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### Subpart A—General

#### § 3282.1 Scope and purpose.

(a) The National Manufactured Housing Construction and Safety Standards Act of 1974 (title VI of Pub. L. 93-383, 88 Stat. 700, 42 U.S.C. 5401, *et seq.*) (hereinafter referred to as the Act), requires the Secretary of the Department of Housing and Urban Development to establish Federal manufactured home construction and safety standards and to issue regulations to carry out the purpose of the Act. The standards promulgated pursuant to the Act appear at part 3280 of chapter XX of this title, and apply to all manufactured homes manufactured for sale to purchasers in the United States on or after the effective date of the standards (June 15, 1976). A manufactured home is manufactured on or after June 15, 1976, if it enters the first stage of production on or after that date.

(b) The Secretary is also authorized by the Act to conduct inspections and investigations necessary to enforce the standards, to determine that a manufactured home fails to comply with an applicable standard or contains a defect or an imminent safety hazard, and to direct the manufacturer to furnish notification thereof, and in some cases, to remedy the defect or imminent safety hazard. The purpose of this part is to prescribe procedures for the implementation of these responsibilities of the Secretary under the Act through the use of private and State inspection organizations and cooperation with State manufactured home agencies. It is the policy of the Department to involve State agencies in the enforcement of the Federal manufactured

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home standards to the maximum extent possible consistent with the capabilities of such agencies and the public interest. The procedures for investigations and investigational proceedings are set forth in 24 CFR part 3800.

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#### § 3282.6 Separability of provisions.

If any clause, sentence, paragraph, section or other portion of part 3282 shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined by its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### § 3282.7 Definitions.

The terms *Department*, *HUD*, and *Secretary* are defined in 24 CFR part 5.

(a) *Act* means the National Manufactured Housing Construction and Safety Standards Act of 1974, title VI of the Housing and Community Development Act of 1974 (42 U.S.C. 5401 *et seq.*)

(b) *Add-on* means any structure (except a structure designed or produced as an integral part of a manufactured home) which, when attached to the basic manufactured home unit, increases the area, either living or storage, of the manufactured home.

(c) *Alteration* means the replacement, addition, and modification, or removal of any equipment or installation after sale by a manufacturer to a dealer or distributor but prior to sale by a dealer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system. It includes any modification made in the manufactured home which may affect the compliance of the home with the standards, but it does not include the repair or replacement of a component or appliance requiring plug-in to an electrical receptacle where the replaced item is of the same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring *plug-in* to an electrical receptacle, which appliance was not provided with the manufactured home by the manufacturer, if

the rating of the appliance does not exceed the rating of the receptacle to which it is connected.

(d) *Certification label* see *label*.

(e) *Certification report* means the report prepared by an IPIA (see definition z) for each manufactured home manufacturing plant under § 3282.203 in which the IPIA provides a complete description of the initial comprehensive inspection of the plant, an evaluation of the quality assurance program under the approved quality assurance manual, and the identity of the DAPIA (see definition z) which approved the designs and quality assurance manual used in the plant. Where appropriate under § 3282.362(b)(5), the certification report may be made by a DAPIA.

(f) *Component* means any part, material or appliance which is built in as an integral part of the manufactured home during the manufacturing process.

(g) *Cost information* means information submitted by a manufacturer under section 607 of the Act with respect to alleged cost increases resulting from action by the Secretary, in such form as to permit the public and the Secretary to make an informed judgment on the validity of the manufacturer's statements. Such term includes both the manufacturer's cost and the cost to retail purchasers.

(h) *Date of manufacture* means the date on which the label required by § 3282.205(c) is affixed to the manufactured home.

(i) *Dealer* means any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.

(j) *Defect* means a failure to comply with an applicable Federal manufactured home safety and construction standard that renders the manufactured home or any part or component thereof not fit for the ordinary use for which it was intended, but does not result in an unreasonable risk of injury or death to occupants of the affected manufactured home. See related definitions of *imminent safety hazard* (definition q), *noncompliance* (definition x), and *serious defect* (definition ff).

(k) *Design* means drawings, specifications, sketches and the related engineering calculations, tests and data in support of the configurations, structures and systems to be incorporated in manufactured homes manufactured in a plant.

(l) *Director* means the Director of the Manufactured Housing Standards Division.

(m) *Distributor* means any person engaged in the sale and distribution of manufactured homes for resale.

(n) *Failure to conform* means an imminent safety hazard related to the standards, a serious defect, defect, or noncompliance and is used as a substitute for all of those terms.

(o) [Reserved]

(p) *Imminent safety hazard* means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable Federal manufactured home construction or safety standard. See related definitions of *defect* (definition j), *noncompliance* (paragraph x) and *serious defect* (paragraph ff).

(q) *Joint monitoring team* means a monitoring inspection team composed of personnel provided by the various State Administrative Agencies, or by HUD or its contract agent, operating under a contract with HUD for the purpose of monitoring, or otherwise aiding in the enforcement of the Federal standards.

(r) *Label* or *certification label* means the approved form of certification by the manufacturer that, under § 3282.362(c)(2)(i), is permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States.

(s) (Same as § 3280.2(a)(13).)

(t) *Manufacturer* means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes for resale.

(u) (Same as § 3280.2(a)(16).)

(v) *Manufactured home construction* means all activities relating to the assembly and manufacture of a manufactured home including but not limited to those relating to durability, quality, and safety.

(w) *Manufactured home safety* means the performance of a manufactured home in such a manner that the public is protected against any unreasonable risk of the occurrence of accidents due to the design or construction of such manufactured home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur.

(x) *Noncompliance* means a failure of a manufactured home to comply with a Federal manufactured home construction or safety standard that does not constitute a defect, serious defect, or imminent safety hazard. See related definitions or *defect* (definition j), *imminent safety hazard* (definition q), and *serious defect* (definition ff).

(y) *Owner* means any person purchasing a manufactured home from any other person after the first purchase of the manufactured home, in good faith, for purposes other than resale.

(z) *Primary Inspection Agency* (PIA) means a State/or private organization that has been accepted by the Secretary in accordance with the requirement of subpart H of this part. There are two types of PIA:

(1) Design Approval PIA (DAPIA), which evaluates and approves or disapproves manufactured home designs and quality control procedures, and

(2) Production Inspection PIA (IPIA), which evaluates the ability of manufactured home manufacturing plants to follow approved quality control procedures and provides ongoing surveillance of the manufacturing process. Organizations may act as one or both of these types.

(aa) *Purchaser* means the first person purchasing a manufactured home in good faith for purposes other than resale.

(bb) *Quality Assurance Manual* means a manual, prepared by each manufacturer for its manufacturing plants and approved by a DAPIA which contains: a statement of the manufacturer's quality assurance program, a chart of the organization showing, by position, all personnel accountable for quality assurance, a list of tests and test equipment required, a station-by-station description of the manufacturing process, a list of inspections required at each station, and a list by title of personnel

in the manufacturer's organization to be held responsible for each inspection. Where necessary, the quality assurance manual used in a particular plant shall contain information specific to that plant.

(cc) *To red tag* means to affix a notice to a manufactured home which has been found to contain an imminent safety hazard or a failure to conform with any applicable standard. A *red tag* is the notice so affixed to the manufactured home.

(dd) [Reserved]

(ee) *Secretary's agent* means a party operating as an independent contractor under a contract with HUD.

(ff) *Serious defect* means any failure to comply with an applicable Federal manufactured home construction and safety standard that renders the manufactured home or any part thereof not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to occupants of the affected manufactured home.

(gg) *Standards* means the Federal manufactured home construction and safety standards promulgated under section 604 of the Act, 42 U.S.C. 5403, as part 3280 of these regulations.

(hh) *State* includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(ii) *State Administrative Agency* (SAA) means an agency of a State which has been approved or conditionally approved to carry out the State plan for enforcement of the standards pursuant to section 623 of the Act, 42 U.S.C. 5422, and subpart G of this part.

(jj) *State plan application* means the application of any State organization which is submitted to the Secretary for approval as a State Administrative Agency under subpart G.

(kk) *System* means a set or arrangement of materials or components related or connected as to form an operating entity, i.e., heating, ventilating and air-conditioning systems, evaporative coolers.

(ll) [Reserved]

(mm) *United States District Courts* means the Federal district courts of the United States and the United

States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa. (nn) (Same as § 3280.2(a)(22).)

[41 FR 19852, May 13, 1976, as amended at 41 FR 24971, June 21, 1976; 47 FR 28093, June 29, 1982; 61 FR 5216, Feb. 9, 1996; 61 FR 10859, Mar. 15, 1996]

### § 3282.8 Applicability.

(a) *Mobile homes.* This part applies to all manufactured homes that enter the first stage of production on or after June 15, 1976, and to all manufactured homes that enter the first stage of production before June 15, 1976, to which labels are applied under § 3282.205(d).

(b) *States.* This part applies to States that desire to assume responsibility under the Federal manufactured home construction and safety standards enforcement program. It includes requirements which must be met in order for State agencies to be approved by the Secretary under section 623(c) of the Act, 42 U.S.C. 5422(c). It also includes requirements for States wishing to act as primary inspection agencies, as defined in § 3282.7, or to participate in monitoring activities under § 3282.308.

(c) *Primary inspection and engineering organizations.* This part applies to each private inspection and engineering organization that wishes to qualify as a primary inspection agency under subpart H.

(d) *Manufactured home manufacturers.* This part applies to all manufacturers producing manufactured homes for sale in the United States. It includes:

(1) Inspection procedures to be carried out in the manufacturing plants.

(2) Procedures by which a manufacturer obtains approval of manufactured home designs.

(3) Procedures by which a manufacturer obtains approval of manufacturing quality control and assurance programs.

(4) Procedures by which a manufacturer may obtain production inspections and certification labels for its manufactured homes.

(e) *Manufactured home dealers and distributors.* This part applies to any person selling, leasing, or distributing new manufactured homes for use in the United States. It includes prohibitions

of the sale of new manufactured homes to which labels have not been affixed pursuant to subpart H of these regulations or that have been altered, damaged, or otherwise caused not to be in compliance with the Federal standards.

(f) *Purchasers, owners and consumers.* This part applies to purchasers, owners and consumers of manufactured homes in that it sets out procedures to be followed when purchasers, owners and consumers complain to manufacturers, States, the Secretary or others concerning problems in manufactured homes for which remedies are provided under the Act.

(g) *Recreational vehicles.* Recreational vehicles are not subject to this part, part 3280, or part 3283. A recreational vehicle is a vehicle which is:

(1) Built on a single chassis;

(2) 400 Square feet or less when measured at the largest horizontal projections;

(3) Self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(h) *Imported manufactured homes.* Imported manufactured homes are covered by the regulations except as modified by regulations promulgated jointly by the Secretary and the Secretary of the Treasury.

(i) *Export manufactured homes.* Manufactured Homes intended solely for export are not governed by this part or by part 3280 of this title if a label or tag stating that the manufactured home is intended solely for export is placed on the manufactured home or the outside of the container, if any, in which it is to be exported. However, any manufactured home so tagged or labeled that is not exported but is sold to a purchaser in the United States is subject to this part and part 3280 of this title.

(j) *Add-on.* An add-on added by the dealer or some other party not the manufacturer (except where the manufacturer acts as a dealer) as part of a simultaneous transaction involving the sale of a new manufactured home, is not governed by the standards and is not subject to these regulations. However, the addition of the add-on must