

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 12 BUILDING AND MATERIAL CODES

Chapter 52 Industrialized Buildings and Manufactured Homes

Authority: Public Safety Article, §12-305, Annotated Code of Maryland

.01 Authority and Scope.

A. This chapter is adopted pursuant to Public Safety Article, §12-305, Annotated Code of Maryland, in order to implement, interpret, make specific, and otherwise carry out the provisions of Public Safety Article, Title 12, Subtitle 3, Annotated Code of Maryland, known as the Industrialized Building and Manufactured Homes Act.

B. Former regulations as originally adopted effective July 1, 1972, included industrialized buildings and manufactured homes. The HUD Manufactured Home Construction and Safety Standards superseded the State standards for manufactured homes on June 15, 1976. Approval of manufactured home inspection agencies and manufactured home plans is also now a responsibility of HUD or its agent, so these regulations pertain primarily to industrialized buildings. Regulation .15 does, however, cover the functions of the Department as a State Administrative Agency under HUD programs. Related manufactured home functions, such as handling of consumer complaints and monitoring of primary inspection agencies, are not covered by this chapter.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Act" means the Industrialized Buildings and Manufactured Homes Act, Public Safety Article, Title 12, Subtitle 3, Annotated Code of Maryland.

(2) "Add-on" means any structure (except a structure designed or produced as an integral part of a manufactured home) that, when attached to the basic manufactured home unit, increases the area, either living or storage, of the manufactured home.

(3) Alteration.

(a) "Alteration" means the installation, replacement, addition, modification, or removal of any equipment after sale by a manufacturer to a dealer or distributor, but before sale by a dealer to a purchaser, that may affect the construction, fire safety, occupancy, plumbing, heat producing, or electrical system.

(b) "Alteration" includes any modification made in the manufactured home that may affect the compliance of the home with the standards.

(c) "Alteration" does not include the:

(i) Repair or replacement of a component or appliance requiring plug-in to an electrical receptacle when the replaced item is of the same configuration and ratings as the one being replaced; or

(ii) Addition of an appliance, not provided with the manufactured home by the manufacturer, requiring plug-in to an electrical receptacle, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected.

(4) "Federal Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, codified as 42 U.S.C. §5401 et seq., as amended.

(5) "Federal Regulations" means the Manufactured Home Construction and Safety Standards, 24 CFR Part 3280, the Manufactured Home Procedural and Enforcement Regulations, 24 CFR Part 3282, and the Manufactured Home Consumer Manual Requirements, 24 CFR Part 3283.

(6) "HUD label" means the approved form of certification by the manufacturer that, under the federal regulations, is permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States.

(7) Manufactured Home.

(a) "Manufactured home" (formerly called a mobile home in the Act and in the Federal Act) means a structure, transportable in one or more sections, that is:

(i) In the traveling mode, 8 body feet or more in width or 40 body feet or more in length;

(ii) When erected on site, 320 or more square feet;

(iii) Built on a permanent chassis;

(iv) Designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and

(v) Includes the plumbing, heating, air-conditioning, and electrical systems contained in it.

(b) "Manufactured home" includes any structure that meets all the requirements of §B(7)(a) of this regulation except the size requirements, with respect to which the manufacturer voluntarily:

(i) Files a certification required by the Secretary of HUD; and

(ii) Complies with the standards established under the Federal Act.

(8) "Model" means a specific design, as designated by the producers of an industrialized building unit and submitted for approval to the Department.

(9) "Open frame construction" means any building, building component, assembly, or system manufactured in such manner that all portions can be readily inspected at the building site without disassembly, damage, or destruction and to which no more than one fixed interior or exterior surface has been applied.

(10) "Regulations" means the Industrialized Buildings and Manufactured Homes Regulations (COMAR 09.12.52.01—18).

(11) "Stabilizing devices" means all components of the anchoring and support systems, such as:

- (a) Piers;
- (b) Footing;
- (c) Ties;
- (d) Anchoring equipment;
- (e) Ground anchors; and
- (f) Any other equipment that supports the manufactured home and secures it to the ground.

(12) The terms "approved testing facility", "Department", "first user", "industrialized building", "installed", "local enforcement agency", "manufactured home", "Manufactured Home Construction and Safety Standards Act", "Secretary", and "site" have the meanings stated in Public Safety Article, §12-301, Annotated Code of Maryland.

.03 Enforcement Generally.

A. General. These regulations shall be enforced as prescribed by the Act.

B. Inspection by Department. The Department may enter any industrialized building unit or manufactured home, at a reasonable time and manner, to inspect it for compliance with this chapter. If the inspection shows a violation, the Department may order the responsible person to bring the unit into compliance within a reasonable time fixed in the order. The order may be appealed to the Secretary who will investigate promptly and affirm, revoke, or modify the order.

C. Failure to Comply with Department Order. If the Department has determined, under Regulation .03B, that a violation exists, and the responsible person fails to bring the unit into compliance, the Secretary may refer the violation to the appropriate state's attorney, or suspend or cancel the manufacturer's approval, or both, as necessary to ensure compliance.

D. Limitation of Manufacturer's Liability. The manufacturer of the unit may not be required to remedy violations caused by on-site work by others not under his control or violations involving components and material furnished by others and not included with the unit.

.04 Enforcement in Localities.

A. Reports to the Secretary. Each governmental jurisdiction shall furnish monthly notice to the Department, on forms supplied by the Department, of each industrialized building being erected or installed in its jurisdiction, giving the State insignia number, type or model, manufacturer's name, and any other data needed to properly identify each unit. In lieu of these reports, the jurisdiction may complete and forward the location report form shipped with each unit. Manufacturers shall also furnish this same information to the Department on a monthly basis, indicating the destination of all units shipped for erection or installation in the State. These reports shall be submitted no later than the 10th day of the following month.

B. Unlabelled Industrialized Building Units. Any industrialized building which does not carry the insignia of the Department, but which by reason of date of manufacture, may lawfully be sold or installed, is subject to the control of the local governing body within whose jurisdiction it is to be installed. When this building is offered for sale, the person to whom it is offered shall be specifically advised in writing by the seller or manufacturer that the building does not carry State certification and, therefore, is subject to local building code requirements.

C. Local Enforcement Requirements. In addition to the matters reserved to city and county government by Public Safety Article, §12-303, Annotated Code of Maryland, the local enforcement agency shall verify that the unit bears the required insignia and inspect the unit for damage in transit. Local enforcement agencies shall be responsible for inspecting all the work to be done at site, including, but not limited to the installation, erection, foundation, site work, and utilities connections, for compliance with the terms of certification and applicable law. If local enforcement agencies find violations of the Department's requirements, either due to transit damage or improper construction in the factory, they shall forward notice of these violations to the Department. If violations or defects are created by the on-site builder, the local enforcement agency is responsible for insuring that the unit is brought back into compliance, or for bringing the violation to the attention of the Department.

.05 Variance from Regulations.

The Department shall have the power to authorize variances from the regulations to permit specified alternative methods of construction which will fulfill the objectives of the Act. Requests for variances shall be in writing and shall be accompanied by the plans, specifications, and other information necessary for adequate evaluation. Before any variance is authorized, the local building officer having jurisdiction may be afforded an opportunity to present his views and recommendations.

.06 Requirements.

Industrialized building units shall be reasonably safe for the users, shall be designed to conserve energy, and shall provide reasonable protection to the public against hazards to life, health, and property. Compliance with all applicable requirements of the standards and codes specified in Regulations .07 and .08 shall be acceptable evidence of compliance with this provision. When industrialized building units are combined with each other or with other components, compliance of the entire resulting building with all applicable requirements of the standards and codes specified in Regulations .07 and .08 shall be acceptable evidence of compliance with this provision.

.07 Reference Standards.

The standards identified in the Model Performance Code which are incorporated by reference in COMAR 09.12.50 shall constitute the reference standards for industrialized building construction in the State.

.08 Energy Conservation Standards.

All industrialized buildings shall be designed to meet all the applicable energy conservation standards as identified in the State Model Performance Code (COMAR 09.12.50). In using these standards, the design shall be based on a minimum of 5,200 degree days.

.09 Application for Plan Approval by Manufacturers.

A. General. A plan approval shall be obtained from the Department for each model of industrialized building which is subject to these regulations. Approved models shall be accepted by the local enforcement agency as approved for the purpose of granting an installation permit when the design loads are safe for the locality as determined by the local enforcement agency. Installation permits shall be issued subject to compliance with Public Safety Article, 12-305, Annotated Code of Maryland, and provisions of this regulation.

B. Application. An application to the Department for plan approval shall include:

- (1) A completed application in duplicate on forms obtainable from the Department.

(2) Two complete sets of plans and specifications for the prototype model. When additional models use the same systems as in the prototype, two sets of the floor plans only must be submitted for each of the additional models. Calculations and any required test results will be submitted through the approved test facility or may be prepared by the approved test facility and included in their submission.

(3) Quality control procedures manual or manuals pursuant to §C of this regulation.

(4) Plan filing fee pursuant to Regulation .12 of this chapter.

(5) Certificate by Approved Test Facility. The manufacturer shall contract with an approved testing facility to review his plans for code compliance and to monitor his factory operations and quality assurance program. To save processing time, the application, plans, specifications, and quality control manual may be submitted directly to the Department. However, before approval can be given, the approved test facility, which has been selected by the manufacturer, shall submit a letter certifying that the manufacturer's designs, plans, factory operations, specifications, and quality control practices have been reviewed and are approved as complying with all the current code requirements of the Department. A design analysis of critical features will be included with the certification letter. In special situations such as a newly approved manufacturer on a temporary basis, or a limited production manufacturer, the Department may waive the requirement of the contract with an approved testing facility and provide plan review and monitoring for factory operations and the quality assurance program directly, charging the fees prescribed in Regulation .12 of this chapter.

(6) New Models and Changes. When new models or alterations are desired to be manufactured after the initial application approval, a request for approval for the new model or modification in the prototype unit shall be submitted before any production of these models for shipment to this State. Two copies of the plans or changes shall be provided. A certification letter shall also be received from the approved testing facility showing its review and approval for code compliance of the new models or alterations. The fee prescribed in Regulation .12C of this chapter shall be paid.

C. In-Plant Quality Assurance.

(1) The quality control manual required by §B(3) of this regulation, will outline the manufacturer's program to insure compliance with his approved plans and specifications. It will list the various tests and checks that must be recorded for each unit being manufactured. The manufacturer and approved testing facility shall maintain records for not less than 2 years after shipment to verify that each unit has been inspected and complies with the plans as approved by the Department.

(2) In order to assure an independent check on the units being produced for use in this State, the manufacturer's approved testing facility shall check the units being produced. For dwelling units, or larger structures, the approved testing facility inspector shall check some phase of each unit being fabricated for delivery in the State. He shall also observe the entire production line for compliance with approved plans, materials, and test requirements including required unit records. For subsystems or components, the approved testing facility may recommend a lesser frequency of inspection and submit its recommendation to the Department for approval. The State insignias will be issued and controlled by the approved testing facility. The approved testing facility inspector shall apply insignias to completed units, or, if the units are incomplete, he may leave the insignias with the plant quality control inspector for application upon completion of the units.

D. Unannounced Inspections. In accordance with Public Safety Article, §12-311, Annotated Code of Maryland, the Department shall make periodic unannounced inspections, in addition to those of the approved testing facility, to verify that the units produced comply with the plans, inspection procedures and quality assurance program as approved by the Department. The cost of two of these inspections per year may be charged to the manufacturer in accordance with the fee schedule specified in Regulation .12 of this chapter.

.10 Label.

A. Approved Testing Facility Label. Every approved industrialized building unit shall be marked with a label identifying the approved testing facility which performed the inspection. Each label shall bear the following information directly or by reference:

- (1) Name of approved testing facility;
- (2) Type of industrialized building unit;
- (3) Serial number of the label;
- (4) "See Data Plate for Special Instructions".

B. Manufacturer's Data Plate and Other Markings. The information listed below shall be placed on one or more permanent manufacturer's data plates in the vicinity of the electrical distribution panel or in some other location that is readily accessible for inspection. The approved testing facility shall approve the form, completeness, and location of the data plate.

- (1) Manufacturer's name and address.
- (2) Manufacturer's serial number for the unit and model name.
- (3) Name of manufacturer and model designation of major factory installed appliances.
- (4) Wind, snow and floor loads, and any other special use limitations will be shown. Also, if any unit requires additional on-site work, the data plate will show the specific features which were inspected and those which shall be inspected locally.
- (5) Where applicable, identification of permissible type of gas or fuel for appliances, designation of electrical ratings, direction for water and drain connection and pressures.
- (6) List of codes and standards for which the unit has been evaluated, inspected and found in compliance by the approved testing facility.

C. State Certification Insignia. In addition to the approved testing facility label and the manufacturer's data plate, each unit shall be marked by a State certification insignia secured from the Department of Labor, Licensing, and Regulation which shall identify the unit by State serial number. This serial number shall be the control number for location in the State.

D. Mounting of Labels and State Certification Insignias. To the extent practicable, the labels and insignias shall be so installed that they cannot be removed without being destroyed. They shall be applied in the vicinity of the electrical distribution panel or other location that is readily accessible for inspection. They may not be placed on the panel cover or any other readily removable feature. When the unit comprises a system of sub-assemblies, the required label and insignia may be applied using one of each type and the data plate for the system, provided each sub-assembly is listed on or with the approved testing facility label and is marked by the approved testing facility in some clearly identifiable manner that relates it to the label.

.11 State Certification Insignias.

A. Effect of Affixing State Certification Insignias. The approved testing facility shall affix a State certification insignia to every industrialized building unit which has been found to be in full compliance with all applicable standards of the Department. The manner of affixing is prescribed in Regulation .10 of this chapter. The legal effect of affixing the State certification insignia is a certification by the approved testing facility, additional to the

certification represented by the label of the approved testing facility, that the unit has been inspected and complies in all respects with the requirements of these regulations.

B. Issue of Certification Insignias. Approved State certification insignias shall be purchased from the Department. The insignias will be issued to the approved testing facilities only upon written request, accompanied by advance payment.

C. Control of Insignias. Each approved testing facility shall maintain close control of the State certification insignias to insure their proper use. The facility shall submit to the Department a monthly report itemizing the insignias issued to the manufacturers by serial numbers, and stating the number of State insignias on hand at the end of each month.

D. Report of Shipments. The manufacturer shall send to the Department a monthly report of units shipped, showing the State certification insignia numbers, manufacturer's serial numbers, approved testing facilities' serial numbers, type or model, and destination in the State. The report shall be sent no later than the 10th day of the following month.

.12 Fees.

A. The annual application fee is \$500. When a manufacturer has more than one plant producing approved models, an additional \$500 application fee for each additional plant, with details on each plant as part of the quality control manuals, will be required.

B. When a design is unusual, and involves special analysis, the Department will also charge a rate of \$25 per man-hour to cover its added costs. When practical, the Department will estimate costs before submittal and provide a report on hourly activities. If the complexity or sophistication of the system requires, or if the applicant so chooses, the Department may submit the plan for the system to an approved independent testing agency or consulting engineer for evaluation. In this case, the applicant will be required to pay whatever costs the agency may charge. If the applicant chooses to obtain prior analysis by an approved testing agency before submission, the Secretary will consider this in determining the charges to be made by the Department. However, test reports from the approved agency shall be submitted with the original application.

C. State Insignia Fees.

(1) Insignia fees for the certification of industrialized building construction at the manufacturing facility are as follows:

(a) Residential structures — \$50 for each insignia;

(b) Other structures — \$90 for each insignia.

(2) The number of "insignias of approval" required are as follows:

(a) Modular construction — one insignia for each individual module which is transported in a separate frame to the site;

(b) Panelized closed construction — one insignia for each increment (or part of it) of 1,000 square feet of building floor area.

(3) For residential structures, instead of the \$50 insignia fee described in §C(1)(a) and (2)(a) of this regulation, the manufacturer, at the time of filing of a new or annual application with the Department, may elect a \$65 insignia

fee for a floor area of 1,200 square feet or less, plus an additional \$65 insignia fee for each increment of 500 square feet, or part of it, over 1,200 square feet.

D. The Department reserves the right to establish separate fees where the product is produced in such a volume or has unique features that would, in the Department's opinion, warrant individual consideration.

E. When the Department is directly providing services for plan review and monitoring for factory operations and quality assurance programs:

- (1) Plan review — \$25 per hour (\$100 minimum fee);
- (2) Inspection fees and field services as in §F of this regulation.

F. Inspection fees and field services per man-hour:

- (1) \$10 per half man-hour, including travel time.
- (2) Travel Expense. Where travel by auto is used to make inspections, cost will be charged at the current State allowance for mileage, meals and lodging, incidental expenses, and car rental where applicable. For air travel, the fee will be the total travel cost based on published air fare, or equivalent rate, between Baltimore, Maryland and the location of the factory, plus necessary supplemental surface transportation, and reimbursement for food and lodging consistent with State allowances.

G. When the Department is directly providing services for monitoring of industrialized building installation at sites, the fee for these services will be \$20 per hour, including travel time (\$50 minimum fee).

H. Unannounced Inspection Fees. The cost of unannounced inspections as provided by Regulation .09D of this chapter may be charged to the manufacturer. The fee for these inspections will be as prescribed in §F, of this regulation. The minimum fee will be \$100.

I. Application Fee for Approved Testing Facilities.

(1) Each testing facility requesting approval by the Secretary shall submit a fee of \$100 with its application. This fee will be non-returnable.

(2) Each approved testing facility shall file an annual request for renewal of its approval, accompanied by a non-returnable fee of \$100. This request shall include information concerning changes in personnel, operating procedures, and any other matters pertinent to its capability to continue performing as an approved testing facility.

(3) Each application for approval or renewal shall be accompanied by a list of all current clients for whom they are performing services as a State approved testing facility, showing the location of and estimated production capacity of each plant of each client. A fee of \$50 per client shall be submitted with the application for approval or renewal. The names of additional clients added during the period of approval shall be submitted at the time that a contract for services is signed, accompanied by a payment of \$50 per client. No returns will be made for clients that sever their contractual relationship during the approval period.

.13 Approval of Testing Facilities.

A. Application and Criteria. A testing facility shall apply to the Department to be designated an approved testing facility. The application shall be verified and shall contain information enabling the Department to determine whether the applicant is specially qualified by reason of facilities, personnel, experience, and demonstrated reliability to investigate, test, and evaluate industrialized building units for compliance with these regulations, and to

provide adequate follow-up and quality assurance services at the point of manufacture. This information shall include:

- (1) Names of officers and location of offices;
- (2) Specification and description of services proposed to be furnished under these regulations;
- (3) Description of qualifications of personnel and their responsibilities;
- (4) Summary of organization experience;
- (5) General description of procedures and facilities to be used in proposed services, including evaluation of the model unit, factory follow-up, quality assurance, labeling of production units, and specific information to be furnished on or with labels;
- (6) How defective units resulting from oversight are to be dealt with;
- (7) Acceptance of these services by independent accrediting organizations and by other jurisdictions;
- (8) Proof of independence and absence of conflict of interest;
- (9) Compliance with federal and State requirements concerning equal employment opportunities.

B. Fees. Fees for approval and annual renewal are stated in Regulation .12 of this chapter.

C. Independence and Absence of Conflicts. An approved testing facility may not be affiliated with or influenced or controlled by producers, suppliers, or vendors of products in any manner which might affect its capacity to render reports of findings objectively without bias. An approved testing facility is judged to be free of affiliation, influence and control if it complies with all of the following:

- (1) Has no managerial affiliation with producers, suppliers, or vendors and is not engaged in the sale or promotion of any product or material;
- (2) The results of its work accrue no financial benefit to the agency via stock ownership, and the like, of any producers, supplier, or vendors of the products involved;
- (3) Its directors and other management personnel, in those capacities, receive no stock option, or other financial benefits from any producer, supplier, or vendor of the product involved;
- (4) Has sufficient breadth of interest or activity that the loss or award of a specific contract to determine compliance of a producer's, supplier's, or vendor's product with these regulations would not be a determinative factor in its financial well-being;
- (5) The employment security status of its personnel is free of influence or control of producers, suppliers, or vendors.

.14 Reciprocity with Other States.

Upon the application of another state for reciprocity, or upon his own initiative, the Secretary shall investigate if the other state has adopted and promulgated a code and enforcement procedures which establish standards and safeguards at least equal to those contained in these regulations. He will hold a public hearing to state the findings of his investigation and give interested parties the opportunity to submit their comments both for and against the

adoption of a reciprocity agreement with the other state. Following the hearing, the Secretary shall decide whether a reciprocity agreement will be granted. As part of the finding by the Secretary granting reciprocity to another state, the Department shall set out the specific terms and conditions of the reciprocity agreement as it applies to that state and manufacturers of industrialized buildings under that state's program. As part of the reciprocity agreement, each state will keep the other informed of any changes in its regulations and maintain a current list of manufacturers that have been approved under its program. Upon application by any person adversely affected by the reciprocity agreement, the Secretary may investigate the allegations, and if necessary, hold a public hearing. Based on the results of his investigation, the Secretary may rescind, modify, or continue in effect the reciprocity agreement.

.15 Manufactured Home Procedures.

A. General. The Federal Act gives the U.S. Department of Housing and Urban Development (HUD) complete jurisdiction over the design and construction of manufactured homes, effective June 15, 1976. The Federal Act supersedes all state laws on this subject. All manufactured home units manufactured after the effective date of the Federal Act shall bear the HUD label to be lawfully sold anywhere in the United States.

B. Authority of the Department. The Department is a State Administrative Agency pursuant to the Federal Act, authorized to administer and enforce the federal program in the State. The powers and responsibilities of the Department are set forth in Public Safety Article, §12-312, Annotated Code of Maryland.

C. Manufactured Homes Not Bearing HUD Label. A person may not sell or offer for sale to the first user in Maryland any manufactured home that is manufactured after January 1, 1973, unless it bears the insignia of the Department or is certified and labeled under the Federal Act.

D. Repealed.

E. Manufactured Home Installation.

(1) Stabilizing devices for manufactured homes bearing HUD labels shall be installed in accordance with the manufacturer's installation instructions provided with the unit pursuant to §3280.306 of the federal regulations.

(2) When the information for stabilizing device materials is not provided in the manufacturer's installation instructions, the materials shall be as approved by the local enforcement agency.

(3) When a manufactured home is located in an area subjected to frost heave, the footings and load-carrying portion of the ground anchors shall extend below the frost line or as per the requirements established by the local enforcement agency.

F. Enforcement Generally. Enforcement shall be in accordance with the Federal Regulations, codified at 24 CFR Part 3282, Subpart G.

G. Enforcement in Localities.

(1) Manufactured homes bearing the HUD label shall be acceptable in all localities as meeting the requirements of the Act, and shall be acceptable as meeting the requirements of safety to life, health, and property imposed by any local enforcement agency in this State without further investigation, testing, or inspection.

(2) Notwithstanding §G(1) of this regulation, local enforcement agencies are responsible for the following functions with respect to manufactured homes bearing the HUD labels:

(a) Verification that the unit has not been damaged in transit;

(b) Verification that the unit bears the HUD label and all other pertinent documents, including consumer manuals, installation manuals, and record of purchase cards provided with the unit pursuant to the Federal Regulations;

(c) Inspection and verification to assure that the unit is installed in accordance with these regulations; and

(d) Inspection of manufactured home alteration and add-ons to ensure that they do not cause a failure of the manufactured home to conform with the Federal Regulations.

(3) Local enforcement agencies may enforce local requirements for zoning, fire limits or fire districts, utility connections, site preparation and issuance of all required permits.

(4) Action Upon Violation.

(a) When the local enforcement agencies find violations of the Federal Regulations concerning construction of the manufactured homes, they shall forward notice of these violations to the Department.

(b) When damage is discovered or suspected, local enforcement agencies may require tests on plumbing, fuel burning, and electrical systems to determine the extent of damage.

(c) If it is determined that manufactured home installations, alterations, or add-ons are not in accordance with this chapter, local enforcement agencies are responsible for ensuring that the unit is brought into compliance. Local enforcement agencies may refer apparent violations of this chapter to the appropriate State's attorney for enforcement of the Act.

H. Restrictions on Distributors and Dealers.

(1) Alterations. A distributor or dealer may not perform or cause to be performed any alteration affecting any requirements of the Federal Regulations, without approval of the local enforcement agency. In handling and approving dealer requests for alterations, the local enforcement agency may be assisted by the Department.

(2) Prohibited Sale. A distributor or dealer may not offer for sale any manufactured home containing any violation of the Federal Act or Federal Regulations.

.16 Vacant.

.17 Code Enforcement Certification Board.

A. The Secretary shall appoint the members of the Code Enforcement Certification Board, to serve at the Secretary's pleasure. There are nine members of the Board, including four certified code enforcement officials, and one from each of the following areas: licensed architect; registered engineer; representative of the Department of Labor, Licensing, and Regulation; educator; building industry representative. Members of the Board shall be citizens and residents of the United States and the State.

B. The responsibilities of the Board are: To recommend standards for certification of code enforcement; to examine and certify applicants as code enforcement officials; to review qualifications for certification; to revoke certification where warranted; to keep records of all its proceedings; to maintain a current list of certified code enforcement officials; to make an annual report to the Secretary. The Board shall meet at least once each year for the purpose of examining applicants. The members shall serve without compensation, but shall be reimbursed for out-of-pocket expenses and travel in accordance with the Standard State Travel Regulations.

C. An applicant for certification shall submit to the Board written evidence, in verified form, that he is of good moral character and has work experience, education or training meeting the requirements of the Department. An applicant shall take and pass a written examination on pertinent building codes. The Board shall recommend to the Secretary that certification be denied, revoked, or suspended when in the opinion of the Board the person is unfit by reason of incompetence or habitual neglect or has been guilty of fraud or deceit in procuring or attempting to procure certification.

D. The Board shall cooperate with any educational or training institution desiring to conduct a code enforcement training program, so that the program will:

- (1) Meet standards recommended by the Board;
- (2) Upgrade the code enforcement program; or
- (3) Serve as an entrance training program for persons not presently involved in the building trades.

.18 NCSBCS Reciprocity.

A. General. The National Conference of States on Building Codes and Standards, Inc. (NCSBCS) has established a program for voluntary reciprocity between the states in the regulation of industrialized buildings for use as one- or two-family dwellings. States electing to participate in this program agree to accept any one- or two-family dwelling which bears the NCSBCS label and the label of the state where the dwelling is to be erected as complying with the state's design and construction standards for manufactured dwellings. Under the program, NCSBCS will accredit System Analysis Agencies and Compliance Assurance Agencies. System Analysis Agencies will evaluate manufacturer's Building System Certification Documents (BSCD's). Compliance Assurance Agencies will perform ongoing inspections to determine whether dwellings are built to BSCD requirements, including conformance to an approved Compliance Assurance Manual.

B. Determination. The Secretary determines, after public hearings, that it would be in the State's best interest to participate in the NCSBCS program, and adopts the standards established by the program, as they pertain to the evaluation, testing, and quality control of one- or two-family dwellings built by manufacturers participating in the program.

C. Reference Standards. The reference standards set forth in Regulation .07 of this chapter, are modified to the extent necessary to comport with the design and construction standards established by the program for one- and two-family dwellings built by manufacturers participating in the program.

D. Approved Testing Facilities. NCSBCS and those agencies accredited by it for participation in the program are designated as approved testing facilities, authorized to act as the Department's agents for the purpose of determining whether or not a one- or two-family dwelling built by a manufacturer participating in the program meets the standards of the Department.

E. Exemptions.

(1) Manufacturers participating in the program will be exempted from the provisions of Regulations .09 and .12 of this chapter, provided they file an application with the Department, on forms obtainable from the Department, and pay an annual administration fee of \$300.

(2) Any one- or two-family dwelling built by a manufacturer participating in the program to be sold, offered for sale, or installed in Maryland shall be exempt from the provisions of Regulation .10 of this chapter, provided it contains a Maryland State Certification Insignia, available from the Department for a \$25 fee, and a NCSBCS label, both of which shall be mounted in the manner specified by Regulation .10D of this chapter.

(3) NCSBCS and any inspection agency approved by NCSBCS for participation in the program is exempted from the requirements of Regulations .12K and .13 of this chapter, for the purposes of §D of this regulation, but is subject to those requirements if it acts as an Approved Testing Facility for any other purpose.

Administrative History

Effective date: July 1, 1972

Regulations .01—.10 amended effective July 23, 1975 (2:16 Md. R. 1137)

Regulation .10 amended effective March 3, 1976 (3:5 Md. R. 295)

Regulations .11 —.14 adopted effective July 23, 1975 (2:16 Md. R. 1137)

Regulation .14 amended effective April 13, 1977 (4:8 Md. R. 632)

Regulation .16 adopted effective July 23, 1975 (2:16 Md. R. 1137)

Chapter revised effective August 11, 1978 (5:16 Md. R. 1254)

Regulation .02B and C amended effective January 1, 1984 (10:20 Md. R. 1783)

Regulation .07 amended effective June 29, 1979 (6:13 Md. R. 1124); March 1, 1983 (10:3 Md. R. 208); February 1, 1986 (13:1 Md. R. 14)

Regulation .07A amended effective January 7, 1982 (8:26 Md. R. 2104)

Regulation .08 amended effective February 1, 1986 (13:1 Md. R. 14)

Regulation .08B amended effective March 1, 1983 (10:3 Md. R. 208)

Regulation .12E amended effective March 6, 1981 (8:5 Md. R. 471)

Regulation .12 amended effective July 9, 1990 (17:13 Md. R. 1610)

Regulation .15B—H amended effective January 1, 1984 (10:20 Md. R. 1783)

Regulation .18 adopted effective September 21, 1979 (6:19 Md. R. 1518)

Chapter recodified from COMAR 05.01.01 to COMAR 05.02.04

Regulation .01 amended effective July 17, 2006 (33:14 Md. R. 1162)

Regulation .02 amended effective July 17, 2006 (33:14 Md. R. 1162)

Regulation .03B amended effective July 17, 2006 (33:14 Md. R. 1162)

Regulation .10D amended effective July 1, 1993 (20:12 Md. R. 996)

Regulation .12 amended effective July 9, 1990 (17:13 Md. R. 1610)

Regulation .12A amended effective July 17, 2006 (33:14 Md. R. 1162)

Regulation .12C amended effective July 9, 1990 (20:12 Md. R. 996)

Regulation .15 amended effective July 17, 2006 (33:14 Md. R. 1162)

Regulation .16 repealed effective July 17, 2006 (33:14 Md. R. 1162)

Regulation .17A amended effective July 17, 2006 (33:14 Md. R. 1162)

Chapter recodified from COMAR 05.02.04 to COMAR 09.12.52 effective March 25, 2019 (46:6 Md. R. 345)

Regulation .02B amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .07 amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .08 amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .10C amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .17A amended effective March 25, 2019 (46:6 Md. R. 345)