

Adopt Inst 601 and Inst 602.01, previously effective 5/15/13 as Inst 501 and Inst 502.01 (Document 10337), and expired 5/15/23, cited and to read as follows:

CHAPTER INST [5]600 INSPECTIONS OF MANUFACTURED HOUSING INSTALLATIONS

PART Inst 601 DEFINITIONS

Inst 601.01 “Inspector” means the local enforcement agency. If there is no local enforcement agency, the board’s designee shall function as the inspector.

Commented [R1]: This would be someone contracted by OPLC on behalf of the board. The Board doesn’t have authority to enter into contracts. See RSA 310:4, I. However I think the wording needs to still have the “board’s designee” in it because of RSA 205-D:5. Maybe something like the board’s designee as contracted by the OPLC

PART Inst 602 INSPECTIONS

Inst 602.01 Inspections of Installations.

(a) All manufactured houses installed pursuant to RSA 205-D and Inst 600 shall be inspected to ensure compliance with state installation standards established under RSA 205-D and Inst 600;

(b) An inspection shall be conducted by the board’s designee only if there is no local official appointed by a city or town to complete an inspection; and

Commented [R2]: Change term based on above terminology used.

(c) Upon completion of the manufactured housing installation, the licensee shall schedule the inspection required pursuant to Inst 502.01(a).

Adopt Inst 602.02 through Inst 602.04, previously effective 4/4/12 as Inst 502.02 through Inst 502.04 (Document #10115), and expired 4/4/22, to read as follows:

Inst 602.02 Inspectors.

(a) Pursuant to RSA 205-D:5, I(b), inspectors shall have authority to enter the premises anytime during the installation in order to carry out their responsibilities.

(b) Inspectors shall have the authority to:

(1) Issue orders for the correction of an installation code or warranty violation that is within their jurisdiction;

Commented [R3]: 205-D:5, I (c)

(2) Issue orders to discontinue installation until violation(s) are corrected;

Commented [R4]: 205-D:5, I (d)

(3) Approve continuation of the work on the installation upon being satisfied that the violation has been corrected; and

Commented [R5]: 205-D:5, I (e)

(4) Issue a certificate of compliance upon satisfaction that a manufactured house has been installed in compliance with RSA 205-D and Inst 700.

Commented [R6]: 205-D:5, I(f)

Commented [R7]: Subjective language
Maybe something along the lines of: Upon the installation meeting all standards, the inspector shall issue a certificate of compliance occupancy permit which shall be required before the house can be occupied.

Inst 602.03 Timing of Inspection.

(a) Inspections shall be completed by an inspector prior to occupancy of the manufactured house. The inspector, when satisfied that the installation meets all standards, shall issue a certificate of compliance occupancy permit which shall be required before the house can be occupied.

Is compliance occupancy permit defined anywhere?
Certificate of compliance is in the statute at RSA 205-D:5, III however, it is unclear what is contained in that certificate or what it truly means.

(b) Inspections should be conducted within 5 business days of receiving a request.

Inst 602.04 Deficiencies.

(a) Pursuant to RSA 205-D:5, II, an inspector that orders correction of a violation shall notify the board immediately of the needed correction.

(b) A person ordered to correct a deficiency by an inspector because of a violation of any rule provision in Inst 700 or RSA 205-D may request a hearing before the manufactured housing installation standards board by filing, within 30 days of receipt of the order, a complaint under Inst 208.01.

(c) The board shall schedule an adjudicatory hearing pursuant to Plc 200.

(d) The inspector who issued the order shall have the burden of proof.

(e) If the board upholds the inspector’s order it shall prescribe the time period for the requisite correction in its written decision.

(f) If the person(s) ordered to correct any deficiencies fails to file a request for a hearing within 30 days the board shall deem the inspection report valid, and issue stop work order which requires correction of the deficiencies and shall remain in effect until an inspector certifies the deficiencies have been corrected.

Commented [R8]: Just wondering where this came from. Also 5 business days? Also should it be 5 business days of inspector receiving request? I think the request may come through the office and there may be a slight delay with getting it to the actual inspector. Just some thoughts.

Commented [R9]: Why? What purpose does this serve to include immediately? The board would not necessarily see this until the board meeting. Maybe remove immediately

Commented [R10]: This says to me that there is an automatic stay of the requirement to correct if a hearing is requested. Seems like that should be in here somehow. What do you think? I don’t know if that will be picked up on at JLCAR

APPENDIX

RULE	STATUTE
Inst 601.01	RSA 541-A:7
Inst 601.01 (b)	RSA 205-D:17, RSA 205-D:20, II
Inst 601.01	RSA 541-A:7
Inst 602.01	RSA 205-D:5, I
Inst 602.02	RSA 205-D:5, I(b)
Inst 602.03	RSA 205-D:5, I
Inst 602.04(a)	RSA 205-D:5, II
Inst 602.04(b)-(f)	RSA 205-D:5, IV & 541-A:30
Inst 602.05	RSA 205-D:12, I, RSA 205-D:20, V