

**§ 3282.410**

**24 CFR Ch. XX (4-1-03 Edition)**

detected or specifically found not to exist in some manufactured homes;

(4) Inspection of the design of the manufactured home in question to determine whether the imminent safety hazard or failure to conform resulted from the design itself;

(5) Identification of the cause as relating to a particular employee or process that was employed for a known period of time or in producing the manufactured homes manufactured during that time;

(6) Inspection of records relating to components supplied by other parties and known to contain or suspected of containing imminent safety hazards or failures to conform.

The class of manufactured homes identified by these methods may include only manufactured homes actually affected by the imminent safety hazard or failure to conform if the manufacturer can identify the precise manufactured homes. If it is not possible to identify the precise manufactured homes, the class shall include manufactured homes suspected of containing the imminent safety hazard or failure to conform because the evidence shows that they may have been affected.

(d) The plan shall include a statement by the IPIA operating in each plant in which manufactured homes in question were produced. In this statement, the IPIA shall concur in the methods used by the manufacturer to determine the class of potentially affected manufactured homes or state why it believes the methods to have been inappropriate, inadequate, or incorrect.

(e) The plan shall include a deadline for completion of all notifications and corrections.

(f) The plan shall provide for notification to be accomplished:

(1) By certified mail or other more expeditious means to the dealers or distributors of such manufacturer to whom such manufactured home was delivered. Where a serious defect or imminent safety hazard is involved, notification shall be sent by certified mail if it is mailed; and

(2) By certified mail to the first purchaser of each manufactured home in the class of manufactured homes set out in the plan under paragraph (c) of

this section, and to any subsequent owner to whom any warranty provided by the manufacturer or required by Federal, State or local law on such manufactured home has been transferred, to the extent feasible, except that notification need not be sent to any person known by the manufacturer not to own the manufactured home in question if the manufacturer has a record of a subsequent owner of the manufactured home; and

(3) By certified mail to any other person who is a registered owner of each manufactured home containing the imminent safety hazard, serious defect, defect, or noncompliance and whose name has been ascertained pursuant to § 3282.211.

**§ 3282.410 Contents of notice.**

Except as otherwise agreed by the Secretary or the SAA reviewing the plan under § 3282.404(c), the notification to be sent by the manufacturer shall include the following:

(a) An opening statement: "This notice is sent to you in accordance with the requirements of the National Manufactured Housing Construction and Safety Standards Act."

(b) Except where the manufacturer is acting under § 3282.404, the following statement, as appropriate: "(Manufacturer's name or the Secretary, or the appropriate SAA)" has determined that:

(1) An imminent safety hazard may exist in (identifying criteria of manufactured home).

(2) A serious defect may exist in (identifying criteria of manufactured home).

(3) A defect may exist in (identifying criteria of manufactured home).

(4) (Identifying criteria of manufactured home) may not comply with an applicable "Federal Home Construction or Safety Standard."

(c) A clear description of the imminent safety hazard, serious defect, defect, or noncompliance which shall include:

(1) The location of the imminent safety hazard, serious defect, defect, or noncompliance in the manufactured home;

(2) A description of any hazards, malfunctions, deterioration or other consequences which may result from the imminent safety hazard, serious defect, defect, or noncompliance;

(3) A statement of the conditions which may cause such consequences to arise; and

(4) Precautions, if any, that the owner should take to reduce the chance that the consequences will arise before the manufactured home is repaired.

(d) An evaluation of the risk to manufactured home occupants' safety and the durability of the manufactured home reasonably related to such imminent safety hazard, serious defect, defect, or noncompliance, including:

(1) The type of injury which may occur to occupants of the manufactured home; and

(2) Whether there will be any warning that a dangerous occurrence may take place and what that warning would be, and any signs which the owner might see, hear, smell, or feel which might indicate danger or deterioration of the manufactured home as a result of the imminent safety hazard, serious defect, defect, or noncompliance.

(e) If the manufacturer will correct the manufactured home under this subpart or otherwise, a statement that the manufacturer will correct the manufactured home.

(f) A statement in accordance with whichever of the following is appropriate:

(1) Where the manufacturer will correct the manufactured home at no cost to the owner, the statement shall indicate how and when the correction will be done, how long the correction will take, and any other information that may be helpful to the owner.

(2) When the manufacturer does not bear the cost of repair, the notification shall include a detailed description of all parts and materials needed to make the correction, a description of all steps to be followed in making the correction including appropriate illustrations, and an estimate of the cost of the purchaser or owner of the correction.

(g) A statement informing the owner that the owner may submit a complaint to the Secretary if the owner believes that:

(1) The notification or the remedy described therein is inadequate; or

(2) The manufacturer has failed or is unable to remedy the problem in accordance with his notification; or

(3) The manufacturer has failed or is unable to remedy within a reasonable time after the owner's first attempt to obtain remedy.

(h) A statement that any actions taken by the manufacturer under the Act in no way limit the rights of the owner or any other person under any contract or other applicable law and that the owner may have further rights under contract or other applicable law.

**§ 3282.411 Time for implementation.**

(a) The manufacturer shall complete implementation of the plan for correction approved under § 3282.404(d) on or before the deadline established in the plan as required by § 3282.409(e). The deadline shall allow a reasonable amount of time to complete the plan, taking into account the seriousness of the problem, the number of manufactured homes involved, the immediacy of any risk, and the difficulty of completing the action. The seriousness and immediacy of any risk shall be given greater weight than other considerations. If a manufacturer is required to correct an imminent safety hazard or serious defect under § 3282.406, the deadline shall be no later than 60 days after approval of the plan.

(b) The manufacturer shall complete the implementation of any notifications and corrections being carried out under an order of an SAA or the Secretary under § 3282.407(c) on or before the deadline established in the order. In establishing each deadline, an SAA or the Secretary shall allow a reasonable time to complete all notifications and corrections, taking into account the seriousness of the imminent safety hazard, serious defect, defect or noncompliance, the number of manufactured homes involved, the location of the homes, and the extent of correction required, except that in no case shall the time allowed exceed the following limits:

(1) In the case of a Final Determination of imminent safety hazard, 30 days after the issuance of the Final Determination.