

- A. Every pier shall be supported by a footing. All main frame support piers and marriage line support piers shall be constructed on footings of solid concrete not less than 16 x 16 inches that consist of a concrete pad, precast, ABS, or poured in place concrete slab, unless other footing types and sizes are allowed. All footings are to be placed on stable undisturbed soil or properly compacted fill material. The fill material must be compacted to 90 percent of maximum relative density to adequately provide the proper load bearing capacity for the support pier footings.
- B. Perimeter pier footings are required to be 8"x16"x4" concrete pads or equivalent. Perimeter piers shall be single tiered and placed parallel to the sidewall under the rim joist.
- C. Poured-in-place concrete pads, slabs, or runners used as footings for a Factory-Built home shall be a minimum 6-in thick with a least a 28 day compressive strength of 3,000 pounds per square inch (psi) and shall be required to contain proper reinforcing steel. If an existing concrete slab is to be used as the foundation of the home and the thickness and the existence of reinforcing steel cannot be readily determined, all main frame support piers shall be required to be placed on a solid concrete footing 16 x 16 inches or ABS pads. In addition, the top elevation of the concrete slab shall be a minimum of 4 inches higher than the existing grade of the soil around the slab.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.7-10: Marriage Wall Piers**

Marriage wall piers shall be constructed to the same requirements as all other main frame support pier requirements. Marriage line piers, less than 36 inches in height, shall be single tiered, on footings and placed perpendicular to the line of the mated sections of the home. All marriage wall openings are required to have support piers at each side of the opening. Typical marriage wall openings are cathedral openings and passageway openings which are 48 inches and larger. Marriage walls shall also have support piers at each ridge beam column and within 2 ft. of each end of the home.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.8: Pier Spacing and Placement**

- A. To assure proper pier spacing and placement for all Factory-Built homes, the piers shall be located in accordance with the Factory-Built home installation instructions.

If the Factory-Built home installation instructions are not available for a used home, piers for single section homes are to be placed under each longitudinal main frame member not to exceed 8 ft. on center spacing for homes that are 14 ft. wide or less and 6 ft. on center for homes that are over 14 ft. wide. End piers shall be no more than two (2) feet and no less than one (1) foot from the end of the frame.

- B. The pier spacing under each longitudinal main frame member for all used Factory-Built homes (single wide or multi-section) having a Wind Zone II classifications shall be no greater than 6 ft. on center.
- C. Piers for used multi-section homes are to be placed under each longitudinal main frame members not to exceed 6 ft. on center spacing. For used multi-section homes, piers are to be placed under the center marriage line no less than one (1) foot at from each end, under ridge beam support columns, and under both sides of openings at the marriage line greater than 12 ft. All marriage wall support piers shall be placed perpendicular to the mate line of the two sections of the home.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.8-1: Placement of Door and Window Support Piers**

For all homes, **all** exterior entry doors shall have piers or a manufacturer's approved support device on each side of the opening. All windows over 48 inches wide shall be properly blocked under each side of the opening (footings for these support piers may be 8"x 16" x 4" concrete pads or equivalent). In the event that an outrigger support, electrical, mechanical equipment or other devices is directly under one side of the opening, the blocks on that side may be offset up to maximum of 6 inches in either direction of the supported member. If the placement of the piers cannot be achieved according this regulation, the installer/transporter must document on the Property Locator Form Checklist the reasons for the deviation from the regulation.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.8-2: Placement of End Support Piers**

Where practical for all homes, the end support piers (including the end marriage wall piers) shall be placed within 1 ft. of the ends of the main frame but shall not be more than 2 ft. from the end of the frame. When the location and spacing of wheels and axles, or other structural members of home frames, or undercarriages prevent spacing of piers on 8 or 6 ft. centers, the spacing shall be as near 8 or 6 ft. maximum spacing as practicable in the area of the obstruction.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.8-3: Placement of Piers Under Concentrated Loads**

Piers shall be placed under other concentrated loads such as porch posts, bay window overhangs, and masonry faced fireplaces on floor overhangs. Factory-Built Homes that exceed 16 ft. per floor in width shall have perimeter piers under the sidewalls every 6 ft. and at each corner.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.8-4: Placement of Perimeter Support Piers**

Perimeter piers shall be placed under the intersection of a perimeter joist and a transverse joist or shall be under a 4x4 inch brace that supports at least two floor joists.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.8-5: Piers for Homes Installed In Designated Flood Area**

All piers and foundation supports for homes that are installed in a designated flood prone area shall be designed by a licensed engineer and shall have drawings of the as-built design with the engineer's registered stamp. The engineer designed foundation shall comply with the requirements set forth in the manual, *Factory-Built Home Installation In Flood Hazard Areas*, published by the Federal Emergency Management Agency (FEMA 85; September 1985).

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.9: Installation Instructions for ABS Pads**

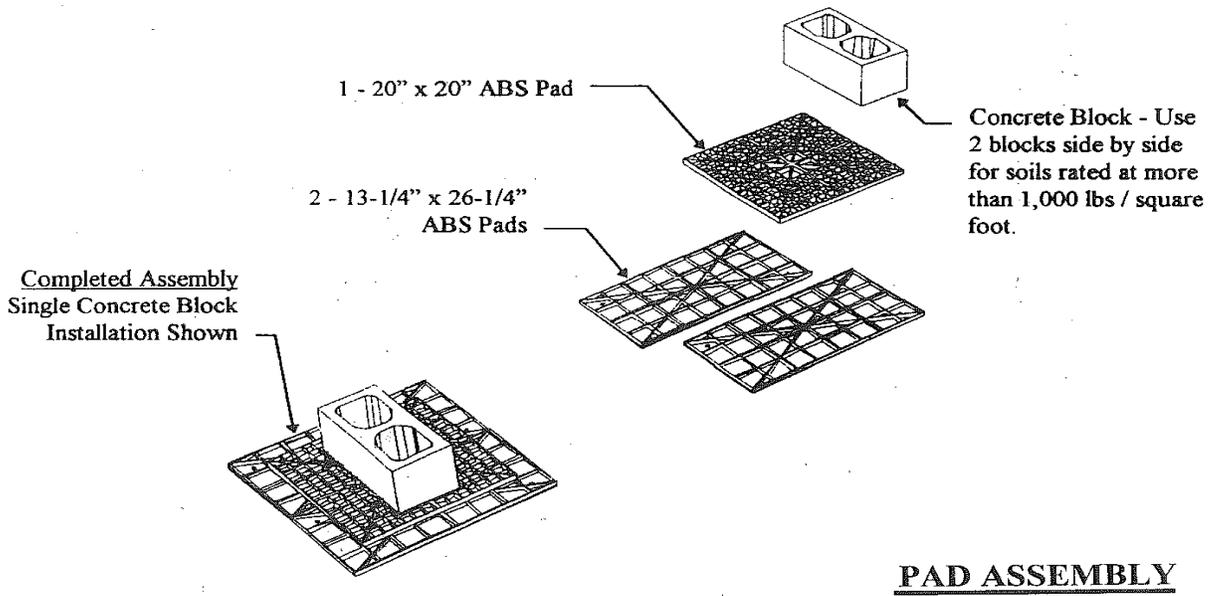
- A The purpose of this section is to emphasize that **the ground under the ABS pads must be leveled, evenly compacted, and cleared of all vegetation and debris before the placement of the pads.**
- B Note that if the pad deflects more than 5/8 of an inch when installed, pier spacing is incorrect for the existing soil conditions. The maximum deflection in a single pad is 5/8 of an inch measured from the highest point to the lowest point of the top.
- C Installation Instructions for ABS Pads B 26X 26 Inch Pad Configuration
  1. All pads are to be installed flat side down, ribbed side up.
  2. The ground under the pads should be leveled as smooth as possible with all vegetation removed. Pads are not to be placed on natural grade unless otherwise permitted by the local building authority.

3. Pier and pad spacing will be determined by the Factory-Built home manufacturer's written set up instructions. In the absence of home manufacturer's written set up instructions and written set up instructions from the pad manufacturer, the pier and pad spacings shall be no greater than 6 ft. apart for Wind Zone I areas and no greater than 4 ft. for Wind Zone II areas.
4. The open cells between the ribbings on the upper side of the pads may be filled with soil or sand after installation to prevent any accumulation of stagnant water in the pads.
5. A pocket penetrometer may be used to determine the actual soil bearing value. If soil testing equipment is not available, as mentioned earlier in the Regulation that an assumed soil bearing capacity value of 1000 lbs./square foot (psf) may be used.
6. All pad sizes shown are nominal dimensions and may vary to 1/8 of an inch.
7. The maximum deflection in a single pad is 5/8 of an inch measured from the highest point to the lowest point of the top face. (Please review Table V and Figures 6 and 7).

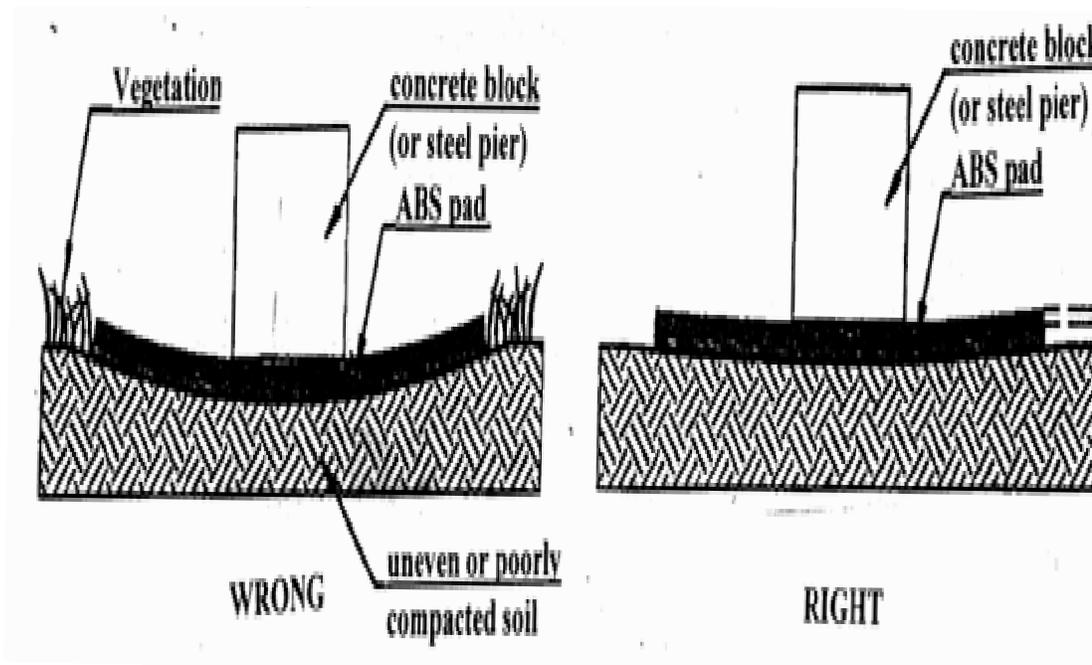
**TABLE V – SIZE AND LOAD**

<b>PAD SIZE</b>	<b>PAD AREA</b>	<b>1000 LB.SOIL</b>	<b>2000 LB.SOIL</b>	<b>3000 LB.SOIL</b>
16" X 16"	256 sq. in.	1,780 lbs.	3,560 lbs.	5,333 lbs.
18.5" X 18.5"	342 sq. in.	2,375 lbs.	4,750 lbs.	7,125 lbs.
20" X 20"	400 sq. in.	2,750 lbs.	5,500 lbs.	8,250 lbs.

- a. Any configuration above may be used to replace a home manufacturer's recommended concrete or wood base pad.
- b. The maximum load at any intermediate solid value may be determined as the average of the next lower and next higher soil values given in the above table.
- c. Pad sizes shown are nominal dimensions and may vary up to 1/8 inch.
- d. Pad loads are the same when using single stack or double stack blocks.



**Figure 6. ABS pad assembly installation instructions for a 26"x 26" configuration**



**Figure 7. Maximum allowable deflection in a single ABS pad**

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.10:** Tie-downs

Factory-Built homes with provisions for installation of anchor systems, including instructions, in accordance with Federal Manufactured Home Construction & Safety Standards, Section 24 CFR 3280.306 shall be installed in accordance with the manufacturer's instructions. Factory-Built homes not provided with such installation instructions, or Factory-Built homes not provided with instructions for the zone (wind or non- wind) in which they are being installed shall comply with the following:

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.10-1:** Single-wide Factory-Built Homes

- A. The number of tie-downs for single wide (10 ft., 12 ft., 14 ft., or 16 ft.) Factory-Built homes shall comply with Tables VI and Table VII.
- B. All used Factory-Built homes shall be tied down in accordance with Table VI and Table VII unless the anchoring system is designed and approved by a registered professional engineer (as per manufacturer's installation instructions).
- C. Single section Factory-Built homes shall have diagonal and vertical ties and anchors in accordance with Table VI and Table VII unless the manufacturer's installation instructions are utilized.

**TABLE VI- MINIMUM NUMBER OF TIEDOWNS FOR WIND ZONE II\***

<b>Length of Factory-Built home, excluding draw bar (ft.)</b>	<b>Number of vertical ties**</b>	<b>Number of diagonal ties, each side</b>	<b>Total required anchors per home</b>
0-40	5	5	10
41-60	7	7	14
61-84	9	9	18
**** 85 +			

**TABLE VII- MINIMUM NUMBER OF TIEDOWNS FOR WIND ZONE I\***

<b>Length of Factory-Built home, excluding draw bar (ft.)</b>	<b>Number of vertical ties ***</b>	<b>Number of diagonal ties, each side</b>	<b>Total required anchors per home</b>
0-40	0	4	8
41-60	0	6	12
61-84	0	8	16

\* These tables are based on a minimum working load per tie of 3,150 lbs. with a 50 % overload (4,725 lbs. total).

\*\* The Federal Manufactured home construction and safety standards require all Factory-Built homes designed to be located in wind Zone II and III to have a diagonal tie installed at each vertical tie location.

\*\*\* If existing vertical tie down straps or brackets are present on the home, vertical straps and anchors must be installed at these locations.

\*\*\*\* If the support pier height is over 24 inches, an additional diagonal tie must be added, per side, for every additional 12 inches of pier height or a portion thereof.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.10-2: Multi-sectional Factory-Built Homes**

- A. All used multi-sectional Factory-Built homes shall have diagonal ties and anchors as required above for single-wide Factory-Built homes as listed in Tables VI and VII above. The number of anchors and straps along the mate line of the multi-sectional Factory-Built home shall be one/half of the required number for one side of a single wide unit having the same length. A minimum of two of the anchor and straps are to be placed within 2 ft. of the end of each section of the home.
- B. The installation of anchors and diagonal ties will be required along the mate line on all used multiple section Factory-Built homes unless the manufacturers installation manual for the home is available and specifies that these stabilizing devices are optional.
- C. All new multi-sectional Factory-Built homes are to be secured at the centerline with straps and anchors to the specifications in the manufacturer’s installation manual or at the locations designated on the home. In addition to centerline ties specified by the manufacturer, a centerline tie must be attached within two (2) feet of each end of each section of the Factory-Built home. Where necessary, an approved bracket

shall be installed by the installer/transporter.

- D. All multi-sectional homes shall be lagged and sealed together in accordance with the manufacturer's installation instructions. If no manufacturer's installation instructions are available, the instructions provided in this regulation shall be followed.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.10-3: Pan-Type Foundation Stabilizing Systems**

1. Proprietary pan-type foundation stabilizing systems shall be installed in accordance with the pan system manufacturer's installation instructions provided with the product as it relates to the length of the home, single-wide or multi-sectional home, the maximum pier height and the pitch of the roof. The manufacturer name and model number of the pan-type foundation stabilizing system shall be included in the comments section of the Property Locator/ Inspection Report form provided to the State Fire Marshal's office.
2. Prior to the selection and use of the pan-type foundation stabilizing system, it is the responsibility of the installer/transporter to check with the LAHJ to determine if any restrictions have been placed on the use of these types of stabilizing systems.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.10-4: Alternate Systems**

These specifications listed above for the tie-downs are minimum standards. Other anchor systems may be approved by the Division or LAHJ provided that such designs are prepared by a registered professional Mississippi engineer or architect based on the criteria set forth in Federal Manufactured Home Construction & Safety Standards, Section 3280.306.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.10-5: Tie-down Spacing and Sizes**

The following specifications are the minimum standards for all tie-down spacing and sizes.

- A. Over the top tie-downs shall be positioned at stud and rafter locations near the each end of the Factory-Built home. Others, if needed, may be positioned between them.
- B. A metal roof protector must be used with over-the-roof tie down straps.
- C. Wherever feasible, over the top tie-downs and frame ties directly beneath them may use the same anchors.

- D. All vertical side wall and shear wall tie down buckles existing on the home must be properly strapped and anchored.
- E. All tie-down straps, cables and devices must be tested and approved. All ties shall be fastened to ground anchors and drawn tight with turnbuckles, yoke type fasteners or other such tensioning devices listed with the ground anchor.
- F. All tie-down straps and devices must be attached to the Factory-Built home in accordance with the manufacturer's instructions for the specific types of straps and devices. All tie-down straps and devices must be tested and approved. Straps must be type I, finished B, grade 1 steel strapping, 1 1/4" wide and 0.035" thick conforming with Federal Specifications strapping steel and seals FS QQ-S-781H-1974.
- G. Tie down straps shall not be kinked or bent or otherwise abnormally stressed when installed. Straps must not be in contact with the support piers.
- H. The angle of the diagonal tie down strap shall not exceed 45 degrees between the strap and the ground. If the angle exceeds 45 degrees an additional strap must be installed and attached to the opposite support frame.
- I. All straps must be properly attached to the anchor head according to the manufacturer's installation instruction and properly tensioned. According to manufacturer specifications, the winding of the strap on the anchor head bolt must contain a minimum of four to five complete turns.
- J. Splices in the anchor straps must be installed in accordance with the manufacturer's instructions for straps and devices. If manufacturer instructions for splicing anchor straps are not available, the following instructions will apply. The ends of the straps must overlap a minimum of 6 inches and a maximum of 12 inches. Two (2) crimp seals must be installed in the overlap of the strap ends and each crimp seal must be double crimped.
- K. Cables shall be either 7/32 inch diameter or greater (7x7) steel cable or 1/4 inch diameter or greater (7x19) aircraft cable. All cable ends shall be secured with at least two U bolt type cable clamps or other fastening device as approved by the building official.
- L. Tie materials shall be capable of resisting an allowable working load of 3,150 lbs. with no more than 2% elongation and shall withstand a 50% overload [4,725 lbs. total]. Tie-downs exposed to weathering shall be resistant to weathering deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz. per square foot of surface coated. Type I,
- M. Class B, Grade I, steel strapping 1 1/4 inches wide and 0.035 inch thick, conforming to

Federal Specifications QQ S 781 F, is judged to conform to this section.

- N. Materials used for ties must terminate with D-rings bolts, or other fastening devices, which will not cause distortion of the band or reduce its breaking strength of 4,725 lb. Please note that ties should be double wrapped (double looped) at top of beam, not at the bottom.
- O. Connection of the cable frame tie to the I-beam (or other shape) main structural frame member should be by a 5/8 inch drop forged closed eye bolted through a hole drilled in the center of the I-beam web. A washer, or equivalent, shall be used so that the beam is sufficiently reinforced around the hole. If steel strap ties are used, care should be exercised to insure that minimum bending radius is adhered to so that the breaking strength of the strap is not reduced.
- P. Frame ties shall connect the anchor and the steel I-beam (or other shape) main structural frame member which runs lengthwise under the Factory-Built home. Frame ties shall never be connected to any of the steel outrigger beams which fasten to and intersect the main I beam at right angles.
- Q. Ground anchors should be aligned with center of piers. Also, they should be situated immediately below the outer wall to accommodate over the top ties as well as frame ties.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.11:** Anchors

Devices used to anchor Factory-Built homes shall meet the requirements listed in the following paragraphs.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.11-1:** Soil Classification of Anchors

All ground anchors must be installed in the soil types for which they are tested and approved. It should be noted that soil types may vary across a home installation site. Prior to installing any ground anchor, it is the responsibility of the installer/transporter to determine the soil class at the installation site and to ensure that the proper class of anchor is installed for the existing type of soil. The acceptable method for the determination of the soil classification is by a soil test probe. The soil classifications shown in Table I are the accepted standards of this Regulation and are to be used for the purpose of determining the design loads, specifications and holding power of anchors and tie down devices for installation of Factory-Built homes in the State of Mississippi.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.11-2:** Determining the Soil Class of Anchors

The use of a soil test probe shall be required in the determination of the soil classification at the installation site for the proper soil class anchor that can be used. A minimum of 6 readings (one at each of the four corners of the home, within two feet of the corners, one at the front center of the home and one at the rear center of the home) shall be required in order to properly choose the anchoring device required for the home. Results of the soil test probe may be averaged and used to determine anchor types based on the anchor manufacturer's installation and/or user manual requirements. However, **all** of the soil test probe torque values and the depth readings obtained

at the installation site, including the computed average reading, shall be recorded on the Property

Locator/ Inspection Report form to confirm the determined soil class for anchor

selection. Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.11-3:** Preferred Soil Class Anchor

If no soil test probe measurements have been obtained for the determination of the soil classification at the installation site, it is preferred that a soil class type C-4 rated anchor shall be used. C-4 rated anchors shall have a minimum auger diameter of 6 inches and be shall be installed to their full depth. When the condition of the soil (including ground density, composition, moisture content and compaction) will not allow the C-4 rated anchors to be installed to their full depth, the C-4 rated anchor that could not be installed shall be left in place, soil test probe readings obtained and the appropriate soil class anchor installed adjacent to the

failed C-4 anchor. All ground anchors used shall be capable of withstanding 4,750 lbs. of pull (in a vertical or diagonal direction) without failure.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.11-4:** Proper Installation of Ground Anchors

- A. Ground anchors shall be aligned close to the end of the piers, but not in exact center that will interfere with frame ties.
- B. All anchors shall be installed in a vertical position or with the anchor rod in direct alignment with the force of the loading.
- C. Anchors to reinforced concrete slabs must be strength comparable to that presented above. If a Factory-Built home is to be placed on a monolithic concrete slab, the ground anchors may be replaced with anchor bolts imbedded in the concrete slab. The location of the anchor bolt in relation to the longitudinal support I-beam will be the same as the ground anchors.

- D. Other anchors which are capable of withstanding 4,750 lbs. of pull without failure may be approved by the Factory-Built Home Division of the State Fire Marshal's Office as equivalent to above specifications.
- E. All ground anchors installed in a vertical position having frame tie connections shall have approved stabilizer plates, stabilizer caps, concrete collar, or other approved stabilizer devices installed to resist horizontal movement. The stabilizer device must be installed according to the manufacturer's instructions and the top of the device must be flush with the surface of the soil. If a concrete cap is used it must be a minimum of 10" in diameter and 18" deep. Exception: Stabilizer plates are not required with coral anchors or at centerline or marriage wall locations.
- F. Anchors must be installed to full depth with the bottom of the anchor head within one (1) inch of the soil's surface.
- G. The "Standard Method of Test for Manufactured Home Anchors, Parts A and B" is described in the Federal Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.401.
- H. The use of any alternate systems of anchoring not approved by HUD may be used if proof that the manufacturer of the home has approved the use of such systems is provided with the submittal of the Property Locator/Inspection Report Form.
- I. All ground anchors, tie down devices, and ground foundation systems must be installed according to the manufacturer's installation instructions for their respective ground anchors, tie down devices and ground stabilization devices.
- J. Rock anchors can only be used in solid rock.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.07: Official Notices and Bulletins**

All manufacturers, retailers, developers and installer/transporters shall maintain any and all official notes and/or bulletins issued by the Factory-Built Home Division for three (3) years from the date of issuance. If so required by this Factory-Built Home Division, all manufacturers, retailers, developers and installer/transporters shall display official notices and bulletins in plain view for the public. Exception: Any official notices and bulletins marked as permanent records or **DO NOT DESTROY**.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.08: 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 of application, and to this end the provisions of the Regulation are declared to be severable.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.09:** Repeal of Emergency Regulation MH-2009-2

Regulations MH-2009-1 and MH 2010-3 are repealed.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.10:** Effective Date

This Regulation shall become effective on January 1, 2015.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**MARKED-UP VERSION FOLLOWS:**

## **Title 19**

### **Part 7 State Fire Marshal**

**Part 7 Chapter 5:** (MH-5) Uniform Standards Code For Factory-Built Homes Law. (10/16/2009).

**Rule 5.01:** Promulgation and Purpose

**Rule 5.01.1:** General

These Rules and Regulations for Factory-Built Homes are promulgated by the Commissioner of Insurance of the State of Mississippi acting through the Chief Deputy State Fire Marshal and the Factory-Built Home Division in accordance with the Uniform Standards Code for Factory-Built Homes Law and the Mississippi Administrative Procedures Act, *Miss. Code Ann.* § 25-43-1, et seq., as amended, and shall become effective after adopted and promulgated in accordance with the provisions of the Mississippi Administrative Procedures. This Regulation is being filed as a regulation pursuant to the provisions of House Bill 1435, 2008 Regular Legislative Session as codified in *Miss. Code Ann.* § 75-49-11 (Supp. 2013); 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 Factory-Built homes from and after July 1, 2009.

The purpose of these Rules and Regulations is to prevent the loss of life and property from fire and related hazards, and to restrict health hazards in Factory-Built homes by providing standards for construction, heating systems, and by requiring compliance with such standards during construction, marketing, transport, installation, anchoring and tie-down for Factory-Built homes in the State of Mississippi.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2013)

**Rule 5.01.2:** Definitions

For the purpose of this Regulation, the following terms are defined as follows, unless the context clearly indicates otherwise:

- A. “ANSI” – the American National Standards Institute or its successor.
- B. “Certificate of Inspection Form”- is a form issued by the Factory-Built Home Division of the State Fire Marshal's Office that contains the certificates of inspection submitted by any retailer, developer and installer/transporter who is engaged in the sale, transport and/or set-up (installation, blocking, anchoring and tie-down) of a Factory-Built home intended for human habitation, to the Division within 72 hours (3 days) of the completion of the installation of home at the home site.

- C. “Chief Deputy State Fire Marshal” - is the individual appointed by the Commissioner of Insurance, who, along with his employees, is designated by the Commissioner to implement and enforce this chapter and to maintain, among other duties, the Factory-Built Home Division of the Insurance Department.
- D. “Commissioner” - is the Commissioner of Insurance of the State of Mississippi.
- E. “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 Factory-Built home designs and quality control procedures.
- F. “Developer” – for the purposes of this Regulation, means any person who buys Factory-Built homes and real estate and then offers to sell to the general public land-home “package deals” consisting of a Factory-Built home with real estate. Upon renewal of a license, a developer must provide documentation to the Department of Insurance that he or she has at least five (5) available Factory-Built home sites. A developer shall be responsible for installation requirements for Factory-Built housing as set forth in as set forth in Rule 5.04 – 5.06 of this Regulation. Section IV of this Regulation.
- G. “Diagonal Tie” - any tie-down designed to resist horizontal sliding or shear forces and which deviates not less 30° (0.52 rad) from a vertical direction.
- H. “Division” - is the Factory-Built Home Division of the State Fire Marshal's Office.
- I. ”Employee” - any person, including a minor whether lawfully or unlawfully employed, in the service of an employer under any contract of hire or apprenticeship, written or oral, express or implied, and is under the control of the employer, provided that there shall be excluded there from all independent contractors. The control of the employer includes supervision of an employee's work, setting the employee's work schedule, and determining the method that the employee uses to perform the specific work.
- J. ”Employer” – any person or entity who is retained to engage in, or who engages in, the business of directing, supervising, controlling or correcting the work conducted by persons retained as their employee.
- K. ”Fire Marshal’s Office” – the Division of the Department of Insurance that is responsible for the regulation of Factory-Built housing in the State of Mississippi, and includes the Commissioner of Insurance, the State Chief Deputy Fire Marshal, and Deputy State Fire Marshals.
- L. “Foundational Designs”– designs by a licensed architect or engineer that sets forth the foundations requirements for the Factory-Built home.

- M. “Factory-Built Home” - is a mobile home, manufactured home, and a modular home as those terms are defined in Miss. Code Ann. § 75-49-3 (Supp. 2013).
- N. “General Liability Insurance” – is a form of insurance that indemnifies against liability on account of injury to the person or property of another.
- O. “Ground Anchor” - any device at the Factory-Built home stand designed for the purpose of securing a Factory-Built home to the ground.
- P. “Homeowner” (Consumer) – is any person or firm who has purchased or is purchasing a Factory-Built home in good faith for purposes other than resale.
- Q. “Hook and Drop” – the delivery of any Factory-Built Home to a residential site by a licensed installer/transporter with no intention of completing the anchoring and blocking of the unit which is to be used for human habitation.
- R. “Human Habitation” – describes a place which will be occupied by humans, but does not include places that will be inhabited only sporadically for use as a hunting or fishing camp. In these regulations, “human habitation” shall be presumed to be the intended purpose for any factory-built home manufactured under the guidelines of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.), as well as the Manufactured Home Construction and Safety Standards contained in Title 24 Code of Federal Regulations, Part 3280, et seq. (HUD). This definition includes factory-built homes having one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking and eating. Homes designed for human habitation shall be presumed to be intended for human habitation, unless properly certified otherwise pursuant to Rule 5.03.3-4 of these regulations.
- S. “Hurricane Zone” – an area of Mississippi that has encountered sustained winds of 100 mph or more. Wind (Hurricane) Zone II areas for the State of Mississippi include the following counties: Hancock, Harrison, Jackson, George, Stone and Pearl River.
- T. “Independent Contractor” - any person, firm or corporation who contracts to do a piece of work according to his own methods without being subject to the control of his employer except as to the results of the work, and who has the right to employ and direct the outcome of the workers independent of the employer and free from any superior authority in the employer to say how the specified work shall be done or what the laborers shall do as the work progresses, one who undertakes to produce a given result without being in any way controlled as to the methods by which he attains the result.
- U. “Installer/transporter” - is any person engaged for hire as an independent contractor in the movement of, transportation, or both, or the installation, blocking, anchoring and tie-down of a Factory-Built home. An independent contractor “installer/transporter” shall

not include persons who do not hold themselves out for hire to the general public for the purposes described in this definition. An installer/transporter shall be responsible for installation requirements for Factory-Built homes as set forth in Rule 5.04 – 5.06 of this Regulation. The use of the terms “installer/transporter” in these regulations is intended to be synonymous with the term “Independent contractor installer or transporter” as defined in Miss. Code § 75-49-3 (Supp. 2013).

- V. “Inspection Decal” - is the decal issued and installed by a duly appointed representative (inspector) of the Factory-Built Home Division of the State Fire Marshal’s Office that is placed on all new and used Factory-Built homes at the time of a passed installation inspection by the State Fire Marshal inspector. The label is to be affixed near the HUD seal at the rear of the home or on the end of the home opposite the tongue end if no HUD seal is present.
- W. “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 Rule 5.02,4-6 of this Regulation who conducts installation inspections pursuant to the MS Inspection Program.
- X. “Installation” - completion of work performed to site, place, stabilize, support, anchor, and close up a Factory-Built home, upon footings, piers or foundations and to join sections of a multi-section Factory-Built home sited in this state.
- Y. “Installation Instruction Manual” - DAPIA-approved instructions provided by the home manufacturer that accompany each new Factory-Built 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.
- Z. “Licensee” - is any manufacturer, retailer, developer or installer/transporter who obtains a privilege license from the Factory-Built Home Division of the State Fire Marshal’s Office of the Department of Insurance. The licensee shall comply with all laws of the State of Mississippi regarding Factory-Built homes.
- AA. “Local Authority Having Jurisdiction” (LAHJ) - is any Federal, State, County, Municipal or community organization that oversees or regulates permitting, registration, and or installation of factory-built homes.
- BB. “Manufacturer” - is any person engaged in the production (construction) of Factory-Built homes.
- CC. “Manufactured Building” – a closed structure, building assembly or systems of subassemblies which may include structural, electrical, plumbing, heating, ventilating, utility service lines, footings, foundations, porches or other service systems manufactured

in manufacturing facilities, for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include, but not limited to, residential dwelling units, commercial, institutional, storage and industrial structures. Factory-Built homes are excluded. Manufactured building may also mean at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation on the building site. For purposes of these regulations, the licensing and other requirements imposed shall only apply to Manufactured Buildings intended for human habitation.

- DD. “Manufactured Home” – defined by the United States Department of Housing and Urban Development, as 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 manufactured home and mobile home pursuant to *Miss. Code Ann. § 75-49-3 (Supp. 2013).*
- EE. “Mississippi Department of Transportation” (MDOT) - is the regulatory agency for transportation in the State of Mississippi. All licensees (manufacturers, retailers, developers or installer/transporter/transporters) shall comply with the requirements regarding transportation of Factory-Built homes under the jurisdiction of MDOT in the State of Mississippi.
- FF. “Mobile Home” - is a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C. Section 5401 et seq.). It is a structure that is transportable in one or more sections, that, in traveling mode, is eight (8) body feet or more in width and thirty-two (32) feet or more in length or when erected on site, is two hundred fifty six (256) or more square feet and that is built on a chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning and electrical systems contained therein. A "mobile home" also includes any structure which meets all the requirements and complies with the standards established under this chapter.
- GG. “Modular Home” - is a structure which is: (i) transportable in one or more sections; (ii) designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; and (iii) certified by its manufacturers as being constructed in accordance with a nationally recognized building code.
- HH. “Modular Home Contractor” - is a licensed residential building contractor or a licensed retailer who buys Factory-Built modular homes for resale to the general public, whether to be located on the consumer's home site or a land-home package on property owned by

the modular home contractor. A Mississippi licensed modular home contractor is authorized to sell new modular homes for installation on a consumer's home site or as part of a land-home package without the necessity of maintaining a separate sales center. A modular home contractor shall be responsible for the installation requirements for modular housing as provided in as set forth in Rule 5.04 – 5.06 of this Regulation.

- II. “New Manufactured Home” - is a Factory-Built home as defined in Miss. Code Ann. § 75-49-3, which has never been the subject of a first sale for human habitation.
- JJ. “NFPA” – The National Fire Protection Association or its successor.
- KK. “Non-coded Area” - is any local jurisdiction (county or municipality) who have not adopted the latest edition and Appendices of the International Building Code published by the International Code Council or the board of supervisors of any county who has not adopted Miss. Code Ann. § 75-49-21, or other recognized building codes or portion thereof.
- LL. “Non-compliance” - is failure or refusal to comply with imposed standards and/or regulations.
- MM. “Park Model” – is a recreational park trailer, built on a single chassis, and having a gross trailer area of 400 square feet or less in the set-up mode when measurements are taken on the exterior of the trailer. The square footage includes all the siding, corner trim, molding, storage space, and area enclosed by windows, but not the roofing overhang. A park model is not a permanent dwelling. It is temporary living quarters for recreational, camping, travel, or seasonal use.
- NN. “Person” – includes, unless the context indicates otherwise, corporations, companies, associations, firms, and partnerships, as well as individuals, but does not include any agency of government or tribal governmental entity.
- OO. “Pier Footing or Foundation” - the structural support pad that a support pier is placed upon.
- PP. “Pier Cap” – a concrete plate placed on top of the highest open cell block of the pier.
- QQ. “Proprietary Pan’-Type Foundation System – any engineer designed device used for windstorm and seismic protection of a Factory-Built home.
- RR. “Retailer” - is any person engaged in the buying and thereafter selling, displaying or offering for sale of new, used or repossessed Factory-Built homes to the general public.
- SS. “Set-up” - is any assembly or installation of a Factory-Built home onsite that includes aspects of work that are governed by this chapter.

- TT. “Site” – an area of land that a Factory-Built home is installed upon. It is defined as the area under the home to include a 10 ft. perimeter around the home.
- UU. “Stabilizer Plate” – is a device used to prevent horizontal movement of a ground anchor.
- VV. “Surety Bond” – is a type of bond which protects against loss due to the inability or refusal of an obligor to perform his or her contract.
- WW. “Tie-Down” – is any device designed for the purpose of anchoring a Factory-Built home to the ground anchors.
- XX. “Used Manufactured Home” - is a Factory-Built home as defined in *Miss. Code Ann. § 75-49-3* that has been subject of a first sale for human habitation, whether within this state or elsewhere.
- YY. “Vehicle Decal” - is a decal to be issued and placed on both the driver and passenger doors of the transporter vehicle (toter) which transports (moves) the Factory-Built home. Escort vehicles are not required to have truck decals. The truck decal is to be placed near the DOT number on each door of the vehicle.
- ZZ. “Vertical Anchor Tie” – is an anchor tie designed primarily to resist overturning by applying a force to the home or building in a direction no more than 15 degrees from the vertical.

Source: *Miss. Code Ann. § 75-49-1, et seq.* (Supp. 2013); § 75-49-11(Supp. 2013)

**Rule 5.01.2: Definitions**

- ~~A. "Manufactured home" means a structure defined by, and constructed in accordance with, the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C. Section 5401 et seq.), and manufactured after June 14, 1976.~~
- ~~B. "Mobile home" means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufacture Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C. Section 5401 et seq.). It is a structure that is transportable in one or more sections, that, in traveling mode, is eight (8) body feet or more in width and thirty two (32) feet or more in length or when erected on-site, is two hundred and fifty six (256) or more square feet and that is built on a chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning and electrical systems. A "mobile home" also includes any structure which meets all the requirements and complies with the standards established under this Regulation.~~
- ~~C. "Modular home" means a structure which is: (i) transportable in one or more sections; (ii) designed to be used as a dwelling when connected to the required utilities, and~~

includes plumbing, heating, air conditioning and electrical systems with the home; and  
(iii) certified by its manufacturers as being constructed in accordance with a nationally-recognized building code.

D. ~~"Factory built home" means a mobile home, manufactured home and a modular home.~~

E. ~~"Commissioner" means the Commissioner of Insurance of the State of Mississippi.~~

F. ~~"Chief Deputy State Fire Marshal" means the individual appointed by the Commissioner of Insurance, who, along with his employees, is designated by the Commissioner to implement and enforce this chapter and to maintain, among other duties, the Factory-Built Home Division of the Insurance Department.~~

G. ~~"Division" means the Factory Built Home Division of the State Fire Marshal's Office.~~

H. ~~"Person" means any individual, firm, corporation, partnership, association or other type of business entity.~~

I. ~~"Retailer" means any person engaged in the retail sale of new or used manufactured, mobile or modular homes to the general public. Upon renewal of a license, a retailer must provide documentation to the Department of Insurance that he or she has at least three (3) available manufactured, mobile or modular homes on sales lot. A retailer shall be responsible for installation requirements for manufactured, mobile or modular housing as set forth in this Regulation.~~

J. ~~"Developer" means any person who buys factory built homes and real estate and then offers to sell or lease to the general public land home "package deals" consisting of a home with real estate. Upon renewal of a license, a developer must provide documentation to the Department of Insurance that he or she has at least five (5) available manufactured or modular home sites. A developer shall be responsible for installation requirements for manufactured or modular housing as set forth in Section IV of this Regulation.~~

K. ~~"Manufacturer" means any person engaged in the production (construction) of manufactured homes or modular homes.~~

L. ~~"Licensee" means any manufacturer, retailer, developer or installer/transporter who obtains a privilege license from the Factory Built Home Division of the State Fire Marshal's Office of the Department of Insurance. The licensee shall comply with all laws of the State of Mississippi regarding factory built homes.~~

M. ~~"Mississippi Department of Transportation (MDOT)" means the regulatory agency for transportation in the State of Mississippi. All licensees (manufacturers, retailers, developers or installer/transporters) shall comply with the requirements regarding transportation of factory built homes under the jurisdiction of MDOT.~~

- N. ~~"Independent contractor installer or transporter" means any person engaged for hire in the movement of, transportation, or both, or the installation, blocking, anchoring and tie-down of a factory built home. An "independent contractor installer or transporter" shall not include persons who do not hold themselves out for hire to the general public for the purposes described in this definition. An independent contractor installer or transporter shall be responsible for installation requirements for manufactured, mobile or modular homes as set forth in Section IV of this Regulation.~~
- O. ~~"Installation Property Locator Form" means a form submitted by any retailer, developer and installer/transporter who is engaged in the set-up (installation, blocking, anchoring and tie-down) of a factory built home intended for human habitation to the Division within 72 hours (3 days) of the installation of home at the home site.~~
- P. ~~"Inspection Decal" means the decal issued by the Division that is to be placed on all new and used factory built homes at the time of a passed installation inspection by the inspector. The label is to be affixed near the HUD seal at the rear of the home.~~
- Q. ~~"Truck Decal" means a decal to be issued and placed on both the driver and passenger doors of the transporter vehicle (toter) which transports (moves) the factory built home. Escort vehicles are not required to have truck decals. The truck decal is to be placed near the DOT number on each door of the vehicle.~~
- R. ~~"Installation" means completion of work done to stabilize, support, anchor, and close up a manufactured home and to join sections of a multi-section manufactured home, when any such work is governed by the state installation standards that are certified as part of a qualifying installation program.~~
- S. ~~"Set up" means any assembly or installation of a manufactured home onsite that includes aspects of work that are governed by this chapter.~~
- T. ~~"General Liability Insurance" means a form of insurance that indemnifies against liability on account of injury to the person or property of another.~~
- U. ~~"Surety Bond" means a type of bond which protects against loss due to the inability or refusal of an obligor to perform his or her contract.~~
- V. ~~"New Manufactured Home" means a manufactured home as defined in § 75-49-3, which has never been the subject of a first sale for use and has never been titled regardless of age.~~
- W. ~~"Used Manufactured Home" means a manufactured home or mobile home as defined in § 75-49-3 that has been the subject of a first sale for use, whether within this state or elsewhere, and has been titled.~~

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 5.01.3: Use of Manufacturer's Installation Instructions**

All new Factory-Built homes shall be installed in accordance with the manufacturer's home installation instructions. These instructions may include but are not limited to the following details:

1. Skirting must have vents and an opening for access to the crawl space and heat tape outlet.
2. The dryer exhaust vent must terminate outside the home.
3. Combustion air vents may be needed for sealed combustion units and fireplaces.
4. A vapor barrier may be required on the soil.
5. Adequate clearance must be maintained between the soil and wood floor joists.
6. Water supply lines may be required to be insulated.
7. The lot should be properly graded to avoid standing water under the home.
8. The air conditioning condensate drain may be specified to have a termination outside the home.
9. Specifications for utility connections must be followed.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.01.4: Manufacturer's Installation Instruction Unavailable**

- A. If the manufacturer's installation instructions are not available, the anchoring and support requirements for used Factory-Built homes of this standard shall be followed and other aspects of the home installation shall conform to the minimum standards for occupancy established by the Rules and Regulations of the Factory-Built Home Division.
- B. Factory-Built homes, both new and used, built after July 13, 1994 that conform to Wind Zone I ratings only, cannot be installed within a designated Wind Zone II area, unless approved by the county or municipality having jurisdiction within the Wind Zone II area. The Wind Zone II area for homes manufactured after July 13, 1994, consists of the following counties: Hancock, Harrison, Jackson, George, Pearl River, and Stone.
- C. For used Factory-Built homes that were built prior to July 13, 1994, the following shall apply, If the Factory-Built home was built to the HUD Hurricane Zone rating that existed prior to July 13, 1994, it may be installed in one of the post-July 13, 1994, counties that are listed in No. 3 above. For reference, HUD designated Hurricane Zone counties that existed prior to July 13, 1994, were as follows: Hancock, Harrison, Jackson, George, Pearl River, Stone, Greene, Perry, Forrest, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson. However, if the county or municipality having jurisdiction within the post-July 13, 1994, Wind Zone II area has adopted more restrictive requirements that would

prohibit the installation of a pre-July 13, 1994 Hurricane Zone house, then the requirements of such county or municipality shall govern.

- D. Used Factory-Built home built prior to 1994, currently installed in a Wind Zone I location and having no accessible or readable data plate to determine the wind zone designation the home cannot be moved to a Wind Zone II location unless it can be proven that the home has a Wind Zone II designation or that the LAHJ in the county to which it is being located will allow it to be installed.
- E. Prior to the sales and installation of all new and used Factory-Built housing, the retailer, the developer and/or the installer/transporter shall determine whether the house is constructed to the properly rated Wind/Hurricane zone for its intended use and installation by referring to the HUD data plate. If no accessible or readable data plate is available in the home to verify the Wind/Hurricane zone designation, a copy of the HUD data plate and compliance certificate must be obtained from either the manufacturer of the home or from the Institute for Building Technology and Safety (IBTS). This information must be available to the prospective buyer prior to the sale of the home.
- F. The support and anchoring systems of all mobile homes that bear the HUD label shall be designated by a Registered Professional engineer or architect and meet the requirements of 24 CFR Section 3280.306, pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. Section 5401, et seq.) and the Manufactured Housing Improvement Act of 2000 as amended. The manufacturer shall provide complete tie-down instructions with each Factory-Built home.
- G. From and after July 1, 2005, no retailer, developer, installer/transporter shall deliver or cause to be delivered any Factory-Built home to any person at any site where such home is to used for human habitation without anchoring and blocking such home in accordance with rules, regulations and procedures promulgated by the Commissioner pursuant to *Miss. Code Ann.* § 75-49-5; provided, however, that a period of thirty (30) days from date of delivery shall be allowed for the anchoring and blocking of such homes.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.01.5: Instructions for Installation of Used Multi-Section Factory-Built Homes**

The floor sections, roof sections, and wall sections are to be fitted together tightly. Connections must be sufficiently sealed to prevent air infiltration. Connection of multi-section Factory-Built homes (two or more sections), when manufacturer's installation instructions are not available shall be as follows:

1. Floor connection: All floors of multi-section Factory-Built homes shall be securely fastened together along the entire length of the home.

2. Roof and Ridge Beams: All roof and ridge beams of multi-section Factory-Built homes shall be securely fastened together along the entire length of the home.
3. End walls: End walls of multi section Factory-Built homes shall be securely fastened together with the proper weather seal material installed.
4. Siding and trim pieces are to be installed at the connection of the sections.
5. The joints at the ridge of the roof shall be secured and weather tight.
6. Plumbing drain lines must be supported off the ground.
7. Crossover, heating and other ducts shall be supported at 4 feet on centers minimum and must be supported off the ground.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.02: Administration**

The Commissioner, acting through the Chief Deputy State Fire Marshal and the Factory-Built Home Division of the Mississippi Insurance Department, is hereby charged with the administration of this chapter. He may make and amend, alter or repeal, general rules and regulations of procedure for carrying into effect all provisions of this chapter, for obtaining statistical data respecting Factory-Built homes, and to prescribe means, methods and practices to make effective such provisions and he may make such investigations and inspection as in his judgment are necessary to enforce and administer this chapter Miss. Code Ann. § 75-49-11.

Source: Miss. Code Ann. § 75-49-11 (Supp. 2013)

**Rule 5.02.1: Rules and Regulations**

**Rule 5.02.1-1: Licensure of Manufacturers, Developers, Retailers and Installer/Transporters**

Each manufacturer, developer, retailer and installer/transporter 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 (Supp. 2013).

**Rule 5.02.1-2: Manufacturer License Application**

Every manufacturer engaged in the production (construction) of Factory-Built homes within or without the State of Mississippi shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility for cargo loss or

damage by providing documentation of the bonding and liability insurance requirements as required by this regulation.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-3: Retailer/Developer License Application**

- A. Any retailer/developer within or without this state shall apply for a license annually to sell Factory-Built homes to be shipped into or sited in Mississippi. This licensure also applies to anyone who re-builds, sells and/or leases Factory-Built home units or anyone who buys and sells but does not move or relocate repossessed or used Factory-Built homes.
- B. Every retailer or developer that sells, transports, or installs new or used Factory-Built homes within the State of Mississippi, shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility for cargo loss or damage by providing documentation of the bonding and liability insurance requirements as required by this regulation.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-4: Repossession and Resale**

Any person as defined in Miss. Code Ann. § 75-49-3(h) that repossesses and sells new or used Factory-Built homes which will be transported or relocated from the existing home site within the State of Mississippi shall contract the resale of the Factory-Built home through a current licensed retailer or developer to insure that the Factory-Built home is installed and set-up by a licensed installer/transporter in compliance with the Division's rules and regulations. A copy of said contract with the licensed retailer/developer is required to be on file with the Division.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-5: Installer/Transporter License Application**

Every installer/transporter who transports and/or installs new or used Factory-Built homes within the State of Mississippi shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility for cargo loss or damage by providing documentation of the bonding and liability insurance requirements as required by this regulation.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-6: Tax Identification Number**

- A. All license ~~the~~ applicants shall certify in the application to the Commissioner that the applicant will comply with the Construction Standards set forth under Rules and Regulations provided in *Miss. Code Ann.* § 75-49-5, and that the applicant has obtained a current and valid tax identification number.
- B. All applications for license shall be obtained from and submitted to the Commissioner on forms prescribed by the Commissioner.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-7: License Fees**

- A. Pursuant to *Miss. Code Ann.* § 75-49-9, the original license fee and all annual renewals thereof shall be Two Hundred Fifty Dollars (\$250.00) for manufacturing plants located within or without the State of Mississippi manufacturing or delivering homes for sale within the State of Mississippi and One Hundred Fifty Dollars (\$150.00) per retailer location and developer location within the State of Mississippi. The licensing fee for a Factory-Built home and/or modular installer/transporter is One Hundred Dollars (\$100.00) for each company. The fee for modular home plan review shall be Four Hundred Dollars (\$400.00) per floor plan. Except as otherwise provided in Rule 5.02.1-9, the license shall be valid for the current license period (July 1 through June 30 of the following year) unless suspended or revoked as provided herein.
- B. Every manufacturer, installer/transporter or retailer and developer who first sells, manufacturers, transports or installs a new or used Factory-Built home in this state, before such first construction, sale, transportation or installation, shall apply for and obtain a license from the Commissioner. The original license fee, registration fee, annual relicensing, and all other required fees shall be paid to the Commissioner in such a manner as the Commissioner may by rule require. All funds received by the Commissioner shall be deposited in the State Treasury to the credit of the Department of Insurance.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); § 75-49-19 (Supp. 2013).

**Rule 5.02.1-8: Manufacturer Monitoring Inspection Fee**

Every manufacturer of Factory-Built homes in the State shall pay a monitoring inspection fee to the Secretary of Housing and Urban Development, or the Secretary's Agent, for each Factory-Built home produced in the State by the manufacturer. The fee shall be in an amount established by the Secretary pursuant to the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401, et seq.) and as amended by the Manufactured Housing Improvement Act of 2000. The portion of the fee which is returned to the State shall be deposited by the Commissioner in the State Treasury to the credit of the Department of Insurance.

Source: Miss. Code Ann. § 75-49-5 (Supp. 2013).

**Rule 5.02.1-9: Investigation and Examination of All License Applicants**

- A. The Commissioner shall investigate and examine all applicants for all licenses by holding such hearings as he shall deem necessary or conducting investigations or examinations, or any combination thereof, as to the fitness or expertise of the applicant for the type of license for which the applicant applied. A license shall be granted only to a person who bears a good reputation for honesty, trustworthiness, integrity and competency to transact the business in such a manner as to safeguard the interest of the public and only after satisfactory proof of such qualifications has been presented to the Commissioner.
- B. The Commissioner shall take all license applicants under consideration after having examined them through oral or written examinations, or both, before granting any license. If the license applicant is an individual, examination may be taken by his personal appearance for examination or by the appearance for examination of one or more of his responsible, full time managing employees; and if a partnership or corporation or any other type of business or organization, by the examination of one or more of the responsible, full time managing officers or members of the executive staff of the applicant's firm. Every application by an individual for a license to manufacture, sell, transport or install Factory-Built homes, shall be verified by the oath or affirmation of the applicant, and every such application by a partnership or corporation shall be verified by the oath or affirmation of the applicant and a partner or an officer thereof. The applications for licenses shall be in such form and detail as the Commissioner shall prescribe.
- C. Pursuant to Miss. Code Ann. § 75-49-9(8), which states:
- “The commissioner shall take all applicants under consideration after having examined them through oral or written examinations, or both, before granting any license. If the applicant is an individual, examination may be taken by his personal appearance for examination or by the appearance for examination of one or more of his responsible, full-time managing employees...”
- D. Every installer/transporter who transports or installs new or used Factory-Built homes within the State of Mississippi and who is applying for a license shall have passed a written examination (passing score of 70 or above). The examination shall consist of questions determined by the Commissioner to establish an applicant's knowledge related to the rules and regulations and administration relative to Factory-Built homes in the State of Mississippi and questions specifically related to the practical installation (anchoring, blocking, and tie-down) of Factory-Built homes in this state. The examination shall be provided by the Commissioner or by a testing service acting on behalf of the Commissioner. The applicant is responsible for registering with the testing service to schedule the examination and is responsible for all fees. The applicant shall

follow all procedures established with regard to conduct at the examination. Failure to comply with all procedures established with regard to conduct at the examination may be grounds for denial of application.

- E. Prior to the issuance of a privilege license, the person applying for the license shall return the license application received in the "Notice of Renewal" and submit a copy of training certificates, that he and all of his responsible, full-time employees has attended an approved eight (8) hour installation and set up training class pursuant to the Manufactured Housing Improvement Act of 2000.
- F. The holder of any valid license issued by the Commissioner at the time *Miss. Code Ann.* § 75-49-9(8) became effective shall be automatically issued an equivalent license in the same category for which his previous license was issued **if the licensee is in compliance with this chapter.**

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-10: Non-Compliance**

- A. Non-compliance by a license applicant, as a condition precedent, of the requirements of *Miss. Code Ann.* § 75-49-9(7) and with the regulations set forth in this document, will be assessed violations where applicable:
- B. Pursuant to *Miss. Code Ann.* § 75-49-13, the commissioner shall provide the license holder an opportunity to be heard on the question of these violations committed to determine whether he is qualified to receive the license applied for and if there may be sufficient grounds upon which to base a probation, denial, suspension or revocation of the license.
- C. Pursuant to *Miss. Code Ann.* § 75-49-9(10), every license shall be issued annually and shall expire on June 30 following the date upon which it was issued. **License fees shall not be prorated for the remainder of the year in which the application was made but shall be paid for the entire year regardless of the date of the application.**

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-11: Annual License Renewal Application**

- A. The Commissioner shall on or before April 30 of each year, forward a "Notice of Renewal" by regular United States mail to each licensee at his or its last known mailing address. The "Notice of Renewal" will contain an application that shall be properly filled out by the person whose name will appear on the license, signed and returned to the State Fire Marshal's Office.

- B. After depositing the "Notice of Renewal" in the United States mail, the Commissioner shall have no other duty or obligation to notify the licensee of the expiration of his or its annual license. **The failure of the licensee to obtain a renewal license on or before June 30 of the ensuing license period shall act as an automatic suspension of the license unless the Commissioner, for good cause shown in writing and the payment of an amount equal to double the renewal fee for said delinquency, lifts the suspension and issues the renewal license. During the period of suspension, any practice by the licensee under the color of such license shall be deemed a violation of this chapter.** If a license renewal application is not received from the retailer within thirty (30) days of the date of license suspension, the retailer shall be required to remove or cover-up **all forms** of advertisement (signage) identifying the retail business.
1. All applicants and licensees shall comply with the bonding and general liability requirements as established by *Miss. Code Ann. § 75-49-11* (Rev. 2008) and as described in Rule 5.02.1-12 of this regulation.
  2. Annual renewals of a retailer's license shall require, as a condition precedent, that the retailer verify by oath or affirmation that all retail sales lots that he/or she maintains are done so in accordance with all rules and regulations promulgated by the Commissioner and that each lot has three (3) or more new or used Factory-Built homes located thereon for retail sale as a residential dwelling or for any other use at the time of application. Annual renewals of a developer's license shall require, as a condition precedent, that the developer verify and submit a copy of legal documentation indicating that the developer has five (5) or more locations for a Factory-Built home/land package.
  3. With return of the annual licensure application, **it shall be the responsibility of each retailer, developer and installer/transporter to request in writing the number of truck decals needed for their transporter vehicles** (toter). A decal is to be placed on the driver and passengers doors of each transporter vehicle. Escort vehicles are not required to have decals.

Source: *Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19* (Supp. 2013).

**Rule 5.02.1-12: Licensee Bonding and Insurance Requirements**

- A. After August 1, 2009, all new license applications and renewal applications for a license to act as a manufacturer, modular contractor, developer, retailer, or installer/transporter of Factory-Built homes in the State of Mississippi must provide to the State Fire Marshal's Office verification that they have obtained a general commercial liability policy and/or a surety bond in the following specified amounts:
- B. Manufacturers or Modular Contractors – provide proof of a surety bond in the amount of \$25,000.00 per Licensed Facility or, for three (3) or more Licensed Facilities, a

minimum bond in the amount of \$50,000.00; and proof of a general liability policy in the amount of \$1,000,000.00 in coverage;

- C. Developers – provide proof of a surety bond in the amount of \$25,000.00 per Facility or for three (3) or more Facilities, a minimum bond in the amount of \$50,000.00; and proof of a general liability policy in the amount of \$1,000,000.00 in coverage;
- D. Retailer (with 1 or more Facilities) – provide proof of a surety bond in the amount of \$25,000.00 per Facility or for three (3) or more Facilities, a minimum bond in the amount of \$50,000.00; and proof of a general liability policy in the amount of \$1,000,000.00 in coverage;
- E. Retailer (involved in the repossession and resale with no lot facilities) – provide proof of a surety bond in the amount of \$25,000.00 and proof of general liability in the amount of \$1,000,000.00 in coverage.
- F. Installer/Transporter - provide proof of a surety bond in the amount of \$25,000.00; and proof of a general liability policy in the amount of \$500,000.00 in coverage. The general liability policy is also required to have a cargo policy addition in the amount of \$100,000.00 in coverage for the transport of Factory-Built homes.
  - 1. Certificates of general liability policies for all manufacturers, retailer/developers and installer/transporters shall have the Mississippi State Fire Marshal’s Office as the designated certificate holder.
  - 2. A surety bond written pursuant to the requirements set forth in this section shall comply with the Surety Bond for Licensure form that will be provided to the applicant from the State Fire Marshal’s Office.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-13: Operating Without a Privilege License**

Any company/individual (retailer, developer or installer/transporter) who is found to be operating without an appropriate privilege license in the State of Mississippi shall:

- A. Show good cause in writing to the Factory-Built Home Division of the State Fire Marshal’s Office why this violation occurred and including the approximate number of homes sold and or moved prior to obtaining a privilege license.
- B. Request a retailer’s/ developer’s, or installer/transporter’s privilege license application. This application is to be returned, signed and notarized with a check payable to the Office of the State Fire Marshal pursuant to the fee schedule in Rule 5.02.1-7.

- C. Schedule with the State of Mississippi to attend an 8-hr training course and have passed a written examination (passing score of 70 or above).
- D. Set an inspection date with the State Fire Marshal's Office which is required to verify compliance with this chapter prior to issuance of license.
- E. Be subject to penalties as set forth in *Miss. Code Ann.* § 75-49-19.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-14: Installation Inspection**

All Factory-Built Home passing an on-site inspection pursuant to this regulation, shall have a permanently attached serial numbered and color coded installation decal near the HUD label on new or used Factory-Built homes built after June 1976, and opposite the hitch-end of mobile homes built prior to or on June 1976. **The inspection decal for each Factory-Built home implies acceptance as having been installed in accordance with the manufacturer's specification, the local authority having jurisdiction (LAHJ) in coded areas or in the absence of an installation manual, the State of Mississippi's Rules and Regulations for MH-5.**

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-15: Site Preparation, Anchoring and Blocking Requirement**

No retailer, developer, transporter or installer/transporter shall deliver or cause to be delivered any Factory-Built home, that is to be used for human habitation, to any person at any site without proper site preparation, anchoring and blocking of such home in accordance with the rules, regulations and procedures promulgated by the Commissioner of Insurance.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-16: Time Period Allowed for Installation**

A period of not more than thirty (30) days from date of delivery to the site shall be allowed for the anchoring and blocking of Factory-Built homes. No retailer, developer, transporter or installer shall perform a "Hook and drop" of any Factory-Built home, originally designed for human habitation, to any installation site. This requirement is provided for in *Miss. Code Ann.* § 75-49-7(2) and Rule 5.02.1-15 of this Regulation.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-17: Retailer/Developer Certificate of Inspection Form**

A. To ensure compliance with this regulation, it shall be the responsibility of each retailer and developer to submit the Retailer/Developer Certificate of Inspection, the Installer Certificate of Inspection and the Property Locator/Inspection Report form to the Factory-Built Home Division of the State Fire Marshal's Office for every Factory-Built home that has been sold and been installed. The above listed forms must be received in the State Fire Marshal's Office within seventy-two (72) hours (3 days) of completion of the installation of home and not the sale of the home. The forms enable the duly appointed representative of the State Fire Marshal's Office to conduct inspections as required according to the Division. The information on each page of the Certificate of Installation form must be legible and shall include all of the following information:

1. The retailer's name, license number, address, telephone number, and fax number;
2. The installer/transporter's name, license number, address, telephone number, and fax number;
3. The homeowner's name, address of the home installation site, the homeowner's telephone number, and county where home has been installed.
4. The serial number of home, size of home, HUD number, Wind Zone designation, year/make/model of the home, new or used home designation, and the manufacturer of the home;
5. date the home was installed;
6. Precise and accurate written directions to the home installation site; using state highway numbers, county road numbers, towns, street names, and road names and distances along each roadway; and
7. A clear and legible map showing directions to the home-site from a known starting point.

B. Nothing contained herein shall restrict or limit the customer's option of independently contracting with a properly licensed installer/transporter for set-up and installation rather than purchasing transportation and installation services from the retailer or developer.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

**Rule 5.02.1-18: Installer Certificate of Inspection Form**

A. It shall be the responsibility of each installer/transporter that transports or installs a home at a secondary location to submit, for every Factory-Built home, the Installer Certificate of Inspection form and the Property Locator/Inspection Report form to the Factory-Built Home Division of the State Fire Marshal's Office (SFMO). The above listed forms must be received in the SFMO within seventy-two (72) hours (3 days) of completion of the

installation of home. The Installation Property Locator form is to enable the duly appointed representative of the State Fire Marshal's Office to conduct random inspections as required according to the Division. **This report is required for all new and used homes that are transported or installed by an installer/transporter/transporter for someone other than a licensed retailer or developer.** The information on the forms must be legible and shall include all of the following:

1. The retailer's name, license number, address, telephone number, and fax number (if a retailer transacted the sale of the home to the consumer);
  2. The installer/transporter's name, license number, address, telephone number, and fax number;
  3. The homeowner's name, address of the home installation site, the homeowner's telephone number, and county where home has been installed.
  4. The serial number of home, size of home, HUD number, Wind Zone designation, year/make/model of the home, new or used home designation, and the manufacturer of the home;
  5. The date of the home installation;
  6. Precise and accurate written directions to the home installation site; using state highway numbers, county road numbers, towns, street names, and road names and distances along each roadway; and
  7. A clear and legible map showing directions to the home-site from a known starting point.
- B. In all cases in which the installation is arranged and/or paid for by the retailer, the retailer shall assume responsibility for the proper set-up of the Factory-Built home. This subsection shall not relieve any installer/transporter from any responsibilities and applicable penalties.
- C. All manufacturers, retailers, developers and installer/transporters shall comply with the Mississippi Factory-Built Home Installation Program as set forth in Rule 502.2 of this Regulation.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2013).

#### **Rule 5.02.1: Rules and Regulations**

- ~~A. Every manufacturer engaged in the production (construction) of manufactured, mobile, or modular homes within the State of Mississippi shall apply for and obtain a license from~~

~~the Commissioner. The application for license must be accompanied by proof of financial responsibility for cargo loss or damage by providing documentation of the bonding and liability insurance requirements as required by Mississippi Department of Insurance Regulation MH 2008-1, and as same may be revised or amended.~~

~~B. Every independent contractor installer or transporter who transports or installs new or used factory built homes within the State of Mississippi shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility by providing documentation of the bonding and liability insurance requirements as required by Mississippi Department of Insurance Regulation MH 2008-1, and as same may be revised or amended.~~

~~C. Every retailer or developer who sales, transports or installs new or used factory built homes within the State of Mississippi shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility by providing documentation of the bonding and liability insurance requirements as required by Mississippi Department of Insurance Regulation MH 2008-1, and as same may be revised or amended.~~

~~D. Any person as defined in *Miss. Code Ann.* 75-49-3(h) that repossesses and sells twelve (12) or more new or used factory built homes within the fiscal year (July 1 through June 30) to be **relocated (moved) from the existing home site where the home was sited** immediately prior to repossession, shall apply for and obtain a retailer's or developer's license, unless the sale is contracted through a current licensed retailer or developer to insure that the factory built home is installed and set up by a licensed installer/transporter in compliance with the Division's rules and regulations. Upon license renewal, licensees are exempt from having three (3) units available for retailers; five (5) home sites for developers and from annual educational seminars. Other requirements for licensees are listed in Sections 203 and 204.~~

~~Any person as defined in *Miss. Code Ann.* § 75-49-3(h) who repossesses and sells new or used factory built homes **that are not to be relocated or moved from the existing home site** prior to repossession within the State of Mississippi, shall be exempt from obtaining a retailer's or developer's license.~~

~~E. The Commissioner, upon application, may issue a temporary license to persons or companies who are non-residents of this state and who are otherwise licensed transporters or installers in other states. Such temporary license shall remain in force for a period not to exceed thirty (30) days, unless extended for an additional period of sixty (60) days by the Commissioner or until a contract to transport or install entered into during the period of the temporary license has been completed. Within five (5) days of any applicant-delivery or beginning work as a transporter or installer under this section, the employer or person contracting with such person shall provide a copy of their installer license from out of state, proof of insurance and certify to the Commissioner such application without being deemed in violation of this Regulation.~~

- ~~F. If a factory built home is new, the applicant shall certify in the application to the Commissioner that the applicant will comply with the Construction Standards set forth under Rules and Regulations provided in *Miss. Code Ann.* § 75-49-5, and that the applicant has obtained a current and valid tax identification number.~~
- ~~G. Applications shall be obtained from and submitted to the Commissioner on forms prescribed by the Commissioner.~~
- ~~H. Pursuant to *Miss. Code Ann.* § 75-49-9, the original license fee and all annual renewals thereof shall be Two Hundred Fifty Dollars (\$250.00) for manufacturing plants located within or without the State of Mississippi manufacturing or delivering homes for sale within the State of Mississippi and One Hundred Fifty Dollars (\$150.00) per retailer location and developer location within the State of Mississippi. The licensing fee for a factory built home and/or modular independent contractor transporter or installer is One Hundred Dollars (\$100.00) for each company. The fee for modular home plan review shall be Four Hundred Dollars (\$400.00) per floor plan; however, this fee shall not apply to any modular home plan reviews completed before July 1, 1998. Except as otherwise provided in subsection (M) of this section, the license shall be valid for the current license period (July 1 through June 30) unless suspended or revoked.~~
- ~~I. Every manufacturer, transporter or installer or retailer and developer who first sells, manufacturers, transports or installs a new or used factory built home in this state, before such first construction, sale, transportation or installation, shall apply for and obtain a license from the Commissioner. The original license fee, registration fee, annual renewals, and any other required fee shall be paid to the Commissioner in such a manner as provided by the Commissioner. All funds received by the Commissioner shall be deposited in the State Treasury to the credit of the Department of Insurance.~~
- ~~J. Every manufacturer of factory built homes in the State shall pay a monitoring inspection fee to the Secretary of Housing and Urban Development, or the Secretary's Agent, for each manufactured home produced in the State by the manufacturer. The fee shall be in an amount established by the Secretary pursuant to the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401, et seq.) and as amended by the Manufactured Housing Improvement Act of 2000. The portion of the fee which is returned to the State shall be deposited by the Commissioner in the State Treasury to the credit of the Department of Insurance.~~
- ~~K. The Commissioner shall investigate and examine all applicants for all licenses by holding such hearings as he shall deem necessary or conducting investigations or examinations, or any combination thereof, as to the fitness or expertise of the applicant for the type of license for which the applicant applied. A license shall be granted only to a person who bears a good reputation for honesty, trustworthiness, integrity and competency to transact the business in such a manner as to safeguard the interest of the public and only after satisfactory proof of such qualifications has been presented to the Commissioner.~~

~~L. The Commissioner shall take all applicants under consideration after having examined them through oral or written examinations, or both, before granting any license. If the applicant is an individual, examination may be taken by his personal appearance for examination or by the appearance for examination of one or more of his responsible, full time managing employees; and if a partnership or corporation or any other type of business or organization, by the examination of one or more of the responsible, full time managing officers or members of the executive staff of the applicant's firm. Every application by an individual for a license to manufacture, sell, transport or install factory built homes, which include mobile homes, new or used manufactured homes and modular homes, shall be verified by the oath or affirmation of the applicant, and every such application by a partnership or corporation shall be verified by the oath or affirmation of a partner or an officer thereof. The applications for licenses shall be in such form and detail as the Commissioner shall prescribe.~~

M. Pursuant to Miss. Code Ann. § 75-49-9(8), which states:

~~“The commissioner shall take all applicants under consideration after having examined them through oral or written examinations, or both, before granting any license. If the applicant is an individual, examination may be taken by his personal appearance for examination or by the appearance for examination of one or more of his responsible, full time managing employees...”~~

~~every independent contractor installer or transporter who transports or installs new or used factory built homes within the State of Mississippi shall have passed a written examination (passing score of 70 or above). The examination shall consist of questions determined by the Commissioner to establish an applicant's knowledge related to the rules and regulations and administration relative to factory built homes in the State of Mississippi and questions specifically related to the practical installation (anchoring, blocking, and tie down) of factory built homes in this state. The examination shall be provided by the Commissioner or by a testing service acting on behalf of the Commissioner. The applicant is responsible for registering with the testing service to schedule the examination and is responsible for all fees. The applicant shall follow all procedures established with regard to conduct at the examination. Failure to comply with all procedures established with regard to conduct at the examination may be grounds for denial of application.~~

~~Prior to the issuance of a privilege license, the applicant shall verify in writing and/or submit a copy of training certificate, that he has attended an approved eight (8) hour installation and set up training class pursuant to the Manufactured Housing Improvement Act of 2000.~~

N. The holder of any valid license issued by the Commissioner at the time Miss. Code Ann. § 75-49-9(8) became effective shall be automatically issued an equivalent license in the

same category for which his previous license was issued if the licensee is in compliance with this chapter.

~~O. Pursuant to *Miss. Code Ann.* § 75-49-9(h), every license shall be issued annually and shall expire on June 30 following the date upon which it was issued. License fees shall not be prorated for the remainder of the year in which the application was made but shall be paid for the entire year regardless of the date of the application. The Commissioner shall on or before April 30 of each year, forward a "Notice of Renewal" by regular United States mail to each licensee at his or its last known mailing address.~~

~~After depositing the "Notice of Renewal" in the United States mail, the Commissioner shall have no other duty or obligation to notify the licensee of the expiration of his or its annual license. The failure of the licensee to obtain a renewal license on or before June 30 of the ensuing license period shall act as an automatic suspension of the license unless the Commissioner, for good cause shown in writing and the payment of an amount equal to double the renewal fee for said delinquency, lifts the suspension and issues the renewal license. During the period of suspension, any practice by the licensee under the color of such license shall be deemed a violation.~~

~~All applicants and licensees shall comply with the bonding and/or general liability requirements as established by *Miss. Code Ann.* § 75-49-11 (Rev. 2008), and Mississippi Department of Insurance Regulation MH 2008-1, and as same may be revised and amended.~~

~~Annual renewals of a retailer's license shall require, as a condition precedent, that the retailer verify by oath or affirmation that he maintains a retail sales lot in accordance with all rules and regulations promulgated by the Commissioner and that the lot has three (3) or more new or used factory built homes located thereon for retail sale as a residential dwelling or for any other use at the time of application. Annual renewals of a developer's license shall require, as a condition precedent, that the developer verify and submit a copy of legal documentation indicating that the developer has five (5) or more locations for a factory built home/land package.~~

~~With annual renewal applications, it shall be the responsibility of each retailer, developer and installer/transporter to request in writing the number of truck decals needed for their transporter vehicles (toter). A decal is to be placed on the driver and passengers doors of each transporter vehicle. Escort vehicles are not required to have decals.~~

~~P. Any company/individual who is found to be operating without an appropriate privilege license in the State of Mississippi shall:~~

- ~~1. Show good cause in writing to the Factory Built Home Division of the State Fire Marshal's Office why this violation occurred and the approximate number of homes sold prior to obtaining a privilege license.~~

- ~~2.—Request a retailer’s and/or developer’s privilege license application. This application is to be returned, signed and notarized with a check for \$150.00 payable to the Office of the State Fire Marshal.~~
- ~~3.—Set an inspection date with the State Fire Marshal’s Office which is required to verify compliance with this chapter prior to issuance of license.~~
- ~~4.—Be subject to penalties as set forth in Miss. Code Ann. §75-49-19.~~

~~Q.—All inspectors conducting an inspection pursuant to Regulation MH 2009-1, as amended, shall permanently attach a serial numbered inspection decal near the HUD label on new or used factory built homes built after June 1976, and opposite the hitch end of mobile homes built prior to or on June 1976, an inspection decal to each manufactured or mobile home accepted as having been installed in accordance with the manufacturer's specification, the authority having jurisdiction in coded areas or in the absence of an installation manual, the State of Mississippi's rules and regulations.~~

~~—The State Fire Marshal's Office will supply inspection decals to each inspector.~~

~~R.—No retailer, developer, transporter or installer shall deliver or cause to be delivered any factory built home to any person at any site where such home is to be used for human habitation without anchoring and blocking such home in accordance with rules, regulations and procedures promulgated by the Commissioner of Insurance. A period of thirty (30) days from date of delivery shall be allowed for the anchoring and blocking of homes. This requirement is provided for in Miss. Code Ann. 75-4-9(2).~~

~~—To ensure compliance with Section 75-4-9(2), it shall be the responsibility of each manufacturer, retailer, developer and installer/transporter to submit a Installation Property Locator form to the Factory Built Home Division of the State Fire Marshal’s Office for all factory built, manufactured, mobile or modular homes that is scheduled to be delivered or installed within seventy two (72) hours (3 days) of the installation of home during regular business hours. The Installation Property Locator form is to enable the Factory Built Home Division to conduct random inspections as required according to the Division. The report must include:~~

- ~~1.—The retailer/developer’s name, license number, address, telephone number, and fax number;~~
- ~~2.—The installer/transporter’s name, address, telephone number, and fax number;~~
- ~~3.—The homeowner’s name, address, telephone number, county where home is located, date and time of installation;~~
- ~~4.—The serial number of home, size of home, HUD number, Wind Zone, year/make/model of home, new or used, and the manufacturer of the home;~~

5. ~~Directions to the home; and,~~

6. ~~A map showing directions to the home site from a known starting point.~~

~~Nothing contained herein shall restrict or limit the customer's option of independently contracting with a properly licensed transporter or installer for set up and installation rather than purchasing transportation and installation services from the retailer or developer.~~

S. ~~It shall be the responsibility of each installer/transporter that transports or installs a home to submit a report to the Factory Built Home Division of the State Fire Marshal's Office for all factory built, manufactured, mobile or modular homes delivered or installed within seventy two (72) hours of installation. **This report is required for new and used homes that are transported or installed by an installer/transporter for someone other than a licensed retailer or developer.** The report must include:~~

1. ~~The retailer/developer's name, license number, address, telephone number, and fax number;~~

2. ~~The installer/transporter's name, address, telephone number, and fax number;~~

3. ~~The homeowner's name, address, telephone number, county where home is located, date and time of installation;~~

4. ~~The serial number of home, size of home, HUD number, Wind Zone, year/make/model of home, new or used, and the manufacturer of the home;~~

5. ~~Directions to the home; and~~

6. ~~A map showing directions to the home site from a known starting point.~~

~~The State Fire Marshal's Office will devise an acceptable form for reporting purposes for designated licensees as mentioned above. The report shall be submitted to the State Fire Marshal's Office by fax or mail within seventy two (72) hours of delivery.~~

T. ~~All installers shall comply with the Mississippi Manufactured Home Installation Program as set forth in Mississippi Department of Insurance Regulation MH-2009-1, as same may be revised or amended.~~

~~Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)~~

**Rule 5.02.2; Factory-Built Home Installation Inspection Program**

This section of the regulation describes the standards and requirements for an installation inspection program for **all** Factory-Built homes sited within the State of Mississippi. Said program shall be called the Mississippi Factory-Built Home Installation Inspection Program (hereinafter “MS Inspection Program”).

Source: Miss. Code Ann. § 75-49-11 (Supp. 2013)

**Rule 5.02.2-1: Purpose**

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; 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 Factory-Built homes from and after July 1, 2009.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.02.2-2: Scope**

The inspection program shall apply to **all Factory-Built homes** sited within the State of Mississippi installed on or after July 1, 2009.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.02.2-3: Mississippi Factory-Built Home Installation Program Standards**

The Mississippi Factory-Built 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 Regulation MH-5, as amended.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.02.2-4: Installation Inspection Requirements**

- A. Beginning July 1, 2009, every Factory-Built 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 Factory-Built home meets the MS Installation Standards.

- B. Furthermore, each retailer/developer and/or installer/transporter shall certify, by submitting a Certificate of Inspection Form to the State Fire Marshal's Office indicating that they have installed said Factory-Built home has been installed in accordance with the requirements set forth by the MS Installation Standards and this Regulation.

Source: Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013)

**Rule 5.02.2: License Exceptions**

Pursuant to Miss. Code Ann. §75-49-5, the following entities or individuals are not required to have a privilege license:

- A. ~~An individual installing the manufactured home is the owner thereof, or the manufactured home is owned by a member of the individual's family, and the home is not intended for sale, exchange, lease or rent;~~
- B. ~~An individual performing maintenance, repairs, or corrections to an installation for the purpose of customer service on behalf of manufacturers, retailers or developers;~~
- C. ~~A transporter that conducts interstate transport through the State of Mississippi for manufacturers, retailers or developers and does not install at home sites intended for human habitation.~~

Source: Miss. Code Ann. §75-49-5 (Rev. 2009)

**Rule 5.02.3: Installation Inspection Procedure**

**Rule 5.02.3-1: Scheduling of the Inspection**

- A. For all new or used residential Factory-built homes involving a retailer, the retailer is required within three (3) business days of the completion of the installation, minus skirting, to submit by e-mail, facsimile, or priority mail, a properly completed and signed Retailer/Developer Certificate of Inspection, Installer Certificate of Inspection, and Property Locator /Inspection Report Form to the Factory-Built Home Division of the State Fire Marshal's Office. This will provide information on the exact location where the home has been installed.
- B. For secondary siting not involving a retailer, the installer/transporter is required to submit within three (3) business days of the completion of the installation, minus skirting, by e-mail, facsimile, or priority mail, all the proper pages of a properly completed and signed Installer Certificate of Inspection and the Property Locator /Inspection Form to the Factory-Built Home Division of the State Fire Marshal's Office, for **all** Factory-Built

homes. This will provide information on the exact location of the home and when the home has been installed.

Source: Miss. Code Ann. §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2013)

**Rule 5.02.3-2: Inspection Fees**

The State Fire Marshal shall have set a reasonable standard fee, which shall not be more than an amount allowed by HUD, for said inspection. The fee shall be paid by the installer/transporter, developer, or retailer. The State Fire Marshal will not charge the fee to the purchaser of the Factory-Built home. Inspection fee invoices shall be sent to the installer/transporter upon receipt of the Installer Certificate of Inspection Form. The payment for the inspection fees, including the remittance portion of the invoices, shall be promptly returned to the State Fire Marshal's Office. Failure to submit payment of the inspection fee invoices within 45 days from the date on the invoice shall be considered a violation of this regulation.

Source: Miss. Code Ann. §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2013)

**Rule 5.02.3-3: Contract rights not affected**

Failure to arrange for an inspection of a home within three (3) business days of the completed installation will not affect the validity or enforceability of any sale or contract for the sale of any Factory-Built home.

Source: Miss. Code Ann. §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2013)

**Rule 5.02.3-4: State and Local Permits**

All necessary permit requirements under state law shall be obtained prior to installation.

Source: Miss. Code Ann. §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2013)

**Rule 5.02.3-5: Inspection Checklist**

The installation of every Factory-Built home shall be inspected for each of the installation elements included in the checklist portion of the Property Locator/Inspection Report of the Installer Certificate of Inspection Form. The checklist must include assurance that all of the inspection elements complies with the MS Installation Standards. All deviations from the items listed on the checklist must be noted in the comment section of the checklist to alert the inspector of the existing condition.

Source: Miss. Code Ann. §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2013)

**Rule 5.02.3: Manufactures**

- ~~A. All manufacturer applicants shall certify in the application that they will fully comply with 24 CFR 3280 and CFR 3282 of the National Manufactured Home Construction Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000, as same may be revised or amended; and as set forth pursuant to Miss. Code Ann. §§ 75-49-5 and 75-49-11, as amended.~~
- ~~B. All manufacturers of modular homes shall certify in the application that they will fully comply with the Regulation Number ME-2 for the Uniform Standards Code for the Factory-Built Homes Law as Related to Modular Homes.~~

Source: Miss. Code Ann. §75-49-5; §75-49-11 (Rev. 2009)

#### **Rule 5.02.4: Certification of Installation**

##### **Rule 5.02.4-1: Certificate of Inspection**

When the installation work is complete, the retailer and/or installer/transporter shall certify by signature at the bottom of the Retailer/Developer and/or the Installer/Transporter Certificate of Inspection, devised for reprint purposes, that:

The Factory-Built home has been installed in accordance with:

1. 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,
2. 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 in MH-5, as amended.
3. 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.
4. If a Factory-Built home is classified as “used” and the manufacturer instructions cannot be located, the installer/transporter shall comply with the provisions of this regulation, as amended, in installing the Factory-Built home.
5. Upon completion of the inspection, where the inspector has verified the installation as proper and has passed the home, a signed Certificate of Inspection will be sent to the homeowner and to the installer/transporter and to the retailer

when applicable. This certificate is verification that the installation of the home has passed a final inspection.

Source: Miss. Code Ann. §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013)

**Rule 5.02.4-2: Procedures for Re-inspection Upon Failure to Pass**

- A. If the inspector cannot verify the proper installation of the Factory-Built home, the inspector must immediately notify the company submitting the Certificate of Installation of any failures to comply with the installation standards and provide a written explanation (letter and affidavit) with the reasons why the inspector cannot approve the installation. If the installation is a secondary move the installer/transporter will receive the letter and affidavit. The responsible person shall have twenty (20) calendar days to correct the defects found during the inspection and return the signed and notarized affidavit to the State Fire Marshal's Office indicating that all the listed defects have been corrected. After the installation is corrected and the notarized affidavit has been returned, the installation may be re-inspected by an inspector before verification can be issued. Submission of a signed and notarized affidavit by a manufacturer, developer, retailer or installer/transporter that are not factually correct are considered to be a violation of Miss. Code Ann. § 97-7-10.
- B. If the manufacturer, developer or retailer retains the installer/transporter, they are jointly and severally responsible with the installer/transporter for correcting installation defects.

Source: Miss. Code Ann. §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013)

**Rule 5.02.4-3: Cost of Re-inspection.**

A failed installation will require a re-inspection following the correction of the identified defects and may be assessed a re-inspection fee. The cost of that re-inspection will be paid by the installer/transporter or, if the installer/transporter was retained by the manufacturer, developer or retailer, by that individual or entity and, absent a written agreement with the purchaser that specifically states otherwise, that cost cannot be charged to the purchaser of the Factory-Built home. The re-inspection fee shall be reasonable and shall not exceed the cost of the original inspection fee.

Source: Miss. Code Ann. §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013)

**Rule 5.02.4-4: Scheduling of Re-inspection.**

Within three (3) business days following completion of all work to correct the installation deficiencies, the installer/transporter must contact the Fire Marshal's Office to arrange for the re-

inspection of the home installation site. Such inspection shall be performed as soon as practicable by an inspector.

Source: Miss. Code Ann. §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013)

**Rule 5.02.4-5: Inspection Decal**

- A. Upon passing of final inspection, the inspector shall permanently attach a color-coded serial numbered inspection decal near the HUD label on new or used Factory-Built homes built after June 1976, and opposite the hitch-end of Factory-Built homes built prior to or on June 1976, an inspection decal to each Factory-Built home accepted as proof that the Factory-Built home installation meets the MS Installation Standards as set forth in this regulation.
- B. The State Fire Marshal's Office will supply inspection decals to each inspector. Each decal will have the installer/transporter's name, date of installation and license number, and will bear the following statement:

<p style="text-align: center;"><b>THIS MANUFACTURED, 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 INSPECTION 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)</b></p>
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Source: Miss. Code Ann. §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013)

**Rule 5.02.4-6: 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. 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 Factory-Built home:

1. A professional engineer;
  2. A registered architect;
  3. A HUD-accepted Production Inspection Primary Inspection Agency (IPIA) or a Design Approval Primary Inspection Agency (DAPIA);
  4. An International Code Council certified inspector; or
  5. Any person or entity who has three (3) years or more experience in inspecting homes or experience in the Factory-Built housing industry provided the Commissioner finds to his satisfaction that said person or entity is qualified and competent to fulfill the responsibilities of an inspector.
- B. The inspector must be independent of the manufacturer, the retailer, the installer/transporter, 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. The Commissioner may, in writing, suspend or revoke an inspector's authority to inspect Factory-Built 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 Factory-Built homes are not unduly disrupted.

Source: Miss. Code Ann. §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013)

**Rule 5.02.4-7: Verification of Installer/transporter License**

If the retailer/developer or manufacturer agrees to provide any transportation and/or set up in connection with the sale of a Factory-Built home, the retailer/developer or manufacturer must verify with the Mississippi State Fire Marshal's Office that the installer/transporter is licensed pursuant to Miss. Code Ann. § 75-49-9.

Source: Miss. Code Ann. §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013)

**Rule 5.02.4-8: Site Preparation by Homeowner**

The manufacturer, retailer or installer/transporter may agree in writing to allow the consumer to conduct the site preparation for the Factory-Built home installation. However, before the installer/transporter may begin installation of the Factory-Built home, the site preparation must meet the requirements set forth in MH-5, as amended. If there is conflict between the installer/transporter and the consumer regarding the site preparation, the State Fire Marshal's Office may be required to mediate. Any fee charged by the State Fire Marshal's Office due to said mediation will be paid by the consumer.

Source: Miss. Code Ann. §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013)

**Rule 5.02.4-9: Waiver of Rights Invalid**

Any provision of a contract or agreement entered into by a Factory-Built home purchaser that seeks to waive any recourse under the MS Installation Program is void, except a waiver provision may be allowed for any agreement entered into pursuant to the provisions of Rule 5.02.4-9 of this Regulation.

Source: Miss. Code Ann. §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013)

**Rule 5.02.4-10: Violations and Penalties**

Failure of a retailer/developer or installer/transporter 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.

Source: Miss. Code Ann. §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013)

**Rule 5.02.4: Retailers**

~~In order to protect the health, safety and welfare of the public of this state, each applicant for a retailer's license shall:~~

- ~~A. Demonstrate to the Commissioner that he has a good general working mechanical knowledge of factory built manufactured home construction and repair;~~
- ~~B. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which factory built homes are anchored and blocked in accordance with rules, regulations and procedures promulgated by the Commissioner;~~
- ~~C. Demonstrate to the Commissioner that he shall have or has adequate facilities for the repair and servicing of factory built homes and storage of parts and accessories and has at least one operable service truck. If, however, the retailer is contracting out all installation, repair and service, then he shall provide a duplicate of the executed contract to the Commissioner and said contract shall contain a clause stating that the Commissioner shall be notified thirty (30) days in advance of its cancellation.~~

~~D. Demonstrate to the Commissioner that he has adequate space to display his factory built homes at each sales lot and that he has or shall maintain a permanent sales office located at each of those sales lots with running water and sewer facilities for public comfort and convenience and to comply with the county health department regulations and other applicable safety standards for a permanent sales site in the county or municipality in which they are located. Nothing in this Regulation shall prohibit a licensed Mississippi permanent retailer sales center from conducting a temporary promotional activity to retail consumers at a location other than its licensed permanent retailer location center if:~~

- ~~1. The activity does not exceed seventeen (17) consecutive days in duration and is not repeated at that location within the next six (6) months;~~
- ~~2. The activity is within the county in which the retailer sales center has a permanent license or within fifty (50) miles radius of the location of the permanent licensed Mississippi sales center location, whichever is greater;~~
- ~~3. The temporary promotional site has:
  - ~~a. running water and sewer facilities for public comfort and convenience and to comply with the health and safety standards as well as other local ordinance requirements for a temporary sales site in the county or municipality in which the site is located;~~
  - ~~b. if running water and sewer facilities are not fully accessible to the public at the site during the operation of the promotional event, then other arrangements must be made to ensure compliance to Section D (3)(a);~~~~
- ~~4. The temporary promotional site has a sign at least four (4) feet by eight (8) feet in size with lettering at least twelve (12) inches high advising the public that this is a temporary location and designating the address of the permanent licensed sales center retailer location, with the sign to be prominently located on the temporary promotional site for viewing by the public. This sign cannot be placed on a public right of way, and it must be placed in the display area where the event is held;~~
- ~~5. There is adequate space to display the factory built homes at the temporary promotional site; and,~~
- ~~6. A license must be is granted by the Commissioner for each temporary promotional site where employees or agents of the retailer meet the public regardless of whether or not sales will be made on site;~~
- ~~7. The licensed Mississippi retailer shall provide a thirty (30) day advance notice to the Factory Built Home Division of the State Fire Marshal's Office for the purpose of license application, all counties or municipalities, permits and site~~

~~inspection. The license will only be good for the seventeen (17) day time frame requested.~~

~~8. The licensed Mississippi retailer shall submit its application for a license to the Factory Built Home Division of the State Fire Marshal's Office at least thirty (30) days prior to the proposed effective date of the temporary promotional event. The failure to submit the license application at least thirty (30) days in advance can serve as a basis for denial of a license. Any license issued will only be valid for the seventeen (17) day time frame or any shorter period of time requested. Any license issued will only be effective for that period of time [actual days] in which sales are actively solicited or the period of time in which the homes are promoted by the retailer.~~

~~E. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended, and as amended by the Manufactured Housing Improvement Act of 2000, and the rules and regulations promulgated by the Department of Insurance for the State of Mississippi and by the Department of Housing and Urban Development as they pertain to the responsibilities of a retailer to properly safeguard the public interest in that no retailer or developer shall make use of transportation affecting interstate or foreign commerce or the mails to sell, lease, or offer for sale or lease in the State of Mississippi any factory built home unless the developer or retailer, acting as a reasonable developer or retailer, does not know that the factory built home does not conform to applicable standards. This prohibition of sale applies to any affected manufactured homes until the completion of the entire sales transaction. A sales transaction with a purchaser is considered completed when all the goods and service that the retailer has agreed to provide at the time the contract was entered into have been provided. Completion of a retail sale will be at the time the retailer completes setup of the factory built home if the retailer has agreed to provide setup, if the retailer has not agreed to transport or setup the factory built home, this prohibition of sale does not apply; and ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training and thereafter, attend eight (8) hours training every three (3) years to be approved and/or provided by the Factory Built Home Division. (Display current training certificates of all sales staff at the retailer's current business location.) The employer of sales staff is responsible for submitting in writing to the Factory Built Home Division a list of all sales staff and their date of employment.~~

~~With annual renewal applications, all copies of approved certificates of training shall be submitted by the retailer for their sales staff to the Factory Built Home Division and affirmation in writing, as required by the Division, as having three (3) factory built homes on retail lot.~~

~~With annual renewal applications, it shall be the responsibility of each retailer to request in writing the number of truck decals needed for their transporter (toter) vehicles. A decal~~

~~\_\_\_\_\_ is to be placed on the driver and passengers doors of each transporter vehicle. Escort  
\_\_\_\_\_ vehicles are not required to have decals.~~

~~F. To ensure compliance with Miss. Code Ann. § 75-4-9(2), it shall be the responsibility of each retailer to submit an Installation Property Locator form to the Factory Built Home Division of the State Fire Marshal's Office for all factory built, manufactured, mobile or modular homes that is scheduled to be delivered or installed within seventy-two (72) hours of installation. The Installation Property Locator form is to enable the Factory Built Home Division to conduct inspections as required according to the Division. The form must include:~~

- ~~1. The retailer/developer's name, license number, address, telephone number, and fax number;~~
- ~~2. The installer/transporter's name, address, telephone number, and fax number;~~
- ~~3. The homeowner's name, address, telephone number, county where home is located, date and time of installation;~~
- ~~4. The serial number of home, size of home, HUD number, Wind Zone, year/make/model of home, new or used, and the manufacturer of the home;~~
- ~~5. Directions to the home; and~~
- ~~6. A map showing directions to the home site from a known starting point.~~

~~The State Fire Marshal's Office will devise an acceptable form for reporting purposes for designated licensees as mentioned above. The report shall be submitted to the State Fire Marshal's Office by fax or mail within seventy-two (72) hours of delivery.~~

~~Source: Miss Code Ann. §75-49-1, et seq. (Rev. 2009)~~

#### **Rule 5.02.5: License Exceptions**

Pursuant to *Miss. Code Ann. §75-49-5*, the following entities or individuals are not required to have a privilege license:

- A. An individual relocating and installing a Factory-Built home only within the boundaries of their personal property (defined as "Self-Set"), is the owner thereof, or the Factory-Built home is owned by a member of the individual's family, and the home is not intended for sale, exchange, lease or rent. Further, the installation of the home must meet the requirements set forth in this Regulation pertaining to the proper anchoring and blocking of the Factory-Built home. Any transportation of the home by an unlicensed individual upon a public right of way from another property not directly adjoining the

destination property shall constitute a direct violation of this Regulation. The transportation of any Factory-Built home upon a public right of way shall require a licensed installer/transporter to provide this service.

- B. An individual performing maintenance, repairs, or corrections to an installation for the purpose of customer service on behalf of manufacturers, retailers or developers;
- C. An installer/transporter that conducts interstate transport through the State of \_\_\_\_\_ Mississippi for manufacturers, retailers or developers and does not install at home sites intended for human habitation.

Source: *Miss. Code Ann. §75-49-5 (Supp. 2013)*

**Rule 5.02.5: Developers**

- ~~A. In order to protect the health, safety and welfare of the public of this state, each applicant for a developer's license shall:~~
- ~~B. Demonstrate to the Commissioner that he has a good general working mechanical knowledge of factory built home construction and repair;~~
- ~~C. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which factory built homes are anchored and blocked in accordance with rules, regulations and procedures promulgated by the Commissioner;~~
- ~~D. Demonstrate to the Commissioner that he shall have or has adequate facilities for the repair and servicing of factory built homes and storage of parts and accessories and has at least one operable service truck. If, however, the developer is contracting out all installation, repair and service, then he shall provide a duplicate of the executed contract to the Commissioner and said contract shall contain a clause stating that the Commissioner shall be notified 30 days in advance of its cancellation.~~
- ~~E. Demonstrate to the Commissioner that he has an adequate space to display his factory built homes at each development site and that he has or shall maintain a permanent sales/business office within the State of Mississippi with running water and sewer facilities for public comfort and convenience and to comply with the county health department regulations and other applicable safety standards for a permanent structure in the county or municipality in which they are located.~~
- ~~F. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended, and as amended by the Manufactured Housing Improvement Act of 2000, and the rules and regulations promulgated by the Department of Housing and Urban Development as they pertain to the responsibilities of a developer to properly safeguard the public interest in that no~~

~~distributor, or developer shall make use of transportation affecting interstate or foreign commerce or the mails to sell, lease, or offer for sale or lease in the State of Mississippi any factory built home unless the distributor or retailer, acting as a reasonable distributor or developer, does not know that the factory built home does not conform to applicable standards. This prohibition of sale applies to any affected factory built homes until the completion of the entire sales transaction. A sales transaction with a purchaser is considered completed when all the goods and service that the developer has agreed to provide at the time the contract was entered into have been provided. Completion of a retail sale will be at the time the developer completes setup of the factory built home if the developer has agreed to provide setup, if the developer has not agreed to transport or setup the factory built home, this prohibition of sale does not apply; and ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training, and thereafter, attend eight (8) hours training every three (3) years to be approved and/or provided by the Factory Built Home Division. (Display current training certificates of all sales staff at the developer's current business location.)~~

- ~~1. With annual renewal applications, all copies of approved certificates of training shall be submitted by the developer for their sales staff to the Factory Built Home Division and affirmation in writing, as required by the Division, as having five (5) factory built home sites available.~~
- ~~2. With annual renewal applications, it shall be the responsibility of each developer to request in writing the number of truck decals needed for their transporter (toter) vehicles. A decal is to be placed on the driver and passengers doors of each transporter vehicle. Escort vehicles are not required to have decals.~~

~~G. To ensure compliance with *Miss. Code Ann.* § 75-49-9(2), it shall be the responsibility of each developer to submit an Installation Property Locator form to the Factory Built Home Division of the State Fire Marshal's Office for all factory built, manufactured, mobile or modular homes that is scheduled to be delivered or installed within seventy-two (72) hours of installation. The Installation Property Locator form is to enable the Factory Built Home Division to conduct random inspections as required according to the Division. The form must include:~~

- ~~1. The retailer/developer's name, license number, address, telephone number, and fax number;~~
- ~~2. The installer/transporter's name, address, telephone number, and fax number;~~
- ~~3. The homeowner's name, address, telephone number, county where home is located, date and time of installation;~~
- ~~4. The serial number of home, size of home, HUD number, Wind Zone, year/make/model of home, new or used, and the manufacturer of the home;~~

~~5.—Directions to the home; and~~

~~6.—A map showing directions to the home site from a known starting point.~~

~~The State Fire Marshal's Office will devise an acceptable form for reporting purposes for designated licensees as mentioned above. The report shall be submitted to the State Fire Marshal's Office by fax or mail within seventy two (72) hours of delivery.~~

~~Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)~~

**Rule 5.02.6: Manufacturer Qualifications for License**

- A. All manufacturer applicants shall certify in the application that they will fully comply with 24 CFR 3280 and CFR 3282 of the National Manufactured Home Construction Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000, set forth pursuant to *Miss. Code Ann. § 75-49-5 and 75-49-11.*
- B. All manufacturers of modular homes shall certify in the application that they will fully comply with the Regulation Number ME-2 for the Uniform Standards Code for the Factory-Built Homes Law as Related to Modular Homes.

~~Source: Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)~~

**Rule 5.02.6: Independent Contractor Installer or Transporter**

~~In order to protect the Health, Safety and Welfare of the public of this State, each applicant for an independent contractor installer or transporter license shall:~~

- ~~A. Demonstrate to the Commissioner that he has a good general working mechanical knowledge of factory built home construction and repair;~~
- ~~B. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which factory built homes are anchored and blocked, in accordance with rules, regulations and procedures promulgated by the Commissioner and the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended and the Manufactured Housing Improvement Act of 2000;~~
- ~~C. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended, and the Manufactured Housing Improvement Act of 2000, and the rules and regulations promulgated by the Department of Housing and Urban Development as they pertain to the responsibilities of installers or transporters to properly safeguard the public interest;~~

- ~~D. Demonstrate to the Commissioner that he is in full compliance with the Mississippi Department of Transportation (MDOT) and any local requirements pertaining to the transportation of factory built homes;~~
- ~~E. Demonstrate to the Commissioner that he has submitted a copy of his approved eight (8)-hour installation and set up training certificate to the Factory Built Home Division pursuant to the Manufactured Housing Improvement Act of 2000.~~
- ~~F. Demonstrate to the Commissioner that he has passed a written examination (passing score of 70 or above) provided by the Commissioner or by a testing service acting on behalf of the Commissioner to establish an applicant's knowledge related to the rules and regulations and administration relative to factory built homes in the State of Mississippi and questions specifically related to the practical installation (anchoring, blocking, and tie down) of factory built homes in this state.~~
- ~~G. Demonstrate to the Commissioner that he and all employees engaged in installation/set up will attend eight (8) hours of training per licensing year (July 1 to June 30) as provided by, approved by, or recommended by the Factory Built Home Division of the State Fire Marshal's Office. The Commissioner of Insurance or the State Chief Deputy Fire Marshal may at his discretion consent to reciprocity for training of licensees with other states that has established training programs that meet or exceed the National Manufactured Home Construction and Safety Standards Act or State of Mississippi requirements of this chapter.~~
- ~~H. Installer/transporters who conduct secondary moves of factory built homes shall have a written contract with the consumer and the installer/transporter will maintain a copy of the said contract on file for a period of not less than twelve (12) months. These copies shall be available for random inspections by the Factory Built Home Division pursuant to Miss. Code Ann. § 75-49-5.~~
- ~~I. All installer/transporters who install new or used factory built homes or modular homes shall be required to display a license decal on the driver's and passenger's doors of all trucks (toters). The original decals will be issued by the State Fire Marshal's Office/Factory Built Home Division, based upon the number requested by the licensee at time of renewal. Any additional decals required by the licensee will have to be purchased from the Division at the cost of production of the decals. These decals shall denote the current date of the licensing period. A decal must be placed on the driver's door and the passenger's door of the vehicle in plain view to verify current license.~~
- ~~J. All independent contract installers retained by homeowners, retailers, developers or manufacturers shall be subject to the fines as set forth in this chapter for the improper installation of mobile, factory built or modular homes, upon the receipt of verifiable information from any source~~

~~K. To ensure compliance with *Miss. Code Ann.* §75-4-9(2), it shall be the responsibility of each installer/transporter to submit an Installation Property Locator form to the Factory-Built Home Division of the State Fire Marshal's Office for all factory built, manufactured, mobile or modular homes that is scheduled to be delivered or installed within seventy two (72) hours of installation. The Installation Property Locator form is to enable the Factory-Built Home Division to conduct random inspections as required according to the Division. The report must include:~~

- ~~1. The retailer/developer's name, license number, address, telephone number, and fax number;~~
- ~~2. The installer/transporter's name, address, telephone number, and fax number;~~
- ~~3. The homeowner's name, address, telephone number, county where home is located, date and time of installation;~~
- ~~4. The serial number of home, size of home, HUD number, Wind Zone, year/make/model of home, new or used, and the manufacturer of the home;~~
- ~~5. Directions to the home; and~~
- ~~6. A map showing directions to the home site from a known starting point.~~

~~— The State Fire Marshal's Office will devise an acceptable form for reporting purposes for designated licensees as mentioned above. The report shall be submitted to the State Fire Marshal's Office by fax or mail within seventy two (72) hours of delivery.~~

~~L. With annual renewal application, copies of approved certificates of training and contracts shall be submitted by the installer/transporter to the Factory-Built Home Division. It shall be the responsibility of each installer/transporter to request in writing the number of truck decals needed for their transporter vehicles (toters). A decal is to be placed on the driver and passenger doors of each transporter vehicle. Escort vehicles are not required to have decals.~~

Source: *Miss. Code Ann.* §75-49-1, et seq. (Supp. 2013)

**Rule 5.02.7: Retailer Qualifications for License**

- A. In order to protect the health, safety and welfare of the public of this state, each applicant for a retailer's license shall:
1. Demonstrate to the Commissioner that he has a good general working mechanical knowledge of Factory-Built home construction and repair;

2. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which Factory-Built homes are anchored and blocked in accordance with rules, regulations and procedures promulgated by the Commissioner;
3. Demonstrate to the Commissioner that he shall have or has adequate facilities for the installation, repair and servicing of Factory-Built homes and storage of parts and accessories and has at least one operable service truck. If, however, the retailer is contracting out all installation, repair and service, then he shall provide a duplicate of the executed contract to the Commissioner and said contract shall contain a clause stating that the Commissioner shall be notified (30) days in advance of its cancellation.
4. Demonstrate to the Commissioner that he has adequate space to display his Factory-Built homes at each sales lot and that he has or shall maintain a permanent sales office located at each of those sales lots with running water and sewer facilities for public comfort and convenience and to comply with the county health department regulations and other applicable safety standards for a permanent sales site in the county or municipality in which they are located. Prior to the issuance of the license, the physical location of the retail lot will be inspected by a representative of the Factory-Built Homes Division of the State Fire Marshal's Office to certify that the facilities meet the standards set forth by this Regulation.
5. Demonstrate to the Commissioner that he shall maintain full compliance with all bonding and insurance requirements for the entire licensure period.

Source: Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)

**Rule 5.02.7-1: Temporary Promotional Retail Sales Activity**

Nothing in this regulation shall prohibit a licensed Mississippi permanent retailer sales center from conducting a temporary promotional activity to retail consumers at a location other than its licensed permanent retailer location center so long as:

- A. The activity does not exceed seventeen (17) consecutive days in duration and is not repeated at that location within the next six (6) months;
- B. The activity is within the county in which the retailer sales center has a permanent license or within fifty (50) miles radius of the location of the permanent licensed Mississippi sales center location, whichever is greater;
- C. The temporary promotional site has:

1. Running water and sewer facilities for public comfort and convenience and to comply with the health and safety standards as well as other local ordinance requirements for a temporary sales site in the county or municipality in which the site is located;
2. If running water and sewer facilities are not fully accessible to the public at the site during the operation of the promotional event, then other arrangements must be made to ensure compliance with Rule 5.02.7-1(C)(1);
3. The temporary promotional site has a sign at least four (4) feet by eight (8) feet in size with lettering at least twelve (12) inches high advising the public that this is a temporary location and designating the address of the permanent licensed sales center retailer location, with the sign to be prominently located on the temporary promotional site for viewing by the public. This sign cannot be placed on a public right-of-way, and it must be placed in the display area where the event is held;
4. There is adequate space to display the Factory-Built homes at the temporary promotional site, and;
5. license must be granted by the Commissioner for each temporary promotional site where employees or agents of the retailer meet the public regardless of whether or not sales will be made on site;
6. The licensed Mississippi retailer shall provide a thirty (30) day advance notice to the Factory-Built Home Division of the State Fire Marshal's Office for the purpose of license application, all counties or municipalities, permits and site inspection. The license will only be good for the seventeen (17) day time-frame requested.
7. The licensed Mississippi retailer shall submit its application for a license to the Factory-Built Home Division of the State Fire Marshal's Office at least thirty (30) days prior to the proposed effective date of the temporary promotional event. The failure to submit the license application at least thirty (30) days in advance can serve as a basis for denial of a license. Any license issued will only be valid for the seventeen (17) day time-frame or any shorter period of time requested. Any license issued will only be effective for that period of time [actual days] in which sales are actively solicited or the period of time in which the homes are promoted by the retailer.

Source: Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)

**Rule 5.02.7-2: Safeguarding the Public Interest**

A retailer or developer may be required to demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the National Manufactured

Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended, and as amended by the Manufactured Housing Improvement Act of 2000 and the rules and regulations promulgated by the Department of Insurance for the State of Mississippi and by the Department of Housing and Urban Development as they pertain to the responsibilities of a retailer to properly safeguard the public interest. No retailer or developer shall make use of transportation affecting interstate or foreign commerce or the mails to sell, lease, or offer for sale or lease in the State of Mississippi any Factory-Built home not in conformity with the aforesaid standards unless the developer or retailer, acting as a reasonable developer or retailer, does not know that the Factory-Built home does not conform to applicable standards. This prohibition of sale applies to any affected Factory-Built homes until the completion of the entire sales transaction. **A sales transaction with a purchaser is considered completed when all the goods and services, that the retailer has agreed to provide at the time the contract was entered into, have been provided.** Completion of a retail sale will be at the time the retailer completes setup of the Factory-Built home if the retailer has agreed to provide setup. If the retailer has not agreed to transport or setup the Factory-Built home, this prohibition of sale does not apply.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013)

#### **Rule 5.02.7-3: Training Requirements**

- A. The retailer shall ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training and thereafter, attend eight (8) hours training every three (3) years to be approved and/or provided by the Factory-Built Home Division. (Display current training certificates of all sales staff at the retailer's current business location.) The employer of sales staff is responsible for submitting in writing to the Factory-Built Home Division a list of all sales staff and their date of employment, which is due at the time of license renewal.
- B. A retailer that employs their own installation staff shall ensure that within six (6) months of employment all the installation staff will attend an introductory eight (8) hour training seminar and thereafter, attend eight (8) hours training each year provided by the Factory-Built Home Division. The employer of the installation staff is responsible for submitting in writing to the Factory-Built Home Division a list of all the installation staff and their date of employment.
- C. With the submittal of the annual renewal application, all copies of approved certificates of training shall be submitted by the retailer license holder for themselves, their sales staff and installation staff to the Factory-Built Home Division and affirmation in writing, as required by the Division, as having three (3) Factory-Built homes on retail lot.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013)

#### **Rule 5.02.7-4: Vehicle Decals**

With the submittal of the annual renewal application, it shall be the responsibility of each licensed retailer to request in writing the number of truck decals needed for their transporter (toter) vehicles. A decal is to be placed on the driver and passengers doors of each transporter vehicle. Escort vehicles are not required to have decals.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013)

**Rule 5.02.7-5: Retail Lot Display and Temporary Storage**

- A. All Factory-Built homes displayed or stored on a retail lot for periods longer than 30 days shall be stabilized as described below and to such a degree as to not allow damage to occur while the home is present on the lot.
- B. All new Factory-Built homes at the retail location shall be temporarily blocked as required in the “Display and Storage Instructions of the Home” section of the manufacturer’s installation manual.
- C. For all used single section Factory-Built homes at a retail location, piers shall consist of a minimum of three (3) piers and are to be located under each I-beam, one at each end of the home and one in front of each axle area. The piers shall be located no further than 2 feet from each end and approximately at the center of the home.
- D. For all used multi-section Factory-Built homes at a retail location, any opening within the marriage wall greater than 48 inches shall have a pier installed at each side of the opening.
- E. Any exterior door opening, regardless of the width of the home, shall have a pier at each side of the opening. All patio doors and windows greater than 48 inches shall have a pier installed at each side of the opening.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2013)

**Rule 5.02.7-6: Inspection of Retail Lot Units and Records**

- A. Upon request of the State Fire Marshal Deputy, while conducting a regularly scheduled lot inspection, all licensed retail lot owners shall be required to provide documentation or records for each of the new and used homes present. The documentation for each home shall include the identifying numbers (HUD numbers and Serial Numbers) and a delivery invoice indicating the date that the home was delivered to the retail lot location.
- B. All homes on the retail lot that have been on display and/or stored for longer than 30 days and that have been found not to be properly stabilized as described above shall be marked with a “Non-Compliance” tag. The tag will remain attached to the unit until such time as it has been properly stabilized. If the home is a new home, a damage assessment shall be conducted by the manufacturer of the home and a letter on the findings shall be filed

with the retailer's files on the home and with the State Fire Marshal's Office. The "Non-Compliance" tag may only be removed by the State Fire Marshal's Office at such time of notification that the home has been properly stabilized and that a damage assessment has been complete.

Source: *Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)*

**Rule 5.02.8: Developer Qualifications for License**

In order to protect the health, safety and welfare of the public of this state, each applicant for a developer's license shall:

- A. Demonstrate to the Commissioner that he has a good general working mechanical knowledge of Factory-Built home construction and repair;
- B. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which Factory-Built homes are anchored and blocked in accordance with rules, regulations and procedures promulgated by the Commissioner;
- C. Demonstrate to the Commissioner that he shall have or has adequate facilities for the repair and servicing of Factory-Built homes and storage of parts and accessories and has at least one operable service truck. If, however, the developer is contracting out all installation, repair and service, then he shall provide a duplicate of the executed contract to the Commissioner and said contract shall contain a clause stating that the Commissioner shall be notified thirty (30) days in advance of its cancellation.
- D. Demonstrate to the Commissioner that he has an adequate space to display his Factory-Built homes at each development site and that he has or shall maintain a permanent sales/business office within the State of Mississippi with running water and sewer facilities for public comfort and convenience and to comply with the county health department regulations and other applicable safety standards for a permanent structure in the county or municipality in which they are located. Prior to the issuance of the license the physical location of the developers retail office will be inspected by a representative of the Factory-Built Homes Division of the State Fire Marshal's Office to certify that the facilities are up to standards set forth by this regulation.
- E. Demonstrate to the Commissioner that he shall maintain full compliance with all bonding and insurance requirements for the entire licensure period.

Source: *Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)*

**Rule 5.02.8-1: Safeguarding the Public Interest**

A retailer or developer may be required to demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended, and as amended by the Manufactured Housing Improvement Act of 2000 and the rules and regulations promulgated by the Department of Insurance for the State of Mississippi and by the Department of Housing and Urban Development as they pertain to the responsibilities of a retailer to properly safeguard the public interest. No retailer or developer shall make use of transportation affecting interstate or foreign commerce or the mails to sell, lease, or offer for sale or lease in the State of Mississippi any Factory-Built home not in conformity with the aforesaid standards unless the developer or retailer, acting as a reasonable developer or retailer, does not know that the Factory-Built home does not conform to applicable standards. This prohibition of sale applies to any affected Factory-Built homes until the completion of the entire sales transaction. **A sales transaction with a purchaser is considered completed when all the goods and services, that the retailer has agreed to provide at the time the contract was entered into, have been provided.** Completion of a retail sale will be at the time the retailer completes setup of the Factory-Built home if the retailer has agreed to provide setup. If the retailer has not agreed to transport or setup the Factory-Built home, this prohibition of sale does not apply.

Source: Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)

#### **Rule 5.02.8-2: Training Requirements**

- A. The developer shall ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training, and thereafter, attend eight (8) hours training every three (3) years to be approved and/or provided by the Factory-Built Home Division. (Display current training certificates of all sales staff at the developer's current business location.) The employer is responsible for submitting in writing to the Factory-Built Home Division a list of all sales staff and their date of employment, which is due at the time of license renewal.
- B. A developer that employs their own installation staff shall ensure that within six (6) months of employment all the installation staff will attend an introductory eight (8) hour training seminar and thereafter, attend eight (8) hours training each year provided by the Factory-Built Home Division. The employer of the installation staff is responsible for submitting in writing to the Factory-Built Home Division a list of all the installation staff, copies of training certificates and their date of employment.
- C. With the submittal of the annual renewal application, all copies of approved certificates of training shall be submitted by the developer license holder, ~~for~~ their sales staff and their installation staff to the Factory-Built Home Division and affirmation in writing, as required by the Division, as having five (5) Factory-Built home sites available.

Source: Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)

**Rule 5.02.8-3: Vehicle Decals**

With annual renewal application, it shall be the responsibility of each developer to request in writing the number of truck decals needed for their transporter (toter) vehicles. A decal is to be placed on the driver and passengers doors of each transporter vehicle. Escort vehicles are not required to have decals.

Source: *Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)*

**Rule 5.02.9: Installer/transporter Qualification for License**

In order to protect the Health, Safety and Welfare of the public of this State, each applicant for an installer/transporter license shall:

- A. Demonstrate to the Commissioner that he has a good general working mechanical knowledge of Factory-Built home construction and repair;
- B. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which Factory-Built homes are anchored and blocked, in accordance with rules, regulations and procedures promulgated by the Commissioner and the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended and the Manufactured Housing Improvement Act of 2000.
- C. Demonstrate to the Commissioner that he shall maintain full compliance with all bonding and insurance requirements for the entire licensure period.

Source: *Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)*

**Rule 5.02.9-1: Safeguarding the Public Interest**

Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended, and the Manufactured Housing Improvement Act of 2000, and the rules and regulations promulgated by the Department of Housing and Urban Development as they pertain to the responsibilities of installer/transporters to properly safeguard the public interest.

Source: *Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)*

**Rule 5.02.9-2: State and Local Compliance Requirements**

Demonstrate to the Commissioner that he is in full compliance with the Mississippi Department of Transportation (MDOT) and any local requirements pertaining to the transportation of

Factory-Built homes:-

Source: *Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)*

**Rule 5.02.9-3: Training Requirements**

Demonstrate to the Commissioner that **the licensee and all employees** engaged in installation/set-up will attend eight (8) hours of training per licensing year (July 1 to June 30) as provided by, approved by, or recommended by the Factory-Built Home Division of the State Fire Marshal's Office. The Commissioner of Insurance or the State Chief Deputy Fire Marshal may at his discretion consent to reciprocity for training of licensees with other states that has established training programs that meet or exceed the National Manufactured Home Construction and Safety Standards Act or State of Mississippi requirements of this chapter. The licensee is responsible for submitting in writing to the Factory-Built Home Division a list of all employees, copies of training certificates and their date of employment, which is due at the time of license renewal.

- A. Demonstrate to the Commissioner that he has passed a written examination (passing score of 70 or above) provided by the Commissioner or by a testing service acting on behalf of the Commissioner to establish an applicant's knowledge related to the rules and regulations and administration relative to Factory-Built homes in the State of Mississippi and questions specifically related to the practical installation (anchoring, blocking, and tie-down) of Factory-Built homes in this state.
- B. Demonstrate to the Commissioner that he has obtained ~~submitted a copy of his approved~~ eight (8) hour installation and set up training certificate to the Factory-Built Home Division pursuant to the Manufactured Housing Improvement Act of 2000.
- C. All installer/transporters and employees who install new or used Factory-Built homes or modular homes shall be required to maintain a copy of their recent training certificate or a currently valid ID card in all trucks (toters) or on their person and be able to produce such document upon demand by a Deputy State Fire Marshal.
- D. All installer/transporters who install new or used Factory-Built homes or modular homes shall, at all times, be required to have a minimum of one employee on the installation crew who has completed the annual training requirement and that said person is in possession of a currently valid ID card.

Source: *Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)*

**Rule 5.02.9-4: Contract Requirement**

All installer/transporters who conducts secondary moves of Factory-Built homes **shall have a written contract with the consumer** and that the installer/transporter will maintain a copy of

the said contract on file for a period of not less than three (3) years ~~twelve (12) months~~ available for random inspections by the Factory-Built Home Division pursuant to Section 75-49-5, Code of Mississippi (1972);

Source: Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)

**Rule 5.02.9-5: Vehicle Decals**

All installer/transporters who install new or used Factory-Built homes or modular homes shall be required to display a current license period decal on ~~the driver's and passenger's doors of all trucks (toters). The original~~ current vehicle decals will be issued by the State Fire Marshal's Office/Factory-Built Home Division, based upon the number requested by the licensee at time of license renewal. The request must also include the vehicle VIN numbers and the vehicle license numbers for each of the transport trucks to which the decals will be attached. The color of the decals shall denote the current licensing period. A decal must be placed on the driver's door and the passenger's door of the vehicle in plain view to verify current license.

Source: Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)

**Rule 5.02.9-6: Monthly Installation Report**

All installer/transporters shall complete a monthly installation report on a form provided by the Factory-Built Home Division of the State Fire Marshal's Office and file it with the Fire Marshal's office no later than the tenth day of the month denoting the previous month's installations. This report shall include the name of the installer/transporter, the name and address of the owners of the home (and location of the home if different), and the name of the person or persons who hired the installer/transporter. Reports shall be submitted even when no homes were installed during the reporting period.

Source: Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)

**Rule 5.02.9-7: Recordkeeping**

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

- A. A record of the name and address of the purchaser or other person with whom the installer/transporter contracted for the installation work and the address of the home installed;
- B. A copy of the contract pursuant to which the installer/transporter performed the installation work for the homeowner;
- C. A copy of any notice or affidavit from an inspector disapproving the installation work;

- D. A copy of the installer/transporter's certification of installation in accordance with the MS Installation Standards as set forth in this Regulation, as amended; and,
- E. A copy of foundation designs used to install the Factory-Built 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.

Source: Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)

**Rule 5.02.9-8: Responsibility for Transportation Damage**

- A. The installer/transporter and/or business with which the installer/transporter is employed will be responsible for all safety related damages to the Factory-Built home while it is in the care, custody and/or control of said installer/transporter.
- B. Any Factory-Built home abandoned on a highway, parking lot or other location during a move shall be the sole responsibility of the installer/ transporter and/or the business with which the installer/transporter is employed.
- C. All installer/transporters retained by homeowners, retailer/developers or manufacturers shall be subject to the fines as set forth in this Regulation for the improper installation of Factory-Built homes.

Source: Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)

**Rule 5.02.9-9: Temporary Installer/Transporter License**

A temporary license may be issued to persons or companies who are non-residents of this State and who are otherwise licensed installer/transporters in other states. Such temporary license shall remain in force for a period not to exceed thirty (30) days, unless extended for an additional period of sixty (60) days by the Commissioner or until a contract to transport or install entered into during the period of the temporary license has been completed. Within five (5) days of any applicant delivery or beginning work as a installer/transporter under this section, the employer or person contracting with such person shall provide a copy of their installer/transporter license from out-of-state, proof of insurance and surety bond, a list of all employees of the company that will be operating under the temporary license and certify to the Commissioner such application without being deemed in violation of this act.

Source: Miss. Code Ann. §§ 75-49-5; 75-49-11 (Supp. 2013)

**Rule 5.03:** Inspection Procedures

**Rule 5.03.1:** Authorized Inspections of Manufacturing Plants, Retail Locations, and Installer/Transporter.

- A. Manufactured Home Plants located in the State of Mississippi, Manufactured Home Retail Sales Lots, Developers, and Installer/Transporters business locations and equipment shall be subject to inspection by the State Chief Deputy Fire Marshal, State Deputy Fire Marshals or Duly Authorized Representative as may be required to insure Compliance with Miss. Code Ann. § 75-49-11, as amended, all applicable federal statutes and regulations as well as this Regulation.
- B. A duly authorized representative of the Factory-Built Home Division of the State Fire Marshal's Office shall periodically inspect each manufacturing location to assist and insure that Factory-Built homes are being constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C.S. 5401 et seq.), the Manufactured Housing Improvement Act of 2000 as amended, as well as the governing federal regulations pertaining to Factory-Built housing construction.
- C. In the interest of public safety, deputy state fire marshals, who are certified law enforcement officers, are duly authorized to stop and conduct inspections of installer/transporters that are transporting Factory-Built homes to verify compliance with Miss. Code Ann. § 75-49-9, 75-49-19 and this Regulation.
- D. A duly authorized representative of the Factory-Built Home Division of the State Fire Marshal's Office shall periodically inspect each retailer and developer location to insure that Factory-Built homes offered for sale comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, as Amended, (42 U.S.C.S. 5401, et seq.), and the Manufactured Housing Improvement Act of 2000, pertinent federal regulations, as well as these rules and regulations.

Source: Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11(Supp. 2013)

**Rule 5.03:** Inspection Procedures

- ~~A. The Factory-Built Home Division of the State Fire Marshal's Office shall periodically inspect each manufacturing location to assist and insure that factory built homes are being constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C.S. 5401 et seq.), the Manufactured Housing Improvement Act of 2000 as amended, as well as the governing federal regulations pertaining to manufactured housing construction.~~

~~B. In the interest of public safety, deputy state fire marshals, who are certified law enforcement officers, are duly authorized to stop and conduct inspections of installer/transporters that are transporting factory built homes to verify compliance with Miss. Code Ann. §§ 75-49-9 and 75-49-19 and this Regulation.~~

~~C. The Factory Built Home Division of the State Fire Marshal's Office shall periodically inspect each retailer and developer location to insure that factory built homes offered for sale comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, as Amended, (42 U.S.C.S. 5401, et seq.), and the Manufactured Housing Improvement Act of 2000, pertinent federal regulations, as well as this Regulation.~~

~~D. Results of the inspection may be made available to manufacturers, retailers or developers upon request. When serious violations are found on HUD certified units, the Factory Built Home Division of the State Fire Marshal's Office shall immediately attach a non-compliance identification tag to the unit in question.~~

~~E. It shall be a violation of this Regulation for any factory built home to be sold or offered for sale which has a non-compliance identification tag attached. The wording on such tag shall be as follows:~~

~~—————"This unit, having been found to be in **NON-COMPLIANCE** with the Uniform Standards Code for Factory Built Homes Law and having been so identified, shall not be sold or offered for sale in the State of Mississippi. Anyone tampering with or removing this Identification Tag from this unit will be prosecuted as set forth in this Act, and shall be subject to revocation of his license."~~

~~F. A non-compliance identification tag attached to a unit may be removed only by the Factory Built Home Division of the State Fire Marshal's Office. Such tag shall be completed as required thereon.~~

~~G. When the State Fire Marshal has reasonable grounds to believe that a unit has been constructed in non-compliance with these standards; he may require, at the manufacturers' expense, that the walls, floors, decking or other panels be removed for the purpose of inspection.~~

~~H. Units having been identified as being in non-compliance with these Rules and Regulations and having a non-compliance tag attached may be transported and relocated only after notice has been given to the Factory Built Home Division of the State Fire Marshal's Office. Such notice will set forth the purpose for moving such unit, to whom the unit is to be delivered along with complete mailing address and telephone number, serial number, HUD label number and any other information as may be requested.~~

~~I. When such violation(s) have been corrected, the unit in question shall be re-inspected by the Factory Built Home Division of the State Fire Marshal's Office and if found in compliance with the National Manufactured Home Construction and Safety Standards~~

~~Act, the Manufactured Housing Improvement Act of 2000 and this Regulation, the inspector shall remove the non-compliance identification tag. The unit can then be sold or offered for sale.~~

- ~~J. All factory built homes, which include new or used manufactured homes, mobile or modular homes, delivered by retailers, developers or independent contractor installers or transporters to any site where such home is to be used for human habitation shall be anchored and blocked in accordance with Mississippi Manufactured Home Installation Program, as administered by the Factory Built Home Division of the State Fire Marshal's Office; this Regulation; and Miss. Code Ann. § 75-49-7.~~
- ~~K. The Factory Built Home Division of the State Fire Marshal's Office shall periodically inspect site locations where factory built homes, which include new and used manufactured homes and modular or mobile homes, have been delivered by retailers, developers or independent contractor installers or transporters when such home is to be used for human habitation to insure that the home is tied down, anchored and blocked in accordance with Mississippi Manufactured Home Installation Program, as administered by the Factory Built Home Division of the State Fire Marshal's Office; this Regulation; and Miss. Code Ann. § 75-49-7.~~
- ~~L. In cases of complaints of improper installation and set up of new or used manufactured, modular or mobile homes lodged against retailers, developers, or installers/transporters, the Factory Built Home Division of the State Fire Marshal's Office will conduct the necessary inspections and investigations of problems reported during the first twelve (12) months from the date the home is sited at the location intended for human habitation and the date on the installation decal affixed to the factory built home by the installer/transporter to be in full compliance with Miss. Code Ann. § 75-49-7(2).~~
- ~~M. Manufactured Home Plants located in the State of Mississippi, Manufactured Home Retail Sales Lots, developers, and Independent Contractor Installers or Transporters business locations and equipment shall be subject to inspection by the State Chief Deputy Fire Marshal, State Deputy Fire Marshals or Duly Authorized Representative as may be required to insure Compliance with Miss. Code Ann. § 75-49-11, as amended, all applicable federal statutes and regulations as well as this Regulation.~~
- ~~N. The Factory Built Home Division of the State Fire Marshal's Office when scheduling a site inspection regarding a consumer complaint the manufacturer, retailer, developer, and installer/transporter licensee shall be present for each such inspection. If the licensee is unable to attend the site inspection, his duly authorized representative shall be a person employed by the licensee with authority make decisions regarding corrective action and remedial plans if required.~~
- ~~O. When any provision of Miss. Code Ann. §§ 75-49-1 through 75-49-21, as amended, is violated, the State Chief Deputy Fire Marshal, State Deputy Fire Marshals or Duly~~

~~Authorized Representative shall file appropriate action as set forth in Miss. Code Ann. § 75-49-19. The penalties include:~~

- ~~1. Any person who knowingly and willfully violates any of the provisions of this chapter or any rules and regulations made hereunder shall be liable to the State of Mississippi for a civil penalty of not more than One Thousand Dollars (\$1,000.00) for each such violation. Each violation of a provision of this chapter or a rule or regulation made hereunder shall constitute a separate violation with respect to each factory built home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed one million dollars (1,000,000.00) for any related series of violations occurring within one (1) year from the date of the first violation.~~
- ~~2. An individual, or a director, officer or agent of a corporation, who knowingly and willfully violates any of the provisions of this chapter or any rules and regulations made hereunder in a manner which threatens the health and safety of any purchaser of a factory built home is 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.~~
- ~~3. This shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that such factory built home is not in conformity with applicable factory built construction and safety standards, or to any person who, before to such first purchase, holds a certificate issued by the manufacturer or importer of such factory built home to the effect that such factory built home conforms to all applicable factory built home construction and safety standards, unless such person knows that such factory built home does not so conform.~~
- ~~4. An individual, or director, officer or agent of a corporation, who knowingly and willfully fails to obtain the applicable license under this chapter and who is required to obtain such a license under this chapter, and who may knowingly and willfully violate any provisions of this chapter or any rules and regulations made hereafter with respect to the manufacture or, selling or distribution of, safe anchoring and blocking of a factory built home when intended to be used for human habitation is 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.~~

~~Whenever the State Chief Deputy Fire Marshal or State Deputy Fire Marshal has probable cause to believe that any person knowingly and willingly violates any of the provisions of this chapter or any rule or regulation made hereunder shall be liable to the State of Mississippi for a civil penalty of not more than \$1,000.00 for each such violation Miss. Code Ann. § 75-49-19(1)~~

~~Each violation of a provision of this chapter or a rule or regulation made hereunder shall constitute a separate violation with respect to each factory built home or with respect to each failure or refusal to allow or perform an act require thereby, except that the maximum civil penalty may not exceed one million dollars (\$1,000,000.00) for any related series of violations occurring within one year of the date of the first violation.~~

~~The schedule for civil penalties is listed below:~~

- ~~1. First Offense \$250.00 per violation;~~
- ~~2. Second Offense within twelve (12) months of the first offense \$500.00 per violation;~~
- ~~3. Third Offense within twelve (12) months of the first offense \$1000.00 per violation.~~
- ~~4. In lieu of the civil penalty and making the required corrections, the licensee has the option to request an administrative hearing.~~

~~P. An administrative review of all privilege licenses issued pursuant to *Miss. Code Ann.* § 75-49-9(7), shall be conducted upon receipt of any verifiable complaint(s) of any nature that exceed sixty (60) days in length without resolution, which may lead to a possible licensure hearing (hereafter known as the Dispute Resolution Program) pursuant to *Miss. Code Ann.* § 75-49-13, as amended. The sixty (60) day period shall not serve as a mandatory waiting period, and in the appropriate case the Commissioner may, at his discretion, schedule a licensure hearing prior to the expiration of sixty (60) days. The procedures set forth in *Miss. Code Ann.* § 75-49-13 for hearings and appeals shall govern the Dispute Resolution Program.~~

~~Q. The Dispute Resolution Program shall also address the following:~~

- ~~1. The timely resolution of disputes among manufacturers, retailers, or installers regarding responsibility for correction and repair of defects in manufactured homes;~~
- ~~2. The issuance of appropriate orders for correction and repair of defects in such homes; and,~~
- ~~3. Any dispute regarding defects in the manufactured home that are reported within one (1) year after the date of first installation.~~

~~R. Nothing in this Regulation shall prohibit informal disposition by settlement or consent order, i.e., an order based upon an agreement in writing, between the parties in lieu of an administrative hearing.~~

**Rule 5.03.2:** Inspection Findings of Non-Compliance.

- A. Results of the inspection may be made available to manufacturers, retailers or developers upon request. When serious violations are found on HUD certified units or with the temporary storage of the units, the Factory-Built Home Division of the State Fire Marshal's Office shall immediately attach a non-compliance identification tag to the unit in question.
- B. It shall be a violation of these Rules and Regulations for any Factory-Built home to be sold or offered for sale which has a non-compliance identification tag attached. The wording on such tag shall be as follows:
- "This unit, having been found to be in NON-COMPLIANCE with the Uniform Standards Code for Factory-Built Homes Law and having been so identified, shall not be sold or offered for sale in the State of Mississippi. Anyone tampering with or removing this Identification Tag from this unit will be prosecuted as set forth in this Act, and shall be subject to revocation of his license."
- C. A non-compliance identification tag attached to a unit may be removed only by the Factory-Built Home Division of the State Fire Marshal's Office. Such tag shall be completed as required thereon.
- D. When the State Fire Marshal has reasonable grounds to believe that a unit has been constructed in non-compliance with these standards, he may require, at the manufacturers expense that the walls, floors, decking or other panels be removed for the purpose of inspection.
- E. Units having been identified as being in non-compliance with these Rules and Regulations and having a non-compliance tag attached may be transported and relocated only after notice has been given to the Factory-Built Home Division of the State Fire Marshal's Office. Such notice will set forth the purpose for moving such unit, to whom the unit is to be delivered along with complete mailing address and telephone number, serial number, HUD label number and any other information as may be requested.
- F. When such violation(s) have been corrected, the unit in question shall be re inspected by the Factory-Built Home Division of the State Fire Marshal's Office and if found in compliance with the National Manufactured Home Construction and Safety Standards Act, the Manufactured Housing Improvement Act of 2000 and this Regulation, the inspector shall remove the non-compliance identification tag. The unit can then be sold or offered for sale.

Source: Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013)

**Rule 5.03.3: Requirements of Factory-Built Homes for Human Habitation.**

**Rule 5.03.3-1: Anchoring and Blocking**

All Factory-Built homes, which include new or used Factory-Built homes, delivered by retailers, developers or installer/transporters to any site where such home is to be used for human habitation shall be anchored and blocked in accordance with the Mississippi Factory-Built Home Installation Program as administered by the Factory-Built Home Division of the State Fire Marshal's Office, ; this Regulation and Miss. Code Ann. § 75-49-7.

Source: Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013)

**Rule 5.03.3-2: Installation Inspection**

A duly authorized representative of the Factory-Built Home Division of the State Fire Marshal's Office shall periodically inspect site locations where Factory-Built homes, which include new and used Factory-Built homes, have been delivered and installed by retailers, developers or installer/transporters when such home is to be used for human habitation to insure that the home is tied down, anchored and blocked in accordance with the Mississippi Factory-Built Home Installation Program as administered by the Factory-Built Home Division of the State Fire Marshal's Office, ; this Regulation and Miss. Code Ann. § 75-49-7.

Source: Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013)

**Rule 5.03.3-3: Skirting of Factory-Built Homes**

Factory-Built homes shall not be skirted until a duly authorized representative of the Factory-Built Home Division of the State Fire Marshal's Office has inspected the set-up. An inspection of the home is usually scheduled to occur within three (3) to five (5) business days following the receipt of the Certificate of Inspection Form from the retailer/developer and/or installer/transporter. If, at the time of the installation inspection, the skirting has already been installed, it will be necessary to reschedule the inspection until such time that the skirting can be removed for an unobstructed view of the underside of the home. The person(s) removing the skirting shall contact the State Fire Marshal's Office when the home is ready for the inspection to be conducted.

Source: Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013)

**Rule 5.03.3-4: Factory-Built Home Designated for Use Other Than Human Habitation.**

All Factory-built homes, originally built for human habitation, which an installer/transporter delivers to a home site, shall be required to be installed in compliance with the standards set

forth in this regulation, with the exception of any homes properly certified as “not to be used for human habitation.” Proper certification that a home will not be used for human habitation must be accomplished by the installer/transporter as follows:

- (1) The installer/transporter must obtain an Affidavit of Homeowner, signed and notarized, from the homeowner confirming that the Factory-Built home will not be used for human habitation. The affidavit must be on the form prescribed by the State Fire Marshal’s Office.
- (2) No later than 72 hours from the time the installation is completed, the installer/transporter must submit to the State Fire Marshal’s Office: (a) the completed Affidavit of Homeowner, (b) the Installer Certificate of Inspection form, and (c) the Property Locator/Inspection Report form.

Failure by the installer/transporter to comply with the certification requirements of this regulation shall create a presumption that the Factory-Built home is intended to be used for human habitation.

Source: Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013).

#### **Rule 5.03.4: Consumer Complaints**

- A. In cases of complaints of improper installation and set-up of new or used Factory-Built homes lodged against retailers, developers, or installers/transporters, the Factory-Built Home Division of the State Fire Marshal’s Office will conduct the necessary inspections and investigations of problems reported during the first twelve (12) months from the date the home is sited at the location intended for human habitation and the date on the installation decal affixed to the Factory-Built home by the inspector to be in full compliance with Miss. Code Ann. § 75-49-7(2).
- B. A duly authorized representative of the Factory-Built Home Division of the State Fire Marshal’s Office when scheduling a site inspection regarding a consumer complaint the manufacturer, retailer, developer, and installer/transporter licensee shall be present for each such inspection. If any manufacturer, retailer, developer, and installer/transporter licensee is unable to attend the site inspection, his duly authorized representative shall be a person employed by the licensee with authority to make decisions regarding corrective action and remedial plans if required.

Source: Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013)

#### **Rule 5.03.5: Violations and Penalties.**

When any provision of Miss. Code Ann. § 75-49-1 through 75-49-21, as amended, is violated, the State Chief Deputy Fire Marshal, State Deputy Fire Marshals or Duly Authorized

Representative may file appropriate action as set forth in *Miss. Code Ann.* § 75-49-19. The penalties include:

- A. Any person who knowingly and willfully violates any of the provisions of this chapter or any rules and regulations made hereunder shall be liable to the State of Mississippi for a civil penalty of not more than One Thousand Dollars (\$1,000.00) for each such violation. Each violation of a provision of this chapter or a rule or regulation made hereunder shall constitute a separate violation with respect to each Factory-Built home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed One Million Dollars (\$1,000,000.00) for any related series of violations occurring within one (1) year from the date of the first violation.
  
- B. An individual, or a director, officer or agent of a corporation, who knowingly and willfully violates any of the provisions of this chapter or any rules and regulations made hereunder in a manner which threatens the health and safety of any purchaser of a Factory-Built home is 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.
  
- C. This chapter shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that such Factory-Built home is not in conformity with applicable Manufactured construction and safety standards, or to any person who, before such first purchase, holds a certificate issued by the manufacturer or importer of such Factory-Built home to the effect that such Factory-Built home conforms to all applicable Manufactured home construction and safety standards, unless such person knows that such Factory-Built home does not so conform.
  
- D. An individual, or director, officer or agent of a corporation, who knowingly and willfully fails to obtain the applicable license under this chapter and who is required to obtain such a license under this chapter, and who may knowingly and willfully violate any provisions of this chapter or any rules and regulations made hereafter with respect to the manufacture, selling, distribution, or safe anchoring and blocking of a Factory-Built home when intended to be used for human habitation is 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.
  
- E. An administrative review of all privilege licenses issued pursuant to *Miss. Code Ann.* §75-49-9(7), shall be conducted upon receipt of any verifiable complaint(s) of any nature that exceeds sixty (60) days in length without resolution, which may lead to a possible licensure hearing (hereafter known as the Dispute Resolution Program) pursuant to *Miss. Code Ann.* § 75-49-13, as amended. The sixty (60) day period shall not serve as a mandatory waiting period, and in the appropriate case the Commissioner may, at his discretion, schedule a licensure hearing prior to the expiration of sixty (60)

days. The procedures set forth in *Miss. Code Ann.* § 75-49-13 for hearings and appeals shall govern the Dispute Resolution Program.

F. The Dispute Resolution Program shall also address the following:

1. The timely resolution of disputes among manufacturers, retailers, or installers regarding responsibility for correction and repair of defects in Factory-Built homes;
2. The issuance of appropriate orders for correction and repair of defects in such homes, and;
3. Any dispute regarding defects in the Factory-Built home that are reported within one (1) year after the date of first installation.

G. Nothing in this Regulation shall prohibit informal disposition by settlement or consent order, i.e., an order based upon an agreement in writing between the parties in lieu of an administrative hearing.

H. If the administrative hearing order calls for the revocation, suspension, and/or voluntary surrender of a privilege license for any manufacturer, retailer/developer, or installer/transporter, a mandatory two (2) year waiting period will be imposed before any application for re-licensure may be submitted for review. In addition, all monetary obligations (outstanding invoices and fines) to the State, at the time of the loss of the privilege license, must be paid prior to the submittal of the license application. A formal administrative hearing may be held with the license applicant to review the status of all monetary obligations. If the license is to be issued to the applicant, all the requirements in Rule 5.02.9-2, Rule 5.02.9-3, and Rule 5.02.9-8 shall apply.

Source: *Miss. Code Ann.* § 75-49-1, et seq.; §§ 75-49-11, 75-49-13, 75-49-19 (Supp. 2013).

#### **Rule 5.04: Minimum Standards for Blocking, Anchors, And Tie Downs**

##### **Rule 5.04.1 Standards for “Coded” Areas.**

Any local government (county or municipality) which has adopted the latest edition and Appendices of the International Building Code published by the International Code Council (ICC) or the International Residential Code for One and Two-Family Dwellings as published by the ICC or the board of supervisors of any county who has adopted *Miss. Code Ann.* § 75-49-21, will be regarded by the Factory-Built Home Division of the State Fire Marshal's Office as being in full compliance with these Rules and Regulations of the "Uniform Standards Code for Factory-Built Homes Law" and as such will assume responsibility as LAHJ for local code enforcement for the installation, blocking, anchoring and tie-downs, and inspection procedures to

ensure compliance with the National Manufactured Home Construction and Safety Standards Act, of Factory-Built homes, which are defined as Factory-Built homes within their respected jurisdictions. Additionally, homes that are installed and set-up in accordance with federal guidelines required to meet the financing criteria of a federal agency are regarded by the Factory-Built Home Division of the State Fire Marshal's Office as being in full compliance. However, the Factory-Built Home Division of the State Fire Marshal's Office is the State Administrative Agency for the Department of Housing and Urban Development only.

Source: *Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11(Supp. 2013)*

**Rule 5.04.2: Standards for "Non-Coded" Areas.**

Minimum standards for blocking, anchors and tie-downs for Factory-Built homes in non-coded areas of the state, when delivered to a home site location in the State of Mississippi, where they are intended to be used for human habitation shall be installed in accordance with the Mississippi Factory-Built Home Installation Program, these regulations, and any and all applicable state and federal laws, rules and regulations, so as to prevent loss of life and property from wind storms and related hazards. A period of thirty (30) days from the date of delivery is allowed for blocking and anchoring of the home.

If the licensure exceptions do not apply (as listed in Rule 5.02.5), no factory-built home shall be installed within this state unless such installation is done by an installer/transporter licensed by the Mississippi Department of Insurance State Fire Marshal's office in accordance with the manufacturer's approved installation plan or the minimum standards set forth in this Regulation. The licensed installer/transporter or an employee of the licensed installer/transporter who possesses a current certificate of training from the State Fire Marshal's Office must be present during the entire installation process. The owner or purchaser of a Factory-Built home is not allowed to transport said home unless the owner or purchaser is a licensed installer/transporter. If the manufacturer's installation manual is unavailable for the installation, then the home must be installed according to the minimum standards set forth in this regulation.

Source: *Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013)*

**Rule 5.04.3: Windstorm Protection and Wind Zone Designation.**

- A. All new and used Factory-Built homes shall be installed in compliance with the set-up/installation instructions manual, in accordance with Federal Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.306, Windstorm protection support and anchoring systems as follows: (a) Provisions for support and anchoring systems. Each Factory-Built home shall have provisions for support/anchoring or foundation systems that, when properly designed and installed, will resist overturning and lateral movement (sliding) of the Factory-Built home as imposed by the respective design loads. For Wind Zone I, the design wind loads to be used for calculating resistance to overturning and lateral movement shall be the simultaneous application of the wind loads

indicated in Section 3280.305 (c)(1)(i), increased by a factor of 1.5 [D 7 76]. The 1.5 factor of safety for Wind Zone I is also applied simultaneously to both the vertical building projection, as horizontal wind load, and across the surface of the full roof structure, as uplift loading. For Wind Zones II and III, the resistance shall be determined by the simultaneous application of the horizontal drag and uplift wind loads, in accordance with Section 3280.305 (c)(1)(ii). The basic allowable stresses of materials required to resist overturning and lateral movement shall not be increased in the design and proportioning of these members. No additional shape or location factors need to be applied in the design of the tie down system. The dead load of the structure may be used to resist these wind loading effects in all Wind Zones.

- B. Used Factory-Built homes, as defined in this chapter, not provided with such set-up/installation instruction manuals, and not provided with instructions shall comply with the specifications listed under Rule 5.06 and its subparts, Mississippi Factory-Built Home Installation Program Standards, infra.
- C. Factory-built homes, both new and used, built after July 13, 1994 that conform to Wind Zone I ratings only, cannot be installed within a designated Wind Zone II area, unless approved by the Local Authority Having Jurisdiction (LAHJ) within the Wind Zone II area. The wind Zone II area for homes manufactured after July 13, 1994 consist of the following counties: Hancock, Harrison, Jackson, George, Pearl River and Stone.
- D. For used Factory-Built homes that were built prior to July 13, 1994, the following shall apply: If the Factory-Built home was built to the HUD Hurricane Zone rating that existed prior to July 13, 1994, it may be installed in one of the post July 13, 1994, counties that are listed in ( C ) above. For reference, HUD designated Hurricane Zone counties that existed prior to July 13, 1994, were as follows: Hancock, Harrison, Jackson, George, Pear River, Stone, Greene, Perry, Forrest, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson. However, if the LAHJ within the post-July 13, 1994, Wind Zone II area has adopted more restrictive requirements that would prohibit the installation of a pre-July 13, 1994, Hurricane Zone house, then the requirements of such country or municipality shall govern.
- E. The retailer, developer, and installer/transporter are responsible for ensuring that the Factory-Built Home is not located in a Wind Zone area that exceeds the design limitations for which the unit was constructed.

Source: Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013)

**Rule 5.04.4: Data Plate and HUD Label Requirements.**

**Rule 5.04.4-1: HUD Label**

Each section of each home manufactured under the Federal Manufactured Home Construction and Safety Standards (FMHCSS) shall contain a HUD label issued by the inspection agency.

The label indicates that the home meets the applicable standards and that the construction process has been monitored by a third-party inspection agency.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.04.4-2: Data Plate**

Each Factory-Built home is also required to bear a data plate affixed in a permanent manner near the electrical panel or other readily accessible and visible location. The data plate shall contain information, including the name of the manufacturer, design-approval agency, factory installed equipment, and the wind zone classification, roof load, and thermal zones for which the unit was constructed.

Source: Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013)

**Rule 5.04.4-3: Missing HUD Label and Data Plate**

No Factory-Built home constructed on or after June 15, 1976, may be installed within the State of Mississippi unless it contains the HUD label and a data plate (see paragraphs (5.04.4-1) and (5.04.4-2) above) or unless verification certificates of the HUD label or HUD data plate compliance certificates for the home have been obtained from The Institute for Building and Technology Safety (IBTS).

Source: Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013)

**Rule 5.04.4-4: Factory-Built Housing Units That Shall Not Be Transported**

The following Factory-Built homes when intended for human habitation, which are presumptively not in compliance with the requirements described in Miss. Code § 75-49-5(3), shall not be transported into or within Mississippi unless the installer/transporter has obtained a letter of exception from the State Fire Marshal's Office:

1. Any Factory-Built home manufactured before June 15, 1976.
2. Any pre-HUD Factory-Built home.
3. Any Factory-Built housing unit without a valid HUD label indicating federal construction and safety standards were met during construction unless the home was a trade in to a retailer licensed with the State Fire Marshal's Factory-Built Home Division.
4. Any Factory-Built housing unit that has been structurally compromised from the manufacturer's design approval plan.

5. Any Factory-Built housing unit that has been declared salvage after damage by flood, wind, and/or fire.
6. Any Factory-Built housing unit that has been denied siting in another State for reasons other than the federal zone requirements for wind, thermal, and/or roof load protection.

Source: Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013).

**Rule 5.04.4-5: Preparation of Manufactured Housing Units for Transportation**

A. Transportation Originating Outside Of Mississippi: Preparation of the new manufactured housing unit for transport where transportation originates outside of Mississippi shall be in accordance with the laws and applicable rules for the State of origin.

B. Transportation Originating Within Mississippi: Only licensed manufacturers, licensed retailers, and licensed installer/transporters may prepare a manufactured housing unit located in Mississippi for transport.

(a) Only licensed manufacturers, licensed retailers and factory-certified installer/transporters may prepare a new manufactured housing unit located in Mississippi for transport.

(b) All used manufactured housing units that have been occupied and where a licensed manufacturer and/or a licensed retailer is **not** involved, the following tasks must be completed by the licensed installer/transporters:

10. Anchoring systems and devices must be carefully removed in the reverse order from which they were installed;
11. Ridge Caps must be removed from multi-section homes;
12. Multi-section homes must be carefully separated following the reverse procedure used to connect homes or buildings together;
13. The furnishings and contents must be either secured or removed;
14. Plumbing, electrical, heat producing equipment and air conditioning must be properly disconnected by licensed/certified contractors who are otherwise regulated by State law;
15. Wheels and axles must be properly installed to the frame of the home;
16. All piers must be removed from under the home;
17. The bottom board must be secured for movement;
18. The unit must be secured to protect the inside of the home from moisture and wind damage.

Source: Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013).

#### Rule 5.04 Minimum Standards For Blocking, Anchors, And Tie Downs

Any local government (county or municipality) which has adopted the latest edition and Appendices of the Southern Building Code published by the Southern Building Code Congress International or the International Residential Code for One and Two Family Dwellings as published by the International Code Council (ICC) or the board of supervisors of any county who has adopted *Miss. Code Ann.* § 75-49-21, will be regarded by the Factory Built Home Division of the State Fire Marshal's Office as being in full compliance with these Rules and Regulations of the "Uniform Standards Code for Factory Built Homes Law", provided said codes meet or exceed federal requirements, and as such will assume responsibility for local code enforcement for the installation, blocking, anchoring and tie downs, and inspection procedures to ensure compliance with the National Manufactured Home Construction and Safety Standards Act, of factory built homes, which are defined as manufactured, mobile or modular homes within their respected jurisdictions. Additionally, homes that are installed and set up in accordance with federal guidelines required to meet the financing criteria of a federal agency are regarded by the Factory Built Home Division of the State Fire Marshal's Office as being in full compliance. However, the Factory Built Home Division of the State Fire Marshal's Office is the State Administrative Agency for the Department of Housing and Urban Development and installation and set up compliance shall be monitored pursuant to the Division's "Mississippi Manufactured Home Installation Program" and Mississippi Department of Insurance Emergency Regulation MH 2009-1.

Minimum standards for blocking, anchors and tie downs for factory built, manufactured, mobile or modular homes in non coded areas of the state, when delivered to a home site location in the State of Mississippi, where they are intended to be used for human habitation shall be installed in accordance with the Mississippi Manufactured Home Installation Program; Mississippi Department of Insurance Regulation MH 2009-1; and any and all applicable state and federal Rules and Regulations, so as to prevent loss of life and property from wind storms and related hazards. A period of thirty (30) days from the date of delivery is allowed for blocking and anchoring of the home.

"Non-coded area" means any local jurisdiction (county or municipality) who have not adopted the latest edition and Appendices of the International Building Code published by the International Code Council or Southern Building Code published by the Southern Building Code Congress International or the board of supervisors of any county who has not adopted *Miss. Code Ann.* § 75-49-21, or other recognized building codes or portion thereof.

"Human habitation" shall mean any manufactured, mobile or modular home which is wholly or partly used or intended to be used for living or sleeping by human occupants.—

- A. All new and used factory built homes shall be installed in compliance with the set-up/installation instructions manual, in accordance with Federal Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.306, Windstorm protection support and anchoring systems as follows: (a) Provisions for support and anchoring systems. Each factory built home shall have provisions for support/anchoring or

~~foundation systems that, when properly designed and installed, will resist overturning and lateral movement (sliding) of the factory built home as imposed by the respective design loads. For Wind Zone I, the design wind loads to be used for calculating resistance to overturning and lateral movement shall be the simultaneous application of the wind loads indicated in Section 3280.305 (c)(1)(i), increased by a factor of 1.5 [D 7 76]. The 1.5 factor of safety for Wind Zone I is also applied simultaneously to both the vertical building projection, as horizontal wind load, and across the surface of the full roof structure, as uplift loading. For Wind Zones II and III, the resistance shall be determined by the simultaneous application of the horizontal drag and uplift wind loads, in accordance with Section 3280.305 (c)(1)(ii). The basic allowable stresses of materials required to resist overturning and lateral movement shall not be increased in the design and proportioning of these members. No additional shape or location factors need to be applied in the design of the tie-down system. The dead load of the structure may be used to resist these wind loading effects in all Wind Zones.~~

~~B. Used factory built homes not provided with such set up/installation instruction manuals, and not provided with instructions shall comply with the specifications listed under Section V., Mississippi Manufactured Home Installation Program Standards, below.~~

~~C. Manufactured or mobile homes, both new and used, built after July 13, 1994 that conform to Wind Zone I ratings only, cannot be installed within a designated Wind Zone II area, unless approved by the county or municipality having jurisdiction within the Wind Zone II area. The Wind Zone II area for homes manufactured after July 13, 1994, consists of the following counties: Hancock, Harrison, Jackson, George, Pearl River, and Stone.~~

~~D. For used manufactured or mobile homes that were built prior to July 13, 1994, the following shall apply, If the manufactured home or mobile was built to the HUD Hurricane Zone rating that existed prior to July 13, 1994, it may be installed in one of the post July 13, 1994, counties that are listed in No. 3 above. For reference, HUD designated Hurricane Zone counties that existed prior to July 13, 1994, were as follows: Hancock, Harrison, Jackson, George, Pearl River, Stone, Greene, Perry, Forrest, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson. However, if the county or municipality having jurisdiction within the post July 13, 1994, Wind Zone II area has adopted more restrictive requirements that would prohibit the installation of a pre July 13, 1994 Hurricane Zone house, then the requirements of such county or municipality shall govern.~~

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

#### **Rule 5.05: Installation Standards For New Factory-Built Homes**

The Mississippi Factory-Built Home Installation Inspection Program (“Installation Program”) is established to set forth the requirements by which manufacturers, retailers, developers, installer/transporters, and installation inspectors will be held accountable for assuring the

appropriate installation of new Factory-Built homes within the State of Mississippi meet the intent of the manufacturer’s installation requirements. The Mississippi Factory-Built Home Installation Program Standards (“Installation Standards”) are the standards and requirements as set forth by the Federal 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, and as same may be revised and amended.

Source: Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013)

**Rule 5.05: Installation Standards for New Manufactured Homes**

~~The Mississippi Manufactured Home Installation Inspection Program (“Installation Program”) is established in Mississippi Department of Insurance Regulation MH 2009-1, the same as may be revised and amended, and sets forth the requirements by which manufacturers, retailers, distributors, installer/transporters, and installation inspectors will be held accountable for assuring the appropriate installation of news within the State of Mississippi. The Mississippi Manufactured Home Installation Program Standards (Installation Standard”) are the standards and requirements as set forth by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 ISCS 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000, and as same may be revised and amended, and are more fully set forth in Exhibit “A” of this Regulation, which is hereby incorporated by reference.~~

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 5.06: Installation Standards For Used Factory-Built Homes**

The Mississippi Factory-Built Home Installation Inspection Program (“Installation Program”) is established and sets forth the requirements by which manufacturers, retailers, developers, installer/transporters, and installation inspectors will be held accountable for assuring the appropriate installation of used Factory-Built homes within the State of Mississippi.

Source: Miss. Code Ann. § 75-49-1, et seq.; § 75-49-11 (Supp. 2013)

**Rule 5.06: Installation Standards for Used Manufactured Homes**

~~The Mississippi Manufactured Home Installation Inspection Program (“Installation Program”) is established in Mississippi Department of Insurance Regulation MH 2009-1, the same as may be revised and amended, and sets forth the requirements by which manufacturers, retailers, distributors, installers, and installation inspectors will be held accountable for assuring the appropriate installation of used manufactured homes within the State of Mississippi.~~

~~A. Used Manufactured Home Tie-Down Standards~~

~~1. Site Preparation~~

a. ~~Planning and Site Preparation~~

~~Retailers, developers and/or installer/transporters are responsible for site preparation, however the manufacturer, retailer or installer may agree in writing to allow the consumer to conduct the site preparation for the manufactured home installation. However, before the installer may begin installation of the manufactured home, the site preparation must meet the requirements set forth in this Regulation. If there is conflict between the retailer, developer or installer and the consumer regarding the site preparation, the State Fire Marshal's Office may be required to mediate. Any fee charged by the State Fire Marshal's Office due to said mediation will be paid by the consumer.~~

b. ~~Fire Separation~~

~~Separation from adjacent structures and lot lines is based on the fire resistance rating of the home pursuant to **NFPA 501A Standard for Fire Safety Criteria for Manufactured Home Installations, Sites and Communities**, Section 4.2.1, entitled "Fire Safety Separation Requirements," Sub section 4.2.1.1 as follows:~~

~~"Any portion of a manufactured home, excluding the tongue, shall not be located closer than 10 ft (3 m) side to side, 8 ft (2.4 m) end to side, or 6 ft (1.8 m) end to end horizontally from any other manufactured home or community building unless the exposed composite walls and roof of either structure are without openings and constructed of materials that will provide a one hour fire rating or the structures are separated by a one hour fire rated barrier." Most manufactured, factory built, mobile or modular homes may be classified as "non rated" construction. However, manufacturers may, in some instances, construct one hour rated walls. Information regarding the fire rating of the unit may be obtained from the manufacturer or third party inspection agency identified on the data plate.~~

c. ~~Clearance Under Homes~~

~~The site should be graded such that a minimum clearance of 12 inches is maintained beneath the lowest member of the main frame (I beam or channel beam) in the area of utility connections.~~

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 5.06.1: Site Preparation**

**Rule 5.06.1-1: Planning**

Before attempting to move a home, the installer/transporter shall ensure that the transportation equipment and home can be routed to the installation site. Special transportation permits that may be required from federal, state, county, or city officials shall be the responsibility of the installer/transporter.

Source: *Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)*

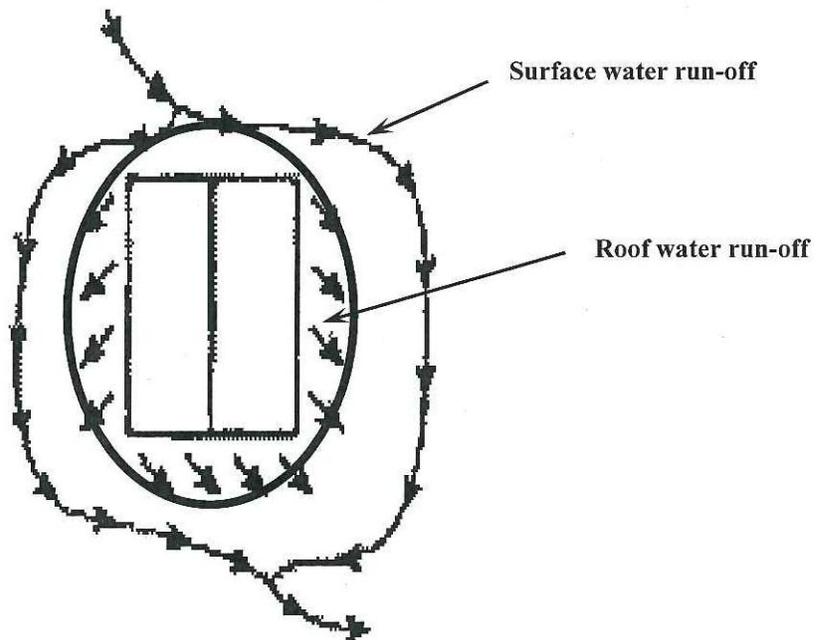
**Rule 5.06.1-2: Soil Conditions**

To help prevent settling or sagging, the foundation must be constructed on firm, undisturbed soil or fill compacted to at least 90 percent of its maximum relative density. Loose sands, gravel or other materials having an allowable soil bearing pressure less than 2000 pounds per square foot (psf) are not to be used as the fill material. All organic material such as grass, roots, twigs, and wood scraps must be removed in areas where footing are to be placed.

Source: *Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)*

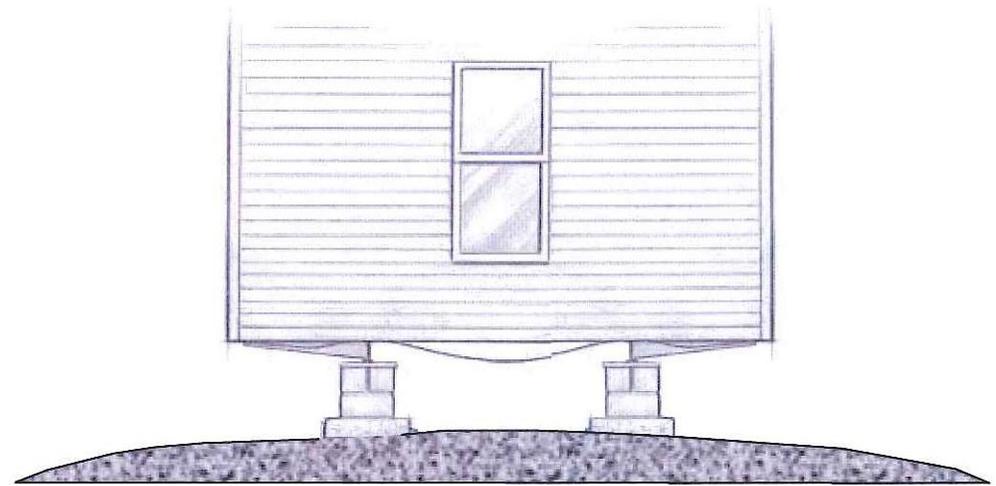
**Rule 5.06.1-3: Site Grading and Drainage**

- A. The Factory-Built home shall be placed on a properly prepared site. After removal of all organic material, the home site must be graded or otherwise prepared to ensure adequate drainage. Site drainage will be a shared responsibility of the retailer, developer and installer/transporter of Factory-Built homes sold by the retailer except when the site is located in a mobile home park, as contemplated by Mississippi Code Ann., Section 75-49-5, and applicable HUD Regulations. Each site where a home is to be installed shall have a properly crowned and finished grade that will provide for drainage of all water around and away from the home site (see Figure 1).



**Figure 1. Water drainage must be diverted around and away from the home.**

- B. The site shall be properly crowned and sloped so that water will not stand under the home or run under the home (see Figure 2).

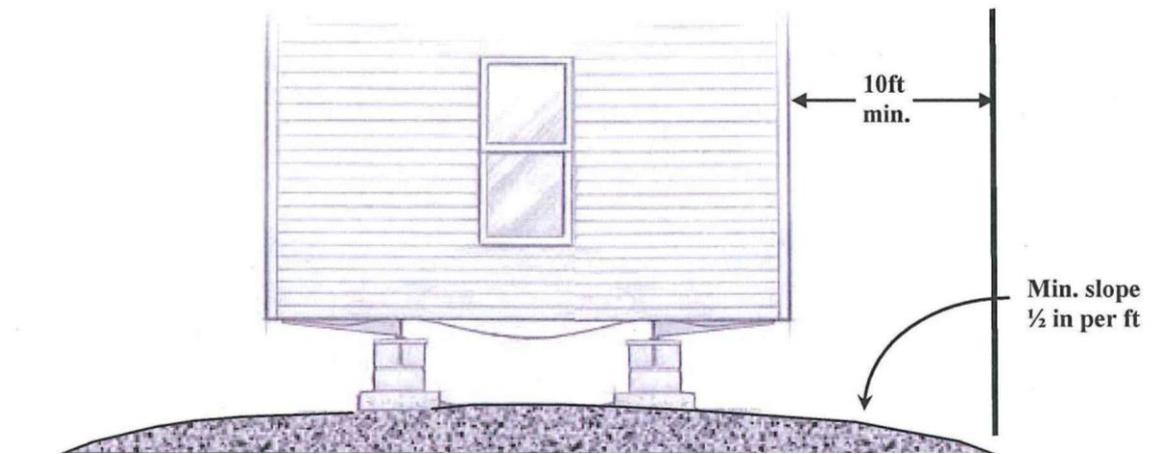


**Figure 2. The appearance of a properly crowned soil under the home.**

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.1-4: Raised Soil Pad**

If the installation site is flat or is in a low area, the soil must be brought to the site to create the proper grading under the home. The fill material for the pad of soil must be placed on each home installation site such that the dimensions of the pad will extend up to 10 ft beyond all four (4) sides of the home. The soil pad fill material must be compacted to 90 percent of maximum relative density to provide the proper load bearing capacity for the support pier footings. Loose sands, gravel or other non-compactable materials are not to be used as the fill material for the pad. The soil under the home shall be compacted and adequately crowned and sloped from the centerline of the home and provide a minimum slope of ½ inch per foot out and away from each side of the home (see Figure 3). All depressions in the soil pad resulting from the use of the transportation equipment moving the home onto the installation site shall be properly filled and graded by the installer/transporter before departing the installation site.



**Figure 3. Slope of pad and distance of slope beyond edges of home.**

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.1-5: Determination of Proper Site Preparation**

- A. Before installing the Factory-Built home, the installer/transporter has the responsibility to determine that the site preparation meets the requirements set forth in either the manufacturer's installation manual for all new Factory-Built homes or as set forth in this Regulation for all secondary sitings of used Factory-Built homes. If the LAHJ has more stringent regulations for homes installed in local mobile home parks, those regulations shall take precedence.
  
- B. If the retailer or developer sells the Factory-Built home and retains the installer/transporter, the responsibility to ensure that site preparation is done properly

shall be a shared responsibility of both the retailer, the developer, and the installer/transporter.

Source: *Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)*

**Rule 5.06.1-6: Written Contract on Site Preparation**

A written contractual agreement between the homeowner, the retailer, the developer and/or installer/transporter may be used to determine which party is to perform the site preparation. The installation of Factory-Built homes shall not be performed on improperly prepared home sites.

Source: *Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)*

**Rule 5.06.1-7: Site Preparation by Landowner and/or Homeowner**

In the event that site preparation work is requested to be done by the landowner and/or homeowner, the retailer, developer or the installer/transporter, may agree to this, but, the agreement must be made in writing. However, the existence of said contractual agreement shall not relieve the installer/transporter of the responsibility of determining that the site for the home has been properly prepared. Before the installer/transporter may begin the installation of the Factory-Built home, the installer/transporter shall determine that the site preparation meets the requirements set forth in either the manufacturer's installation manual for all new Factory-Built homes or as set forth in this Regulation for all used Factory-Built homes. If there is conflict between the retailer, developer, installer/transporter and landowner and/or homeowner regarding the site preparation, the State Fire Marshal's Office may be required to mediate. Any fee charged by the State Fire Marshal's Office due to said mediation will be paid by the landowner and/or homeowner.

Source: *Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)*

**Rule 5.06.1-8: Removal of Organic Material**

All organic material, such as grass, roots, twigs, and wood scraps, shall be removed from beneath the site where the home will be placed and will include where the footings and the piers of the home are to be installed. The purpose of this is to minimize settling and reduce the potential for any insect damage.

Source: *Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)*

**Rule 5.06.1-9: Clearance Under the Home**

The site should be properly graded such that a minimum clearance of 12 inches shall be maintained beneath the lowest member of the main frame (I beam or channel beam) and the soil under the home. No more than 25 % of the underside of the main frames of the home shall be at

the minimum clearance of 12 inches above the existing grade.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.1-10: Sloped Site Installation**

Where the site slopes toward the foundation (piers) of the home, it is important to provide wide, shallow, drainage swales on the uphill side of the home for diversion of water around and away from the underside of the home.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.1-11: Ventilation of Under-floor Areas and Moisture Barrier**

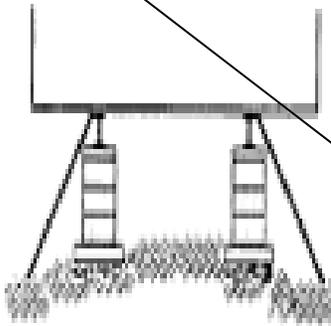
- A. Provisions shall be made to minimize condensation in under-floor areas through ventilation openings or other suitable means. A 6 mil polyethylene sheeting or equivalent must be placed on the ground area in the crawlspace below the home. A minimum of 90 percent of the ground area must be covered, not to include the areas under the footer.
- B. A minimum of four ventilation openings totaling no less than 4 square feet of net free vent area must be provided. One shall be placed at or near each corner as high as practicable. If manufacturer's installation instructions are available and require more vents, the manufacturer's instructions shall apply.
- C. Vent openings shall provide cross ventilation on at least two opposite sides. The openings shall be covered with corrosion resistant mesh or as part of the vinyl skirting material.
- D. Moisture producing devices, such as dryers, shall be vented to the atmosphere in such a manner to insure that moisture laden air is carried beyond the perimeter of the home.
- E. Ventilation and moisture barrier requirements for all new factory-built homes shall be provided according to the manufacturer's installation manual.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

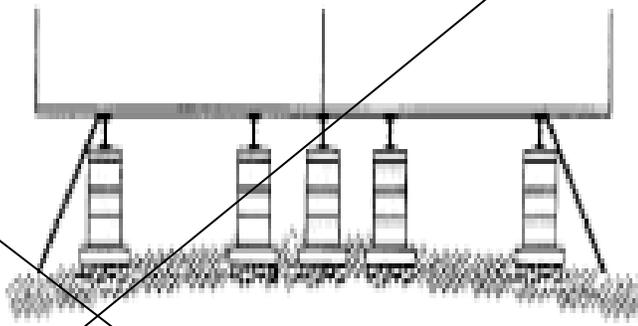
**Rule 5.06.1 Figure 1—Site Grading**

**FIGURE 1 - SITE GRADING**

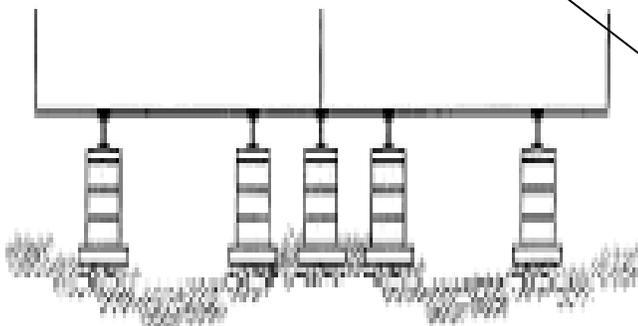
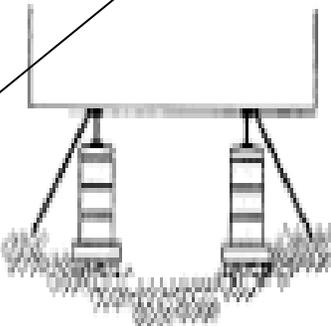
**Single-section**



**Multisection**



**DO:** Crown and grade site to slope away from home, and cover with 6 mil thick polyethylene sheeting or equivalent.



**DONT:** Grade site so that water collects beneath home.

#### ~~A. Drainage of Site (Figure I)~~

- ~~1. Site drainage is the responsibility of the retailer, developer and installer/transporter, as contemplated by Mississippi Code Ann., Section 75-49-5, and applicable HUD Regulations. Each site should have a finished grade that will provide for drainage away from the home. Collection of water beneath the home may lead to reduced durability of siding and bottom board, condensation in walls and ceilings, etc. Improper drainage and soil saturation may also cause buckling of walls and floors, problems with the operation of the doors and windows, etc.~~
- ~~2. Removal of Organic Material~~

~~Remove all decayable material, such as grass, roots, twigs, and wood scraps, from beneath the footings of the home to minimize settling and insect damage.~~
- ~~3. Before attempting to move a home, ensure that the transportation equipment and home can be routed to the installation site. Special transportation permits may be required from federal, state, county, or city officials.~~

#### ~~B. Soil Type/Capacity~~

- ~~1. Under the Federal Standards, manufacturers are only required to provide one acceptable method for installing the home. However, manufacturers usually provide installation instructions that can be applied to a number of sites. These "generic" instructions commonly specify a minimum acceptable bearing capacity of the soil. Additionally, the manufacturer may offer options for acceptable footing sizes based on the bearing capacity of the soil. Installers and inspection personnel should first determine the bearing capacity of the soil in order to determine the proper size footing or foundation. Different soil types will have different bearing and holding capacities. The bearing capacity of the soil is the load per unit area that can be supported safely by the ground. The performance of the ground anchor is related to the soil's holding capacity. In the absence of borings, test pits, and other soil investigations that provide information on the proposed site, the following description of soil types may be used for homes installed in Mississippi:~~

~~Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)~~

#### **Rule 5.06.2: Fire Separation**

Separation from adjacent structures and lot lines is based on the fire resistance rating of the home pursuant to **NFPA 501A Standard for Fire Safety Criteria for Manufactured Home Installations, Sites and Communities**, Section 4.2.1, entitled "Fire Safety Separation Requirements," Sub section 4.2.1.1 as follows:

Any portion of a Factory-Built home, excluding the tongue, shall not be located closer than 10 ft side to side, 8 ft end to side, or 6 ft end to end horizontally from any other Factory-Built home or community building unless the exposed composite walls and roof of either structure are without openings and constructed of materials that will provide a one hour fire rating or the structures are separated by a one hour fire rated barrier." Most Factory-Built homes may be classified as "non-rated" construction. However, manufacturers may, in some instances, construct one hour rated walls. Information regarding the fire rating of the unit may be obtained from the manufacturer or third party inspection agency identified on the data plate.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.2:** Table 1 – Soil Classification

**TABLE I – SOIL CLASSIFICATION**

<b>Psf</b>	<b>kg/m2</b>	<b>Soil Type</b>
2000	9765	Loose sand clay soils or medium soft clay
3000	14647	Firm or stiff clay
4000	19530	Loose fine sand or compact inorganic silt soils
6000	29295	Compact sand clay soils
8000	39059	Loose coarse to medium compact fine sand

\*Note: The above table may be used if the soil characteristics are known. If the soil type is unknown, the following resources may be consulted to determine the soil type/bearing capacity:

- A. Local authorities having jurisdiction;
- B. Soil conservation district;
- C. United States Geological Survey;
- D. The Resource Conservation Agency of the U. S. Department of Agriculture;
- E. Highway Department;
- F. Qualified Professional Engineer; and/or
- G. Other methods approved by the Commissioner.

1. Required Piers and Anchorage (Figure II)

- a. All manufactured or mobile homes require diagonal ties to restrict the unit from being pushed from its piers. These diagonal ties also restrict overturning. Additional over the top tie downs to restrict overturning are required by some manufactured home installation instructions.
- b. Piers or load bearing supports or devices shall be designed and constructed to evenly distribute the loads. Piers shall be securely

~~attached to the frame of the manufactured home or shall extend at least 6 inches (152 mm) from the centerline of the frame member. Manufactured load-bearing supports or devices shall be listed or approved for the use intended, or piers shall be constructed as follows:~~

- ~~2. Except for corner piers, piers less than 40 inches (1016 mm) high shall be constructed of masonry units, placed with cores or cells vertically. Piers shall be installed with their long dimensions perpendicular to the main (I beam) frame member it supports and shall have a minimum cross sectional area of 119 sq in (0.077 m<sup>2</sup>). Piers shall be capped with a minimum 2 inch (51 mm) solid masonry unit or concrete cap, or equivalent.~~

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

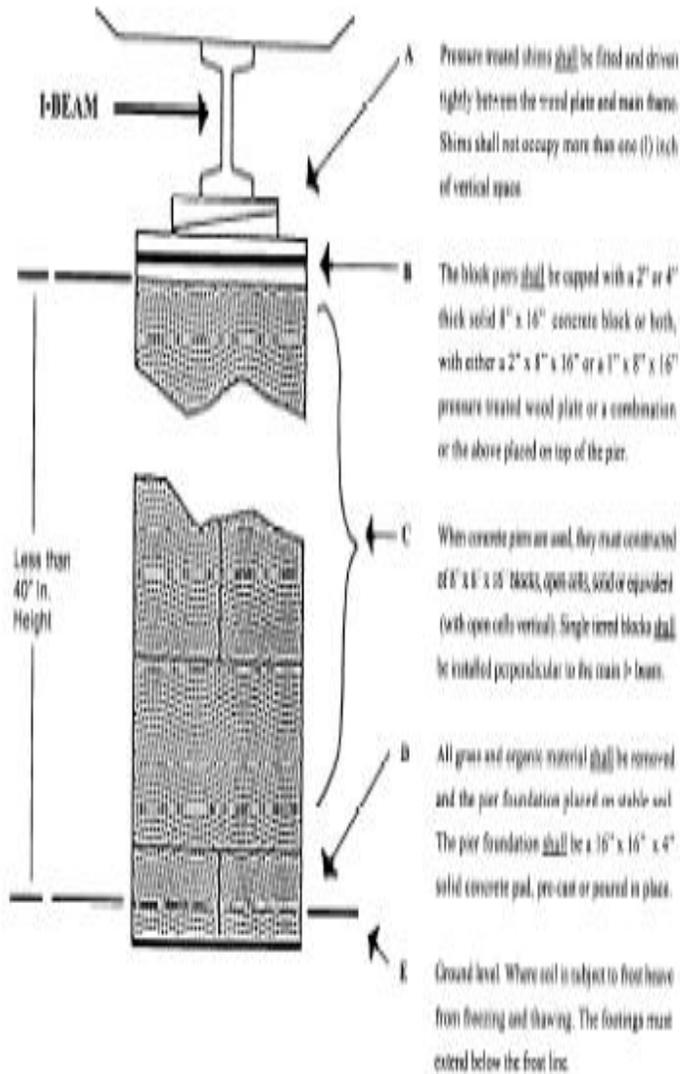
**Rule 5.06.3: Sites Prone to Flooding**

- A. Prior to the installation of the Factory-Built home, the installer/transporter is responsible for determining if the home site is wholly or partially within a flood prone area. If the home is located within a flood prone area, the installer/transporter is also responsible for contacting the homeowner to determine if they have obtained the proper flood elevation permit/certificate for the property from the county floodplain coordinator. All new Factory-Built homes that are to be located in a flood prone area shall require the manufacturer's approval of the location of the home. If the location is approved by the manufacturer then the installation shall require that (1) the home be set a minimum distance above the base flood elevation as determined by the LAHJ, (2) meet all the requirements set forth in the Federal Emergency Management Agency (FEMA) September 1985 publication, Manufactured Home Installation in Flood Hazard Areas, and (3) shall have an engineer-designed foundation system installed.
- B. All used Factory-Built homes that are installed within a flood prone area shall be required to (1) be set a minimum height above the base flood elevation, (2) meet all the installation standards set forth in this Regulation, (3) meet all the installation standards set forth in the FEMA 1985 publication, and (4) shall be required to have an engineer-designed foundation system.
- C. For all homes placed in sites that have a potential for flooding, special elevations and anchoring techniques are required. Consult an engineer and the LAHJ (local building official, etc.) to make sure that the design and construction of the foundation system of the home conform to applicable federal, state, and local codes and regulations.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.3: Figure 2– Minimum Blocking Standards**

FIGURE II - MINIMUM BLOCKING STANDARDS



3. ~~Piers between 40 and 80 inches (1016 and 2032 mm) high and all corner piers over 24 inches (610 mm) shall be at least 16x16 inches (406x406 mm) consisting of interlocking masonry units and shall be fully capped with a minimum 4 inch (102 mm) solid masonry unit or equivalent.~~

4. ~~Piers over 80 inches (2032 mm) high shall be constructed in accordance with the provisions of paragraph 2 above, provided the piers shall be filled solid with grout and reinforced with four continuous No. 5 bars. One bar shall be placed in each corner cell of hollow masonry unit piers, or in each corner of the grouted space of piers constructed of solid masonry units.~~
5. ~~Cast in place concrete piers meeting the same size and height limitations of paragraphs 1, 2 and 3 above may be substituted for piers constructed of masonry units.~~
6. ~~All piers shall be constructed on footings of solid concrete not less than 16 x 16 x 4 inches (406 x 406 x 102 mm).~~

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~~c. Piers shall be located in accordance with the manufactured home installation instructions. If the manufactured home installation instructions are not available for a used home, piers for single section homes are to be placed under each longitudinal main frame member not to exceed 8 ft (2438 mm) on center spacing for homes that are 14 ft (4267 mm) wide or less and 6 ft (1829 mm) on center for homes that are over 14 ft (4267 mm) wide. Piers for multi section homes are to be placed under each longitudinal main frame member not to exceed 6 ft (1829 mm) on center spacing. For used multi section homes, piers are to be placed under the center marriage line within one foot at each end, under ridge beam support columns, and under both sides of openings at the marriage line greater than 12 ft (3657 mm). For all homes, exterior doors shall have piers directly under both sides of the door openings. Where practical for all homes, end piers shall be placed within 1 ft (305 mm) of the ends of the main frame. When the location and spacing of wheels and axles, or other structural members of home frames, or undercarriages prevent spacing of piers on 8 or 6 ft (2438 or 1829 mm) centers, the spacing shall be as near 8 or 6 ft (2438 or 1829 mm) maximum spacing as practicable in the area of the obstruction. Piers shall be placed under other concentrated loads such as porch posts, bay window overhangs, and masonry faced fireplaces on floor overhangs. Units that exceed 16 ft (4877 mm) in width shall have perimeter piers under the sidewalls every 6 ft (1829 mm) and at each corner. Perimeter piers shall be under the intersection of a perimeter joist and a transverse joist or shall be under a 4x4 inch (102x102 mm) brace that supports at least two floor joists.~~

Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)

**Rule 5.06.4: Soil Classification.**

The following soil classifications in Table I have been adopted for the purpose of determining design loads, specifications and holding power of anchors and tie-down devices.

**Table I Soil Classification**

<b><u>Soil Class</u></b>	<b><u>Types of Soils</u></b>	<b><u>Blow Count (ASTM)</u></b>	<b><u>Test Probe (1) Torque Value (2)</u></b>
<u>I</u>	<u>Sound hard rock; Very dense and/or cemented ....</u>	<u>N/A</u>	<u>N/A</u>
<u>II</u>	<u>Sands, coarse gravel and cobbles, preloaded silts, clays and corals...</u>	<u>40 and up</u>	<u>More than 550 lbs-in.</u>
<u>III</u>	<u>Medium-dense coarse, sands, sandy gravel, very stiff silts and clays....</u>	<u>24-39</u>	<u>350-549 lbs- in.</u>
<u>IV(4)</u>	<u>Loose to medium dense sands, firm to stiff clays and silts, alluvian fill.....</u>	<u>(3) 14-23</u>	<u>(3) 200-349 lbs – in.</u>
<u>V</u>	<u>Peat, organic silt, inundated silts, loose fine sand, alluvium, loess, varied clays, fill, fly ash....</u>	<u>0-14</u>	<u>0-200 lbs – in.</u>

1. The test probe is a device for measuring the torque of soils to assist in evaluating the holding capacity of the soils in which the anchor is placed. The test probe has a helix on it. The overall length of the helical section is 10.75 inches; the major diameter is 1.25 inches, the minor diameter is 0.81 inches; the pitch is 1.75 inches. The shaft must be of suitable length for anchor depth.
2. A measure synonymous with the moment of a force when distributed around the shaft of the test probe.
3. Below these values a registered professional engineer must be consulted.
4. A C-4 anchor must be used unless the soil is tested with a soil test probe and the readings allow for another soil type anchor to be used.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.4:** ~~Table 2 – Maximum Pier Load in Pounds~~

**TABLE II – MAXIMUM PIER LOAD IN POUNDS**

<b><u>Number of Concrete Blocks</u></b>	<b><u>Soil Bearing Value</u></b>	<b><u>Maximum Allowable Load</u></b>
1	1,000 lbs/square foot	4,800 lbs.

2	2,000 lbs/square foot & greater	9,600 lbs.
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\* ABS Pad types include the following:

13 1/4" x 26 1/4" Pad — 2.395 square feet — ID#4148 4 or  
 20" x 20" Pad — 2.777 square feet — ID#1055 7

Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)

**Rule 5.06.5: Soil Type/Bearing Capacity**

Under the Federal Standards, manufacturers are only required to provide one acceptable method for installing the home. However, manufacturers usually provide installation instructions that can be applied to a number of sites. These "generic" instructions commonly specify a minimum acceptable bearing capacity of the soil. Additionally, the manufacturer may offer options for acceptable footing sizes based on the bearing capacity of the soil. Installer/transporters and inspection personnel should first determine the bearing capacity of the soil in order to determine the proper size footing or foundation. Different soil types will have different bearing and holding capacities. The bearing capacity of the soil is the load per unit area that can be supported safely by the ground. The performance of the ground anchor is also related to the soil's holding capacity. In the absence of borings, test pits, and other soil investigations that provide information on the proposed site, the following description of soil types in Table II may be used for homes installed in Mississippi.

**TABLE II – BEARING CAPACITY/SOIL TYPE\***

<u>Bearing Capacity</u> psf	<u>Bearing Capacity</u> kg/m2	Soil Type
2000	9765	Loose sand clay soils or medium soft clay
3000	14647	Firm or stiff clay
4000	19530	Loose fine sand or compact inorganic silt soils
6000	29295	Compact sand clay soils
8000	39059	Loose coarse to medium compact fine sand

\*Note: The above table may be used if the soil characteristics are known. If the soil type is unknown, the following resources may be consulted to determine the soil type/bearing capacity:

- (a) LAHJ;
- (b) Soil conservation district;
- (c) United States Geological Survey;
- (d) The Resource Conservation Agency of the U. S. Department of Agriculture;
- (e) Highway Department;

- (f) Qualified Professional Engineer; and/or
- (g) Other methods approved by the Commissioner.

In lieu of determining the soil bearing capacity by the use of the methods described above, an allowable bearing capacity of 2000 psf may be used unless the site-specific information requires the use of lower values based on soil classification and soil type.

Source: *Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)*

**Rule 5.06.5: Table 3 – Maximum Pier Load**

**TABLE III – MAXIMUM PIER LOAD**

Type	Pad Configuration	Pad Area (in-square inches)	Soil Bearing Capacity PSF (in pounds)					Remarks
			1000	1500	2000	2500	3000	
1	1-16 x 16 w/1 or w/2 CMUs	256	1780	2670	3560	4450	5340	Max: 5340 #
2	1-18.5 x 18.5 w/1 CMU	342	2375	3563	4750	5598	5598	Max: 5600 #
3	1-18.5 x 18.5 w/2 CMUs	342	2375	3563	4750	5938	7125	Max: 7125 #
4	2-13.13 x 26.13 w/1 CMU	342	2375	3563	4750	5938	6400	Max: 6400 #
5	1-18.5 x 18.5 w/1 CMU ID# SPA 264 1-1	342	2375	6563	4750	5938	7125	Max: 7125 #
6	1-20 x 20 w/1 CMU	400	2775	4167	5556	5600	5600	Max: 5600 #
7	1-20 x 20 w/2 CMUs	400	2775	4167	5556	6944	8333	Max: 8333 #

*All pad sizes shown are nominal dimensions and may vary up to 1/8 inch.*

**A. Installation Instructions for ABS Pads**

1. The purpose of this section is to emphasize that the ground under the ABS pads must be leveled, evenly compacted, and cleared of all vegetation and debris before the placement of the pads. For ABS Pads having model numbers different from those specified in this regulation, installation instructions shall be approved by the Commissioner.

- ~~2.— Note that if pad deflects more than 5/8 of an inch when installed, pier spacing is incorrect for soil conditions. The maximum deflection in a single pad is 5/8 of an inch measured from the highest point to the lowest point of the top.~~
- ~~3.— Installation Instructions for ABS Pads B 26X 26 Inch Pad Configuration~~
  - ~~a.— All pads are to be installed flat side down, ribbed side up.~~
  - ~~b.— The ground under the pads should be leveled as smooth as possible with all vegetation removed. Pads are to be placed on natural grade unless otherwise permitted by the local building authority.~~
  - ~~c.— Pier and pad spacing will be determined by the manufactured home manufacturer's written set up instructions. In the absence of manufacturer's written set up instructions and written set up instructions from the manufacturer of the pads, pier and pad spacing shall be no greater than 6 ft apart for Zone I and no greater than 4 ft for Zone II.~~
  - ~~d.— The open cells between the ribbings on the upper side of the pads may be filled with soil or sand after installation to prevent any accumulation of stagnant water in the pads.~~
  - ~~e.— A pocket penetrometer may be used to determine the actual soil bearing value. If soil testing equipment is not available, use an assumed soil value of 1000 lbs/square foot.~~
  - ~~f.— All pad sizes shown are nominal dimensions and may vary to 1/8 of an inch.~~
  - ~~g.— The maximum deflection in a single pad is 5/8 of an inch measured from the highest point to the lowest point of the top face. (Please review Table IV and Figures III and IV).~~

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 5.06.6: Required Piers and Anchorages**

- A. All used Factory-Built homes require diagonal ties to restrict the unit from being pushed from it's the main support piers. These diagonal ties also restrict overturning of the structure. Additional over the top tie downs or vertical side wall tie downs to restrict overturning are required by some Factory-Built home installations. When a used Factory-Built home is relocated (secondary siting) **all** of the original diagonal and over-the-top (vertical) tie downs must be reinstalled.

- B. Piers or load-bearing supports or devices shall be designed and constructed to evenly distribute the loads. The maximum pier loads are listed in Table III and Table IV. Piers shall be securely attached to the frame of the Factory-Built home or shall extend at least six (6) inches from the centerline of the frame member. Manufactured load-bearing supports or devices shall be listed or approved for the use intended.

**TABLE III – MAXIMUM PIER LOAD IN POUNDS**

Number of Concrete Blocks	Soil Bearing Value	Maximum Allowable Load
1	1,000 lbs/square foot	4,800 lbs.
2	2,000 lbs/square foot & greater	9,600 lbs.

\* ABS Pad types include the following:

13 ¼" x 26 ¼" Pad	2.395 square feet	ID#4148 4 or
20" x 20" Pad	2.777 square feet	ID#1055 7

**TABLE IV - MAXIMUM PIER LOAD**

Type	Pad Configuration	Pad Area (in square inches)	Soil Bearing Capacity PSF (in pounds)					Remarks
			000	500	000	500	000	
1	1-16 x 16 w/1 or w/2 CMUs	256	780	670	560	450	340	Max: 5340 #
2	1-18.5 x 18.5 w/1 CMU	342	375	563	750	598	598	Max: 5600 #
3	1-18.5 x 18.5 w/2 CMUs	342	375	563	750	938	125	Max: 7125 #
4	2-13.13 x 26.13 w/1 CMU	342	375	563	750	938	400	Max: 6400 #
5	1-18.5 x 18.5 w/1 CMU ID# SPA 264-1-1	342	375	563	750	938	125	Max: 7125 #
6	1-20 x 20 w/1 CMU	400	775	167	556	600	600	Max: 5600 #
7	1-20 x 20 w/2 CMUs	400	775	167	556	944	333	Max: 8333 #

*All pad sizes shown are nominal dimensions and may vary up to 1/8 inch.*

- C. Pier foundations shall be installed directly under the main frame of the Factory-Built home. The piers shall not be further apart than six (6) feet on center when using a minimum pier foundation of a 16"x16"x4" concrete pad or equivalent in the minimum soil bearing capacity of 2000 psf. Piers shall be placed no more than two (2) feet and no less than one (1) foot from the end of the frame.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.6:** ~~Table 4~~ Size and Load

**TABLE IV** ~~SIZE AND LOAD~~

<del>PAD SIZE</del>	<del>PAD AREA</del>	<del>1000-LB.SOIL</del>	<del>2000-LB.SOIL</del>	<del>3000-LB.SOIL</del>
<del>16" X 16"</del>	<del>256 sq. in.</del>	<del>1,780 lbs.</del>	<del>3,560 lbs.</del>	<del>5,333 lbs.</del>
<del>18.5" X 18.5"</del>	<del>342 sq. in.</del>	<del>2,375 lbs.</del>	<del>4,750 lbs.</del>	<del>7,125 lbs.</del>
<del>20" X 20"</del>	<del>400 sq. in.</del>	<del>2,750 lbs.</del>	<del>5,500 lbs.</del>	<del>8,250 lbs.</del>

- ~~A. Any configuration above may be used to replace a home manufacturer's recommended concrete or wood base pad.~~
- ~~B. The maximum load at any intermediate solid value may be determined as the average of the next lower and next higher soil values given in the above table.~~
- ~~C. Pad sizes shown are nominal dimensions and may vary up to 1/8 inch.~~
- ~~D. Pad loads are the same when using single stack or double stack blocks.~~

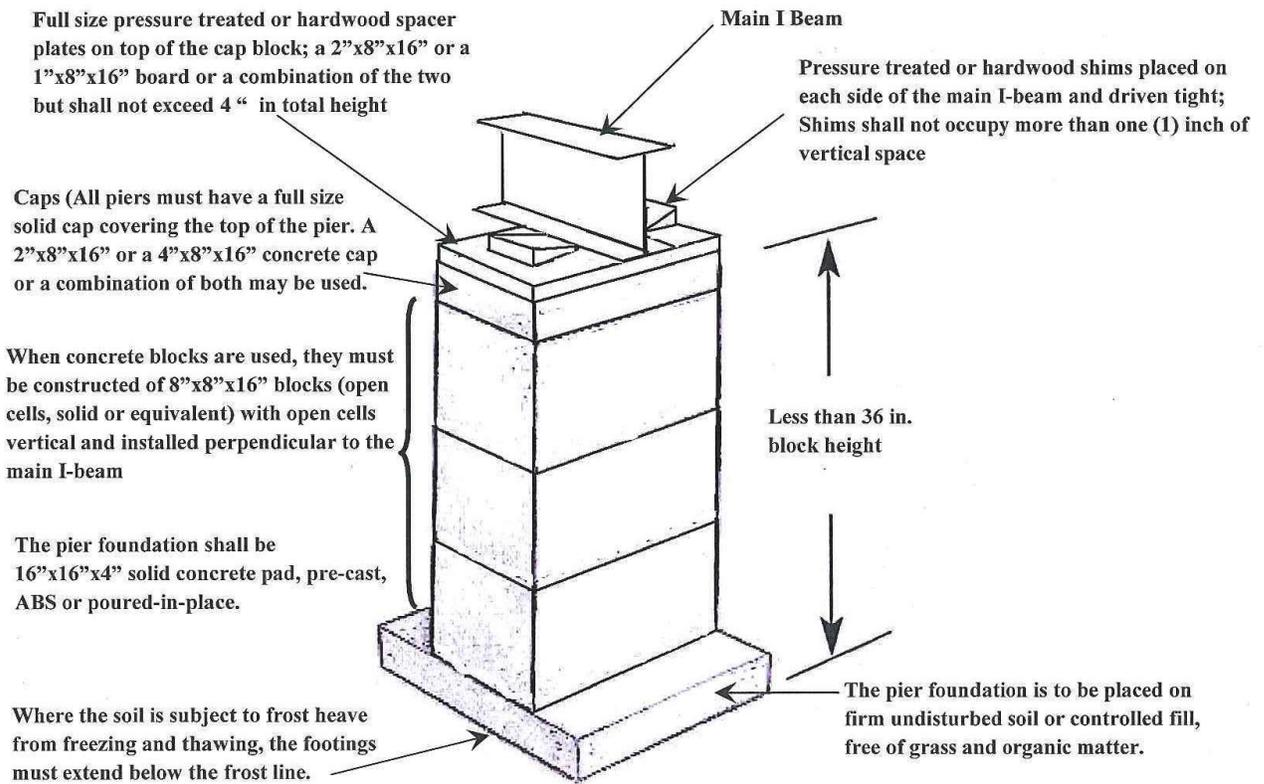
Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 5.06.7: Pier Construction**

**Rule 5.06.7-1: Single Stacked Piers**

Except for corner piers, support piers less than 36 inches high, shall be constructed of single stacked masonry units, placed with the open cells in the vertical position when placed upon the pier footing. The frame piers must be installed so that the long sides are at right angles to the supported I-beam. (See Figure 4).

**Figure 4. Single block pier construction.**



Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.7-2: Pier Caps**

All single stacked piers must have a full size cap covering the top of the pier. A 2"x8"x16" or a 4"x8"x16" concrete cap or a combination of both may be used. A full size pressure treated wood or hardwood spacer shall be placed on top of the cap. A 2 x 8x16 inch treated or hardwood plate or a 1x8x16 inch treated or hardwood plate or a combination of both shall be placed on top of the pier cap. Additional full size plates not less than 1 x 8 x 16 inch may be used but the additional plates shall not exceed 4 inches in total height.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.7-3: Shims**

- A. The frame may be cushioned with treated wood or hardwood or other approved shims (wedges). The shims (wedges) shall be used in pairs, installed in opposite directions and

be fitted and driven tightly between the pressure-treated wood plate and main frame of the home.

- B. One shim at least 4"x6" nominal shall be placed on each side of the main frame on single tiered piers.
- C. Two shims shall be placed on each side of the main frame on double tiered piers.
- D. Shims shall not occupy more than 1 inch of vertical space between the top plate and the main frame.
- E. Shims shall be used in pairs and driven tight.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

#### **Rule 5.06.7-4: Removal of Organic Material**

All grass, grass sod, debris and other organic material shall be removed before footings or pier foundations are installed. The minimum main frame support pier foundation shall be a 16 inch x 16 inch x 4 inch solid concrete pad, pre-cast, poured-in-place, or ABS pads.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

#### **Rule 5.06.7-5: Protection From Frost Heave**

Where the soil is subject to frost heave from freezing and thawing, the footings for support piers must extend below the frost line (no less than two (2) inches from the top of the ground).

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

#### **Rule 5.06.7-6: Corner Piers**

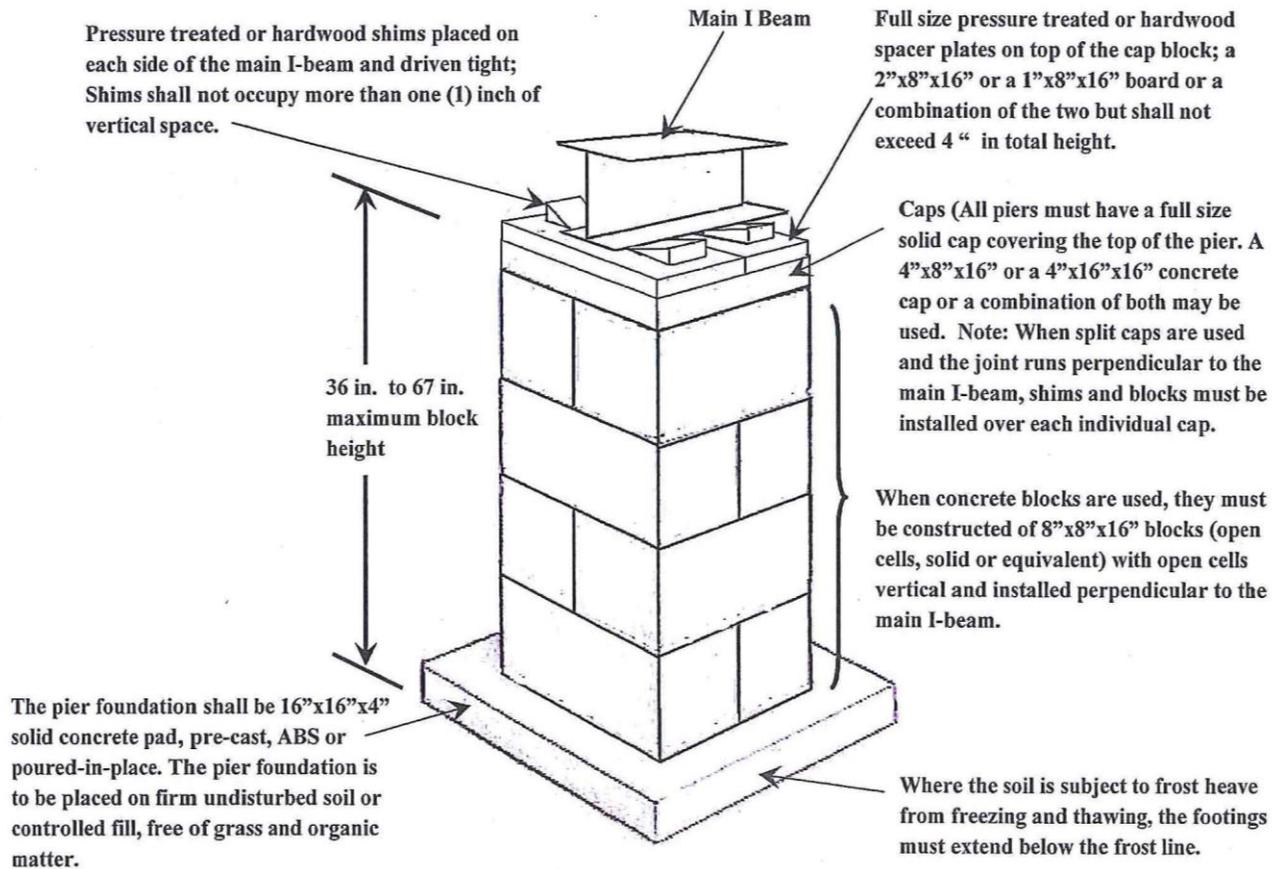
All corner piers shall be double tiered units at least 16" x 16" consisting of interlocking masonry units and shall be fully capped as shown in Figure 4. Two 8x16x4 inch cap blocks may be used on a double tiered pier provided that the joint between the blocks is perpendicular to the joint between the open cell concrete blocks and is also perpendicular to the main frame I-beam. The corner piers shall be placed not more than 2 ft and not less than 1 ft. from the end of each main frame support beam.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

#### **Rule 5.06.7-7: Double Tiered Pier Heights**

- A. Piers 36 inches to 67 inches high shall be double-tiered units at least 16x16 inches consisting of interlocking masonry units and shall be fully capped with a 2 inch or 4 inch thick solid masonry unit or equivalent. (See Figure 5).

**Figure 5. Double Block Pier Construction.**



- B. Piers between 68-80 inches high shall be constructed in accordance with the provisions of Rule 5.06.7-7(A), provided the piers shall be filled with grout and reinforced with four continuous No. 5 bars. One bar shall be placed in each corner of the grouted space of the piers.

- C. The maximum pier height shall be no more than 67 inches unless designed and approved by a registered engineer or a higher height/different design is required by the National Flood Insurance Program (NFIP) floodplain management criteria.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.7-8: Cast-In-Place Concrete Piers**

Cast-in-place concrete piers meeting the same size and height limitations of Rule 5.06.7-1 through 5.06.7-7 above, may be substituted for piers constructed of masonry units.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.7-9: Pier Footings**

- A. Every pier shall be supported by a footing. All main frame support piers and marriage line support piers shall be constructed on footings of solid concrete not less than 16 x 16 inches that consist of a concrete pad, precast, ABS, or poured in place concrete slab, unless other footing types and sizes are allowed. All footings are to be placed on stable undisturbed soil or properly compacted fill material. The fill material must be compacted to 90 percent of maximum relative density to adequately provide the proper load bearing capacity for the support pier footings.
  
- B. Perimeter pier footings are required to be 8”x16”x4”concrete pads or equivalent. Perimeter piers shall be single tiered and placed parallel to the sidewall under the rim joist.
  
- C. Poured-in-place concrete pads, slabs, or runners used as footings for a Factory-Built home shall be a minimum 6-in thick with a least a 28 day compressive strength of 3,000 pounds per square inch (psi) and shall be required to contain proper reinforcing steel. If an existing concrete slab is to be used as the foundation of the home and the thickness and the existence of reinforcing steel cannot be readily determined, all main frame support piers shall be required to be placed on a solid concrete footing 16 x 16 inches or ABS pads. In addition, the top elevation of the concrete slab shall be a minimum of 4 inches higher than the existing grade of the soil around the slab.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.7-10: Marriage Wall Piers**

Marriage wall piers shall be constructed to the same requirements as all other main frame support pier requirements. Marriage line piers, less than 36 inches in height, shall be single tiered, on footings and placed perpendicular to the line of the mated sections of the home. All marriage wall openings are required to have support piers at each side of the opening. Typical marriage wall openings are cathedral openings and passageway openings which are 48 inches and larger. Marriage walls shall also have support piers at each ridge beam column and within 2 ft. of each end of the home.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.8: Pier Spacing and Placement**

- A. To assure proper pier spacing and placement for all Factory-Built homes the piers shall be located in accordance with the Factory-Built home installation instructions. If the Factory-Built home installation instructions are not available for a used home, piers for single section homes are to be placed under each longitudinal main frame member not to exceed 8 ft on center spacing for homes that are 14 ft wide or less and 6 ft on center for homes that are over 14 ft wide. End piers shall be no more than two (2) feet and no less than one (1) foot from the end of the frame.
- B. The pier spacing under each longitudinal main frame member for all used Factory-Built homes (single wide or multi-section) having a Wind Zone II classifications shall be no greater than 6 ft on center.
- C. Piers for used multi-section homes are to be placed under each longitudinal main frame members not to exceed 6 ft on center spacing. For used multi-section homes, piers are to be placed under the center marriage line no less than one (1) foot at from each end, under ridge beam support columns, and under both sides of openings at the marriage line greater than 12 ft. All marriage wall support piers shall be placed perpendicular to the mate line of the two sections of the home.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.8-1: Placement of Door and Window Support Piers**

For all homes, all exterior entry doors shall have piers or a manufacturer's approved support device on each side of the opening. All windows over 48 inches wide shall be properly blocked under each side of the opening (footings for these support piers may be 8" x 16" x 4" concrete pads or equivalent). In the event that an outrigger support, electrical, mechanical equipment or other devices is directly under one side of the opening, the blocks on that side may be offset up to maximum of 6 inches in either direction of the supported member. If the placement of the piers cannot be achieved according this regulation, the installer/transporter must document on the Property Locator Form Checklist the reasons for the deviation from the regulation.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.8-2: Placement of End Support Piers**

Where practical for all homes, the end support piers (including the end marriage wall piers) shall be placed within 1 ft of the ends of the main frame but shall not be more than 2 ft from the end of the frame. When the location and spacing of wheels and axles, or other structural members of home frames, or undercarriages prevent spacing of piers on 8 or 6 ft centers, the spacing shall be as near 8 or 6 ft maximum spacing as practicable in the area of the obstruction.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.8-3: Placement of Piers Under Concentrated Loads**

Piers shall be placed under other concentrated loads such as porch posts, bay window overhangs, and masonry faced fireplaces on floor overhangs. Factory-Built Homes that exceed 16 ft per floor in width shall have perimeter piers under the sidewalls every 6 ft and at each corner.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.8-4: Placement of Perimeter Support Piers**

Perimeter piers shall be placed under the intersection of a perimeter joist and a transverse joist or shall be under a 4x4 inch brace that supports at least two floor joists.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

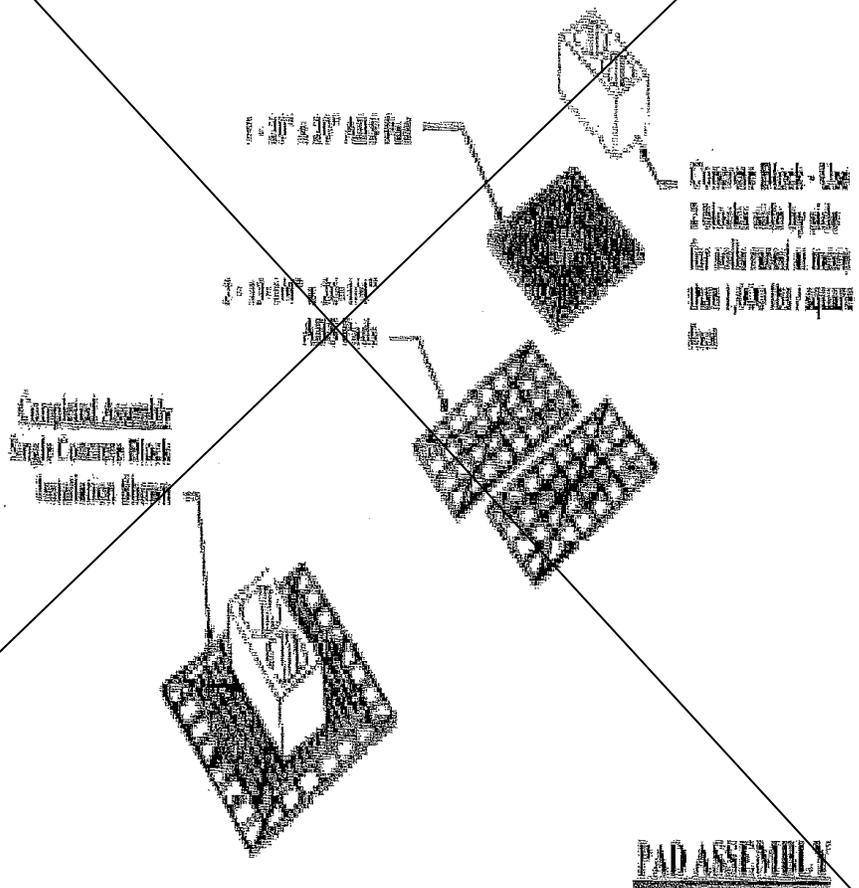
**Rule 5.06.8-5: Piers for Homes Installed In Designated Flood Area**

All piers and foundation supports for homes that are installed in a designated flood prone area shall be designed by a licensed engineer and shall have drawings of the as-built design with the engineer's registered stamp. The engineer designed foundation shall comply with the requirements set forth in the manual, Manufactured Home Installation In Flood Hazard Areas, published by the Federal Emergency Management Agency (FEMA 85; September 1985).

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

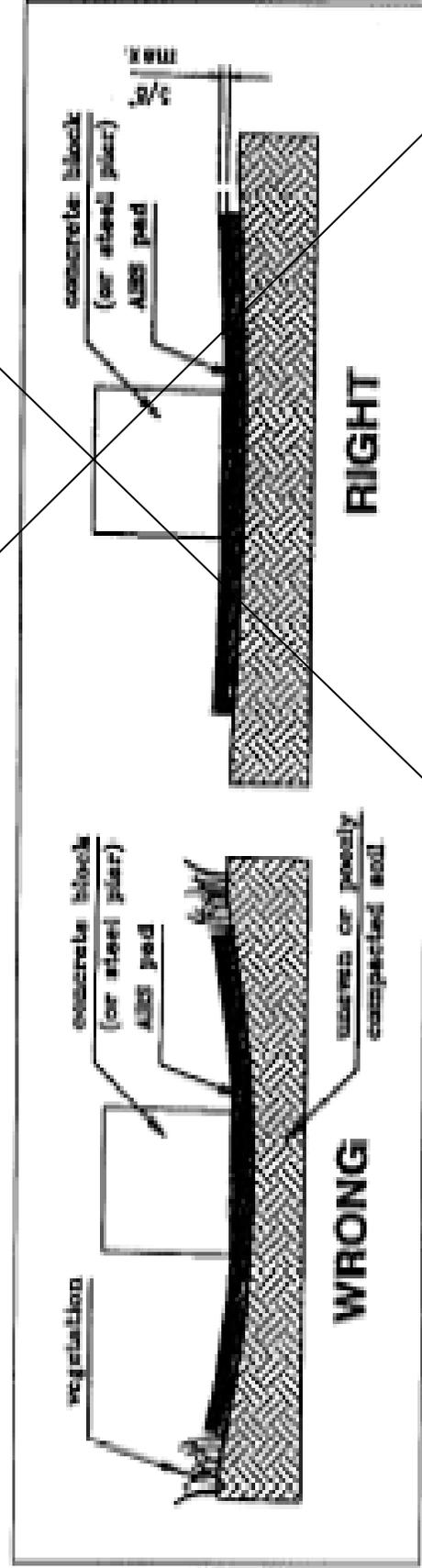
**Rule 5.06.7 and 8: Figure 3 – ABS Pad Assembly and Installation Instructions**

**FIGURE III - AIS PAD ASSEMBLY**  
**Installation Instructions for AIS Pads**  
**26" x 26" Pad Configuration**



**FIGURE IV - ABS PAD INSTALLATION INSTRUCTIONS**  
Addendum (9 October 1995, Revised 27 September 1996)

The purpose of this addendum is to emphasize that the ground under the ABS pads must be leveled, evenly compacted, and cleared of all vegetation and debris before the placement of the pads.



The maximum deflection in a single pad is  $5/8"$  measured from the highest point to the lowest point of the top.

**Rule 5.06.9: Installation Instructions for ABS Pads**

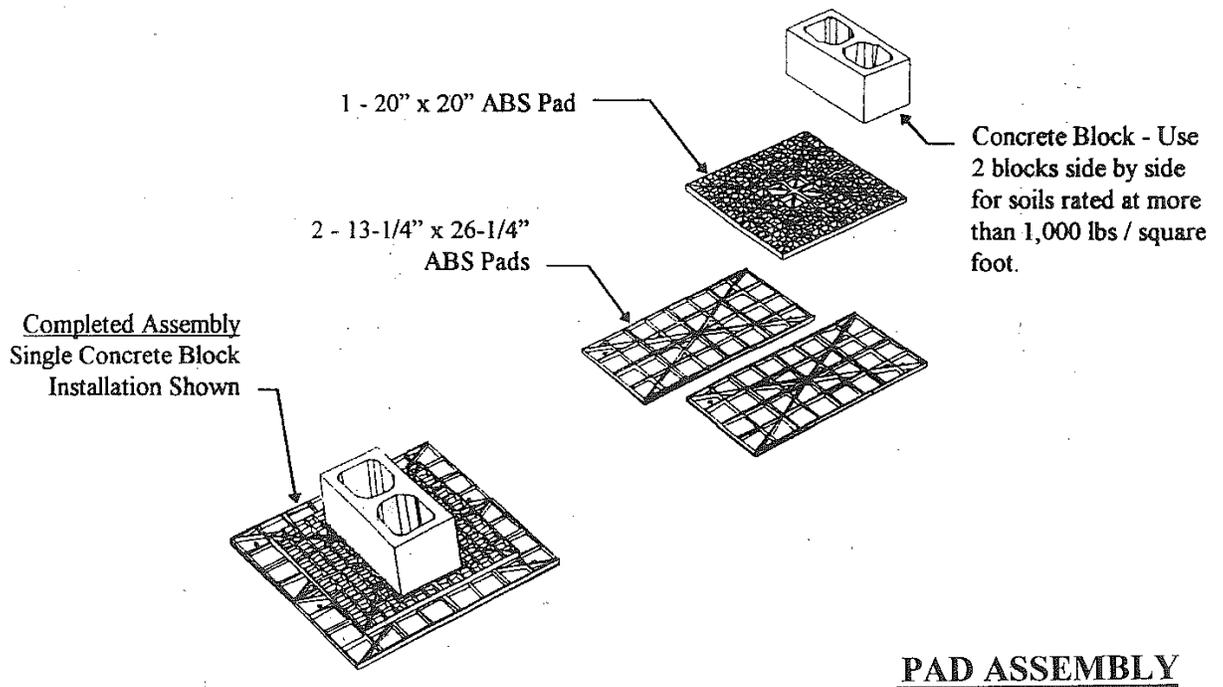
- A The purpose of this section is to emphasize that **the ground under the ABS pads must be leveled, evenly compacted, and cleared of all vegetation and debris before the placement of the pads.**
- B Note that if the pad deflects more than 5/8 of an inch when installed, pier spacing is incorrect for the existing soil conditions. The maximum deflection in a single pad is 5/8 of an inch measured from the highest point to the lowest point of the top.
- C Installation Instructions for ABS Pads B 26X 26 Inch Pad Configuration
- All pads are to be installed flat side down, ribbed side up.
  - The ground under the pads should be leveled as smooth as possible with all vegetation removed. Pads are not to be placed on natural grade unless otherwise permitted by the local building authority.
  - Pier and pad spacing will be determined by the manufacturer's written set up instructions. In the absences of home manufacturer's written set up instructions and written set up instructions from the pad manufacturer ~~of the pads~~, the pier and pad spacings shall be no greater than 6 ft apart for Wind Zone I areas and no greater than 4 ft for Wind Zone II areas.
  - The open cells between the ribbings on the upper side of the pads may be filled with soil or sand after installation to prevent any accumulation of stagnant water in the pads.
  - A pocket penetrometer may be used to determine the actual soil bearing value. If soil testing equipment is not available, as mentioned earlier in the Regulation that an assumed soil bearing capacity value of 1000 lbs/square foot (psf) may be used.
  - All pad sizes shown are nominal dimensions and may vary to 1/8 of an inch.
  - The maximum deflection in a single pad is 5/8 of an inch measured from the highest point to the lowest point of the top face. (Please review Table V and Figures 6 and 7).

**TABLE V – SIZE AND LOAD**

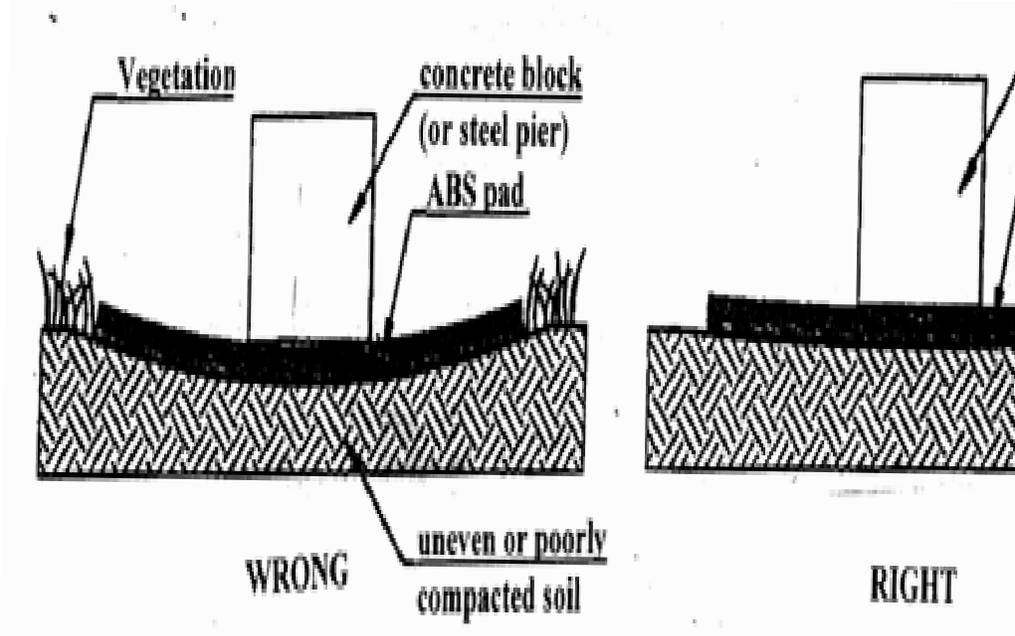
<b>PAD SIZE</b>	<b>PAD AREA</b>	<b>1000 LB.SOIL</b>	<b>2000 LB.SOIL</b>	<b>3000 LB.SOIL</b>
16" X 16"	256 sq. in.	1,780 lbs.	3,560 lbs.	5,333 lbs.
18.5" X 18.5"	342 sq. in.	2,375 lbs.	4,750 lbs.	7,125 lbs.
20" X 20"	400 sq. in.	2,750 lbs.	5,500 lbs.	8,250 lbs.

- a. Any configuration above may be used to replace a home manufacturer's recommended concrete or wood base pad.
- b. The maximum load at any intermediate solid value may be determined as the average of the next lower and next higher soil values given in the above table.
- c. Pad sizes shown are nominal dimensions and may vary up to 1/8 inch.
- d. Pad loads are the same when using single stack or double stack blocks.

**Figure 6. ABS pad assembly installation instructions for a 26" x 26" configuration**



**Figure 7. Maximum allowable deflection in a single ABS pad**



Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.10: Tie-downs**

Factory-Built homes with provisions for installation of anchor systems, including instructions, in accordance with Federal Manufactured Home Construction & Safety Standards, Section 24 CFR 3280.306 shall be installed in accordance with the manufacturer's instructions. Factory-Built homes not provided with such installation instructions, or Factory-Built homes not provided with instructions for the zone (wind or non-wind) in which they are being installed shall comply with the following:

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.10-1: Single-wide Factory-Built Homes**

- A. The number of tie-downs for single wide (10 ft., 12 ft., 14 ft., or 16 ft.) Factory-Built homes shall comply with Tables VI and Table VII.
- B. All used Factory-Built homes shall be tied down in accordance with Table VI and Table VII unless the anchoring system is designed and approved by a registered professional engineer (as per manufacturer's installation instructions).
- C. Single section Factory-Built homes shall have diagonal and vertical ties and anchors in accordance with Table VI and Table VII unless the manufacturer's installation instructions are utilized.

**TABLE VI- MINIMUM NUMBER OF TIEDOWNS FOR WIND ZONE II\***

<b>Length of Factory-Built home, excluding draw bar (ft.)</b>	<b>Number of vertical ties**</b>	<b>Number of diagonal ties, each side</b>	<b>Total required anchors per home</b>
0-40	<u>5</u>	<u>5</u>	<u>10</u>
41-60	<u>7</u>	<u>7</u>	<u>14</u>
61-84	<u>9</u>	<u>9</u>	<u>18</u>
<u>****</u> 85 +			

**TABLE VII- MINIMUM NUMBER OF TIEDOWNS FOR WIND ZONE I\***

<b>Length of Factory-Built home, excluding draw bar (ft.)</b>	<b>Number of vertical ties ***</b>	<b>Number of diagonal ties, each side</b>	<b>Total required anchors per home side</b>
0-40	<u>0</u>	<u>4</u>	<u>8</u>
41-60	<u>0</u>	<u>6</u>	<u>12</u>
61-84	<u>0</u>	<u>8</u>	<u>16</u>

\* These tables are based on a minimum working load per tie of 3,150 lbs with a 50 % overload (4,725 lbs total).

\*\* The Federal Manufactured Home Construction and Safety Standards require all Factory-Built homes designed to be located in wind Zone II and III to have a diagonal tie installed at each vertical tie location.

\*\*\* If existing vertical tie down straps or brackets are present on the home, vertical straps and anchors must be installed at these locations.

\*\*\*\* If the support pier height is over 24 inches, an additional diagonal tie must be added, per side, for every additional 12 inches of pier height or a portion thereof.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013).

**Rule 5.06.10-2: Multi-sectional Factory-Built Homes**

- A. All used multi-sectional Factory-Built homes shall have diagonal ties and anchors as required above for single-wide Factory-Built homes as listed in Tables VI and VII above. The number of anchors and straps along the mate line of the multi-sectional Factory-Built home shall be one/half of the required number for one side of a single wide unit having the same length. A minimum of two of the anchor and straps are to be placed within 2 ft of the end of each section of the home.
- B. The installation of anchors and diagonal ties will be required along the mate line on all used multiple section Factory-Built homes unless the manufacturers installation manual for the home is available and specifies that these stabilizing devices are optional.
- C. All new multi-sectional Factory-Built homes are to be secured at the centerline with straps and anchors to the specifications in the manufacturer’s installation manual or at the locations designated on the home. In addition to centerline ties specified by the manufacturer, a centerline tie must be attached within two (2) feet of each end of each

section of the Factory-Built home. Where necessary, an approved bracket shall be installed by the installer/transporter.

- D. All multi-sectional homes shall be lagged and sealed together in accordance with the manufacturer's installation instructions. If no manufacturer's installation instructions are available, the instructions provided in this regulation shall be followed.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.10-3: Pan-Type Foundation Stabilizing Systems**

1. Proprietary pan-type foundation stabilizing systems shall be installed in accordance with the pan system manufacturer's installation instructions provided with the product as it relates to the length of the home, single-wide or multi-sectional home, the maximum pier height and the pitch of the roof. The manufacturer name and model number of the pan-type foundation stabilizing system shall be included in the comments section of the Property Locator/ Inspection Report form provided to the State Fire Marshal's office.
2. Prior to the selection and use of the pan-type foundation stabilizing system, it is the responsibility of the installer/transporter to check with the LAHJ to determine if any restrictions have been placed on the use of these types of stabilizing systems.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.10-4: Alternate Systems**

These specifications listed above for the tie-downs are minimum standards. Other anchor systems may be approved by the Division or LAHJ provided that such designs are prepared by a registered professional Mississippi engineer or architect based on the criteria set forth in Federal Manufactured Home Construction & Safety Standards, Section 3280.306.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.10-5: Tie-down Spacing and Sizes**

The following specifications are the minimum standards for all tie-down spacing and sizes.

- A. Over the top tie-downs shall be positioned at stud and rafter locations near the each end of the Factory-Built home. Others, if needed, may be positioned between them.
- B. A metal roof protector must be used with over-the-roof tie down straps.
- C. Wherever feasible, over the top tie-downs and frame ties directly beneath them may use the same anchors.

- D. All vertical side wall and shear wall tie down buckles existing on the home must be properly strapped and anchored.
- E. All tie-down straps, cables and devices must be tested and approved. All ties shall be fastened to ground anchors and drawn tight with turnbuckles, yoke type fasteners or other such tensioning devices listed with the ground anchor.
- F. All tie-down straps and devices must be attached to the factory-built home in accordance with the manufacturer's instructions for the specific types of straps and devices. All tie-down straps and devices must be tested and approved. Straps must be type I, finished B, grade 1 steel strapping, 1 1/4" wide and 0.035" thick conforming with Federal Specifications strapping steel and seals FS QQ-S-781H-1974.
- G. Tie down straps shall not be kinked or bent or otherwise abnormally stressed when installed. Straps must not be in contact with the support piers.
- H. The angle of the diagonal tie down strap shall not exceed 45 degrees between the strap and the ground. If the angle exceeds 45 degrees an additional strap must be installed and attached to the opposite support frame.
- I. All straps must be properly attached to the anchor head according to the manufacturers installation instruction and properly tensioned. According to manufacturer specifications, the winding of the strap on the anchor head bolt must contain a minimum of four to five complete turns.
- J. Splices in the anchor straps must be installed in accordance with the manufacturer's instructions for straps and devices. If manufacturer instructions for splicing anchor straps are not available, the following instructions will apply. The ends of the straps must overlap a minimum of 6 inches and a maximum of 12 inches. Two (2) crimp seals must be installed in the overlap of the strap ends and each crimp seal must be double crimped.
- K. Cables shall be either 7/32 inch diameter or greater (7x7) steel cable or 1/4 inch diameter or greater (7x19) aircraft cable. All cable ends shall be secured with at least two U bolt type cable clamps or other fastening device as approved by the building official.
- L. Tie materials shall be capable of resisting an allowable working load of 3,150 lbs with no more than 2% elongation and shall withstand a 50% overload [4,725 lbs total]. Tie-downs exposed to weathering shall be resistant to weathering deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz per square foot of surface coated. Type I.

- M. Class B, Grade I, steel strapping 1 1/4 inches wide and 0.035 inch thick, conforming to Federal Specifications QQ S 781 F, is judged to conform to this section.
- N. Materials used for ties must terminate with D-rings bolts, or other fastening devices, which will not cause distortion of the band or reduce its breaking strength of 4,725 lb. Please note that ties should be double wrapped (double looped) at top of beam, not at the bottom.
- O. Connection of the cable frame tie to the I-beam (or other shape) main structural frame member should be by a 5/8 inch drop forged closed eye bolted through a hole drilled in the center of the I-beam web. A washer, or equivalent, shall be used so that the beam is sufficiently reinforced around the hole. If steel strap ties are used, care should be exercised to insure that minimum bending radius is adhered to so that the breaking strength of the strap is not reduced.
- P. Frame ties shall connect the anchor and the steel I-beam (or other shape) main structural frame member which runs lengthwise under the Factory-Built home. Frame ties shall never be connected to any of the steel outrigger beams which fasten to and intersect the main I beam at right angles.
- Q. Ground anchors should be aligned with center of piers. Also, they should be situated immediately below the outer wall to accommodate over the top ties as well as frame ties.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

~~Rule 5.06.9: Table 5 – Minimum Number of Tiedowns for Wind Zone II and~~

~~Rule 5.06.10: Table 6 – Minimum Number of Tiedowns for Wind Zone I~~

~~A. Definitions~~

- ~~1. DIAGONAL TIE – any tie down designed to resist horizontal or shear forces and which deviates not less 30° (0.52 rad) from a vertical direction.~~
- ~~2. GROUND ANCHOR – any device at the manufactured home stand designed for the purpose of securing a manufactured home to the ground.~~
- ~~3. WIND (HURRICANE) ZONE II – Hancock, Harrison, Jackson, George, Stone and Pearl River Counties are all Wind Zone II areas for the State of Mississippi.~~
- ~~4. TIEDOWN – any device designed for the purpose of anchoring a manufactured home or mobile home to the ground anchors.~~

~~TABLE V - MINIMUM NUMBER OF TIEDOWNS FOR WIND ZONE II~~

Length of manufactured home, excluding draw bar (ft.)	Number of vertical ties	Number of diagonal ties, each side	Total required anchors per home
0-40	2	4	8
41-60	3	6	12
61-84	4	8	16
** 85+			

**TABLE VI MINIMUM NUMBER OF TIEDOWNS FOR WIND ZONE I**

Length of manufactured home, excluding draw bar (ft.)	Number of vertical ties	Number of diagonal ties, each side	Total required anchors per home
0-40	2	3	6
41-60	3	5	10
61-84	3	6	12
** 85+			

\* These tables are based on a minimum working load per tie of 3,150 lbs with a 50 % overload (4,725 lbs total).

\*\* The number of vertical ties, diagonal ties, and total required anchors of homes that exceed 85+ feet is subject to the approval of the Commissioner.

**B. Tie-downs**

1. Manufactured or mobile homes with provisions for installation of anchor systems, including instructions, in accordance with Federal Manufactured Home Construction & Safety Standards, Section 24 CFR 3280.306 shall be installed in accordance with the manufacturer's instructions. Manufactured homes or mobile homes not provided with such installation instructions, or manufactured homes or mobile homes not provided with instructions for the zone (wind or non-wind) in which they are being installed shall comply with the following:
  - a. The number of tie-downs for single wide (10 ft, 12 ft, or 14 ft) manufactured homes or mobile homes shall comply with Tables V and Table VI.
  - b. Manufactured homes or mobile homes shall be tied down in accordance with these tables unless the anchoring system is designed and approved by a registered professional Mississippi engineer (as per manufacturer's installation instructions).

- e. ~~Single section manufactured homes or mobile homes shall have diagonal and vertical ties and anchors in accordance with the tables below unless manufacturer's installation instructions are utilized.~~
  
- d. ~~Multiple wide manufactured or mobile homes shall have diagonal ties and anchors as required above for single wide manufactured or mobile homes as listed in **Tables V and VI above.**~~
  
- e. ~~Alternate systems. These specifications are minimum standards. Other anchor systems shall be approved by the Division or local building official(s) provided that such designs are prepared by a registered professional Mississippi engineer or architect based on the criteria set forth in Federal Manufactured Home Construction & Safety Standards, Section 3280.306.~~
  
- f. ~~Tie down Spacing and Sizes~~
  - i. ~~Over the top tie downs shall be positioned at stud and rafter locations near each end of the manufactured or mobile home. Others, if needed, may be positioned between them.~~
  
  - ii. ~~Wherever feasible, over the top tie downs and frame ties directly beneath them may use the same anchors.~~
  
  - iii. ~~Cable or strapping or other approved methods or materials shall be used for ties. All ties shall be fastened to ground anchors and drawn tight with turnbuckles, yoke type fasteners or other such tensioning devices listed with the ground anchor.~~
  
  - iv. ~~Cable shall be either 7/32 inch (5.6 mm) diameter or greater (7x7) steel cable or 1/4 inch (6.4 mm) diameter or greater (7x19) aircraft cable. All cable ends shall be secured with at least two U bolt type cable clamps or other fastening device as approved by the building official.~~
  
  - v. ~~Tie materials shall be capable of resisting an allowable working load of 3,150 lbs (14.0 kN) with no more than 2% elongation and shall withstand a 50% overload [4,725 lbs (21.0 kN) total]. Tie downs exposed to weathering shall be resistant to weathering deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz per square foot (92 g/m<sup>2</sup>) of surface coated. Type I, Class B, Grade I, steel strapping 1 1/4 inches (32 mm) wide and 0.035 inch (0.89 mm) thick, conforming~~

to Federal Specifications QQ S 781 F, is judged to conform to this section.

- ~~vi. Materials used for ties must terminate with D rings bolts, or other fastening devices, which will not cause distortion of the band or reduce its breaking strength of 4,725 lb (21.0 kN). Please note that ties should be double wrapped (double looped) at top of beam, not at the bottom.~~
- ~~vii. Connection of the cable frame tie to the I beam (or other shape) main structural frame member should be by a 5/8 inch (15.9 mm) drop forged closed eye bolted through a hole drilled in the center of the I beam web. A washer, or equivalent, shall be used so that the beam is sufficiently reinforced around the hole. If steel strap ties are used, care should be exercised to insure that minimum bending radius is adhered to so that the breaking strength of the strap is not reduced.~~
- ~~viii. Frame ties shall connect the anchor and the steel I beam (or other shape) main structural frame member which runs lengthwise under the manufactured home or mobile home. Frame ties shall never be connected to any of the steel outrigger beams which fasten to and intersect the main I beam at right angles.~~
- ~~ix. Ground anchors should be aligned with center of piers. Also, they should be situated immediately below the outer wall to accommodate over the top ties as well as frame ties.~~

### ~~C. Anchors~~

- ~~1. Devices used to anchor manufactured or mobile homes shall meet the following requirements:
  - ~~a. Ground anchors shall be aligned close to the end of the piers, but not in exact center that will interfere with frame ties.~~
  - ~~b. Auger type (or other C 4 rated) anchors shall be at least 4 ft in length, have a minimum diameter of 6 inches (arrowheads 8 inches) and be sunk their full depth when sandy soils are present. When the condition of the soil (including ground density, composition and compaction) will not allow the Auger type or other C 4 rated anchors to be sunk to their full depth, the Auger type or other C 4 rated anchor attempted to be sunk shall be left in place and C 2 rated anchors may be used. Steel rods shall be at least 5/8 of an inch in diameter, have a forged or welded eye at top, or have a yoke type fastening and tensioning device or a threaded connector~~~~

~~and tensioning device. C-4 anchors shall be capable of withstanding 4,750 lbs of pull (in a vertical or diagonal direction) without failure.~~

- ~~c. Anchors to reinforced concrete slabs must be strength comparable to that presented above.~~
- ~~d. Other anchors which are capable of withstanding 4,750 lbs of pull without failure may be approved by the Factory Built Home Division of the State Fire Marshal's Office as equivalent to above specifications.~~
- ~~e. All ground anchors having frame tie connections only shall have approved stabilizing plates installed on the inside (direction of pull) with the top of the stabilizing plate driven flush with the soil. Exception: Stabilizer plates are not required with coral anchors or at centerline or marriage wall locations.~~
- ~~f. The "Standard Method of Test for Manufactured Home Anchors, Parts A and B" is described in the Federal Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.401.~~

#### ~~D. General~~

~~—All new manufactured, mobile or modular homes shall be installed in accordance with the home installation instructions. These instructions may include the following details.~~

- ~~1. Skirting must have vents and an opening for access to the crawl space and heat tape outlet.~~
- ~~2. The dryer exhaust vent must terminate outside the home.~~
- ~~3. Combustion air vents may be needed for sealed combustion units and fireplaces.~~
- ~~4. A vapor barrier may be required on the soil.~~
- ~~5. A clearance must be maintained between the soil and wood floor joists.~~
- ~~6. Water supply lines may be required to be insulated.~~
- ~~7. The lot should be graded to avoid standing water under the home.~~
- ~~8. The air conditioning condensate drain may be specified to have a termination outside the home.~~
- ~~9. Specifications for utility connections must be followed.~~

- a. ~~If the installation instructions for used manufactured or mobile homes are not available, the anchoring and support requirements of this standard shall be followed and other aspects of the home installation shall conform to the minimum standards for occupancy established by the Rules and Regulations of the Factory Built Home Division.~~
- b. ~~Used Manufactured or mobile homes, built after July 13, 1994, that conform to Wind Zone I ratings only, cannot be installed within a designated Wind Zone II area, unless approved by the county or municipality having jurisdiction within the Wind Zone II area. The Wind Zone II area for homes manufactured after July 13, 1994, consists of the following counties: Hancock, Harrison, Jackson, George, Pearl River, and Stone.~~
- c. ~~For used manufactured or mobile homes that were built prior to July 13, 1994, the following shall apply, If the manufactured home or mobile was built to the HUD Hurricane Zone rating that existed prior to July 13, 1994, it may be installed in one of the post July 13, 1994, counties that are listed in No. 3 above. For reference, HUD designated Hurricane Zone counties that existed prior to July 13, 1994, were as follows: Hancock, Harrison, Jackson, George, Pearl River, Stone, Greene, Perry, Forrest, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson. However, if the county or municipality having jurisdiction within the post July 13, 1994, Wind Zone II area has adopted more restrictive requirements that would prohibit the installation of a pre July 13, 1994, Hurricane Zone house, then the requirements of such county or municipality shall govern.~~
- d. ~~For the sales and installation of all manufactured housing, the retailer or developer shall determine whether the house is constructed to the properly rated Wind/Hurricane zone for its intended use and installation by referring to the HUD data plate.~~
- e. ~~The support and anchoring systems of all mobile homes that bear the HUD label shall be designated by a Registered Professional engineer or architect and meet the requirements of 24 CFR Section 3280.306, pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. Section 5401, et seq.) and the Manufactured Housing Improvement Act of 2000 as amended. The manufacturer shall provide complete tie down instructions with each manufactured or mobile home.~~
- f. ~~From and after July 1, 2005, no retailer, developer, transporter or installer shall deliver or cause to be delivered any factory built home to any person at any site where such home is to used for human habitation without anchoring and blocking such home in accordance with rules, regulations~~

~~and procedures promulgated by the Commissioner pursuant to Section 75-49-5; provided, however, that a period of thirty (30) days from date of delivery shall be allowed for the anchoring and blocking of such homes.~~

Source: Miss. Code Ann. §75-49-1, et seq. (Rev. 2009)

**Rule 5.06.11: Anchors**

Devices used to anchor Factory-Built homes shall meet the requirements listed in the following paragraphs.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.11-1: Soil Classification of Anchors**

All ground anchors must be installed in the soil types for which they are tested and approved. It should be noted that soil types may vary across a home installation site. Prior to installing any ground anchor, it is the responsibility of the installer/transporter to determine the soil class at the installation site and to ensure that the proper class of anchor is installed for the existing type of soil. The acceptable method for the determination of the soil classification is by a soil test probe. The soil classifications shown in Table I are the accepted standards of this Regulation and are to be used for the purpose of determining the design loads, specifications and holding power of anchors and tie down devices for installation of Factory-Built homes in the State of Mississippi.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.11-2: Determining the Soil Class of Anchors**

The use of a soil test probe shall be required in the determination of the soil classification at the installation site for the proper soil class anchor that can be used. A minimum of 6 readings (one at each of the four corners of the home, within two feet of the corners, one at the front center of the home and one at the rear center of the home) shall be required in order to properly choose the anchoring device required for the home. Results of the soil test probe may be averaged and used to determine anchor types based on the anchor manufacturer's installation and/or user manual requirements. However, **all** of the soil test probe torque values and the depth readings obtained at the installation site, including the computed average reading, shall be recorded on the Property Locator/ Inspection Report form to confirm the determined soil class for anchor selection.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.11-3: Preferred Soil Class Anchor**

If no soil test probe measurements have been obtained for the determination of the soil classification at the installation site, it is preferred that a soil class type C-4 rated anchor shall be

used. C-4 rated anchors shall have a minimum auger diameter of 6 inches and be shall be installed to their full depth. When the condition of the soil (including ground density, composition, moisture content and compaction) will not allow the C-4 rated anchors to be installed to their full depth, the C-4 rated anchor that could not be installed shall be left in place, soil test probe readings obtained and the appropriate soil class anchor installed adjacent to the failed C-4 anchor. All ground anchors used shall be capable of withstanding 4,750 lbs of pull (in a vertical or diagonal direction) without failure.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.06.11-4: Proper Installation of Ground Anchors**

- A. Ground anchors shall be aligned close to the end of the piers, but not in exact center that will interfere with frame ties.
- B. All anchors shall be installed in a vertical position or with the anchor rod in direct alignment with the force of the loading.
- C. Anchors to reinforced concrete slabs must be strength comparable to that presented above. If a Factory-Built home is to be placed on a monolithic concrete slab, the ground anchors may be replaced with anchor bolts imbedded in the concrete slab. The location of the anchor bolt in relation to the longitudinal support I-beam will be the same as the ground anchors.
- D. Other anchors which are capable of withstanding 4,750 lbs of pull without failure may be approved by the Factory-Built Home Division of the State Fire Marshal's Office as equivalent to above specifications.
- E. All ground anchors installed in a vertical position having frame tie connections shall have approved stabilizer plates, stabilizer caps, concrete collar, or other approved stabilizer devices installed to resist horizontal movement. The stabilizer device must be installed according to the manufacturer's instructions and the top of the device must be flush with the surface of the soil. If a concrete cap is used it must be a minimum of 10" in diameter and 18" deep. Exception: Stabilizer plates are not required with coral anchors or at centerline or marriage wall locations.
- F. Anchors must be installed to full depth with the bottom of the anchor head within one (1) inch of the soil's surface.
- G. The "Standard Method of Test for Manufactured Home Anchors, Parts A and B" is described in the Federal Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.401.

- H. The use of any alternate systems of anchoring not approved by HUD may be used if proof that the manufacturer of the home has approved the use of such systems is provided with the submittal of the Property Locator/Inspection Report Form.
- I. All ground anchors, tie down devices, and ground foundation systems must be installed according to the manufacturer's installation instructions for their respective ground anchors, tie down devices and ground stabilization devices.
- J. Rock anchors can only be used in solid rock.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.07:** Official Notices and Bulletins

All manufacturers, retailers, developers and installer/transporters shall maintain any and all official notes and/or bulletins issued by the Factory-Built Home Division for three (3) years from the date of issuance. If so required by this Factory-Built Home Division, all manufacturers, retailers, developers and installer/transporters shall display official notices and bulletins in plain view for the public. Exception: Any official notices and bulletins marked as permanent records or **DO NOT DESTROY**.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.08:** 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 of application, and to this end the provisions of the Regulation are declared to be severable.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.09:** Repeal of Emergency Regulation MH-2009-2

Regulations MH-2009-1 and MH 2010-3 are repealed.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.10:** Effective Date

This Regulation shall become effective on ~~November 5, 2009~~ January 1, 2015.

Source: Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2013)

**Rule 5.11:** ~~Exhibit A Mississippi Manufactured Home Installation Program Standards~~  
~~————— PDF format 5.11.1 through 5.11.10~~

Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)

**DELETE FOLLOWING PAGES 190-258**

**EXHIBIT "A"**  
**MISSISSIPPI MANUFACTURED HOME INSTALLATION PROGRAM STANDARDS**

**24 CFR PART 3285—Model Manufactured Home Installation Standards**

**Subpart A—General**

Sec.

- 3285.1 Administration.
- 3285.2 Manufacturer installation instructions.
- 3285.3 Alterations during initial installation.
- 3285.4 Incorporation by reference (IBR).
- 3285.5 Definitions.
- 3285.6 Final leveling of manufactured home.

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- 3285.101 Fire separation.
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**Subpart C—Site Preparation**

- 3285.201 Soil conditions.
- 3285.202 Soil classifications and bearing capacity.
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- 3285.301 General.
- 3285.302 Flood hazard areas.
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- 3285.304 Pier configuration.
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- 3285.310 Pier location and spacing.
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- 3285.401 Anchoring instructions.
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### **Subpart F—Optional Features**

- 3285.501 Home installation manual supplements.
- 3285.502 Expanding rooms.
- 3285.503 Optional appliances.
- 3285.504 Skirting.
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### **Subpart G—Ductwork and Plumbing and Fuel Supply Systems**

- 3285.601 Field assembly.
- 3285.602 Utility connections.
- 3285.603 Water supply.
- 3285.604 Drainage system.
- 3285.605 Fuel supply system.
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### **Subpart H—Electrical Systems and Equipment**

- 3285.701 Electrical crossovers.
- 3285.702 Miscellaneous lights and fixtures.
- 3285.703 Smoke alarms.
- 3285.704 Telephone and cable TV.

### **Subpart I—Exterior and Interior Close-Up**

- 3285.801 Exterior close-up.
- 3285.802 Structural interconnection of multi-section homes.
- 3285.803 Interior close-up.
- 3285.804 Bottom board repair.

### **Subpart J—Optional Information for Manufacturer's Installation Instructions**

- 3285.901 General.
- 3285.902 Moving manufactured home to location.
- 3285.903 Permits, alterations, and on-site structures.
- 3285.904 Utility systems connection.

3285.905 Heating oil systems.  
3285.906 Telephone and cable TV.  
3285.907 Manufacturer additions to installation instructions.

## **Subpart A—General**

### **§ 3285.1 Administration.**

(a) Scope. These Model Installation Standards provide minimum requirements for the initial installation of new manufactured homes, in accordance with section 605 of the Act (42 U.S.C. 5404) and § 75-49-7 (2) of the Mississippi Code, 1972, Annotated, as amended. The manufacturer's installation instructions, including specific methods for performing a specific operation or assembly, will be deemed to comply with these Model Installation Standards, provided they meet or exceed the minimum requirements of these Model Installation Standards and do not take the home out of compliance with the Manufactured Home Construction and Safety Standards (24 CFR part 3280). Work necessary to join all sections of a multi-section home specifically identified in Subparts G, H, and I of this part, or work associated with connecting exterior lights, chain-hung light fixtures, or ceiling-suspended fans, as specifically identified in Subpart I, is not considered assembly or construction of the home, although the design of those elements of a manufactured home must comply with the Manufactured Home Construction and Safety Standards (MHCSS). However, work associated with the completion of hinged roofs and eaves in § 3285.801 and other work done on-site and not specifically identified in this part as close-up is considered construction and assembly and is subject to the requirements of the Manufactured Home Construction and Safety Standards (24 CFR part 3280) and the Manufactured Home Procedural and Enforcement Regulations (24 CFR part 3282).

(b) Applicability. The standards set forth herein have been established to accomplish certain basic objectives and are not to be construed as relieving manufacturers, retailers, installers, or other parties of responsibility for compliance with other applicable ordinances, codes, regulations, and laws. The manufactured homes covered by this standard must comply with requirements of the U.S. Department of Housing and Urban Development's (HUD) MHCSS Program, as set forth in 24 CFR part 3280, Manufactured Home Construction and Safety Standards, and 24 CFR part 3282, Manufactured Home Procedural and Enforcement Regulations, as well as with, upon effect, the Manufactured Home Installation Program, 24 CFR part 3286, and the Dispute Resolution Program, 24 CFR part 3288. The requirements of this part do not apply to homes installed on site-built permanent foundations when the manufacturer certifies the home modular homes.

### **§ 3285.2 Manufacturer installation instructions**

(a) Instructions required. A manufacturer must provide with each new manufactured home, installation designs and instructions that have been approved by the Secretary or DAPIA. The approved installation instructions must include all topics covered in the Model Installation Standards for the installation of manufactured homes. These installation instructions and any variations thereto that are prepared to comply with paragraph (c) of this section must provide protection to residents of the manufactured homes that equals or exceeds the protection provided by these Model Installation Standards and must not take the manufactured home out of compliance with the MHCSS. These instructions must insure that each home will be supported and anchored in a manner that is capable of meeting or exceeding the design loads required by the MHCSS.

(b) Professional engineer or registered architect certification. A professional engineer or registered architect must prepare and certify that the manufacturer's installation instructions meet or exceed the Model Installation Standards for foundation support and anchoring whenever:

(1) The manufacturer's installation instructions do not conform in their entirety to the minimum requirements or tables or their conditions for foundation support and anchoring of this Standard; or

(2) An alternative foundation system or anchoring system is employed, including designs for basements and perimeter support foundation systems, whether or not it is included in the installation instructions; or

(3) Materials such as metal piers or alternatives to concrete footing materials are required by the installation instructions; or

(4) Foundation support and anchoring systems are designed for use in areas subject to freezing or for use in areas subject to flood damage or high seismic risk; or

(5) Foundations support and anchoring systems are designed to be used in special snow load conditions or in severe wind design areas; or

(6) Site conditions do not allow the use of the manufacturer's installation instructions; or

(7) There are any other circumstances in which the manufacturer's installation instructions would not permit the home to be installed in conformance with the Installation Standards or the MHCSS.

(c) Variations to installation instructions.

(1) Before an installer provides support or anchorage that are different than those methods specified in the manufacturer's installation instructions, or when the installer encounters site or other conditions (such as areas that are subject to flood damage or high seismic risk) that prevent the use of the instructions, the installer must:

(i) First attempt to obtain DAPIA-approved designs and instructions prepared by the manufacturer; or

(ii) If designs and instructions are not available from the manufacturer, obtain an alternate design prepared and certified by a registered professional engineer or registered architect for the support and anchorage of the manufactured home that is consistent with the manufactured home design, conforms to the requirements of the MHCSS, and has been approved by the manufacturer and the DAPIA.

(2) The manufacturer's installation instructions must include an explanation of the requirement in paragraph (c)(1) of this section.

### § 3285.3 Alterations during initial installation.

Additions, modifications, or replacement or removal of any equipment that affects the installation of the home made by the manufacturer, retailer, or installer prior to completion of the installation by an installer must equal or exceed the protections and requirements of these Model Installation Standards, the MHCSS (24 CFR part 3280) and the Manufactured Home Procedural and Enforcement Regulations (24 CFR part 3282). An alteration, must not affect the ability of the basic manufactured home to comply with the MHCSS, and the alteration must not impose additional loads to the manufactured home or its foundation, unless the alteration is included in the manufacturer's DAPIA-approved designs and installation instructions, or is designed by a registered

professional engineer or architect consistent with the manufacturer's design and that conforms to the requirements of the MHCSS.

#### § 3285.4 Incorporation by reference (IBR).

The materials listed in these Model Installation Standards are hereby incorporated by reference.

#### § 3285.5 Definitions.

The definitions contained in this section apply to the terms used in these Model Installation Standards. Where terms are not included, common usage of the terms applies. The definitions are as follows:

Act. The National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401– 5426.

Anchor assembly. Any device or other means designed to transfer home anchoring loads to the ground.

Anchoring equipment. Ties, straps, cables, turnbuckles, chains, and other approved components, including tensioning devices that are used to secure a manufactured home to anchor assemblies.

Anchoring system. A combination of anchoring equipment and anchor assemblies that will, when properly designed and installed, resist the uplift, overturning, and lateral forces on the manufactured home and on its support and foundation system.

Approved. When used in connection with any material, appliance or construction, means complying with the requirements of the Department of Housing and Urban Development.

Arid region. An area subject to 15 inches or less of annual rainfall.

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE). The elevation of the base flood, including wave height, relative to the datum specified on a LAHJ's flood hazard map.

Comfort cooling certificate. A certificate permanently affixed to an interior surface of the home specifying the factory design and preparations for air conditioning the manufactured home.

Crossovers. Utility interconnections in multi-section homes that are located where the sections are joined. Crossover connections include heating and cooling ducts, electrical circuits, water pipes, drain plumbing, and gas lines.

Design Approval Primary Inspection Agency (DAPIA). A state or private organization that has been accepted by the Secretary in accordance with the requirements of Part 3282, Subpart H of this chapter, which evaluates and approves or disapproves manufactured home designs and quality control procedures.

Diagonal tie. A tie intended to resist horizontal or shear forces, but which may resist vertical, uplift, and overturning forces.

Flood hazard area. The greater of either: The special flood hazard area shown on the flood insurance rate map; or the area subject to flooding during the design flood and shown on a LAHJ's flood hazard map, or otherwise legally designated.

Flood hazard map. A map delineating the flood hazard area and adopted by a LAHJ.

Footing. That portion of the support system that transmits loads directly to the soil.

Foundation system. A system of support that is capable of transferring all design loads to the ground, including elements of the support system, as defined in this section, or a site-built permanent foundation that meets the requirements of 24 CFR 3282.12.

Ground anchor. A specific anchoring assembly device designed to transfer home anchoring loads to the ground.

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 these Model Installation Standards and the Manufactured Home Construction and Safety Standards in 24 CFR Part 3280.

Installation standards. Reasonable specifications for the installation of a new manufactured home, at the place of occupancy, to ensure proper siting; the joining of all sections of the home; and the installation of stabilization, support, or anchoring systems.

Labeled. A label, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling is indicated compliance with nationally recognized standards or tests to determine suitable usage in a specified manner.

Listed or certified. Included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

Local authority having jurisdiction (LAHJ). The state, city, county, city and county, municipality, utility, or organization that has local responsibilities and requirements that must be complied with during the installation of a manufactured home.

Lowest floor. The floor of the lowest enclosed area of a manufactured home. An unfinished or flood-resistant enclosure, used solely for vehicle parking, home access, or limited storage, must not be considered the lowest floor, provided the enclosed area is not constructed so as to render the home in violation of the flood-related provisions of this standard.

**Manufactured home.** A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or which when erected on site is 320 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 in the structure.

**Manufactured Home Construction and Safety Standards or MHCSS.** The Manufactured Home Construction and Safety Standards established in part 3280 of this chapter, pursuant to section 604 of the Act, 42 U.S.C. 5403.

**Manufactured home gas supply connector.** A listed connector designed for connecting the manufactured home to the gas supply source.

**Manufactured home site.** A designated parcel of land designed for the installation of one manufactured home for the exclusive use of the occupants of the home.

**Model Installation Standards.** The installation standards established in part 3285 of this chapter, pursuant to section 605 of the Act, 42 U.S.C. 5404.

**Pier.** That portion of the support system between the footing and the manufactured home, exclusive of shims. Types of piers include, but are not limited to: Manufactured steel stands; pressure-treated wood; manufactured concrete stands; concrete blocks; and portions of foundation walls.

**Ramada.** Any freestanding roof or shade structure, installed or erected above a manufactured home or any portion thereof.

**Secretary.** The Secretary of Housing and Urban Development, or an official of HUD delegated the authority of the Secretary with respect to the Act.

**Skirting.** A weather-resistant material used to enclose the perimeter, under the living area of the home, from the bottom of the manufactured home to grade.

**Stabilizing devices.** All components of the anchoring and support systems, such as piers, footings, ties, anchoring equipment, anchoring assemblies, or any other equipment, materials, and methods of construction, that support and secure the manufactured home to the ground.

**Support system.** Pilings, columns, footings, piers, foundation walls, shims, and any combination thereof that, when properly installed, support the manufactured home.

**Tie.** Straps, cable, or securing devices used to connect the manufactured home to anchoring assemblies.

**Ultimate load.** The absolute maximum magnitude of load that a component or system can sustain, limited only by failure.

**Utility connection.** The connection of the manufactured home to utilities that include, but are not limited to, electricity, water, sewer, gas, or fuel oil.

Vertical tie. A tie intended to resist uplifting and overturning forces.

Wind zone. The areas designated on the Basic Wind Zone Map, as further defined in § 3280.305(c) of the Manufactured Home Construction and Safety Standards in this chapter, which delineate the wind design load requirements.

Working load. The maximum recommended load that may be exerted on a component or system determined by dividing the ultimate load of a component or system by an appropriate factor of safety.

#### **§ 3285.6 Final leveling of manufactured home.**

The manufactured home must be adequately leveled prior to completion of the installation, so that the home's performance will not be adversely affected. The home will be considered adequately leveled if there is no more than 1/4 inch difference between adjacent pier supports (frame or perimeter) and the exterior doors and windows of the home do not bind and can be properly operated.

### **Subpart B—Pre-Installation Considerations**

#### **§ 3285.101 Fire separation.**

Fire separation distances must be in accordance with the requirements of Chapter 6 of NFPA 501A, 2003 edition (incorporated by reference, see § 3285.4) or the requirements of the LAHJ. The installation instructions must clearly indicate this requirement in a separate section and must caution installers to take into account any local requirements on fire separation.

#### **§ 3285.102 Installation of manufactured homes in flood hazard areas.**

(a) Definitions. Except to the extent otherwise defined in Subpart A, the terms used in this subpart are as defined in 44 CFR 59.1 of the National Flood Insurance Program (NFIP) regulations.

(b) Applicability. The provisions of this section apply to the initial installation of new manufactured homes located wholly or partly within a flood hazard area.

(c) Pre-installation considerations. Prior to the initial installation of a new manufactured home, the installer is responsible for determining whether the manufactured home site lies wholly or partly within a special flood hazard area as shown on the LAHJ's Flood Insurance Rate Map, Flood Boundary and Floodway Map, or Flood Hazard Boundary Map, or if no LAHJ, in accordance with NFIP regulations. If so located, and before an installation method is agreed upon, the map and supporting studies adopted by the LAHJ must be used to determine the flood hazard zone and base flood elevation at the site.

(d) General elevation and foundation requirements.

(1) Methods and practices. Manufactured homes located wholly or partly within special flood hazard areas must be installed on foundations engineered to incorporate methods and practices that

minimize flood damage during the base flood, in accordance with the requirements of the LAHJ, 44 CFR 60.3(a) through (e), and other provisions of 44 CFR referenced by those paragraphs.

(2) Outside appliances.

(i) Appliances installed on the manufactured home site in flood hazard areas must be anchored and elevated to or above the same elevation as the lowest elevation of the lowest floor of the home.

(ii) Appliance air inlets and exhausts in flood hazard areas must be located at or above the same elevation as the lowest elevation of the lowest floor of the home.

(3) Related guidance. Refer to FEMA 85/September 1985, *Manufactured Home Installation in Flood Hazard Areas, 1985* (incorporated by reference, see § 3285.4).

**§ 3285.103 Site suitability with design zone maps.**

Prior to the initial installation of a new manufactured home and as part of making the certification of the installation required under part 3286, upon effect, the installer is to verify that the design and construction of the manufactured home, as indicated on the design zone maps provided with the home, are suitable for the site location where the home is to be installed. The design zone maps are those identified in part 3280 of this chapter.

(a) Wind zone. Manufactured homes must not be installed in a wind zone that exceeds the design wind loads for which the home has been designed, as evidenced by the wind zone indicated on the home's data plate and as further defined by counties or local governments within affected states, as applicable, in § 3280.305(c)(2) of the *Manufactured Home Construction and Safety Standards* in this chapter.

(b) Roof load zone. Manufactured homes must not be located in a roof load zone that exceeds the design roof load for which the home has been designed, as evidenced by the roof load zone indicated on the home's data plate and as further defined by counties or local governments within affected states, as applicable, in § 3280.305(c)(3) of the *Manufactured Home Construction and Safety Standards* in this chapter. Refer to § 3285.315 for Special Snow Load Conditions.

(c) Thermal zone. Manufactured homes must not be installed in a thermal zone that exceeds the thermal zone for which the home has been designed, as evidenced by the thermal zone indicated on the heating/cooling certificate and insulation zone map and as further defined by counties or local governments within affected states, as applicable, in § 3280.504(b)(5) of the *Manufactured Home Construction and Safety Standards* in this chapter. The manufacturer may provide the heating/cooling information and insulation zone map on the home's data plate.

**§ 3285.104 Moving manufactured home to location.**

Refer to § 3285.902 for considerations related to moving the manufactured home to the site of installation.

**§ 3285.105 Permits, other alterations, and on-site structures.**

Refer to § 3285.903 for considerations related to permitting, other alterations, and on-site structures.

**Subpart C—Site Preparation**

**§ 3285.201 Soil conditions.**

To help prevent settling or sagging, the foundation must be constructed on **firm, undisturbed soil or fill compacted to at least 90 percent of its maximum relative density.** All organic material such as grass, roots, twigs, and wood scraps must be removed in areas where footings are to be placed. After removal of organic material, the home site must be graded or otherwise prepared to ensure adequate drainage, in accordance with § 3285.203.

**§ 3285.202 Soil classifications and bearing capacity.**

The soil classification and bearing capacity of the soil must be determined before the foundation is constructed and anchored. The soil classification and bearing capacity must be determined by one or more of the following methods, unless the soil bearing capacity is established as permitted in paragraph (f) of this section:

- (a) Soil tests. Soil tests that are in accordance with generally accepted engineering practice; or
- (b) Soil records. Soil records of the applicable LAHJ; or
- (c) Soil classifications and bearing capacities. If the soil class or bearing capacity cannot be determined by test or soil records, but its type can be identified, the soil classification, allowable pressures, and torque values shown in Table to § 3285.202 may be used.
- (d) A pocket penetrometer; or
- (e) In lieu of determining the soil bearing capacity by use of the methods shown in the table, an allowable pressure of 1,500 psf may be used, unless the site-specific information requires the use of lower values based on soil classification and type.
- (f) If the soil appears to be composed of peat, organic clays, or uncompacted fill, or appears to have unusual conditions, a registered professional geologist, registered professional engineer, or registered architect must determine the soil classification and maximum allowable soil bearing capacity.

**TABLE TO § 3285.202**

Soil classification		Soil description	Allowable soil bearing pressure (psf) 1	Blow count ASTM D 1586-99	Torque probe 3 value 4 (inch-pounds)-
Classification number	ASTM D 2487-00 or D 2488-00 (incorporated by reference, see § 3285.4)				
1.....	.....	Rock or hard pan...	4000+.....		
2.....	GW, GP, SW, SP, GM, SM	Sandy gravel and gravel; very than dense and/or	2000.....	40+.....	More than 550

3.....	GC, SC, ML, CL...	cemented sands; coarse gravel/cobbles; preloaded silts, clays and coral. Sand; silty sand; clayey sand; silty gravel; medium dense coarse sands; sandy gravel; and very stiff silt, sand clays.	1500.....	24-39...	351-550
4A.....	CG, MH 2....	Loose to medium dense sands; firm to stiff clays and silts; alluvial fills.	1000.....	18-23	276-350.
4B.....	CH, MH 2.....	Loose sands; firm clays; alluvial fills	1000.....	12-17	175-275.
5.....	OL, OH, PT ...	Un-compacted fill; peat; organic clays	Refer to 3285.202(e)	0-11	Less than 175.

**Notes:**

1 The values provided in this table have not been adjusted for overburden pressure, embedment depth, water table height, or settlement problems.

2 For soils classified as CH or MH, without either torque probe values or blow count test results, selected anchors must be rated for a 4B soil.

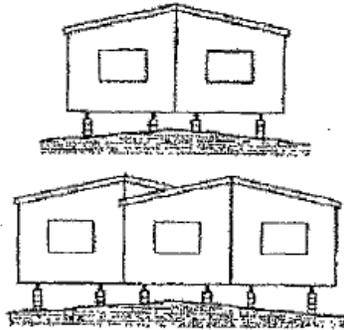
3 The torque test probe is a device for measuring the torque value of soils to assist in evaluating the holding capacity of the soil in which the ground anchor is placed. The shaft must be of suitable length for the full depth of the ground anchor.

4 The torque value is a measure of the load resistance provided by the soil when subject to the turning or twisting force of the probe.

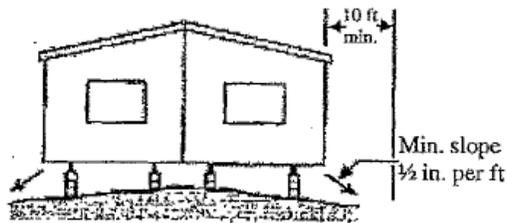
**§ 3285.203 Site Drainage.**

(a) Purpose. Drainage must be provided to direct surface water away from the home to protect against erosion of foundation supports and to prevent water build-up under the home, as shown in Figure to § 3285.203.

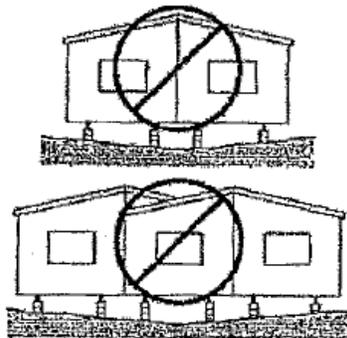
Figure to § 3285.203 - Grading and drainage.



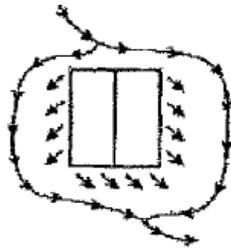
Crown and grade site to slope away from the home



Home sites must be prepared so that there will be no depressions in which surface water may accumulate beneath the home. The area of the site covered by the manufactured home must be graded, sloped, or designed to provide drainage from beneath the home or to the property line.



Do not grade site or set the home so that water collects beneath the home.



Natural drainage must be diverted around and away from the home.

(b) The home site must be graded as shown in Figure to § 3285.203, or other methods, such as a drain tile and automatic sump pump system, must be provided to remove any water that may collect under the home.

(c) All drainage must be diverted away from the home and must slope a minimum of one-half inch per foot away from the foundation for the first ten feet. Where property lines, walls, slopes, or other physical conditions prohibit this slope, the site must be provided with drains or swales or otherwise graded to drain water away from the structure, as shown in Figure to § 3285.203.

(d) Sloped site considerations. The home, where sited, must be protected from surface runoff from the surrounding area.

(e) Refer to § 3285.902 regarding the use of drainage structures to drain surface runoff.

(f) Gutters and downspouts. Manufacturers must specify in their installation instructions whether the home is suitable for the installation of gutters and downspouts. If suitable, the installation instructions must indicate that when gutters and downspouts are installed, the runoff must be directed away from the home.

#### **§ 3285.204 Ground moisture control.**

(a) Vapor retarder. If the space under the home is to be enclosed with skirting or other materials, a vapor retarder must be installed to cover the ground under the home, unless the home is installed in an arid region with dry soil conditions.

(b) Vapor retarder material. A minimum of six mil polyethylene sheeting or its equivalent must be used.

(c) Proper installation.

(1) The entire area under the home must be covered with the vapor retarder, as noted in § 3285.204(a), except for areas under open porches, decks, and recessed entries. Joints in the vapor retarder must be overlapped at least 12 inches.

(2) The vapor retarder may be placed directly beneath footings, or otherwise installed around or over footings placed at grade, and around anchors or other obstructions.

(3) Any voids or tears in the vapor retarder must be repaired. At least one repair method must be provided in the manufacturer's installation instructions.

#### **Subpart D—Foundations**

##### **§ 3285.301 General.**

(a) Foundations for manufactured home installations must be designed and constructed in accordance with this subpart and must be based on site conditions, home design features, and the loads the home was designed to withstand, as shown on the home's data plate.

(b) Foundation systems that are not pier and footing type configurations may be used when verified by engineering data and designed in accordance with § 3285.301(d), consistent with the design loads of the MHCSS. Pier and footing specifications that are different than those provided in this subpart, such as block size, metal piers, section width, loads, and spacing, may be used when verified by engineering data that comply with §§ 3285.301(c) and (d) and are capable of resisting all design loads of the MHCSS.

(c) All foundation details, plans, and test data must be designed and certified by a registered professional engineer or registered architect, and must not take the home out of compliance with the MHCSS. (See 3285.2)

(d) Alternative foundation systems or designs are permitted in accordance with either of the following:

(1) Systems or designs must be manufactured and installed in accordance with their listings by a nationally recognized testing agency, based on a nationally recognized testing protocol; or

(2) System designs must be prepared by a professional engineer or a registered architect or tested and certified by a professional engineer or registered architect in accordance with acceptable engineering practice and must be manufactured and installed so as not to take the home out of compliance with the Manufactured Home Construction and Safety Standards (part 3280 of this chapter).

#### § 3285.302 Flood hazard areas.

In flood hazard areas, foundations, anchorings, and support systems must be capable of resisting loads associated with design flood and wind events or combined wind and flood events, and homes must be installed on foundation supports that are designed and anchored to prevent floatation, collapse, or lateral movement of the structure. Manufacturer's installation instructions must indicate whether:

(a) The foundation specifications have been designed for flood-resistant considerations, and, if so, the conditions of applicability for velocities, depths, or wave action; or

(b) The foundation specifications are not designed to address flood loads.

#### § 3285.303 Piers.

(a) General. The piers used must be capable of transmitting the vertical live and dead loads to the footings or foundation.

(b) Acceptable piers—materials specification.

(1) Piers are permitted to be concrete blocks; pressure-treated wood with a water borne preservative, in accordance with AWPA Standard U1-04 (incorporated by reference, see § 3285.4) for Use Category 4B ground contact applications; or adjustable metal or concrete piers.

(2) Manufactured piers must be listed or labeled for the required vertical load capacity, and, where required by design, for the appropriate horizontal load capacity.

(c) Design requirements.

(1) Load-bearing capacity. The load bearing capacity for each pier must be designed to include consideration for the dimensions of the home, the design dead and live loads, the spacing of the piers, and the way the piers are used to support the home.

(2) Center beam/mating wall support must be required for multi-section homes and designs must be consistent with Tables 2 and 3 to § 3285.303 and Figures A, B, and C to § 3285.310.

(d) Pier loads.

(1) Design support configurations for the pier loads, pier spacing, and roof live loads must be in accordance with Tables 1, 2, and 3 to § 3285.303 and the MHCSS. Other pier designs are permitted in accordance with the provisions of this subpart.

(2) Manufactured piers must be rated at least to the loads required to safely support the dead and live loads, as required by § 3285.301, and the installation instructions for those piers must be consistent with Tables 1, 2, and 3 to this section.

**TABLE 1 TO § 3285.303—FRAME BLOCKING ONLY/PERIMETER SUPPORT NOT REQUIRED EXCEPT AT OPENINGS**

Pier spacing	Roof live load (psf)	Location	Load (lbs.)
4 ft. 0 in.	20	Frame.....	2,900
	30	Frame.....	3,300
	40	Frame.....	3,600
6 ft. 0 in.	20	Frame.....	4,200
	30	Frame.....	4,700
	40	Frame.....	5,200
8 ft. 0 in.	20	Frame.....	5,500
	30	Frame.....	6,200
	40	Frame.....	6,900
10 ft. 0 in.	20	Frame.....	6,800
	30	Frame.....	7,600
	40	Frame.....	8,500

**Notes:**

1. See Table to § 3285.312 for cast-in-place footing design by using the noted loads.
2. Table 1 is based on the following design assumptions: maximum 16 ft. nominal section width (15 ft. actual width), 12" eave, 10" I-beam size, 300 lbs. pier dead load, 10 psf roof dead load, 6 psf floor dead load, 35 plf wall dead load, and 10 plf chassis dead load.
3. Interpolation for other pier spacing is permitted.
4. The pier spacing and loads shown in the above table do not consider flood or seismic loads and are not intended for use in flood or seismic hazard areas. In those areas, the foundation support system is to be designed by a professional engineer or architect.
5. See Table to § 3285.312 for sizing of footings.

**TABLE 2 TO § 3285.303—FRAME PLUS PERIMETER BLOCKING/PERIMETER BLOCKING REQUIRED**

Maximum pier spacing	Roof live load (psf)	Location	Load (lbs.)
4 ft. 0 in.	20	Frame.....	1,400
		Perimeter.....	1,900
		Mating.....	3,200
4 ft. 0 in.	30	Frame.....	1,400
		Perimeter.....	2,300
		Mating.....	3,800
4 ft. 0 in.	40	Frame.....	1,400
		Perimeter.....	2,600
		Mating.....	4,400
6 ft. 0 in.	20	Frame.....	1,900
		Perimeter.....	2,700
		Mating.....	4,700
6 ft. 0 in.	30	Frame.....	1,900
		Perimeter.....	3,200
		Mating.....	5,600
6 ft. 0 in.	40	Frame.....	1,900
		Perimeter.....	3,700
		Mating.....	6,500
8 ft. 0 in.	20	Frame.....	2,400
		Perimeter.....	3,500
		Mating.....	6,100
8 ft. 0 in.	30	Frame.....	2,400
		Perimeter.....	4,200
		Mating.....	7,300
8 ft. 0 in.	40	Frame.....	2,400
		Perimeter.....	4,800
		Mating.....	8,500
10 ft. 0 in.	20	Frame.....	2,900
		Perimeter.....	4,300
		Mating.....	7,600
10 ft. 0 in.	30	Frame.....	2,900
		Perimeter.....	5,100
		Mating.....	9,100
10 ft. 0 in.	40	Frame.....	2,900
		Perimeter.....	6,000
		Mating.....	10,600

Notes:

1. See Table to § 3285.312 for cast-in-place footing design by using the noted loads.
2. Mating wall perimeter piers and footings only required under full height mating walls supporting roof loads. Refer to Figures A and B to § 3285.310.
3. Table 2 is based on the following design assumptions: maximum 16 ft. nominal section width (15 ft. actual width), 12" cave, 10" I-beam size, 300 lbs. pier dead load, 10 psf roof dead load, 6 psf floor dead load, 35 plf wall dead load, and 10 plf chassis dead load
4. Interpolation for other pier spacing is permitted.
5. The pier spacing and loads shown in the above table do not consider flood or seismic loads and are not intended for use in flood or seismic hazard areas. In those areas, the foundation support system is to be designed by a professional engineer or architect.
6. See Table to § 3285.312 for sizing of footings.

TABLE 3 TO § 3285.303—RIDGE BEAM SPAN FOOTING CAPACITY

Mating wall opening (ft)	Roof live load (psf)	Pier and footing load (lbs.)
5.....	20	1,200
	30	1,600
	40	1,900
10.....	20	2,300
	30	3,100
	40	3,800
15.....	20	3,500
	30	4,700
	40	5,800
20.....	20	4,700
	30	6,200
	40	7,500
25.....	20	5,800
	30	7,800
	40	9,700
30.....	20	7,000
	30	9,300
	40	11,600
35.....	20	8,100
	30	10,900
	40	13,600

Notes:

1. See Table to § 3285.312 for cast-in-place footing design by using the noted loads.
2. Table 3 is based on the following design assumptions: maximum 16 ft. nominal section width (15 ft. actual width), 10. I-beam size, 300 lbs. pier dead load, 10 psf roof dead load, 6 psf floor dead load, 35 plf wall dead load, and 10 plf chassis dead load.
3. Loads listed are maximum column loads for each section of the manufactured home.
4. Interpolation for maximum allowable pier and column loads is permitted for mateline openings between those shown in the table.
5. The pier spacing and loads shown in the above table do not consider flood or seismic loads and are not intended for use in flood or seismic hazard areas. In those areas, the foundation support system must be designed by a professional engineer or registered architect.
6. See Table to § 3285.312 for sizing of footings.

§ 3285.304 Pier configuration.

(a) Concrete blocks. Installation instructions for concrete block piers must be developed in accordance with the following provisions and must be consistent with Figures A and B to § 3285.306.

- (1) Load-bearing (not decorative) concrete blocks must have nominal dimensions of at least 8 inches × 8 inches × 16 inches;
- (2) The concrete blocks must be stacked with their hollow cells aligned vertically; and
- (3) When piers are constructed of blocks stacked side-by-side, each layer must be at right angles to the preceding one, as shown in Figure B to § 3285.306.

(b) Caps.

- (1) Structural loads must be evenly distributed across capped-hollow block piers, as shown in Figures A and B to § 3285.306.
- (2) Caps must be solid concrete or masonry at least 4 inches in nominal thickness, or hardboard lumber at least 2 inches nominal in thickness; or be corrosion-protected minimum one-half inch thick steel; or be of other listed materials.
- (3) All caps must be of the same length and width as the piers on which they rest.
- (4) When split caps are used on double-stacked blocks, the caps must be installed with the long dimension across the joint in the blocks below.

(c) Gaps. Any gaps that occur during installation between the bottom of the main chassis beam and foundation support system must be filled by:

- (1) Nominal 4 inch × 6 inch × 1 inch shims to level the home and fill any gaps between the base of the main chassis beam and the top of the pier cap;
- (2) Shims must be used in pairs, as shown in Figures A and B to § 3285.306, and must be driven in tightly so that they do not occupy more than one inch of vertical height; and
- (3) Hardwood plates no thicker than 2 inches nominal in thickness or 2 inch or 4 inch nominal concrete block must be used to fill in any remaining vertical gaps.

(d) Manufactured pier heights. Manufactured pier heights must be selected so that the adjustable risers do not extend more than 2 inches when finally positioned.

**§ 3285.305 Clearance under homes.**

A minimum clearance of 12 inches must be maintained between the lowest member of the main frame (I-beam or channel beam) and the grade under all areas of the home.

**§ 3285.306 Design procedures for concrete block piers.**

(a) Frame piers less than 36 inches high.

(1) Frame piers less than 36 inches high are permitted to be constructed of single, open, or closed-cell concrete blocks, 8 inches " 8 inches " 16 inches, when the design capacity of the block is not exceeded.

(2) The frame piers must be installed so that the long sides are at right angles to the supported I-beam, as shown in Figure A to this section.

(3) The concrete blocks must be stacked with their hollow cells aligned vertically and must be positioned at right angles to the footings.

(4) Horizontal offsets from the top to the bottom of the pier must not exceed one-half inch.

(5) Mortar is not required, unless specified in the installation instructions or required by a registered professional engineer or registered architect.

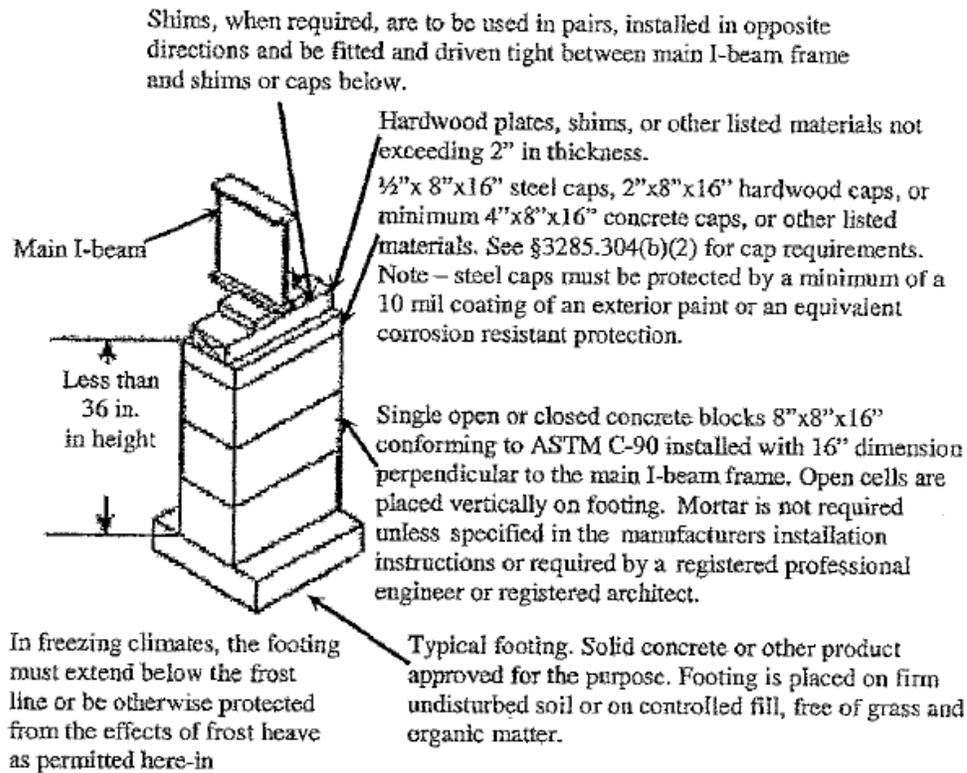
(b) Frame piers 36 inches to 67 inches high and corner piers.

(1) All frame piers between 36 inches and 67 inches high and all corner piers over three blocks high must be constructed out of double, interlocked concrete blocks, as shown in Figure B to this section, when the design capacity of the block is not exceeded. Mortar is not required for concrete block piers, unless otherwise specified in the installation instructions or required by a professional engineer or registered architect.

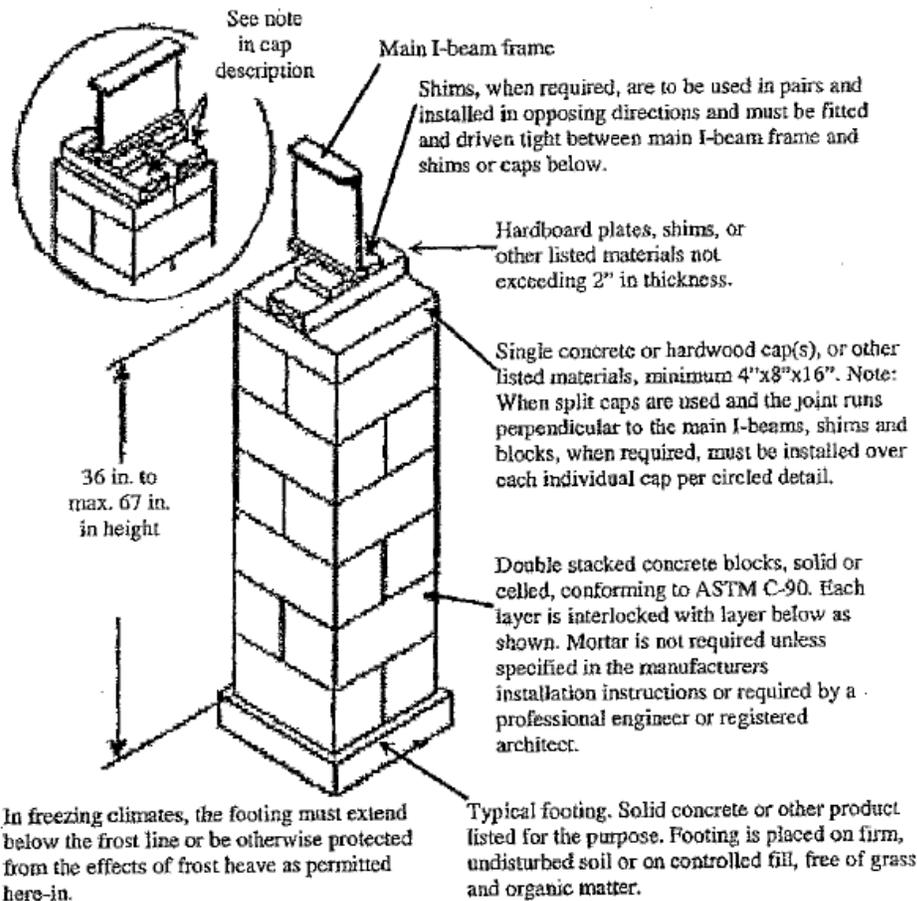
(2) Horizontal offsets from the top to the bottom of the pier must not exceed one inch.

(c) All piers over 67 inches high. Piers over 67 inches high must be designed by a registered professional engineer or registered architect, in accordance with acceptable engineering practice. Mortar is not required for concrete block piers, unless otherwise specified in the manufacturer installation instructions or by the design.

**Figure A to § 3285.306 Typical Footing and Pier Design, Single Concrete Block.**



**Figure B to 3285.306(b) Typical Footing and Pier Installation, Double Concrete Block.**



**§ 3285.307 Perimeter support piers.**

(a) Piers required at mate-line supports, perimeter piers, and piers at exterior wall openings are permitted to be constructed of single open-cell or closed-cell concrete blocks, with nominal dimensions of 8 inches × 8 inches × 16 inches, to a maximum height of 54 inches, as shown in Figure A to this section, when the design capacity of the block is not exceeded.

(b) Piers used for perimeter support must be installed with the long dimension parallel to the perimeter rail.

**§ 3285.308 Manufactured piers.**

(a) Manufactured piers must be listed and labeled and installed to the pier manufacturer's installation instructions. See § 3285.303(d)(2) for additional requirements.

(b) Metal or other manufactured piers must be provided with protection against weather deterioration and corrosion at least equivalent to that provided by a coating of zinc on steel of .30 oz./ft.2 of surface coated.

§ 3285.309 [Reserved]

§ 3285.310 Pier location and spacing.

(a) The location and spacing of piers depends upon the dimensions of the home, the live and dead loads, the type of construction (single-or multi-section), I-beam size, soil bearing capacity, footing size, and such other factors as the location of doors or other openings.

§ 3285.309 [Reserved]

§ 3285.310 Pier location and spacing.

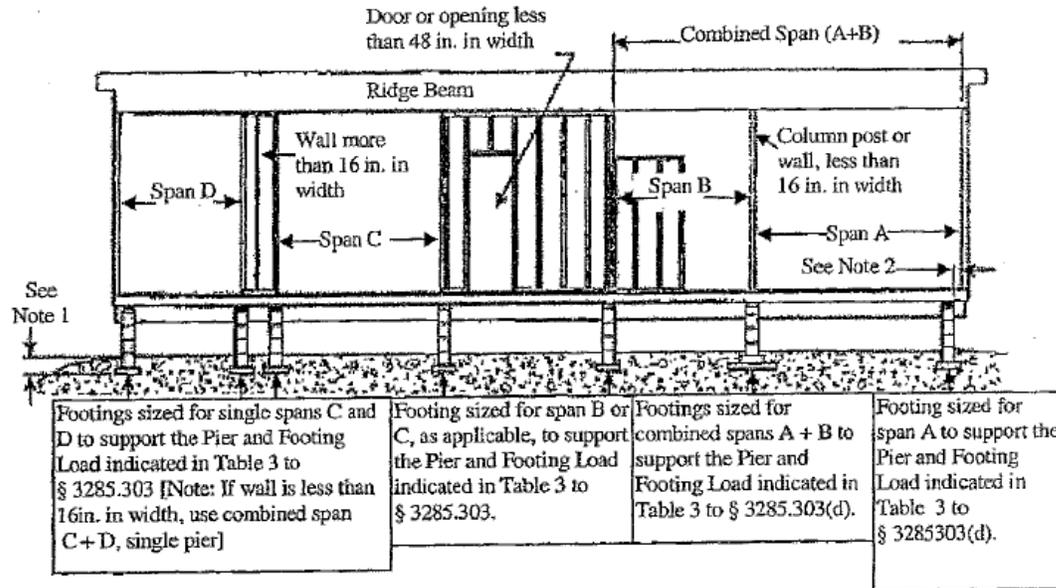
(a) The location and spacing of piers depends upon the dimensions of the home, the live and dead loads, the type of construction (single-or multi-section), I-beam size, soil bearing capacity, footing size, and such other factors as the location of doors or other openings.

(b) Mate-line and column pier supports must be in accordance with this subpart and consistent with Figures A through C to this section, unless the pier support and footing configuration is designed by a registered professional engineer or registered architect.

(c) Piers supporting the frame must be no more than 24 inches from both ends and not more than 120 inches center to center under the main rails.

(d) Pier support locations. Pier support locations and spacing must be presented to be consistent with Figures A and B to § 3285.312, as applicable, unless alternative designs are provided by a professional engineer or registered architect in accordance with acceptable engineering practice.

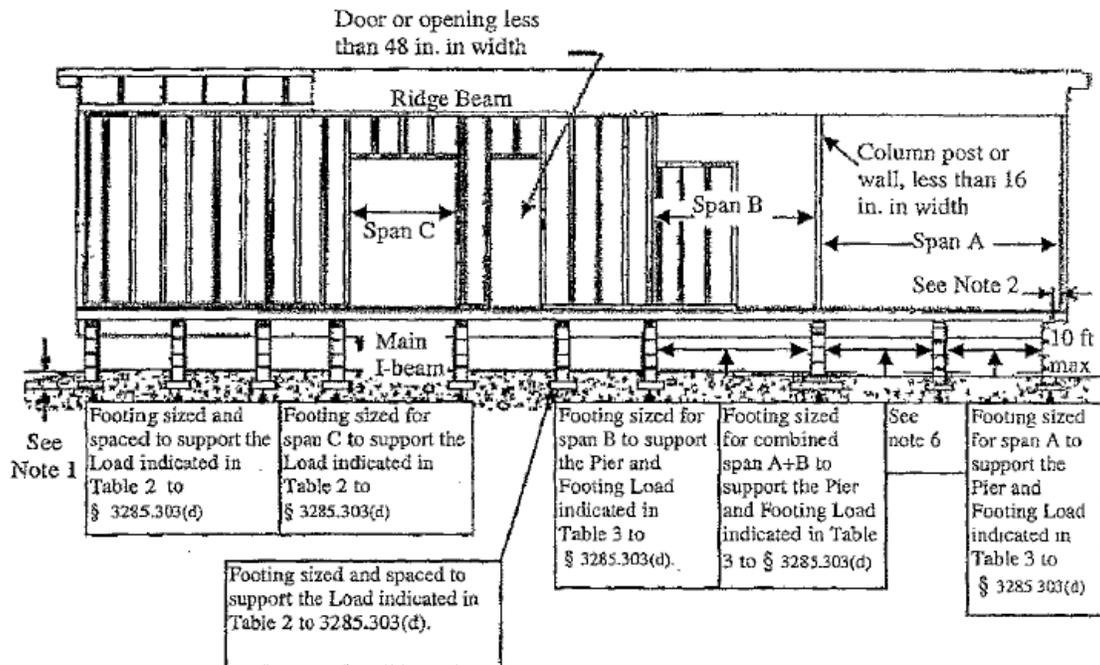
Figure A to § 3285.310 Typical Mate-Line Column Pier and Mating Wall Support when Frame Only Blocking is Required.



Notes:

1. Bottom of footings must extend below frost line depth, unless designed for placement above the frost line. (Sec § 3285.312(b)).
2. Piers may be offset up to 6 in. in either direction along the supported members to allow for plumbing, electrical, mechanical, equipment, crawlspaces, or other devices.
3. Single-stack concrete block pier loads must not exceed 8,000 lbs.
4. Prefabricated piers must not exceed their approved or listed maximum vertical or horizontal design loads.
5. When a full-height mating wall does not support the ridge beam, this area is considered an unsupported span—Span B.
6. Piers are not required at openings in the mating wall that are less than 48 inches in width. Place piers on both sides of mating wall openings that are 48 inches or greater in width. For roof loads of 40 psf or greater, a professional engineer or registered architect must determine the maximum mating wall opening permitted without pier or other supports.

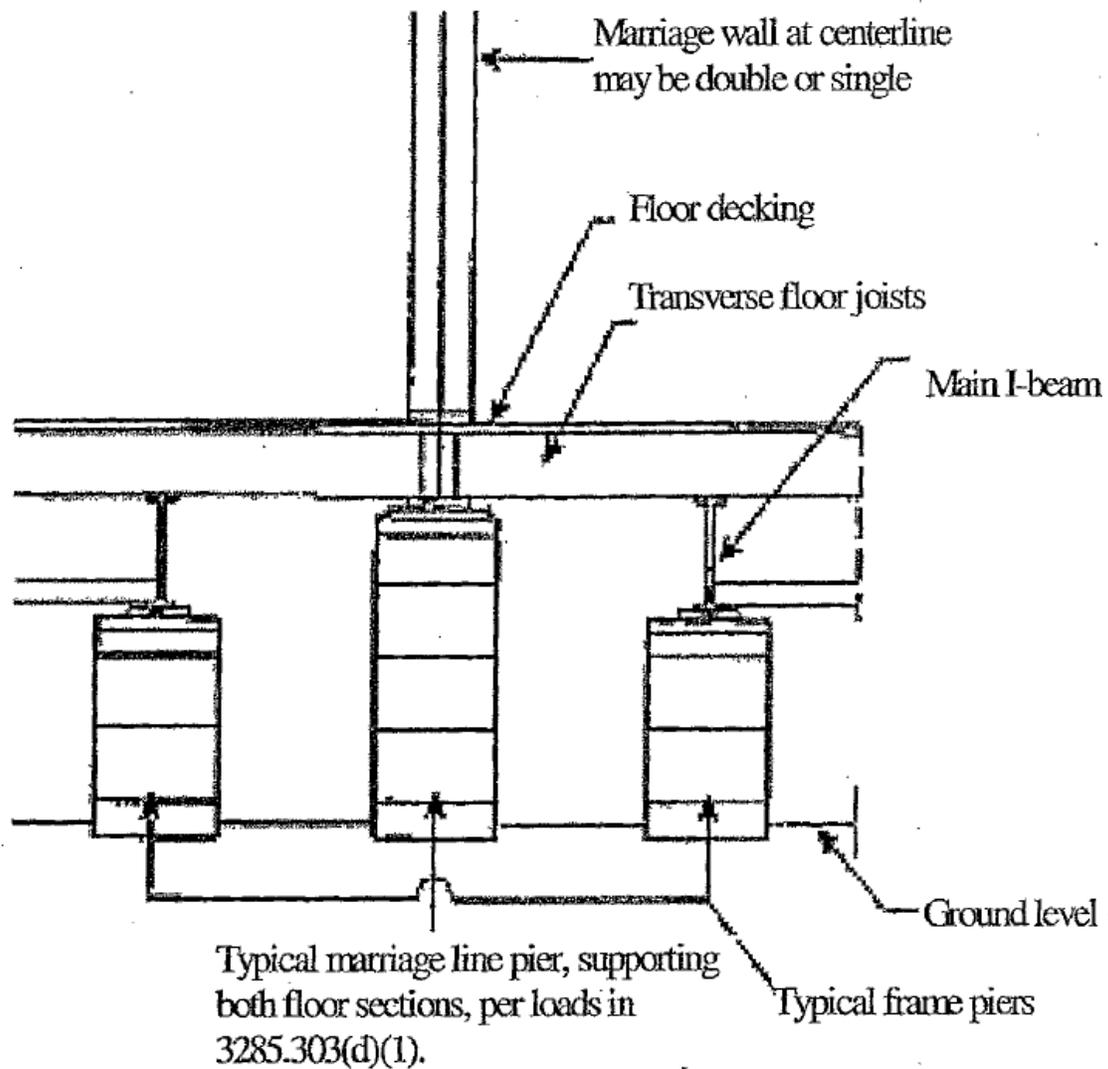
Figure B to § 3285.310(b) Typical Mate-Line Column Pier and Mating Wall Support When Perimeter Blocking is Required.



Notes:

1. Bottom of footings must be below the frost line depth, unless designed for placement above the frost line. (See § 3285.312(b)).
2. Piers may be offset 6 in. in either direction along supported members to allow for plumbing electrical, mechanical equipment, crawlspaces, or other devices.
3. Single stack concrete block pier loads must not exceed 8,000 lbs.
4. Piers are not required at openings in the mating wall that are less than 48 inches in width. Place piers on both sides of mating wall openings that are 48 inches or greater in width. For roof loads of 40 psf or greater, a professional engineer or registered architect must determine the maximum mating wall opening permitted without pier or other supports.
5. When a full-height mating wall does not support the ridge beam, this area is considered an unsupported span—Span B.
6. In areas where the open span is greater than 10 ft., intermediate piers and footings must be placed at maximum 10 ft. on center.
7. Prefabricated piers must not exceed their approved or listed maximum horizontal or vertical design loads.
8. Column piers are in addition to piers required under full-height mating walls.

Figure C to § 3285.310 Typical Mate-Line Column and Piers.



Notes:

1. Mate-line column support piers are installed with the long dimension of the concrete block perpendicular to the rim joists.
2. Pier and footing designed to support both floor sections. Loads as listed in Table 3 to § 3285.303 are total column loads for both sections.

**§ 3285.311 Required perimeter supports.**

(a) Perimeter pier or other supports must be located as follows:

(1) On both sides of side wall exterior doors (such as entry, patio, and sliding glass doors) and any other side wall openings of 48 inches or greater in width, and under load-bearing porch posts, factory installed fireplaces, and fireplace stoves).

(2) Other perimeter supports must be:

(i) Located in accordance with Table 2 to § 3285.303; or

(ii) Provided by other means such as additional outriggers or floor joists. When this alternative is used, the designs required by § 3285.301 must consider the additional loads in sizing the pier and footing supports under the main chassis beam.

(b) For roof live loads of 40 psf or greater, a professional engineer or architect must determine the maximum sidewall opening permitted without perimeter pier or other supports.

(c) The location and installation of any perimeter pier support must not take the home out of compliance with the Manufactured Home Construction and Safety Standards (part 3280 of this chapter).

**§ 3285.312 Footings.**

(a) Materials approved for footings must provide equal load-bearing capacity and resistance to decay, as required by this section. Footings must be placed on undisturbed soil or fill compacted to 90 percent of maximum relative density. A footing must support every pier. Footings are to be either:

(1) Concrete.

(i) Four inch nominal precast concrete pads meeting or exceeding ASTM C 90-02a, Standard Specification for Loadbearing Concrete Masonry Units (incorporated by reference, see § 3285.4), without reinforcement, with at least a 28-day compressive strength of 1,200 pounds per square inch (psi); or

(ii) Six inch minimum poured-in-place concrete pads, slabs, or ribbons with at least a 28-day compressive strength of 3,000 pounds per square inch (psi). Site-specific soil conditions or design load requirements may also require the use of reinforcing steel in cast-in-place concrete footings.

(2) Pressure-treated wood.

(i) Pressure-treated wood footings must consist of a minimum of two layers of nominal 2-inch thick pressure-treated wood, a single layer of nominal 3/4-inch thick, pressure-treated plywood with a maximum size of 16 inches by 16 inches, or at least two layers of 3/4-inch thick, pressure-treated plywood for sizes greater than 16 inches by 16 inches. Plywood used for this purpose is to be rated exposure 1 or exterior sheathing, in accordance with PS1-95, Construction and Industrial Plywood (incorporated by reference, see § 3285.4).

(ii) Pressure treated lumber is to be treated with a water-borne adhesive, in accordance with AWPA Standard U1-04 (incorporated by reference, see § 3285.4) for Use Category 4B ground contact applications.

(iii) Cut ends of pressure treated lumber must be field-treated, in accordance with AWPA Standard M4-02 (incorporated by reference, see § 3285.4).

(3) ABS footing pads.

(i) ABS footing pads are permitted, provided they are installed in accordance with the pad manufacturer installation instructions and certified for use in the soil classification at the site.

(ii) ABS footing pads must be listed or labeled for the required load capacity.

(4) Other Materials. Footings may be of other materials than those identified in this section, provided they are listed for such use and meet all other applicable requirements of this subpart.

(b) Placement in freezing climates. Footings placed in freezing climates must be designed using methods and practices that prevent the effects of frost heave by one of the following methods:

(1) Conventional footings. Conventional footings must be placed below the frost line depth for the site unless an insulated foundation or monolithic slab is used (refer to §§ 3285.312(b)(2) and 3285.312(b)(3)). When the frost line depth is not available from the LAHJ, a registered professional engineer, registered architect, or registered geologist must be consulted to determine the required frost line depth for the manufactured home site. This is not subject to the provisions in § 3285.2(c) that also require review by the manufacturer and approval by its DAPIA for any variations to the manufacturer's installation instructions for support and anchoring.

(2) Monolithic slab systems. A monolithic slab is permitted above the frost line when all relevant site-specific conditions, including soil characteristics, site preparation, ventilation, and insulative properties of the under floor enclosure, are considered and anchorage requirements are accommodated as set out in § 3285.401. The monolithic slab system must be designed by a registered professional engineer or registered architect:

(i) In accordance with acceptable engineering practice to prevent the effects of frost heave; or

(ii) In accordance with SEI/ASCE 32-01 (incorporated by reference, see § 3285.4).

(3) Insulated foundations. An insulated foundation is permitted above the frost line, when all relevant site-specific conditions, including soil characteristics, site preparation, ventilation, and insulative properties of the under floor enclosure, are considered, and the foundation is designed by a registered professional engineer or registered architect:

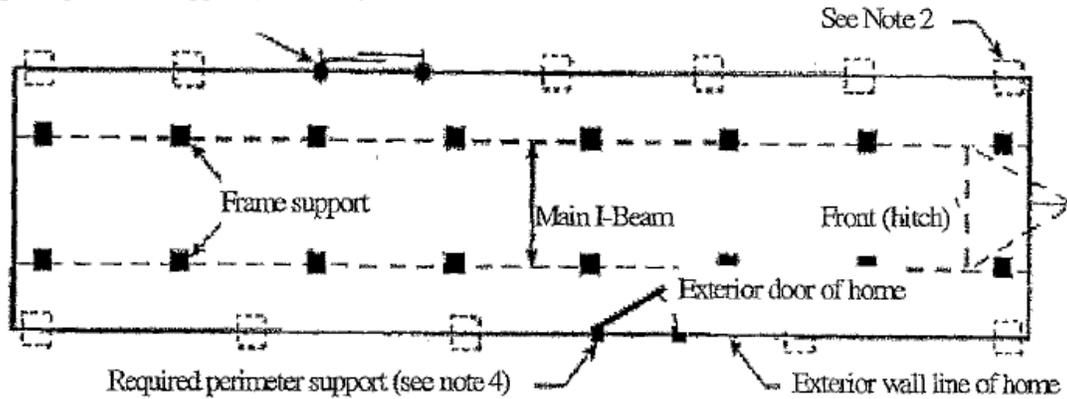
(i) In accordance with acceptable engineering practice to prevent the effects of frost heave; or

(ii) In accordance with SEI/ASCE 32-01 (incorporated by reference, see § 3285.4).

(c) Sizing of footings. The sizing and layout of footings depends on the load-bearing capacity of the soil, footings, and the piers. See §§ 3285.202 and 3285.303, and Table to 3285.312.

Figure A to § 3285.312 Typical Blocking Diagram for Single Section Homes

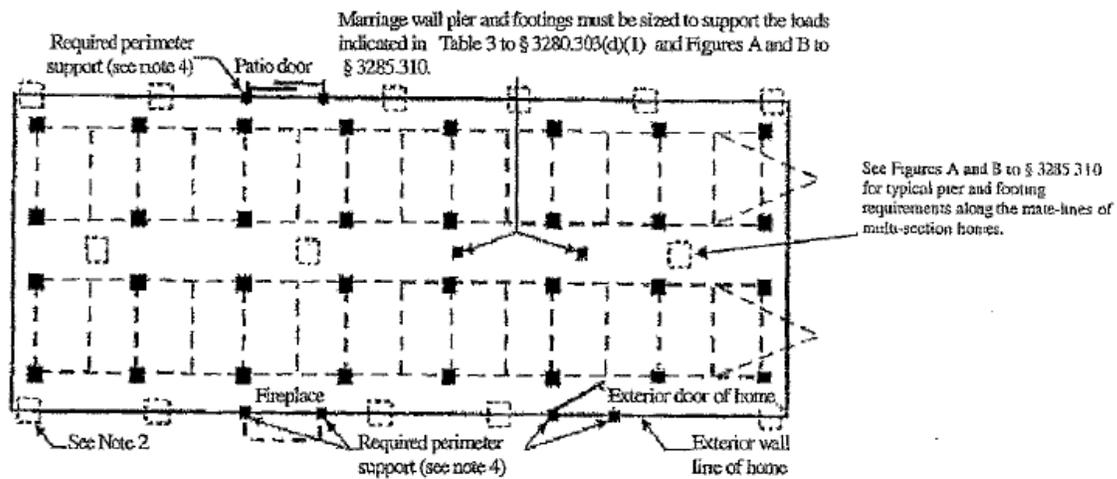
Required perimeter support (see note 4)



Notes:

1. Refer to Table 1 of § 3285.303 for pier and footing requirements when frame blocking only is used.
2. In addition to blocking required by § 3285.311, see Table 2 to § 3285.303 for maximum perimeter blocking loads.
3. End piers under main I-beams may be exterior doors, patio doors, and sliding glass set back a maximum of 24 inches, as measured from the outside edge of the floor to the center of the pier.
4. Place piers on both sides of sidewall exterior doors, patio doors, and sliding glass doors; under porch posts, factory-installed fireplaces, and fireplace stoves; under jamb studs at multiple window openings; and at any other sidewall openings 48 inches or greater in width. For roof loads of 40 psf or greater, a professional engineer or registered architect must determine the maximum sidewall opening permitted without perimeter supports. See §§ 3285.307 and 3285.311 for additional requirements and for locating perimeter supports.

Figure B to § 3285.312 Typical Blocking Diagram for Multi-section Home.



Notes:

1. Refer to Table 1 to § 3285.303 for pier and footing requirements when frame blocking only is used.
2. In addition to blocking required by § 3285.311, see Tables 2 and 3 to § 3285.303 for maximum perimeter blocking loads.
3. End piers under main I-beams may be set back a maximum of 24 inches, as measured from the outside edge of the floor to the center of the pier.
4. Place piers on both sides of sidewall exterior doors, patio doors, and sliding glass doors; under porch posts, factory-installed fireplaces, and fireplace stoves; under jamb studs at multiple window openings; and at any other sidewall openings of 48 inches or greater in width. For roof loads of 40 psf or greater, a professional engineer or registered architect must determine the maximum side wall opening permitted without perimeter supports or mating wall opening permitted without pier or other supports. See §§ 3285.307 and 3285.311 for additional information on requirements and for locating perimeter supports.
5. When an end pier under the mate-line also serves as a column pier, it may be set back a maximum of 6 in., as measured from the inside edge of the exterior wall to the center of the pier.

**TABLE TO § 3285.312.—THE SIZE AND CAPACITY FOR UNREINFORCED CAST-IN-PLACE FOOTINGS**

Soil capacity (psf)	Minimum footing size (in.)	8 in. x 16 in. pier		16 in. x 16 in. pier	
		Maximum footing capacity (lbs.)	Unreinforced cast-in-place minimum thickness (in.)	Maximum footing capacity (lbs.)	Unreinforced cast-in-place minimum thickness (in.)
1,000.....	16 x 16	1,600	6	1,600	6
	20 x 20	2,600	6	2,600	6
	24 x 24	3,700	6	3,700	6
	30 x 30	5,600	8	5,800	6
	36 x 36	7,900	10	8,100	8
	42 x 42	*10,700	10	10,700	10
1,500.....	48 x 48	*13,100	12	13,600	10
	16 x 16	2,500	6	2,500	6
	20 x 20	4,000	6	4,000	6
	24 x 24	5,600	8	5,700	6
	30 x 30	*8,500	10	8,900	8
	36 x 36	*12,400	10	12,600	8
2,000.....	42 x 42	*16,500	12	*16,800	10
	48 x 48	*21,200	14	*21,600	12
	16 x 16	3,400	6	3,400	6
	20 x 20	5,300	6	5,300	6
	24 x 24	7,600	8	7,700	6
	30 x 30	*11,700	10	11,900	8
2,500.....	36 x 36	*16,700	15	*16,900	10
	42 x 42	*21,700	18	*22,700	12
	16 x 16	4,300	6	4,300	6
	20 x 20	6,700	6	6,700	6
	24 x 24	*9,600	8	9,700	6
	30 x 30	*14,800	10	15,000	8
3,000.....	36 x 36	*20,700	12	*21,400	10
	16 x 16	5,200	6	5,200	6
	20 x 20	8,100	8	8,100	6
	24 x 24	*11,500	10	11,700	6
	30 x 30	*17,800	12	*18,100	8

4,000.....	36 x 36	<sup>4</sup> 25,400	14	<sup>4</sup> 25,900	10
	16 x 16	7,000	6	7,000	6
	20 x 20	<sup>4</sup> 10,800	8	10,900	6
	24 x 24	<sup>4</sup> 15,500	10	15,600	8
	30 x 30	<sup>4</sup> 23,300	12	<sup>4</sup> 24,200	10

**Notes:**

1. The footing sizes shown are for square pads and are based on the area (in.2), shear and bending required for the loads shown. Other configurations, such as rectangular or circular configurations, can be used, provided the area and depth is equal to or greater than the area and depth of the square footing shown in the table, and the distance from the edge of the pier to the edge of the footing is not less than the thickness of the footing.
2. The 6 in. cast-in-place values can be used for 4 in. unreinforced precast concrete footings.
3. The capacity values listed have been reduced by the dead load of the concrete footing.
4. Concrete block piers must not exceed their design capacity of 8,000 lbs. for 8. x 16. single stack block and 16,000 lbs. for 16. x 16. double stack block.
5. A registered professional engineer or registered architect must prepare the design, if the design loads exceed the capacity for single or double stack concrete block piers shown in footnote 4.

**§ 3285.313 Combination systems.**

Support systems that combine both load-bearing capacity and uplift resistance must also be sized and designed for all applicable design loads.

**§ 3285.314 [Reserved]**

**§ 3285.315 Special snow load conditions.**

(a) General. Foundations for homes designed for and located in areas with roof live loads greater than 40 psf must be designed by the manufacturer for the special snow load conditions, in accordance with acceptable engineering practice. Where site or other conditions prohibit the use of the manufacturer's instructions, a registered professional engineer or registered architect must design the foundation for the special snow load conditions.

(b) Ramadas. Ramadas may be used in areas with roof live loads greater than 40 psf. Ramadas are to be self-supporting, except that any connection to the home must be for weatherproofing only.

**Subpart E—Anchorage Against Wind**

**§ 3285.401 Anchoring instructions.**

(a) After blocking and leveling, the manufactured home must be secured against the wind by use of anchor assembly type installations or by connecting the home to an alternative foundation system. See § 3285.301.

(b) For anchor assembly type installations, the installation instructions must require the home to be

secured against the wind, as described in this section. The installation instructions and design for anchor type assemblies must be prepared by a registered professional engineer or registered architect, in accordance with acceptable engineering practice, the design loads of the MHCSS, and § 3285.301(d).

(c) All anchoring and foundation systems must be capable of meeting the loads that the home was designed to withstand required by part 3280, subpart D of this chapter, as shown on the home's data plate. Exception: Manufactured homes that are installed in less restrictive roof load zone and wind zone areas may have foundation or anchorage systems that are capable of meeting the lower design load provisions of the Standards, if the design for the lower requirements is either provided in the installation instructions or the foundation and anchorage system is designed by a professional engineer or registered architect.

(d) The installation instructions are to include at least the following information and details for anchor assembly-type installations:

- (1) The maximum spacing for installing diagonal ties and any required vertical ties or straps to ground anchors;
- (2) The minimum and maximum angles or dimensions for installing diagonal ties or straps to ground anchors and the main chassis members of the manufactured home;
- (3) Requirements for connecting the diagonal ties to the main chassis members of the manufactured home. If the diagonal ties are attached to the bottom flange of the main chassis beam, the frame must be designed to prevent rotation of the beam;
- (4) Requirements for longitudinal and mating wall tie-downs and anchorage;
- (5) The method of strap attachment to the main chassis member and ground anchor, including provisions for swivel-type connections;
- (6) The methods for protecting vertical and diagonal strapping at sharp corners by use of radius clips or other means; and
- (7) As applicable, the requirements for sizing and installation of stabilizer plates.

#### § 3285.402 Ground anchor installations.

(a) Ground anchor certification and testing. Each ground anchor must be manufactured and provided with installation instructions, in accordance with its listing or certification. A nationally recognized testing agency must list, or a registered professional engineer or registered architect must certify, the ground anchor for use in a classified soil (refer to § 3285.202), based on a nationally recognized testing protocol, or a professional engineer or registered architect must certify that the ground anchor is capable of resisting all loads in paragraph (b) of this section for the soil type or classification.

(b) Specifications for tie-down straps and ground anchors.

(1) Ground anchors. Ground anchors must be installed in accordance with their listing or certification, be installed to their full depth, be provided with protection against weather deterioration and corrosion at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz./ft.<sup>2</sup> of surface coated, and be capable of resisting a minimum ultimate load of 4,725 lbs. and a working load of 3,150 lbs., as installed, unless reduced capacities are noted in accordance with note 11 of Table 1 to this section or note 12 of Tables 2 and 3 to this section. The ultimate load and working load of ground anchors and anchoring equipment must be determined by

a registered professional engineer, registered architect, or tested by a nationally recognized third-party testing agency in accordance with a nationally recognized testing protocol.

(2) Tie-down straps. A 1 1/4 inch x 0.035 inch or larger steel strapping conforming to ASTM D 3953—97, Standard Specification for Strapping, Flat Steel and Seals (incorporated by reference, see § 3285.4), Type 1, Grade 1, Finish B, with a minimum total capacity of 4,725 pounds (lbs.) and a working capacity of 3,150 pounds (lbs.) must be used. The tie-down straps must be provided with protection against weather deterioration and corrosion at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz./ft.2 of surface coated. Slit or cut edges of coated strapping need not be zinc coated.

(c) Number and location of ground anchors.

(1) Ground anchor and anchor strap spacing must be:

(i) No greater than the spacing shown in Tables 1 through 3 to this section and Figures A and B to this section; or

(ii) Designed by a registered engineer or architect, in accordance with acceptable engineering practice and the requirements of the MHCSS for any conditions that are outside the parameters and applicability of the Tables 1 through 3 to this section.

(2) The requirements in paragraph (c) of this section must be used to determine the maximum spacing of ground anchors and their accompanying anchor straps, based on the soil classification determined in accordance with § 3285.202:

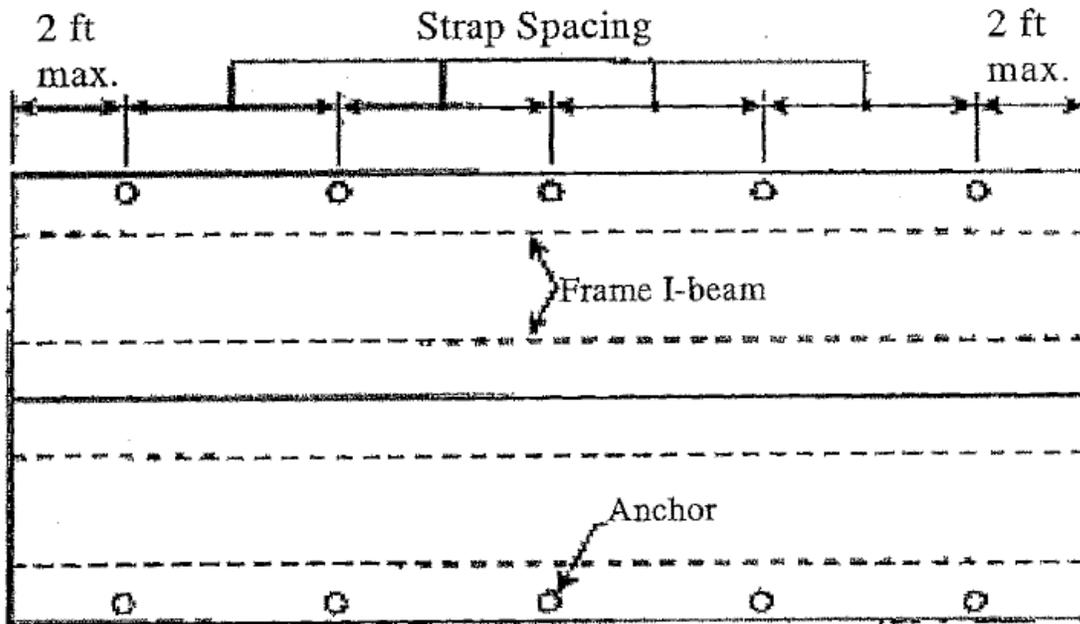
(i) The installed ground anchor type and size (length) must be listed for use in the soil class at the site and for the minimum and maximum angle permitted between the diagonal strap and the ground; and

(ii) All ground anchors must be installed in accordance with their listing or certification and the ground anchor manufacturer installation instructions; and

(iii) If required by the ground anchor listing or certification, the correct size and type of stabilizer plate is installed. If metal stabilizer plates are used, they must be provided with protection against weather deterioration and corrosion at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz./ft.2 of surface coated. Alternatively, ABS stabilizer plates may be used when listed and certified for such use.

(3) Longitudinal anchoring. Manufactured homes must also be stabilized against wind in the longitudinal direction in all Wind ones. Manufactured homes located in Wind Zones II and III must have longitudinal ground anchors installed on the ends of the manufactured home transportable section(s) or be provided with alternative systems that are capable of resisting wind forces in the longitudinal direction. See Figure C to § 3285.402 for an example of one method that may be used to provide longitudinal anchoring. A professional engineer or registered architect must certify the longitudinal anchoring method or any alternative system used as adequate to provide the required stabilization, in accordance with acceptable engineering practice.

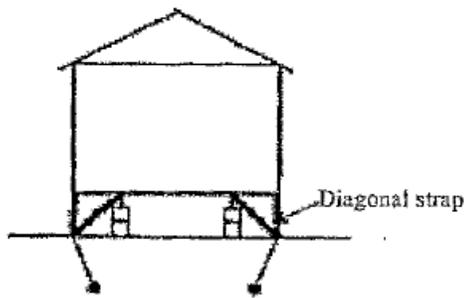
Figure A to § 3285.402 Ground Anchor Locations and Spacing – Plan View.



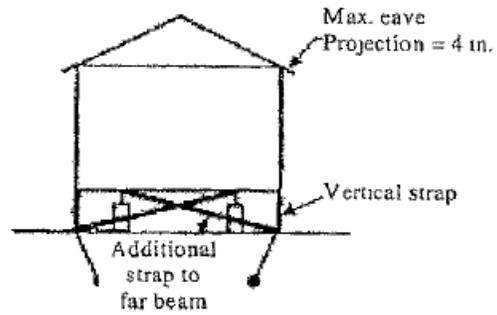
Notes:

1. Refer to Tables 1, 2, and 3 to this section for maximum ground anchor spacing.
2. Longitudinal anchors not shown for clarity; refer to 3285.402(b)(2) for longitudinal anchoring requirements.

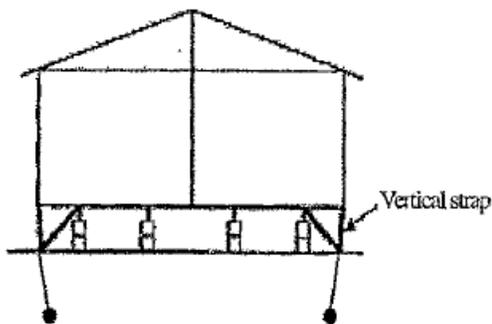
Figure B to § 3285.402 Anchor Strap and Pier Relationship.



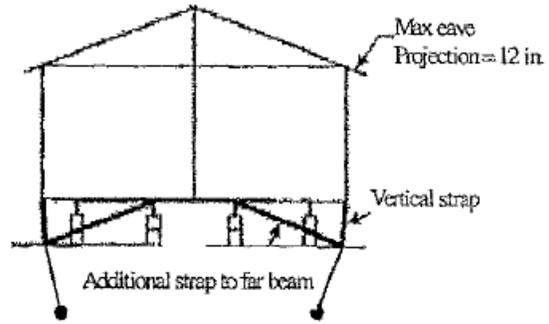
Near Beam Method



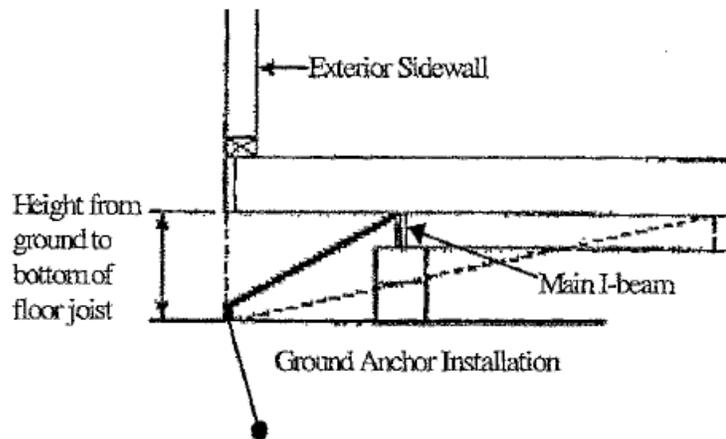
Second Beam Method  
(Vertical tie down straps required)



Near Beam Method  
(Mate-line piers and anchors omitted for clarity)



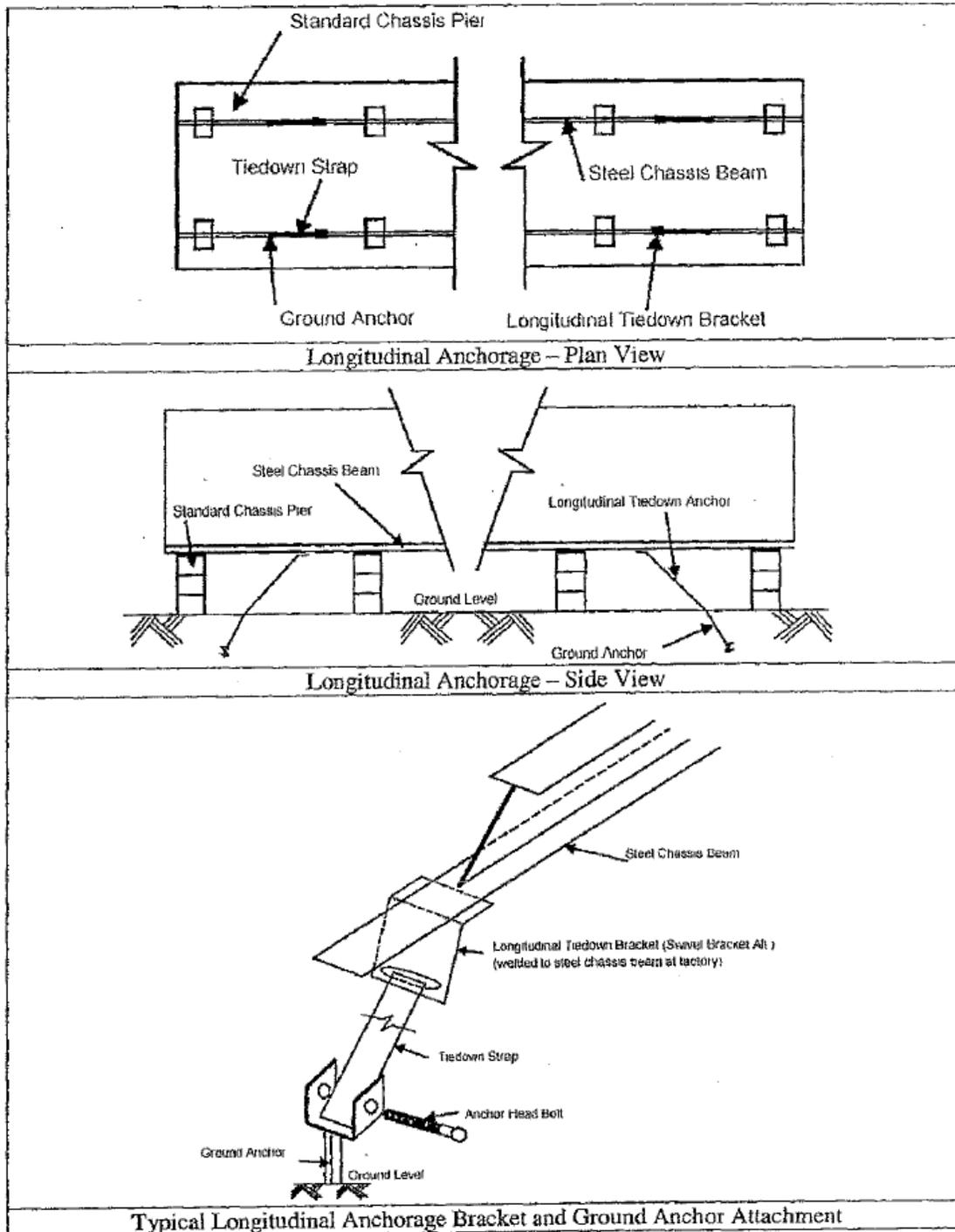
Second Beam Method  
(Mate-line piers and anchors omitted for clarity)



Notes:

1. Vertical Straps are not required in Wind Zone I.
2. The frame must be designed to prevent rotation of the main chassis beam, when the diagonal ties are not attached to the top flange of the beam. See § 3285.401(d)(3).

Figure C to § 3285.402 Longitudinal Anchoring



**TABLE 1 TO § 3285.402.—MAXIMUM DIAGONAL TIE-DOWN STRAP SPACING, WIND ZONE I**

Nominal floor width, single section/multi-section	Max. height from ground to diagonal strap attachment	I-beam spacing 82.5 in.	I-beam spacing 99.5 in.
12/24 ft. 144 in. nominal section(s).....	25 in.....	14 ft. 2 in.....	N/A.
	33 in.....	11 ft. 9 in.....	N/A.
	46 in.....	9 ft. 1 in.....	N/A.
	67 in.....	N/A.....	N/A.
14/28 ft. 168 in. nominal section(s).....	25 in.....	18 ft. 2 in.....	15 ft. 11 in.
	33 in.....	16 ft. 1 in.....	13 ft. 6 in.
	46 in.....	13 ft. 3 in.....	10 ft. 8 in.
	67 in.....	10 ft. 0 in.....	N/A.
16/32 ft. 180 in. to 192 in. nominal section.....	25 in.....	N/A.....	19 ft. 5 in.
	33 in.....	19 ft. 0 in.....	17 ft. 5 in.
	46 in.....	16 ft. 5 in.....	14 ft. 7 in.
	67 in.....	13 ft. 1 in.....	11 ft. 3 in.

**Notes:**

1. Table is based on maximum 90 in. sidewall height.
2. Table is based on maximum 4 in. inset for ground anchor head from edge of floor or wall.
3. Table is based on main rail (I-beam) spacing per given column.
4. Table is based on maximum 4 in. eave width for single-section homes and maximum 12 in. for multi-section homes.
5. Table is based on maximum 20-degree roof pitch (4.3/12).
6. Table is based upon the minimum height between the ground and the bottom of the floor joist being 18 inches. Interpolation may be required for other heights from ground to strap attachment.
7. Additional tie-downs may be required per the home manufacturer instructions.
8. Ground anchors must be certified for these conditions by a professional engineer, architect, or listed by a nationally recognized testing laboratory.
9. Ground anchors must be installed to their full depth, and stabilizer plates, if required by the ground anchor listing or certification, must also be installed in accordance with the listing or certification and in accordance with the ground anchor and home manufacturer instructions.
10. Strapping and anchoring equipment must be certified by a registered professional engineer or registered architect, or listed by a nationally recognized testing agency to resist these specified forces, in accordance with testing procedures in ASTM D 3953-97, Standard Specification for Strapping, Flat Steel and Seals (incorporated by reference, see § 3285.4).
11. A reduced ground anchor or strap working load capacity will require reduced tie-down strap and anchor spacing.
12. Ground anchors must not be spaced closer than the minimum spacing permitted by the listing or certification.
13. Table is based on a 3,150 lbs. working load capacity, and straps must be placed within 2 ft. of the ends of the home.
14. Table is based on a minimum angle of 30 degrees and a maximum angle of 60 degrees between the diagonal strap and the ground.
15. Table does not consider flood or seismic loads and is not intended for use in flood or seismic hazard areas. In those areas, the anchorage system is to be designed by a professional engineer or architect.

**TABLE 2 TO § 3285.402—MAXIMUM DIAGONAL TIE-DOWN STRAP SPACING, WIND ZONE II.**

Nominal floor width, single section/multi-section	Max. height from ground to diagonal strap attachment	Near beam method I-beam spacing		Second beam method I-beam spacing	
		82.5 in.	99.5 in.	82.5 in.	99.5 in.
12 ft/24 ft. 144 in. nominal section(s).	25 in.....	6 ft. 2 in...	4 ft. 3 in...	N/A.....	N/A
	33 in.....	5 ft. 2 in...	N/A.....	N/A.....	N/A
	46 in.....	4 ft. 0 in	N/A.....	N/A..... 6	N/A
	67 in.....	N/A	N/A.....	ft 1 in...	6 ft 3 in
14 ft/28 ft. 168 in. nominal section(s).	25 in.....	7 ft. 7 in	6 ft. 9 in...	N/A	N/A
	33 in.....	6 ft. 10 in 5	5 ft. 9 in	N/A	N/A
	46 in.....	ft. 7 in	4 ft. 6 in	N/A	N/A
	67 in.....	4 ft. 3 in	N/A	N/A	N/A
16 ft/32 ft. 180 in. to 192 in. nominal section(s).	25 in.....	N/A	7 ft. 10 in	N/A	N/A
	33 in.....	7 ft. 6 in	7 ft. 2 in	N/A	N/A
	46 in.....	6 ft. 9 in	6 ft. 0 in	N/A	N/A
	67 in.....	5 ft. 4 in	4 ft. 7 in	N/A	N/A

**Notes:**

1. Table is based on maximum 90 in. sidewall height.
2. Table is based on maximum 4 in. inset for ground anchor head from edge of floor or wall.
3. Tables are based on main rail (I-beam) spacing per given column.
4. Table is based on maximum 4 in. eave width for single-section homes and maximum 12 in. for multi-section homes.
5. Table is based on maximum 20-degree roof pitch (4.3/12).
6. All manufactured homes designed to be located in Wind Zone II must have a vertical tie installed at each diagonal tie location.
7. Table is based upon the minimum height between the ground and the bottom of the floor joist being 18 inches. Interpolation may be required for other heights from ground to strap attachment.
8. Additional tie downs may be required per the home manufacturer instructions.
9. Ground anchors must be certified by a professional engineer, or registered architect, or listed by a nationally recognized testing laboratory.
10. Ground anchors must be installed to their full depth, and stabilizer plates, if required by the ground anchor listing or certification, must also be installed in accordance with the listing or certification and in accordance with the ground anchor and home manufacturer instructions.
11. Strapping and anchoring equipment must be certified by a registered professional engineer or registered architect or must be listed by a nationally recognized testing agency to resist these specified forces, in accordance with testing procedures in ASTM D 3953—97, Standard Specification for Strapping, Flat Steel and Seals (incorporated by reference, see § 3285.4).
12. A reduced ground anchor or strap working load capacity will require reduced tie-down strap and anchor spacing.
13. Ground anchors must not be spaced closer than the minimum spacing permitted by the listing or certification.

accordance with testing procedures in ASTM D 3953-97, Standard Specification for Strapping, Flat Steel and Seals (incorporated by reference, see § 3285.4).

12. A reduced ground anchor or strap working load capacity will require reduced tie-down strap and anchor spacing. 13. Ground anchors must not be spaced closer than the minimum spacing permitted by the listing or certification.

14. Table is based on a 3,150 lbs. working load capacity, and straps must be placed within 2 ft. of the ends of the home.

15. Table is based on a minimum angle of 30 degrees and a maximum angle of 60 degrees between the diagonal strap and the ground.

16. Table does not consider flood or seismic loads and is not intended for use in flood or seismic hazard areas. In those areas, the anchorage system is to be designed by a professional engineer or architect.

#### § 3285.403 Sidewall, over-the-roof, mate-line, and shear wall straps.

If sidewall, over-the-roof, mate-line, or shear wall straps are installed on the home, they must be connected to an anchoring assembly.

#### § 3285.404 Severe climatic conditions.

In frost-susceptible soil locations, ground anchor augers must be installed below the frost line, unless the foundation system is frost-protected to prevent the effects of frost heave, in accordance with acceptable engineering practice and § 3280.306 of this chapter and § 3285.312.

#### § 3285.405 Severe wind zones.

When any part of a home is installed within 1,500 feet of a coastline in Wind Zones II or III, the manufactured home must be designed for the increased requirements, as specified on the home's data plate (refer to § 3280.5(f)) in accordance with acceptable engineering practice. Where site or other conditions prohibit the use of the manufacturer's instructions, a registered professional engineer or registered architect, in accordance with acceptable engineering practice, must design anchorage for the special wind conditions.

#### § 3285.406 Flood hazard areas.

Refer to § 3285.302 for anchoring requirements in flood hazard areas.

### Subpart F—Optional Features

#### § 3285.501 Home installation manual supplements.

Supplemental instructions for optional equipment or features must be approved by the DAPIA as not taking the home out of conformance with the requirements of this part, or part 3280 of this chapter, and included with the manufacturer installation instructions.

#### § 3285.502 Expanding rooms.

The support and anchoring systems for expanding rooms must be installed in accordance with designs provided by the home manufacturer or prepared by a registered professional engineer or registered architect, in accordance with acceptable engineering practice.

§ 3285.503 Optional appliances.

(a) Comfort cooling systems. When not provided and installed by the home manufacturer, any comfort cooling systems that are installed must be installed according to the appliance manufacturer's installation instructions.

(1) Air conditioners. Air conditioning equipment must be listed or certified by a nationally recognized testing agency for the application for which the unit is intended and installed in accordance with the terms of its listing or certification (see § 3280.714).

(i) Energy efficiency.

(A) Site-installed central air conditioning equipment must be sized to meet the home's heat gain requirement, in accordance with Chapter 28 of the 1997 ASHRAE Handbook of Fundamentals (incorporated by reference, see § 3285.4) or ACCA Manual J, Residential Cooling Load, 8th Edition (incorporated by reference, see § 3285.4). Information necessary to calculate the home's heat gain can be found on the home's comfort cooling certificate.

(B) The BTU/hr. rated capacity of the site-installed air conditioning equipment must not exceed the air distribution system's rated BTU/hr. capacity as shown on the home's compliance certificate.

(ii) Circuit rating. If a manufactured home is factory-provided with an exterior outlet to energize heating and/ or air conditioning equipment, the branch circuit rating on the tag adjacent to this outlet must be equal to or greater than the minimum circuit amperage identified on the equipment rating plate.

(iii) A-coil units.

(A) A-coil air conditioning units must be compatible and listed for use with the furnace in the home and installed in accordance with the appliance manufacturer's instructions.

(B) The air conditioner manufacturer instructions must be followed.

(C) All condensation must be directed beyond the perimeter of the home by means specified by the equipment manufacturer.

(2) Heat pumps. Heat pumps must be listed or certified by a nationally recognized testing agency for the application for which the unit is intended and installed in accordance with the terms of its listing or certification. (See § 3280.714 of this chapter).

(3) Evaporative coolers.

(i) A roof-mounted cooler must be listed or certified by a nationally recognized testing agency for the application for which the unit is intended and installed in accordance with the terms of its listing (see § 3280.714 of this chapter).

(A) Any discharge grill must not be closer than three feet from a smoke alarm.

(B) Before installing a roof-mounted evaporative cooler on-site, the installer must ensure that the roof will support the weight of the cooler.

(C) A rigid base must be provided to distribute the cooler weight over multiple roof trusses to adequately support the weight of the evaporative cooler.

(ii) An evaporative cooler that is not roof-mounted is to be installed in accordance with the requirements of its listing or the equipment manufacturer's instructions, whichever is the more restrictive.

(b) Fireplaces and wood-stoves. When not provided by the home manufacturer, fireplaces and wood-stoves including chimneys and air inlets for fireplaces and wood stoves must be listed for use with manufactured homes and must be installed in accordance with their listings.

(c) Appliance venting.

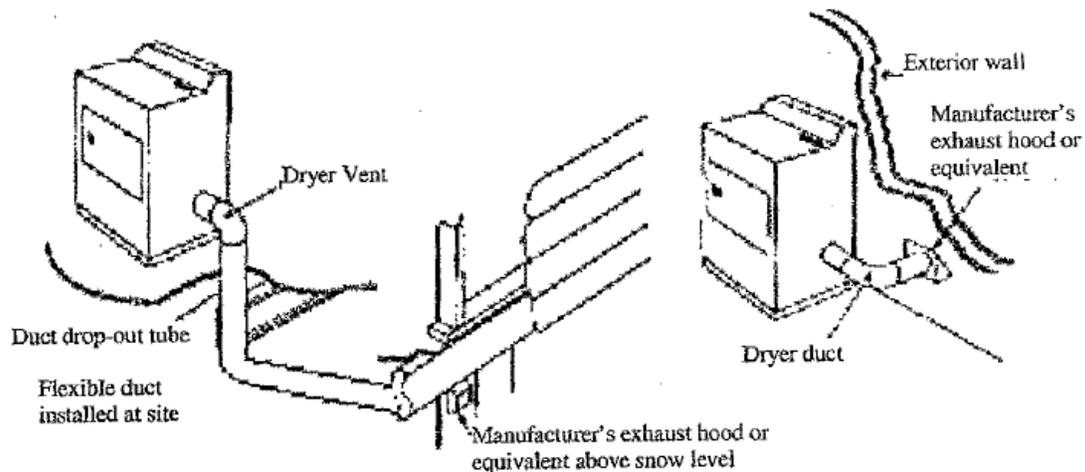
(1) All fuel burning heat producing appliances of the vented type except ranges and ovens must be vented to the exterior of the home.

(2) Upon completion, the venting system must comply with all requirements of §§ 3280.707(b) and 3280.710 of the Manufactured Home Construction and Safety Standards in this chapter.

(3) When the vent exhausts through the floor, the vent must not terminate under the home and must extend to the home's exterior and through any skirting that may be installed.

(d) Clothes dryer exhaust duct system. A clothes dryer exhaust duct system must conform with and be completed in accordance with the appliance manufacturer instructions and § 3280.708 of this chapter. The vents must exhaust to the exterior of the home, beyond any perimeter skirting installed around it, as shown in Figure to § 3285.503.

**Figure A to § 3285.503 Dryer Exhaust System.**



**Notes:**

1. Installation of the exhaust system must be in accordance with the dryer manufacturer instructions.
2. Dryer exhaust system must not contain reverse slope or terminate under the home.

**§ 3285.504 Skirting.**

(a) Skirting, if used, must be of weather-resistant materials or provided with protection against weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz./ft.2 of surface coated.

(b) Skirting must not be attached in a manner that can cause water to be trapped between the siding and trim or forced up into the wall cavities trim to which it is attached.

(c) All wood skirting within 6 inches of the ground must be pressure-treated in accordance with AWWA Standard U1 (incorporated by reference, see § 3285.4) for Use Category 4A, Ground Anchor Contact Applications, or be naturally resistant to decay and termite infestations.

(d) Skirting must not be attached in a manner that impedes the contraction and expansion characteristics of the home's exterior covering.

#### **§ 3285.505 Crawlspace ventilation.**

(a) A crawlspace with skirting must be provided with ventilation openings. The minimum net area of ventilation openings must not be less than one square foot (ft.2) for every 150 square feet (ft.2) of the home's floor area. The total area of ventilation openings may be reduced to one square foot (ft.2) for every 1,500 square feet (ft.2) of the home's floor area, where a uniform 6-mil polyethylene sheet material or other acceptable vapor retarder is installed, according to § 3285.204, on the ground surface beneath the entire floor area of the home.

(b) Ventilation openings must be placed as high as practicable above the ground.

(c) Ventilation openings must be located on at least two opposite sides to provide cross-ventilation.

(d) Ventilation openings must be covered for their full height and width with a perforated corrosion and weather-resistant covering that is designed to prevent the entry of rodents. In areas subject to freezing, the coverings for the ventilation openings must also be of the adjustable type, permitting them to be in the open or closed position, depending on the climatic conditions.

(e) Access opening(s) not less than 18 inches in width and 24 inches in height and not less than three square feet (ft.2) in area must be provided and must be located so that any utility connections located under the home are accessible.

(f) Dryer vents and combustion air inlets must pass through the skirting to the outside. Any surface water runoff from the furnace, air conditioning, or water heater drains must be directed away from under the home or collected by other methods identified in § 3285.203.

### **Subpart G—Ductwork and Plumbing and Fuel Supply Systems**

#### **§ 3285.601 Field assembly.**

Home manufacturers must provide specific installation instructions for the proper field assembly of manufacturer-supplied and shipped loose ducts, plumbing, and fuel supply system parts that are necessary to join all sections of the home and are designed to be located underneath the home. The installation instructions must be designed in accordance with applicable requirements of part 3280, subparts G and H, of this chapter, as specified in this subpart.

#### **§ 3285.602 Utility connections.**

Refer to § 3285.904 for considerations for utility system connections.

#### § 3285.603 Water supply.

(a) Crossover. Multi-section homes with plumbing in both sections require water-line crossover connections to join all sections of the home. The crossover design requirements are located in, and must be designed in accordance with, § 3280.609 of this chapter.

(b) Maximum supply pressure and reduction. When the local water supply pressure exceeds 80 psi to the manufactured home, a pressure-reducing valve must be installed.

(c) Mandatory shutoff valve.

(1) An identified and accessible shutoff valve must be installed between the water supply and the inlet.

(2) The water riser for the shutoff valve connection must be located underneath or adjacent to the home.

(3) The shutoff valve must be a full-flow gate or ball valve, or equivalent valve.

(d) Freezing protection. Water line crossovers completed during installation must be protected from freezing. The freeze protection design requirements are located in, and must be designed in accordance with, § 3280.603 of this chapter.

(1) If subject to freezing temperatures, the water connection must be wrapped with insulation or otherwise protected to prevent freezing.

(2) In areas subject to freezing or subfreezing temperatures, exposed sections of water supply piping, shutoff valves, pressure reducers, and pipes in water heater compartments must be insulated or otherwise protected from freezing.

(3) Use of pipe heating cable. Only pipe heating cable listed for manufactured home use is permitted to be used, and it must be installed in accordance with the cable manufacturer installation instructions.

(e) Testing procedures.

(1) The water system must be inspected and tested for leaks after completion at the site. The installation instructions must provide testing requirements that are consistent with § 3280.612 of this chapter.

(2) The water heater must be disconnected when using an air-only test.

#### § 3285.604 Drainage system.

(a) Crossovers. Multi-section homes with plumbing in more than one section require drainage system crossover connections to join all sections of the home. The crossover design requirements are located in, and must be designed in accordance with, § 3280.610 of this chapter.

(b) Assembly and support. If portions of the drainage system were shipped loose because they were necessary to join all sections of the home and designed to be located underneath the home, they must be installed and supported in accordance with § 3280.608 of this chapter.

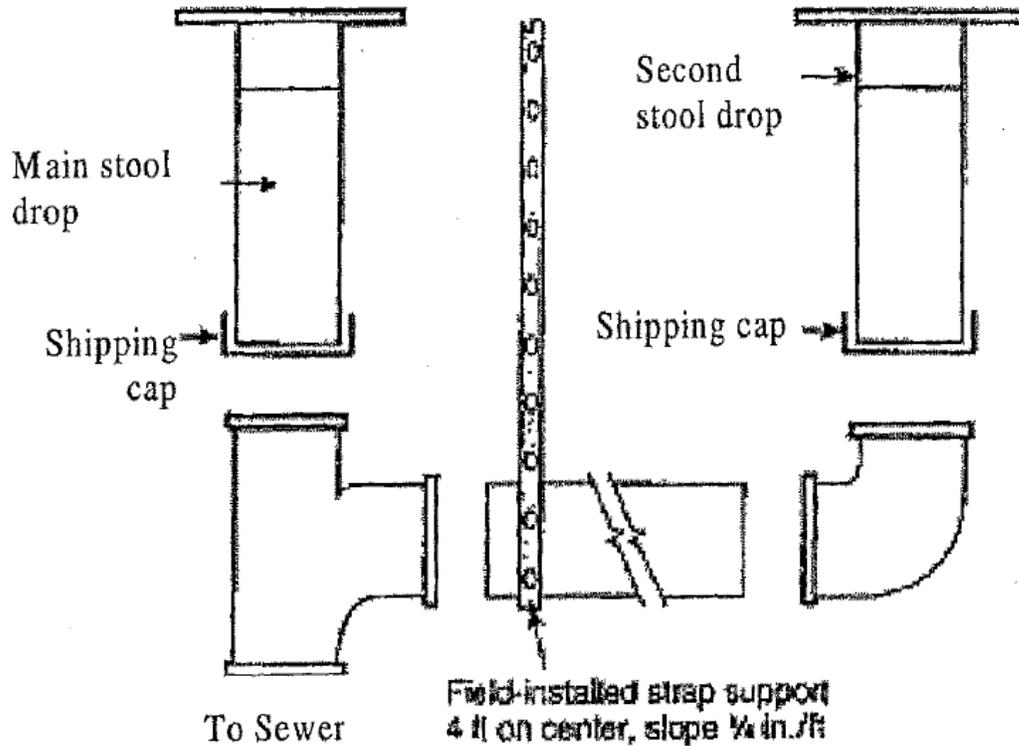
(c) Proper slopes. Drains must be completed in accordance with § 3280.610 of this chapter.

(1) Drain lines must not slope less than one-quarter inch per foot, unless otherwise noted on the schematic diagram, as shown in Figure to § 3285.604.

(2) A slope of one-eighth inch per foot may be permitted when a clean-out is installed at the upper end of the run.

(d) Testing procedures. The drainage system must be inspected and tested for leaks after completion at the site. The installation instructions must provide testing requirements that are consistent with § 3280.612 of this chapter.

**Figure A to § 3285.604 Drain Pipe Slope and Connections.**



**§ 3285.605 Fuel supply system.**

(a) Proper supply pressure. The gas piping system in the home is designed for a pressure that is at least 7 inches of water column [4oz./in.2 or 0.25 psi] and not more than 14 inches of water column [8 oz./in.2 or 0.5 psi]. If gas from any supply source exceeds, or could exceed this pressure, a regulator must be installed if required by the LAHJ.

(b) Crossovers.

(1) Multi-section homes with fuel supply piping in both sections require crossover connections to join all sections of the home. The crossover design requirements are located in, and must be designed in accordance with, § 3280.705 of this chapter.

(2) Tools must not be required to connect or remove the flexible connector quick-disconnect.

(c) Testing procedures. The gas system must be inspected and tested for leaks after completion at the site. The installation instructions must provide testing requirements that are consistent with § 3280.705 of this chapter.

**§ 3285.606 Ductwork connections.**

(a) Multi-section homes with ductwork in more than one section require crossover connections to complete the duct system of the home. All ductwork connections, including duct collars, must be sealed to prevent air leakage. Galvanized metal straps or tape and mastics listed to UL 181A (incorporated by reference, see § 3285.4), for closure systems with rigid air ducts and connectors, or UL 181B (incorporated by reference, see § 3285.4), for closure systems with flexible air ducts and connectors, must be used around the duct collar and secured tightly to make all connections.

(b) If metal straps are used, they must be secured with galvanized sheet metal screws.

(c) Metal ducts must be fastened to the collar with a minimum of three galvanized sheet metal screws equally spaced around the collar.

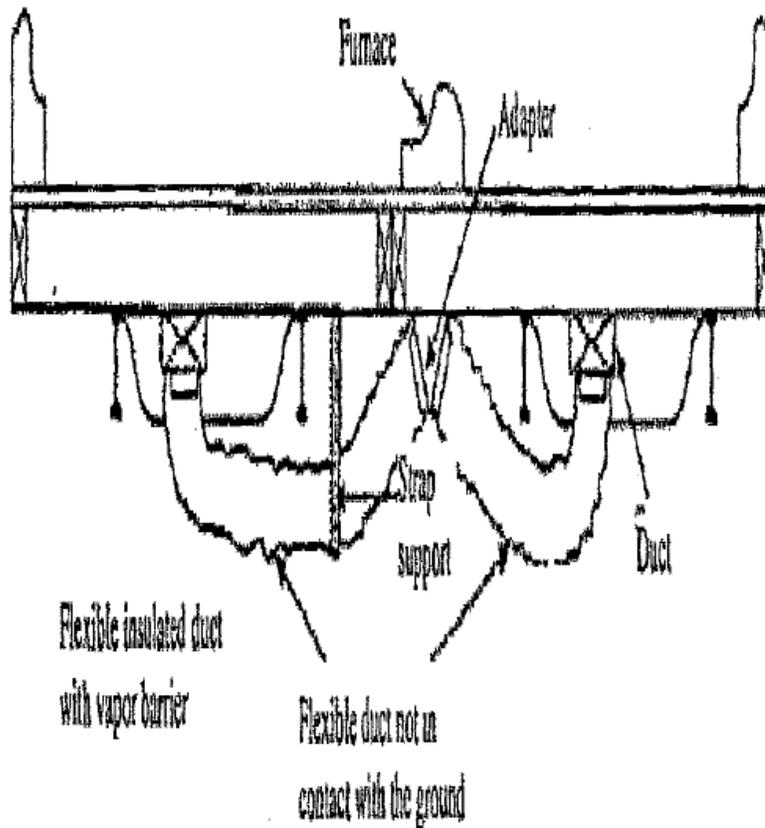
(d) Air conditioning or heating ducts must be installed in accordance with applicable requirements of the duct manufacturer installation instructions.

(e) The duct must be suspended or supported above the ground by straps or other means that are spaced at a maximum distance not to exceed 4'-0" or as otherwise permitted by the installation instructions. When straps are used to support a flexible type duct, the straps must be at least ½" wider than the spacing of the metal spirals encasing the duct. The ducts must be installed such that the straps cannot slip between any two spirals and arranged under the floor to prevent compression or kinking in any location, as shown in Figures A and B to this section. In-floor crossover ducts are permitted, in accordance with § 3285.606(g).

(f) Crossover ducts outside the thermal envelope must be insulated with materials that conform to designs consistent with part 3280, subpart F of this chapter.

(g) In-floor or ceiling crossover duct connections must be installed and sealed to prevent air leakage.

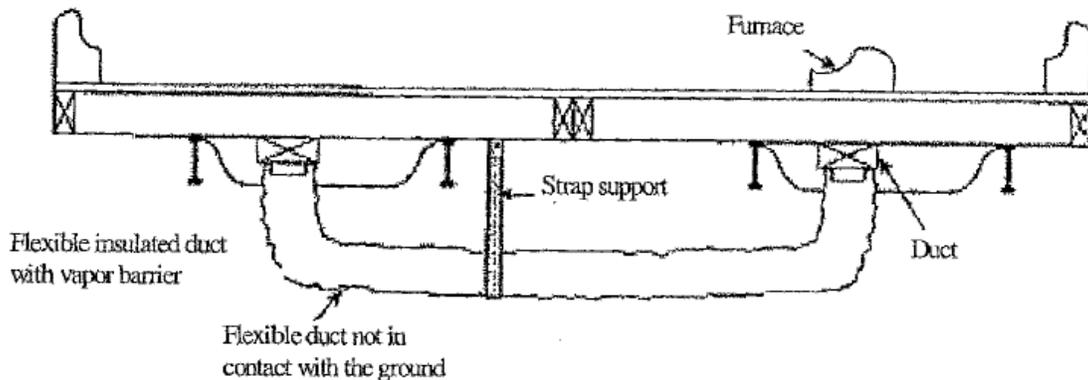
## Figure A to §3285.606 - Crossover Duct Installation with Two Connecting Ducts.



### Notes:

1. This system is typically used when a crossover duct has not been built into the floor and the furnace is outside the I-Beam. With this type of installation, it is necessary for two flexible ducts to be installed.
2. The crossover duct must be listed for exterior use.

**Figure B to §3285.606 Crossover Duct Installation with One Connecting Duct.**



**Notes:**

1. This system is typically used when a crossover duct has not been built into the floor and the furnace is situated directly over the main duct in one section of the home. A single flexible duct is then used to connect the two sections to each other.
2. The crossover duct must be listed for exterior use.

**Subpart H—Electrical Systems and Equipment**

**§ 3285.701 Electrical crossovers.**

Multi-section homes with electrical wiring in more than one section require crossover connections to join all sections of the home. The crossover must be designed in accordance with part 3280, subpart I of this chapter, and completed in accordance with the directions provided in the installation instructions.

**§ 3285.702 Miscellaneous lights and fixtures.**

(a) When the home is installed, exterior lighting fixtures, ceiling-suspended (paddle) fans, and chain-hung lighting fixtures are permitted to be installed in accordance with their listings and part 3280, subpart I of this chapter.

(b) Grounding.

(1) All the exterior lighting fixtures and ceiling fans installed per § 3285.702(a) must be grounded by a fixture-grounding device or by a fixture-grounding wire.

(2) For chain-hung lighting fixtures, as shown in Figure A to this section, both a fixture-grounding device and a fixture-grounding wire must be used. The identified conductor must be the neutral conductor.

(c) Where lighting fixtures are mounted on combustible surfaces such as hardboard, a limited combustible or noncombustible ring, as shown in Figures A and B to this section, must be installed to completely cover the combustible surface exposed between the fixture canopy and the wiring outlet box.

(d) Exterior lights.

(1) The junction box covers must be removed and wire-to-wire connections must be made using listed wire connectors.

(2) Wires must be connected black-to-black, white-to-white, and equipment ground-to-equipment ground.

(3) The wires must be pushed into the box, and the lighting fixture must be secured to the junction box.

(4) The lighting fixture must be caulked around its base to ensure a watertight seal to the sidewall.

(5) The light bulb must be installed and the globe must be attached.

(e) Ceiling fans.

(1) Ceiling-suspended (paddle) fans must be connected to junction box listed and marked for ceiling fan application, in accordance with Article 314.27(b) of the National Electrical Code, NFPA No. 70-2005 (incorporated by reference, see § 3285.4); and

(2) The ceiling fan must be installed with the trailing edges of the blades at least 6 feet 4 inches above the finished floor; and

(3) The wiring must be connected in accordance with the product manufacturer installation instructions.

(f) Testing.

(1) After completion of all electrical wiring and connections, including crossovers, electrical lights, and ceiling fans, the electrical system must be inspected and tested at the site, in accordance with the testing requirements of § 3280.810(b) of this chapter.

(2) The installation instructions must indicate that each manufactured home must be subjected to the following tests:

(i) An electrical continuity test to ensure that metallic parts are effectively bonded;

(ii) Operational tests of all devices and utilization equipment, except water heaters, electric ranges, electric furnaces, dishwashers, clothes washers/ dryers, and portable appliances, to demonstrate that they are connected and in working order; and

(iii) For electrical equipment installed or completed during installation, electrical polarity checks must be completed to determine that connections have been made properly. Visual verification is an acceptable electrical polarity check.

Figure A to § 3285.702 Typical Installation of Chain-Hung Lighting Fixture.

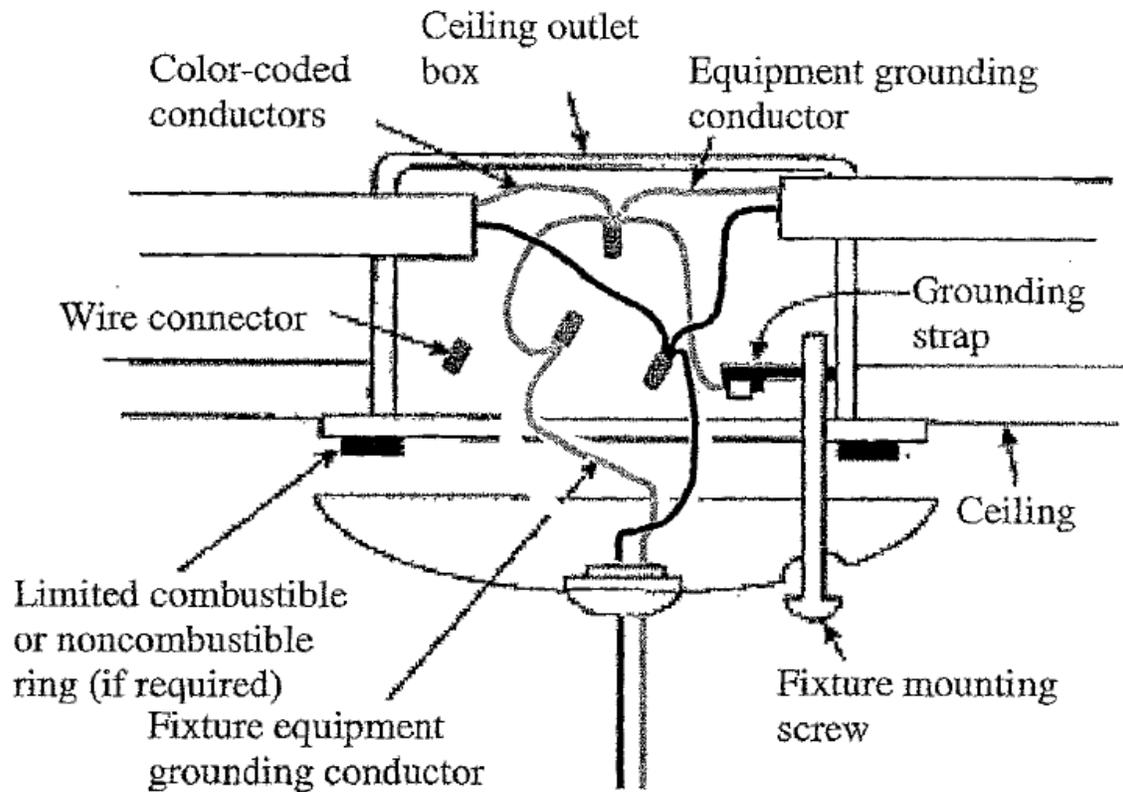
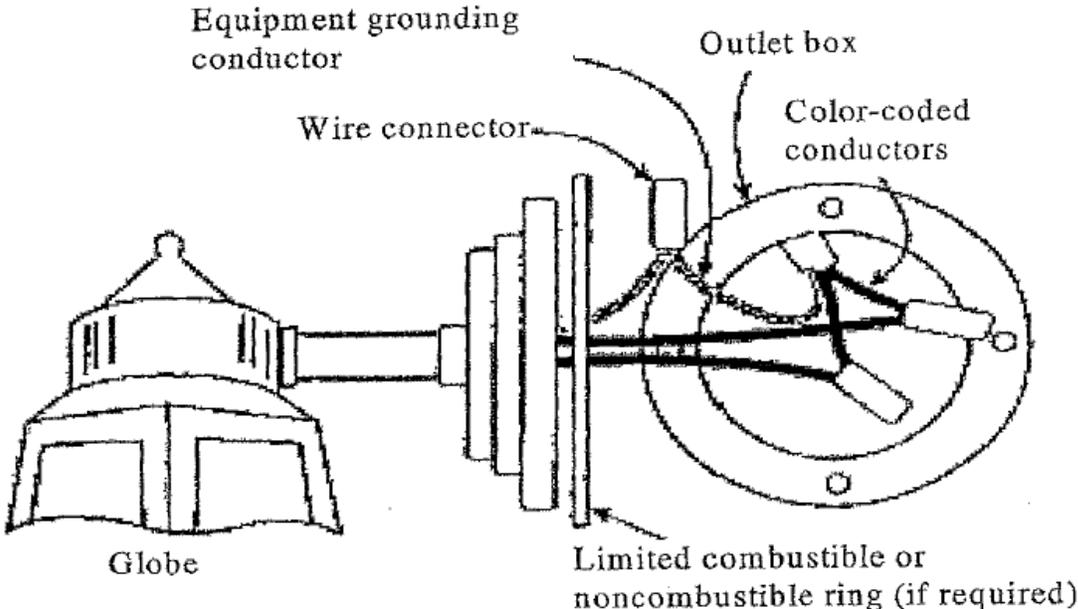


Figure B to § 3285.702 Typical Installation of Surface-Mounted Exterior Lighting Fixture.



### § 3285.703 Smoke alarms.

Smoke alarms must be functionally tested in accordance with applicable requirements of the smoke alarm manufacturer instructions and must be consistent with § 3280.208 of this chapter.

### § 3285.704 Telephone and cable TV.

Refer to § 3285.906 for considerations pertinent to installation of telephone and cable TV.

## Subpart I—Exterior and Interior Close-Up

### § 3285.801 Exterior close-up.

(a) Exterior siding and roofing necessary to join all sections of the home must be installed according to the product manufacturer installation instructions and must be fastened in accordance with designs and manufacturer's instructions, consistent with §§ 3280.305 and 3280.307 of this chapter. Exterior close-up strips/trim must be fastened securely and sealed with exterior sealant (see figure A to this section).

(b) Joints and seams. All joints and seams in exterior wall coverings that were disturbed during location of the home must be made weatherproof.

(c) Prior to installing the siding, the polyethylene sheeting covering exterior walls for transit must be completely removed.

(d) Prior to completing the exterior close-up, any holes in the roofing must be made weatherproof and sealed with a sealant or other material that is suitable for use with the roofing in which the hole is made.

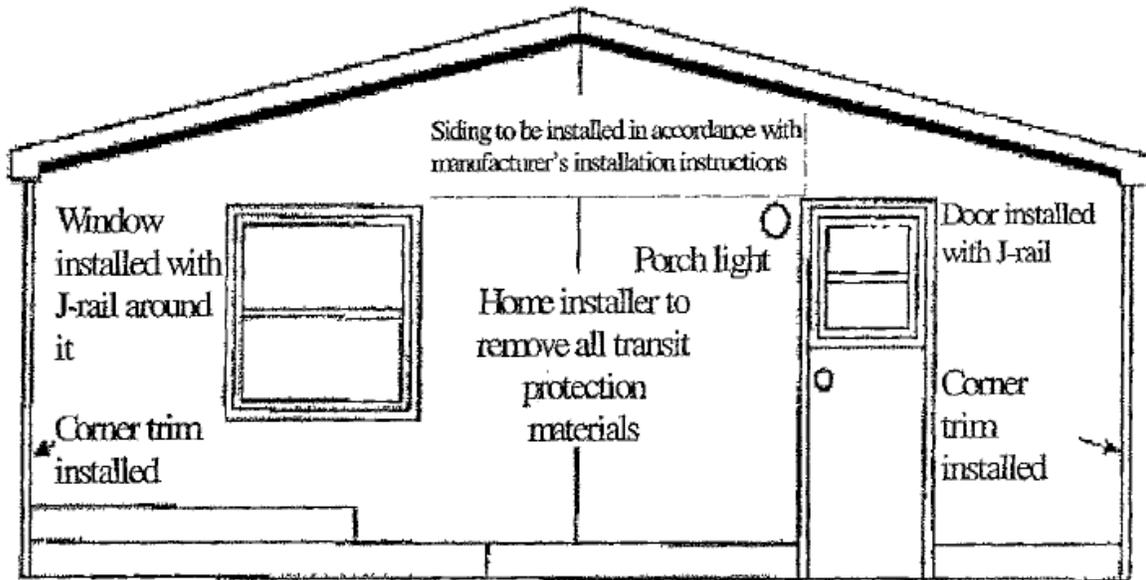
(e) Mate-line gasket. The home manufacturer must provide materials and designs for mate-line gaskets or other methods designed to resist the entry of air, water, water vapor, insects, and rodents at all mate-line locations exposed to the exterior (see Figure B to this section).

(f) Hinged roofs and eaves. Hinged roofs and eaves must be completed during installation in compliance with all requirements of the Manufactured Home Construction and Safety Standards (24 CFR part 3280) and the Manufactured Home Procedural and Enforcement Regulations (24 CFR part 3282). Unless exempted by the following provisions, hinged roofs are also subject to a final inspection for compliance with the Manufactured Home Construction and Safety Standards (24 CFR part 3280) by the IPIA or a qualified independent inspector acceptable to the IPIA. Homes with hinged roofs that are exempted from IPIA inspection are instead to be completed and inspected in accordance with the Manufactured Home Installation Program (24 CFR part 3286).

This includes homes:

- (1) That are designed to be located in Wind Zone I;
- (2) In which the pitch of the hinged roof is less than 7:12; and
- (3) In which fuel burning appliance flue penetrations are not above the hinge.

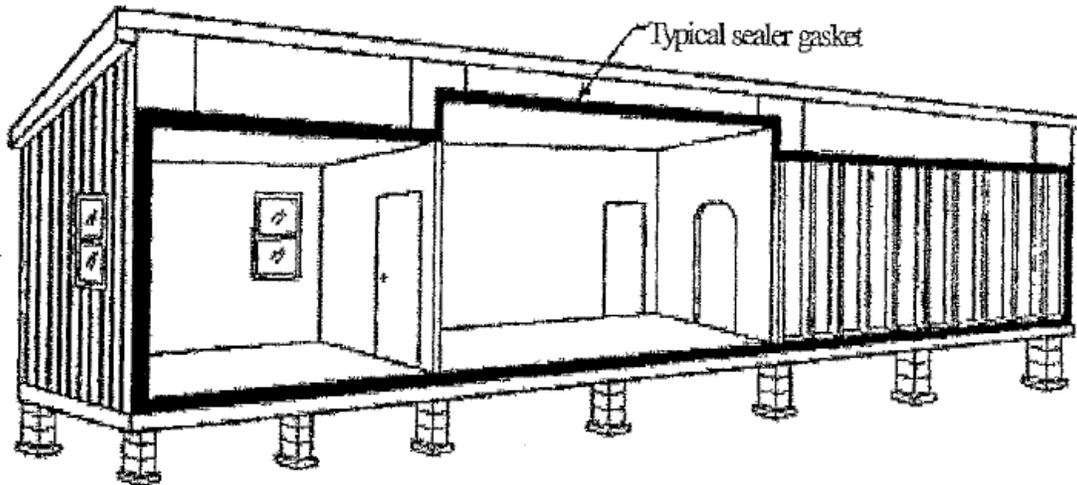
**FIGURE A to §3285.801 Installation of Field-Applied Horizontal Lap Siding**



**Notes:**

1. Multi-section homes with horizontal-lap siding can be shipped with no siding on the front and rear end walls.
2. The manufacturer must install doors/windows trimmed with J-rail or the equivalent and protect all exposed materials not designed for exposure to the weather with plastic sheeting for transport. Siding, starter trim, and vents may be shipped loose in the home for installation on set-up.
3. All home installers must ensure that all field installed trim, windows, doors, and other openings are properly sealed according to the siding manufacturer installation instructions.

**Figure B to § 3285.801 Mate-Line Gasket.**



**Note:**

On multi-section manufactured homes, install the sealer gasket on the ceiling, end walls, and floor mate-line prior to joining the sections together.

**§ 3285.802 Structural interconnection of multi-section homes.**

(a) For multi-section homes, structural interconnections along the interior and exterior at the mate-line are necessary to join all sections of the home.

(b) Structural interconnection must be designed in accordance with the requirements located in § 3280.305 of this chapter to ensure a completely integrated structure.

(c) Upon completion of the exterior close-up, no gaps are permitted between the structural elements being interconnected along the mate-line of multi-section homes. However, prior to completion of the exterior close-up, gaps that do not exceed one inch are permitted between structural elements provided:

- (1) The gaps are closed before completion of close-up;
- (2) The home sections are in contact with each other; and
- (3) The mating gasket is providing a proper seal. All such gaps must be shimmed with dimensional lumber, and fastener lengths used to make connections between the structural elements must be increased to provide adequate penetration into the receiving member.

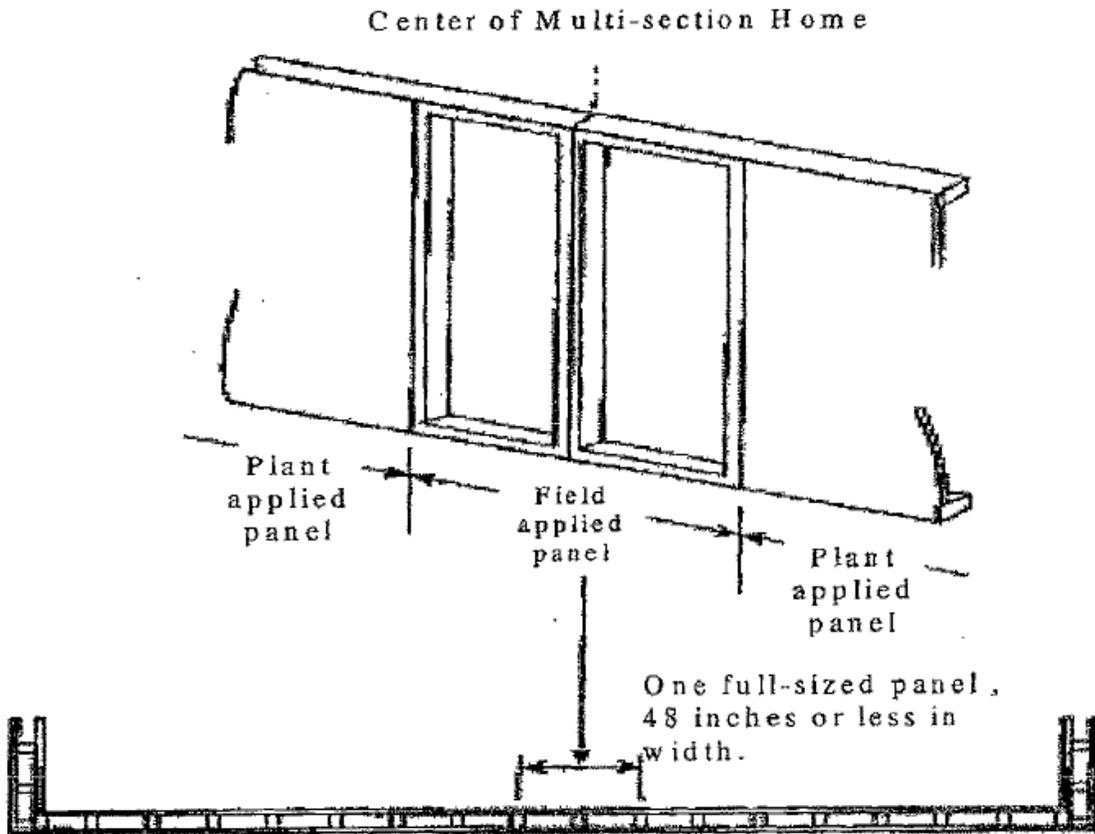
**§ 3285.803 Interior close-up.**

(a) All shipping blocking, strapping, or bracing must be removed from appliances, windows, and doors.

(b) Interior close up items necessary to join all sections of the home or items subject to transportation damage may be packaged or shipped with the home for site installation.

(c) Shipped-loose wall paneling necessary for the joining of all sections of the home must be installed by using polyvinyl acetate (PVA) adhesive on all framing members and fastened with minimum 1 1/2 inch long staples or nails at 6 inches on center panel edges and 12 inches on center in the field, unless alternative fastening methods are permitted in the installation instructions (see Figure A to § 3285.803).

### FIGURE A to §3285.803 - Installation of Interior Field-Applied Panels.



Note: Specific designs must be approved by a DAPIA and included in the home manufacturer installation instructions.

#### § 3285.804 Bottom board repair.

(a) The bottom board covering must be inspected for any loosening or areas that might have been damaged or torn during installation or transportation. Any missing insulation is to be replaced prior to closure and repair of the bottom board.

(b) Any splits or tears in the bottom board must be resealed with tape or patches in accordance with methods provided in the manufacturers installation instructions.

(c) Plumbing P-traps must be checked to be sure they are well-insulated and covered.

(d) All edges of repaired areas must be taped or otherwise sealed.

## **Subpart J—Optional Information for Manufacturer’s Installation Instructions**

### **§ 3285.901 General.**

The planning and permitting processes, as well as utility connection, access, and other requirements, are outside of the State of Mississippi’s authority and may be governed by LAHJs. These Model Installation Standards do not attempt to comprehensively address such requirements. However, the State of Mississippi recommends that the manufacturer’s installation instructions include the information and advisories in this Subpart J, in order to protect the manufactured home, as constructed in accordance with the MHCSS.

### **§ 3285.902 Moving manufactured home to location.**

It is recommended that the installation instructions indicate that the LAHJ be informed before moving the manufactured home to the site. It is also recommended that the installation instructions indicate that the manufactured home is not to be moved to the site until the site is prepared in accordance with subpart C of this part and when the utilities are available as required by the LAHJ. Examples of related areas that might be addressed in the installation instructions for meeting this recommendation include:

(a) Access for the transporter. Before attempting to move a home, ensure that the transportation equipment and home can be routed to the installation site and that all special transportation permits required by the LAHJ have been obtained.

(b) Drainage structures. Ditches and culverts used to drain surface runoff meet the requirements of the LAHJ and are considered in the overall site preparation.

### **§ 3285.903 Permits, alterations, and on-site structures.**

It is recommended that the installation instructions include the following information related to permits, alterations, and on-site structures:

(a) Issuance of permits. All necessary LAHJ fees should be paid and permits should be obtained, which may include verification that LAHJ requirements regarding encroachments in streets, yards, and courts are obeyed and that permissible setback and fire separation distances from property lines and public roads are met.

(b) Alterations. Prior to making any alteration to a home or its installation, contact the LAHJ to determine if plan approval and permits are required.

(c) Installation of on-site structures. Each accessory building and structure is designed to support all of its own live and dead loads, unless the structure, including any attached garage, carport, deck, and

porch, is to be attached to the manufactured home and is otherwise included in the installation instructions or designed by a registered professional engineer or registered architect.

**§ 3285.904 Utility system connections.**

(a) It is recommended that the manufacturer's installation instructions indicate the following procedures be used prior to making any utility system connection:

(1) Where an LAHJ and utility services are available, that the LAHJ and all utility services each be consulted before connecting the manufactured home to any utilities, or

(2) Where no LAHJ exists and utility services are available, that the utilities be consulted before connecting the manufactured home to any utility service; or

(3) In rural areas where no LAHJ or utility services are available, that a professional be consulted prior to making any system connections.

(b) Qualified personnel. Only qualified personnel familiar with local requirements are permitted to make utility site connections and conduct tests.

(c) Drainage system. The main drain line must be connected to the site's sewer hookup, using an elastomeric couplet or by other methods acceptable to the LAHJ, as shown in Figure A to this section.

(d) Fuel supply system.

(1) Conversion of gas appliances. A service person acceptable to the LAHJ must convert the appliance from one type of gas to another, following instructions by the manufacturer of each appliance.

(2) Orifices and regulators. Before making any connections to the site supply, the inlet orifices of all gas-burning appliances must be checked to ensure they are correctly set up for the type of gas to be supplied.

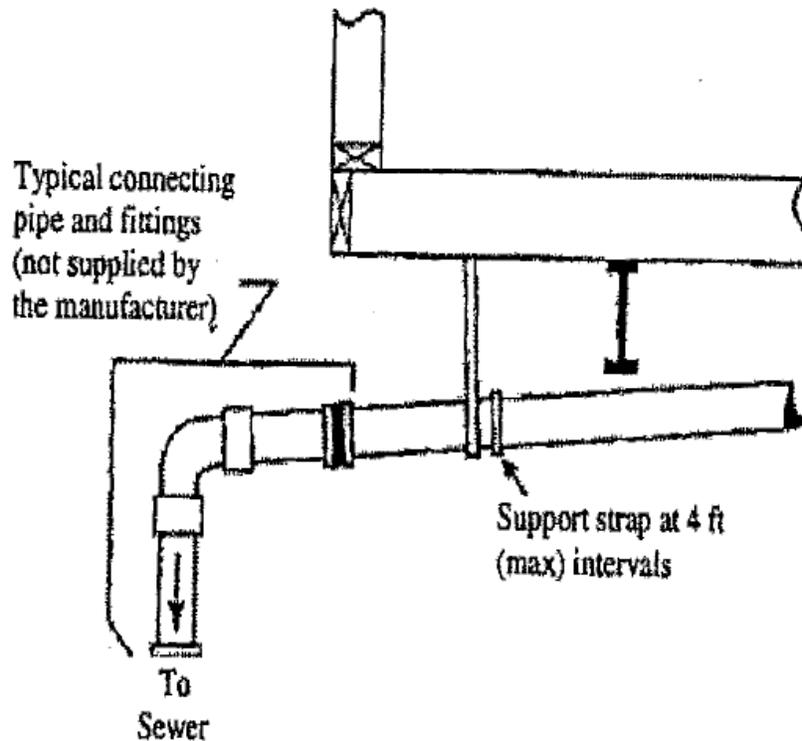
(3) Connection procedures. Gas-burning appliance vents must be inspected to ensure that they are connected to the appliance and that roof jacks are properly installed and have not come loose during transit.

(4) Gas appliance start-up procedures. The LAHJ should be consulted concerning the following gas appliance startup procedures:

(i) One at a time, opening equipment shutoff valves, lighting pilot lights when provided, and adjusting burners and spark igniters for automatic ignition systems, in accordance with each appliance manufacturer instructions.

(ii) Checking the operation of the furnace and water heater thermostats.

## Figure A to § 3285.904 – Connection to Site Sewer.



**Note:**

Fittings in the drainage system that are subject to freezing, such as P-traps in the floor, are protected with insulation by the manufacturer. Insulation must be replaced if it is removed for access to the P-trap.

### § 3285.905 Heating oil systems.

It is recommended that the installation instructions include the following information related to heating oil systems, when applicable:

- (a) Homes equipped with oil burning furnaces should have their oil supply tank and piping installed and tested on-site, in accordance with NFPA 31, Standard for the Installation of Oil Burning Equipment, 2001 (incorporated by reference, see § 3285.4) or the LAHJ, whichever is more stringent.
- (b) The oil burning furnace manufacturer's instructions should be consulted for pipe size and installation procedures.
- (c) Oil storage tanks and pipe installations should meet all applicable local regulations.

(d) Tank installation requirements.

(1) The tank should be located where it is accessible to service and supply and where it is safe from fire and other hazards.

(2) In flood hazard areas, the oil storage tank should be anchored and elevated to or above the design flood elevation, or anchored and designed to prevent flotation, collapse, or permanent lateral movement during the design flood.

(3) Leak test procedure. Before the system is operated, it should be checked for leaks in the tank and supply piping, in accordance with NFPA 31, Standard for the Installation of Oil Burning Equipment, 2001 (incorporated by reference, see § 3285.4) or the requirements of the LAHJ, whichever is more stringent.

#### **§ 3285.906 Telephone and cable TV.**

It is recommended that the installation instructions explain that telephone and cable TV wiring should be installed in accordance with requirements of the LAHJ and the National Electrical Code, NFPA No. 70-2005 (incorporated by reference, see § 3285.4).

#### **§ 3285.907 Manufacturer additions to installation instructions.**

A manufacturer may include in its installation instructions items that are not required by this chapter as long as the items included by the manufacturer are consistent with the Model Installation Standards in this part and do not take the manufactured home out of compliance with the MHCSS.

State of Mississippi



Department of Insurance  
OFFICE OF THE FIRE MARSHAL

MEMORANDUM

**TO:** ALL FACTORY-BUILT HOME LICENSEES

**FROM:** RICKY DAVIS  
STATE CHIEF DEPUTY FIRE MARSHAL

**DATE:** APRIL 1, 2011

**RE:** SUPPLEMENTARY INFORMATION FOR THE  
RULES AND REGULATIONS FOR THE UNIFORM  
STANDARDS CODE FOR THE FACTORY-BUILT  
HOMES LAW REGULATION MH-5

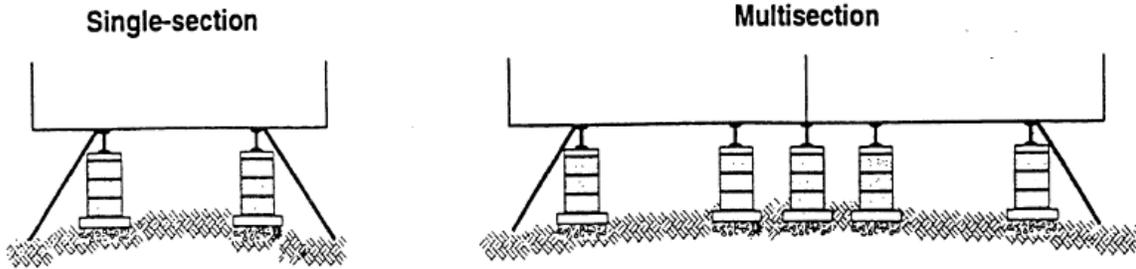
The Factory-Built Homes Division of the State Fire Marshal's Office is submitting the enclosed supplementary information to the MH-5 rules and regulations booklet.

Please note the following clarifications:

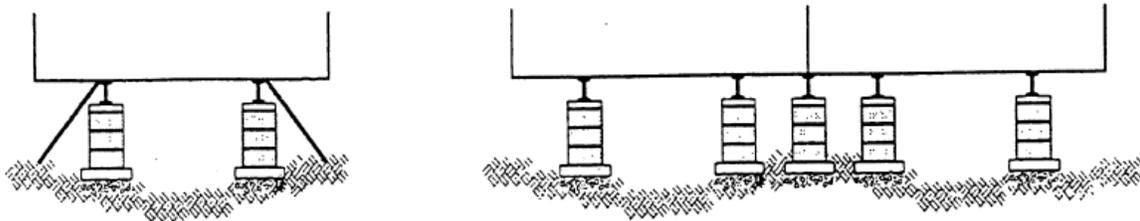
1. Page 21 – Section P (see enclosed statute)
2. Page 23 – Section B (should be Section VI and not Section V)
3. Page 24 – Section V – (Wordage -“distributors” should be “developers”)
4. Page 24 – Section VI – (Wordage – “distributors” should be “developers”)
5. Page 26 – Figure I- Site Grading (chart)
6. Page 29 – Figure II – Minimum Blocking Standards (chart)
7. Page 33 – Figure III – ABS Pad Assembly (chart)
8. Page 34 – Figure IV – ABS Pad Installation Instructions (chart)
9. Pages 42 through Page 100 – Exhibit “A” Mississippi Manufactured Home Installation Program Standards (HUD’s requirements for installation of **NEW** factory-built homes).
10. “The Uniform Standards Code for Factory-Built Homes Law.”

If you have any questions, please contact our office at (601) 359-1061.

**FIGURE 1 - SITE GRADING**

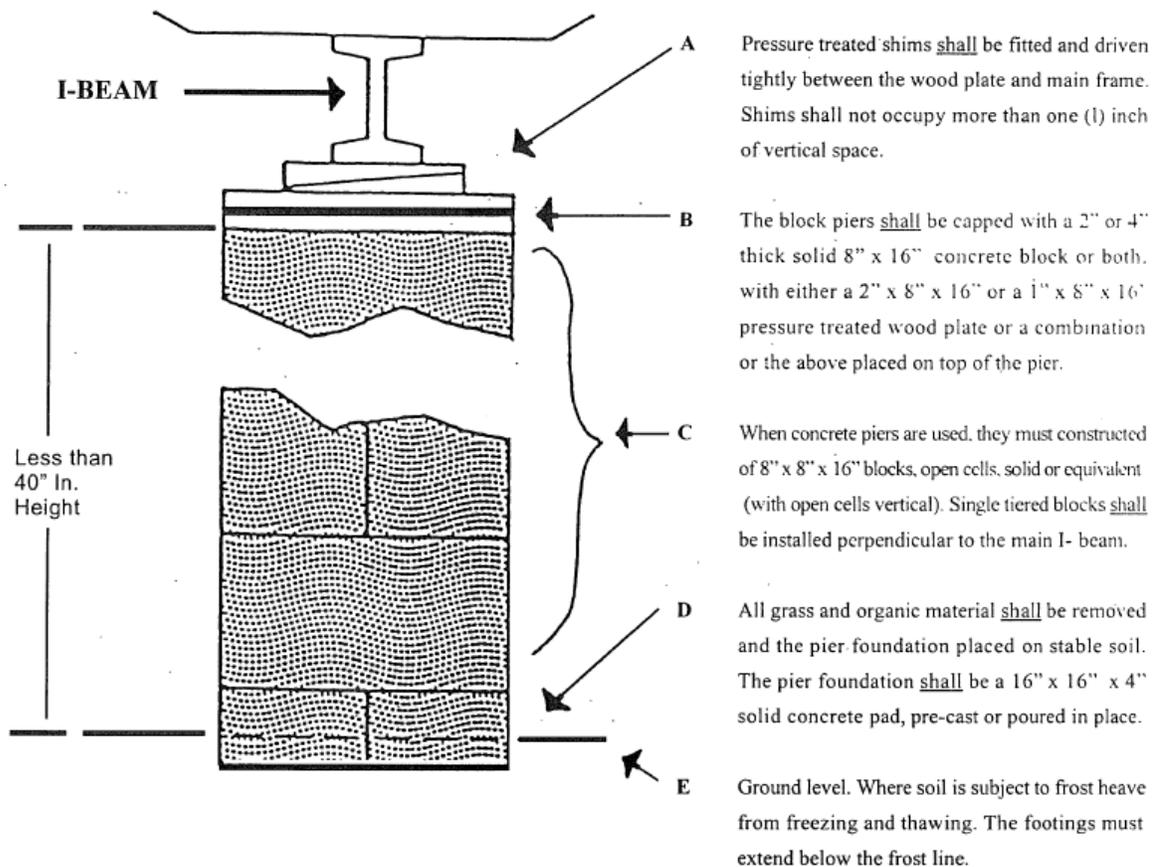


**DO:** Crown and grade site to slope away from home, and cover with 6 mil thick polyethylene sheeting or equivalent.

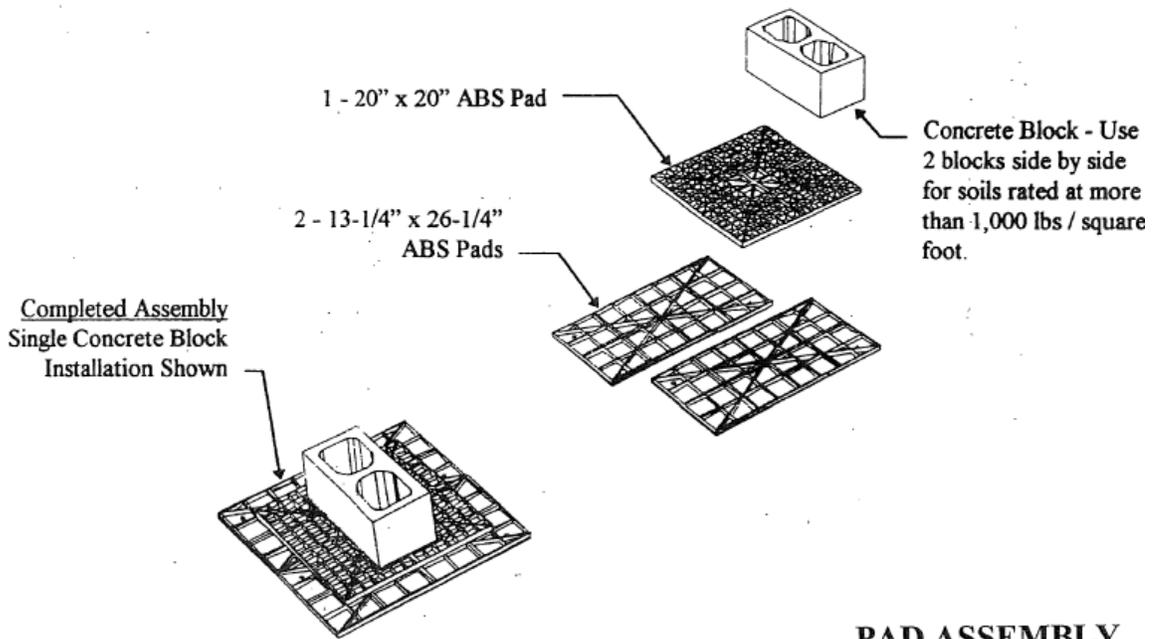


**DON'T:** Grade site so that water collects beneath home.

**FIGURE II - MINIMUM BLOCKING STANDARDS**

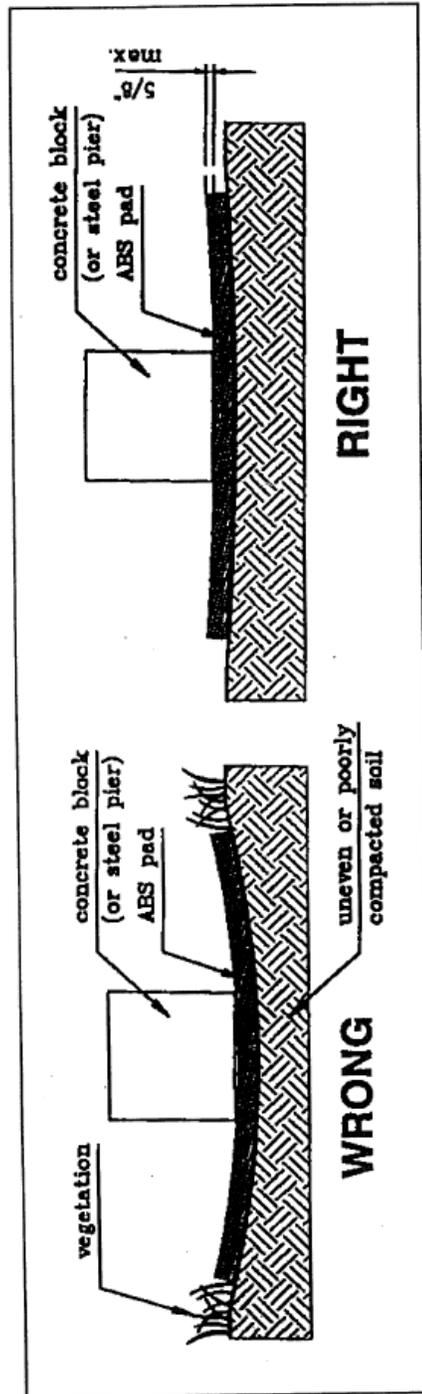


**FIGURE III - ABS PAD ASSEMBLY**  
**Installation Instructions for ABS Pads**  
**26" x 26" Pad Configuration**



**FIGURE IV - ABS PAD INSTALLATION INSTRUCTIONS**  
Addendum (9 October 1995, Revised 27 September 1996)

The purpose of this addendum is to emphasize that the ground under the ABS pads must be leveled, evenly compacted, and cleared of all vegetation and debris before the placement of the pads.



The maximum deflection in a single pad is 5/8" measured from the highest point to the lowest point of the top.

§ 75-49-1. Short title.

This chapter shall be known and may be cited as "The Uniform Standards Code for Factory-Built Homes Law."

§ 75-49-3. Definitions

Unless clearly indicated otherwise by the context, the following words when used in this chapter, for the purpose of this chapter, shall have the meanings respectively ascribed to them in this section:

(a) "Manufactured home" means a 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 manufactured after June 14, 1976.

(b) "Mobile home" means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.). It is a structure that is transportable in one or more sections, that, in the traveling mode, is eight (8) body feet or more in width and thirty-two (32) body feet or more in length, or, when erected on site, is two hundred fifty-six (256) or more square feet, and that 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 any plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the commissioner and complies with the standards established under this chapter.

(c) "Modular home" means a structure which is: (i) transportable in one or more sections; (ii) designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; (iii) certified by its manufacturers as being constructed in accordance with a nationally recognized building code; and (iv) designed to be permanently installed at its final destination on an approved foundation constructed in compliance with a nationally recognized building code. The term "modular home" does not include manufactured housing as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974.

(d) "Modular home contractor" means a licensed residential building contractor or a licensed retailer who buys factory-built modular homes for resale to the general public, whether to be located on the consumer's home site or a land-home package on property owned by the modular home contractor. A Mississippi licensed modular home contractor is authorized to sell new modular homes for installation on a consumer's home site or as part of a land-home package without the necessity of maintaining a separate sales center. A modular home contractor shall be responsible for the installation requirements for modular housing as provided in Section IV of the rules and regulations for Uniform Standards Code for the Factory-built Homes as related to modular homes.

(e) "Factory-built home" means a mobile home, a manufactured home, and a modular home as those terms are defined herein.

(f) "Commissioner" means the Commissioner of Insurance of the State of Mississippi.

(g) "Chief Deputy State Fire Marshal" means the individual appointed by the Commissioner of Insurance, who, along with his employees, is designated by the commissioner to implement and enforce this chapter and to maintain, among other duties, the Factory Built Division of the Insurance Department.

(h) "Division" means the Factory Built Division of the State Fire Marshal's Office.

(i) "Person" means any individual, firm, corporation, partnership, association or other type of business entity.

(j) "Retailer" means any person engaged in the retail sale of new or used manufactured mobile or modular homes to the general public.

(k) "Developer" means any person who buys factory-built homes and real estate and then offers to sell or lease to the general public land-home "package deals" consisting of a home with real estate. Upon renewal of a license, a developer must provide documentation to the Department of Insurance that he or she has at least five (5) available manufactured or modular home sites. A developer shall be responsible for installation requirements for manufactured or modular housing as set forth in Section IV of the rules and regulations for the Uniform Standards Code for Factory-Built Homes Law.

(l) "Independent contractor installer or transporter" means any person who is engaged for hire in the movement or transportation, or both, or the installation, blocking, anchoring and tie-down of a factory-built home. An "independent contractor installer or transporter" shall not include persons who do not hold themselves out for hire to the general public for the purposes described in this definition.

(m) "Manufacturer" means any person engaged in the production (construction) of manufactured homes or modular homes.

(n) "Installation" means the assembly of a manufactured building, components of manufactured building on site and the process of affixing a manufactured building to land, a foundation, footings or an existing building and service connections which are a part thereof.

**§ 75-49-5. Statement of policy; rule-making power.**

(1) Factory-built homes, because of the manner of their construction, assembly and use and that of their systems, components and appliances (including heating, plumbing and electrical systems), like other finished products having concealed vital parts, may present hazards to the health, life and safety of persons and to the safety of property unless properly manufactured. In the sale of factory-built homes, there is also the possibility of defects not readily ascertainable when inspected by purchasers. It is the policy and purpose of this state to provide protection to the public against those possible hazards, and for that purpose to forbid the manufacture and sale of new factory-built homes which are not properly constructed and anchored and blocked at the home site so as to provide reasonable safety and protection to their owners and users. It is also the policy of this state that used factory-built homes be properly anchored and blocked at the home site.

(2) The commissioner is hereby authorized and directed to investigate and examine into engineering and construction practices and techniques, the properties of construction materials used in the construction and assembly of factory-built homes, their electrical, plumbing, heating and other systems and appliances, their anchoring and blocking systems and techniques, fire prevention and protective techniques and measures to promote safety of persons and property and protect the health of users of such factory-built homes. The commissioner, in the interest of such public safety, is authorized to employ a minimum of three (3) additional employees in the Manufactured Housing Division of the Insurance Department to serve as Fire Marshal I, Deputies in the enforcement of the provisions of this chapter.

(3) All manufactured homes shall meet the requirements set forth in the Federal Manufactured Home Construction and Safety Standards (24 CFR Section 3280), established by the Secretary of the United States Department of Housing and Urban Development in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, as amended (42 U.S.C.S. 5401 et seq.), or such amendments to the standards as are adopted by the Secretary of the United States Department of Housing and Urban Development after July 1, 1992.

(4) The commissioner is also authorized and empowered to issue, promulgate and enforce all rules and procedures which in his judgment are necessary and desirable to make effective the construction standards so established. The commissioner is also empowered to promulgate and enforce rules and regulations for the safe anchoring and blocking of factory-built homes when they are delivered to the site where they are intended to be used for human habitation. When promulgating and enforcing such rules and regulations the commissioner shall take into consideration the rapidly changing technical advances continually being made by the industry.

**§ 75-49-7. Compliance with commissioner's rules.**

(1) No person may manufacture, sell or offer for sale, or transport or install any factory-built home which has been constructed after July 1, 1970, unless such manufactured home, its components, systems and appliances were constructed and assembled in accordance with rules of the commissioner issued to afford reasonable protection to persons and property with respect to the construction, assembly and sale of such factory-built homes, and unless compliance with such rules be evidenced in the manner required by the commissioner's rules.

(2) From and after July 1, 1992, no dealer, transporter or installer shall deliver or cause to be delivered any factory-built home to any person at any site where such home is to be used for human habitation without anchoring and blocking such home in accordance with rules, regulations and procedures promulgated by the commissioner pursuant to Section 75-49-5; provided, however, that a period of thirty (30) days from date of delivery shall be allowed for the anchoring and blocking of such homes.

(3) The requirements of this chapter with regard to any transporter of factory-built housing are in addition to the requirements of any other law currently in effect.

**§ 75-49-9. Annual licensing and renewal requirements and procedures; fees; penalties; establishment and implementation of installation program; installation inspection and fee.**

(1) After July 1, 1992, every manufacturer, every transporter or installer, developer and every retailer who sells, manufactures, transports or installs new or used factory-built homes within the State of Mississippi shall apply for and obtain a license from the commissioner.

(2) If a factory-built home is new, the applicant shall certify in the application to the commissioner that the applicant will comply with the construction standards set forth under rules and regulations provided in Section 75-49-5 herein, and that the applicant has obtained a current and valid tax identification number.

(3) Applications shall be obtained from and submitted to the commissioner on forms prescribed by the commissioner.

(4) The original license fee and all annual renewals thereof shall be Two Hundred Fifty Dollars (\$250.00) for manufacturing plants that build manufactured homes and Two Hundred Fifty Dollars (\$250.00) for manufacturing plants that manufacture modular homes located within or without the State of Mississippi manufacturing or delivering homes for sale within the State of Mississippi and One Hundred Fifty Dollars (\$150.00) per manufactured home and/or modular home retailer location and developer location and modular home contractor within the State of Mississippi. The licensing fee for a manufactured home and/or modular home independent contractor transporter or installer is One Hundred Dollars (\$100.00) for each company. The fee for modular home plan review shall be Four Hundred Dollars (\$400.00) per floor plan; however, this fee shall not apply to any modular home plan reviews completed before July 1, 1998. Except as otherwise provided in subsection (10) of this section, the license shall be valid for a period of one (1) year from the date of issuance, or until revoked as provided herein.

(5) After July 1, 1992, every manufacturer, transporter or installer or seller who first sells, manufactures transports or installs a new or used factory-built home in this state, before such first construction, sale, transportation or installation shall apply for and obtain a license from the commissioner. The fee shall be paid to the commissioner in such manner as the commissioner may by rule require. All funds received by the commissioner shall be deposited in a special fund account in the State Treasury to the credit of the Department of Insurance.

(6) Every manufacturer of manufactured homes in the state shall pay a monitoring inspection fee to the Secretary of Housing and Urban Development, or the secretary's agent, for each manufactured home produced in the state by the manufacturer. The fee shall be in an amount established by the secretary pursuant to the National Manufactured Home Construction and Safety Standards Act of 1974, 42 USCS 5401 et seq. and as amended by the Manufactured Housing Improvement Act of 2000. The portion of the fee which is returned to the state shall be deposited by the commissioner in a special fund account in the State Treasury to the credit of the Department of Insurance.

(7) The commissioner shall investigate and examine all applicants for all licenses by holding such hearings as he shall deem necessary or conducting investigations or examinations, or any combination thereof, as to the fitness or expertise of the applicant for the type of license for which the applicant applied. A license shall be granted only to a person who bears a good reputation for honesty, trustworthiness, integrity and competency to transact the business in such a manner as to safeguard the interest of the public and only after satisfactory proof of such qualifications has been presented to the commissioner.

(8) The commissioner shall take all applicants under consideration after having examined them through oral or written examinations, or both, before granting any license. If the applicant is an individual, examination may be taken by his personal appearance for examination or by the appearance for examination of one or more of his responsible, full-time managing employees; and if a partnership or corporation or any other type of business or organization, by the examination of one or more of the responsible, full-time managing officers or members of the executive staff of the applicant's firm. Every application by an individual for a license to sell, transport or install new or used mobile, manufactured and modular homes shall be verified by the oath or affirmation of the applicant, and every such application by a partnership or corporation shall be verified by the oath or affirmation of a partner or an officer thereof. The applications for licenses shall be in such form and detail as the commissioner shall prescribe.

(9) The holder of any valid license issued by the commissioner on July 1, 1988, shall be automatically issued an equivalent license in the same category for which his previous license was issued if the licensee is in compliance with this chapter.

(10) Beginning July 1, 1988, every license issued under this chapter shall be issued annually and shall expire on June 30 following the date upon which it was issued. License fees shall not be prorated for the remainder of the year in which the application was made but shall be paid for the entire year regardless of the date of the application. The commissioner shall, on or before April 30, 1989, and on or before April 30 of each succeeding year thereafter, forward a "Notice of Renewal," by regular United States mail, to each licensee at his or its last known post office address. After depositing the "Notice of Renewal" in the United States mail, the commissioner shall have no other duty or obligation to notify the licensee of the expiration of his or its annual license. The failure of the licensee to obtain a renewal license on or before June 30 of the ensuing license period shall act as an automatic suspension of the license unless the commissioner, for good cause shown in writing and the payment of an amount equal to double the renewal fee for said delinquency, lifts the suspension and issues the renewal license. During the period of suspension any practice by the licensee under the color of such license shall be deemed a violation of this chapter. Annual renewals of a retailer's license shall require, as a condition precedent, that the retailer verify by oath or affirmation that he maintains a retail sales lot in accordance with all rules and regulations promulgated by the commissioner and that the lot has three (3) or more new or used factory-built homes located thereon for retail sale as a residential dwelling or for any other use at the time of application.

(11) The commissioner may enter into an agreement with the Secretary of Housing and Urban Development to establish or implement an installation program that meets the requirements set by the Secretary of Housing and Urban Development, or the secretary's agent, pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USCS 5401 et seq., and as amended by the Manufactured Housing Improvement Act of 2000, may conduct installation inspections under this program, may charge an installation inspection fee in an amount established by the secretary, and may contract with a third party to assist with the implementation and enforcement of this program.

#### **§ 75-49-11. Administration of chapter.**

The commissioner, acting through the Chief Deputy State Fire Marshal and the Factory Built Division of the Insurance Department, is hereby charged with the administration of this chapter. The commissioner may make and amend, alter or repeal, general rules and regulations of procedure for carrying into effect all provisions of this chapter, for obtaining statistical data respecting manufactured, mobile and modular homes, for establishing bonding and insurance requirements for the licensure of manufacturers, modular contractors, developer retailers and

transporters or installers of factory-built homes, and to prescribe means, methods and practices to make effective such provisions, and he may make such investigations and inspection as in his judgment are necessary to enforce and administer this chapter.

The commissioner is authorized and empowered to require each manufacturer, modular contractor, developer, retailer and transporter or installer of factory-built homes to establish and maintain such records, make such reports and provide such information as he may reasonably require to determine whether the manufacturer, modular contractor, developer, retailer, transporter or installer has acted or is acting in compliance with this chapter and 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, and other rules and regulations prescribed according to this chapter. The commissioner, or a person duly designated by the commissioner, is authorized to inspect appropriate books, papers, records and documents of any manufacturer, modular contractor, developer, retailer, transporter or installer of factory-built homes which are relevant to determining if the licensee has acted or is acting in compliance with this chapter and the Federal Manufactured Home Construction and Safety Standards (24 CFR Section 3280) and other rules and regulations prescribed according to this chapter.

### § 75-49-13. Hearings and appeals.

(1) The commissioner shall not:

(a) Deny an application for a license without first giving the applicant a hearing, or an opportunity to be heard, on the question of whether he is qualified under the provisions of this chapter to receive the license applied for.

(b) Revoke or suspend a license without first giving the licensee a hearing, or an opportunity to be heard, on the question of whether there are sufficient grounds under the provisions of this chapter upon which to base such revocation or suspension.

(2) Any interested party shall have the right to have the commissioner call a hearing for the purpose of taking action in respect to any matter within the commissioner's jurisdiction by filing with the commissioner a verified complaint setting forth the grounds upon which the complaint is based.

(3) The commissioner may on his own motion call a hearing for the purpose of taking action in respect to any matter within his jurisdiction.

(4) When a hearing is to be held before the commissioner, the commissioner shall give written notice thereof to all parties whose rights may be affected thereby. The notice shall set forth the reason for the hearing and the questions or issues to be decided by the commissioner at such hearing and the time when and the place where the hearing will be held. All such notices shall be mailed to all parties, whose rights may be affected by such hearing by registered or certified mail, and addressed to their last known address.

(5) All parties whose rights may be affected at any hearing before the commissioner shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against them, and to produce evidence and witnesses in their own behalf. The commissioner shall make and keep a record of each such hearing and shall provide a transcript thereof to any interested party upon his request and at his expense. Testimony taken at all such hearings shall be taken either steno graphically or by machine.

(6) If any party who is notified of a hearing in accordance with the requirements of this chapter fails to appear at such hearing, either in person or by counsel, then and in that event the commissioner may make any decision and take any action he may deem necessary or appropriate with respect to any issue or question scheduled for hearing and decision by him at such hearing which affects or may affect the rights of such defaulting party, and such defaulting party shall have no right of appeal under the provisions of this chapter.

(7) All decisions of the commissioner with respect to the hearings provided for in this section shall be incorporated into orders of the commissioner. All such orders shall be made available during normal office hours for inspection by interested persons.

(8) It shall be the duty of the sheriffs and constables of the counties of this state and of any employee of the commissioner, when so directed by the commissioner, to execute any summons, citation or subpoena which the commissioner may cause to be issued and to make his return thereof to the commissioner. The sheriffs and constables so serving and returning same shall be paid for so doing fees provided for such services in the circuit court. Any person who appears before the commissioner or a duly designated employee of his department in response to a summons, citation or subpoena shall be paid the same witness fee and mileage allowance as witnesses in the circuit court. In case of failure or refusal on the part of any person to comply with any summons, citation or subpoena issued and served as above authorized or in the case of the refusal of any person to testify or answer to any matter regarding which he may be lawfully interrogated or the refusal of any person to produce his record books and accounts relating to any matter regarding which he may be lawfully interrogated, the chancery court of any county of the State of Mississippi, or any chancellor of any such court in vacation, may, on application of the commissioner, issue an attachment for such person and compel him to comply with such summons, citation or subpoena and to attend before the commissioner or his designated employee and to produce the documents specified in any subpoena duces tecum and give his testimony upon such matters as he may be lawfully required. Any such chancery court, or any chancellor of any such court in vacation, shall have the power to punish for contempt as in case of disobedience of

like process issued from or by any such chancery court, or by refusal to testify therein in response to such process, and such person shall be taxed with the costs of such proceedings.

(9) The following procedure shall govern in taking and perfecting appeals:

(a) Any person who is a party to any hearing before the commissioner and who is aggrieved by any decision of the commissioner with respect to any hearing before him, unless prevented by the provisions of subsection (6) of this section, shall have the right of appeal to the chancery court of the county of such person's residence or principal place of business within this state, but if any such person is a nonresident of this state he shall have the right of appeal to the chancery court of the First Judicial District of Hinds County, Mississippi. All such appeals shall be taken and perfected within sixty (60) days from the date of the decision of the commissioner which is the subject of the appeal, and the chancery court to which such appeal is taken may affirm such decision or reverse and remand the same to the commissioner for further proceedings as justice may require or dismiss such decision. All such appeals shall be taken and perfected, heard and determined, either in term time or in vacation, on the record, including a transcript of pleadings and evidence, both oral and documentary, heard and filed before the commissioner. In perfecting any appeal provided by this chapter, the provisions of law respecting notice to the reporter and allowance of bills of exceptions, now or hereafter in force, respecting appeals from the chancery court to the supreme court shall be applicable, provided, however, that the reporter shall transcribe his notes, taken stenographically or by machine, and file the record with the commissioner within thirty (30) days after approval of the appeal bond, unless, on application of the reporter, or of the appellant, an additional fifteen (15) days shall have been allowed by the commissioner to the reporter within which to transcribe his notes and file the transcript of the record with the commission.

(b) Upon the filing with the commissioner of a petition of appeal to the proper chancery court, it shall be the duty of the commissioner, as promptly as possible, and in any event within sixty (60) days after approval of the appeal bond, to file with the clerk of said chancery court to which the appeal is taken, a copy of the petition for appeal and of the decision appealed from, and the original and one (1) copy of the transcript of the record of the proceedings and evidence before the commission. After the filing of said petition, the appeal shall be perfected by the filing of a bond in the penal sum of five hundred dollars (\$500.00) with two (2) sureties or with a surety company qualified to do business in Mississippi as surety, conditioned to pay the costs of such appeal, said bond to be approved by the commissioner or by the clerk of the chancery court to which such appeal is taken.

(10) No decision of the commissioner made as a result of a hearing under the provisions of this section shall become final with respect to any party affected and aggrieved by such decision until such party shall have exhausted or shall have had an opportunity to exhaust all of his remedies provided for by this section; provided, however, any such decision may be made final if the commissioner finds that failure to do so would be detrimental to the public interest or public welfare, but the finality of any such decision shall not prevent any party or parties affected and aggrieved thereby to appeal the same in accordance with the appellate procedure set forth in this section.

(11) The commissioner shall prescribe his rules of order or procedure in hearings or other proceedings before it under this chapter; provided, however, that such rules of order or procedure shall not be in conflict or contrary to the provisions of this section.

#### **§ 75-49-15. Exemptions or exceptions with respect to factory-built homes produced in other states.**

In the issuance of rules and regulations hereon, the commissioner may provide appropriate exemption or exception with respect to factory-built homes produced in other states, upon his determining that the applicable rules and codes of such state of manufacture provide safeguards equally effective to those otherwise applicable under this chapter and rules made under this chapter.

#### **§ 75-49-17. Enforcement.**

No person may interfere, obstruct or hinder an authorized representative of the commissioner who displays proper department credentials in the performance of his duties as set forth in the provisions of this chapter.

**§ 75-49-19. Violations; penalties; exceptions.**

(1) Any person who knowingly and willfully violates any of the provisions of this chapter or any rules and regulations made hereunder shall be liable to the State of Mississippi for a civil penalty of not more than One Thousand Dollars (\$1,000.00) for each such violation. Each violation of a provision of this chapter or a rule or regulation made hereunder shall constitute a separate violation with respect to each factory-built home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed one million dollars (\$1,000,000.00) for any related series of violations occurring within one (1) year from the date of the first violation.

(2) An individual, or a director, officer or agent of a corporation, who knowingly and willfully violates any of the provisions of this chapter or any rules and regulations made hereunder in a manner which threatens the health and safety of any purchaser of a factory-built home is 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.

(3) This chapter shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that such factory-built home is not in conformity with applicable factory-built construction and safety standards, or to any person who, before such first purchase, holds a certificate issued by the manufacturer or importer of such factory-built home to the effect that such factory-built home conforms to all applicable factory-built home construction and safety standards, unless such person knows that such factory-built home does not so conform.

(4) An individual, or a director, officer or agent of a corporation, who knowingly and willfully fails to obtain the applicable license under this chapter and who is required to obtain such license under this chapter, and who may knowingly and willfully violate any provisions of this chapter or any rules and regulations made hereafter with respect to the manufacture of, selling or distribution of, safe anchoring and blocking of a factory-built home when intended to be used for human habitation is 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.

**§ 75-49-21. Permit fees for manufactured or mobile homes.**

The board of supervisors of any county may charge a permit fee not to exceed Fifty Dollars (\$50.00) to the owner of any manufactured or mobile home, as defined in this chapter, if the county performs installation inspections; however, the board of supervisors of any county having a population of more than seventy-five thousand (75,000), according to the most recent federal decennial census, may charge a permit fee not to exceed One Hundred Dollars (\$100.00). The county may require the permit fee to be paid before a manufactured or mobile home is set up within the boundaries of the county and the fee shall cover all the costs of the inspection of the manufactured or mobile home relating to installation, blocking, anchoring and tie-down and safety standards of manufactured or mobile homes.

**Part 7 Chapter 6: MH (2009-1) Manufactured Home Installation Inspection Program.**

**Rule 6.01 Purpose**

The purpose of this 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").

Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)

**Rule 6.02. 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; 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.

Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)

**Rule 6.03: Scope**

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

Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)

## **Rule 6.04: Definitions**

- A. ~~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.
- B. ~~Developer~~ for the purposes of this Regulation, means 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.
- C. ~~Fire Marshal’s Office~~ the Division of the Department of Insurance that is responsible for the regulation of manufactured housing in the State of Mississippi, and includes the Commissioner of Insurance, the State Chief Deputy Fire Marshal, and deputy state fire marshals.
- D. ~~Foundational Designs~~ designs by a licensed architect or engineer that sets forth the foundations requirements for the manufactured home.
- E. ~~General Liability Insurance~~ a form of insurance that indemnifies against liability on account of injury to the person or property of another.
- F. ~~Inspection Decal~~ the decal issued by the Fire Marshal’s Office that is to be placed on all new and used factory built homes by the inspector at the time the installation has been approved. The label is to be affixed near the HUD seal at the rear of the home.
- G. ~~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.
- H. ~~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.
- I. ~~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.
- J. ~~Installer~~ for the purposes of this Regulation, means 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. “Installer” shall not

~~include persons who do not hold themselves out for hire to the general public for the purposes described in this definition.—~~

~~K. 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.~~

~~L. Manufacturer—any person engaged in the production (construction) of manufactured homes.~~

~~M. Person—includes, unless the context indicates otherwise, corporations, companies, associations, firms, and partnerships, as well as individuals, but does not include any agency of government or tribal governmental entity.~~

~~N. Retailer—any person engaged in the retail sale of new or used manufactured homes to the general public.~~

~~O. Set up—any assembly or installation of a manufactured home onsite.~~

~~P. 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.~~

Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)

#### **Rule 6.05: 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 Regulation MH-5, as amended.~~

Source: Miss. Code Ann. §75-49-9(11) (Supp. 2013)

#### **Rule 6.06: 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.~~

Source: ~~Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)~~

**Rule 6.07: 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, among other things, the cost of repairing all damage to the home and its supports caused by the installer during the installation to bring the home into compliance.~~

Source: ~~Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)~~

**Rule 6.08: 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:** Three (3) business days prior to the completion of installation, minus skirting, the installer must contact the Fire Marshal's Office with the information 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 three (3) 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 an amount allowed by HUD, for said inspection. The fee shall be paid by the installer, developer, or retailer and, absent a written agreement with the purchaser that specifically states the purchaser will directly pay for the inspection, the State Fire Marshal will not charge the fee to the purchaser of the manufactured home.~~
  - ~~b. **Contract rights not affected.** Failure to arrange for an inspection of a home within three (3) business days of the completed inspection will not affect~~

~~the validity or enforceability of any sale or contract for the sale of any manufactured home.~~

~~e. State or local permits. All necessary permit requirements under state law shall be obtained prior to installation.~~

~~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:~~

- ~~a. Transit/pre-occupancy damage~~
- ~~b. Proper wind zones placement~~
- ~~c. Soil conditions/Soil classifications and bearing capacity~~
- ~~d. Site drainage~~
- ~~e. Ground moisture control (vapor barrier)~~
- ~~f. Pier construction/configuration/spacing~~
- ~~g. Clearance under homes~~
- ~~h. Required perimeter supports.~~
- ~~i. Footings~~
- ~~j. Ground anchor/stabilizer plates installations~~
- ~~k. Skirting, if present~~
- ~~l. Crawlspace ventilation~~
- ~~m. Utility connections~~
- ~~n. Interconnection of multi-section homes.~~
- ~~o. Bottom board damage/repair~~
- ~~p. Dryer venting/appliance installation~~
- ~~q. Whole house ventilation~~
- ~~r. Proprietary systems installation~~
- ~~s. 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. If a manufacturer, developer or retailer retained the installer, a copy of the written explanation shall also be sent to them. After the installation is corrected, it must be re-inspected 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, if the installer was~~

~~retained by the manufacturer, developer or retailer, by them and, absent a written agreement with the purchaser that specifically states otherwise, that cost cannot be charged to the purchaser of the manufactured home. The fee shall be reasonable and shall not exceed the cost of the original inspection. If the manufacturer, developer or retailer retains the installer, they are jointly and severally responsible with the installer for correcting installation defects discovered at inspection.~~

- ~~e. Scheduling of Reinspection: Within three (3) business days after completion of all work required by inspector, the installer must contact the Fire Marshal's Office to arrange for an inspection of the work performed. Such inspection shall be performed as soon as practicable by an inspector.~~

#### ~~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 "B" 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 in MH-5, as amended.~~
    - ~~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 a manufactured home is used and the manufacturer instructions cannot be located, the installer shall comply with the provisions of MH-5, as amended, in installing the manufactured home.~~
    - ~~v. If the manufacturer, developer or retailer retains the installer, they are jointly and severally responsible with the installer for correcting installation defects.~~~~~~

- b. ~~The installation of the home has been inspected and an inspector has verified the installation as proper.~~
- c. ~~All installation defects brought to the installer's attention have been corrected.~~
- d. ~~The installer must also provide a signed copy of its certification to the retailer or developer 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. This certification is verification that the installation has passed final inspection.~~

~~C. Inspection Decal:~~

- 1. ~~Upon passing of final inspection, the inspector shall permanently attach a serial-numbered inspection 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 inspection decal to each manufactured home accepted as proof that the manufactured home installation meets the MS-Installment Standards as set forth in MH 5, as amended.~~
- 2. ~~The State Fire Marshal's Office will supply inspection decals to each inspector. 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 INSPECTION 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)**~~

Source: ~~Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)~~

**Rule 6.09:** ~~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 professional engineer;~~
- ~~2.—A registered architect;~~
- ~~3.—A HUD-accepted Production Inspection Primary Inspection Agency (IPIA) or a Design Approval Primary Inspection Agency (DAPIA);~~
- ~~4.—An International Code Council certified inspector; or~~
- ~~5.—Any person or entity who has three (3) years or more experience in inspecting homes or experience in the manufactured housing industry, 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 sitting of manufactured homes are not unduly disrupted.~~

Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)

#### **Rule 6.10: Recordkeeping**

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

- ~~A. 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;~~
- ~~B. A copy of the contract pursuant to which the installer performed the installation work;~~
- ~~C. A copy of any notice from an inspector disapproving the installation work;~~
- ~~D. A copy of the installer's certification of completion of installation in accordance with the MS Installation Standards as set forth in MH-5, as amended; and,~~
- ~~E. 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.~~

Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)

**Rule 6.11: 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.~~

Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)

**Rule 6.12: Temporary Storage of Units**

~~Every manufacturer, distributor, retailer, or installer that has possession of a new home for more than thirty (30) days 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. Every manufacturer, developer, retailer or installer that has possession of a used home for more than thirty (30) days that will be used for human habitation will be required to provide minimum support for the home by providing blocking at the four (4) end corners of the home.~~

Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)

**Rule 6.13: Site Preparation by Consumer**

~~The manufacturer, retailer or installer may agree in writing to allow the consumer to conduct the site preparation for the manufactured home installation. However, before the installer may begin installation of the manufactured home, the site preparation must meet the requirements set forth in MH-5, as amended. If there is conflict between the installer and the consumer regarding the site preparation, the State Fire Marshal's Office may be required to mediate. Any fee charged by the State Fire Marshal's Office due to said mediation will be paid by the consumer.~~

Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)

**Rule 6.14: 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, except a waiver provision may be allowed for any agreement entered into pursuant to the provisions of Section 13 of this Regulation.~~

Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)

**Rule 6.15: 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.

Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)

**Rule 6.16: 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.

Source: Miss. Code Ann. §75-49-1, et seq. (Supp. 2013)

**Rule 6.17: Effective Date**

The Effective Date of this amended Regulation shall be November 5, 2009.

Source: Miss. Code Ann. §25-43-3,113 (Rev. 2010)

**Rule 6.18**

**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 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 #: \_\_\_\_\_

\_\_\_\_\_ Email (if available): \_\_\_\_\_

**CONSUMER**

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

E911 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. As an option, a GPS Coordinate may be provided in Degree/Decimal format (32.30411, 9018356)

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

~~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 OR, IF A USED HOME, MH 5, AS AMENDED AND IS READY FOR INSPECTION ON THIS DATE: \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

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

**Rule 6.19**

**EXHIBIT "B"**

**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**

RETAILER/DEVELOPER \_\_\_\_\_ INSTALLER/TRANSPORTER \_\_\_\_\_

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

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

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

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

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

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

Inspection Decal No: \_\_\_\_\_

CONSUMER

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

E911Address: \_\_\_\_\_ HUD #: \_\_\_\_\_

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

Telephone #: \_\_\_\_\_ Year/Make/Model: \_\_\_\_\_

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

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

GPS Coordinates: \_\_\_\_\_

~~I HEREBY CERTIFY THAT THIS HOME IS INSTALLED ACCORDING TO THE MANUFACTURER'S SPECIFICATIONS OR, IF A USED HOME, MH 5, AS AMENDED, AND IS READY FOR INSPECTION ON THIS DATE: \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.~~

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

~~I HEREBY CERTIFY THAT THIS HOME HAS PASSED INSPECTION.~~

\_\_\_\_\_  
INSPECTOR \_\_\_\_\_ DATE