

**SUMMARY:** This chapter sets forth construction standards, compliance assurance and third-party inspection requirements, grounds for violation, consumer complaint procedures, and licensee appeal procedures relating to state-certified manufactured housing.

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**I. Authority**

These rules are adopted pursuant to the provisions of Maine's Manufactured Housing Act, 10 M.R.S.A §§ 9041 and 9005.

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**Subpart A: STATE CERTIFICATION OF MANUFACTURED HOUSING - PURPOSE, OBJECTIVE, SCOPE AND DEFINITIONS**

**SUMMARY:** This subpart explains the purpose of the rules for the State Certification of Manufactured Housing, clarifies the meaning of manufactured home, discusses manufacturing approval and certification requirements. Also discussed is manufactured housing approval in communities with and without building codes.

**I. Purpose**

It is the purpose of this document to provide rules for the State to adopt pursuant to the Manufactured Housing Act. The adoption of these rules by the State will create uniformity in the compliance requirements of individual States; promote the use of new technologies, techniques, and materials; and increase the availability of safe, decent, and affordable housing and other building occupants.

**II. Objective**

The objective of this rule for the Manufactured Housing Act is to create conditions which will facilitate the interstate and intrastate transportation and utilization of manufactured housing. Such conditions would include the use of the uniform administrative procedures provided herein to: assure State and local officials and other affected parties of the code compliance of manufactured housing; assess the adequacy of building systems; and verify and assure the competency and performance of evaluation and inspection agencies.

### III. Scope

A. The Board shall approve the following approved alternatives for state certified manufactured housing. They are:

1. Inspection
2. Local Option
3. Special Program of Approval

B. Applicability.

These rules govern the design, manufacture, handling, storage, delivery, and installation of manufactured housing intended for installation in this State or in any other State or local governmental jurisdiction in which such housing and the labels thereon are accepted.

1. Manufactured housing may be sold for, delivered to, or installed on building sites located in any jurisdiction of this State if such manufactured housing has been approved and certified pursuant to the Act and these rules.
2. This part applies to all manufactured homes that enter the first stage of production on or after November 1, 1992.

C. Preemption

Manufactured housing certified pursuant to these rules shall be deemed to comply with the requirements of all laws, ordinances, and rules which govern the matters within the scope of the approval and certification, regardless of the provisions of any other such law, ordinance or rules.

D. Applicability of Local Law

1. Land use zoning requirements; building set-back requirements; side and rear yard requirements; property line requirements; and on-site development, on-site construction, and on-site inspection requirements are specifically and entirely reserved to the local government, except as provided by or pursuant to the Act and these rules.
2. In areas of the State where special environmental conditions exist which require special or different building standards pursuant to Subpart B, Section 1 hereof, local government shall prescribe such standards for those parts of the site development, foundation, and other work for which responsibility is vested in local government pursuant to Subsection D.1. of this Section, provided that such standards are not more stringent than those imposed on other types of buildings in the area.

### IV. Definitions

Wherever used or referred to in these rules, the terms defined herein shall have the following meanings:

A. "Act" means the Manufactured Housing Act, 10 M.R.S.A., Part II, Chapter 951.

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- B. "Administrative Agency" means the Manufactured Housing Board, which is charged with the administration of the Act and these rules.
- C. "AFUE" means Annual Fuel Utilization Efficiency.
- D. "Air barrier" means the element in an assembly designed and constructed to control airflow between a conditioned space and an unconditioned space. The "air barrier" is the primary air enclosure boundary that separates indoor (conditioned) air and outdoor (unconditioned) air.
- E. "Approved" means approved by the Manufactured Housing Board.
- F. "ASHRAE" means the American Society, of Heating, Refrigeration and Air-Conditioning Engineers, Inc.
- G. "Board" means the Manufactured Housing Board.
- H. "BTU" means British Thermal Unit which is the amount of thermal energy required to raise one pound of water one degree Fahrenheit.
- I. "Building System" means the method of constructing a type of manufactured home described by plans, specifications, and other documentation which together establish a set of limits meeting the building codes, standards, and other requirements of these rules for that type of manufactured housing, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety.
- J. "Certification" means the process by which local building inspection agencies are assured that elements of closed construction, not practical to inspection at the building site, have been properly reviewed and inspected by the Board or its agents and conform to applicable building codes.
- K. "Closed Construction" means any building, building component, assembly, or system manufactured in such a manner that concealed parts or processes of manufacture cannot be inspected at the building site without disassembly, damage, or destruction.
- L. "Compliance Assurance Program" means the policies and procedures which assure that manufactured housing, including their manufacture, storage, delivery, assembly, handling, and installation, conform with the Act and these rules.
- M. "Conditioned space" means a heated or cooled space, or both, within a building capable of maintaining a space condition falling within the comfort envelope set forth in ASHRAE Standard 55-2004.
- N. "Dealer" means any person engaged in the retail selling, or offering for sale, brokering, or distribution of manufactured homes, primarily to a person who in good faith, purchases or leases such home for purposes other than resale.
- O. "Draft stop" means a material, device or construction installed to restrict the movement of air within open spaces of concealed areas of building components such as crawl spaces, floor-ceiling assemblies, roof-ceiling assemblies and attics.

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- P. "Dwelling Unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- Q. "Entrance door" means any exterior single-door unit typically 2'8" or 3'0" wide.
- R. "Evaluation Agency" means an approved person or organization, private or public, determined by the Board to qualify by reason of facilities, personnel, experience, and demonstrated reliability and independence of judgment, to investigate and evaluate manufactured housing, building systems, or compliance assurance programs.
- S. "Fenestration" means skylights, roof windows, vertical windows (fixed or moveable), opaque doors, glazed doors, glazed block, and combination of opaque/glazed doors. Fenestration includes products with glass and non-glass glazing materials.
- T. "Heat loss" means the amount of heat transferred per unit of time from the conditioned space to the outside or to an unconditioned space by means of conduction and infiltration.
- U. "Independence of Judgment" means not being affiliated with or influenced or controlled by building manufacturers or by producers, suppliers, or vendors of products or equipment used in manufactured housing, in any manner which is likely to affect capacity to render reports and findings objectively and without bias.
- V. "Infiltration" means the uncontrolled movement of air into and out of the conditioned space through cracks and interstices in the building envelope.
- W. "Inspection Agency" means an approved person or organization, public or private, who is determined by the Board to be qualified by reason of facilities, personnel and demonstrated reliability and independence of judgment to provide for inspection and approval of the construction of installation of manufactured housing in compliance with the standards and the rules promulgated by the Board.
- X. "Installation" means the process of affixing, assembling or setting up manufactured housing on foundations or supports at a building site and includes the connection to necessary systems, such as electrical, oil burner, gas, water, sewage and any others which are necessary for the use of the house for dwelling or commercial purposes.
- Y. "IRC" means the 2003 International Residential Code for One- and Two-Family Dwellings published by the International Code Council, Inc.
- Z. "Journeyman quality workmanship" means workmanship that equates to the second or intermediate level of development of proficiency in a particular trade or skill, and reflects the work of a skilled worker but without the perfection of a master craftsman.
- AA. "Label" means an approved insignia or seal evidencing certification in accordance with the Act and these rules.
- BB. "Law" means the Manufactured Housing Act, 10 M.R.S.A., Part II, Chapter 951.
- CC. "Local Enforcement Agency" means the agency or agencies of local government with authority to inspect buildings and enforce the laws, ordinances, and regulations which

establish standards and requirements applicable to the construction, installation, alteration, repair, or relocation of buildings.

- DD. "Manufactured Housing" means for purposes of this rule, those units which the manufacturer certified are constructed in compliance with the State's Manufactured Housing Act and rules, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including plumbing, heating, air-conditioning or electrical systems contained therein.
- EE. "Mechanical ventilation" means the controlled, purposeful introduction or removal of air to or from a conditioned space.
- FF. "REScheck" is computer software published by the U.S. Department of Energy that allows builders to determine a residential structure's overall compliance with a selected energy conservation code by "trading off" insulation levels in the ceiling, wall, floor, basement wall, slab-edge and crawl space; glazing and door areas; glazing and door U-factors; and certain equipment efficiency.
- GG. "Roof/Ceiling" means a roof member that serves also as a ceiling member.
- HH. "R-value" means a quantitative measure of resistance to heat flow or conductivity. It is the reciprocal of the U-factor.
- II. "Specialty door" means other than an entrance door and include swinging and sliding glass doors.
- JJ. "U-factor" means a quantitative measure of heat flow or conductivity. It is the reciprocal of the R-value.

**Subpart B: STATE CERTIFICATION OF MANUFACTURED HOUSING - CODES AND STANDARDS**

**SUMMARY:** Subpart B requires compliance with various codes and standards, either by the Board or by other indicated sources, in constructing manufactured homes. Unprescribed technologies must be approved by the Board. The process of amendment and compliance with the State preemptive powers is discussed.

**I. Codes and Standards Adopted**

Manufactured housing shall comply with the following standards, which the Board hereby incorporates into this chapter by reference. Copies of these standards are on file with the Secretary of State and may also be obtained from their publishers as set forth below.

- A. 2003 International Residential Code for One- and Two-Family Dwellings (IRC) (International Code Council, Inc., January 2003), with the following exceptions:
1. Chapter 10: Chimneys; Chapter 11: Energy Efficiency; Chapter 13: General Mechanical; Chapter 14: Heating & Cooling; Chapter 18: Chimneys & Vents; Chapter 20: Boilers & Water Heaters; Chapter 21: Hydronic Piping; Chapter 22: Special Piping & Storage Systems; Chapter 24: Fuel Gas Code; Chapter 27: Plumbing Fixtures; Chapter 28: Water Heaters; Chapter 29: Water Supply & Distribution; Chapter 30: Sanitary Drainage; Chapter 31: Vents; Chapter 32: Traps; Chapter 33: General Requirements; Chapter 34: Electrical Definitions; Chapter 35: Services; Chapter 36: Branch Circuit & Feeder Requirements; Chapter 37: Wiring Methods; Chapter 38: Power & Lighting Distribution; Chapter 39: Service Luminaires; Chapter 41: Swimming Pools; Chapter 42: Class II Remote Control Signaling & Power Limited Circuits; Appendix E: Manufactured Housing Used as Dwellings; and Appendix F: Radon Control Methods, except to the extent the provisions of Appendix F appear in Subpart B, Section I-B of this chapter;
  2. The ground snow load ( $P_g$ ) statewide shall be designated as 50 psf. The roof (live) load ( $P$ ) need not exceed 40 psf on any part or portion of the roof. Alternatively, a manufacturer may at its option build in accordance with Section R301.2.3, which provides:
 

**Snow loads.** Wood framed construction, cold-formed steel framed construction and masonry and concrete construction in regions with ground snow loads 70 psf (3.35 kN/m<sup>2</sup>) or less, shall be in accordance with Chapters 5, 6 and 8. Buildings in regions with ground snow loads greater than 70 psf (3.35 kN/m<sup>2</sup>) shall be designed in accordance with accepted engineering practice.
  3. Wind load effective velocity pressures,  $P_e$ , need not exceed 20 psf;
  4. Section R202, "Definitions," is revised to include the following definition of "habitable attic:"
 

"A habitable attic is an attic which has a fixed stairway as a means of access and egress and in which the ceiling area at a height of 7 1/3 feet

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(2235 mm) above the attic floor is not more than one-third of the area of the next floor below. A habitable attic is not a story.”

5. Subparagraphs R311.5.3.1, R311.5.3.2 and R311.5.3.3 are revised to read:

**R311.5.3.1 Riser height.** The maximum riser height shall be 8¼ inches. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

**R311.5.3.2 Tread depth.** The minimum tread depth shall be 9 inches. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread’s leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the greatest winder tread depth at the 12 inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).

**R311.5.3.3 Profile.** The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (14.3 mm). A nosing not less than ¾ inch (19 mm) but not more than 1¼ inch (32 mm) shall be provided on stairways with solid risers, provided that a 1 inch nosing shall be provided on all treads with tread width less than 10 inches. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed ½ inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 (0.51 rad) degrees from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

**Exceptions:**

1. A nosing is not required where the tread depth is a minimum of 11 inches (279 mm).
2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.

The above revisions to subparagraphs R311.5.3.1, R311.5.3.2 and R311.5.3.3 shall also apply to basement stairs when the stairs are a component of a factory design which specifies the necessary basement height and the design has been certified by the Board-approved inspection agency.

6. Subparagraph R312.1 is revised to read:

**R312.1 Guards required.** Porches, balconies or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 36 inches (914 mm) in height. Open sides of stairs with a total rise of more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 34 inches (864 mm) in height measured vertically from the nosing of the treads.

Porches and decks which are enclosed with insect screening shall be provided with guards where the walking surface is located more than 30 inches (762 mm) above the floor or grade below.

Guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

- B. NFPA 31, Standard for the Installation of Oil Burning Equipment (National Fire Prevention Association, 2001 Edition, adopted November 12-15, 2002), with the exception of Section 7.5.15.1 for the attachment of 3-330 oil supply tanks providing the installation meets with Chapter 9-13;
- C. NFPA 54-2002, National Fuel Gas Code (National Fire Prevention Association, 2002 Edition, adopted July 19, 2002);
- D. NFPA 58, Liquefied Petroleum Gas Code (National Fire Prevention Association, 2001 Edition, adopted November 12-15, 2000);
- E. NFPA 70, National Electrical Code (National Fire Prevention Association, 2002 Edition, adopted May 13, 2001), as supplemented by the errata sheets issued December 20, 2002 and the tentative interim amendment issued on October 3, 2002, with the following exceptions:
  - 1. Article 80, Administration and Enforcement;
  - 2. Article 210.12(B) is revised to read:
 

Dwelling Unit Bedrooms. All branch circuits, other than the dedicated circuit supplying only smoke detectors, that supply 125-volt, single phase, 15- and 20 ampere outlets installed in dwelling unit bedrooms shall be protected by an arc-fault circuit interrupter listed to provide protection of the entire branch circuit; and
  - 3. Article 334.12(A)(1), Uses Not Permitted/Types NM, NMC, and NMS/Certain Open Runs.
- F. NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances (National Fire Prevention Association, 2003 Edition, adopted November 16-20, 2002), with the following exceptions:
  - 1. Chapter 13, "Maintenance" and Chapter 14, "Inspection of Existing Chimneys";
- G. 2003 International Plumbing Code, (International Code Council, Inc., February 2003 Edition);

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- H. Oil and Solid Fuel Board Rules as published in *State of Maine Oil and Solid Fuel Board Law and Rules* (Department of Professional and Financial Regulation, Office of Licensing and Registration, February 2003 Edition) (varying effective dates for individual rule chapters), with the following exceptions:
1. The board does not incorporate into this chapter by reference the State of Maine Internal Plumbing Code incorporated by reference into Chapter 7 of the Oil and Solid Fuel Board Rules, entitled Adoption of Standards and Rules; and
  2. The board does not incorporate into this chapter by reference the exception to NFPA 211 contained in Chapter 7, Section 7-2.2 of the Oil and Solid Fuel Board Rules.
- I. ASHRAE Standard 55-2004 – Thermal Environmental Conditions for Human Occupancy (American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., published 2004);
- J. NFRC 100-2004 – Procedure for Determining Fenestration Product U-Factors (National Fenestration Rating Council, Inc., implementation date January 1, 2005); and
- K. United State Department of Energy, (DOE) 10 CFR Part 430, Subpart B, Appendix N, entitled, “Uniform Test Method for Measuring the Energy Consumption of Furnaces and Boilers” (January 1, 2005).

The Oil and Solid Fuel Board Rules are available at cost (currently \$5, subject to change) from the Office of Licensing and Registration, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8629 or may be viewed and printed at no charge from the State of Maine web site at the following URL—

[www.maine.gov/sos/cec/rcn/apa/02/chaps02.htm](http://www.maine.gov/sos/cec/rcn/apa/02/chaps02.htm)

The other standards identified in this section may be purchased from their respective publishers, as follows:

International Code Council (ICC)  
 Birmingham Regional Office  
 900 Montclair Rd  
 Birmingham, AL 35213-1206  
 Telephone: (205) 591-1853  
 Website: [www.ecodes.biz](http://www.ecodes.biz)

National Fire Protection Association (NFPA)  
 1 Batterymarch Park  
 P.O. Box 9101  
 Quincy, MA 02269-9101  
 Telephone: (800) 344-3555  
 Website: [www.nfpa.org](http://www.nfpa.org)

American Society, of Heating, Refrigeration and Air-Conditioning Engineers, Inc.  
 (ASHRAE)  
 1791 Tullie Circle NE

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Atlanta, GA 30329  
Telephone: (800) 527-4723  
Website: [www.ashrae.org](http://www.ashrae.org)

National Fenestration Council, Inc. (NFRC)  
8484 Georgia Avenue, Suite 320  
Silver Spring, MD 20910  
Telephone: (301) 589-1776  
Website: [www.nfrc.org](http://www.nfrc.org)

U.S. Government Printing Office (DOE Rules)  
Superintendent of Documents  
PO Box 371954  
Philadelphia, PA 15250-7954  
Telephone: (866) 522-1800  
Website: [www.gpoaccess.gov/cfr/index/html](http://www.gpoaccess.gov/cfr/index/html)

The provisions of these rules are not intended to prevent the use of any technologies, techniques, or materials not specifically prescribed by the codes, standards, specifications, and requirements, provided any such alternate has been approved. The Board may approve any such alternate provided the Board finds that the proposed design is satisfactory, and that the material, method, or work offered is, for purpose intended, consistent with the adopted codes and standards, including quality, strength, effectiveness, fire resistance, durability, and safety. The Board shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of any such alternate.

The Board shall maintain appropriate information, indicating those areas of the State which it has established as having special environmental conditions such as snow, wind loads, seismic conditions, temperature, humidity, and soil conditions requiring special or different building standards. Such information shall be available for public inspection.

Installation and connection of plumbing, heating and electrical components that are not part of the envelope of the home shall be installed pursuant to the standards adopted by the agencies that license the respective trades.

#### **I-A. Energy Standards For Modular Housing**

##### **A. Purpose and Scope**

The purpose of this standard is to provide a reasonable energy code, based on nationally recognized codes, that will apply to all state-certified manufactured housing that is installed in Maine. This standard sets forth design and construction requirements relating to energy efficiency in state-certified manufactured housing.

##### **B. Compliance; Limited Waiver of Compliance With Energy Specifications Table**

State-certified manufactured housing shall comply with the provisions of this section. The executive director may waive compliance with the Energy Specifications Table contained in Subpart B, Section I-A(D)(1) of this chapter in the limited circumstances described in Subpart B, Section I-A(D)(12) of this chapter.

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C. Materials and Equipment

Materials and equipment shall be identified in a manner that will allow a determination of their compliance with the provisions of this chapter. Materials and equipment used to conform to the applicable provisions of this chapter shall be installed in accordance with the manufacturer's installation instructions. (2003 IRC, 1101.3)

D. Energy Standard

1. The values listed in the Energy Specifications Table below are minimum standards for one- and two-family state certified manufactured housing.

Energy Specifications Table

| Minimum Insulation<br>R-Value |               |       |        | Maximum Fenestration<br>for<br>Exterior Doors<br>U-Factor |           | Maximum<br>Fenestration<br>for Windows <sup>1</sup><br>U-Factor | Maximum<br>Fenestration<br>for Skylights<br>U-Factor |
|-------------------------------|---------------|-------|--------|---|-----------|---|--|
| Ceilings                      | Roof/Ceilings | Walls | Floors | Entrance  | Specialty |   |  |
| R-38                          | R-38          | R-19  | R-19   | .35   | .45       | .35   | .6   |

<sup>1</sup>The term windows includes sidelights, octagonal, elliptical, transom, etc.

2. For 2-story homes, the perimeter of the space between the top of the second floor rim joists and the finished ceiling below shall be insulated to a value of R-19.
3. Homes delivered with an unfinished second floor shall be insulated as described below:
  - a. Stair enclosures – The ceilings of the stair enclosures shall be insulated to R-30. The walls of stair enclosures shall be insulated to R-11.
  - b. Doors – Doors within stair enclosures shall be insulated by any means, including temporary means, to be a value of R-19 to prevent heat loss into the unfinished space.
  - c. Ceilings – The floor/ceiling assembly between the first and second stories shall be insulated to a value of R-30, except that the ceiling area beginning at the outside walls and extending to the knee walls shall be insulated to a value of R-38.
4. Homes with an unconditioned basement shall be insulated as described below:
  - a. Basement stair enclosures – The ceilings of the basement stair enclosures shall be insulated to R-19. The walls of basement stair enclosures shall be insulated to R-11.
5. Where insulation will be site installed, the manufacturer's board approved third-party inspection agency shall ensure that plans and set-up instructions provide compliance with these standards.

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6. The minimum required R-value in the Energy Specifications Table shall be met by the sum of the R-values of the insulation materials installed in framing cavities and/or insulating sheathing applied, and not by framing, drywall, structural sheathing or exterior siding materials. Insulation separated from the conditioned space by a vented space shall not be counted towards the required R-value. (2003 IRC, N1102.1.1)
7. Exterior Walls  

Insulation in exterior walls shall be placed so that the entire cavity is insulated, including the space between the back of electrical boxes and the exterior sheathing.
8. Ceilings  

For all ceilings, ceiling insulation shall extend over the top plate of the exterior wall up to the exterior sheathing. Compression of insulation shall be kept to a minimum.
9. Air Leakage  

All joints, seams, penetrations; site-built windows, doors, and skylights; openings between window and door assemblies and their respective jambs and framing; and other sources of air leakage (infiltration and exfiltration) through the building thermal envelope shall be caulked, gasketed, weatherstripped, wrapped, or otherwise sealed to limit uncontrolled air movement. (2003 IRC, N1102.1.10)
10. Draft Stop  

Draft stop materials shall be placed along the entire perimeter of the interconnecting modules.
11. U-Factor  

U-Factors of fenestration products shall be determined in accordance with the National Fenestration Rating Council, Inc. (NFRC), NFRC 100-2004.
12. Waiver of Compliance With the Energy Specifications Table
  - a. A manufacturer may obtain a waiver of compliance with the Energy Specifications Table contained in Subpart B, Section I-A(D)(1) by demonstrating to the executive director of the board that the design or construction of a dwelling makes it infeasible, as set forth below, to apply one or more of the values contained in the Energy Specifications Table. The waiver request must be made prior to acceptance of the plans by the manufacturer's board approved third-party inspection agency.
  - b. In determining feasibility of compliance with the Energy Specifications Table, the executive director shall consider as alternatives to a waiver the manufacturer's ability to achieve compliance through alternative construction techniques, use of different materials, or design change. The executive director may also consider other relevant factors, including

cost of compliance with the Energy Specifications Table, although cost of compliance alone is not a ground for obtaining a waiver. It is the intent of the board that waivers be sparingly granted.

- c. The manufacturer may appeal the executive director's denial of a waiver to the board. The appeal must be filed with the board in the time and manner specified in Subpart J, Section I of this chapter. The board will hear the appeal de novo and shall afford the manufacturer an opportunity for hearing. The appeal shall be conducted in accordance with Subpart J of this chapter and the provisions of the Maine Administrative Procedure Act applicable to adjudicatory proceedings. (5 M.R.S.A. §§9051 – 9064)
- d. A manufacturer who receives a waiver must demonstrate that the U-value of the design for which the waiver was granted meets or exceeds the REScheck target U-value as calculated under the trade-off approach for the 2000 edition of the International Code Council International Energy Conservation Code. This demonstration must be made in the form of a REScheck compliance certificate signed by the builder/designer and third-party inspection agency, with the supporting inspection checklist attached.

[Note: REScheck is available at no cost at from the U.S. Department of Energy at the following URL—

[www.energycodes.gov/rescheck/.](http://www.energycodes.gov/rescheck/)]

- 13. Gas-fired or oil-fired furnaces and hot-water boilers rated at less than 300,000 BTU/h shall have a minimum AFUE rating of 78% in accordance with the United States Department of Energy (DOE) 10 CFR Part 430, Subpart B, Appendix N, entitled "Uniform Test Method for Measuring the Energy Consumption of Furnaces and Boilers" – (January 1, 2005).

#### E. Ventilation Standard

##### 1. Whole-house Ventilation

When a state certified manufactured home is factory equipped with a central system to regulate the quality of indoor air, the system shall be operated according to the manufacturer's instructions and equipment specifications.

##### 2. Kitchen Exhaust

A cooking appliance shall be equipped with a separate ventilating fan/hood, independent of other ventilating systems, with a minimum rating of 100 Cubic Feet per Minute (CFM). This equipment shall exhaust at the outside of the home. This paragraph does not apply to microwave ovens, provided that:

- (a) The microwave oven is not sold with a separate ventilating system; and
- (b) The manufacturer's instructions do not require that the microwave oven be operated with a separate ventilating system.

3. Bathroom Exhaust

Each bathroom with or without a tub or shower unit shall be equipped with a separate ventilating fan, independent of other ventilating systems, with a minimum rating of 50 CFM. The fan shall exhaust at the outside of the home and shall be rated for sound at a maximum of 3 sone.

4. Clothes Dryer

All clothes dryers shall be vented directly to the outside. A clothes dryer shall not be vented into a chimney.

5. Combustion Air

Combustion air for a heating appliance shall be drawn directly from the outdoors. This paragraph does not apply to a gas fireplace, provided that the manufacturer's instructions do not require that the gas fireplace be provided with combustion air from the outdoors.

6. Back Draft

Each chimney used to vent a heating appliance shall be draft tested to ensure that no positive pressure is present in the chimney that would allow products of combustion to enter the home. Consideration shall be given to seasonal changes in draft.

**I-B. Radon Mitigation Preparation Standard**

A. Purpose and Scope

The purpose of this standard is to provide a reasonable code for manufacturer-installed vent piping and electrical supply boxes within the envelope of a state-certified home to facilitate future, on site completion of the radon mitigation system should such a system be required either by code or by the consumer. This standard is based on Appendix F: Radon Control Methods of the IRC, a nationally recognized code, that will apply to all state-certified manufactured housing that is installed in Maine. This standard sets forth design and construction requirements relating to preparation for radon mitigation in state-certified housing.

B. Compliance; Limited Waiver of Compliance

State-certified manufactured housing shall comply with the provisions of this section. The executive director may waive compliance with the radon standard contained in Subpart B, Section 1-B(D) of this chapter in the limited circumstances described in Subpart B, Section 1-B(D)(9) of this chapter.

C. Materials and Equipment

Materials and equipment shall be identified in a manner that will allow a determination of their compliance with the provisions of this sub section. Materials and equipment used to conform to the applicable provisions of this chapter shall be installed in accordance with the manufacturer's installation instructions. (2003 IRC, 1101.3)

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D. Radon Standard

1. Entry routes

Potential radon entry routes such as openings around bathtubs, showers, water closets, pipes, wires or other objects that penetrate the floor assemblies shall be filled with a suitable sealant applied in accordance with the manufacturer's recommendations. (2003 IRC, AF103.4.1)

2. Vent pipe

The manufacturer shall install a 3-inch-minimum diameter vent pipe up through the building floors at least 2 feet into the attic space and capped below the roof. The vent pipe shall be installed such that the pipe can be extended by others at a later date and located at least 12 inches above the roof in a location at least 10 feet away from any window or other opening into the conditioned spaces of the building that is less than 2 feet below the exhaust point and 10 feet from any window or other opening in adjoining or adjacent buildings. (2003 IRC, AF103.5.3 and AF103.6.1)

3. Vent pipe drainage

All components of the 3-inch-minimum diameter vent pipe installed by the manufacturer up through the building floors and capped below the roof shall provide for positive drainage. (2003 IRC, AF103.7)

4. Vent pipe accessibility

Radon vent pipes shall be accessible for future fan installation through an attic or other area outside the habitable space. (2003 IRC, AF103.8) Any accessible space reserved for the radon fan shall occupy an imaginary cylinder, standing on end, which is 24 inches or more in diameter, centered on the axis of the vent pipe, and extending a minimum vertical distance of 3 feet.

Exception: The radon vent pipe need not be accessible in an attic space where an approved roof-top electrical supply is provided for future use (2003 IRC, AF103.8), and where it is possible to mount the future fan above the roof.

5. Vent pipe identification

All exposed and visible interior radon vent pipes shall be identified with at least one label on each floor and in accessible attics. The label shall read: "Vent Piping for Future Radon Reduction System." (2003 IRC, AF103.9)

6. Combination foundations

For homes designed to be placed on combination basement/crawl space foundations, the manufacturer may, but is not required to, install separate 3-inch-minimum diameter vent pipes for each type of foundation area up through the building floors and capped below the roof. (2003 IRC, AF103.10)

7. Power source

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To provide for future installation of an active depressurization system, an electrical circuit terminated in an approved box shall be installed by the manufacturer in the attic or other anticipated location of vent pipe fans. (2003 IRC, AF103.12) If the circuit is dedicated solely to vent pipe fans, the manufacturer shall install in the living space of the home a visual indicator that the circuit is energized, or an alarm that the circuit is not energized. If the circuit is not dedicated solely to vent pipe fans, future installation of vent pipe fans shall be taken into account when designing the circuit.

#### 8. Testing

Vent pipes shall be tested at the manufacturing facility for tightness. Fully-assembled vent pipes shall be field-tested by the dealer or installer unless the vent pipes were tested in a fully-assembled state at the manufacturing facility.

#### 9. Waiver of Compliance With the Radon Standard

- a. A manufacturer may obtain a waiver of compliance with the radon standard contained in Subpart B, Section 1-B(D) of this chapter by demonstrating to the executive director of the board that the design or construction of a dwelling makes it infeasible, as set forth below, to install piping and/or electrical supply boxes within the envelope of a state-certified home to facilitate future, on site completion of the radon mitigation system should such a system be required by code or by the consumer. The waiver request must be made prior to acceptance of the plans by the manufacturer's board approved third-party inspection agency.
- b. In determining feasibility of compliance with the radon standard, the executive director shall consider as alternatives to a waiver the manufacturer's ability to achieve compliance through alternative construction techniques, use of different materials, or design change. The executive director may also consider other relevant factors, including cost of compliance, although cost of compliance alone is not a ground for obtaining a waiver. It is the intent of the board that waivers be sparingly granted.
- c. The manufacturer may appeal the executive director's denial of a waiver to the board. The appeal must be filed with the board in the time and manner specified in Subpart J, Section I of this chapter. The Board will hear the appeal de novo and shall afford the manufacturer an opportunity for hearing. The appeal shall be conducted in accordance with Subpart J of this chapter and the provisions of the Maine Administrative Procedure Act applicable to adjudicatory proceedings. (5 MRSA §§9051 – 9064)

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## II. Journeyman Quality Workmanship Required

The manufacture, installation and service of state-certified manufactured housing shall conform to journeyman quality workmanship in all respects.

## III. 180 Day Notice

Consistent with Subpart C, Section II, A.6 hereof, the Board shall notify all manufacturers with approved building systems, local governmental jurisdictions, and other concerned persons of all amendments, and each manufacturer shall have 180 calendar days or such additional time as the Board shall deem reasonable following the sending of such notification to submit to the Board and comply with such modifications of its building systems as may be required to comply with such changes. All manufactured housing manufactured (i) prior to the effective date of such changes, or (ii) during the 180 calendar day period following the sending of notice to the manufacturer, or (iii) in the case of any manufacturer who submits his modifications to the Board as required but receives no affirmative or negative response from the Board with respect thereto, following such 180 calendar day period, may be certified if they conform to the existing approved building system. Where imminent danger to life safety is involved, the Board may require that immediate effect be given to amendments to the codes, standards, specifications, and requirements adopted herein. For purposes of this Section, a manufactured home is deemed to be manufactured at such time as the label is attached to it in accordance with the approved compliance assurance program, or if the manufactured housing is relocated, it is deemed to be in accordance with these rules per Subpart C, Section V(F).

**Subpart C: STATE CERTIFICATION OF MANUFACTURED HOUSING -  
ADMINISTRATION AND ENFORCEMENT**

**I. Enforcement Responsibility**

The Board shall administer and enforce all provisions of these rules. The Board shall have the responsibility for evaluating and approving building systems, and inspecting and certifying manufactured housing for compliance with these rules. The Board shall accept manufactured building systems, and compliance assurance programs labeled and certified by approved evaluation and inspection agencies in accordance with these rules.

**II. Approvals of Building Systems and Compliance Assurance Programs**

The Board shall approve buildings, or building systems, which comply with the codes, standards, specifications, and requirements adopted in Section 1 of Part III hereof, and with the other requirements of the Act and these rules, and shall approve compliance assurance programs which comply with the requirements of the Act and these rules. The Board may delegate to evaluation agencies all or part of the evaluation of building systems and compliance assurance programs in accordance with these rules.

**A. Building Systems**

1. In order to obtain approval of manufactured housing, a manufacturer shall submit a building system for evaluation in accordance with the requirements of Subpart D hereof.
2. A complete evaluation shall be performed and an evaluation report on the complete building system, as submitted, shall be issued.
  - a. In the event that the building system is found to be unsuitable for evaluation, the applicant shall be notified in writing of such unsuitability and the basis thereof within fifteen (15) calendar days of the date the building system was received. Subsequent submissions shall be treated as a new application.

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- b. In the event that the building system is found to be suitable for evaluation, a complete evaluation shall be performed within thirty (30) calendar days of the date the building system was received. Upon completion, the applicant shall be notified in writing of the results of the evaluation.
  3. The evaluation agency may accept tests to determine whether a building system meets the requirements of these rules, if that determination cannot be made from evaluation of plans, specifications, and documentation prepared in accordance with the code, recognized standards, or currently accepted engineering practice. The building system test procedures used shall be reviewed and evaluated by the evaluation agency.
  4. Approval of building systems shall be evidenced by the stamp and date of approval of the evaluation agency, on each sheet of the building system, or by other effective means of identification. One copy of all approved plans, specifications, documentation, and a building system approval letter shall be returned to the applicant.
  5. An approved building system shall not be varied without prior authorization by the evaluation agency. All approved changes shall be made a part of the written record of the approval. Such authorization shall be in writing or be confirmed in writing within ten (10) calendar days of any oral authorization.
  6. Except as provided for under Section 5(F) of Subpart C hereof, no revisions to the applicable codes and requirements shall apply retroactively. The Board shall notify all manufacturers with approved building systems and evaluation agencies of record of all such changes. Each manufacturer shall have 180 calendar days following the sending of such notification, or such additional time as the Board shall deem reasonable, to submit appropriate design changes to the evaluation agency in order to implement the code changes in its already approved building system(s).
  7. Amendments to the building system may be proposed by submitting appropriate plans, specifications, or documentation to the evaluation agency for approval.
  8. The evaluation agency may suspend or revoke the approval of any building system whenever the approval was issued in error, was issued on the basis of incorrect information, or was issued in violation of these rules or is later found to be in violation of the rules. Notice of such suspension or revocation of the approval shall be in writing with the reasons for such suspension or revocation set forth therein.
  9. If a building system is disapproved, the evaluation agency shall notify the applicant with a written explanation attached thereto of the reasons for disapproval.
- B. Compliance Assurance Programs
  1. A manufacturer shall obtain approval for a compliance assurance program for its building system. Buildings shall be manufactured in accordance with an

approved program in order to be certified. Compliance assurance programs shall be submitted to the evaluation agency for approval in accordance with the requirements of Subpart D hereof.

2. Prior to full evaluation, the evaluation agency shall determine that the application for approval submitted to it is suitable for processing.
  - a. In the event that the application is found to be unsuitable for processing, the applicant shall be notified in writing of such unsuitability and the basis thereof within fifteen (15) calendar days of the date the application is received by the evaluation agency. Any subsequent submission shall be treated as a new application.
  - b. In the event that the application is found to be suitable for processing, the application shall receive full evaluation within thirty (30) calendar days of the date the application was received by the evaluation agency. Upon completion, the applicant shall be notified in writing of the results of the evaluation.
3. Compliance assurance programs submitted for approval shall be evaluated for compliance with the Act and these rules.
4. If a compliance assurance program is disapproved, the evaluation agency shall notify the applicant with a written explanation attached thereto of the reasons for disapproval.
5. Approval of compliance assurance programs shall be evidenced by the stamp of approval of the evaluation agency on each sheet of the program documents, or by other effective means of identification. One copy of the approved application and documentation shall be returned to the applicant.
6. A compliance assurance program or any amendment thereto which has been approved shall not be varied in any way without prior authorization by the evaluation agency. All approved amendments shall be made a part of the written record of the approval. Such authorization shall be in writing or be confirmed in writing within ten (10) calendar days of any oral authorization.
7. The evaluation agency may suspend or revoke or cause to be suspended or revoked, its approval of any compliance assurance program whenever the approval was issued in error, or was issued on the basis of incorrect information, or was issued in violation of any of these rules. If the evaluation agency determines that modular homes manufactured pursuant to an approved building system do not comply with the act or these rules and the manufacturer fails to comply with a corrective order, the evaluation agency may suspend or revoke, or cause to be suspended or revoked, the approval of the manufacturer's compliance assurance program. Notice to the manufacturer and the inspection agency of suspension or revocation of approval shall be in writing with the reasons for suspension or revocation set forth therein.

### III. Certification

Manufactured homes, accepted by the inspection agency as having been manufactured according to any approved building system and an approved compliance assurance program, shall be certified by the Board as complying with the requirements of the Act and these rules. Certification shall be evidenced by the attachment of a label to each dwelling unit.

The Board may delegate to inspection agencies all or part of the inspection of, and either or both the issuance and attachment of labels to manufactured homes.

#### A. Labels

Each manufactured home, which is certified pursuant to the Act and these rules, shall have permanently attached thereto, one certification label located in the kitchen sink base cabinet.

##### 1. Contents

A Manufactured Housing Seal shall bear at least the following information:

- a. A statement of certification by the manufacturer;
- b. Manufacturer's code number (license number);
- c. Location of manufacturing facility;
- d. Date of issuance;
- e. Manufacturer's serial number;
- f. Manufactured Housing Seal serial number; and
- g. Authorized inspection agency.

##### 2. Issuance

The approval label shall be issued by the Board or its agents in accordance with the following:

- a. If the Board delegates the issuance of labels to an evaluation or inspection agency, the agency shall be required to obtain approval from the Board for the manner in which they are handled;
- b. Labels must be serially numbered;
- c. A manufacturer's compliance assurance program, submitted in accordance with Subpart D, Section 2 hereof, shall include requirements for issuance, possession of, attachment of, and accounting for all labels to assure that labels are attached only to homes manufactured pursuant to an approved building system and inspected pursuant to an approved compliance assurance program;

- d. The Board or inspection agency may entrust labels to the custody of one (1) or more employees of the manufacturer, who shall be charged with controlling the use of such labels. Such employees shall not be given custody of more labels than are necessary to accommodate the manufacturer's anticipated production. If the conditions of custody are violated, the Board or inspection agency shall immediately regain possession of all labels that have not been applied to homes and shall take such further action with respect to homes already labeled, and with respect to future labeling, as it may deem necessary to assure compliance with the Act and these rules; and
- e. Labels may only be issued to a manufacturer licensed by the Board pursuant to 10 M.R.S.A. §9021-2(A).

### 3. Records

Permanent records shall be kept of the handling of labels indicating, at a minimum, how many labels have been applied to manufactured homes, which labels have been applied to which homes; the disposition of any damaged or rejected labels; the location and custody of all unused labels; and the first destination of labeled homes. Such records shall be maintained by the manufacturer or by the inspection agency. A copy of such records covering attachment of each label shall be sent to the Board upon request.

### 4. Attachment

The Board or an inspection agency shall attach labels to homes or building components manufactured in accordance with an approved building system, and meeting the requirements of an approved compliance assurance program.

- a. Manufacturers may attach labels to manufactured homes manufactured in accordance with an approved compliance assurance program, if custody of the labels has been entrusted to them in accordance with Subsection (A) (2) (d) of this Section.

## B. Manufacturer's Date Plate

The following information shall be placed on the permanent manufacturer's data plate located in the vicinity of the certification label:

1. Name and address of manufacturer;
2. Manufacturer's identification number (serial number);
3. Manufacturer's plan approval designation (model number/name);
4. Insignia serial number;
5. Construction type;
6. Occupancy type (use group);

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7. Seismic zone;
8. Gas type, if appropriate;
9. Wind velocity load;
10. Roof live load;
11. Name and date of applicable nationally recognized code complied with; and
12. Date of manufacture.

If in the opinion of the Board, the shape or size of a building component is such that this information cannot be attached to it permanently, the information may be placed in a manual crated with the component or on a tag attached to the crate in which the component is shipped, if the information is not such that future occupants of the building should know it. If the occupants need to know the information, it shall be contained in a manual and presented to the occupants upon transfer of possession. If life safety is involved, the item in question shall be plainly labeled.

C. Violation and Remedial Actions

1. Individual Nonconformances
  - a. Whenever the Board or an inspection agency shall have reason to believe that an individual building or dwelling unit constructed under these rules fails to conform to the requirements of the code, then the inspection agency shall notify the manufacturer of the existence of the nonconformance with the code and afford the manufacturer an opportunity to correct the nonconformance in a manner acceptable to the inspection agency. If the possible nonconformance comes first to the attention of the Board, then the Board shall notify the inspection agency so that it can carry out its responsibilities under this Section.
  - b. If the manufacturer fails or refuses to successfully resolve the problem or correct the nonconformance within thirty (30) calendar days, or such reasonable additional time as set by the inspection agency, then the inspection agency shall notify the Board of the failure or refusal, who shall, in turn, order the manufacturer to correct the nonconformance.
  - c. If the nonconformance involves a home for which a certificate of occupancy has not been issued, then the inspection agency shall affix or cause to be affixed an invalidation to the label and shall notify the local enforcement agency having jurisdiction that the label has been invalidated and that a certificate of occupancy should not be granted. Where the nonconformance does not create a real and present hazard to the health or safety of the intended occupants of the dwelling unit, the inspection agency may advise the local agency that the invalidation should not prevent the issuance of a temporary certificate of occupancy provided, however, that the inspection agency shall have fixed a time within which the nonconformance shall be corrected.

- d. When a manufacturer fails or refuses to correct a nonconformance within a reasonable period of time fixed by the Board or an inspection agency, as the case may be, then that failure or refusal shall subject the manufacturer to the penalties provided for by law.
2. Class Nonconformance
- a. Whenever the Board has reason to believe a class of manufactured homes may not conform to the requirements of the code, then the Board shall order the manufacturer to correct the class nonconformance in all homes affected by it.
  - b. A condition shall be considered to be a class nonconformance if:
    - i. The building system approval under which a manufactured home was constructed did not provide for compliance with the code, or if a series of individual nonconformances establishes that there has been a failure of the compliance assurance program under which the home was manufactured; and
    - ii. The nonconformance constitutes a real and present hazard to the health and safety of the occupants or intended occupants of the home or the nonconformance constitutes a major structural defect which impairs the ability of any load bearing portion of the home to carry the loads intended in accordance with the requirements of the code.
  - c. Failure or refusal of a manufacturer to correct all instances of a class nonconformance in such reasonable time as may be fixed by the Board shall subject the manufacturer to the penalties provided for by the law. In addition, the Board may rule the failure or refusal to constitute a program nonconformance and apply the sanctions provided for in Subsection (3) of this Section.
3. Program Nonconformance
- a. Whenever the Board or an inspection agency shall discover a pattern or practice of serious failure or refusal to adhere to the provisions of an approved quality assurance program, or when the Board shall discover a serious violation of the code in an approved building system which cannot be corrected while production continues, then the Board shall order the suspension or revocation of the approval of a building system or of the quality assurance program, and shall invalidate or cause to be invalidated all labels affixed to any home covered by the suspended approval.
  - b. A suspension shall be ordered when the Board finds that the problems which lead to the suspension can be corrected and production then resumed.
  - c. A revocation shall be ordered when the Board finds that the failure or refusal to adhere to the approved quality assurance program has been

habitual, whether that habitual failure or refusal has been deliberate or the result of negligence on the part of the manufacturer, its agents, or its employees. A revocation also shall be ordered where it results from the failure or refusal of a manufacturer to correct a class nonconformance in accordance with Subsection (2) of this Section.

- d. Upon suspension of any building system or quality assurance program, no further labels shall be attached to any manufactured home manufactured pursuant to the building system or compliance assurance program. Upon reinstatement, labels may be attached after the date upon which approval is reinstated. Any manufactured home manufactured during a period of suspension for which an appeal is pending shall not be labeled unless the appeal is resolved in favor of the manufacturer and the Board, evaluation agency, or inspection agency has approved or inspected such manufactured home and all requirements for the affixing of a label have been met.
- e. The manufacturer shall return all labels allocated for any manufactured home under suspension to the issuing agency within ten (10) calendar days of the effective date of the suspension. The manufacturer shall be entitled to a refund of any applicable label fees which may have been paid for the returned labels.
- f. Any order of suspension or revocation may only be stayed pending appeal by the office, person, or court having jurisdiction to hear the appeal, and then only if the office, person, or court will not be irrevocably harmed by such a stay.
- g. The manufacturer shall return all unused labels allocated by the issuing agency whose manufacturer's license issued by the Board has expired, or whose license has been suspended or revoked for violations of this chapter.

D. Alterations of Certified Units

Manufactured homes certified and labeled pursuant to the Act and these rules shall not be altered in any way prior to the issuance of a certificate of occupancy without resubmission to the evaluation agency for approval of the alteration and of the unit which includes the alteration. The inspection agency shall inspect alterations made to the manufactured home wherever it is located and such inspection may include such tests or destructive or non-destructive disassembly as the inspection agency deems necessary to assure compliance with the Act and these rules. Local enforcement agencies may inspect such alterations upon request by the inspection agency with the approval of the Board.

**IV. Inspection by the Board or its Agent**

The Board shall make, or cause to be made, such inspections of the entire process of manufacturing, certifying, handling, storing, and delivering of manufactured homes produced pursuant to approved building systems as it deems necessary.

- A. As part of the process of evaluating building systems and compliance assurance programs, the Board or evaluation agency shall inspect the manufacturing facilities in which the homes are to be manufactured.
- B. The Board or inspection agency shall make such inspections as may be required by an approved compliance assurance program, or as may be deemed necessary by the Board.
- C. Prior to the issuance of a certificate of occupancy, the Board or inspection agency shall inspect, or cause to be inspected, certified manufactured homes which it determines to have been sufficiently damaged after certification to warrant such inspection and to take such action with regard to such manufactured homes as is authorized under Section 3(D) of Subpart C hereof, or as is otherwise necessary to eliminate dangerous conditions.
  - 1. The Board shall require manufactured homes which are so damaged as no longer to comply with the Act and these rules to be brought into compliance promptly. If such homes are not brought into compliance with the Act and these rules within a reasonable time, or if they are so damaged that they cannot be brought into compliance, the Board shall order that the labels be removed from such homes. Irreparably damaged homes shall be disposed of in accordance with applicable law.
- D. No inspection entailing disassembly, damage to, or destruction of certified manufactured homes shall be conducted except to implement Section 4(C) of Subpart C hereof.

**V. Local Enforcement Agency Procedures and Inspections**

- A. The local enforcement agency may exercise all authority granted by local ordinance, except that the local enforcement agency may not deny a building permit or occupancy permit for one and two family residential buildings because Manufactured Housing Board certified building components fail to comply with local ordinance.
  - 1. The local enforcement agency may, upon building permit application, request copies of floor plans, foundation requirements, installation instructions and other information as may be required to determine that the completed residential structure complies with local ordinance or these rules. In addition, the local enforcement agency may request a letter from the Manufactured Housing Board's designated inspection agency stating that the building components have met the requirements for certification set forth in these rules. The letter shall clearly state the building components, plans, specifications and installation instructions covered by the certification.
  - 2. The presence of a Manufactured Housing Board label affixed to the home as required by these regulations shall be sufficient to demonstrate that building components are certified in accordance with these rules for certification of manufactured housing.
- B. The local enforcement agency may exercise all authority granted by local ordinance over the workmanship of all work performed on site in accordance with plans, specifications and installation instructions provided as part of the certified building components.

1. The local enforcement agency shall not require changes to plans, specifications and installation instructions provided as part of the certified building components.
  2. The local enforcement agency shall not require workmanship in excess of journeyman quality.
- C. The local enforcement agency may exercise all authority granted by local ordinance over the design and workmanship of all work performed on site and not described in plans, specifications and installation instruction provided as part of the certified building components.
- D. The local enforcement agency may exercise all authority granted by local ordinance over certified building components when the components will not be used to construct one or two family homes.
- E. Notwithstanding any other provision of these rules, the local enforcement agency may exercise all authority granted by local ordinance when, in the judgment of the agency, an imminent, direct hazard exists in the normal use of the residence.
- F. When the manufactured homes are relocated, the local enforcement agency shall accept buildings labeled in accordance with these rules.
1. Homes which are not modified or altered in any way shall not be required to conform with the current code if built prior to its adoption.
  2. Homes which are modified or altered by more than 50% of the value of the pre-manufactured portion shall be required to be brought into full conformance with the current code if built prior to its adoption.
  3. Homes which are modified or altered by less than 50% of the value of the pre-manufactured portion shall have only the modified or altered portion brought into conformance with the current code if built prior to its adoption.
  4. All site preparation work, including foundations, shall be evaluated and inspected by the local enforcement agency in accordance with Subsections (B) and (C) of this Section.
  5. In instances where the labeled characteristics of the manufactured home to be relocated are not consistent with the requirements of the new location or use, the local enforcement agency shall ensure that the structure complies with the requirements of the building code for the use and type of construction.

## **VI. Fees**

To defray the costs of the State in administering the terms of the Act, a fee will be charged for each Manufactured Housing Seal for manufactured housing manufactured in accordance with the approved building system and to be installed in the State of Maine.

## **VII. Notification of Changes in Name, Address, Ownership, or Location**

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- A. Manufacturers shall notify the Board in writing within thirty (30) calendar days after any of the following occurrences and prior to the commencement of production at a new or relocated manufacturing facility:
1. The corporate name is changed;
  2. The main address of the company is changed;
  3. The location of any manufacturing facility is changed; or
  4. A new manufacturing facility is established.
- B. Evaluation and inspection agencies shall notify the Board in writing within thirty (30) calendar days of any of the following occurrences:
1. The company name is changed;
  2. The main address of the company is changed;
  3. There is a change in 25% or more of the ownership interest or control of the company within a twelve (12) month period;
  4. The location of any testing facility is changed;
  5. A new testing facility is established; or
  6. There are changes in principal officers and key supervisory and responsible personnel of the firm.

### **VIII. Proprietary Information**

All information relating to building systems and compliance assurance programs which the manufacturer or other party considers proprietary shall be so designated by him at the time of its submission, and shall be so held by the Board and by the evaluation, inspection, and local enforcement agencies, except as the Board determines in each case, that disclosure is necessary to carry out the purposes of the Act. Where compatible with other existing State laws, the Board shall obtain written consent of the owner prior to the release of such information.

### **Subpart D. STATE CERTIFICATION OF MANUFACTURED HOUSING - INSPECTION AGENCY APPROVED ALTERNATIVE**

**SUMMARY:** This subpart requires the submission of plans, specifications and documentation of building systems and plans of quality assurance plans to authorized inspection agencies for approval. The areas to be covered by the program are specified by the rule.

#### **I. Compliance Assurance Programs**

Compliance assurance programs shall be approved if they meet the requirements set forth in this Chapter. It is the manufacturer's responsibility to execute every aspect of this program. The manufacturer shall continue to be responsible for all corrective actions required, and if the Board delegates its inspection duties, and contractual relationship between the manufacturer and the

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inspection agency shall not diminish such responsibility. The manufacturer shall cooperate with the inspection agency by providing the inspection agency with all necessary reports, information, documents, records, facilities, equipment, samples, and other assistance for assuring compliance.

The manufacturer's compliance assurance program shall be submitted in the form of documentation which shall contain complete descriptions of all the compliance assurance activities of both the manufacturer and the inspection agency.

## **II. Compliance Assurance Documents**

The compliance assurance documents consist of approved building system documents, an approved production quality control program, and approved on-site installation instructions. The documents shall be comprehensively indexed, and shall treat the material listed here in detail.

## **III. Building Systems Documents**

The building systems documents consist of plans, specifications, calculations, test results, and/or other documents which describe in detail the product and manufacturing processes employed to produce manufactured homes. For the building systems to be evaluated, the following shall be provided:

### **A. General Requirements**

1. All plans, specifications, and other documentation shall be submitted.
2. All documents submitted with the application shall be identified to indicate the manufacturer's name.
3. Manufacturers shall submit plans showing all elements relating to specific systems on properly identifiable sheets.
4. Structural connections and connection of systems, equipment, and appliances to be performed on-site shall be identified, detailed, and distinguished from work to be performed in the manufacturing facility.
5. Method of interconnection between manufactured homes, and location of connections.
6. Design calculations and/or test reports shall be submitted when required by the evaluation agency.
7. Documents shall indicate the location of the approved label.
8. Drawings shall be dated and identified, and include an index which can be used to determine that the package is complete.
9. Documents shall provide or show, as appropriate occupancy or use; area, height, and number of stories; type of construction; and loads (wind, floor, snow, and seismic).

### **B. Required Construction Details**

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1. General
  - a. Details and methods of installation of manufactured homes on foundations and/or to each other.
  - b. Floor plan(s) and typical elevation(s).
  - c. Cross sections necessary to identify major building components.
  - d. Details of flashing, such as at openings and at penetrations through roofs and subcomponent connections. Indicate flashing material and gauge to be used.
  - e. Attic access and attic ventilation, when required by code.
  - f. Exterior wall, roof, and soffit material.
  - g. Interior wall and ceiling material.
  - h. Barrier free provisions, if applicable.
  - i. Sizes, locations, and types of doors and windows.
  - j. Suggested foundation plans, vents, and underfloor access.
2. Fire Safety
  - a. Details of fire rated assemblies, including reference listing or test report for all stairway enclosures, doors, walls, floors, ceiling, partitions, columns, roof, and other enclosures.
  - b. Means of egress, including details of aisles, exits, corridors, passageways, and stairway enclosures.
  - c. Flame spread and smoke developed classification of interior finish materials.
  - d. Location of required draftstops and firestops.
  - e. Opening protectives in fire resistance rated systems and assemblies.
  - f. Drawings of fire suppression systems, standpipes, fire alarms, and detection systems, when required.
3. Structural Detail Requirements
  - a. Calculations of structural members and/or test results, where appropriate, except where compliance can be demonstrated through code tables, accepted handbooks, and listing documents.
  - b. Details of structural elements, including framing details, spacing, size, and connections.

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- c. Grade, species, and specifications of materials.
  - d. Typical foundation plan and details, including details of reinforcing steel and assumed design soil bearing value.
  - e. Schedule of roof, floor, wind, and seismic loads upon which design is based.
  - f. Column loads and column schedule.
4. Mechanical Detail Requirements
- a. Location of all equipment, appliances, and baseboard radiation units. Indicate equipment and appliance listing or labeling agencies.
  - b. Energy conservation calculations.
  - c. Indicate make, model number, and input/output rating of all equipment and appliances, as appropriate.
  - d. Duct and register locations, sizes, and materials, as appropriate.
  - e. Method of providing combustion air, if required.
  - f. Location of flues, vents, and chimneys; and clearances from air intakes, combustible materials, and other vents and flues.
5. Plumbing Detail Requirements
- a. Schematic drawing of the plumbing layout, including but not limited to, size of piping; fittings; traps and vents; cleanouts and valves; and gas, water, and drainage systems.
  - b. Plumbing materials and location of all equipment, appliances, and safety controls to be used. Indicate the make, model, rating, and capacity of equipment and appliances. Indicate equipment and appliance listing or labeling agencies.
6. Electrical Detail Requirements
- a. Details of service equipment.
  - b. Method of grounding service equipment.
  - c. Load calculations for service and feeders.
  - d. Sizes of branch circuit conductors.
  - e. Size, rating, and location of main disconnect and overcurrent protective devices.

- f. Location of outlets, junction boxes, fixtures, and appliances.

#### IV. Production Quality Control Program

The quality control program is a system employed by the manufacturer to assure conformance with the approved building system documents.

##### A. Organizational Requirements

1. Manufacturer's name, corporate office address, and the address of each manufacturing facility shall be indicated in the quality control manual.
2. The quality control manual shall have a table of contents with the evaluation agency's dated stamp of approval on the cover sheet and any revised pages.
3. An organization structure for implementing and maintaining the compliance assurance program and its functional relationship to other elements of the organizational structure of the manufacturer, which structure shall provide for independence from the production department.
  - a. Employees in charge of the compliance assurance program must be identified, and their training and qualifications specified.
  - b. See note below on qualifications of all program personnel.
4. A uniform system of monitoring and evaluation to ensure program effectiveness.
5. A serial numbering system for manufactured homes.
6. The method of safekeeping, handling, and attaching labels.

##### B. Materials Control

1. Procedures for inspection of materials, supplies, and other items at the point of receipt.
2. Method of protection of materials, supplies, and other items at the point of receipt.
3. Provision for disposal of rejected materials, supplies, and other items.

##### C. Production Control

1. Procedures for timely remedial and preventive measures to assure product quality.
2. Provision, maintenance, and use of testing and inspection equipment to assure compliance with the approved building system.
3. Provision for frequency of sampling inspections.

4. Provision of necessary authority to reject defective work and carry out compliance assurance functions, notwithstanding any conflict with production department goals and needs.
  5. A description of the manufacturing process showing the inspection and check points for mandatory inspection characteristics.
  6. Inspection and test procedures, including accept and reject criteria and mandatory inspection characteristics.
  7. Provision for disposition of rejects.
- D. Finished Product Control
1. Procedures for handling and storing all finished manufactured housing at the manufacturing plant or other storage point.
  2. Procedures for packing, packaging, and shipping operations and related inspections.

**V. On-Site Installation Instructions**

The on-site installation instructions consist of specific installation procedures provided by the manufacturer which specify the materials and procedures required to install the home in conformance with applicable codes and standards. Specific installation procedures provided by the manufacturer shall include:

1. Anchoring of manufactured housing to the approved foundation.
2. Structural connections between the manufactured housing.
3. connections required to complete the mechanical and/or utility systems; and
4. Any special conditions affecting other structural elements.
5. The manufacturer shall provide a plan to review all installation procedures, if the home is not installed by factory personnel.

**Subpart E: STATE CERTIFICATION OF MANUFACTURED HOUSING - LOCAL OPTION METHOD**

**SUMMARY:** This subpart requires the granting of the Local Option Approved Alternative method if certain minimum procedures are followed.

- I. A firm may built to the local option method if the following procedures are followed.
  - A. The manufacturer shall be licensed by the Board.
  - B. The municipality must have a recognized building code and be willing to accept the home.

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- C. Prior to starting construction, the manufacturer must receive a letter from the municipality stating they will accept the home and identifying the code it will be constructed in compliance with.
- D. A copy of the letter from the municipality must be submitted to the Board prior to starting construction on the home.
- E. Copies or documentation that all the necessary permits have been received, including those that are necessary where the home is constructed, as well as in the municipality where the home will be sited.
- F. Documentation that all work being performed will be done by State licensees where necessary.
- G. The manufacturer certifies that the housing conforms to all applicable standards. The manufacturer's certificate will be permanently affixed to the home in the kitchen area of the home. The affixation of a certificate shall signify the manufacturer's representation and warranty to all purchasers that the home was manufactured in accordance with all applicable standards as required by the municipality where the home will be installed.

**Subpart F: STATE CERTIFICATION OF MANUFACTURED HOUSING - SPECIAL PROGRAM OF APPROVAL**

**SUMMARY:** This subpart provides the possibility of granting of a special program of approval if the manufacturer can demonstrate an unreasonable economic hardship resulting in compliance with the inspection agency or the local option alternatives.

- I. The Board may approve a Special Program of Approval if a manufacturer can document that an economic hardship exists on meeting the Inspection Agency or the Local Option Alternatives. In no case shall a program of unsupervised self-certification be authorized.
- II. The manufacturer shall submit to the Board the following material. The necessary material is as follows:
  - A. Documentation on why the hardship exists. The cost of the programs in itself will not be a valid reason alone, as manufacturers already in the program have the same cost.
  - B. Identify the independent contractor personnel necessary to perform the inspections of the manufacturing process with reasonable frequency to determine both the quality of the raw materials and the grade of the finished product as well as the adequacies of the design package and the fabrication procedure. The independent contractor will evaluate the building system prior to Board approval as to meeting the requirements of the Rules for the State Certification of Manufactured Housing.

**Subpart G: STATE CERTIFICATION OF MANUFACTURED HOUSING - APPROVAL OF EVALUATION AND INSPECTION AGENCIES**

**SUMMARY:** This subpart explains the procedures for the authorization of inspection agencies and the delegation of the responsibility. It requires the maintenance and updating of records by the Board and

allows inspections of the agencies by the Board. The procedure for the suspension of an agency's qualification is explained also.

**I. Requirements for Submission**

An evaluation or inspection agency seeking approval shall submit an application to the Board which shall include the items listed in this Section.

- A. The original Articles of Incorporation of the agency and all subsequent amendments thereto, as filed in the State of incorporation.
- B. The bylaws of the organization, if any.
- C. The names, addresses, and business of all members of the Board of Directors and of top management personnel.
- D. Certification by the agency that:
  - 1. Its Board of Directors, as a body, and its technical personnel, as individuals, can exercise independence of judgment; and
  - 2. Its activities pursuant hereto will result in no financial benefit to the agency via stock ownership, or other financial interests in any producer, supplier, or vendor of products involved, other than through standard published fees for services rendered.
  - 3. The evaluation agency will not perform design or quality assurance program approvals for any manufacturer whose design or quality assurance program has been created in whole or in part by members of the evaluation agency or any affiliated organization.
- E. Names, years of experience, State in which professionally registered, and other qualifications of the directors of inspection or evaluation programs. Registration in more than one (1) State is not required.
- F. Names and years of experience of employees practicing in the following disciplines: architecture, structural engineering, mechanical engineering, electrical engineering, fire protection, and other branches of engineering; the States in which each is registered; and the services each performs. Registration in more than one (1) State is not required.
- G. An organizational chart showing management and supervisory persons, including the number of graduate engineers and architects, and the names of all consulting engineers or architects, designating which are full-time and which are part-time engineers. The ASTM E-541 Standard shall be used to establish minimum personnel requirements.
- H. Number and location of factory inspectors, supervisors, and other technicians, including evaluators of factory inspectors and the qualifications of each specialized group, including records of work experience, licenses held, and other pertinent qualifications; descriptions of the type of work each group and each technician is expected to perform; and the qualification of each group and each technician to perform the work assigned.

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- I. Statement from the agency to assure that all inspectors, evaluators, and other technicians are properly trained to do each job assigned to them.
- J. An outline of the general procedures for supervision of inspectors and evaluators, including checking and evaluation of their work.
- K. All engineers, technicians, and other personnel who will perform services for the organization, but who are not employees of the organization, and the supervisory and other relationships which each will have to the agency.
- L. Type of products, components, equipment, structures, and other items which the organization has evaluated, tested, or inspected, and the number of years of experience the organization has had with each, and the type of codes, standards, specifications, and requirements with respect to which the organization has had experience in providing evaluation, inspection, or testing services, and the number of years of experience with each.
- M. Description of the record-keeping system the agency proposes to use with particular regard to availability of records to the Board and the capacity to render reports.
- N. Description of the frequency with which the agency performs inspections or evaluations.
- O. List of the States in which the agency is now approved to inspect or evaluate manufactured housing.
- P. Certification that the agency is able to evaluate building systems for compliance with the codes, standards, specifications, and the requirements adopted herein, or manufactured housing for compliance with approved building systems.

## **II. Procedures for Approving and Delegating**

- A. The Board may approve evaluation or inspection agencies which meet the requirements of Section 1 of this Part and which the Board finds otherwise qualified to perform the functions proposed to be delegated to them.
- B. Prior to a full evaluation of an application for approval, the Board shall determine whether such application is suitable for processing. In the event the application is found to be unsuitable for processing, the applicant shall be notified in writing of such unsuitability and the basis thereof within thirty (30) calendar days of the date the application is received by the Board. In such event, the findings of unsuitability shall be without prejudice. In the event the application is found to be suitable, the applicant shall be notified in writing within thirty (30) calendar days and the evaluation shall be conducted within sixty (60) calendar days of the date the application is received by the Board.
- C. In the event an evaluation or inspection agency is not approved, the Board shall return one complete application to the applicant with a written explanation attached thereto of the reasons for such disapproval.
- D. Approval of evaluation or inspection agencies shall be evidenced by a letter to the applicant indicating such approval and stating specifically the functions which the applicant has been approved to perform.

## **III. Continued Approval of Evaluation and Inspection Agencies**

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- A. The Board or its agent shall monitor each approved evaluation agency at any reasonable time, with or without prior announcement, in order to monitor the reliability of each evaluation agency. Each such examination shall investigate the adequacy of all evaluation procedures including engineering evaluation of plans, specifications and test results, testing, and analysis of compliance assurance programs. The results of such examination shall be kept on file at the offices of the Board. Copies of such reports shall be sent to the evaluation agency. Evaluation agencies shall be specifically notified of any deficiencies and of the manner in and time by which such deficiencies must be eliminated. If deemed necessary by the Board, approval of an evaluation agency may be suspended or revoked as provided in Part VI, Section 4 hereof.

1. Such examination shall also be conducted before approving an evaluation agency.

- B. The Board or its agent shall monitor each approved inspection agency, at any reasonable time, with or without prior announcement, at either the inspection agency's office or at a manufacturer's place of business, in order to measure the performance of each inspection agency and of its monitoring of the manufacturer's compliance assurance program.

Each such examination shall investigate the adequacy of all procedures used by the inspection agency in the monitoring activity including personnel selection, training, supervision, reporting accuracy, use of approved documents, evaluation of reports, decision criteria, and all other activities which measure the effectiveness of the manufacturer's program. The results of such examinations shall be kept on file at the offices of the Board. Copies of such reports shall be sent to the inspection agency. The inspection agency shall be specifically notified of any deficiencies and the means and time by which such deficiencies must be eliminated. If deemed necessary by the Board, an inspection agency's approval may be suspended or revoked as provided in Subpart G, Section 4 hereof.

1. Such examination shall also be conducted before approving an inspection agency.

#### **IV. Suspension and Revocation**

- A. Grounds

1. The Board may suspend or revoke its approval of any evaluation or inspection agency if the approval was issued on the basis of incorrect information or issued in violation of the Act or these rules. Appeals from suspensions or revocations shall be reviewed within thirty (30) calendar days from receipt by the Board.
2. Should the Board determine that the evaluation or inspection agency has failed to perform its functions properly, the Board shall notify the evaluation or inspection agency and arrange for an informal presentation of views prior to notice of suspension. Should such informal resolution fail, the Board shall allow at least thirty (30) calendar days from the informal presentation for the evaluation or inspection agency to appeal under the procedures contained in Subpart J prior to affecting suspension or revocation.

- B. Procedures in Event of Suspension or Revocation

1. General

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If the Board suspends or revokes the approval of an evaluation or inspection agency, the manufacturers being evaluated or inspected by such agencies shall be given notice in writing after the disposition of any appeal of the suspension or revocation with the reasons set forth therein.

2. Labels and Documentation

An evaluation or inspection agency for which approval has been suspended or revoked shall, within thirty (30) calendar days of the suspension or revocation, deliver to the custody of the Board all labels or label devices and other required documents in the evaluation or inspection agency's possession, under its control, or for which it is responsible, pursuant to the Act and these rules.

3. Temporary Arrangement to Continue Manufacturing

Under the suspension or revocation of any evaluation or inspection agency, the Board, upon the request of any manufacturer affected, shall establish a temporary arrangement by which the manufacturer can continue to manufacture, sell, lease, deliver, and install manufactured housing in conformance with the Act and these rules until suspension or revocation is lifted or in the event that sustained revocation arrangements are completed to utilize another approved evaluation or inspection agency.

**Subpart H: STATE CERTIFICATION OF MANUFACTURED HOUSING - INTERSTATE RECIPROCITY**

**SUMMARY:** This subpart requires the granting of reciprocity with other states to be in accordance with the Law and pursuant regulations.

If the Board finds that the standards for the manufacture and inspection of manufactured housing prescribed by statute or rules of another State or governmental agency meet the objectives of the Act and these rules, and are enforced satisfactorily by such State or governmental agency, or by their agents, the Board shall accept manufactured housing which have been certified by such State or governmental agency, and shall assure that the appropriate label is attached thereto. The standards of another State or governmental agency shall not be deemed to be adequately enforced unless such State or governmental agency provides for notification to the Board of suspensions or revocations of approvals issued by that other State or governmental agency in a manner satisfactory to the Board, and so notifies the Board.

**I. Procedures for Granting or Refusing Reciprocity to Another Jurisdiction**

If the Board finds that the standards prescribed by the statute or rules of another State or governmental agency meet the objectives of the Act, and that these rules are satisfactorily enforced, it shall extend reciprocity to that jurisdiction by:

- A. Giving notice to any requesting manufacturer; and
- B. Giving notice to the Board of the other jurisdiction.

If the standards of the other State or governmental agency do not meet the objectives of the Act, or are inadequately enforced, or both, reciprocity shall not be extended. In that event, the agency shall notify any requesting manufacturer and the Board of the other State or governmental agency of the refusal and the reasons therefor.

**II. Procedures for Reciprocally Certifying Manufactured Housing**

A manufacturer from a jurisdiction to which reciprocity has been extended shall submit to the Board evidence that its building system and compliance assurance program have been approved by such State or governmental agency. The Board shall verify the approval and shall notify the manufacturer in writing of such verification and that properly labeled manufactured homes of its manufacture will be accepted.

**III. Suspension and Revocation**

The Board shall suspend or revoke, or cause to be suspended or revoked, its acceptance or certification or both of such reciprocally certified manufactured homes if it determines that the standards for the manufacture and inspection of such homes of such other State or governmental agency do not meet the objectives of the Act and these rules, or that such standards are not being enforced to the satisfaction of the Board. If such other State or governmental agency, or their agents, should suspend or revoke its approval and certification, the acceptance or certification or both granted under this Part shall be revoked or suspended accordingly. Notice to the manufacturer and to the Board of such other State or governmental agency of such suspension or revocation shall be in writing with the reasons for such suspension or revocation set forth therein. Appeals from such suspensions or revocations shall receive timely review.

**Subpart I: STATE CERTIFICATION OF MANUFACTURED HOUSING - CONSUMER COMPLAINT HANDLING**

**SUMMARY:** This subpart establishes a system under which the protections of the program are provided with a minimum of formality and delay, but in which the rights of all parties are protected.

**I. Director's Investigation of Complaints**

- A. All complaints, written or oral, shall be declared an unverified complaint. All such complaints will be furnished to the manufacturer and dealer whom the complaint has been registered. If the complaint can not be resolved through the unverified process, the Director will institute a complaint verification process. The process will be as follows:
1. A person(s) will be assigned to investigate the complaint.
  2. The person(s) will prepare a report of the results of the investigation.
  3. A copy of the report will be mailed to each party within ten (10) days. If the investigation reveals a verified complaint, the process outlined in Section II of this subpart shall apply

**II. Verified Complaints**

- A. Copies of all written complaints shall be mailed by certified mail with a request for a written response to the allegations. The investigation may also include such other inquiries as may be deemed appropriate in order to complete processing of the complaint according to the provisions of 10 M.R.S.A., Part II, Chapter 951.

**Subpart J: STATE CERTIFICATION OF MANUFACTURED HOUSING - APPEALS**

**SUMMARY:** This subpart allows any person aggrieved by any final action of the right to appeal in accordance with the Law.

**I. Application for Appeal**

A. Who May File

Any person, firm, or corporation acting on behalf of themselves or a class adversely affected by any rule, decision of, or action by any evaluation agency, inspection agency, or the Board may file an application to appeal to the Board.

B. Time of Filing

A notice of appeal shall be filed within thirty (30) calendar days after the date of the decision or action which the appeal is being taken.

C. Filing

The notice of appeal may be filed either in person or by certified mail at the principal office of the Board.

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D. Form of Application

The application shall be in writing and shall contain sufficient information, as set forth in Subsection E hereof, to apprise the Board of the rule being appealed, or of the facts and circumstances surrounding the decision or action.

E. Contents of Application

The application shall include, where applicable, the following documentation:

1. A copy of the rule, initial determination, decision, direction, ruling, or order which is the subject of the appeal.
2. A copy of the building system, compliance assurance program, or other document involved.
3. A description of the manufactured housing affected.
4. A statement of the relief sought by the appellant.
5. In the event of an appeal from an action or decision of an evaluation or inspection agency, the application shall contain a statement of the prior decision or other action of the Board on such appeal.

**II. Hearing and Hearing Notices**

A hearing on an appeal shall be held no sooner than ten (10) calendar days not later than thirty (30) calendar days after receipt of application for appeal by the Board. The Board shall notify the appellant in writing and post public notice of such meeting. Such notice shall state the legal authority for, the nature of the hearing, and the time, date, and place thereof.

**III. Conduct of Hearings**

All hearings shall be conducted by the Board and comply with this Section.

A. Appearances

Any interested person may appear and be heard.

B. Adjournment

The Board may, on its own motion, or on the motion of any person, adjourn a hearing to such time and place as the Board may determine.

C. Quorum

A quorum established by the Board shall be present at all times during any hearing.

D. Witnesses

A person may present such witnesses as deemed appropriate.

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E. Evidence

The Board shall not be bound by common law or statutory rules of evidence in the conduct of the hearing. The Board shall consider in evidence any testimony, documents, or other materials submitted by the appellant or the appellee, including the results of formal or informal appeals before national codes and standards organizations or national codes and standards appeals organizations.

F. Procedures

All parties shall be afforded an opportunity to state their positions, either by testimony of witnesses or by a formal or informal statement by themselves, their attorneys, or any other persons. At the conclusion of the parties' statements, the Board may question the appellant or appellee or any witness and any other party who so desires to be heard.

G. Record of Hearing

All hearings shall be recorded. The official minutes shall be available at the offices of the Board.

**IV. Decisions**

All decisions of the Board shall be in writing, shall be rendered within thirty (30) calendar days of the close of the hearings, and shall state the reasons therefor. One copy of the decision shall immediately be transmitted to the appellant and one copy to the appellee. Decisions shall be filed in the office of the Board.

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STATUTORY AUTHORITY: 10 M.R.S.A. §§9005 AND 9041

EFFECTIVE DATE:

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