

## **Title 19**

### **Part 7: State Fire Marshal**

#### **Chapter 5: Rules and Regulations for the Uniform Standards Code for the Factory-Built Homes Law Regulation MH- 5**

##### **Rule 5.01: Promulgation and Purpose**

###### **Rule 5.01.1: General**

These Rules and Regulations for Factory-Built Homes are promulgated by the Commissioner of Insurance of the State of Mississippi acting through the Chief Deputy State Fire Marshal and the Factory-Built Home Division in accordance with the Uniform Standards Code for Factory-Built Homes Law and the Mississippi Administrative Procedures Act, *Miss. Code Ann.* § 25-43-1, et seq., as amended, and shall become effective after adopted and promulgated in accordance with the provisions of the Mississippi Administrative Procedures. This Regulation is being filed as a regulation pursuant to the provisions of House Bill 1435, 2008 Regular Legislative Session as codified in *Miss. Code Ann.* § 75-49-11 (Supp. 2015); and upon agreement between the Mississippi State Fire Marshal's Office, Factory-Built Home Division (Division) and the Department of Housing and Urban Development (HUD), which requires the Division to conduct installation inspections of Factory-Built homes from and after July 1, 2009.

The purpose of these Rules and Regulations is to prevent the loss of life and property from fire and related hazards, and to restrict health hazards in Factory-Built homes by providing standards for construction, heating systems, and by requiring compliance with such standards during construction, marketing, transport, installation, anchoring and tie-down for Factory-Built homes in the State of Mississippi.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2015).

###### **Rule 5.01.2: Definitions**

For the purpose of this Regulation, the following terms are defined as follows, unless the context clearly indicates otherwise:

- A. "ANSI" - the American National Standards Institute or its successor.
- B. "Certificate of Inspection Form"- is a form issued by the Factory-Built Home Division of the State Fire Marshal's Office that contains the certificates of inspection submitted by any retailer, developer and installer/transporter who is engaged in the sale, transport and/or set-up (installation, blocking, anchoring and tie-down) of a Factory-Built home intended for human habitation, to the Division within 72 hours (3 days) of the completion of the installation of a home at the home site.

- C. "Chief Deputy State Fire Marshal" - is the individual appointed by the Commissioner of Insurance, who, along with his employees, is designated by the Commissioner to implement and enforce this chapter and to maintain, among other duties, the Factory-Built Home Division of the Insurance Department.
- D. "Commissioner" - is the Commissioner of Insurance of the State of Mississippi.
- E. "DAPIA" - (Design Approval Primary Inspection Agency) is a state or private organization that has been accepted by the Secretary of Housing and Urban Development to evaluate and approve or disapprove Factory-Built home designs and quality control procedures.
- F. "Developer" - for the purposes of this Regulation, means any person who buys Factory-Built homes and real estate and then offers to sell or lease to the general public a land-home "package deal" consisting of the Factory-Built home along with the real estate. Upon renewal of a license, a developer must provide documentation to the Department of Insurance that he or she has at least five (5) available Factory-Built home sites. A developer shall be responsible for installation requirements for Factory-Built homes as set forth in Rule 5.04 - 5.06 of this Regulation. This definition of developer is **interpreted to exclude the following**:
- a). Factory-built home parks and park owners having Factory-Built homes, on individual lots in the park, owned by the park or park owners and available for rent or lease;
  - b). An individual selling his personal Factory-Built home residence (one that the individual is currently living in or has previously lived in) and the real estate upon which the home is permanently installed and fixed, or has retained a real estate broker or real estate salesperson to sell the Factory-Built home and the real estate as a "package deal";
  - c). An individual owning a single plot or multiple plots of real estate having a Factory-Built Home installed on said real estate and offering the same for lease to the general public provided the lease is not a lease-purchase under a "package deal".
- G. "Diagonal Tie" - any tie-down designed to resist horizontal sliding or shear forces and which deviates not less than 30° (0.52 rad) from a vertical direction.
- H. "Division" - is the Factory-Built Home Division of the State Fire Marshal's Office.
- I. "Employee" - any person, including a minor whether lawfully or unlawfully employed, in the service of an employer under any contract of hire or apprenticeship, written or oral, express or implied, and is under the control of the employer, provided there shall be excluded there from all independent contractors. The control of the employer includes supervision of an employee's work, setting the employee's work schedule, and determining the method the employee uses to perform the specific work.
- J. "Employer" - any person or entity who is retained to engage in, or who engages in, the business of directing, supervising, controlling or correcting the work conducted by persons retained as their employee.

K. "Fire Marshal's Office" - the Division of the Department of Insurance that is responsible for the regulation of Factory-Built housing in the State of Mississippi, and includes the Commissioner of Insurance, the State Chief Deputy Fire Marshal, and Deputy State Fire Marshals.

L. "Foundational Designs"- designs by a licensed architect or engineer that sets forth the foundations requirements for the Factory-Built home.

M. "Factory-Built Home" - is a mobile home, manufactured home, and a modular home as those terms are defined in *Miss. Code Ann. § 75-49-3* (Supp. 2015).

N. "General Liability Insurance" - is a form of insurance that indemnifies against liability on account of injury to the person or property of another.

O. "Ground Anchor" - any device at the Factory-Built home site designed for the purpose of securing a Factory-Built home to the ground.

P. "Homeowner" (Consumer) - is any person or firm who has purchased or is purchasing a Factory-Built home in good faith for purposes other than resale.

Q. "Hook and Drop" - the delivery of any Factory-Built home to a residential site by a licensed installer/transporter with no intention of completing the anchoring and blocking of the unit which is to be used for human habitation.

R. "Human Habitation"- describes a place which will be occupied by humans, but does not include places that will be inhabited only sporadically for use as a hunting or fishing camp. In these regulations, "human habitation" shall be presumed to be the intended purpose for any Factory-Built home manufactured under the guidelines of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.), as well as the Manufactured Home Construction and Safety Standards contained in Title 24 Code of Federal Regulations, Part 3280, et seq. (HUD). This definition includes Factory-Built homes having one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking and eating. Homes designed for human habitation shall be presumed to be intended for human habitation, unless properly certified otherwise pursuant to Rule 5.03.3-4 of these regulations.

S. "Hurricane Zone" - an area of Mississippi that has encountered sustained winds of 100 mph or more. Wind (Hurricane) Zone II areas for the State of Mississippi include the following counties: Hancock, Harrison, Jackson, George, Stone and Pearl River.

T. "Independent Contractor" - any person, firm or corporation who contracts to do a piece of work according to his own methods, without being subject to the control of his employer, except as to the results of the work, and who has the right to employ and direct the outcome of the workers independent of the employer and free from any superior authority in the employer to say

how the specified work shall be done or what the laborers shall do as the work progresses; one who undertakes to produce a given result without being in any way controlled as to the methods by which he attains the result.

U. "Installer/transporter" - is any person engaged for hire as an independent contractor in the movement of, transportation, or both, or the installation, blocking, anchoring and tie-down of a Factory-Built home. An independent contractor "installer/transporter" shall not include persons who do not hold themselves out for hire to the general public for the purposes described in this definition. An installer/transporter shall be responsible for installation requirements for Factory-Built homes as set forth in Rule 5.04 – 5.06 of this Regulation. The use of the term "installer/transporter" in these regulations is intended to be synonymous with the term "Independent contractor installer or transporter" as defined in *Miss. Code § 75-49-3 (Supp. 2015)*.

V. "Inspection Decal" - is the decal issued and installed by a duly appointed representative (inspector) of the Factory-Built Home Division of the State Fire Marshal's Office that is placed on all new and used Factory-Built homes at the time of a passed installation inspection by the State Fire Marshal inspector. The label is to be affixed near the HUD seal at the rear of the home or on the end of the home opposite the tongue end if no HUD seal is present.

W. "Inspector" - any person who is employed as a Deputy State Fire Marshal, or any person or entity designated and authorized by the State Fire Marshal's Office pursuant to requirements set forth in Rule 5.02.4-6 of this Regulation who conducts Factory-Built home installation inspections.

X. "Installation" - completion of work performed to site, place, stabilize, support, anchor, and close up a Factory-Built home, upon footings, piers or foundations and to join sections of a multi-section Factory-Built home sited in this State.

Y. "Installation Instruction Manual" - DAPIA-approved instructions provided by the home manufacturer that accompany each new Factory-Built home and detail the home manufacturer requirements for support and anchoring systems and other work completed at the installation site to comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000.

Z. "Licensee" - is any manufacturer, retailer, developer or installer/transporter who obtains a privilege license from the Factory-Built Home Division of the State Fire Marshal's Office of the Mississippi Department of Insurance. The licensee shall comply with all laws of the State of Mississippi regarding Factory-Built homes.

AA. "Local Authority Having Jurisdiction" (LAHJ) - is any Federal, State, County, Municipal or community organization that oversees or regulates permitting, registration, and/or installation of Factory-Built homes.

BB. "Manufacturer" - is any person engaged in the production (construction) of Factory-Built homes.

CC. "Manufactured Building" - a closed structure, building assembly or systems of subassemblies which may include structural, electrical, plumbing, heating, ventilating, utility service lines, footings, foundations, porches or other service systems manufactured in manufacturing facilities, for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include, but not limited to, residential dwelling units, commercial, institutional, storage and industrial structures. Factory-Built homes are excluded. Manufactured building may also mean at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation on the building site. For purposes of these regulations, the licensing and other requirements imposed shall only apply to Manufactured Buildings intended for human habitation.

DD. "Manufactured Home" - defined by the United States Department of Housing and Urban Development, as a new or used structure defined by, and constructed in accordance with, the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000. For the purposes of this Regulation, it also includes those structures defined as a manufactured home and mobile home pursuant to *Miss. Code Ann. § 75-49-3* (Supp. 2015).

EE. "Mississippi Department of Transportation" (MDOT) - is the regulatory agency for transportation in the State of Mississippi. All licensees (manufacturers, retailers, developers or installer/transporters) shall comply with the requirements regarding transportation of Factory-Built homes under the jurisdiction of MDOT in the State of Mississippi.

FF. "Mobile Home" - is a structure Factory-Built before June 15, 1976, that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C. Section 5401 et seq.). It is a structure that is transportable in one or more sections, that, in traveling mode, is eight (8) feet or more in width and thirty-two (32) feet or more in length or when erected on site, is two hundred fifty six (256) or more square feet and that is built on a chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning and electrical systems contained therein. A "mobile home" also includes any structure which meets all the requirements and complies with the standards established under this chapter.

GG. "Modular Home" - is a structure which is: (i) transportable in one or more sections; (ii) designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; and (iii) certified by its manufacturers as being constructed in accordance with a nationally recognized building code.

HH. "Modular Home Contractor" - is a licensed residential building contractor or a licensed retailer who buys Factory-Built modular homes for resale to the general public, whether to be

located on the consumer's home site or a land-home package on property owned by the modular home contractor. A Mississippi licensed modular home contractor is authorized to sell new modular homes for installation on a consumer's home site or as part of a land-home package without the necessity of maintaining a separate sales center. A modular home contractor shall be responsible for the installation requirements for modular housing as provided in as set forth in Rule 5.04 – 5.06 of this Regulation.

II. “New Factory-Built Home” - is a Factory-Built home as defined in *Miss. Code Ann. § 75-49-3*, which has never been the subject of a first sale for human habitation.

JJ. “NFPA” - The National Fire Protection Association or its successor.

KK. “Non-coded Area” - is any local jurisdiction (county or municipality) who have not adopted the latest edition and Appendices of the International Building Code published by the International Code Council or the board of supervisors of any county who has not adopted *Miss. Code Ann. § 75-49-21*, or other recognized building codes or portion thereof.

LL. “Non-compliance” - is failure or refusal to comply with imposed standards and/or regulations.

MM. “Park Model” - is a recreational park trailer, built on a single chassis, and having a gross trailer area of 400 square feet or less in the set-up mode when measurements are taken on the exterior of the trailer. The square footage includes all the siding, corner trim, molding, storage space, and area enclosed by windows, but not the roofing overhang. A park model is not a permanent dwelling. It is temporary living quarters for recreational, camping, travel, or seasonal use.

NN. “Person” - includes, unless the context indicates otherwise, corporations, companies, associations, firms, and partnerships, as well as individuals, but does not include any agency of government or tribal governmental entity.

OO. “Pier Footing or Foundation” - the structural support pad that a support pier is placed upon.

PP. “Pier Cap” - a concrete or pressure treated wood plate placed on top of the highest open cell block of the pier.

QQ. “Proprietary Pan-Type Foundation Stabilizing System” - any engineer designed device used for windstorm and seismic protection of a Factory-Built home.

RR. “Retailer” - is any person engaged in the buying and thereafter selling, displaying or offering for sale of new, used or repossessed Factory-Built homes to the general public.

SS. “Set-up” - is any assembly or installation of a Factory-Built home onsite that includes aspects of work that are governed by this chapter.

TT. "Site" - an area of land that a Factory-Built home is installed upon. It is defined as the area under the home to include a 10 ft. perimeter around the home.

UU. "Stabilizer Plate" - is a device used to prevent horizontal movement of a ground anchor.

VV. "Surety Bond" - is a type of bond which protects against loss due to the inability or refusal of an obligor to perform his or her contract.

WW. "Tie-Down" - is any device designed for the purpose of anchoring a Factory-Built home to the ground anchors.

XX. "Used Factory-Built Home" - is a Factory-Built home as defined in *Miss. Code Ann. § 75-49-3* that has been subject of a first sale for human habitation, whether within this state or elsewhere.

YY. "Vehicle Decal" - is a decal to be issued and placed on both the driver and passenger doors of the transporter vehicle (toter) which transports (moves) the Factory-Built home. Escort vehicles are not required to have truck decals. The truck decal is to be placed in a clearly visible location on the passenger and driver door of the vehicle.

ZZ. "Vertical Anchor Tie" - is an anchor tie designed primarily to resist overturning by applying a force to the home or building in a direction no more than 15 degrees from the vertical.

Source: *Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2015).*

### **Rule 5.01.3: Use of Manufacturer's Installation Instructions**

All new Factory-Built homes shall be installed in accordance with the manufacturer's home installation instructions. These instructions may include but are not limited to the following details:

1. Skirting must have vents and an opening for access to the crawl space and heat tape outlet.
2. The dryer exhaust vent must terminate outside the home.
3. Combustion air vents may be needed for sealed combustion units and fireplaces.
4. A vapor barrier may be required on the soil.
5. Adequate clearance must be maintained between the soil and wood floor joists.
6. Water supply lines may be required to be insulated.
7. The lot should be properly graded to avoid standing water around and under the home.
8. The air conditioning condensate drain may be specified to have a termination outside the home.
9. Specifications for utility connections must be followed.

Source: *Miss. Code Ann. §§ 75-49-1, et seq.; 75-49-11 (Supp. 2015).*

#### **Rule 5.01.4: Manufacturer's Installation Instruction Unavailable**

A. If the manufacturer's installation instructions are not available, the anchoring and support requirements for used Factory-Built homes of this standard shall be followed and other aspects of the home installation shall conform to the minimum standards for occupancy established by the Rules and Regulations of the Factory-Built Home Division.

B. Factory-Built homes, both new and used, built after July 13, 1994 that conform to Wind Zone I ratings only, cannot be installed within a designated Wind Zone II area, unless approved by the county or municipality having jurisdiction within the Wind Zone II area. The Wind Zone II area for homes manufactured after July 13, 1994, consists of the following counties: Hancock, Harrison, Jackson, George, Pearl River, and Stone.

C. For used Factory-Built homes that were built prior to July 13, 1994, the following shall apply, If the Factory-Built home was built to the HUD Hurricane Zone rating that existed prior to July 13, 1994, it may be installed in one of the post-July 13, 1994, counties that are listed in Rule 5.01.4 B, above. For reference, HUD designated Hurricane Zone counties that existed prior to July 13, 1994, were as follows: Hancock, Harrison, Jackson, George, Pearl River, Stone, Greene, Perry, Forrest, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson. However, if the county or municipality having jurisdiction within the post-July 13, 1994, Wind Zone II area has adopted more restrictive requirements that would prohibit the installation of a pre-July 13, 1994 Hurricane Zone house, then the requirements of such county or municipality shall govern.

D. Used Factory-Built homes built prior to 1994, currently installed in a Wind Zone I location and having no accessible or readable data plate to determine the wind zone designation the home cannot be moved to a Wind Zone II location unless it can be proven that the home has a Wind Zone II designation or that the LAHJ in the county to which it is being located will allow it to be installed.

E. Prior to the sale and installation of all new and used Factory-Built homes, the retailer, the developer and/or the installer/transporter shall determine whether the house is constructed to the properly rated Wind/Hurricane zone for its intended use and installation by referring to the HUD data plate. Any Factory-Built Home that is to be transported within or into the six (6) coastal counties of the State (Pearl River, Stone, George, Hancock, Harrison, and Jackson County) for installation, the retailer, the developer and/or installer transporter will be required to obtain a photocopy or a clear photograph of the data plate for the home. The photograph or copy of the data plate must be attached to the Property Locator/Certificate of Installation and submitted to the Factory-Built Home Division. If no accessible or readable data plate is available in the home to verify the Wind/Hurricane zone designation, a copy of the HUD data plate and compliance certificate must be obtained from either the manufacturer of the home or from the Institute for Building Technology and Safety (IBTS).

F. The support and anchoring systems of all Factory-Built homes that bear the HUD label shall be designated by a Registered Professional engineer or architect and meet the requirements of 24 CFR Section 3280.306, pursuant to the National Manufactured Housing Construction and Safety



Standards Act of 1974, as amended (42 U.S.C. Section 5401, et seq.) and the Manufactured Housing Improvement Act of 2000 as amended. The manufacturer shall provide complete tie-down instructions with each Factory-Built home.

G. From and after July 1, 2005, no retailer, developer, transporter or installer/transporter shall deliver or cause to be delivered any Factory-Built home to any person at any site where such home is to be used for human habitation without anchoring and blocking such home in accordance with rules, regulations and procedures promulgated by the Commissioner pursuant to *Miss. Code Ann.* § 75-49-5; provided, however, that a period of thirty (30) days from date of delivery shall be allowed for the anchoring and blocking of such homes.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2015).

### **Rule 5.01.5: Instructions for Installation of Used Multi-Section Factory-Built Homes**

The floor sections, roof sections, and wall sections are to be fitted together tightly. Connections must be sufficiently sealed to prevent air infiltration. Connection of multi-section Factory-Built homes (two or more sections), when manufacturer's installation instructions are not available shall be as follows:

1. Floor connection: All floors of multi-section Factory-Built homes shall be securely fastened together along the entire length of the home.
2. Roof and Ridge Beams: All roof and ridge beams of multi-section Factory-Built homes shall be securely fastened together along the entire length of the home.
3. End walls: End walls of multi section Factory-Built homes shall be securely fastened together with the proper weather seal material installed.
4. Siding and trim pieces are to be installed at the connection of the sections.
5. The joints at the ridge of the roof shall be secured and weather tight.
6. Plumbing drain lines must be supported off the ground.
7. Crossover, heating and other ducts shall be supported at 4 feet on centers minimum and must be supported off the ground.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2015).

### **Rule 5.02: Administration**

The Commissioner, acting through the Chief Deputy State Fire Marshal and the Factory-Built Home Division of the Mississippi Insurance Department, is hereby charged with the administration of this chapter. He may make and amend, alter or repeal, general rules and regulations of procedure for carrying into effect all provisions of this chapter, for obtaining statistical data respecting Factory-Built homes, and to prescribe means, methods and practices