

Installer Responsibilities

§ 3286.405 Installation suitability.

(a) **Site appropriateness.** Before installing a manufactured home at any site, the installer must assure that the site is suitable for installing the home by verifying that:

- (1) The site is accessible;
- (2) The site is appropriate for the foundation or support and stabilization system that is to be used to install the home in accordance with the federal installation standards or alternative requirements in part 3285 of this chapter;
- (3) The data plate required by § 3280.5 of this chapter is affixed to the home, that the home is designed for the roof load, wind load, and thermal zones that are applicable to the intended site; and
- (4) The installation site is protected from surface run-off and can be graded in accordance with part 3285.

(b) **Installer notification of unsuitable site.** If the installer determines that the home cannot be installed properly at the site, the installer must:

- (1) Notify the purchaser or other person with whom the installer contracted for the installation work, identifying the reasons why the site is unsuitable;
- (2) Notify the retailer that contracted with the purchaser for the sale of the home, identifying the reasons why the site is unsuitable;
- (3) Notify HUD, identifying the reasons why the site is unsuitable;
- (4) Decline to install the home until the site and the home are both verified by the installer as suitable for the site under this section; and
- (5) Ensure that all unique characteristics of the site have been fully addressed.

(c) **Installer notification of failures to comply with the construction and safety standards.** If the installer notices and recognizes failures to comply with the construction and safety standards in part 3280 of this chapter prior to beginning any installation work, during the course of the installation work, or after the installation work is complete, the installer must notify the manufacturer and retailer of each failure to comply.

(d) **Retailer notification.** The retailer must provide a copy of the notification received in paragraphs (b) and (c) of this section to any subsequent installer.

§ 3286.409 Obtaining inspection.

(a) **Inspection obligations.** Ten business days prior to the completion of installation, the installer must arrange for a third-party inspection of the work performed, in accordance with subpart F of this part, unless the installer and retailer who contracted with the purchaser for the sale of the home agree, in writing, that during the same time period the retailer will arrange for the inspection. Such inspection must be performed as soon as practicable by an inspector who meets the qualifications set forth in § 3286.511. The scope of the inspections that are required to be performed is addressed in § 3286.505.

(b) **Contract rights not affected.** Failure to arrange for an inspection of a home within 5 business days will not affect the validity or enforceability of any sale or contract for the sale of any manufactured home.

(c) **State or local permits.** The licensed installer should obtain all necessary permits required under state or local laws.

§ 3286.411 Certifying installation.

(a) **Certification required.** When the installation work is complete, a licensed installer must visit the jobsite and certify that:

(1) 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 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 the federal installation standards in part 3285 of this chapter.

(2) The installation of the home has been inspected as required by § 3286.503, and an inspector has verified the installation as meeting the requirements of this part.

(3) All installation defects brought to the installer's attention have been corrected.

(b) **Recipients of certification.** The installer must provide a signed copy of its certification to the retailer 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.

§ 3286.413 Recordkeeping.

(a) **Records to be retained.** The installer must retain:

(1) 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;

(2) A copy of the contract pursuant to which the installer performed the installation work;

(3) A copy of any notice from an inspector disapproving the installation work;

(4) A copy of the qualified inspector's verification of the installation work;

(5) A copy of the installer's certification of completion of installation in accordance with the requirements of this part; and

(6) A copy of foundation designs used to install the 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.

(b) **Retention requirement.** The records listed in paragraph (a) of this section must be maintained for a period of 3 years after the installer certifies completion of installation.