

This is an amendment to 14.12.2 NMAC Sections 2, 3, 6, 8, 12, 13, 15, 16, 17, 22, 26, 42, 46, 56, 57 and 65, effective 3-31-09.

**14.12.2.2 SCOPE:** These rules and regulations will apply to all manufacturers, dealers, brokers, homeowners, purchasers, inspectors, and the like engaged in activities involving the transporting, sale, business, construction, repair, modification, installation, ~~[tie-down]~~ anchoring, hook-up, and the like of all manufactured homes in the state of New Mexico.

[14.12.2.2 NMAC - Rp, 14 NMAC 12.2.2, 9-14-00; A, 3-31-09]

**14.12.2.3 STATUTORY AUTHORITY:** Pursuant to Section 60-14-4 of the Manufactured Housing Act (60-14-1 through 60-14-19, NMSA 1978), the manufactured housing division of the regulation and licensing department has the authority to adopt rules and regulations relating to the construction, repair, modification, installation, ~~[tie-down]~~ anchoring, hook-up, and sale of all manufactured homes.

[14.12.2.3 NMAC - Rp, 14 NMAC 12.2.3, 9-14-00; A, 3-31-09]

**14.12.2.6 OBJECTIVE:** It is the intent of the manufactured housing division and the manufactured housing committee to enforce the New Mexico Manufactured Housing Act ~~[and]~~, the National Manufactured Housing ~~[and]~~ Construction and Safety Standards Act of 1974, as amended by the Manufactured Housing Improvement Act of 2000, 42 U.S.C. Section 5401-5426. The purpose of the Manufactured Housing Act is to insure the purchasers and users of manufactured homes the essential conditions of health and safety which are their right, and to provide that the business practices of the industry are fair and orderly among the members of the industry with due regard to the ultimate consumers in this important area of human shelter.

[14.12.2.6 NMAC - Rp, 14 NMAC 12.2.6, 9-14-00; A, 3-31-09]

**14.12.2.8 MINIMUM STANDARDS:**

**A.** Manufactured homes: The division adopts as part of these regulations the ~~[H.U.D.]~~ National Manufactured Home Construction and Safety Standards Act of 1974, as amended by the Manufactured Housing Improvement Act of 2000, 42 U.S.C. Section 5401-5426, the Manufactured Home Construction And Safety Standards, 24 C.F.R. Section 3280 [and the H.U.D.], the Manufactured Home Procedural and Enforcement Regulations [as authorized under Title VI of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5401, et seq.], 24 C.F.R. Section 3282, the Model Manufactured Home Installation Standards, 24 C.F.R. Section 3285 and the Manufactured Home Installation Program, 24 C.F.R. 3286 as the minimum New Mexico standards, except as provided herein.

**B.** Installation of manufactured homes:

(1) the division adopts, as part of these regulations, the NFPA 70, national electrical code, 2002 edition, as amended, that pertains to manufactured (mobile) homes;

(2) the division adopts, as part of these regulations, the NFPA 54, national fuel gas code, 2002 edition, as amended, that pertains to manufactured (mobile) homes;

(3) the division adopts, as part of these regulations, the uniform plumbing code, 2003 edition, as amended, that pertains to manufactured (mobile) homes;

(4) the division adopts, as part of these regulations, the NFPA 58, standards for the storage and handling of liquefied petroleum gases, 1992 edition, as amended, that pertains to manufactured (mobile) homes;

(5) the division adopts as part of these regulations, the uniform mechanical code, 2003 edition, as amended, that pertains to manufactured (mobile) homes.

**C.** The amendments and changes in these regulations as made by the division shall be enforced thirty (30) days after filing as provided by the State Rules Act (Section 14-4-1, et. seq., NMSA 1978) and the Uniform Licensing Act (Section 61-1-1, et seq., NMSA 1978).

**D.** Manufactured homes installed before May 19, 1988, used for nonresidential purposes are granted until May 19, 1993 to comply with the requirements for access to the handicapped. If a nonresidential manufactured home is relocated or if major modifications are made to the unit, the unit must be brought into compliance to the state requirements for access to the handicapped.

**E.** Any unit manufactured or installed after May 19, 1988, used for nonresidential, or commercial purposes must be constructed to the appropriate codes or standards as adopted by construction industries division. Construction industries division has full jurisdiction in approval and inspection of nonresidential manufactured units. None of the provisions contained in Subsection E of this section shall apply to retailers licensed by the motor vehicle division of the taxation and revenue department.

**F.** Any person or entity licensed under the Manufactured Housing Act will post a "notice to the public" poster at their place of business in a conspicuous place to the public. The poster will include the name and address of the regulation and licensing department, manufactured housing division, and will inform the consumer where they would be able to file a complaint in regards to any violation of the New Mexico Manufactured Housing Act and regulations. The division will furnish the posters.

[14.12.2.8 NMAC - Rp, 14 NMAC 12.2.8, 9-14-00; A, 7-1-05; A, 3-31-09]

**14.12.2.12 TEMPORARY SALESPERSON LICENSE: [RESERVED]**

**A.** The director may issue a one time thirty (30) day temporary sales license for individuals who have never been licensed by the division as a temporary salesperson or salesperson. A temporary salesperson license shall not be renewed.

**B.** A temporary salesperson's license entitles its holder to be employed, either directly or indirectly, with or without remuneration or consideration by a dealer or broker to engage in sales or lease-purchases of new and pre-owned manufactured homes through that dealership or brokerage as allowed by the employer's license.

**C.** Custody of license.

**(1)** A temporary salesperson's license shall be in the custody of the licensee's employer.

**(2)** A temporary salesperson shall be issued a wallet card by the division. The card shall contain the licensee's name, license number and the address of the employer.

**(3)** If a temporary salesperson is discharged or terminates their employment, the employer shall return the temporary salesperson's license to the division within ten (10) days of the last date of employment. The division shall immediately terminate the temporary license.

**D.** A temporary salesperson shall not work for, be employed by or conduct transactions for more than one dealer or broker.

**E.** All transactions handled by or involving a temporary salesperson must be reviewed and supervised by the employing dealer or broker. All documents prepared by the temporary salesperson, in a transaction, must be reviewed by the dealer or broker.

[14.12.2.12 NMAC - Rp, 14 NMAC 12.2.12, 9-14-00; A, 3-31-09]

**14.12.2.13 LICENSE CLASSIFICATIONS, SCOPE AND REQUIREMENTS:**

**A.** Any person, prior to engaging in any business regulated by the act, shall obtain a license in accordance with the act and these regulations. Licensees shall at all times display their licenses conspicuously at their places of business.

**B.** Any person applying for a license ~~[that has been incorporated]~~ whose business is a corporation, limited liability company, limited partnership, limited liability partnership or general partnership must submit a certified copy of the articles of incorporation, articles of organization, certificate of registration, or statement of qualification at the time the application is filed with the division.

[14.12.2.13 NMAC - Rp, 14 NMAC 12.2.13, 9-14-00; A, 11-24-08; A, 3-31-09]

**14.12.2.15 DEALERS:**

**A.** A dealer's license entitles its holder to engage in the business of selling, exchanging, buying for resale, leasing, offering to or attempting to negotiate sales or exchanges or lease-purchases of new and pre-owned manufactured homes. A dealer may also perform all functions, which a broker is authorized to perform under the act and these regulations. Any person who in any manner acts as a dealer in the transaction of more than one manufactured home in any consecutive 12-month period is required to be licensed as a dealer.

**B.** Each dealer's location shall have a qualifying party and each location shall have a separate license.

**C.** A dealer shall maintain a place of business, which is an actual physically, established location from which business can be conducted and where ~~[accounts and records]~~ all documents directly related to the purchase, sale, trade and installation of a manufactured home within the preceding three years shall be available for inspection during normal business hours by a representative of the division. All locations in which a dealer offers manufactured homes off-site from the dealer's physical location are to be considered an extension of the dealer's lot. A post office box, secretarial service, telephone answering service, or similar entity does not constitute an actual physically established location.

**D.** The following provisions shall govern all transactions in which a dealer is involved in a transfer of a pre-owned manufactured home between a buyer and a seller, other than the dealer.

**(1)** The dealer's role is that of a fiduciary to his principal.

(2) In all such transactions which require a transfer of title, the dealer must: determine the status of title, including all recorded liens and security interests, of the manufactured home according to the title records of the motor vehicle division, and disclose in writing to all parties in the transaction the status of title of the home as shown by such records.

(3) All listing agreements entered into by a dealer shall disclose the percentage amount or fee to be received by the dealer upon the completion of a transaction under the terms of the listing agreement.

(4) Prior to the closing between the buyer and seller on a transaction, the dealer shall deliver to both the buyer and the seller a closing statement which shall contain, but is not limited to, the following information: the purchase price; all funds paid and to be paid by the buyer; all funds received and to be received by the seller; receipt and disposition of all other funds relevant to the transaction; the method of assumption, disposition or other treatment of existing loans on the home and liens on or security interests in the home.

**E.** Each dealership location must have at least one (1) licensed salesperson per location. For an individual dealer operating a single lot, the dealer's license shall meet the requirement of a salesperson license for the person to whom it is issued. A dealership operating multiple lots must have at least one (1) licensed salesperson. All persons engaged in selling manufactured homes for a dealer must be licensed with the division before engaging in the business.

**F.** Each dealer is required at the time of sale of a manufactured home to make a full disclosure to the buyer, concerning the disposition of the wheels, axles and hitch(es). Such disclosure must be signed and approved by the purchaser.

**G.** If a dealership is open for business prior to receiving the appropriate license to conduct business, the division may tag each home with a "prohibit sales notice" and an inspection fee of \$60.00 will be charged to the dealer for removal of each such tag.

**H.** Any licensed dealership may display and offer for sale manufactured homes off-site from the dealers physical location. All locations in which a dealer offers manufactured homes off-site from the dealers physical location are to be considered an extension of the dealers lot.

(1) The dealer shall notify the manufactured housing division in writing, on a form supplied by the division of the address(es) and location where homes off-site from the dealers physical location will be displayed and offered for sale.

(2) Each home displayed off-site from the dealers physical location and offered for sale must display a copy of the dealer's license and a copy of the MHD compliance poster.

(3) All rules and regulations of the manufactured housing division shall apply to off-site sales locations.

**I.** If a dealer discharges a salesperson for any activities in violation of the MHD rules and regulations the dealer must report the discharge within 30 days to the division to investigate the potential violation. [14.12.2.15 NMAC - Rp, 14 NMAC 12.2.15, 9-14-00; A, 12-1-03; A, 7-1-05; A, 11-24-08; A, 3-31-09]

#### **14.12.2.16 BROKERS:**

**A.** A manufactured home broker's license entitles its holder to engage in the functions authorized for brokers in the act. A manufactured home broker's functions are strictly limited to only pre-owned manufactured homes. Any person who in any manner engages in brokerage activities for more than one manufactured home in any consecutive 12-month period is required to be licensed as a manufactured home broker.

**B.** A manufactured home broker cannot negotiate any transaction involving the sale, exchange, renting or leasing of real estate unless he is licensed under the Real Estate Act of New Mexico.

**C.** Each manufactured home broker shall be individually licensed.

**D.** A manufactured home broker's role is that of a fiduciary to his principal.

**E.** In all transactions which require the transfer of title to a manufactured home and in which a manufactured home broker is involved the manufactured home broker must determine the status of title, including all recorded liens and security interests, of the manufactured home according to the title records of the motor vehicle division, and disclose in writing to all parties in the transaction the status of title of the home as shown by such records.

**F.** A manufactured home broker shall maintain a place of business, which is an actual physically, established location from which business can be conducted and where ~~accounts and records~~ all documents directly related to the purchase, sale, trade and installation of a manufactured home within the preceding three years shall be available for inspection during normal business hours by a representative of the division. Each branch office shall also maintain copies of adequate records for this same inspection purpose of all transactions handled within the branch office.

**G.** A manufactured home broker shall fully disclose to the consumer any ownership interest of the manufactured home broker, either direct or indirect, in the manufactured home prior to the consumer's entering into any agreement for the purchase of the home.

**H.** All listing agreements entered into by a manufactured home broker shall disclose the percentage amount or fee to be received by the manufactured home broker upon the completion of a transaction under the terms of the listing agreement.

**I.** A manufactured home broker shall not enter into a net listing agreement.

**J.** Upon receipt of a written offer to purchase, a manufactured home broker shall promptly deliver the written offer to purchase to the seller. Upon obtaining written acceptance of the offer to purchase, the manufactured home broker shall promptly deliver true copies to the purchaser and seller. All terms of the transaction must be included in the written offer to purchase.

**K.** Before receiving a customer deposit, a manufactured home broker shall give to a purchaser an itemized statement of all approximate costs relevant to the transaction.

**L.** A manufactured home broker shall initiate the transfer of title on a manufactured home no later than 30 days from the completion of the transaction. A manufactured home broker shall not be responsible for title transfer if it is the responsibility of the purchaser's lienholder.

**M.** Prior to the closing between the buyer and seller, the manufactured home broker shall deliver to both the buyer and seller a closing statement which shall contain, but is not limited to, the following information:

- (1) the purchase price;
- (2) all funds paid and to be paid by the buyer;
- (3) all funds received and to be received by the seller;
- (4) receipt and disposition of all other funds relevant to the transaction;
- (5) the method of assumption, disposition or other treatment of existing loans on the home and liens on or security interest in the home.

**N.** A manufactured home broker shall not operate or provide a lot or other location where manufactured homes are displayed for consumers.

**O.** Each manufactured home broker branch location shall have as qualifying party, a licensed and bonded associate manufactured home broker.

**P.** A manufactured home broker shall not purchase a manufactured home from a financial institution licensed by the New Mexico financial institutions division or consumer for the purpose of resale.

**Q.** A manufactured home broker will not engage in the business of buying and selling manufactured homes.

**R.** Every manufactured home broker will be audited annually to ensure they are not in the business of buying or selling manufactured homes.

[14.12.2.16 NMAC - Rp, 14 NMAC 12.2.16, 9-14-00; A, 12-13-02; A, 12-1-03; A, 7-1-05; A, 3-31-09]

#### **14.12.2.17 INSTALLERS AND REPAIRMEN:**

**A.** An installer's license entitles its holder to install manufactured homes for remuneration or consideration as provided for by these regulations.

**B.** A repairman's license entitles its holder to ~~modify and~~ repair manufactured homes for remuneration or consideration as provided for by these regulations. An exception to this rule is a person(s) who makes manufacturer's warranty repairs and is employed and paid wages by a New Mexico licensed manufacturer or its designated agent. Such person(s) are not required to maintain a repairman's license.

**C.** Licenses for installers and repairmen shall be classified as MHD-1, MHD-2, or MHD-3.

(1) MHD-1 shall permit the holder to level ground and place piers to support a manufactured home, to attach and tighten tiedowns, to connect existing water and sewer lines, to connect electrical cable to the home's approved existing receptacle, to install and repair skirting, and to install concrete associated with footings or foundations.

(2) MHD-2 shall permit the holder to perform all functions of an MHD-1 and to make structural repairs~~[-]~~ and alterations ~~[and modifications]~~.

(3) MHD-3 shall permit the holder to perform all the functions of an MHD-2 and to service and repair natural gas piping and appliances, change and adjust orifices in a manufactured home prior to connection to L.P. gas, and to service and repair plumbing and electrical systems.

(4) The scope of an MHD-3 Y licensee shall be extended to install gas yardlines to manufactured homes upon acquiring an appropriate endorsement from the division. No endorsement shall be issued to any individual until he has passed with a satisfactory score an examination approved and adopted by the division.

(5) The scope of an MHD-3 E licensee shall be extended to install feeder assemblies from the on-site utility terminal to the manufactured home not to exceed 30 feet. The provisions for obtaining a separate electrical endorsement shall include a minimum of 2 years in the last 10 years of verifiable experience performing electrical work on manufactured homes or related equipment. No endorsement shall be issued to any individual until he has passed with a satisfactory score an examination approved and adopted by the division.

**D.** Structural repairs, alterations and modifications allowed by classifications MHD-2 and MHD-3 are limited to the manufactured home itself and include awnings and porches supported by the home. Any structural repair, alteration or modification outside the manufactured home, including any concrete construction other than small pads for support posts, is not included under the MHD-2 or MHD-3 classifications. Licensees must comply with provisions of the Construction Industries Licensing Act. Sections 60-13-1, et. seq., NMSA 1978, to build any structure which requires a license under that act.

**E.** ~~[Waiver:]~~ The division may, upon request, ~~[waive]~~ grant separate licensure for any person holding a valid license in the electrical, mechanical or LP gas classifications issued under the Construction Industries Licensing Act (Sections 60-13-1, et. seq., NMSA 1978), as amended, and may permit such person to act in the capacity of an installer or repairman for electrical, mechanical or LP gas work on a manufactured home within the scope of such license. Any person requesting a ~~[waiver]~~ license, in accordance with this provision, shall furnish proof satisfactory to the division of his status as a licensee of the construction industries division or its successor. Nothing in this provision shall be construed as a waiver of any obligation to comply with any other requirement of the Manufactured Housing Act or these regulations, including the bonding requirements of these regulations.

**F.** An installer or repairman shall maintain a place of business, which is an actual physically, established location from which business can be conducted and where accounts and records shall be available for inspection during normal working hours by a representative of the division. A post office box, secretarial service, telephone answering service or similar entity does not constitute an actual physically established location for purposes of this subsection.

[14.12.2.17 NMAC - Rp, 14 NMAC 12.2.17, 9-14-00; A, 3-29-02; A, 11-24-08; A, 3-31-09]

**14.12.2.22 PRE-OWNED MANUFACTURED HOMES:** The following regulations apply only to pre-owned manufactured homes for the purpose of resale.

**A.** For purposes of this regulation or other laws of this state the term "habitable" as applied to manufactured housing is limited to and means that there are no known structural defects, damage or deterioration to the home which creates a dangerous or unsafe situation or condition and all plumbing, heating and electrical systems are in safe working order at the time of delivery.

**B.** Any home offered for resale that is not suitable for human habitation must be clearly marked, as such, with a posted sign not less than 18" x 12" with letters not smaller than one inch high. Also, all purchase agreements or contracts of sale must reflect that the consumer purchased the home "As Is - Not Suitable for Human Habitation".

[14.12.2.22 NMAC - Rp, 14 NMAC 12.2.22, 9-14-00; A, 11-24-08; A, 3-31-09]

**14.12.2.26 RENEWALS:**

**A.** Each license shall be renewed annually during its anniversary month. ~~[Renewal applications are available request from the Division.]~~ Renewal application notices will be mailed to each current licensee at least 30 days prior to the expiration date of the license. Renewal application notices will be mailed to the last known address on file with the board. It is the responsibility of the licensee to keep the division informed of any changes in address.

**B.** The licensee is responsible for renewing his license. Failure to receive the renewal application notice shall not relieve the licensee of the responsibility of renewing his/her license before the expiration date.

**C.** The division shall allow a 30-day grace period after a license has expired for a licensee to renew without penalty. The division shall notify the licensee of the failure to renew during this grace period reported to the division. At the conclusion of the grace period, the division will initiate provisions of the Manufactured Housing Act.

[14.12.2.26 NMAC - Rp, 14 NMAC 12.2.26, 9-14-00; A, 3-31-09]

**14.12.2.42 COMPLAINTS AND HEARINGS:**

**A.** A person claiming to be injured by an alleged violation of the act or these regulations or by reason of any other cause set forth in Section 60-14-6, N.M.S.A. 1978, may file with the division a written complaint which shall state the name and address of the licensee against whom the complaint is made and shall include a concise

statement of the alleged violation. If it is determined by the division that the complaint is insufficient or defective, the complainant shall be promptly notified and permitted to amend the complaint.

**B.** Upon receipt of a written complaint, the division shall investigate by telephone or by personal contacts within thirty (30) days of receipt of the complaint the alleged violation to determine whether cause exists to investigate further. If such cause exists, an on-site inspection will be made within thirty (30) days of such determination. The consumer shall make himself available during reasonable business hours within the prescribed thirty (30) days.

(1) The division shall contact the licensee by mail and request correction of the violations within forty (40) day's of receipt of the complaint. The letter may also request investigation according to Subpart I of the federal manufactured home construction and safety standards, federal procedural and enforcement regulations, which require investigation of class or re-occurrences of non-conformances to the federal standards.

(2) Following this initial forty (40) day period, if it is determined that there is no cause for the complaint, the complaint shall be dismissed. The division shall also place all information in their consumer complaint files for five years after closing of the case. This information shall include (a) the determination; (b) who made the determination; and (c) how the determination was made.

(3) Where it is determined that there is cause for the complaint, the division shall attempt to achieve a satisfactory resolution of the complaint through correspondence or informal conference.

(4) If it is determined that the items requested to be corrected by the complainant are the responsibility of the manufacturer, and that these items are required to be corrected under the federal regulations, the manufacturer will be requested to submit a notification and/or correction plan to the director of the manufactured housing division within twenty (20) days of receipt of the letter and as required under Subpart I of the federal regulations. If, within twenty (20) days and there does not seem to be a reoccurrence of the same deficiencies, no formal plan needs to be submitted if the division has granted waiver to the plan. If a plan is submitted to the division, the division shall approve or modify the plan and send it back to the manufacturer for remedial action. The plan shall include, but not be limited to, a list of manufactured homes affected, method of correction, content of notification notice to consumer and the requirements as detailed under Subpart I of the federal regulations. The manufacturer shall have sixty (60) days to notify and correct and an additional thirty (30) days to submit closeout reports of all action taken by the manufacturer in the case.

**C.** If the complaint is not completely resolved by the foregoing method, the division may proceed with formal disciplinary action in accordance with the Uniform Licensing Act, Sections 61-1-1, et seq., N.M.S.A. 1978, as amended, and the division may conduct further inspections or investigations.

**D.** The division will charge a re-inspection fee [~~of Forty Five Dollars (\$45.00)~~] each time a re-inspection is performed on a home that is involved in a consumer complaint. Those consumer complaints that the division investigates that are not accepted by the division, no fee will be charged. The fee shall be charged to the dealer, manufacturer, installer/repairman, or broker as appropriate.  
[14.12.2.42 NMAC - Rp, 14 NMAC 12.2.42, 9-14-00; A, 3-31-09]

**14.12.2.46 GAS CONNECTIONS:** Any installation or repair of liquefied petroleum gas piping, or appliances to or in a manufactured home shall be performed by a person licensed by the liquefied petroleum gas bureau of the construction industries division of the regulation and licensing department, and shall be performed in accordance with the regulations of the LPG bureau.

**A.** No riser, inlet or gas connection or inlet gas connection shall be located beneath any manufactured home or any exit. No manufactured home shall be installed over a gas yardline.

**B.** The gas inlet on the manufactured home shall protrude no more than six (6) inches from the manufactured home. The inlet shall be rigidly anchored or strapped to a structural member within six (6) inches of the point where it enters beneath the manufactured home.

[14.12.2.46 NMAC - Rp, 14 NMAC 12.2.45.2, 9-14-00; A, 7-1-05; A, 3-31-09]

**14.12.2.56 NON-PERMANENT FOUNDATIONS:**

**A.** No political subdivision of the state shall regulate the installations or construction standards of a manufactured home, including the foundation systems.

**B.** Perimeter enclosures:

(1) All materials to be used for a perimeter enclosure must have prior approval by the division.

(2) Material shall be installed in accordance with the material manufacturer's recommended installation instructions or in accordance with the minimum standards adopted by the division.

(3) The manufactured home's perimeter enclosure must be self-venting, and no flammable objects may be stored under the manufactured home.

(4) An access or inspection panel shall be installed in the perimeter enclosure and shall be located so that utilities and blocking may be inspected.

(5) All vents and openings shall be installed to prevent entry of rodents and direct rainfall not to exceed ¼ inch mesh.

(6) All perimeter enclosures in excess of thirty (30") in heights must be supported vertically at least every four (4) feet or installed according to the enclosure material manufacturer's specifications.

**C. ANCHORING:** When the manufacturer has issued required instructions for anchoring, the Manufacturer's instructions shall be followed.

**D. NEW HOMES:** The manufacturer's installation manual shall be followed for all new homes installed within the state of New Mexico. The person(s) performing the work to install a new home shall be responsible to insure that all necessary installation permits have been obtained by the homeowner, customer or installer, to be determined in writing prior to the delivery of subject home.

**E. USED, PRE-OWNED AND RESALES:** The person(s) performing the work to install a used, preowned or resold manufactured home shall be responsible for: a) all installation permits; b) calling for inspections; and c) compliance with all locally adopted zoning, planning and floodplain ordinances and d) compliance with all minimum soil compaction criteria, slope and drainage requirements. The person(s) performing the work shall be responsible only for the work they perform. When available all units shall be installed in accordance with the manufacturer's installation manual. Requirements when the *manufacturer's installation manual* is not available:

(1) Blocking: All piers and footings shall be installed in such a manner that the manufactured home shall be leveled.

(2) All marriage joints in multi-wide homes shall be installed to prevent air infiltration.

(3) All roofs and floor marriage joints shall be lag bolted no more than four (4') feet apart. Beam support blocking must be provided.

**F. Materials:**

(1) Standard eight inch by eight inch by sixteen inch (8"X8"X16") hollow, concrete or concrete masonry unit (CMU), or other listed material may be used for block pier construction.

(2) Standard eight inch by four inch by sixteen inch (8"X4"X16") solid concrete or cinder blocks or other listed materials may be used for pier, top cap and footing construction.

**G. Footings:**

(1) Each pier shall have a footing beneath it of solid concrete or CMU or other listed material with a minimum sixteen inch by sixteen inch (16"X16") ground bearing surface four (4") inches thick.

(2) Two (2) eight inch by four inch by sixteen inch (8"X4"X16") solid blocks may be used for a footing provided they are placed together with seam between the two blocks running parallel with the frame of the manufactured home.

(3) Any concrete ribbon footings installed by the licensee shall be a minimum of six (6") inches thick by sixteen (16") inches wide and centered as closely as possible to the center of the frame members.

(4) Other listed materials which provide equivalent load bearing capacity and resistance to decay may be used, when they receive prior approval by the division.

**H. Spacing:**

(1) The maximum distance allowed between piers is eight (8') feet on center.

(2) Piers shall be placed within three (3') feet from each end of the manufactured home.

(3) Exceptions: If the wheel space of the manufactured home does not permit eight (8') foot blocking, additional support shall be provided at both ends of the wheel space.

**I. Concrete masonry unit (CMU) piers, top caps and shims:**

(1) CMU piers shall be positioned perpendicular to the frame of the manufactured home.

(2) Each CMU pier must have a minimum four (4") inch solid top cap or two (2") inch nominal wood cap which has the same perimeter dimension as the pier.

(3) A maximum of four and one-half (4-1/2") inches of wood are allowed on top of each CMU pier. Each layer of shims shall be driven from the opposite direction as the shim below it. Concrete masonry unit's (CMU) pier heights: When the footings, CMU piers and wood exceed forty-one (41") inches in height, the CMU piers must be constructed of double tiers of interlocking blocks. When the footings, CMU piers and wood exceed forty-eight (48") inches in height, the interlocking blocks shall be filled with concrete and reinforced with four (4) three-eighths (3/8") inch rebar. When the footings, CMU piers and wood exceed sixty (60") inches in height, the

pier construction must be designed by a New Mexico licensed professional engineer and submitted to the division for approval.

**J.** Pre-fabricated piers:

- (1) All piers shall be approved by the division prior to installation.
- (2) The spacing of piers shall be the same as for block piers.
- (3) One (1) listed, treated, sixteen inch by sixteen inch (16"X16") pad may be used with each pier as a footing.
- (4) The maximum height that a pier jack extension shall be raised is two (2") inches.
- (5) The maximum height for piers, including the footing and jack extension, is thirty-four (34") inches.
- (6) The flanges on the top of the jack extension shall be alternated.

**K.** Other piers: All other piers shall be pre-approved by the division prior to their use or installation.

**L.** Multi-wide homes shall be supported within two (2) feet of each end and ten (10') feet on center (O.C), and on each end of any opening exceeding four (4') feet along the marriage line.

**M.** Perimeter support blocking on used homes shall be supported on each side of all egress doorways and on each side of any opening four (4') feet or larger to allow for proper structural support.

[14.12.2.56 NMAC - Rp, 14 NMAC 12.2.49, 9-14-00; A, 3-31-09]

**14.12.2.57 PERMANENT FOUNDATION SYSTEM:**

**A.** These standards are minimum state requirements and they are applicable to new and used home installations, unless expressly specified otherwise. The division may approve other permanent foundations when the manufacturer's installation manual does not make a provision for permanent foundations or is not available. Two sets of drawings submitted by a New Mexico licensed engineer or a HUD approved D.A.P.I.A engineer may be submitted to the division for review, and subsequent denial or approval along with a certificate that the engineer has contacted the home's manufacturer. No political subdivision of the state shall regulate the installations or construction standards, of a manufactured home, including foundation systems.

**B.** Perimeter enclosurement.

- (1) All materials used for a perimeter enclosurement must be approved by the division.
- (2) Materials shall be installed in accordance with the manufacturer's recommended installation instructions or in accordance with the minimum standards accepted by the division.
- (3) The manufactured home's perimeter enclosurement must be self-ventilating, and no flammable objects may be stored under the manufactured home.
- (4) An access or inspection panel shall be installed in the perimeter enclosurement and shall be located so that utilities and blocking may be inspected.
- (5) All vents and openings shall be installed to prevent entry of rodents and direct rainfall not to exceed ¼ inch mesh.
- (6) All perimeter enclosurements in excess of thirty inches (30") in height must be supported vertically at least every four (4') feet or installed according to the enclosurement manufacturer's specifications.

**C.** New home installations: The manufacturer's installation manual shall be followed for all new homes installed within the state of New Mexico. The person(s) performing the work to install a new home shall be responsible to insure that all necessary installation permits have been obtained by the homeowner, customer or installer, to be determined in writing prior to the delivery of subject home. Compliance with permanent foundation criteria, site work 14.12.2.60 NMAC, planning, and zoning, slope and drainage requirements is the sole and separate responsibility of the persons, companies or contractors performing such work.

**D.** Installation of used, pre-owned or resold manufactured homes: The installer of a used, pre-owned or resold manufactured home shall be responsible to insure that all necessary installation permits have been obtained by the customer, retailer and or installer. Compliance with permanent foundation criteria, site work 14.12.2.60 NMAC, planning, and zoning, slope and drainage requirements is the sole and separate responsibility of the persons, companies or contractors performing such work. The manufacturer's manual shall be kept with the subject home at all times. The installer shall use the manufacturer's installation instructions and installation manual when available.

**E.** Re-installed units: The following regulations shall apply to all homes being re-installed where no manufacturer's installation manual is provided.

- (1) The lowest point of the frame shall be a minimum of eighteen (18") inches above the ground level under the manufactured home (also see Section 14.12.2.56 NMAC).

(2) The slope around the manufactured home shall provide for the control and drainage of surface water and shall be sufficient to prevent the collection of water under the home or around the perimeter of the home (see site requirements, Section 14.12.2.60 NMAC).

(3) In lieu of an engineered soil report, the soil conditions (relative to the placement of the foundation) at the installation site shall be tested by the installer prior to installing the foundation and shall be an average of at least 1000 psf with no more than 25% variability between readings. The installer shall list the psf measurement on the permanent foundation permit. Testing and recording shall be conducted as follows:

- (a) test an area adjacent to, or within 10 feet of, the perimeter of the home;
- (b) dig down to undisturbed soil a minimum of four (4) inches; uncover an area of at least one square foot;
- (c) using a penetrometer take at least seven readings;
- (d) take an average of the middle five readings disregarding the highest and lowest readings; round the average down to the nearest soil bearing value;
- (e) installers shall then record the psf measurement on the permanent foundation permit; and
- (f) drive a wooden stake beside the test area so that the inspector will be able to verify the results should the inspector desire to do so.

F. A minimum thirty-two inch by thirty-two inch (32"X32") access or inspection panel shall be installed a minimum of three (3") inches above grade and located to allow inspection at any time. The cover on the exterior access inspection panel must be constructed to exclude entry of vermin and water.

G. Footings and piers:

(1) The manufactured home shall be installed on ribbon footings set on the undisturbed ground not less than five and one-half (5 1/2") inches in thickness and sixteen (16") inches in width with two (2) pieces of continuous three-eighth (3/8") inch rebar or a number 10 gauge re-mesh wire installed in the footing. All footings shall be constructed of a minimum of three thousand (3000) pound concrete. All above grade footings shall be constructed with forms (wood, fiberboard, metal, plastic), used to contain poured concrete while in a plastic state. These forms must be firmly braced to withstand side pressure or settlement and to maintain design dimensions. Finished concrete surface(s) shall be smooth and level to fully accept and support pier installation(s). Forms may be removed upon sufficient hardening of concrete. The home may be placed whenever concrete is properly cured, minimum of seven (7) days.

(2) Piers shall be constructed in accordance with Section 14.12.2.56 NMAC of these regulations.

(3) The steel frame must be attached to the footing supporting the structure by means of a listed anchoring device at least every twelve (12) feet at a ~~minimum~~ maximum and ~~at least~~ no more than two (2) feet from each end wall.

H. Ventilation:

(1) All manufactured homes shall have one (1) square foot of unrestricted venting area for every one hundred-fifty (150) square feet of enclosed floor space. Vents shall be uniformly distributed on the two (2) opposite long- walls. At least one vent shall be located within four (4) feet of each end-wall.

(2) Vents shall be constructed and installed to exclude entry of vermin and water.

I. Alternative permanent foundation systems:

(1) Other types of permanent foundation systems designed for the purpose of classifying an installation as a permanent foundation shall be submitted on an individual basis. These require submittal of installation instructions, calculations and design layouts. All submissions shall be stamped by a New Mexico licensed engineer, and each application shall be region specific. Commercially packaged systems must submit their complete installation and design package to be kept on file with the division. It shall be the responsibility of the system proprietor to submit any updates or alterations of the system.

(2) Any installation of an alternative foundation system on a new home or any home within two years of original purchase must be installed based upon the manufacturer's written approval or be included in the manufacturer's installation manual.

[14.12.2.57 NMAC - Rp, 14 NMAC 12.2.50, 9-14-00; A, 12-1-03; A, 7-1-05; A, 02-21-07; A, 11-24-08; A, 3-31-09]

#### **14.12.2.65 LICENSES VOIDED OR CANCELED BY OPERATION OF LAW:**

A. When a license has been suspended, canceled, ~~has expired~~ has not been renewed during the 30 day grace period, or is otherwise voided by operation of law, the licensee cannot work until he/she receives a new license, or until his/her license is properly reinstated as active, pursuant to the requirements of the act and these regulations.

**B.** Any licensee working while his/her license has been suspended, canceled, ~~has expired~~ has not been renewed during the 30 day grace period, or otherwise voided by operation of law shall be guilty of unlicensed activity. Such, a licensee must resolve any and all unlicensed activity charges pursuant to the requirements of the act and these regulations before obtaining a new license, or renewing, or otherwise reactivating his/her license or certificate of competence.

[14.12.2.65 NMAC - N, 3-01-08; A, 3-31-09]