

ALABAMA MANUFACTURED HOUSING COMMISSION
ADMINISTRATIVE CODE

CHAPTER 535-X-10
RESALE OF MANUFACTURED HOMES

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535-X-10-.01 Purpose.

The purpose of this rule is to ensure that manufactured homes resold by certain persons continue to meet Commission standards for the protection of the consumer.

Author: Harold A Hendrix

Statutory Authority: Code of Ala. 1975, §§24-5-1 - 24-5-14; 24-5-30 - 24-5-34; 24-6-1 - 24-6-4.

History: Filed August 21, 1987.

535-X-10-.02 Definitions.

For purposes of this chapter, unless the context otherwise requires:

(a) The definitions of terms contained in Code of Ala. 1975, §§24-5-1 - 24-5-14; 24-5-30 - 24-5-34; 24-6-1 - 24-6-4, and Commission rules and regulations are applicable.

(b) Used Manufactured Homes means any manufactured home which has been previously owned or occupied by a consumer.

(c) Dealer - Dealer means any person engaged in the business of buying and thereafter selling, displaying, or offering for sale manufactured houses.

(d) Assignee - Assignee means any bank, financing institution, or any person purchasing a retail installment contract, which has as security a manufactured home.

(e) Consumer - Any person or firm who has purchased or is purchasing a manufactured home in good faith for purposes other than resale.

Author: Jim Sloan

Statutory Authority: Code of Ala. 1975, §§24-5-1 - 24-5-14; 24-5-30 - 24-5-34; 24-6-1 - 24-6-4.

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535-X-10-.03 Standards.

(1) Smoke Detectors.

(a) General. At least one smoke detector shall be installed to protect each separate bedroom area.

(b) Location. A smoke detector shall be installed in the hallway or space communicating with each bedroom area between the living area and the first bedroom area. When located in a hallway, the detector shall be between the return air intake and the living area. Used manufactured homes having bedroom areas separated by common-use areas, such as kitchen, dining room, living room, or family room (but not a bathroom or utility room), shall have at least one detector protecting each bedroom area.

(c) Installation. Each smoke detector shall be installed in accordance with its listing.

(d) Testing. The smoke detector shall be tested for operation at the time of sale or set up. The dealer shall provide testing and maintenance instructions for the user, unless the smoke detector was installed before the dealer obtained the used manufactured home.

(2) Electrical.

(a) Distribution Panels. Distribution panels shall be installed in compliance with the approved listing, complete with required breakers or fuses, with all unused openings covered with blank covers approved and listed for that purpose. Connections shall be checked for tightness. Panels shall be readily accessible.

(b) Electrical System. The electrical system (switches, receptacles, fixtures, etc.) shall be properly installed, wired, and supported, and shall be in safe, usable condition.

(c) Testing. The used manufactured home shall be subjected to:

1. An electrical continuity test to assure that all metallic parts are properly bonded;
2. An electrical operational test to demonstrate that all fixtures and equipment except water heaters, ranges, air conditioners and electric furnaces are connected and in working order.

(d) The dealer may, in lieu of inspecting the electrical and heating systems of a used manufactured home, request an electrical and heating inspection by a qualified third party. Approval by such a person will be accepted as compliance with those portions of the safety standards established herein which pertain to electrical and heating systems.

(3) Plumbing.

(a) Fixtures.

1. All plumbing fixtures shall be protected with approved workable "p" traps.
2. All plumbing fixtures shall be in workable condition and properly vented through the roof.
3. An anti-siphon trap vent device or mechanical vent may be used to vent single fixtures except commodes.

(b) Water Supply. Water piping shall not be bent or kinked so as to retard or obstruct the flow of the water supply.

(c) Water Heater Safety Device. The water heater shall be equipped with an approved listed relief valve to provide temperature and pressure relief.

(4) Heat-Producing Equipment.

(a) Heating System.

1. Equipment. Heating equipment (furnace, wall heaters, thermostats, etc.) shall be in safe and operable condition. All ducts shall be in usable condition (not collapsed), with all joints, furnace connections, etc., mechanically secure and sealed (exterior and interior).
2. Vents. All gas water heater and furnace venting systems shall be in safe and operable condition. No vents will terminate within roof, wall, or floor cavity.

(5) General.

- (a) All exhaust vents shall be operable.

(b) Exterior doors (including sliding glass) shall be operable.

(c) Insulation missing from exposed areas shall be replaced. All holes in bottom board shall be securely sealed.

Author: Harold A. Hendrix

Statutory Authority: Code of Ala. 1975, §§24-5-1 - 24-5-14; 24-5-30 - 24-5-34; 24-6-1 - 24-6-4.

History: Filed August 21, 1987.

535-X-10-.04 Dealer Responsibilities.

(1) Before offering for sale, selling, leasing, or leasing to purchase a used manufactured home to a consumer the dealer shall complete a Used Manufactured Home Buyer's Guide (Appendix A) obtained from the Commission and shall fasten such statement with tape or adhesive to the door of the refrigerator or the face of the overhead cabinet door closest to the kitchen sink.

(2) A seal (Resale Decal) of the Alabama Manufactured Housing Commission shall be purchased from the Commission and permanently placed on the inside door of the electric panel before offering for sale, selling, leasing, or leasing to purchase a used manufactured home.

Author: Jim Sloan

Statutory Authority: Code of Ala. 1975, §§24-5-1 - 24-5-14; 24-5-30 - 24-5-34; 24-6-1 - 24-6-4.

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535-X-10-.05 Record Of Mobile Home Buyer's Guide.

Upon selling a used manufactured home to a consumer the dealer shall retain in its customer files a copy of the Mobile Home Buyer's Guide as disclosed to and signed by the customer pursuant to Rule 535-X-10-.04 and a copy given to the customer.

Author: Jim Sloan

Statutory Authority: Code of Ala. 1975, §§24-5-1 - 24-5-14; 24-5-30 - 24-5-34; 24-6-1 - 24-6-4.

History: Filed August 21, 1987. **Amended:** Filed November 5, 2003; effective December 10, 2003.

535-X-10-.06 Inspection Of Units And Dealer Records.

(1) Each dealer shall, upon request of a person duly designated by the Commission, permit such person to inspect appropriate books, papers, records, documents, and units of housing relevant to determining whether such dealer has acted or is acting in accordance with this chapter.

(2) A state manufactured home inspector will place a "red tag" form approved by the Commission on any designated used manufactured home which is found by the inspector not to be in compliance with the safety standards prescribed in this chapter. No dealer shall deliver a unit bearing a red tag to a consumer until the violation(s) is corrected and the red tag is removed by the inspector.

Author: Jim Sloan

Statutory Authority: Code of Ala. 1975, §§24-5-1 - 24-5-14; 24-5-30 - 24-5-34; 24-6-1 - 24-6-4.

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535-X-10-.07 Effect.

(1) The provisions of this chapter shall not be construed to apply to

(a) the sale, transfer, or consignment of a used manufactured home to a dealer.

(b) transfers and assumptions.

(2) Nothing in this chapter shall apply to any assignee or shall in any way limit the rights, remedies, and defenses otherwise available to any assignee, except that in the event an assignee, in the course of a foreclosure sale conducted by said assignee, offers a used manufactured home for sale, then before selling any such used manufactured home to a consumer the assignee shall comply with the requirements set out in Rules 535-X-10-.04 and 535-X-10-.05 of this chapter; provided, however, that an assignee shall not be required to comply with said Rules 535-X-10-.04 and 535-X-10-.05 of this chapter when the assignee delivers or causes the used manufactured home to be delivered into the possession or custody of a dealer who subsequently arranges a sale of the used manufactured home to a consumer. In such event the dealer having possession or custody of the unit at the time the sale is made to the consumer shall be required to comply with Rules 535-X-10-.04 and 535-X-10-.05 of this chapter with respect to that unit.

(3) To the extent an assignee is required by paragraph (2) above to comply with the requirements set out in Rules 535-X-10-.04 and 535-X-10-.05 of this chapter, then if the used manufactured home is sold on site in the field, then receipt by the assignee of a statement signed by the consumer buyer, stating that the buyer has received the completed Mobile Home Buyer's Guide and has received the seal of the Alabama Manufactured Housing Commission and has placed it on the inside door of the electric panel, shall constitute full compliance by the assignee with the provisions of Rules 535-X-10-.04 and 535-X-10-.05 of this chapter.

Author: Jim Sloan

Statutory Authority: Code of Ala. 1975, §§24-5-1 - 24-5-14, 24-5-30 - 24-5-34; 24-6-1 - 24-6-4.

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535-X-10-.08 Penalties.

A person who violates any of the provisions of this rule shall be guilty of a misdemeanor, punishable by a fine not to exceed \$1000.00 or by imprisonment for 30 days or both. A separate violation shall be deemed to have occurred with respect to each home involved.

Author: Harold A. Hendrix

Statutory Authority: Code of Ala. 1975, §§24-5-1 - 24-5-14, 24-5-30 - 24-5-34, 24-6-1 - 24-6-4.

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535-X-10-A Appendix A.

Author:

Statutory Authority:

History: