

### **Part 3**

## **Factory Built Housing and Modular Units Administration Act**

#### **15A-1-301 Title.**

This part is known as "Factory Built Housing and Modular Units Administration Act."

Enacted by Chapter 14, 2011 General Session

#### **15A-1-302 Definitions.**

As used in this part:

- (1) "Compliance agency" is as defined in Section 15A-1-202.
- (2) "Factory built housing" means a manufactured home or mobile home.
- (3) "Factory built housing set-up contractor" means an individual licensed by the division to set up or install factory built housing on a temporary or permanent basis.
- (4) "HUD Code" means the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.
- (5) "Local regulator" is as defined in Section 15A-1-202.
- (6) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, that:
  - (a) in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet; and
  - (b) 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.
- (7) "Mobile home" means a transportable factory built housing unit built before June 15, 1976, in accordance with a state mobile home code which existed prior to the HUD Code.
- (8) "Modular unit" means a structure:
  - (a) built from sections that are manufactured in accordance with the State Construction Code and transported to a building site; and
  - (b) the purpose of which is for human habitation, occupancy, or use.
- (9) "State regulator" is as defined in Section 15A-1-202.

Enacted by Chapter 14, 2011 General Session

#### **15A-1-303 Factory built housing units.**

- (1)
  - (a) A manufactured home constructed, sold, or setup in the state shall be constructed in accordance with the HUD Code.
  - (b) A manufactured home setup in the state shall be installed in accordance with the provisions of the State Construction Code applicable to manufactured housing installation.
  - (c) A local regulator subdivision has the authority and responsibility to issue a building permit for the modification or setup of a manufactured home within that political subdivision.
  - (d) A local regulator shall conduct the inspection of a modification to or the setup of a manufactured home and give an approval within the political subdivision in which the modification or setup takes place.

- (e) A manufactured home constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.
- (2)
  - (a) A mobile home sold or setup in the state shall be constructed in accordance with the portions of the State Construction Code applicable to a mobile home at the time the mobile home was constructed.
  - (b) A mobile home setup in the state shall be installed in accordance with the portions of the State Construction Code applicable to manufactured housing installation.
  - (c) A local regulator has the authority and responsibility to issue a building permit for the setup of a mobile home within that political subdivision.
  - (d) A local regulator shall conduct the inspection of a modification to or the setup of a mobile home and give the approvals given by the local regulator within the political subdivision in which the modification or setup takes place.

Enacted by Chapter 14, 2011 General Session

**15A-1-304 Modular units.**

Modular unit construction, setup, issuance of permits for construction or setup, and setup shall be in accordance with the following:

- (1) Construction and setup of a modular unit shall be in accordance with the State Construction Code.
- (2) A local regulator has the responsibility and authority for plan review and issuance of permits for construction, modification, or setup for the political subdivision in which the modular unit is to be setup;
- (3) An inspection of the construction, modification of, or setup of a modular unit shall conform with this chapter.
- (4) A local regulator has the responsibility to issue an approval for the political subdivision in which a modular unit is to be setup or is setup.
- (5) Nothing in this section precludes:
  - (a) a local regulator from contracting with a qualified third party for the inspection or plan review provided in this section; or
  - (b) the state from entering into an interstate compact for third party inspection of the construction of a modular unit.

Enacted by Chapter 14, 2011 General Session

**15A-1-305 Modification of factory built housing units and modular units.**

- (1) A modification to a factory built housing unit shall be made in accordance with the following:
  - (a) Modification to a manufactured home or mobile home before installation or setup of the unit for habitation shall be made in accordance with the HUD Code.
  - (b)
    - (i) Modification to a manufactured home or mobile home after installation or setup of the unit for habitation shall be made in accordance with the HUD Code if the modification does not include the addition of any space to the existing unit or the attachment of any structure to the existing unit.

- (ii) If a modification to a manufactured home or mobile home after installation or setup for the unit for habitation includes the addition of any space to the existing unit or the attachment of any structure to the unit, the modification shall be made as follows:
  - (A) modifications to the existing unit shall be in accordance with the HUD Code; and
  - (B) additional structure outside of the existing unit shall be in accordance with this chapter.
- (2) A modification to a modular housing unit shall be made in accordance with this chapter.

Enacted by Chapter 14, 2011 General Session

**15A-1-306 Factory built housing and modular units -- Division responsibility -- Unlawful conduct.**

- (1) The division:
  - (a) shall maintain current information on the HUD Code and the portions of the State Construction Code relevant to manufactured housing installation and will provide at reasonable cost the information to compliance agencies, local regulators, or state regulators requesting such information;
  - (b) shall provide qualified personnel to advise compliance agencies, local regulators, and state regulators regarding the standards for construction and setup, construction and setup inspection, and additions or modifications to factory built housing;
  - (c) is designated as the state administrative agency for purposes of the HUD Code;
  - (d) may inspect factory built housing units in the state during the construction process to determine compliance of the manufacturer with this chapter for those units to be installed within the state, and upon a finding of substantive deficiency, issue a corrective order to the manufacturer and provide a copy of the order to the local regulator in the state's political subdivision where the unit is to be installed;
  - (e) shall have rights of entry and inspection as specified under the HUD Code; and
  - (f) shall implement by rule a continuing education requirement for manufactured housing installation contractors.
- (2) The division may assess civil penalties payable to the state for violation of the HUD Code in an amount identical to those set forth in Section 611 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Sec. 5410.
- (3) The state may impose criminal sanctions for violations of the HUD Code identical to those set forth in Section 611 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Sec. 5410, provided that if the criminal sanction is a fine, the fine shall be payable to the state.

Amended by Chapter 262, 2013 General Session