

## Chapter Comm 27

## MANUFACTURED HOMES

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Note: Chapter Ind 14 was renumbered to be Chapter ILHR 27 pursuant to s. 13.93 (2m) (b) 1., Stats., Register, March, 1985, No. 351; chapter ILHR 27 as it existed on June 30, 1993 was repealed and a new chapter ILHR 27 was created effective July 1, 1993. Chapter ILHR 27 was renumbered to be chapter Comm 27 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1996, No. 490.

**Comm 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.

History: Cr. Register, June, 1993, No. 450, eff. 7-1-93.

**Comm 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.

History: Cr. Register, June, 1993, No. 450, eff. 7-1-93.

**Comm 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.

History: Cr. Register, June, 1993, No. 450, eff. 7-1-93.

**Comm 27.01 Fees.** Fees shall be submitted to the department in accordance with ch. Comm 2.

History: Cr. Register, June, 1993, No. 450, eff. 7-1-93.

**Comm 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: Copies of the petition for variance (form SB-8) and the position statement (form SB-8A) are available at no charge from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

Note: Section 101.02 (6), Stats., and ch. ILHR 3 outline the procedure for submitting petitions to the department and the department procedures for hearing petitions.

(2) PETITION PROCESSING TIME. Except for priority petitions, the department shall review and make a determination on a peti-

tion for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

History: Cr. Register, June, 1993, No. 450, eff. 7-1-93.

**Comm 27.03 Penalties.** Any person violating any rule of this chapter is subject to the penalties prescribed in ss. 101.94 (8) and 218.17, Stats.

History: Cr. Register, June, 1993, No. 450, eff. 7-1-93.

**Comm 27.04 Appeals.** (1) APPEAL OF LOCAL ORDER. Any person affected by a local order which may be in conflict with a rule of the department may petition the department for a hearing on the grounds that the local order is unreasonable and in conflict with a rule of the department.

Note: Section 101.01 (1) (g), Stats., defines "local order" as any ordinance, order, rule or determination of any common council, board of aldermen, board of trustees or the village board, of any village or city, or the board of health of any municipality, or an order or direction of any official of such municipality, upon any matter over which the department has jurisdiction.

(2) PETITION OF ADMINISTRATIVE RULE. Pursuant to s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in an administrative rule may petition the department requesting the adoption, amendment or repeal of that rule.

History: Cr. Register, June, 1993, No. 450, eff. 7-1-93.

**Comm 27.10 Definitions.** In this chapter:

(1) "Date of manufacture" means the date on which the certification label is affixed to the manufactured home.

(2) "Department" means the department of industry, labor and human relations.

(3) "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. This term includes all structures which meet the above requirements, except the size requirements, and for which the manufacturer voluntarily files a certification pursuant to Title 24 CFR Part 3282.13 and complies with the standards set forth in Title 24 CFR Part 3280.

Note: 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: 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 USC 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.

History: Cr. Register, June, 1993, No. 450, eff. 7-1-93.

**Comm 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.

History: Cr. Register, June, 1993, No. 450, eff. 7-1-93.

**ILHR 27.20 Licensing.** Cr. Register, June, 1993, No. 450, eff. 7-1-93; r. Register, October, 1996, No. 490, eff. 11-1-96.

**Comm 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.

History: Cr. Register, June, 1993, No. 450, eff. 7-1-93.

**Comm 27.30 Warranty requirements.** A one-year written warranty shall be provided in accordance with s. 218.14, Stats.

History: Cr. Register, June, 1993, No. 450, eff. 7-1-93.

**Comm 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. Comm 2.

History: Cr. Register, June, 1993, No. 450, eff. 7-1-93.