

**TITLE 4. PROFESSIONS AND OCCUPATIONS**  
**CHAPTER 34. BOARD OF MANUFACTURED HOUSING**

**ARTICLE 1. GENERAL**

**Effective as of June 29, 2018**

Section

- R4-34-101. Definitions
- R4-34-102. Materials Incorporated by Reference
- R4-34-103. Exceptions
- R4-34-104. ~~Workmanship Standards~~ Repealed

**ARTICLE 2. LICENSING**

Section

- R4-34-201. General
- R4-34-202. Manufacturers
- R4-34-203. Retailers
- R4-34-204. Installers

**ARTICLE 3. SALES TRANSACTIONS AND TRUST OR ESCROW ACCOUNT**

Section

- R4-34-301. Transaction Copies
- R4-34-302. Advertising
- R4-34-303. Brokered Transactions

**ARTICLE 4. SURETY BONDS**

Section

- R4-34-401. Surety Bond Forms
- R4-34-402. Cash Deposits

**ARTICLE 5. FEES**

Section

- R4-34-501. General
- R4-34-502. License Bond Amounts
- R4-34-503. ~~HUD Monitoring Inspection~~ Repealed
- R4-34-504. HUD Label Administration
- R4-34-505. Plans and Supplements

R4-34-506. ~~Intergovernmental Agreement Permits~~ Repealed

## **ARTICLE 6. MANUFACTURING, CONSTRUCTION, AND INSPECTION**

### Section

R4-34-601. ~~Manufactured Homes~~ Repealed

R4-34-603. FBBs

R4-34-604. ~~Alterations~~ Repealed

R4-34-605. Reconstruction of FBBs

R4-34-606. Rehabilitation of Mobile Homes

R4-34-607. Manufacturing Inspection and Certification

## **ARTICLE 7. PLAN APPROVALS**

### Section

R4-34-701. General

R4-34-702. Compliance Assurance Manuals

R4-34-703. Drawings and Specifications

R4-34-704. Reconstruction Plans

R4-34-705. Accessory Structures and Ground Anchoring

R4-34-706. Factory-built Building Installation

R4-34-707. Designated Flood-prone Area Installation

## **ARTICLE 8. PERMITS AND INSTALLATION**

### Section

R4-34-801. Permits

R4-34-802. General Installation

R4-34-803. ~~Soil and Materials~~ Repealed

R4-34-804. ~~Utilities~~ Repealed

R4-34-805. Accessory Structures

## **ARTICLE 10. ADMINISTRATIVE PROCEDURES**

### Section

R4-34-1001. Rehearing or Review

## **ARTICLE 1. GENERAL**

### **R4-34-101. Definitions**

The definitions in A.R.S. §§ 41-4001, and 41-4008 apply to this Chapter. Additionally, in this Chapter:

1. “Act” means the Manufactured Housing Improvement Act of 2000, which is Title VI of the American Homeownership and Economic Opportunity Act of 2000.
2. “Agency” means-the seller or purchaser of a used home has given a licensed salesperson written legal authority to act on behalf of the seller or purchaser when dealing with a third party. The written legal authority is also binding on the salesperson’s licensed and employing retailer.
3. “Agency disclosure” means a document that specifies the person a licensed salesperson or licensed retailer represents in a brokered transaction.
4. “Agent” means a licensed retailer authorized to act on behalf of a seller, purchaser, or both the seller and purchaser of a used home.
5. “Branch location” means a satellite office in addition to the principal office, where business may be transacted.
6. “Brokered transaction” means a transaction in which a licensed broker acts as an agent for the seller, purchaser, or both.
7. “Certificate” means an Arizona Insignia of Approval, which is required for modular manufacture, installation, reconstruction, or rehabilitation work.
8. “Co-brokered transaction” means a transaction in which the listing retailer and the selling retailer are not the same person.
9. “Commercial” means an FBB with a use-occupancy classification other than single-family dwelling.
10. “Consummation of sale, as defined at A.R.S. § 41-1001, includes filing an Affidavit of Affixture, if applicable.
11. “FBB” means factory-built building.
12. “Field installed” means components, equipment, and/or construction that is to be completed or installed at the site. Field installed does not include reconstruction.
13. “HVAC” means heating, ventilation, and air conditioning.
14. “Modular” means an FBB.
15. “New” means a unit or subassembly not previously sold, bargained, exchanged, or given away to a purchaser.

16. "Permanent foundation" means a system of support and perimeter enclosure of crawl space that is:
  - a. Constructed of durable materials (e.g., concrete, masonry, steel, or treated wood);
  - b. Developed in accordance with the manufacturer's installation instructions or designed by ~~a~~-an Arizona registered engineer;
  - c. Attached in a manner that effectively transfers all vertical and horizontal design loads that could be imposed on the structure by wind, snow, frost, seismic, or flood conditions, as applicable, to the underlying soil or rock;
  - d. Designed to exclude unwanted elements and varmints, ensure sufficient ventilation, and provide adequate access to the building; and
  - e. Not affixed with anchoring straps or cable to ground anchors other than footings.
17. "Purchase contract in a brokered transaction" means a written agreement between a purchaser and seller of a used home that indicates the sales price and terms of the sale.
18. "Repair" means work performed on a manufactured home, mobile home, or FBB to restore the building to a habitable condition but does not impact the original structure, electrical, plumbing, HVAC, mechanical, use occupancy, or energy design.
19. "Residential" means a building with a use-occupancy classification of single family dwelling or as governed by the International Residential Code.
20. "Retailer" means a broker or dealer as prescribed at A.R.S. § 41-4001(5) and (10).
21. "Site" means a parcel of land bounded by a property line or a designated portion of a public right-of-way.
22. "Site work" means soil preparation including soil analysis, grading, drainage, utility trenches, and foundation systems preparation, and field-installed work including terminal and connections, on-site utility connections, accessibility structures, egress paths, parking, lighting, landscaping, and similar work.
23. "Standards" means the materials incorporated by reference in R4-34-102.
24. "Supplement" means a submittal of not more than two sheets of paper that indicates floor plan dimensional sizes, does not change more than 25% of a system or configuration, and is incorporated as part of an originally approved plan.
25. "Technical service" means engineering assistance and interpretative application or clarification of compliance and enforcement of A.R.S. Title 41, Chapter 16, Articles 1, 2, and 4 and this Chapter.
26. "Used home" means a previously titled manufactured home, mobile home, or FBB designed for use as a residential dwelling.

#### **R4-34-102. Materials Incorporated by Reference**

The following materials, which the Board incorporates by reference, apply to this Chapter. The materials, which include no later amendments or editions, are available from the Board. If there is a conflict between the incorporated material and a statute or rule, the statute or rule controls.

1. 24 CFR 3280, Manufactured Home Construction and Safety Standards, April 1, 2008, edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov;
2. 24 CFR 3282, Manufactured Home Procedural and Enforcement Regulations, April 1, 2008, edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov;
3. 24 CFR 3284, Manufactured Housing Program Fee, April 1, 2008, edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov;
4. 24 CFR 3285, Model Manufactured Home Installation Standards, April 1, 2008, edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov;
5. 24 CFR 3286, Manufactured Home Installation Program, April 1, 2009, edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov;
6. 24 CFR 3288, Manufactured Home Dispute Resolution Program, April 1, 2008, edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov;
7. International Building Code (IBC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;
8. International Residential Code (IRC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;
9. International Mechanical Code (IMC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;
10. International Plumbing Code (IPC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;
11. International Fuel Gas Code (IFGC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;

12. International Energy Conservation Code (IECC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;
13. National Electrical Code (NEC), 2008 edition, available from the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02169-;
14. Protecting Manufactured Homes from Floods and Other Hazards, publication 85, second edition, November 2009, available from the Federal Emergency Management Agency, 500 C. St. SW, Washington, D.C. 20472 or [www.fema.gov](http://www.fema.gov).

**R4-34-103. Exceptions**

- A.** The Board makes the following exceptions to the materials incorporated by reference in R4-34-102:
1. International Building Code and International Residential Code. A water or gas connection may be a flexible connector if the flexible connector:
    - a. Is not more than 6 feet long,
    - b. Is of the rated size necessary to supply the total demand of the unit, and
    - c. Made of materials that comply with the International Plumbing Code and International Fuel Gas Code; and
  2. International Residential Code. Exclude Section R313, Automatic Fire Sprinkler Systems.
- B.** Under A.R.S. § 41-4010(D), a local jurisdiction may petition the Board for an exception to a standard. If the Board grants a local jurisdiction an exception to a standard, the local jurisdiction shall be bound by any conditions in the exception order issued by the Board. The local jurisdiction shall ensure the petition for an exception:
1. Specifies the standard sections affected;
  2. Justifies the requested exception with documented evidence of the local conditions that support the requested exception;
  3. Specifies the boundaries of the area affected by the local conditions;
  4. States why the exception is necessary to protect the health and safety of the public; and
  5. Provides an estimate of the economic impact the requested exception will have on the petitioning jurisdiction, other affected governmental entities, the public, unit owners, and licensees, and the facts upon which the estimate is based.
- C.** An exception ordered by the Board applies only within the jurisdiction that petitioned for the exception.
- D.** An exception order is effective on the date specified in the order, which will be at least 60 days after a Departmental Substantive Policy Statement has been issued to all licensed installers describing the exception, the area within which it applies, and any provisions applicable to its use.

**R4-34-104. Workmanship Standards Repealed**

**ARTICLE 2. LICENSING**

**R4-34-201. General**

- A. Within five business days following receipt, the Department shall perform an administrative review of an application. If the Department determines the application is incomplete, the applicant will be provided an opportunity to complete the application. Within 14 business days following receipt of a completed application and after the applicant has passed any required license examination, the Department shall issue a conditional license.
- B. Corporate applicants shall submit a copy of their organizational documents, including articles of incorporation or organization, with all amendments, filed with the state, as applicable, and a certificate of good standing to transact business in this state.
- C. An exemption from any applicable examination requirement may be granted if a new license application identifies the same license classification and the same qualifying party listed on a previously held license, provided the previous license was in good standing before it expired.
- D. A licensee will be given notice that a conditional license is automatically effective as a permanent license to transact business within the scope of the license following review and approval by the Department of the licensee's criminal background analysis.
- E. Unless otherwise stated in the purchase contract, a retailer selling a mobile home, manufactured home, or FBB shall know the ordinances of the town, city, or county where the unit is to be installed regardless of whether the retailer is obligated to provide for the delivery or installation of the unit.

**R4-34-202. Manufacturers**

Manufacturers' license applications fall into one of the following license classes:

1. M-9A Manufacturer of FBBs - manufactures or reconstructs FBBs;
2. M-9C Manufacturer of manufactured homes - manufactures or reconstructs manufactured homes;  
and
3. M-9E Master Manufacturer performs work within the scope of classes M-9A and M-9C.

**R4-34-203. Retailers**

Retailers' license applications fall into one of the following license classes:

1. D-8 Retailer of manufactured homes or mobile homes:

- a. Buys, sells, or exchanges new or used manufactured homes; and used mobile homes;
  - b. May sell new or used accessory structures included in a sales agreement;
  - c. Acts as an agent for the sale or exchange of used manufactured homes; or mobile homes including existing or new accessory structures included in a sales agreement;
  - d. Makes alterations to new manufactured homes before a sale to a purchaser; or
  - e. Contracts with licensed installers or contractors for the installation of manufactured homes, mobile homes, and existing or new accessory structures included in a sales agreement.
2. D-8B Broker of manufactured homes or mobile homes:
- a. Acts as an agent for the sale or exchange of used manufactured homes or mobile homes that may include existing or new accessory structures included in a sales agreement;
  - b. Contracts with licensed installers or contractors for the installation of manufactured homes, mobile homes, and existing or new accessory structures included in a sales agreement.
3. D-10 Retailer of FBBs:
- a. Buys, sells, or exchanges new or used FBBs;
  - b. Acts as an agent for the sale or exchange of new or used FBBs;
  - c. Makes alterations to new FBBs before sale to a purchaser; or
  - d. Contracts with licensed installers or contractors for the installation of FBBs including any existing or new accessory structures included in a sales agreement.
4. D-12 Master Retailer: Performs work within the scope of classes D-8, D-8B, and D-10.

**R4-34-204. Installers**

**A.** Installers' license applications fall into one of the following license classes:

- 1. I-10C General installer of manufactured homes, mobile homes, residential single-family FBBs:
  - a. Installs manufactured homes, mobile homes, or residential single-family FBBs on foundation systems;
  - b. Installs ground anchors and tie-downs for manufactured homes or mobile homes;
  - c. Connects water, sanitary waste, gas, and electrical systems of all amperages to the proper onsite utility terminals provided by others;
  - d. Installs evaporative cooler systems on manufactured homes, mobile homes, or residential single-family FBBs including providing roof jack to cooler ducts, installing exterior duct work, providing electrical service and controls to cooler from nearest supply source, providing water to the cooler from nearest fresh water source, and performing cooler repair work;



- e. Performs repair work, replaces or newly installs to existing mobile homes, manufactured homes, and residential single-family FBBs items in subsections (A)(1)(a) through (d); and
  - f. May subcontract to a properly licensed entity for installation of a manufactured home, mobile home, or residential single-family FBB or installation of an accessory structure in conjunction with installation of a home.
- 2. I-10D Installer of accessory structures attached to manufactured homes, mobile homes, or residential single-family FBBs including installation of prefabricated accessory structure units, on-site constructed accessory structures, concrete footings or slabs for accessory structures, and plumbing, electrical, and mechanical equipment. An I-10 Installer may subcontract, as needed, to a properly licensed installer or contractor for installation of any accessory-structure item under this subsection.
  - 3. I-10G Master installer of manufactured homes, mobile homes, residential single-family FBBs, or commercial single-story FBBs built on a chassis with an electrical system no greater than 400 amperes is qualified to perform the work described under subsections (A)(1) and (2) and installs HVAC systems including electrical wiring, gas connections, and ductwork. An I-10G Master installer does not provide service, maintenance, repair, or discharging, adding, or reclaiming refrigerants or any other work requiring certification. An I-10G Master installer may subcontract to a properly licensed entity for installation of any item under this subsection.

**B. Installer applicants.**

To be qualified for an installer I-10C, I-10D, or I-10G license, an applicant shall:

- 1. Have a minimum of three years practical or field management experience in the specific type of installation, a related construction field, or the equivalent, for which the applicant is applying. At least two of the three years' experience shall be within 10 years of the date of application. The applicant may substitute technical training in the specific type of installation, a related construction field, or the equivalent, from an accredited college or university or from a Department of Housing workshop for no more than one year of the three years' experience required in this subsection;
- 2. Supply a written, notarized statement from each employer or other individual familiar with the applicant's employment or other work experience, which includes the name, address, and telephone number of the individual making the statement, the dates of the applicant's employment or other work experience, a description of the position the applicant held, and a signature indicating the signer vouches for the truthfulness of the statement as proof the applicant meets the experience requirement in subsection (B)(1); and

3. Supply a certified copy of each official transcript or certificate, demonstrating successful completion of any technical training the applicant wishes the Department to consider as proof of meeting the experience requirement in subsection (B)(1).

### **ARTICLE 3. SALES TRANSACTIONS AND TRUST OR ESCROW ACCOUNT**

#### **R4-34-301. Transaction Copies**

A retailer shall maintain a record of all transaction documents. In every transaction:

1. The retailer shall provide the purchaser with a copy of all completed and signed document;
2. If a purchaser is unrepresented, the listing retailer shall provide the purchaser with a copy of all completed and signed documents; and
3. If a transaction is co-brokered, the listing retailer shall provide a copy of the listing agreement to the selling retailer, and the selling retailer shall provide a copy of all completed and signed documents to the listing retailer.

#### **R4-34-302. Advertising**

- A. A retailer shall include the retailer's licensed business name in all advertising.
- B. A retailer shall not advertise or market a used home for more than the listed price.

#### **R4-34-303. Brokered Transactions**

- A. A broker shall provide a copy of the agency disclosure to the party or parties the broker represents.
- B. A seller's retailer shall place all earnest money deposits received in connection with a sales transaction in the retailer's trust or escrow account in accordance with A.R.S. § 41-4030 except as provided in the exception provision.
- C. Upon consummation of a brokered transaction, the seller's broker shall provide the seller with a closing statement that includes an accounting of all expenses charged to the seller, all pro rations, and all credits.
- D. In a co-brokered transaction, the seller shall pay the commission shown on the listing agreement as the total commission.
- E. The seller's broker shall prepare an addendum to the listing agreement if any of the terms of the listing agreement change. The seller's signature is required for the addendum to be valid. The addendum to the listing agreement shall reflect the date the seller signs the addendum to the listing agreement.

- F.** If the seller or broker elects to finance the unpaid balance reflected on the offer to purchase or purchase contract, the broker shall:
1. Maintain evidence of the original portion of the purchase price being financed by the seller or broker, and
  2. Maintain evidence the title has been transferred into the name of the purchaser and ~~that~~ the lienholder's position has been secured on the title.

#### **ARTICLE 4. SURETY BONDS**

##### **R4-34-401. Surety Bond Forms**

- A.** Manufacturers, installers, and retailers (except those with a D-8B license classification) shall submit the applicable surety bond amount from the list in R4-34-502, with a form provided by the Office of Administration.
- B.** A rider to the bond is required for the following changes:
1. Location of the licensee's principal place of business,
  2. Business name,
  3. Branch address,
  4. License classification, or
  5. Bond amount.

##### **R4-34-402. Cash Deposits**

- A.** Unless exempt under R4-34-401, an applicant or licensee posting cash in lieu of a commercial surety bond shall pay by:
1. Cash. A cash deposit is not transferrable and shall be made in the name of the applicant or licensee as the name appears on the license application or issued license; or
  2. Certified or cashier's check or bank or postal money order made payable to the Arizona State Treasurer.
- B.** Upon receipt of an order from a court of competent jurisdiction directing payment of funds on deposit, the Director shall make payment as directed and suspend the license under A.R.S. § 41-4029. To reinstate the license, the licensee shall return the cash deposit to the required balance or, file a commercial surety bond for the full amount, and pay all applicable reinstatement fees.
- C.** A cash deposit may be withdrawn by the applicant, licensee, or someone having authority to act on behalf of the applicant or licensee, under the following circumstances:
1. A license is not issued to the applicant;

2. The license has been terminated, expired, revoked, or voluntary cancelled for at least two years, and there are no outstanding claims; and
3. Two years after the licensee files a commercial surety bond that replaces the cash deposit, if there are no outstanding claims.

**ARTICLE 5. FEES**

**R4-34-501. General**

- A. The Board shall establish a fee schedule before May 15 for the coming fiscal year.
- B. The Director shall notify all licensees of the established fee schedule before June 1 of each year and post the fee schedule on the Department’s website.
- C. Licensees shall pay fees for the following services:
  1. Manufacturer license,
  2. Retailer license,
  3. Installer license,
  4. Salesperson license,
  5. Inspection and technical service,
  6. Plans and supplements,
  7. Installation permits and insignias, and
  8. Administrative functions.

**R4-34-502. License Bond Amounts**

- A. An applicant shall submit the license bond amount listed for each license class.

License Class	Bond Amount
M-9A	\$10,000
M-9C	\$65,000
M-9E	\$100,000
D-8	\$25,000
D-10	\$25,000
D-12	\$25,000
I-10C	\$2,500
I-10D	\$1,000
I-10G	\$5,000

- B. The Board shall not renew a license unless and until the licensee's surety bond is in full force and effect or the full cash deposit is made or in place.

**R4-34-503. HUD Monitoring Inspection Repealed**

**R4-34-504. HUD Label Administration**

In addition to the fees required under R4-34-501(C), a manufacturer of manufactured homes shall pay \$5 to the Department for each label issued in this state.

**R4-34-505. Plans and Supplements**

If a licensee submits a plan or supplement that is not complete and correct, the Department shall provide written notice the plan or supplement is not acceptable and provide 60 days from the date on the notice for the licensee to submit a complete and correct plan or supplement. If the licensee fails to submit a complete and correct plan or supplement within the time provided, the Department shall return the submitted plan or supplement and treat the submittal fee paid as forfeited. To resubmit a plan or supplement, the licensee shall pay a new submittal fee.

**R4-34-506. Intergovernmental Agreement Permits Repealed**

**ARTICLE 6. MANUFACTURING, CONSTRUCTION, AND INSPECTION**

**R4-34-601. Manufactured Homes Repealed**

**R4-34-603. FBBs**

- A. A manufacturer shall construct a FBB according to the applicable standards in R4-34-102 and:
1. Provide a complete set of drawings and specifications to the Department under R4-34-703(B).
  2. Affix a permanent serial or identification number to each unit during the first stage of manufacturing. If a FBB has multiple sections (modules), the manufacturer shall ensure each module is separately identified. The serial or identification number location and application method shall be shown in the plans required under R4-34-703(B)(7); and
  3. Affix a Modular Manufacturer's Certificate to each completed module where indicated in the plan required under R4-34-703 (B)(5).

- B.** The Department may require a manufacturer of a FBB that is produced and shipped before plan approval to remove the FBB from this state and remove the Modular Manufacturer's Certificate based on the Department's assessment of the following factors:
1. Probable harm to public safety and welfare,
  2. Previous violations of a similar nature, and
  3. Manufacturer's failure to comply with plan submittal and requirements.

**R4-34-604. Alterations Repealed**

**R4-34-605. Reconstruction of FBBs**

A manufacturer shall ensure reconstruction of a FBB is consistent with applicable standards prescribed in R4-34-102 and:

1. Existing construction, systems (electrical, plumbing, HVAC, energy, etc.), and components are structurally and otherwise sound and compliant with standards governing at the time of manufacture;
2. New construction, systems, and components comply with applicable standards in R4-34-102;
3. A permanent serial or identification number is affixed to each reconstructed FBB as required under R4-34-603(A);
4. An Arizona Reconstruction Certificate is affixed to each module; and
5. The reconstructed FBB complies with R4-34-102.

**R4-34-606. Rehabilitation of Mobile Homes**

- A.** A rehabilitation permit shall be obtained from the Department before any modification of a mobile home.
- B.** The following requirements shall be met for a mobile home to be issued a certificate of compliance:
1. A smoke detector in each sleeping room and outside each separate sleeping area in the immediate vicinity of the sleeping rooms. Each smoke detector shall be installed in accordance with its manufacturer's instructions;
  2. The walls, ceilings, and doors of each gas-fired furnace and water-heater compartment shall be lined with 5/16-inch gypsum board, except a door to a compartment that opens to the exterior of the mobile home, in which case the door may be all metal construction. All exterior compartments shall seal to the interior of the mobile home;
  3. Each room designated expressly for sleeping purposes shall have at least one outside egress window or an approved exit device. The window or exit shall have a minimum clear dimension

of 22 inches, a minimum clear opening of five square feet, and the bottom of the exit is not more than 36 inches above the floor;

4. The electrical system is tested for continuity to ensure metallic parts are properly bonded, tested for operation to demonstrate all equipment is connected and in working order, and given a polarity check to determine connections are proper. The electrical system is properly protected for the required amperage load. If aluminum conductors are used, all receptacles and switches rated 20 amperes or less and directly connected to the aluminum conductors are marked CO/ALR. Exterior receptacles other than heat tape receptacles; are of the ground fault circuit interrupter (GFI) type. Conductors of dissimilar metals (Copper/Aluminum/or Copper Clad Aluminum) are connected in accordance with Section 110-14 of the National Electrical Code incorporated at R4-36-102; and
  5. Gas piping shall be tested with methods incorporated at R4-36-102. All gas furnaces and water heaters shall be installed in compliance with materials incorporated at R4-36-102. If a rehabilitated mobile home is to be relocated following rehabilitation, the gas tests required under this subsection may be performed and inspected at the time of installation at the new location.
- C. The rehabilitated mobile home shall be inspected by the Department to ascertain compliance with subsection (B).
  - D. The Department shall issue a certification of compliance for each rehabilitated mobile home in compliance with subsection (B), and affix an insignia of approval to the exterior wall nearest the point of entrance of the electrical service.
  - E. If the Department determines a rehabilitated mobile home does not comply with subsection (B), the Department shall serve a correction notice and require the person served to make corrections within the time specified in the notice. The Department shall determine the time for correction based on the severity of the hazard or violation and the time reasonably needed to make the correction. The Department shall allow at least 30 days for correction unless an imminent safety hazard is found, or the correction has been unreasonably delayed, in which case, the Department shall serve an Order to Vacate to the person occupying the rehabilitated mobile home.
  - F. The Department shall serve an Order to Vacate on a person occupying a non-rehabilitated mobile home within five days after an inspection of the non-rehabilitated mobile home finds an imminent safety hazard.

**R4-34-607. Manufacturing Inspection and Certification**

- A. The Department shall conduct manufactured home plant certification under R4-34-102.

- B.** Before issuing Certificates, the Department shall certify that a manufacturing facility of FBBs is capable of manufacturing the FBBs to the specifications in the approved drawings and procedures in the approved compliance assurance manual required under R4-34-702.
- C.** A manufacturer of FBBs and reconstructed FBBs shall certify compliance with approved plans by affixing a Modular Manufacturer Certificate or Reconstruction Certificate, as appropriate, to each FBB before delivery to a retailer.
- D.** Records and reporting: By the 15th of each month:
  1. A manufacturer of manufactured homes shall report to the Department affixing HUD labels, complete any other required reports, and establish and maintain records required under R4-34-102; and
  2. FBB manufacturer shall report to the Department affixing Arizona Modular and Reconstruction Certificates during the previous month.
- E.** The Department shall decertify a manufacturing facility if:
  1. A serious defect exists in more than one FBB;
  2. An inspector identifies three or more failures to comply with specifications in the approved plans, standards, or compliance assurance manual;
  3. An in-state licensee fails to produce approved units for more than six consecutive months; or
  4. An out-of-state licensee fails to file quarterly inspection reports for six consecutive months.
- F.** Before resuming a production, a decertified manufacturing facility shall be recertified by the Department.
  1. The Department shall evaluate the production process at the decertified manufacturing facility to ensure the manufacturer's procedures are consistent with the approved plans, and compliance assurance manual at every stage of production.
  2. When the manufacturer successfully completes the recertification process, the Department shall issue Certificates or Labels to the manufacturer.
- G.** The Department may conduct regular inspections of retailer lots to ensure compliance with approved plans, standards, and A.R.S. § 41-4048.

## **ARTICLE 7. PLAN APPROVALS**

### **R4-34-701. General**

- A.** Before construction of a manufactured home or FBB, a manufacturer shall submit to the office:
  1. The compliance assurance manual required by R4-34-702, and
  2. The drawings and specifications required by R4-34-703.



- B.** Before performing one of the following, a person shall obtain plan approval:
1. Under R4-34-704(A) for an alteration,
  2. Under R4-34-704(B) for a reconstruction,
  3. Under R4-34-705 to install an attached accessory structure, and
  4. Under R4-34-706 to install an FBB.
- C.** Within 20 business days after receiving a plan submitted under subsection (B), the Department shall perform an administrative review of the plan submittal and if incomplete, require the licensee to provide a complete plan submittal. Within 20 business days after receiving a complete plan submittal, the Department shall approve or disapprove the plan submittal.
- D.** A person that submits a plan under subsection (B) shall ensure the plan conforms with the following standards:
1. Each page is at least 8 ½ X 11 inches;
  2. The font is at least eight point;
  3. The cover page includes an index and provides a 3 X 5 inch blank space near the title block;
  4. The plan and all details and calculations are sealed by an Arizona registered engineer; and
  5. The plan is consistent with all applicable standards incorporated at R4-34-102.

**R4-34-702. Compliance Assurance Manuals**

A manufacturer of FBBs shall prepare a compliance assurance manual that has all of the following:

1. An 8 ½ X 11 inch format with page numbers and revision traceability;
2. The manufacturer's name and address of the factory to which the manual applies;
3. A table of contents that identifies key elements in the quality and compliance control process;
4. An organizational chart that shows titles and functions of all positions responsible for any aspect of quality and compliance control;
5. A description of the design-document control process and procedures for ensuring the current approved design package or building plans are available to production, quality, and compliance personnel;
6. A description of procedures for handling materials, including treatment and disposal of rejected materials, in compliance with standards;
7. A description of the FBB-identification system including a unique identifier, such as a serial or identification number, that is permanently affixed to each module of the FBB at the beginning of manufacturing and where the unique identifier is located on the FBB;

8. A drawing showing the layout of the factory and location of the work area for each step in the manufacturing sequence with a description of the scope of work performed at each work area, including off-line processes;
9. An inspection checklist, keyed to the drawing required in subsection (8), that identifies the inspections and tests to be performed at each step in the manufacturing sequence and title of the position responsible for ensuring inspections and tests are performed;
10. A list that includes step-by-step procedures for ensuring all required tests are performed, the equipment needed to perform each test, and procedures for maintaining test equipment;
11. A description of procedures for maintaining control of certificates, installing certificates on FBBs, and making the monthly report of certificates and title of the position responsible for ensuring these tasks are performed;
12. A description of the procedures for storing completed FBBs at the facility including the manner in which stored FBBs are protected from the elements and other sources of potential damage; and
13. A description of procedures for ensuring building documents are retained and title of the position responsible for ensuring document retention.

**R4-34-703. Drawings and Specifications**

- A.** A manufacturer of manufactured homes shall submit to the Department drawings and specifications that comply with applicable standards in R4-34-102.
- B.** A manufacturer of FBBs shall submit to the Department plans that comply with the applicable standards in R4-34-102. The manufacturer shall ensure the plans provide or have the following information or format attributes:
  1. Dimensioned drawings and details identifying, process descriptions, component specification lists, shop drawings, and other documents that specify and identify each component, process, assembly operation, and manufacturing step. Include electrical, plumbing, gas, and HVAC systems;
  2. A traceable identification for each component and subassembly listed;
  3. Design analysis calculations for all loads and systems;
  4. The location and process for stamping the permanent serial or identification number on the FBB or subassembly;
  5. The location of the Modular Manufacturer Certificate; and
  6. Dimensional plans and details identifying all components and construction to be field installed.

**R4-34-704. Reconstruction Plans**

- A. A manufacturer shall comply with the standards in R4-34-102 when preparing a reconstruction plan.
- B. A manufacturer preparing a reconstruction plan shall ensure the plan contains a detailed set of dimensioned drawings and specifications that depict all aspects of the reconstruction, including a plan depicting the original configuration, and contains the serial or identification number of the unit.
- C. A manufacturer shall include with a reconstruction plan a certification statement regarding existing components, construction, and systems indicating they are structurally sound, functional, and do not pose a life safety threat.

**R4-34-705. Accessory Structures**

- A. For commercial FBBs, a properly licensed entity or person shall comply with the International Building Code when preparing attached accessory structure plans. For manufactured homes, mobile homes, and residential FBBs a properly licensed entity or person shall comply with the International Residential Code when preparing attached accessory structure plans.
- B. The Department may approve a design that does not comply with subsection (A) based on a demonstration by an Arizona registered engineer that the design meets standards at least equivalent to those in subsection (A).
- C. A properly licensed entity or person shall submit plans, which are sealed by an Arizona registered engineer, for all attached accessory structures except skirting systems that have manufacturer installation instructions and HVAC systems.

**R4-34-706. FBB Installation**

A properly licensed entity or person shall include the following in installation plans submitted to the Department:

- 1. A site plan that includes the location of the building and all utility lines;
- 2. A foundation plan that includes:
  - a. A description of the soil class and the soil bearing pressure;
  - b. A description of footings and other foundation supports designed to meet the minimum bearing pressure at the depth required;

- c. A complete set of drawings indicating dimensions and details of the foundation footing and anchoring; and a complete list of materials with a cross-identification of how materials will be used, in the appropriate view; and
  - d. Calculations, prepared by an Arizona registered engineer, for all load conditions, including wind loads for horizontal loads, uplift loads, and overturning; and horizontal and torsional earthquake effects on foundations.
3. Electrical drawings, including the isometric one-line diagram required by R4-34-102 that contain the following information:
  - a. Size and type of conductors, length of feeders, and all amperage;
  - b. Dimensions of gutterways and raceways;
  - c. Complete details of panelboards, switchboards, and distribution centers; and
  - d. All grounding and bonding connections.
4. Plumbing drawings, including one-line diagrams required by R4-34-102 that contain the following information:
  - a. Location of sewer tap, water meter, and gas meter;
  - b. Size, length, and all materials for sewer, water, and gas lines;
  - c. Location of all cleanouts and grade of sewer line;
  - d. Fixture unit calculations for plumbing and gas fixtures;
  - e. Fastening and closure details for connection of multiple modules; and
  - f. Dimensional plans and details for all components and construction to be field installed.

**R4-34-707. Designated Flood-prone Area Installation**

Before installing a manufactured home, mobile home, or FBB in a designated flood-prone area, an installer shall submit and obtain Department approval of an installation plan that includes the following:

1. A site plan showing the location of the manufactured home, mobile home, or FBB;
2. A copy of the designated flood-use permit or flood design conditions issued by the local enforcement agency showing the flood zone type and regulatory and base flood elevations;
3. A site-specific foundation plan that is prepared by an Arizona registered engineer and includes:
  - a. A complete set of drawings indicating dimensions and details of the foundation system and anchoring to prevent floatation, collapse, or lateral movement of the structure;
  - b. A complete list of materials cross identified to the drawings in subsection (3)(a) showing how the materials will be used;

- c. An indication of how to place the structure to ensure the bottom frame of the structure is at or above the regulatory flood elevation;
  - d. An indication of where to place external utilities and equipment to ensure they are at or above the regulatory flood elevation;
  - e. If the structure has an enclosed foundation, an indication of where to place flood vents or other openings; and
  - f. All calculations used to determine all load conditions; and
4. Written approval of the information in subsections (1) through (3) from the local flood-district administrator having authority.

## **ARTICLE 8. PERMITS AND INSTALLATION**

### **R4-34-801. Permits**

- A.** A properly licensed entity or person shall obtain a permit for the installation of a manufactured home, mobile home, FBB, or attached accessory structure, or rehabilitation of a mobile home.
- B.** The Department shall issue or deny a permit within seven business days after the application is received. If a permit is denied, corrections to the application shall be submitted to the Department within 20 business days after the denial.
- C.** A properly licensed entity or person shall obtain a all required permits, such as zoning, flood plain, and installation, from the Department or local jurisdiction before beginning any installation work. All permits shall be posted in a conspicuous location onsite. The properly licensed entity or person who contracts to perform the installation and a licensed installer who subcontracts to perform the installation shall verify that all required permits have been obtained from the Department and local jurisdiction before beginning the installation.
- D.** A local jurisdiction that has entered into agreement with the Department may issue installation permits and conduct inspections.
- E.** The Department or a local jurisdiction participating in the installation inspection program shall charge the permit fee expressly authorized under A.R.S. § 41-2144(A)(4). The fee charged by a the local jurisdiction shall not exceed the amount established by the Board.
- F.** Every permit, except a special-use permit, expires six months after the permit is issued. The Department may extend the permit for good cause if a written request is made to the Department before the permit expires and the fee established by the Board under A.R.S. § 41-2144(A)(4) is paid again.

- G.** A licensee or consumer shall obtain a certificate of occupancy from the Department before occupying a manufactured home, mobile home, or FBB.
- H.** The permit holder, owner, or contractor shall request all required inspections.
- I.** At the time of a scheduled inspection, the permit holder, owner, or contractor shall ensure all work to be inspected is accessible (opened) and no work is performed beyond the point indicated for each successive inspection without first obtaining approval from the Department.
- J.** The permit holder, owner, or contractor shall ensure approved plans and all applicable manuals are available onsite.
- K.** A special-use permit for a FBB used for an event of 45 days or less shall be obtained from the Department. The special-use permit expires 45 days from the date of issuance. The holder of a special-use permit shall remove the FBB from the site when the permit expires.

**R4-34-802. General Installation**

- A.** A properly licensed entity shall complete and affix an Arizona Installation Certificate to a manufactured home, mobile home, or FBB at the end of the unit, opposite the hitch and adjacent to the manufacturer certificate or HUD label. The properly licensed entity shall affix the Arizona Installation Certificate before calling the Department for an inspection.
- B.** A properly licensed entity shall make a report by the 15th of each month regarding compliance with subsection (A).
- C.** Before beginning an installation, a properly licensed entity shall check with the local jurisdiction regarding frost-line requirements governing permanent foundations or utilities.
- D.** A properly licensed entity shall install used manufactured homes, and mobile homes according to the materials incorporated by reference in R4-34-102.
- E.** Before making an installation, a properly licensed entity shall perform or contract with a qualified professional to assess the site and soil and make site preparations necessary to ensure the site is compatible with the manufactured home, mobile home, or residential single-family FBB to be installed. The entity that actually assesses and prepares the site has primary responsibility for the work performed. The entity that contracts to have the site assessment and preparation done, if different, has secondary responsibility for the work performed.
- F.** Installation of a manufactured home, mobile home, or FBB shall be performed only by a properly licensed entity.

**R4-34-803. Soil and Materials Repealed**

**R4-34-804. Utilities Repealed**

**R4-34-805. Accessory Structures**

- A. “Attached,” as used in A.R.S. § 41-2142(1), means fastened by any means to a manufactured home, mobile home, or residential single-family FBB at the time of installation
- B. An installer or contractor shall install, assemble, or construct each accessory structure in compliance with applicable standards in R4-34-102.

**ARTICLE 9. ADMINISTRATIVE PROCEDURES – Repealed previous years**

**ARTICLE 10. ADMINISTRATIVE PROCEDURES**

**R4-34-1001. Rehearing or Review**

- A. A party may amend a motion for rehearing or review filed under A.R.S. § 41-4038 at any time before it is ruled on by the Director. The opposing party may file a response within 15 days after the date the motion or amended motion is filed. The Director may require the parties to file written briefs explaining the issues raised in the motion and provide for oral argument.
- B. The Director may affirm or modify the decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in A.R.S. § 41-4038(D). An order modifying the decision or granting a rehearing shall specify with particularity the grounds on which the modification or rehearing is granted, and any rehearing shall cover only those matters.
- C. When a motion for rehearing or review is based upon affidavits, the affidavits shall be served with the motion. An opposing party or the Attorney General may, within 10 days after service, serve opposing affidavits.
- D. Not later than 15 days after the date of the decision, the Director may grant a rehearing or review on the Director’s own initiative for any reason for which the Director might have granted relief on the motion of a party. The Director may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.