

## **24 CFR 3286 Subpart C – Installer Licensing in HUD-Administered States**

### **§ 3286.201 Purpose.**

The purpose of this subpart C is to establish the requirements for a person to qualify to install a manufactured home in accordance with the HUD-administered installation program. Installers will be required to meet licensing, training, and insurance requirements established in this part. Licensed installers will self-certify their installations of manufactured homes to be in compliance with the Model Manufactured Home Installation Standards in part 3285 of this chapter. In order for such an installer to self-certify compliance with the installation standards, the installer will have to assure that acceptable inspections, as required in subpart F of this part, are performed.

### **§ 3286.203 Installation license required.**

#### **(a) Installation license required.**

- (1) Any individual or entity that engages in the business of directing, supervising, or controlling initial installations of new manufactured homes in a state without a qualifying installation program must itself have, or must employ someone who has, a valid manufactured home installation license issued in accordance with the requirements of this subpart C. For each installation covered under these requirements, the licensed installer, and any company that employs the licensed installer, will be responsible for the proper and competent performance of all employees working under the licensed installer's supervision and for assuring that the installation work complies with this part.
- (2) A business that employs a licensed installer to represent the business and hold the installer's license retains primary responsibility for performance of the installation work in compliance with the requirements of this part.
- (3) A license is not required for individuals working as direct employees of a licensed installer or for the company that employs a licensed installer, provided that those individuals are supervised by a licensed installer.
- (4) The installer must display an original or a copy of a valid installation license at the site of the installation while performing work related to the installation of the home.
- (5) The installer is responsible for understanding and following, as applicable, the approved manufacturer installation instructions and any alternative installation design and instructions that have been certified by a professional engineer or registered architect, that have been approved by the manufacturer and 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.

(b) **Installation license not required.** An installation license is not required for:

- (1) Site preparation that is not subject to the requirements of part 3285 of this chapter;
- (2) Connection of utilities to the manufactured home;
- (3) Add-ons subject to the requirements of § 3282.8(j) of this chapter;
- (4) Temporary installations on dealer, distributor, manufacturer, or other sales or storage lots, when the manufactured home is not serving as an occupied residence;
- (5) Home maintenance, repairs, or corrections, or other noninstallation-related work performed by the home manufacturer under warranty or other obligations or service agreements;
- (6) Installations performed by authorized representatives of the Federal Emergency Management Agency in order to provide emergency housing after a natural disaster; or
- (7) Work performed at the home site that is not covered by the federal installation standards in part 3285 of this chapter or the requirements of this part.

**§ 3286.205 Prerequisites for installation license.**

(a) **Required experience.**

- (1) In order to obtain an installation license to perform manufactured home installations under the HUD-administered installation program, an individual must meet at least one of the following minimum experience requirements:
  - (i) 1,800 hours of experience installing manufactured homes;
  - (ii) 3,600 hours of experience in the construction of manufactured homes;
  - (iii) 3,600 hours of experience as a building construction supervisor;
  - (iv) 1,800 hours as an active manufactured home installation inspector;
  - (v) Completion of one year of a college program in a construction-related field; or
  - (vi) Any combination of experience or education from paragraphs (a)(1)(i) through (a)(1)(v) of this section that totals 3,600 hours.
- (2) An installer who is certified or licensed to perform manufactured home installations in a state with a qualifying installation program may be exempted by the Secretary from complying with these experience requirements, if the Secretary determines that the state requirements are substantially equal to the HUD experience requirements.

**(b) Required training -**

- (1) **Initial applicant.** An applicant for an installation license must complete 12 hours of training, at least 4 hours of which must consist of training on the federal installation standards in part 3285 of this chapter and the installation program regulations in this part. An installer who is licensed to perform installations in a state with a qualified installation program may postpone the training requirements of this section until October 20, 2009.
- (2) **Renewal applicant.** In order to qualify for renewal of an installation license, the licensed installer must complete 8 hours of continuing education during the 3-year license period, including in any particular subject area that may be required by HUD to be covered in order to assure adequate understanding of installation requirements.
- (3) The training required under this paragraph (b) must be conducted by trainers who meet the requirements of subpart D of this part and must meet the curriculum requirements established in § 3286.308 or § 3286.309, as applicable.
- (c) **Testing.** An applicant for an installation license must have successfully received a passing grade of 70 percent on a HUD-administered or HUD-approved examination covering the Manufactured Home Installation Program and the federal installation standards in part 3285.
- (d) **Surety bond or insurance.** An applicant for an installation license must provide evidence of and must maintain, when available in the state of installation, a surety bond or insurance that will cover the cost of repairing all damage to the home and its supports caused by the installer during the installation up to and including replacement of the home. HUD may require the licensed installer to provide proof of the surety bond or insurance at any time. The licensed installer must notify HUD of any changes or cancellations with the surety bond or insurance coverage.

**§ 3286.207 Process for obtaining installation license.**

(a) **Where to apply.** An applicant for an initial or renewed installation license must provide the applicant's legal name, address, and telephone number to HUD. The application, with all required information, must be sent to: Administrator, Office of Manufactured Housing Programs, HUD, 451 Seventh Street, SW., Room 9164, Washington, DC 20410-8000, or to a fax number or e-mail address obtained by calling the Office of Manufactured Housing Programs. For convenience only, the current URL of the Web site is <http://www.hud.gov/offices/hsg/sfh/mhs/mhshome.cfm>, and the current toll-free telephone number to contact the Office of Manufactured Housing Programs is 1-800-927-2891, extension 57.

(b) **Proof of experience.** Every applicant for an initial installation license must submit verification of the experience required in § 3286.205(a). This verification may be in the form of

statements by past or present employers or a self-certification that the applicant meets those experience requirements, but HUD may contact the applicant for additional verification at any time. The applicant must also provide to HUD employment information relevant to the applicant's experience as an installer, including the dates and type of such employment. An installer who is certified or licensed to perform manufactured home installations in a state with a qualifying installation program may seek an exemption from the experience requirement by submitting proof of such certification or license.

(c) **Proof of training.** Every applicant for an initial installation license, or the renewal of an installation license, must submit verification of successful completion of the training required in § 3286.205(b). This verification must be in the form of a certificate of completion from a qualified trainer that the applicant has completed the requisite number of hours of a qualifying curriculum, as set out in § 3286.308 or § 3286.309.

(d) **Proof of surety bond or insurance.** Every applicant for an installation license must submit the name of the applicant's surety bond or insurance carrier and the number of the policy required in § 3286.205(d).

(e) **Other application submissions.**

(1) Every applicant for an installation license must submit a list of all states in which the applicant holds a similar installation certification or license, and a list of all states in which the applicant has had such a certification or license revoked, suspended, or denied.

(2) When the examination is not administered by HUD, every applicant for an initial installation license must submit certification of a passing grade on the examination required by § 3286.205(c).

(f) **Issuance or denial of an installation license.**

(1) When HUD confirms that an applicant has met the requirements in this subpart C, HUD will either:

(i) Provide an installation license to the applicant that, as long as the installation license remains in effect, establishes the applicant's qualification to install manufactured homes in a state subject to the HUD-administered installation program; or

(ii) Provide a written explanation of why HUD deems the applicant to not qualify for an installation license, including on grounds applicable under § 3286.209 for suspension or revocation of an installation license and any other specified evidence of inability to adequately meet the requirements of this part.

(2) An applicant who is denied an installation license under this subpart C, other than for failure to pass the installation license test, may request from HUD an opportunity for a

presentation of views, in accordance with subpart D of part 3282 of this chapter, for the purpose of establishing the applicant's qualifications to obtain an installation license.

(g) **Assignment of license prohibited.** An installation license issued under this part may not be transferred, assigned, or pledged to another entity or individual.

### **§ 3286.209 Denial, suspension, or revocation of installation license.**

(a) **Oversight.** The Secretary may make a continuing evaluation of the manner in which each licensed installer is carrying out his or her responsibilities under this subpart C.

(b) **Denial, suspension, or revocation.** After notice and an opportunity for a presentation of views in accordance with subpart D of part 3282 of this chapter, the Secretary may deny, suspend, or revoke an installation license under this part. An installation license may be denied, suspended, or revoked for, among other things:

- (1) Providing false records or information to any party;
- (2) Refusing to submit information that the Secretary requires to be submitted;
- (3) Failure to comply with applicable requirements of parts 3285, 3286, or 3288 of this chapter;
- (4) Failure to take appropriate actions upon a failed inspection, as provided in § 3286.509;
- (5) Fraudulently obtaining or attempting to obtain an installation license, or fraudulently or deceptively using an installation license;
- (6) Using or attempting to use an expired, suspended, or revoked installation license;
- (7) Violating state or federal laws that relate to the fitness and qualification or ability of the applicant to install homes; or
- (8) Engaging in poor conduct or workmanship as evidenced by one or more of the following:
  - (i) Installing one or more homes that fail to meet the requirements of § 3286.107;
  - (ii) An unsatisfied judgment in favor of a consumer;
  - (iii) Repeatedly engaging in fraud, deception, misrepresentation, or knowing omissions of material facts relating to installation contracts;
  - (iv) Having a similar state installation license or certification denied, suspended, or revoked;
  - (v) Having the renewal of a similar state installation license or certification denied for any cause other than failure to pay a renewal fee; or

(vi) Failure to maintain the surety bond or insurance required by § 3286.205(d).

(c) **Other criteria.** In deciding whether to suspend or revoke an installation license, the Secretary will consider the impact of the suspension or revocation on other affected parties and will seek to assure that the sales and siting of manufactured homes are not unduly disrupted.

(d) **Reinstating an installation license.** An installer whose installation license has been denied, suspended, or revoked may submit a new application in accordance with this subpart C. Installers whose installation licenses have been suspended may also reinstate their installation licenses in any manner provided under the terms of their suspensions.

### **§ 3286.211 Expiration and renewal of installation licenses.**

(a) **Expiration.** Each installation license issued or renewed under this subpart C will expire 3 years after the date of its issuance or renewal.

(b) **Renewal.** An application for the renewal of an installation license must include the information required by, and must be submitted to, HUD in accordance with § 3286.207, and must be submitted at least 60 days before the date the license expires. Any person applying for a license renewal after the date the license expires must apply for a new installation license following the requirements established under this subpart C for application for an initial installation license.