

the plans and specifications previously approved by the fire marshal.

Under penalty of law for false statement,

I \_\_\_\_\_ License Number: \_\_\_\_\_  
 (name of architect/civil engineer  
 or owner if architect or engineer  
 is not required)

certify that all statements contained therein are, to the best of my knowledge, information and belief, true and correct.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1563(F).

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety, Office of Fire Protection, LR 3:498 (December 1977), repromulgated LR 6:73 (February 1980), amended by the Office of State Fire Marshal, LR 8:523 (October 1982), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 23:1692 (December 1997), LR 43:970 (May 2017).

**§309. Requirements for Connection of Electrical Power**

A. The installation and/or use of temporary or permanent electrical power in new construction shall be prohibited until plans and specifications for every structure built in the state of Louisiana are reviewed by the Office of State Fire Marshal pursuant to R.S. 40:1574 and LAC 55:V.303 and found to comply with the requirements.

B. Proof of compliance shall be presented to utility companies upon request for temporary or permanent power.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1563(F).

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:272 (March 1991), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 23:1692 (December 1997), LR 43:971 (May 2017).

**Chapter 5. Manufactured Housing**

**Subchapter A. General Requirements**

**§501. Definitions**

A. In the regulations which follow, unless contract otherwise requires.

*Act*—the National Manufactured Home Construction and Safety Standards Act of 1974, as amended, the Housing and Community Development Act of 1974 (42 U.S.C. 01 et seq.).

*Add-On*—any structure (except a structure designed or produced as an integral part of a manufactured home) which, when attached to the basic home unit, increases the area, either living or storage, of the manufactured home.

*Alteration*—the replacement, addition, modification or removal of any equipment or installation after sale by a manufacturer to a retailer or distributor but prior to sale by a retailer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat producing, or electrical system. It includes any modification made in the home

which may affect the compliance of the home with the standards, but it does not include the repair or replacement of a component or appliance requiring connection to an electrical receptacle, where the replacement item is of the same configuration and ratings as the one being replaced. It also does not include an addition of an appliance requiring plug-in to an electrical receptacle, which appliance was not provided with the home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected.

*Certification Label*—see *Label*.

*Certification Report*—the report prepared by the IPIA (see §501.A.Primary Inspection Agency.b) for each manufactured home manufacturing plant under 24 CFR Section 3282-362(b)(2) in which the IPIA provides a complete description of the initial comprehensive inspection of the plant; an evaluation of the quality assurance program under the approved quality assurance manual; and the identity of the DAPIA (See §501.A.Primary Inspection Agency.a) which approved the designs and quality assurance manual used in the plant. Where appropriate under 24 CFR Section 3282-362(b)(5), the certification report may be made by a DAPIA.

*Component*—any part, material or appliance which is built in as an integral part of the manufactured home during the manufacturing process.

*Cost Information*—information submitted by a manufacturer under Section 607 of the Act with respect to alleged cost increases resulting from action by the secretary, in such form as to permit the public and the secretary to make an informed judgment on the validity of the manufacturer's statements. Such terms include both the manufacturer's cost and the cost to retail purchasers.

*Date of Manufacture*—the date on which the label required by 24 CFR Section 3282-205(c) is affixed to the home.

*Dealer*—any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease home for purposes other than resale.

*Defect*—a failure to comply with an applicable federal manufactured housing safety and construction standard that renders the home or any part or component thereof not fit for the ordinary use for which it was intended, but does not result in an unreasonable risk of injury or death to occupants of the affected manufactured home. See related definitions of *imminent safety hazard*, *noncompliance*, and *serious defect*.

*Design*—drawings, specifications, sketches and the related engineering calculations, test and data in support of the configurations, structures and systems to be incorporated in homes manufactured in a plant.

*Director*—the director of the United States Office of Manufactured Housing and Construction Standards.

*Distributor*—any person engaged in the sale and distribution of manufactured housing for resale.

*Failure to Conform*—an imminent safety hazard related to the standards, a serious defect, or noncompliance and is used as a substitute for any of those terms.

*HUD*—the United States Department of Housing and Urban Development.

*Imminent Safety Hazard*—a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable federal manufactured housing construction or safety standard. See related definitions of *Defect*, *Noncompliance*, and *Serious Defect*.

*Joint Monitoring Team*—a monitoring inspection team composed of personnel provided by the various state administrative agencies, or its contract agent, operating under a contract with HUD for the purpose of monitoring or otherwise aiding in the enforcement of the federal standards.

*Label or Certification Label*—the approved form of certification by the manufacturer that, under 24 CFR Section 3282-362(c)(2)(i), is permanently affixed to each transportable section of each home manufactured for sale to a purchaser in the United States.

*Manufactured Housing*—a structure, transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width; or 40 body feet or more in length; or, when erected on site, 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that the term shall include any structure which meets all the requirements of this Chapter 5, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of the United States Department of Housing and Urban Development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq.

*Manufactured Housing Construction*—all activities relating to the assembly and manufacture of a manufactured home, including, but not limited to, those relating to durability, quality, and safety.

*Manufactured Housing Safety*—the performance of a manufactured home in such a manner that the public is protected against unreasonable risk of the occurrence of accidents due to the design or construction of such home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur.

*Manufacturer*—any person engaged in manufacturing or assembling manufactured housing, including any person engaged in importing homes for resale.

*Noncompliance*—a failure of a home to comply with a federal manufactured housing construction or safety

standard that does not constitute a defect, serious defect, or imminent safety hazard. (See related definition of *Defect*, *Imminent Safety Hazard*, and *Serious Defect*.)

*Owner*—any person purchasing a home from any other person after the first purchase of the home, in good faith, for purposes other than resale.

*Primary Inspection Agency (PIA)*—a state/or private organization that has been accepted by the secretary in accordance with the requirements of Subpart H of the Manufactured Homes and Procedural Regulation. There are two types of PIAs.

a. Design Approval PIA (DAPIA), which evaluates and approves or disapproves manufactured home designs and quality control procedures; and

b. Production Inspection PIA (IPIA), which evaluates the ability of manufactured home manufacturing plants to follow approved quality control procedures and provides ongoing surveillance of the manufacturing process. Organizations may act as one or both of these types.

*Purchaser*—the first person purchasing a manufactured home in good faith for purposes other than resale.

*Quality Assurance Manual*—a manual, prepared by each manufacturer for its manufacturing plants and approved by a DAPIA which contains: a statement of the manufacturer's quality assurance program; a chart of the organization showing, by position, all personnel accountable for quality assurance; a list of tests and test equipment required; a station-by-station description of the manufacturing process; a list of inspections required at each station; and a list by title of personnel in the manufacturer's organization to be held responsible for each inspection. Where necessary, the quality assurance manual used in a particular plant shall contain information specific to that plant.

*Red Tag*—to affix a notice to a home which has been found to contain an imminent safety hazard or a failure to conform with any applicable standard. A *red tag* is the notice so affixed to the manufactured home.

*Secretary*—the Secretary of the United States Department of Housing and Urban Development.

*Secretary's Agent*—a party operating as an independent contractor under a contract with HUD.

*Serious Defect*—any failure to comply with an applicable federal manufactured housing construction and safety standard that renders the home or any part thereof not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to occupants of the affected home.

*Standards*—the federal manufactured housing construction and safety standards promulgated under Section 604 of the Act, 42 U.S.C. 5403, Part 3280, of these regulations.

*State*—includes each of the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

*State Administrative Agency (SAA)*—an agency of a state which has been approved or conditionally approved to carry out the state plan for enforcement of the standards pursuant to Section 623 of the Act, 42 U.S.C. 5422, and Subpart G of the Federal Manufactured Homes Procedural and Enforcement Regulations.

*State Plan Application*—the application of a state organization which is submitted to the secretary for approval as a state administrative agency under Subpart G of the Federal Manufactured Homes Procedural and Enforcement Regulation.

*System*—a set or arrangement of materials or components related or connected as to form an operating entity, e.g., heating, ventilating and air-conditioning systems, and evaporative coolers.

*Title I*—Title I of the National Housing Act, 12 U.S.C. 1701, which authorizes HUD to insure loans made for the purchase of manufactured homes that are certified as meeting HUD requirements for dwelling quality and safety.

*United States District Courts*—the federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Fire Marshal, LR 8:17 (January 1982), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 23:1693 (December 1997), LR 38:3235 (December 2012).

### §503. Retailer Requirements

A. A retail location of new manufactured homes shall have a sign, a listed land line telephone, a public office, a minimum inventory of eight homes, and a product line. The office shall be staffed with at least one employee during all times that the office is opened for business.

B. A retail location of used manufactured homes shall have a sign, a listed land line telephone and a public office. The office shall be staffed with at least one employee during all times that the office is opened for business.

C. Retailers of used manufactured homes are any person engaged in the sale, leasing, or distribution of mobile homes or manufactured homes primarily to a person who in good faith purchases or leases mobile homes or manufactured homes for purposes other than resale.

D. The sign required by this section shall contain the full name of the retailer as appears on the current license issued by the Commission. The sign shall be visible to the public as they travel on the street or highway on which the retailer is located. No part of the sign shall be concealed or obstructed from view.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 38:3236 (December 2012).

### §505. Inspections

A. The Uniform Standards Code for Mobile Homes, R.S. 51:911.32, allows employees and personnel under contract to the state fire marshal to enter, at a reasonable time, any factory, warehouse or establishment in which manufactured houses are manufactured, stored or held for sale, for the purpose of ascertaining whether housing construction and safety standards have been and are being met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Fire Marshal, LR 8:16 (January 1982), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 23:1694 (December 1997).

### §507. Handling of Consumer Complaints

A. All complaints concerning units constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 shall be handled in compliance with Subpart I of the federal regulations established pursuant to the Act.

1. Upon receipt of a consumer complaint or other information indicating the possible existence of a failure to conform or imminent safety hazard, the state fire marshal will review the complaint or information to determine where the home was manufactured and if a problem exists. All complaints shall be referred to the manufacturer or retailer if a problem is indicated. When there is information to indicate that homes with the same failure to conform, or imminent safety hazard may have been manufactured in more than one state, the complaint will simultaneously be forwarded to HUD and the home manufacturer.

2. Where the complaint is forwarded to the manufacturer, the manufacturer will be requested, in writing, to investigate the complaint within 20 days of receipt of the complaint and make a report to the state fire marshal. In the event that it appears from the complaint that an imminent safety hazard exists, the state fire marshal will simultaneously contact the manufacturer by telephone and make its own investigation in addition to forwarding the complaint, in writing, in an effort to expedite investigation and any necessary correction by the manufacturer.

3. Where the manufacturer has determined and reports that no imminent safety hazard, serious defect, defect, or noncompliance exists and the state fire marshal is able to concur from all available information, he will consider the complaint closed and so inform the manufacturer and complainants; however, if the state fire marshal is unable to concur with the manufacturer's report, he will make an investigation and within 10 days of receipt of the manufacturer's report shall inform the manufacturer of the

results of the investigation. If it is found that the manufacturer's report was correct, the state fire marshal will consider the matter closed.

4. Where, upon investigation, the state fire marshal determines that an imminent safety hazard, serious defect, defect or noncompliance may exist, he or his designated representative will notify the manufacturer to take necessary action. Where the manufacturer does not take action after notification by the state fire marshal and it appears that an imminent safety hazard or serious defect may exist, the state fire marshal will inform the manufacturer of its opinion and simultaneously forward to HUD documentation of the factual basis upon which such opinion was made, for administrative determination by HUD, pursuant to 24 CFR Section 3282.407(a). Where the manufacturer does not take action after notification by the state fire marshal, and it appears that a defect or noncompliance may exist, the manufacturer will be notified. The notice shall be sent to the manufacturer by certified mail and will include:

- a. the preliminary determination by the state fire marshal;
- b. the factual basis for the determination;
- c. the date on which the determination was made;
- d. the identifying criteria of the manufactured homes known to be affected;
- e. notice to the manufacturer that a hearing or presentation of views may be requested, pursuant to 24 CFR Part 3282, Subpart D, to establish that there is no such defect or noncompliance;
- f. notice to the manufacturer that the preliminary determination of defect or noncompliance shall become final unless the manufacturer responds within 15 days after receipt of such notice and requests a hearing or presentation of views to rebut the state fire marshal's determination;
- g. notice to the manufacturer that any information upon which the determination has been based, such as test results, records of inspection, etc., shall be available for inspection by the manufacturer.

5. Where the manufacturer requests a hearing or presentation of views, one shall be promptly provided in accordance with the procedures outlined in the Administrative Procedure Act, R.S. 49:950 et seq.

6. Where the manufacturer fails to respond to the notice of preliminary determination or if the state fire marshal's board of review decides that the views and evidence presented by the manufacturer are insufficient to rebut the preliminary determination, the state fire marshal may make a final determination that a defect or noncompliance exists and will notify the manufacturer to make a notification and submit a plan in accordance with 24 CFR Section 3282.409. Within 10 days after receipt of the notice of final determination, the manufacturer may appeal to the secretary of the United States Department of Housing and Urban Development.

7. The manufacturer's plan for notification and correction, including contents of notice, time for implementation and completion of acts and reports, shall be made in accordance with the provisions of 24 CFR Section 3282.409 through 3282.413. When the manufactured home is in the hands of a distributor or retailers, it shall be handled in accordance with 24 CFR Section 3282.414.

8. The state fire marshal shall be responsible through oversight and remedial actions that the provisions of 24 CFR Part 3282, Subpart I, are carried out and may make inspections of any manufacturer corrections to assure compliance with 24 CFR Part 3282, Subpart I.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1651(B).

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety, Office of State Fire Marshal, LR 8:17 (January 1982), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 23:1694 (December 1997), LR 38 3236 (December 2012).

### **§509. Notification and Correction Procedure**

**A. Manufacturer's Determination.** When a consumer complaint is referred to the manufacturer and the manufacturer determines that an imminent safety hazard, serious defect, defect or noncompliance may exist and the manufacturer does not correct the imminent safety hazard or failure to conform within 30 days of the date on which the manufacturer determined the existence of an imminent safety hazard or failure to conform, the manufacturer shall prepare and submit a plan as provided for in 24 CFR Section 3282.409, to the state fire marshal.

**B. Notification.** The plan, including a copy of the notice as required by 24 CFR Section 3282.410, shall be submitted to the state fire marshal by the manufacturer and shall provide for notification by mail, to the first purchaser (not including any retailer or distributor of the affected manufacturer) of each manufactured home containing an imminent safety hazard, serious defect, defect or noncompliance and any subsequent purchaser to whom any warranty provided by the manufacturer or required by federal or state law has been transferred, to the extent feasible; by mail to any other person who is a registered owner of each manufactured home containing an imminent safety hazard, serious defect, defect or noncompliance and whose name has been returned to the manufacturer under the procedure of Record of Purchasers as provided for under 24 CFR Section 3282.410; by mail or other expeditious means to the retailers or distributors to whom such manufactured home was delivered. In the event the manufactured home has an imminent safety hazard or serious defect, the notification shall be forwarded by certified mail, if mailed.

#### **C. Review**

1. The state fire marshal will review the plan submitted by the manufacturer, including the contents of the notice, and either approve the plan as submitted or make modifications to the plan for compliance with the requirements of 24 CFR Section 3282.409 and notify the manufacturer of the approval or modification. The

manufacturer may contest the modification within five days of the approval of the plan or modification.

2. If the state fire marshal does not accept the manufacturer's position as to the modification, it shall act as follows: if the manufacturer contends that the manufactured home contains a defect rather than an imminent safety hazard or serious defect as the state fire marshal contends, the state fire marshal shall refer the matter to the secretary for determination under 24 CFR Section 3282.407(a).

3. The formal notification requirements which would result from any determination by the manufacturer under 24 CFR Section 3282.404 may be waived by the state fire marshal that would otherwise approve the plan upon receipt of satisfactory assurances from the manufacturer that:

a. the manufacturer has identified all possibly affected manufactured homes which have been sold to purchasers, retailers and distributors;

b. the manufacturer has corrected, at the manufacturer's expense, all affected manufactured homes; and

c. the repairs, in the state fire marshal's judgment, are adequate to remove the imminent safety hazard or failure to conform.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1651(B).

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety, Office of State Fire Marshal, LR 8:18 (January 1982), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 23:1695 (December 1997), LR 38:3236 (December 2012).

### **§511. Oversight by the State Fire Marshal**

A. Pursuant to 24 CFR Section 3282.405 and 3282.407, the state fire marshal will:

1. review plans submitted by manufacturers;
2. modify plans submitted by manufacturers where necessary for compliance with 24 CFR Section 3282.409;
3. notify the manufacturer of any modifications or necessary corrections;
4. approve plans submitted by manufacturers that comply with the requirements of 24 CFR Section 3282.409;
5. refer to the secretary of HUD any matter where:
  - a. the manufacturer contends that the manufactured home contains a defect rather than an imminent safety hazard or serious defect as determined by the state fire marshal;
  - b. the manufacturer contends that the number of manufactured homes affected is different from that determined by the state fire marshal;
  - c. the manufacturer contends that the contents of the notice or the correction are different from what the state fire marshal has determined;

d. the manufacturer and the state fire marshal agree that an imminent safety hazard or serious defect exists;

6. determine from records or otherwise that the time elements for implementation of the manufacturer's plan, as outlined in 24 CFR Section 3282.412, are carried out;

7. determine from records or otherwise that required correction of defects have been made by the manufacturer;

8. determine from records or otherwise that the manufacturer has complied with the requirements outlined in 24 CFR Section 3282.404(e) where the state fire marshal has waived the formal notification requirements that would result from any determination by a manufacturer to provide notification as outlined in 24 CFR Section 3282.404;

9. review reports submitted to it by manufacturers, DAPIA and IPIA to determine that the requirements outlined in 24 CFR Part 3382, Subpart I, are being complied with; and

10. review manufacturer records for incorrect determination, inadequate repairs or failure to make required repairs.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1651(B).

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety, Office of State Fire Marshal, LR 8:19 (January 1982), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 23:1696 (December 1997).

### **§513. Amendments**

A. In amending these regulations, the state fire marshal shall follow the procedure specified in R.S. 49:950 et seq., the Administrative Procedure Act, and any amendments thereto.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1651(B).

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety, Office of State Fire Marshal, LR 8:19 (January 1982), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 23:1696 (December 1997).

### **§515. Appeals**

A. Notwithstanding the provisions of 24 CFR Section 3282.152(f)(2) and (g)(2) relating to the conclusive effect of a final determination, any party, in a proceeding held at a SAA under this Chapter, including specifically the owners of affected manufactured homes, consumer groups representing affected owners and manufacturers (but limited to parties with similar substantial interest), may appeal to the SAA which is adverse to the interest of that party. This appeal on the record shall be made within 30 days of the date on which the final determination was made by the SAA.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1651(B).

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety, Office of State Fire Marshal, LR 8:19 (January 1982), amended by the Department of Public Safety and

Corrections, Office of State Fire Marshal, LR 23:1696 (December 1997).

### §517. IPIA Fees

A. IPIA (In Plant Inspection Agency) fees for the inspection of the construction of manufactured housing within this state shall be as follows:

1. \$20 for each manufactured home constructed within Louisiana;
2. \$23 per hour for each hour that a field inspector monitors the manufactured housing construction within the Louisiana manufacturing facility;
3. \$30 per hour for each hour the administrative personnel (architect and/or engineer) monitors the manufactured home construction within the Louisiana manufacturing facility.

B. The fees required shall be paid to the Office of State Fire Marshal, made payable to the Department of Public Safety, State of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Fire Marshal, LR 8:19 (January 1982), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 23:1696 (December 1997).

### §519. Placement of Used Homes

A. In accordance with 24 CFR Ch. XX §3280.305 et seq., used manufactured homes in the secondary market shall be sited effective January 1, 2007 in accordance with federal wind zone standards applicable for new homes in Louisiana zone II and III as set forth in 24 CFR Ch. XX § 3280.305 et seq., and thereafter amended. However, if any manufactured home is sited or is located at a retail outlet within Louisiana wind zone II or III prior to January 1, 2007 and the siting of this home or the location of this home at a retail outlet within wind zone II or III can be definitively documented through such means as an installation permit sticker issued by and/or returned to the commission; a title which uniquely identifies your home and references the physical location of siting; documentation establishing the location of a home at a retail outlet within zone II or III or some other independent means of credible documentation, then such manufactured home will be allowed to transfer indefinitely within the wind zone where it is sited or located at a retail outlet prior to January 1, 2007. Additionally, such manufactured home may also transfer to a less stringent wind zone than the zone where it is sited or located at a retail outlet prior to January 1, 2007; however, a manufactured home may not transfer to a more stringent wind zone than the zone where it is sited or located at a retail outlet as of December 31, 2006, unless the construction of such home complies with appropriate federal and state construction standards. Violations of this provision may result in civil penalties being levied against the appropriate party by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.26(E).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Manufactured Housing Commission, LR 33:645 (April 2007).

## Subchapter B. Manufactured and Modular Housing (Installation)

### §521. Definitions

A. When used in these regulations, these terms shall have the following meanings.

*Fire Marshal*—the assistant secretary of the Office of State Fire Marshal of the State of Louisiana.

*Installation*—the construction of a foundation system and the placement or erection of a manufactured home or a mobile home on the foundation system. Installation includes, without limitation, supporting, blocking, leveling, securing, or anchoring such home and connecting multiple or expandable sections of such home together and to the foundation.

*Installation Permit*—a permit issued by the fire marshal to a licensed installer or the homeowner who must certify that the home is in compliance with this Part.

*Installation Permit Sticker*—a sticker issued by the fire marshal, along with an installation permit, which is to be affixed to the home to signify that the home is in compliance with R.S. 51:912.22. Installation standards for manufactured homes and mobile homes.

*Installer*—a person responsible for the installation of a manufactured home or mobile home and who is required to obtain a license pursuant to the provisions of R.S. 51:912.

*Manufactured Home*—a new or used structure transportable in one or more sections, which is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating and air conditioning, and electrical systems contained therein. For purposes of LAC 55:V.Chapter 5, the terms *mobile home*, *manufactured home*, and *manufactured housing* may be used interchangeably and apply only to structures bearing the permanently affixed seal of the U.S. Department of Housing and Urban Development.

*Manufacturer*—any person who constructs or assembles manufactured housing.

*Person*—a natural person, association, or group of natural persons, partnership, company, corporation, institution, or legal entity.

*Retailer*—any person engaged in the sale, leasing, or distribution of mobile homes or manufactured housing primarily to a person who, in good faith, purchases or leases a mobile home or manufactured housing for purposes other than resale.

*Salesman*—any person employed by a retailer for purposes of selling manufactured housing to the public.

*Transporter*—an individual who transports the manufactured home or mobile home to the site of installation but does not perform the blocking and/or anchoring of the home. However, individuals who transport manufactured homes from the factory to the retailer's location are exempt from this definition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:695 (April 1998), amended LR 26:2009 (September 2000), LR 38:3237 (December 2012).

### **§523. General**

A. Any person who engages in the business of installing manufactured homes, who directs, supervises, or controls installations or performs repairs to an existing installation shall have an appropriate, valid Louisiana manufactured housing installer's license issued by the Office of State Fire Marshal.

B. Persons who have had a license issued by this office revoked may not apply for approval as an installer within one year of the date of revocation.

C. An installer license shall be granted only to a person who bears a good reputation for honesty, trustworthiness, integrity, and competence to transact business in such a manner as to safeguard the interest of the public and only after satisfactory proof of such qualifications has been presented to the commission. If an applicant for a license is a partnership or a corporation, the qualifications of each member of the partnership or officer of the corporation may be considered by the commission in issuing or refusing to issue a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:696 (April 1998), amended LR 38:3237 (December 2012).

### **§525. License Exceptions**

A. Notwithstanding the provisions of LAC 55:V.523, the following individuals are not required to have a license as provided therein:

1. when the individual installing the manufactured home is the owner thereof, or the manufactured home is owned by a member of the individual's immediate family, and the manufactured home is not intended for sale, exchange, lease, or rent;

2. an individual installing additional blocking for support;

3. an individual installing a manufactured home when the manufactured home is installed on a retailer's distributor's, or manufacturer's sales or storage lot or at a show and is not occupied or intended to be occupied. This exemption does not include those manufactured homes

installed in manufactured homes parks or manufactured homes subdivisions;

4. an individual performing plumbing or electrical work when the individual doing the work is a licensed plumber or electrician;

5. an individual performing maintenance, repairs, or corrections to an installation for the purpose of customer service on behalf of manufacturers or retailers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:696 (April 1998), amended LR 38:3237 (December 2012).

### **§527. Manufactured Housing Installer's License**

A. Effective May 1, 1998, a manufactured home may not be installed without a licensed manufactured housing installer supervising installation work being performed. The licensed manufactured housing installer is responsible for the reading, understanding, and following of the manufacturer's installation instructions and performance of nonlicensed workers engaged in the installation of the home.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:696 (April 1998), amended LR 38:3237 (December 2012).

### **§529. Requirements for Installer's License**

A. To be licensed as a manufactured housing installer, an applicant shall have at least one year's experience installing manufactured homes.

B. Verification of experience shall be submitted in the form of sworn statements signed by the applicant before a notary public.

C. In addition to the completed application form and application fee, an applicant shall provide the following:

1. personal identification;
2. proof of workers' compensation insurance;
3. proof of vehicle liability as required by law.

D. After January 1, 1999, in addition to the requirement of §529.A, B, and C, the application must include a certificate of completion as evidence of having attended and received a passing grade in a fire marshal-approved manufactured housing installation education program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:696 (April 1998).

### **§531. Installer's Responsibilities and Limits**

A. Work covered by an installer's license shall be limited to:

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1. installing manufactured homes in accordance with applicable statutes, administrative rules and regulations, adopted codes, and standards;

2. installing the support, tie down and the structural connections for manufactured housing in accordance with applicable statutes, rules and regulations, adopted codes, and standards;

3. providing plumbing, electrical, and mechanical connections of and to the manufactured home in accordance with applicable statutes, rules and regulations, adopted codes, and standards;

4. performing plumbing, mechanical, and electrical tests in accordance with applicable statutes, rules and regulations, adopted codes, and standards, as required for installation;

5. supervising individuals installing manufactured homes.

B. An installer shall:

1. assure the manufactured home is in compliance with the Louisiana Uniform Standard Code for Manufactured Housing and Mobile Homes;

2. perform electrical and plumbing tests if the plumbing and electrical connections were made by the installer;

3. close and secure all access panels and covers on or under the manufactured home;

4. assure the manufactured home installation is in compliance with the applicable statutes, rules and regulations, adopted codes, and standards;

5. assure that all doors and windows are adjusted, secured in place, and operational;

6. assure that all "ship loose" flue vents and chimneys are installed, secured in place, and capped according to their listing;

7. complete all reporting and application forms required by these rules;

8. leave the manufacturer's installation instructions at the installation site to be available at the time of the inspection if used for any part of the installation and thereafter left with the owner thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:696 (April 1998).

### §533. Installer's Responsibilities to the Consumer

A. An installer shall:

1. ensure all phases of the installation work performed by the installer are complete and in compliance with the applicable statutes, rules and regulations, adopted codes, and standards;

2. notify the Office of State Fire Marshal of the installation work performed by the installer;

3. correct all applicable non-conformances within 30 days of receipt of a correction notice from the Office of State Fire Marshal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:697 (April 1998).

### §535. Monthly Report

A. An installer shall submit a monthly installation report to the fire marshal by the tenth day of the following month on forms provided by the fire marshal and provide all information requested thereon.

B. A report shall be filed every month, despite the fact that no homes were installed.

C. Reports shall be submitted on forms provided by the Office of State Fire Marshal and provide all information requested thereon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:697 (April 1998), amended LR 26:2009 (September 2000), LR 38:3237 (December 2012).

### §537. Issuance and Possession of License

A. A manufactured home installer license shall be issued to the person named on the application and shall be nontransferable.

B. The licensee shall publicly display said license at licensee's principal place of business and physically possess a copy of the license when at the job site.

C. The licensee shall provide satisfactory evidence of being licensed when requested to by the Office of State Fire Marshal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:697 (April 1998).

### §539. License Renewal

A. Licenses issued under LAC 55:V.Chapter 5 shall expire on December 31 of the year following issuance.

B. An application for renewal of a current license shall include:

1. the required fees as set forth in R.S. 51:912.27(A);

2. all information requested on the form by the Office of State Fire Marshal.

C. Forty-five days prior to license expiration, the fire marshal shall mail each licensee a license renewal application.

D. A license renewal application must be submitted to the fire marshal prior to the expiration date of the license. Persons wishing to apply for a license after their license has expired must reapply for a new license and meet all requirements of a new applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:697 (April 1998), amended LR 38:3237 (December 2012).

**§543. License Suspension or Revocation; Imposition of Civil Penalties**

A. The fire marshal may, after notice and hearing as required by R.S. 49:950 et seq., suspend or revoke an installer's license issued by this office, or impose a civil penalty as provided for by R.S. 40:1563.4, for violations of applicable statutes, rules, regulations, adopted codes, or standards or lawful orders issued by the fire marshal.

B. The schedule of fines shall be as follows:

1. First offense of the following violations:

- a. failure to timely renew license—\$125;
- b. failure to timely file required report—\$100.

2. First offense of the following violations:

a. failure to properly set up and install the manufactured home—\$500.

C. The schedule of fines shall be as follows:

1. performance of any installation services under uniform standards code for mobile homes and manufactured housing by a non-licensed person excluding a homeowner—\$1,000;

2. failure to install the permit sticker on the mobile home or manufactured home—\$100;

3. unauthorized or improper transfer of permit sticker—\$1,000;

4. soliciting or contracting for service from unlicensed installer by a retailer, homeowner, or other party—\$1,000;

5. holding oneself or one's business out for hire to perform any installation service or otherwise offering to perform any such task by an unlicensed installer—\$1,000;

6. failure to properly complete timely monthly installation report with information required—\$100;

7. the re-inspection report indicates that the required corrections were not made to home after the installer notified the Office of State Fire Marshal that the corrective work was done—\$750;

8. installing home into an improper wind zone—\$1,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:697 (April 1998), amended LR 26:2009 (September 2000), LR 38:3237 (December 2012).

**§545. Education: Requirements, Installer's License**

A. Beginning January 1, 1999, all licensed installers shall attend at least one fire marshal-approved installation class per calendar year.

B. Classes shall only be provided by the fire marshal or a fire marshal-approved provider and shall include instruction as to statutes, codes, rules, and regulations or standards and/or changes thereof and proper installation procedures.

C. Prior to the end of the license period, licensees will be notified by the fire marshal of class requirements and class availability for the next license period.

D. The fire marshal shall not renew licenses of licensees who did not attend required classes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:698 (April 1998).

**§547. Course Curriculum Requirements for Education Provider Training**

A. The course curriculum shall be submitted to the fire marshal for approval and shall include a detailed description of course content and materials.

B. The course curriculum for manufactured house installers shall, at a minimum, include the following area of training:

1. definitions, as provided in the "Louisiana Minimum Standards for Installation of Manufactured Homes and Mobile Home" law;
2. license and registration requirements;
3. permits and penalties;
4. installer qualification;
5. location of manufactured homes;
6. foundation systems;
7. structural connections;
8. anchoring systems;
9. electrical connections;
10. plumbing connections;
11. mechanical connections;
12. fuel gas piping connections;
13. fire protection and separation;
14. underfloor enclosures, access, and ventilation;
15. alternate manufactured housing uses;

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- 16. accessory buildings and structures;
- 17. alterations, repairs, and additions.

C. Within 30 days of notification of any change in course curriculum requirements adopted by the fire marshal, the provider shall submit a revised curriculum to the fire marshal for approval.

D. The provider shall notify the fire marshal, in writing, seven days prior to each class, indicating the time, date, and location of the class. The fire marshal's representative shall be permitted to audit any class, without fee or cost for entry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:698 (April 1998), amended LR 38:3238 (December 2012).

**§549. Requirements for Education Provider Instructors**

A. Instructors shall be employees of the Office of State Fire Marshal who have been authorized to teach installation classes by the state fire marshal.

B. Refresher classes may be offered by the LA Manufactured Housing Association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:698 (April 1998), amended LR 38:3238 (December 2012).

**§551. Inspections by Office of State Fire Marshal**

A. Upon request for inspection by a Louisiana-licensed retailer, manufacturer, installer, or the homeowner, the Office of State Fire Marshal shall inspect the home to determine compliance with the applicable sections of R.S. 51:912.21-R.S. 912.28 regarding installation.

B. Upon completion of the requested inspection the Office of State Fire Marshal will present to the requesting party and the homeowner an inspection report indicating the findings of said inspection.

C. The requesting party will reimburse the Office of State Fire Marshal for the inspection in accordance with the provisions of R.S. 51:911.32(3).

D. The fee shall be \$40.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:698 (April 1998), amended LR 38:3238 (December 2012).

§553. Pier Spacing and Construction

A. In accordance with R.S. 51:912.23(1)(a) the following table and figures shall be utilized for installation of piers.

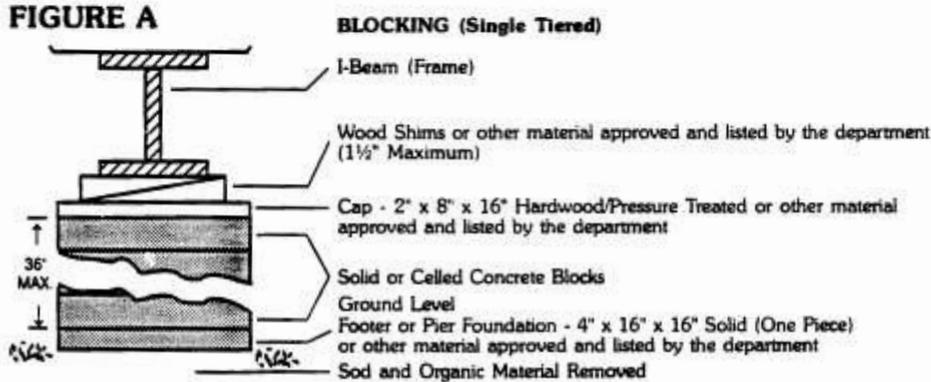
**TABLE A**

**PIER SPACING TABLE**

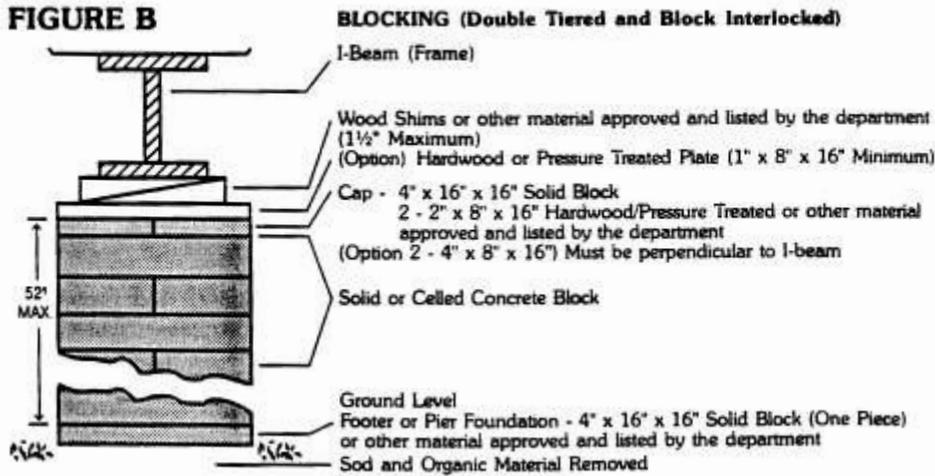
Soil Class	1,000 PSF		1,500 PSF		2,000 PSF		2,500 PSF		3,000 PSF	
Footer Size	4'x16'x16"	6'x20'x20"								
Max. Pier Space	3'	4'6"	4'	6'6"	6'	9'	8'	11'	9'	11'

(Note: Pier Measurements are from Center to Center)

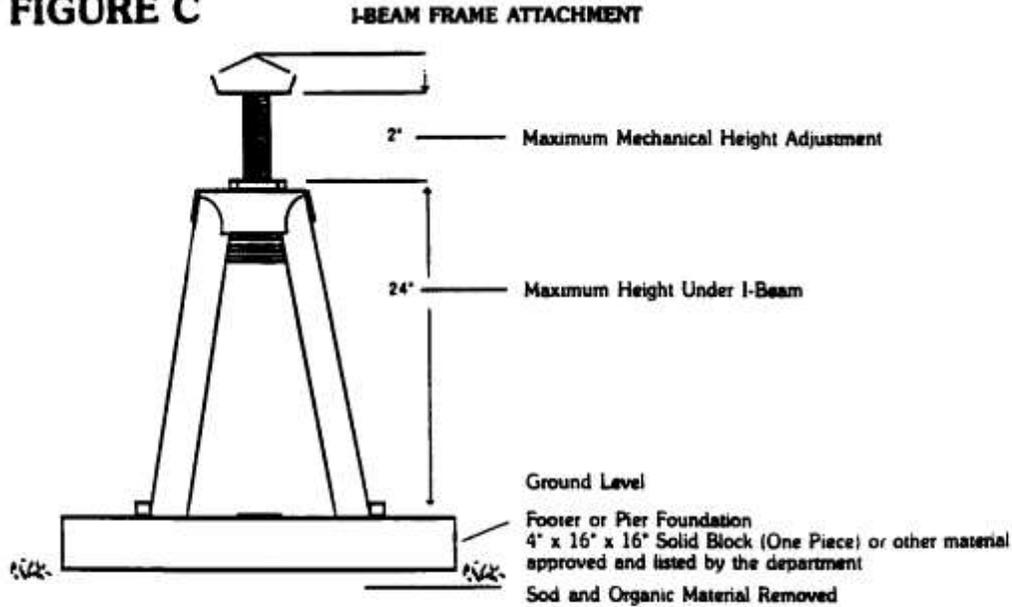
**FIGURE A**



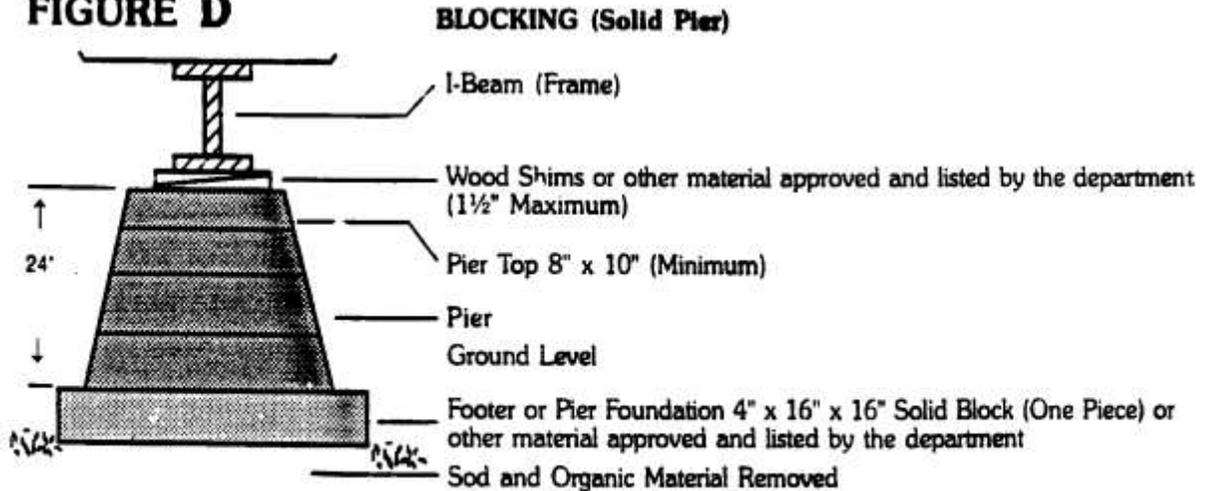
**FIGURE B**



**FIGURE C**



**FIGURE D**



**AUTHORITY NOTE:** Promulgated in accordance with R.S. 51:911.32.A(2).

**HISTORICAL NOTE:** Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:699 (April 1998).

### Subchapter C. Repairs

#### §555. Definitions

A. When used in these regulations, these terms shall have the following meanings.

*Act*—the National Manufactured Home Construction and Safety Standards Act of 1974, as amended, the Housing

and Community Development Act of 1974 (42 U.S.C. 5401 et seq.).

*HUD*—the United States Department of Housing and Urban Development.

*Inspect*—a visual examination of manufactured homes to verify that it appears to be in operating condition and is free of physical damage.

*Local Jurisdiction*—city, town, township, parish, village, or other general purpose political subdivision of the State of Louisiana that has the authority to make legal pronouncements and administer judicial and regulatory enforcement to individuals and companies who are

conducting transactions within the given geographical location.

*LSUCCC*—the Louisiana State Uniform Construction Code Council.

*Manufactured Home and Manufactured Housing*—a prefabricated, factory built home built on a permanent chassis which can be transported in one or more sections and is typically used as a permanent residential dwelling unit. Homes built since 1976 are constructed to standards and codes, as promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Home Construction and Safety Standards Act of 1974, as amended, the Housing and Community Development Act of 1974, 42 U.S.C. 5401 et seq., as amended. Further, the terms “manufactured home” and “manufactured housing” may be used interchangeably and apply to structures bearing the permanently affixed seal of the United States Department of Housing and Urban Development.

*Public Entity*—the state and any of its branches, departments, offices, agencies, boards, commissions, instrumentalities, officers, officials, employees, and political subdivisions and the departments, offices, agencies, boards, commissions, instrumentalities, officers, officials and employees of such political subdivision.

*Standards*—the federal manufactured housing construction and safety standards promulgated under Section 604 of the Act, 42 U.S.C. 5403, Part 3280.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.26(E).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Fire Marshal, LR 46:190 (February 2020).

### §557. Repair Requirements

A. All repairs made to used manufactured homes constructed after July 15, 1976 that are no longer in compliance with the standards to which they were built or standards and codes, as promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended, shall be in accordance with the standards incorporated by reference in the most current edition of the National Manufactured Home Construction and Safety Standards, specifically CFR Title 24, Part 3280.4.

B. Pursuant to R.S. 40:1730.23(B), repairs to driveways, steps, decks, or other similar accessory or work, not including any additional living area or other type of heated and cooled space outside of the original footprint of the manufactured home, shall be performed in accordance with the standards referenced herein.

C. The Office of State Fire Marshal shall use employees that are registered with the LSUCCC as building officials to oversee inspection of all repairs, not to include repairs which are performed under warranty and/or repairs pursuant to installations and set ups of manufactured homes. Upon completion of a final, approved inspection, the Office of

State Fire Marshal shall provide all applicable reports to the local governing authority, which may utilize the report in determining the reinstatement of services, utilities, and any and all other amenities that were discontinued due to the damage incurred to the manufactured home which prompted the repairs.

D. Inspections shall be limited to that which is visible and accessible without requiring deconstruction or destructive testing.

E. The owner of a structure shall employ an electrician that is licensed in the state of Louisiana to perform any needed repairs to the electrical system. Upon the letterhead of the licensed electrician, it shall state the address of the location of the manufactured home where the work was executed, the date that the work was completed, the scope of the work performed and the standards applied to the scope of work. It shall also contain a statement that the work has been completed in accordance with the referenced standards.

F. In the absence of the availability of the employees of the Office of State Fire Marshal who are registered building officials, the Office of State Fire Marshal shall give written notification to the local jurisdictions to conduct said inspections.

G. Pursuant to R.S. 9:2798.1, liability shall not be imposed on public entities or their officers or employees based upon the exercise or performance or the failure to exercise or perform their policymaking or discretionary acts when such acts are within the course and scope of their lawful powers and duties. These provisions are not applicable:

1. to acts or omissions which are not reasonably related to the legitimate governmental objective for which the policymaking or discretionary power exists; or

2. to acts or omissions which constitute criminal, fraudulent, malicious, intentional, willful, outrageous, reckless, or flagrant misconducts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.26(E), R.S. 51:911.26(F)(11) and R.S. 40:1730.23(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Fire Marshal, LR 45:3 (April 2019), effective March 25, 2019, amended LR 46:190 (February 2020).

## Chapter 9. Tents and Tenting Material

### §901. Definitions

A. For the purpose of this rule the following definitions shall apply.

*Flooring Material*—pliable material used for flooring in tentage but excluding such articles as rugs or carpets placed in a tent which are not an integral part of the tent.

*Tentage*—any mobile or portable temporary shelter designed to protect persons from the elements, all or a portion of the covering which is made of fabric or other pliable materials.

*Wall and Top Material*—any pliable material used in tentage for other than flooring including walls, roofs, tops doors, window screens, awnings, flaps, and canopies.