

## **815 KAR 25:090. Site preparation, installation, and inspection requirements.**

RELATES TO: KRS 227.550, 227.570, 227.590, 227.660, 227.990, 24 C.F.R. 3285, 24 C.F.R. 3286.7

STATUTORY AUTHORITY: KRS 227.570, 227.590(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.570 requires the Department of Housing, Buildings and Construction to establish and enforce standards and requirements for installation of plumbing, heating, and electrical systems in manufactured homes or mobile homes as it determines are reasonably necessary to protect public health and safety. KRS 227.590(1) requires the department to establish administrative regulations reasonably necessary to effectuate the provisions of KRS 227.550 to 227.660. This administrative regulation establishes minimum requirements for the installation and inspection of manufactured homes or mobile homes on permanent foundations.

Section 1. Minimum Site Preparation and Installation Standards. (1) Site preparation, installation, and ground anchoring shall be performed for:

(a) A new manufactured home in accordance with the manufacturer's instructions, if available, or 24 C.F.R. Part 3285; and

(b) A used manufactured home or a mobile home in accordance with the manufacturer's instructions, if available, or ANSI A225.1, Manufactured Home Installation, as established by KRS 227.570(3).

(2) The permanent foundation shall be installed:

(a) In accordance with the manufacturer's installation instructions;

(b) In accordance with the following methods and materials designed to protect from the effects of frost heave:

1. With conventional footings below the frost line depth;

2. As a monolithic slab system in accordance with accepted engineering practice and approved by the manufacturer and its associated DAPIA; or

3. As an insulated foundation system in accordance with accepted engineering practice and approved by the manufacturer and its associated DAPIA; and

(c) Using the following materials and methods:

1. Piers set partially or completely below grade;

2. Footers and perimeter blocking, if required;

3. ABS pads;

4. Ground anchors, concrete anchors, or other anchoring systems approved by the manufacturer and its associated DAPIA;

5. Concrete block;

6. Concrete slab;

7. Continuous and spot footings;

8. Pile or post systems;

9. Steel supports;

10. Concrete, concrete block, or other load bearing perimeter walls; or

11. Another foundation system approved by a licensed engineer as well as the manufacturer and its associated DAPIA.

(3) The following parts of the chassis of a manufactured home shall be removed after the on-site construction of a permanent foundation:

(a) Towing hitch;

(b) Running gear;

- (c) Axles;
- (d) Brakes;
- (e) Wheels; and
- (f) Other parts that operate only during transport.

(4) Only a certified installer shall install a manufactured home or mobile home.

(5) All exterior electric, water, and sewer connections and additions to a manufactured home or mobile home shall be performed in accordance with the Kentucky Residential Code, as incorporated by reference in 815 KAR 7:125.

(6)(a) Underpinning shall be installed on a manufactured home or mobile home if required by the manufacturer's instructions.

(b) If underpinning is installed on a manufactured home or mobile home, the underpinning shall include at least one (1) access panel or door that shall:

- 1. Be at least eighteen (18) inches in width and twenty-four (24) inches in height;
- 2. Be at least three (3) square feet in dimension;
- 3. Be located so that all utility connections under the home are accessible;
- 4. Be clearly labeled for identification; and
- 5. Not be obstructed.

(c) An access panel required by this subsection shall not be permanently secured to the home.

Section 2. Site Preparation and Installation Responsibility. (1) Responsibility for site preparation. A retailer shall:

(a) Perform site preparation;

(b) Contract with an independent certified installer to perform site preparation; or

(c) Assist a requesting purchaser in documenting the purchaser's voluntary responsibility, if any, to perform site preparation functions specified in Form HBC MH-10 and the contract by:

- 1. Providing, explaining, and assisting in the completion of Form HBC MH-10; and
- 2. Determining the readiness of the site.

(2) Responsibility for installation services. A retailer shall:

(a) Perform installation services, if the retailer is a certified installer or employs a certified installer; or

(b) Contract with an independent certified installer to perform installation services.

(3) Responsibilities upon the execution of a contract of sale of a new manufactured home. A retailer shall:

(a) Submit an application to the department that contains the following information:

- 1. Name, address, and telephone number of the purchaser;
- 2. Address of the manufactured home, if different from the purchaser's address;
- 3. Date of purchase;
- 4. United States Department of Housing and Urban Development certification label (HUD tag) number;
- 5. Serial number of the new manufactured home;
- 6. Date of installation; and
- 7. Name and certification number of the certified installer;

(b) Supply the purchaser with Form HBC MH-17; and

(c) Include in its closing documents for the sale of a new manufactured home the following:

- 1. A notice, on a form provided by the department, advising the purchaser that inspection of the new manufactured home's installation is required; and
- 2. The consumer disclosure as required by 24 C.F.R. Part 3286.7.

(4) Unlicensed retailers.

(a) An unlicensed retailer shall not sell or offer for sale more than one (1) manufactured home or mobile home in any consecutive twelve (12) month period.

(b) By no later than ten (10) days after the sale of a manufactured home or mobile home by an unlicensed retailer, the unlicensed retailer shall notify the department in writing of the following:

1. Name, address, and telephone number of the unlicensed retailer;
2. Name, address, and telephone number of the purchaser;
3. Date of purchase;
4. United States Department of Housing and Urban Development certification label (HUD tag) number, if any;
5. Serial number of the new manufactured home; and
6. Date of installation.

### Section 3. Inspections of New Manufactured Home Installations.

(1) Site and footer inspection.

(a) The retailer shall do the following:

1. Coordinate with the department to schedule the site and footer inspection.
2. Provide the manufacturer's footing design to the department for review at least five (5) working days prior to the department's inspection of the site and footer location,
3. Not commence, or cause to commence, any installation services other than the site and footer location preparation until the department has completed its inspection and issued approval of the site preparation and footer location preparation.

(b) Before the new manufactured home is set, the department shall inspect:

1. The site preparation; and
2. The location intended for the methods and materials used to protect against frost heave in accordance with the manufacturer's installation instructions and this administrative regulation.

(c) The site and footer inspection shall be made by a state inspector.

(d) The site and footer inspection may be completed by a physical inspection or an electronic inspection.

(e) A site and footer inspection shall be scheduled with the retailer, certified installer, or property owner at least one (1) business day in advance and shall be completed by the department within three (3) business days of the scheduled inspection.

(2) Installation inspection.

(a) The department shall inform the installer, purchaser, and, if applicable, the retailer, at least one (1) day prior to the intended inspection of the installation of a new manufactured home.

(b) A person shall not obstruct, hinder, or delay a state inspector in the performance of his or her duty.

(c)1. Upon completion of the inspection of a new manufactured home, the state inspector shall:

a. Issue a report to the installer, purchaser, and, if applicable, the retailer verifying that the installation complies with the minimum installation requirements of Section 2(1) of this administrative regulation; or

b. Issue a report to the installer and, if applicable, the retailer identifying all deficiencies and the corrective action required to ensure the installation complies with the minimum installation requirements of Section 2(1) of this administrative regulation.

2.a. The installer shall correct all deficiencies and take all corrective action identified by the state inspector's report of deficiency within thirty (30) days of the date of issuance of the report.

b. If all required corrections have been made within the period established in paragraph (b)2.a. of this subsection, the state inspector shall issue a report to the installer, purchaser, and if applicable, the retailer verifying that the installation complies with the minimum installation requirements of Section 2(1) of this administrative regulation.

c. If any of the required corrections have not been made within the period established in paragraph (b)2.a. of this subsection, the state inspector shall issue a report to the installer, purchaser, and if applicable, the retailer identifying:

(i) All deficiencies that were corrected in compliance with the report established in paragraph (b)1.b. of this subsection; and

(ii) All remaining deficiencies and the remaining corrective action required to ensure the installation complies with the minimum installation requirements of Section 2(1) of this administrative regulation.

#### Section 4. Inspection Fees. (1) Installation inspection fee.

(a) The retailer shall pay the department an installation inspection fee of \$110 prior to the site and footer inspection conducted by the department.

(b) One (1) site and footer inspection and one (1) installation inspection shall be included by the payment of the installation inspection fee.

#### (2) Re-Inspection fees.

(a) A retailer shall pay a \$100 re-inspection fee to the department for additional inspections needed to determine if deficiencies found during the site and footer inspection or the installation inspection were corrected.

(b) The re-inspection fee shall be paid before or at the time of any subsequent inspection.

#### Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "ANSI A225.1, Manufactured Home Installations", 1994 Edition;

(b) "Form HBC MH-10, Consumer Protection Notice", May 2020; and

(c) "Form HBC MH-17 Site Preparation and Post Installation Guidelines", May 2020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Manufactured Housing Section, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at <http://dhbc.ky.gov>. (27 Ky.R. 2979; 3261; eff. 6-8-2001; 29 Ky.R. 571; 965; eff. 10-16-2002; 34 Ky.R. 876; 1436; eff. 1-4-2008; 45 Ky.R. 832, 1563; eff. 1-4-2019; TAm eff. 5-29-2020.)