

PART XIV-A NEW MANUFACTURED AND MODULAR

HOME WARRANTY ACT

§912.1. Purpose

The legislature finds a need to promote commerce in Louisiana by providing clear, concise, and mandatory warranties for the purchasers and occupants of new manufactured and modular homes in Louisiana and by providing for the use of homeowners' insurance as additional protection for the public against defects in the construction of new manufactured and modular homes. This need can be met by providing a warranty for a new manufactured or modular home purchaser defining the responsibility of the builders to that purchaser and subsequent purchasers during the warranty periods provided herein. The warranty, which is mandatory in most cases, shall promote uniformity of defined building standards. Additionally, all provisions of this Part shall apply to any defect, although there is no building standard directly regulating the defective workmanship or materials.

Acts 2012, No. 112, §1.

§912.2. Short title

This Part shall be known and may be cited as the "New Manufactured and Modular Home Warranty Act".

§912.3. Definitions

For purposes of this Part, the following words, phrases, and terms shall be defined and construed as follows:

(1) "Builder" means a person or an entity that designs, manufactures, or constructs homes, including dealers, developers, manufacturers, and installers, whether or not the consumer purchased the underlying real estate with the home or the builder initially occupied the home as his residence.

(2)(a) "Building standards" for manufactured housing means the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended, and federal regulations promulgated pursuant thereto, along with any construction or installation-related standards adopted by the Louisiana Manufactured Housing Commission, together with any additional performance standards, if any, which the builder may undertake to be in compliance.

(b) "Building standards" for modular housing means the International Residential Code as adopted by the Louisiana State Uniform Construction Code Council.

(3) "Commission" means the Louisiana Manufactured Housing Commission.

(4) "Home" means a manufactured home or modular home as defined in this Section.

(5) "Initial purchaser" means any person for whom a home is built or the first person to whom a home is sold upon completion of construction.

(6) "Major structural defect" means any actual physical damage to the following designated load-bearing portions of a home caused by failure of the load-bearing portions which affects their load-bearing functions to the extent the home becomes unsafe, unsanitary, or is otherwise unlivable:

(a) Foundation systems and footings.

(b) Beams.

(c) Girders.

(d) Lintels.

(e) Columns.

(f) Walls and partitions.

(g) Floor systems.

(h) Roof framing systems.

(7) "Manufactured home" or "manufactured housing" means a factory-built, residential dwelling unit constructed to standards and codes, as promulgated by the United States Department of Housing and Urban Development, under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended. Further, the terms "manufactured home" and "manufactured housing" may be used interchangeably and apply to structures bearing the permanently affixed seal of the United States Department of Housing and Urban Development or to factory-built, residential dwellings that are mounted on a chassis.

(8) "Modular home" means a factory-built, residential dwelling unit built to the International Residential Code as adopted by the Louisiana State Uniform Construction Code Council.

(9) "Owner" means the initial purchaser of a home and any of his successors in title, heirs, invitees, or assigns to a home during the time the warranties provided under this Part are in effect.

(10) "Warranty commencement date" means the date that legal title to a home is conveyed to its initial purchaser or the date the home is first occupied, whichever occurs first.

§912.4. Warranties; exclusions

A. Subject to the exclusions provided in Subsection B of this Section, every builder warrants the following to the owner:

(1) One year following the warranty commencement date, the home will be free from any defect due to noncompliance with the building standards or due to other defects in materials or workmanship not regulated by building standards.

(2) Two years following the warranty commencement date, the plumbing, electrical, heating, cooling, and ventilating systems exclusive of any appliance, fixture, and equipment will be free from any defect due to noncompliance with the building standards or due to other defects in materials or workmanship not regulated by building standards.

(3) Five years following the warranty commencement date, the home will be free from major structural defects due to noncompliance with the building standards or due to other defects in materials or workmanship not regulated by building standards.

B. Unless the parties otherwise agree in writing, the builder's warranty shall exclude the following items:

(1) Fences, landscaping, including but not limited to sodding, seeding, shrubs, existing and new trees, and plantings, as well as off-site improvements, all driveways and walkways, or any other improvement not a part of the home itself.

(2) After the first year, the concrete floor of a basement and the concrete floor of an attached or unattached garage that is built separate from a foundation wall or other structural element of the home.

(3) Damage to real property which is not part of the home covered by the warranty and which is not included in the purchase price of the home.

(4) Any damage to the extent it is caused or made worse by any of the following:

(a) Negligence, improper maintenance, neglect, or improper operation by anyone other than the builder or any employee, agent, or subcontractor of the builder.

(b) Failure by anyone other than the builder or any employee, agent, or subcontractor of the builder to comply with the warranty requirements of manufacturers of appliances, equipment, or fixtures.

(c) Failure by the owner to give written notice by registered or certified mail to the commission of any defect within the time set forth in this Section; however, the provisions of this Subparagraph shall not be construed to change either the warranty periods enumerated in Subsection A of this Section or the notice requirements provided by this Section.

(d) Any change of the grading of the ground by anyone other than the builder, or any employee, agent, or subcontractor of the builder.

(e) Any change, alteration, or addition made to the home by anyone after the initial occupancy by the owner, except any change, alteration, or addition performed by the builder or any employee, agent, or subcontractor of the builder.

- (f) Dampness, condensation, or other damage due to the failure of the owner to maintain adequate ventilation or drainage.
- (5) Any loss or damage which the owner has not taken timely action to minimize.
- (6) Any defect in, or any defect caused by, materials or work supplied by anyone other than the builder or any employee, agent, or subcontractor of the builder.
- (7) Normal wear and tear or normal deterioration.
- (8) Loss or damage which does not constitute a defect in the construction of the home by the builder or any employee, agent, or subcontractor of the builder.
- (9) Loss or damage resulting from war, accident, riot and civil commotion, water escape, falling objects, aircraft, vehicles, acts of God, lightning, windstorm, hail, flood, mudslide, earthquake, volcanic eruption, wind-driven water, and changes in the level of the underground water table which are not reasonably foreseeable.
- (10) Any damage caused by soil movement which is covered by other insurance.
- (11) Insect damage.
- (12) Any loss or damage which arises while the home is being used primarily for a nonresidential purpose.
- (13) Any condition which does not result in actual physical damage to the home.
- (14) Bodily injury or damage to personal property.
- (15) Any cost of shelter, transportation, food, moving, storage, or other incidental expense related to relocation during repair.
- (16) Any defect not reported in writing by registered or certified mail to the commission or insurance company, as appropriate, prior to the expiration of the period specified in Subsection A of this Section for such defect plus thirty days.
- (17) Consequential damages.
- (18) Any loss or damage to a home caused by soil conditions or soil movement if the home is constructed on land owned by the initial purchaser and the builder obtains a written waiver from the initial purchaser for any loss or damage caused by soil conditions or soil movement.
- (19) Mold and mold damage.

C. The provisions of Subsection A of this Section establish minimum required warranties and shall not be waived by the owner or reduced by the builder provided the home is a single- or multiple-family dwelling to be occupied by an owner as his home.

§912.5. Required notice

A. Before undertaking any repair himself or instituting any action for breach of warranty, the owner shall give the commission written notice, by registered or certified mail, within one year after knowledge of the defect, advising the commission of all defects. The commission shall then have the home inspected and a determination made on all defects listed by the owner. Thereafter, the commission shall give the appropriate builder a reasonable opportunity to comply with the provisions of this Part. Once the repairs are made, the commission shall have the home reinspected to determine if the repairs have been made in compliance with the building standards.

B. The dealer or developer licensee shall give the owner written notice of the requirements of this Part at the time of the closing between the dealer or developer and the owner, or if there is no such closing, at the time of the execution of the purchase agreement between the dealer or developer and the owner. The commission shall adopt and promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Subsection.

§912.6. Peremption

Any action to enforce any warranty provided in this Part shall be subject to a preemptive period of thirty days after the expiration of the appropriate time period provided in R.S. 51:912.4.

§912.7. Insurance

All or part of the builder's obligation under any warranty required in this Part may be insured by the builder for the benefit of the purchaser through an insurance company authorized to transact business in this state.

§912.8. Transfer of warranty and insurance

Any warranty imposed pursuant to this Part and any insurance benefit shall automatically transfer without charge to a subsequent owner who acquires title to the home. Any transfer of the home shall not extend the duration of any warranty or insurance coverage.

§912.9. Violations; limitations

A. If a builder violates this Part by failing to perform as required by the warranties provided in this Part, any affected owner shall have a cause of action against the builder for actual damages, including attorney fees and court costs, arising out of the violation. The damages with respect to a single defect shall not exceed the reasonable cost of repair or replacement necessary to cure the defect, and damages with respect to all defects in the home shall not exceed the original purchase price of the home.

B. The parties may provide for the arbitration of any claim in dispute. Any arbitration shall comply with and may be binding only to the extent provided in R.S. 9:4201 et seq.

§912.10. Exclusiveness

This Part provides the exclusive remedies, warranties, and preemptive periods as between the builders and owner relative to the construction of homes as defined in this Part, and no other

provisions of law relative to warranties and redhibitory vices and defects shall apply. Nothing herein shall be construed as affecting or limiting any warranty of title to land or improvements.

PART XIV-B. MINIMUM STANDARDS FOR INSTALLATION

OF MANUFACTURED HOMES

§912.21. Definitions

For the purposes of this Part, the following words shall have the following meanings:

- (1) "Frame tie" or "tie down" means any device approved and used for the purpose of securing manufactured homes to ground anchors in order to resist wind forces.
- (2) "Ground anchor" means any device approved and used for the purpose of securing manufactured homes to the ground in order to resist wind forces.
- (3) "Ground level" means an anchor has been fully installed so the head is at the surface of the soil.
- (4) "Installation permit" means a permit issued by the commission to a licensed installer or the homeowner who must certify that the home is in compliance with this Part.
- (5) "Installation permit sticker" means a sticker issued by the commission, along with an installation permit, which is to be affixed to the home to signify that the home is in compliance with this Part.
- (6) "Installer" means a person licensed by the commission to install a manufactured home.
- (7) "Manufactured home" or "manufactured housing" means a factory-built, residential dwelling unit constructed to standards and codes, as promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. §5401 et seq., as amended. Notwithstanding any law to the contrary, the terms "manufactured home" and "manufactured housing" may be used interchangeably and apply only to structures bearing the permanently affixed seal of the United States Department of Housing and Urban Development.
- (8) "Mobile home" means a factory-built, residential dwelling unit built to voluntary standards prior to passage of the National Manufactured Housing Construction and Safety Standards Act of 1974.
- (9) "Over-roof tie" means a certain device approved by the manufactured homes manufacturer and used for the purpose of securing the manufactured homes systems to ground anchors in order to resist wind forces. Ties may be installed only under roof material.

(10) "Setup" or "installation" means the operations performed at the occupancy site which render manufactured homes fit for habitation. Such operations include but are not limited to transporting, positioning, blocking, leveling, supporting, tying down, making minor adjustments and trim out, and assembling multiple or expandable units in the final construction process.

(11) "Stabilizer device" means an approved device or method that is used to resist lateral movement of manufactured homes and anchors.

(12) "Transporter" means an individual who transports a manufactured home to the site of installation but does not perform the blocking or anchoring of the home.

Acts 1997, No. 970, §1; Acts 2000, 1st Ex. Sess., No. 92, §1; Acts 2001, No. 718, §2; Acts 2008, No. 217, §1.

§912.22. Installation standards for manufactured homes

All manufactured homes shall be installed to meet the following standards, unless otherwise specified in this Part:

(1) Installation standards for the setup of new or used manufactured homes shall be in compliance with the manufacturer's installation instructions, if available.

(2) Installation standards for the setup of used manufactured homes shall be in compliance with the manufacturer's installation instructions, if available. In the absence of the manufacturer's installation instructions, used manufactured homes shall comply with the provisions of this Part.

(3) All anchors, piers, and tie-down components used in the installation of manufactured homes shall be tested and meet the minimum industry standards. Installation of such anchors and components shall be in accordance with the manufacturer's instructions.

(4) As to site preparation, the under-home grade, or ground, shall be cleaned of all vegetation and organic material, such as stumps, roots, etc., except grass not exceeding three inches in height. The area beneath and around the home shall be crowned, sloped or properly drained so that water will not flow or accumulate under the home. All grass and organic material shall be removed and the pier foundation placed on stable soil or compacted fill. When the soil compaction or soil-bearing capacity is not known, the local building authority in the locale may be consulted or a reading by the use of a pocket penetrometer may be obtained. The bottom of the footer or footers shall be placed on stable soil. The pier foundation shall be a minimum of three and one-half inches by sixteen inches by sixteen inches solid concrete pad or equivalent, precast or poured in place, or approved material by the regulatory agency. The regulatory agency, or its duly authorized representatives, shall cause products to be analyzed or tested to require that the pier foundation products have a deflection of not more than three-eighths inch under design load. Such testing may be conducted by an independent third party qualified and approved by the agency. Previous testing data submitted in other jurisdictions may be considered by the agency. Where the manufacturer's specifications have additional requirements other than the above, the more stringent shall apply. The landowner shall be responsible for proper site preparation in accordance with this Paragraph.

(5) All manufactured homes shall be anchored with an approved anchor system. All auger systems shall be installed to a minimum depth of thirty inches, or two and one-half feet, in

undisturbed or compacted soil. Piers are to be installed off center of the anchors so as not to interfere with the proper alignment of the strapping. Anchors may be installed in predrilled holes, provided the anchor penetrates a minimum of two feet into undisturbed soil beyond the predrilled hole. When the anchor manufacturer's installation instructions permit, the hole is then backfilled with soil compacted in layers not exceeding six inches. For manufactured homes produced after July 13, 1994, the installer shall refer to the manufacturer's setup manual for the ultimate load requirements for anchors at the different tie points on the manufactured home. For used manufactured homes when the manufacturer's setup manual is not available, all anchor points at side walls, shear walls, end walls, centerline, and other points as identified by the manufacturer, shall be certified for an ultimate load of four thousand seven hundred twenty-five pounds. Anchors are required one at each end of shear walls; one on each end of each I-beam; one frame tie at each vertical tie point; one in each end of each marriage wall, centerline; and on each ridge beam support post.

(6) Frame tie ground anchors shall have approved stabilizing devices installed on the inside, in the direction of pull, with the top of the stabilizing plate driven flush with the soil unless otherwise specified by the manufacturer's guidelines.

(7) Piers or load-bearing supports or devices shall be installed and constructed to evenly distribute the loads. Steel piers with mechanical adjustments shall be securely attached to the frame of all manufactured homes and mobile homes. Manufactured load-bearing supports or devices shall be listed and approved for the use intended, or piers shall be constructed as outlined in this Part. Concrete products shall comply with the minimum dimensional and structural requirements for load-bearing. Solid and cell concrete blocks shall be to the standard specification for load-bearing concrete masonry units, ASTM C-90, 1993 Edition. Poured concrete shall be a minimum of FCL = 2500 PSI. All plastic products shall be conditioned at ASTM D 618-61, reapproved 1990, standard practice for conditioning plastics and electrical insulating materials for testing. Plastics shall be tested to the ASTM D 790-92 standard test methods for flexural properties or unreinforced and reinforced plastics and electrical insulating materials, ASTM D 732-85 standard test method for shear strength or plastics by punch tool, and ASTM G 53-88 standard practice for operating light and water exposure apparatus for exposure of nonmetallic materials.

(8) In flood-prone areas, the 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).

(9) The marriage line on all multisectional homes shall be sealed with industry-approved materials at the ceiling line, the floor line, and the end walls to restrict any air infiltration into the home.

§912.23. Foundations and piers

The following guidelines shall be used when the installation of foundations and piers is not specified in the manufacturer's instructions or when the manufacturer's installation instructions are not available:

(1) Piers:

(a) Piers shall be centered under the I-beam and installed as provided by rules promulgated by the commission. The first pier shall be within two feet of either end of the home. The pier foundation shall be a minimum of three and one-half inches by sixteen inches by sixteen inches solid concrete pad precast or poured in place, or other pad meeting the 2,500 PSI rating, or other approved material.

(b) Piers may be constructed of regular eight inches by eight inches by sixteen inches concrete blocks, open cells, solid (minimum eight inches by ten inches top), centered on the footing or foundation. A one inch or two inch by eight inch by sixteen inch treated or hardwood plate, or other approved material shall completely cover the top of the pier with shims, one-fourth inch minimum and one and one-half inch maximum, centered and driven tight from both sides of the I-beam between the wood plate or cap and the main frame. Single-tiered block piers shall be installed perpendicular to the main I-beam. However, when a pier has been capped with at least a four inch (three and one-half inch) solid concrete block or other approved material, one-fourth inch of wood stock or wood shims shall be installed between the pier and steel I-beam.

(c) Center line piers shall be located at each end of center line and shall be located on each end of the opening within six inches of jamb studs or ridge beam posts where openings four feet wide or greater occur. Any openings four feet or larger in the exterior sidewall or marriage wall shall require blocking at each end of the opening with four inch by sixteen inch by sixteen inch pads. Piers shall also be installed on each side of any perimeter door or fireplace. Bay windows or any opening forty-eight inches or more shall require blocking at each end. Fourteen feet or wider units with an I-beam spread of less than eighty-two inches and twelve feet wide units with an I-beam spread of less than seventy-five and one-half inches shall have perimeter blocking installed at a minimum of eight foot on center. Piers shall not be required under the clear, open, spans between ridge beam posts.

(d) All piers over thirty-six inches and corners over twenty-four inches in height shall be double tiered with blocks interlocked and capped with two four inch by eight inch by sixteen inch solid concrete blocks side by side and perpendicular to the I-beam, or other approved material and cushioned with wood shims or treated plate. Pier height is measured from the top of the footer or foundation to the top of the cement block stack, including four inch cap blocks.

(e) All piers over fifty-two inches shall be designed by an architect or engineer.

(f) Metal or precast support piers shall be installed on a base or footer of a minimum size of four inch by sixteen inch by sixteen inch solid concrete or other approved material.

(g) Metal or precast support piers shall be restricted to a maximum two inch locking mechanical height adjustment and shall be restricted to a maximum height of not more than twenty-four inches measured from the ground base or footer. This twenty-four inch maximum shall not include the two inch mechanical extension or adjustment. However, center line or perimeter supports are permitted to exceed the twenty-four inch maximum.

(h) The minimum distance between the finished grade under the manufactured home and the bottom of the I-beam shall be twelve inches.

(2) Foundations:

(a) Concrete, precast, sand and gravel pads or foundations shall be a minimum of two thousand five hundred pounds per square inch (PSI).

(b) Plastic pads or foundations shall be tested in the lower fifty percent of each soil class. (1,000-1,500 PSF soil type).

§912.24. Installation standards for anchors and tie-downs

The following specifications are standards set for used manufactured homes when manufacturer's installation instructions and specifications are not available:

(1) Anchors:

(a) All auger anchors shall be a minimum of thirty inches in height.

(b) All anchors shall be tested to an ultimate load of four thousand seven hundred twenty-five pounds.

(2) Frame ties:

(a) Used units where the manufacturer's specifications are not available shall be anchored every ten feet in Zone I, eight feet in Zone II, and six feet in Zone III, with anchors placed within two feet of each end.

(b) Frame ties shall make at least one complete wrap around the chassis or frame and shall be looped from the top of the I-beam to the anchor. However, some frame tie straps may have to extend from the bottom of the I-beam or the I-beam on the opposite side to assure the proper angle due to the height of the home.

(c) Each frame tie shall be installed to the component manufacturer's instructions.

(d) All frame ties shall be secured to one of the main steel I-beams that run the length of the home.

(3) Marriage wall or centerline ridge beam column ties, shear wall ties, and frames ties:

(a) Multiple section homes are to be secured at the centerline with straps or cables to the specifications in the manufacturer's manual or at the locations designated on the home.

(b) Used multiple section homes shall have anchors installed at all factory-installed anchor strap connections, including ridge beam column straps, shear wall straps or attachments, or other locations designated by the manufacturer.

(4) Multiple section homes shall be mechanically fastened every twenty-four inches at the bottom, end walls, and roof. A minimum thirty-gauge, eight-inch-wide, galvanized strip shall be centered over the peak and fastened with galvanized roofing nails at two inches on center at both sides of center line.

§912.25. Installation standards for used manufactured homes in hurricane zones

When the manufacturer's printed setup requirements are not available for the applicable wind zone, the following guidelines are to be used:

- (1) All anchors shall be listed for four thousand seven hundred twenty-five pounds ultimate load.
- (2) Diagonal ties only are required at each end of each unit. The minimum number of ties at a minimum angle of forty-five degrees from vertical is three each for Zone II and four each for Zone III.
- (3) All designated tie points on the perimeter side walls shall be equipped with vertical and diagonal ties with stabilizer devices. When tie points are not designated on the side walls, vertical and diagonal ties with stabilizer devices shall be spaced a maximum of twelve feet for Zone I, eight feet for Zone II, and six feet six inches for Zone III.
- (4) Anchors and support piers shall be installed at the center line of each opening over five feet. Support piers shall be installed on each end of the marriage wall and at other locations that may be identified on the marriage wall.
- (5) Shear wall interior partition wall which attaches to the side wall and is thirty-six inches or longer shall have vertical ties and support piers installed at each end.
- (6) All foundations and piers shall comply with the requirements of this Part.
- (7) Multiple section homes shall be mechanically fastened every twenty-four inches at the bottom, end walls, and roof.
- (8) A minimum thirty gauge, eight inch wide, galvanized strip shall be centered over the peak and fastened with galvanized roofing nails at two inches on center at both sides of center line.

§912.26. Local installation standards preempted

The manufactured home installation standards provided for in this Part shall preempt all local installation standards.

§912.27. Licensure of installers; adoption of rules; compliance with installation instructions; disposition of fees

A. (1) The commission shall, by rule adopted in accordance with the Administrative Procedure Act, provide for the licensure of installers of manufactured homes and the implementation and collection of an annual license fee and an installation permit sticker fee. The installer's license fee shall be one hundred twenty-five dollars per license, and the installation permit sticker fee shall be twenty dollars.

(2) After January 1, 2004, prior to receiving an original license, installers shall attend a certification course offered by the commission or a commission-approved provider and pass an accompanying test. The fee for any course offered by the commission shall be set by rule and shall not exceed one hundred dollars.

(3) Installers shall be required to attend one continuing education course per year. The individual required to attend the continuing education course is the individual license holder. For corporations, an officer of the corporation shall attend the course. For partnerships, a partner shall attend the course. The commission shall set the educational requirements and approve educational course providers and the course materials for all continuing education classes.

B. It shall be unlawful for any person, other than the homeowner or a licensed installer, to perform an installation of a manufactured home, whether or not such person receives compensation for such action. For the purposes of this Subsection, community owners or park operators of manufactured homes shall not be considered homeowners if the home in question is or will be leased at any time.

C. Any installer or homeowner installing a manufactured home in this state shall first obtain an installation permit sticker from the commission which shall be affixed to the side of the home at the point where electrical power is connected to the home. All installation permit stickers shall be affixed within ten days of delivery of the manufactured home, unless extenuating circumstances are shown.

D. Any installation of a manufactured home in this state shall be performed in strict compliance with this Part.

E. All fees collected pursuant to Subsection A of this Section or fines collected pursuant to this Part shall be used exclusively for the maintenance and operation of the commission.

§912.28. Violations; penalties

A. Any installer or other person who performs any service under this Part without the appropriate license or who installs a manufactured home in a manner contrary to the requirements of this Part shall be in violation of the provisions of this Part. All such violators shall be subject to the penalty of revocation or suspension of their license or a fine of up to one thousand dollars, or both, for each violation. Violators shall also be subject to any measures prescribed by any other applicable rule, regulation, or law.

B. Multiple violations of this Part occurring in a single installation shall constitute one violation. Each installation performed in violation of this Part shall constitute a separate violation.

§912.29. Administration and enforcement; powers of commission

The commission may adopt, pursuant to the Administrative Procedure Act, such rules and regulations as are necessary for the administration and enforcement of this Part.

§912.30. Mobile homes not covered

The provisions of this Part do not apply to the installation and setup of mobile homes in Louisiana.

§912.31. Installation inspections

Any commission licensee or a homeowner of a manufactured home may request an installation inspection of the home by the commission, for which the commission may charge a fee not to exceed fifty dollars.

PART XIV-C. MANUFACTURED HOUSING STATE

ADMINISTRATIVE AGENCY

§912.51. Definitions

As used in this Part, the following definitions shall apply:

(1) "Louisiana state plan" means the document which outlines the process by which the state administrative agent shall ensure the effective handling of consumer complaints and other information that relates to noncompliance, defects, or imminent safety hazards, involving manufactured housing, together with any responsibility delegated to the state administrative agent.

(2) "State administrative agency" means the office of the state fire marshal, code enforcement and building safety.

(3) "State administrative agent" or "agent" means the state fire marshal.

Acts 2007, No. 441, §1; Acts 2009, No. 438, §12.

§912.52. Louisiana state administrative agent

A. The agent is hereby vested with the powers and authority necessary and proper to enable the agent to fully and effectively carry out and enforce the provisions and objectives of the Louisiana state plan administered on behalf of the United States Department of Housing and Urban Development, hereafter referred to as "HUD". The agent is hereby authorized and empowered to adopt and promulgate all reasonable rules and regulations to accomplish the objectives of the Louisiana state plan. The enumeration of any power or authority herein shall not be construed to deny, impair, disparage, or limit any others necessary to the attainment thereof. All rules and regulations shall be adopted in accordance with the provisions of the Administrative Procedure Act. Oversight review shall be conducted by the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs.

B. The power and authority of the agent shall include but not be limited to the following:

(1) Working with manufactured home consumers, manufacturers, retailers, developers, salesmen, and installers to hear consumer complaints and other information that relates to noncompliance, defects, or imminent safety hazards as set forth in 24 CFR Part 3282, Subpart I. The agent may make final determinations regarding consumer complaints.