

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 225**

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DATE	D-PG	OFFICIAL STATUS
02/03/2011	171	Introduction and first reading Referred to Jobs and Economic Growth
03/09/2011	441a	Comm report: To pass as amended and re-refer to Finance
03/17/2011	535	Comm report: To pass
	539	Second reading
05/10/2011	1953a	General Orders: To pass as amended
05/12/2011	1999	Calendar: Third reading Passed See SF887, Art. 3, Sec. 51-53, 56 (vetoed) See SF2, Art, 3, Sec. 51-53, 56 (First Special Session)

A bill for an act

relating to manufactured homes; providing for inspections; modifying alternative design plans and reinstallation requirements; amending Minnesota Statutes 2010, sections 327.32, subdivisions 1a, 1b, 1e, 1f, 7; 327.33, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2010, section 327.32, subdivision 1a, is amended to read:

Subd. 1a. **Requirement; used manufactured homes.** No person shall sell or offer for sale in this state any used manufactured home manufactured after June 14, 1976, or install for occupancy any used manufactured home manufactured after June 14, 1976, unless the used manufactured home complies with the Notice of Compliance Form as provided in this subdivision. If manufactured after June 14, 1976, the home must bear a label as required by the secretary. The Notice of Compliance Form shall be signed by the seller and purchaser indicating which party is responsible for either making or paying for any necessary corrections prior to the sale and transferring ownership of the manufactured home.

The Notice of Compliance Form shall be substantially in the following form:

"Notice of Compliance Form as required in Minnesota Statutes,
section 327.32, subdivision 1

This notice must be completed and signed by the purchaser(s) and the seller(s) of the used manufactured home described in the purchase agreement and on the bottom of this notice before the parties transfer ownership of a used manufactured home constructed after June 14, 1976.

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2.1 Electric ranges and clothes dryers must have required four-conductor cords and plugs. For
2.2 the purpose of complying with the requirements of section 327B.06, a licensed retailer or
2.3 limited retailer shall retain at least one copy of the form required under this subdivision.

2.4 Complies Correction required
2.5 Initialed by Responsible Party: Buyer Seller

2.6 Solid fuel-burning fireplaces or stoves must be listed for use in manufactured homes, Code
2.7 of Federal Regulations, title 24, section 3280.709 (g), and installed correctly in accordance
2.8 with their listing or standards (i.e., chimney, doors, hearth, combustion, or intake, etc.,
2.9 Code of Federal Regulations, title 24, section 3280.709 (g)).

2.10 Complies Correction required
2.11 Initialed by Responsible Party: Buyer Seller

2.12 Gas water heaters and furnaces must be listed for manufactured home use, Code of Federal
2.13 Regulations, title 24, section 3280.709 (a) and (d)(1) and (2), and installed correctly, in
2.14 accordance with their listing or standards.

2.15 Complies Correction required
2.16 Initialed by Responsible Party: Buyer Seller

2.17 Smoke alarms are required to be installed and operational in accordance with Code of
2.18 Federal Regulations, title 24, section 3280.208.

2.19 Complies Correction required
2.20 Initialed by Responsible Party: Buyer Seller

2.21 Carbon monoxide alarms or CO detectors that are approved and operational are required
2.22 to be installed within ten feet of each room lawfully used for sleeping purposes.

2.23 Complies Correction required
2.24 Initialed by Responsible Party: Buyer Seller

2.25 Egress windows are required in every bedroom with at least one operable window with
2.26 a net clear opening of 20 inches wide and 24 inches high, five square feet in area, with
2.27 the bottom of windows opening no more than 36 inches above the floor. Locks, latches,
2.28 operating handles, tabs, or other operational devices shall not be located more than 54
2.29 inches above the finished floor.

2.30 Complies Correction required
2.31 Initialed by Responsible Party: Buyer Seller

2.32 The furnace compartment of the home is required to have interior finish with a flame
2.33 spread rating not exceeding 25 feet, as specified in the 1976 United States Department of
2.34 Housing and Urban Development Code governing manufactured housing construction.

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3.1 Complies Correction required

3.2 Initialed by Responsible Party: Buyer Seller

3.3 The water heater enclosure in this home is required to have interior finish with a flame
3.4 spread rating not exceeding 25 feet, as specified in the 1976 United States Department of
3.5 Housing and Urban Development Code governing manufactured housing construction.

3.6 Complies Correction required

3.7 Initialed by Responsible Party: Buyer Seller

3.8 The home complies with the snowload and heat zone requirements for the state of
3.9 Minnesota as indicated by the data plate.

3.10 Complies Correction required

3.11 Initialed by Responsible Party: Buyer Seller

3.12 The parties to this agreement have initialed all required sections and agree by their
3.13 signature to complete any necessary corrections prior to the sale or transfer of ownership
3.14 of the home described below as listed in the purchase agreement. The state of Minnesota
3.15 or a local building official has the authority to inspect the home in the manner described in
3.16 Minnesota Statutes, section 327.33, prior to or after the sale to ensure compliance was
3.17 properly executed as provided under the Manufactured Home Building Code.

3.18 Signature of Purchaser(s) of Home

3.19date..... date.....

3.20

3.21 Print name as appears on purchase Print name as appears on purchase
3.22 agreement agreement

3.23 Signature of Seller(s) of Home

3.24date..... date.....

3.25

3.26 Print name and license number, if applicable Print name and license number, if applicable
3.27 (Street address of home at time of sale)

3.28

3.29 (City/State/Zip).....

3.30 Name of manufacturer of home.....

3.31 Model and year.....

3.32 Serial number....."

3.33 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.34 Sec. 2. Minnesota Statutes 2010, section 327.32, subdivision 1b, is amended to read:

3.35 Subd. 1b. **Alternative design plan.** An alternative frost-free design slab for a new
3.36 or used manufactured home that is submitted to the local building official, third-party

4.1 inspector, or the department, stamped by a licensed professional engineer or architect, and
4.2 is as being in compliance with either the federal installation standards in effect at the date
4.3 of manufacture, the manufacturer's installation manual, or the Minnesota State Building
4.4 Code, when applicable, shall be issued a permit by the department within ten days of
4.5 being received by the approving authority.

4.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.7 Sec. 3. Minnesota Statutes 2010, section 327.32, subdivision 1e, is amended to read:

4.8 Subd. 1e. **Reinstallation requirements for ~~single-section~~ used manufactured**
4.9 **homes.** (a) All ~~single-section~~ used manufactured homes reinstalled less than 24 months
4.10 from the date of installation by the first purchaser must be reinstalled in compliance with
4.11 subdivision 1c. All ~~single-section~~ used manufactured homes reinstalled more than 24
4.12 months from the date of installation by the first purchaser may be reinstalled without
4.13 a frost-protected foundation if the home is reinstalled in compliance with Minnesota
4.14 Rules, chapter 1350, for above frost-line installations and the notice requirement of
4.15 subdivision 1f is complied with by the seller and the purchaser of the ~~single-section~~ used
4.16 manufactured home.

4.17 (b) The installer shall affix an installation seal issued by the department to the
4.18 outside of the home as required by the Minnesota State Building Code. The certificate
4.19 of installation issued by the installer of record shall clearly state that the home has been
4.20 reinstalled with an above frost-line foundation. Fees for inspection of a reinstallation and
4.21 for issuance of reinstallation seals shall follow the requirements of sections 326B.802
4.22 to 326B.885. Fees for review of plans, specifications, and on-site inspections shall be
4.23 those as specified in section 326B.153, subdivision 1, paragraph (c). Whenever an
4.24 installation certificate for an above frost-line installation is issued to a ~~single-section~~ used
4.25 manufactured home being listed for sale, the purchase agreement must disclose that the
4.26 home is installed on a nonfrost-protected foundation and recommend that the purchaser
4.27 have the home inspected to determine the effects of frost on the home.

4.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.29 Sec. 4. Minnesota Statutes 2010, section 327.32, subdivision 1f, is amended to read:

4.30 Subd. 1f. **Notice requirement.** The seller of the ~~single-section~~ used manufactured
4.31 home being reinstalled under subdivision 1e shall provide the following notice to the
4.32 purchaser and secure signatures of all parties to the purchase agreement on or before
4.33 signing a purchase agreement prior to submitting an application for an installation

5.1 certificate. Whenever a current owner of a manufactured home reinstalls the manufactured
5.2 home under subdivision 1e, the current owner is not required to comply with the notice
5.3 requirement under this subdivision. The notice shall be in at least 14-point font, except the
5.4 heading, "WHICH MAY VOID WARRANTY," must be in capital letters, in 20-point font.
5.5 The notice must be printed on a separate sheet of paper in a color different than the paper
5.6 on which the purchase agreement is printed. The notice becomes a part of the purchase
5.7 agreement and shall be substantially in the following form:

5.8 "Notice of Reinstalling of a ~~Single-Section~~ Used Manufactured Home Above Frost-Line;

5.9 WHICH MAY VOID WARRANTY

5.10 It is recommended that the ~~single-section~~ used manufactured home being reinstalled
5.11 follow the instructions in the manufacturer's installation manual. By signing this notice,
5.12 the purchaser(s) are acknowledging they have elected to use footings placed above the
5.13 local frost line in accordance with the Minnesota State Building Code.

5.14 The seller has explained the differences between the manufacturer's installation
5.15 instructions and the installation system selected by the purchaser(s) with respect to
5.16 possible effects of frost on the manufactured home.

5.17 The purchaser(s) acknowledge by signing this notice that there is no manufacturer's
5.18 original warranty remaining on the home and recognize that any other extended or ancillary
5.19 warranty could be adversely affected if any applicable warranty stipulates that the home
5.20 be installed in accordance with the manufacturer's installation manual to remain effective.

5.21 After the reinstallation of the manufactured home, it is highly recommended that the
5.22 purchaser(s) have a licensed manufactured home installer recheck the home's installation
5.23 for any releveling needs or anchoring system adjustments each freeze-thaw cycle.

5.24 The purchaser(s) of the used manufactured home described below that is being reinstalled
5.25 acknowledge they have read this notice and have been advised to contact the manufacturer
5.26 of the home and/or the Department of Labor and Industry if they desire additional
5.27 information before signing this notice. It is the intent of this notice to inform the
5.28 purchaser(s) that the purchaser(s) elected not to use a frost-protected foundation system
5.29 for the reinstallation of the manufactured home as originally required by the home's
5.30 installation manual.

5.31 Plain language notice.

5.32 I understand that because this home will be installed with footings placed above the
5.33 local frost line, this home may be subject to adverse effects from frost heave that may
5.34 damage this home. Purchaser(s) initials:

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6.1 I understand that the installation of this home with footings placed above the local
6.2 frost line could affect my ability to obtain a mortgage or mortgage insurance on this
6.3 home. Purchaser(s) initials:

6.4 I understand that the installation of this home with footings placed above the local
6.5 frost line could void my warranty on the home if any warranty is still in place on this
6.6 home. Purchaser(s) initials:

6.7 Signature of Purchaser(s)
6.8date..... date.....
6.9

6.10 Print name Print name
6.11 (Street address of location where
6.12 manufactured home is being reinstalled)
6.13
6.14 (City/State/Zip).....
6.15 Name of manufacturer of home.....
6.16 Model and year.....
6.17 Serial number.....

6.18 Name of licensed installer and license number or homeowner responsible for the
6.19 installation of the home as described above.

6.20 Installer name:.....
6.21 License number:....."

6.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.23 Sec. 5. Minnesota Statutes 2010, section 327.32, subdivision 7, is amended to read:

6.24 Subd. 7. **Enforcement.** All jurisdictions enforcing the State Building Code, in
6.25 accordance with sections 326B.101 to 326B.151, shall undertake or provide for the
6.26 administration and enforcement of the manufactured home installation rules promulgated
6.27 by the commissioner. Municipalities which have adopted the State Building Code may
6.28 provide installation inspection and plan review services in noncode areas of the state.

6.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.30 Sec. 6. Minnesota Statutes 2010, section 327.33, subdivision 2, is amended to read:

6.31 Subd. 2. **Fees.** The commissioner shall by rule establish reasonable fees for seals,
6.32 installation seals and inspections which are sufficient to cover all costs incurred in the
6.33 administration of sections 327.31 to 327.35. The commissioner shall also establish by
6.34 rule a monitoring inspection fee in an amount that will comply with the secretary's fee

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7.1 distribution program. This monitoring inspection fee shall be an amount paid by the
7.2 manufacturer for each manufactured home produced in Minnesota. The monitoring
7.3 inspection fee shall be paid by the manufacturer to the secretary. The rules of the
7.4 fee distribution program require the secretary to distribute the fees collected from all
7.5 manufactured home manufacturers among states approved and conditionally approved
7.6 based on the number of new manufactured homes whose first location after leaving the
7.7 manufacturer is on the premises of a distributor, dealer or purchaser in that state. Fees
7.8 for inspections in areas that have not adopted the State Building Code must be equal to
7.9 the fees for inspections in code areas of the state. Third-party vendors may charge their
7.10 usual and normal charge for inspections.

7.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.