

CR 92-209

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skornicka, Secretary of the Department of Industry,
Labor and Human Relations, and custodian of the official records of said department, do hereby certify that
the annexed rule(s) relating to manufactured homes

(Subject)

were duly approved and adopted by this department on May 4, 1993

(Date)

I further certify that said copy has been compared by me with the original on file in the department
and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set
my hand and affixed the official seal of the
department at 8:30 a.m.
in the city of Madison, this 4th
day of May A.D. 19 93

Carol Skornicka
Secretary

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ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)

101.90 to 101.96

Stats., the Department of Industry, Labor and Human Relations creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):

ILHR 27

(Number)

Manufactured Homes

(Title)

The attached rules shall take effect on the first day of the month following publication
in the Wisconsin Administrative Register pursuant to section 227.22, Stats.

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Adopted at Madison, Wisconsin this

date: May 4, 1993

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN
RELATIONS


Secretary



State of Wisconsin \ Department of Industry, Labor and Human Relations

RULES in FINAL DRAFT FORM

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Rule No.: Chapter ILHR 27
Relating to: Manufactured Homes
Clearinghouse Rule No.: 92-209

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to repeal and re-create Chapter ILHR 27, relating to manufactured homes.

Analysis of Proposed Rules

Statutory Authority: ss. 101.90 to 101.96, Stats.
Statutes Interpreted: ss. 101.90 to 101.96, Stats.

The Safety and Buildings Division within the Department of Industry, Labor and Human Relations is responsible for the administration and enforcement of rules relating to the design and construction of manufactured homes. The administrative rules implementing that responsibility are contained in Chapter ILHR 27.

The proposed rules consist of a complete revision of Chapter ILHR 27. Chapter ILHR 27 currently contains many requirements that no longer apply or that have been pre-empted by federal law. In the proposed rules, the scope and application of the chapter have been revised to reflect the areas of state authority. All references to "mobile" homes have been changed to "manufactured" homes, and the definition of "manufactured home" has been changed to be consistent with the federal regulations.

Because of the federal pre-emption, rules relating to areas such as indoor air quality, approval of plans and specifications, labeling, inspection agencies, and record keeping have been deleted from Chapter ILHR 27. The areas of state authority covered in the proposed rules include licensing, inspection requests, warranty requirements, and complaints. The proposed rules indicate that design and construction requirements for manufactured homes are contained in federal regulations administered by the Department of Housing and Urban Development.

SECTION 1. Chapter ILHR 27 is repealed and re-created to read:

Chapter ILHR 27

MANUFACTURED HOMES

ILHR 27.001 PURPOSE. The purpose of this chapter is to promote the health, safety and welfare of the public by the adoption of uniform construction standards, inspection procedures, licensing of manufacturers and warranty requirements for manufactured homes.

Note: Manufactured homes and manufactured dwellings are different types of buildings. Manufactured dwellings are not built on a permanent chassis and are not covered under this chapter. Manufactured dwellings are defined in and subject to the provisions of the Uniform Dwelling Code, chs. ILHR 20 to 25.

ILHR 27.002 SCOPE. This chapter applies to:

- (1) Manufactured homes that are constructed, distributed, sold or offered for sale in the state of Wisconsin, including materials, methods and equipment used in the construction thereof;
- (2) Licensing of manufactured home manufacturers; and
- (3) Warranty of manufactured homes.

ILHR 27.003 EXEMPTIONS. This chapter does not apply to:

- (1) Manufactured homes having a date of manufacture prior to June 15, 1976;
- (2) Manufactured homes constructed and used primarily for purposes other than human habitation; and
- (3) Any manufactured home unit or manufactured home section which does not meet the definition of manufactured home as found in this chapter.

ILHR 27.01 FEES. Fees shall be submitted to the department in accordance with ch. ILHR 2.

ILHR 27.02 PETITION FOR VARIANCE. (1) PROCEDURE. The department may grant a variance to a provision of this chapter upon receipt of a fee, a completed petition for variance form from the owner and, where applicable, a completed position statement from the fire department having responsibility and an interest in the provision, provided an equivalency is established in the petition for variance which meets the intent of the provision. The department may impose specific conditions in granting a variance to promote the protection of the health, safety and welfare of the public. Violation of any condition under which the variance is granted shall constitute a violation of this chapter.

Note 1: Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets and other projections containing interior space, but do not include bay windows.

Note 2: Nothing in this subsection should be interpreted to mean that a "manufactured home" necessarily meets the requirements of HUD's Minimum Property Standards (HUD Handbook 4900.1) or that it is automatically eligible for financing under 12 U.S.C. 1709 (b).

(4) "Manufactured home manufacturer" means any person within or outside of Wisconsin who manufactures or assembles manufactured homes for sale in Wisconsin.

(5) "Manufactured home section" means a portion of a manufactured home which when installed does not provide all the facilities for year-round residential occupancy.

(6) "Manufactured home unit" means a complete manufactured home which when installed provides all the facilities for year-round residential occupancy.

ILHR 27.15 DESIGN AND CONSTRUCTION. No person may manufacture, assemble, distribute or sell a manufactured home unless the manufactured home complies with 42 USC 5401 to 5425 and the standards, procedures and requirements in 24 CFR Parts 3280 to 3283.

Note: Individual state's authority over manufactured homes is pre-empted by the federal government under 42 USC 5401 to 5425. The design and construction of manufactured homes, including the electrical wiring and plumbing, is regulated by the federal Department of Housing and Urban Development under Title 24 CFR Parts 3280 to 3283.

ILHR 27.20 LICENSING. (1) All manufacturers shall obtain a license issued by the department before manufacturing, selling or offering manufactured homes for sale in Wisconsin.

Note: Applications for the manufacturer's license can be obtained from the Safety and Buildings Division, Manufactured Homes Section, P. O. Box 7969, Madison, WI 53707.

(2) A separate license shall be required for each manufacturing plant location.

(3) Licenses shall be renewed by January 1st of each year.

(4) The department shall review and make a determination on an application to manufacture, sell or offer to sell manufactured homes within 30 business days of receipt of all forms and documents required to complete the review of the application.

(5) All manufacturers applying for a license shall certify that they will comply with this chapter, the Wisconsin Statutes and federal regulations.

(6) The manufacturer shall keep such license at the plant location for which the license is issued.

(7) Failure of the manufacturer to comply with the rules of this chapter, the Wisconsin Statutes or federal regulations shall constitute grounds for department revocation or suspension of such license.

ILHR 27.25 INSPECTION REQUESTS. A person holding title to a manufactured home affected by this chapter may request an inspection of the person's home by the department. The department shall respond to a request for inspection of a manufactured home within 20 business days of receipt of a request to inspect a manufactured home from the owner of the manufactured home.

ILHR 27.30 WARRANTY REQUIREMENTS. A one-year written warranty shall be provided in accordance with s. 218.14, Stats.

ILHR 27.35 COMPLAINTS. (1) Any complaint received by the department which alleges violation of this chapter or the warranty may be forwarded to the dealer and the manufacturer involved who shall, within 20 days after receipt of the complaint notice, report to the department on the disposition of the complaint.

(2) Failure to correct legitimate violations of this chapter or the warranty will result in a department investigation and the assessment of appropriate fees in accordance with ch. ILHR 2.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

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Tommy G. Thompson
Governor
Carol Skornicka
Secretary



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State of Wisconsin
Department of Industry, Labor and Human Relations

May 4, 1993

Gary Poulson
Assistant Revisor of Statutes
2nd Floor
119 Martin Luther King Blvd.
Madison, Wisconsin 53703

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

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Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 92-209

RULE NO. Chapter ILHR 27

RELATING TO: Manufactured Homes

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carol Skornicka'.

Carol Skornicka
Secretary