

to the expiration of sixty (60) days. The procedures set forth in *Miss. Code Ann.* § 75-49-13 for hearings and appeals shall govern the Dispute Resolution Program.

F. The Dispute Resolution Program shall also address the following:

1. The timely resolution of disputes among manufacturers, retailers, or installers regarding responsibility for correction and repair of defects in Factory-Built homes;
2. The issuance of appropriate orders for correction and repair of defects in such homes, and;
3. Any dispute regarding defects in the Factory-Built home that are reported within one (1) year after the date of first installation.

G. Nothing in this Regulation shall prohibit informal disposition by settlement or consent order, i.e., an order based upon an agreement in writing between the parties in lieu of an administrative hearing.

H. If the administrative hearing order calls for the revocation, suspension, and/or voluntary surrender of a privilege license for any manufacturer, retailer/developer, or installer/transporter, a mandatory two (2) year waiting period will be imposed before any application for re-licensure may be submitted for review. In addition, all monetary obligations (outstanding invoices and fines) to the State, at the time of the loss of the privilege license, must be paid prior to the submittal of the license application. A formal administrative hearing may be held with the license applicant to review the status of all monetary obligations. If the license is to be issued to the applicant, all the requirements in Rule 5.02.9-2, Rule 5.02.9-3, and Rule 5.02.9-8 shall apply.

Source: *Miss. Code Ann.* § 75-49-1, *et seq.*; §§ 75-49-11, 75-49-13, 75-49-19 (Supp. 2015).

Rule 5.04: Minimum Standards for Blocking, Anchors, And Tie Downs

Rule 5.04.1: Standards for "Coded" Areas

Any local government (county or municipality) which has adopted the latest edition and Appendices of the International Building Code published by the International Code Council (ICC) or the International Residential Code for One and Two-Family Dwellings as published by the ICC or the board of supervisors of any county who has adopted *Miss. Code Ann.* § 75-49-21, will be regarded by the Factory-Built Home Division of the State Fire Marshal's Office as being in full compliance with these Rules and Regulations of the "Uniform Standards Code for Factory-Built Homes Law" and as such will assume responsibility as LAHJ for local code enforcement for the installation, blocking, anchoring and tie-downs, and inspection procedures to ensure compliance with the National Manufactured Home Construction and Safety Standards Act of 1974, which are

defined as Factory-Built homes within their respected jurisdictions. Additionally, homes that are installed and set-up in accordance with federal guidelines required to meet the financing criteria of a federal agency are regarded by the Factory-Built Home Division of the State Fire Marshal's Office as being in full compliance. However, the Factory-Built Home Division of the State Fire Marshal's Office is the State Administrative Agency for the Department of Housing and Urban Development only.

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

Rule 5.04.2: Standards for "Non-Coded" Areas

Minimum standards for blocking, anchors and tie-downs for Factory-Built homes in non-coded areas of the state, when delivered to a home site location in the State of Mississippi, where they are intended to be used for human habitation shall be installed in accordance with the Mississippi Factory-Built Home Installation Program, these regulations, and any and all applicable state and federal laws, rules and regulations, so as to prevent loss of life and property from wind storms and related hazards. A period of thirty (30) days from the date of delivery is allowed for blocking and anchoring of the home.

If the licensure exceptions do not apply (as listed in Rule 5.02.5), no Factory-Built home shall be installed within this state unless such installation is done by an installer/transporter licensed by the Mississippi Department of Insurance State Fire Marshal's office in accordance with the manufacturer's approved installation plan or the minimum standards set forth in this Regulation. The licensed installer/transporter or an employee of the licensed installer/transporter who possesses a current certificate of training from the State Fire Marshal's Office must be present during the entire installation process. The owner or purchaser of a Factory-Built home is not allowed to transport said home unless the owner or purchaser is a licensed installer/transporter.

If the manufacturer's installation manual is unavailable for the installation, then the home must be installed according to the minimum standards set forth in this regulation.

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

Rule 5.04.3: Windstorm Protection and Wind Zone Designation

A. All new and used Factory-Built homes shall be installed in compliance with the set-up/installation instructions manual, in accordance with Federal Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.306, (Windstorm protection) as follows: (a) Provisions for support and anchoring systems. Each Factory-Built home shall have provisions for support/anchoring or foundation systems that, when properly designed and installed, will resist overturning and lateral movement (sliding) of the Factory-Built home as imposed by the respective design loads. For Wind Zone I, the design wind loads to be used for calculating resistance to overturning and lateral movement shall be the simultaneous application of the wind loads indicated in Section 3280.305 (c)(1)(i), increased by a factor of 1.5 [D 7 76]. The 1.5 factor of safety for

Wind Zone I is also applied simultaneously to both the vertical building projection, as horizontal wind load, and across the surface of the full roof structure, as uplift loading. For Wind Zones II and III, the resistance shall be determined by the simultaneous application of the horizontal drag and uplift wind loads, in accordance with Section 3280.305 (c)(1)(ii). The basic allowable stresses of materials required to resist overturning and lateral movement shall not be increased in the design and proportioning of these members. No additional shape or location factors need to be applied in the design of the tie down system. The dead load of the structure may be used to resist these wind loading effects in all Wind Zones.

B. Used Factory-Built homes, as defined in this chapter, not provided with such set-up/installation instruction manuals, and not provided with instructions shall comply with the specifications listed under Rule 5.06, Mississippi Factory-Built Home Installation Program Standards, *infra*.

C. 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. 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.

D. 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 (C) above. For reference, HUD designated Hurricane Zone counties that existed prior to July 13, 1994, were as follows: Hancock, Harrison, Jackson, George, Pear River, Stone, Greene, Perry, Forrest, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson. However, if the LAHJ 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.

E. Prior to the sales 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).

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