

Report on the
**Alabama Manufactured Housing
Commission**

Montgomery, Alabama



**Department of
Examiners of Public Accounts**

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Rachel Laurie Riddle, Chief Examiner



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September 23, 2020

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Manufactured Housing Commission in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Manufactured Housing Commission, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Laurie Riddle".

Rachel Laurie Riddle
Chief Examiner

Examiner
Gerald Dedon

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PROFILE

Purpose/Authority

The Manufactured Housing Commission was established in 1985 to replace the State Fire Marshal as the administrator of current and future federal and state statutes relating to regulation of the manufactured (built and assembled in a plant, usually on a rolling chassis) and modular (built in a plant but assembled on site) houses and buildings industry in Alabama.

Act No. 355, Acts of Alabama 1999 was passed to reduce the influence of the manufactured housing industry on the agency. The Act requires that the board members be advisory only and gives the administrator complete authority to formulate, implement, and execute policy, laws, and regulations for the Commission.

The primary function of the Alabama Manufactured Housing Commission is to act as the State Administrative Agency (SAA) for the U.S. Department of Housing and Urban Development (HUD) and to inspect the installation and setup of new and used homes and respond to consumer complaints in Alabama. The Commission also inspects installations of modular homes.

The Commission accomplishes its mission through licensing and regulation of manufacturers, retailers, installers, and salespersons of manufacture/modular homes and buildings. The *Code of Alabama 1975*, Sections 24-4A-1 through 24-4A-7; 24-5-1 through 24-5-34; and 24-6-1 through 24-6-4 provides the current statutory authority for the Commission.

There were no legislative acts passed since the last sunset review of this agency.

<u>Characteristics</u>	
Members and Selection	<p>Nine advisory only members</p> <ul style="list-style-type: none">• Six members appointed by the governor with the advice and consent of the senate. Three industry members selected from a list of nine nominees submitted by the Alabama Manufactured Housing Association, and three consumers appointed from the general public.• One local government member appointed by the President Pro Tempore of the Senate.• One member of the House of Representatives appointed by the Speaker of the House.• One member of the Senate appointed by the Lieutenant Governor. <p><i>Code of Alabama 1975</i>, Section 26-6-3</p>

Term	<p>Industry and consumer members serve five-year terms.</p> <p>Elected officials, local government and legislative members serve for the initial terms of their elected office.</p> <p><i>Code of Alabama 1975</i>, Section 24-6-3</p>
Qualifications	<p>All members must have been residents of the state for at least five years prior to appointment.</p> <ul style="list-style-type: none"> • Three consumer members from the general public of whom one must live in a manufactured home at the time of appointment. • One member representing a local government • One member of the House of Representatives • One member of the Senate • Two members representing manufacturers • One member representing retailers <p><i>Code of Alabama 1975</i>, Section 24-6-3</p>
Consumer Representation	<p>Three consumer members required by law. Three consumer members serving.</p> <p><i>Code of Alabama 1975</i>, Section 24-6-3</p>
Racial Representation	<p>No specific statutory requirement. Two minority members serving.</p>
Geographical Representation	<ul style="list-style-type: none"> • One consumer member must reside in congressional districts 4 or 5. • One consumer member must reside in districts 3 or 6. • One consumer member must reside in districts 1, 2 or 7. <p><i>Code of Alabama 1975</i>, Section 24-6-3</p>
Other Representation	<p>Membership of the advisory board shall reflect the geographical, gender, racial, and ethnic diversity of the state without regard to party affiliation.</p> <p><i>Code of Alabama 1975</i>, Section 26-6-3</p>

Compensation	\$100 per day for attending meetings plus travel expense reimbursement at the same rate as state employees, except that legislative members receive regular legislative compensation. <i>Code of Alabama 1975</i> , Section 26-6-3
Attended Board Member Training	Accountant General Counsel Prior Administrator
<u>Operations</u>	
Administrator	Jimmy Harris, Administrator Appointed by the Governor Annual salary \$125,246.40 set by the Governor <i>Code of Alabama 1975</i> , Section 24-6-4
Location	350 South Decatur Street Montgomery, AL 36104 Monday through Friday - 6:30 am to 5:30 pm
Employees	25
Legal Counsel	Dean Hartzog, an employee of the Commission, provides legal counsel.
Subpoena Power	None except as provided by the Administrative Procedures Act, <i>Code of Alabama 1975</i> , Section 41-22-12 for hearings and contested cases.
Internet Presence	www.amhc.alabama.gov <ul style="list-style-type: none"> • Home • About Us • Rules & Regulations • Training • Installers • Retailers • Manufacturers • Modulars • Inspectors • Forms • Contact

<u>Financial</u>																							
Source of Funds	Licensing fees, inspection fees, certification fees, federal reimbursements, fines and penalties																						
State Treasury	Yes, Special Revenue Fund 0350 <i>Code of Alabama 1975</i> , Section 24-6-4																						
Required Distributions	Act No. 540, Acts of Alabama 2015, required the Commission to transfer \$134,000 to the State General Fund in fiscal year 2016. No other required distributions.																						
Unused Funds	Commission retains unused funds at fiscal year-end <i>Code of Alabama 1975</i> , 24-6-4 (b)																						
<u>Licensee Information</u>																							
Licensees	As of September 30, 2019 <table border="1" data-bbox="695 953 1330 1371"> <tr><td>Manufacturers</td><td>41</td></tr> <tr><td>Salespersons</td><td>340</td></tr> <tr><td>Retailers</td><td>173</td></tr> <tr><td>HUD Installers</td><td>139</td></tr> <tr><td>HUD Trainees</td><td>26</td></tr> <tr><td>Modular Installers</td><td>62</td></tr> <tr><td>Modular Trainees</td><td>9</td></tr> <tr><td>Modular Manufacturers</td><td>81</td></tr> <tr><td>Modular Retailers</td><td>74</td></tr> <tr><td>Third Party Inspection Agencies</td><td>11</td></tr> <tr><td>Total</td><td>956</td></tr> </table> <i>Source:</i> Assistant Administrator	Manufacturers	41	Salespersons	340	Retailers	173	HUD Installers	139	HUD Trainees	26	Modular Installers	62	Modular Trainees	9	Modular Manufacturers	81	Modular Retailers	74	Third Party Inspection Agencies	11	Total	956
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Modular Retailers	74																						
Third Party Inspection Agencies	11																						
Total	956																						
Qualifications	Installers <ul style="list-style-type: none"> • Complete an installer’s course conducted by the Commission • Pass a written or oral test Salespersons <ul style="list-style-type: none"> • Complete a course of instruction approved by the Commission • Pass a written or oral test <i>Administrative Rule</i> 535-X-12-.03 and 535-X-14-.04																						

<p>Examinations</p>	<p>Examinations are compiled, graded, and administered by the Alabama Manufactured Housing Commission</p> <p>Installer - Applicant must complete a twelve-hour installer’s course conducted by the Commission and pass a written or oral test prior to being issued a certification.</p> <p>Salesperson -Applicant must complete an eight-hour course of instruction conducted by the Commission and pass a written or oral test prior to being issued a certification.</p> <p>Exams are held at the training site. There are 6 training classes for salespersons and 4 training classes for installers. Exam sites include Montgomery, Birmingham, Cullman, Oxford, Atmore, and Gardendale</p> <table border="1" data-bbox="695 751 1162 1094"> <thead> <tr> <th>FY 2017</th> <th>% Passed</th> </tr> </thead> <tbody> <tr> <td>Installer</td> <td>100%</td> </tr> <tr> <td>Salesperson</td> <td>100%</td> </tr> <tr> <td>FY 2018</td> <td></td> </tr> <tr> <td>Installer</td> <td>100%</td> </tr> <tr> <td>Salesperson</td> <td>100%</td> </tr> <tr> <td>FY 2019</td> <td></td> </tr> <tr> <td>Installer</td> <td>100%</td> </tr> <tr> <td>Salesperson</td> <td>100%</td> </tr> </tbody> </table> <p><i>Code of Alabama 1975</i>, Section 24-5-6 and 24-5-32 <i>Administrative Rule 535-X-14-.04</i></p> <p><i>Source:</i> Assistant Administrator</p>	FY 2017	% Passed	Installer	100%	Salesperson	100%	FY 2018		Installer	100%	Salesperson	100%	FY 2019		Installer	100%	Salesperson	100%
FY 2017	% Passed																		
Installer	100%																		
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FY 2019																			
Installer	100%																		
Salesperson	100%																		
<p>Reciprocity</p>	<p>The Commission does not engage in reciprocal licensure.</p>																		
<p>Renewals</p>	<ul style="list-style-type: none"> • Manufacturer/Dealer/Retailer/Installer certifications renew annually on or before Jan. 1. • Salespersons licenses are renewed annually on or before March 1. • Design plan approvals are renewed annually on the date of approval only for a plan identical to the one which had prior approval. <p>No grace period allowed Approximately 35% of renewals are done online</p> <p><i>Code of Alabama 1975</i>, Section 24-5-6</p>																		

Licensee Demographics	Data not collected by the Board.
Continuing Education	Installers and Salespersons – Eight-hour refresher course every two years <i>Code of Alabama 1975</i> , Section 24-6-4

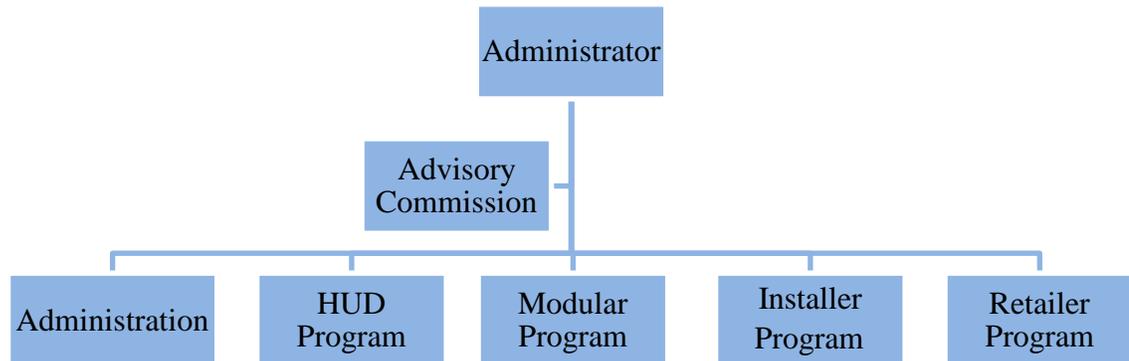
SIGNIFICANT ISSUES

No new significant issues.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

All prior findings/significant issues have been resolved.

ORGANIZATION



PERSONNEL

Classification	#	B/M	W/M	B/F	W/F	Salary or Salary Range	Vehicle Assigned
Administrator	1		1			\$125,246.40	
Assistant Administrator	1		1			\$116,359.20	1
Executive Secretary	1				1	\$48,974.40	
Senior Accountant	1		1			\$64,077.60	3*
General Counsel	1		1			\$113,534.40	
IT Systems Specialist	1			1		\$69,014.40	
Manufactured Housing Field Supervisor	1		1			\$65,695.20	1
Manufactured Housing Inspector	8	1	7			\$43,346.40 - \$52,653.60	8
Manufactured Housing Programs Manager	2		1		1	\$64,077.60 - \$70,783.20	2
Building Construction Specialist	4		4			\$45,532.80 - \$64,077.60	3
ASA I	1			1		\$24,604.80	
ASA II	2		2			\$28,492.80 - \$31,438.80	
Clerk	1				1	\$26,474.40	
Total	25	1	19	2	3		

B/M – Black Male; **W/M** – White Male; **B/F** – Black Female; **W/F** – White Female

*Senior Accountant acts as property manager and has three vehicles assigned to him for general office use.

Legal Counsel

Dean Hartzog, an employee of the Commission, provides legal counsel.

PERFORMANCE CHARACTERISTICS

Number of Persons per Licensee in Alabama and Surrounding States

	Population (estimate)*	Number of Licensees	Persons Per Licensee
Alabama	4,903,185	956	5,129
Florida	21,477,737	1,520	14,130
Georgia	10,617,423	415	25,584
Mississippi	2,976,149	252	11,810
Tennessee	6,829,174	297	22,994
*Source: U.S. Census, December 2019 Population Estimates			

Operating Disbursements per Licensee (FY 2019) - \$2,521.61

Fines/Penalties as a Percentage of Operating Receipts

	FY 2019	FY 2018	FY 2017	FY 2016
Total Receipts less Fines	\$2,582,491.31	\$2,478,565.15	\$2,566,849.53	\$2,358,254.16
Total Fines	45,995.00	34,400.00	37,450.00	52,117.45
Percentage	1.78%	1.39%	1.46%	2.21%

Notification of Commission decisions to Amend Administrative Rules

The Commission complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules.

The Commission mails notices of proposed rule changes regarding anchoring to all manufacturers and service organizations doing business in Alabama, and also mails notices to the Alabama Manufactured Housing Association (AMHA) when rule changes or additions are made to the rules and regulations adopted in subsection (a) of the *Code of Alabama 1975*, Section 24-5-32. Licensees are informed by mail with notice or memorandum on the amended Administrative Rules.

Inspections

Manufactured Homes

In addition to the licensure of manufacturers, retailers, installers, and salespersons, the Commission inspects installations/setup of new and used manufactured homes and buildings. The purpose of the inspections is to ensure that the homes are suitable for habitation and exhibit a HUD label indicating an in-plant inspection by a HUD representative. The inspections are also made to ensure if the following are adequate:

- Drainage – There is proper drainage in order to prevent the erosion of the ground beneath the home or ponding of water, which causes mold.
- Support – Piers that support the home are of the proper type and space.
- Anchoring – Homes are property anchored.
- Utility Connections – Utilities are properly inter-connected on multi-unit homes.
- Set up – Homes are set up as required by the manufacturer’s installation instructions.

Schedule of Inspections				
January 2016 through September 30, 2019				
	2016	2017	2018	2019
Installation Inspections	5,520	5,506	5,728	5,592

Source: Assistant Administrator

If an installer fails an inspection, the installer is provided a copy of the inspection report and given 30 days to correct the inspection discrepancies. At the completion of corrections, the installer returns the inspection report to the AMHC with a signed statement that the discrepancies have been corrected. AMHC staff conducts random follow-up inspections to ensure that inspection discrepancies have been actually corrected.

Modular Buildings

Modular buildings are not regulated by HUD. The Commission has adopted the requirements of the International Building Code published by the International Code Council for regulations of modular buildings. The International Building Code establishes standards for various aspects of construction such as gas, plumbing, electric, energy conservation, fire prevention, etc.

The Commission requires manufacturers, retailers, and installers to provide evidence of general liability insurance and surety bond in order to be licensed. Although HUD requires independent inspectors at manufactured housing plants, there is no such requirement for modular housing. The Commission, in order to ensure that modular homes are constructed in accordance with applicable building codes, delegates its authority to conduct inspections to 3rd party inspectors (firms) whose credentials have been certified by the Commission. A manufacturer of modular buildings to be sold in

Alabama is required to employ the services of a 3rd party inspecting firm certified by the Commission. In order to ensure that inspectors are acceptable, the inspecting firm must submit an application as well as evidence of the educational/professional/experience qualifications of the persons who will be doing the inspections.

COMPLAINT HANDLING

As the State Administrative Agency (SAA) for the Department of Housing and Urban Development (HUD), complaints are handled in accordance with the guidelines set forth in part 3282 of the Code of Federal Regulations – Manufactured Home Procedural and Enforcement Regulations. The Commission’s Administrative Rules 535-X-18-.01 through 535-X-19-.07 provides the procedures for documentation, receipt, and investigation of complaints received by the Commission.

Initial Contact/Documentation	Complaints are received only on forms signed by the complainant.
Anonymous Complaints Accepted	No
Investigative Process / Probable Cause Determination	After an investigation is concluded, the investigator and executive assistant determines if further action is required, is due to Federal Manufactured Home regulations, outside of Commission’s statutory authority, or homeowner’s responsibility.
Negotiated Settlements	No
Notification of Resolution to the Complainant	Complainants are notified by mail once the complaint has been resolved.

Source: Assistant Administrator

Schedule of Complaints Resolved						
Fiscal Years 2016 through 2019						
Year/Number Received	Year/Number Resolved					Pending
	2016	2017	2018	2019	2020⁽¹⁾	
2016 /47	40	7				
2017 /46		19	25	1	1	
2018 /50			22	22		6
2019 /35				23		12
⁽¹⁾ As of January 25, 2020						
<i>Source: Executive Director</i>						

Average Time to Resolve Complaints – 180 business days

Disposition of Resolved Complaints

# of Complaints	Resolution
113	Corrective Repairs Made
21	No Jurisdiction
11	Complaint Withdrawn
6	Settlement Agreement
3	No Action Taken
2	Bond Claims
2	Bond Claim Denied
1	Fine
1	Home Returned to Manufacturer

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

Federal (HUD) – Under the National Manufactured Housing Construction and Safety Standards Act as amended, the Department of Housing and Urban Development (HUD) is responsible for establishing and enforcing the Federal Manufactured Home Construction and Safety Standards (24 CFR Part 3280), and the Manufactured Home Procedural and Enforcement Regulations (24 CFR Part 3282). As the State Administrator Agency (SAA) for HUD, the Alabama Manufactured Housing Commission (AMHC) is responsible for enforcing the Federal Regulations and Standards as stated in the Alabama State Plan. AMHC must carry out all provisions identified in its State Plan. Section 609 of the Act, 42 U.S.C., Section 5408, authorizes HUD to advise, assist, and cooperate with State agencies, in the planning and development of methods for inspecting and testing to determine compliance with the manufactured home standards. The entire manufactured housing program is structured as a joint Federal/State partnership.

FINANCIAL INFORMATION

Source of Funds – Licensee fees, inspection fees, certification fees, federal reimbursements, fines and penalties

Fund - State Treasury Fund 0350, created by the *Code of Alabama 1975*, Section 24-6-4 (b). The Commission retains all unused funds at fiscal year-end.

Schedule of Fees

With the exception of the bad check fee and the penalty fee, all Commission fees are authorized by the *Code of Alabama 1975*, Section 24-6-4 (d). The bad check fee is authorized by Section 8-8-15 and capped at \$30.00, and the penalty fee is authorized by Section 24-4A-6.

FEE TYPE/PURPOSE	ADMINISTRATIVE RULE	AMOUNT COLLECTED
License/Certification		
Manufacturer	535-X-19-.03	\$550.00
Dealer	535-X-19-.03	\$450.00
Installer	535-X-19-.03	\$200.00
Salesperson	535-X-19-.03	\$200.00
Transfer Fee	535-X-19-.03	\$30.00
Pre-delivery Site Inspection	535-X-19-.03	\$100.00
Certificate of Training	535-X-19-.03	\$200.00
Manufacturer New Home Shipment/Inspection Fee	535-X-19-.03	\$75.00
Installer Decal	535-X-19-.03	\$130.00
Training	535-X-19-.03	\$200.00
Hearing Cost – Bond Claims	535-X-19-.03	Not to exceed 25%
Man-Hour Rate – Litigation or Dispute Resolution	535-X-19-.03	\$45.00
Resale Decal	535-X-19-.03	\$100.00
Installation Device	535-X-19-.04	\$2,050.00
Installation System	535-X-19-.04	\$3,000.00
Annual Renewal	535-X-19-.04	25%
Man-Hour Rate	535-X-19-.04	\$45.00
Electrical	535-X-19-.05	\$150.00
Plumbing	535-X-19-.05	\$150.00
HVAC	535-X-19-.05	\$150.00
Structural	535-X-19-.05	\$350.00
Total of All Systems	535-X-19-.05	\$800.00
Renewal Fee	535-X-19-.05	Minimum of 50%
Modular Plan Modification	535-X-19-.05	\$100.00
IBC Units	535-X-19-.05	\$0.20
IRC Units	535-X-19-.05	\$0.15
Man-Hour Rate for complex systems	535-X-19-.05	\$45.00
Modular Retailer/Leasing Company License	535-X-19-.05	\$450.00
Salespersons License	535-X-19-.05	\$200.00
Modular Manufacturer License	535-X-19-.05	\$550.00

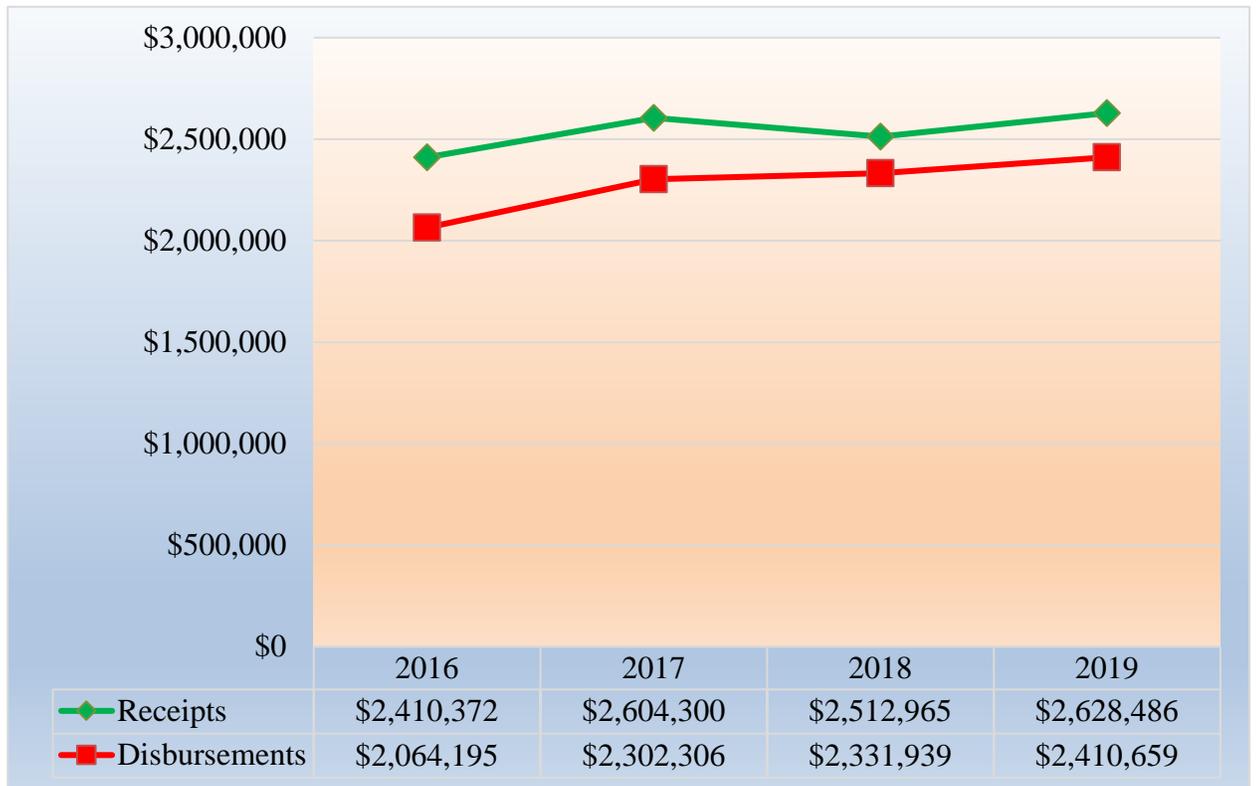
Modular Out-of-State Decal	535-X-19-.05	\$20.00
Third Party Approval	535-X-19-.05	\$650.00
Training	535-X-19-.05	\$200.00
Installer Certification/license	535-X-19-.05	\$200.00
Certificate of Training	535-X-19-.05	\$200.00
Installer Decal	535-X-19-.05	\$175.00
Used Modular Units sold/leased/to purchase retailer	535-X-19-.05	\$25.00
Late Payment Fee	535-X-19-.05	50%
Bad Check Fee	535-X-19-.05	\$30.00
Penalties		\$500.00

Schedule of Receipts, Disbursements and Balances

October 1, 2015 through September 30, 2019

	<u>2018-2019</u>	<u>2017-2018</u>	<u>2016 - 2017</u>	<u>2015 - 2016</u>
<u>Receipts</u>				
Mobile Home Dealers	\$ 790,882.00	\$ 768,799.00	\$ 721,771.00	\$ 695,675.00
Mobile Home Installers	979,180.50	839,466.49	890,417.08	844,595.00
Misc. Fees - Not Otherwise Classified	2,005.54	9,320.06	14,056.13	21,869.45
Administrative Penalties	45,995.00	34,400.00	37,450.00	30,248.00
Bad Check Penalties	300.00	150.00	540.00	735.00
Insurance Recoveries	25,917.50	-	-	1,499.20
Reimbursements Not Otherwise Classified	599,436.62	565,041.60	625,178.32	517,678.21
Salvage Equipment or Other Property	6,142.14	10,920.00	17,237.50	980.00
Prior Year Refunds	-	-	-	336.75
Federal Operating Reimbursement	178,627.00	284,868.00	297,649.50	296,755.00
Total	<u>2,628,486.30</u>	<u>2,512,965.15</u>	<u>2,604,299.53</u>	<u>2,410,371.61</u>
				-
<u>Disbursements</u>				
Personnel Costs	1,440,093.64	1,371,761.11	1,323,516.49	1,227,587.12
Employee Benefits	578,150.19	557,255.81	509,643.91	493,660.86
Travel, In-State	23,058.73	18,107.96	14,792.91	14,442.46
Travel, Out of State	4,828.99	378.40	290.81	377.56
Repairs & Maintenance	3,625.09	1,732.75	1,747.06	3,724.44
Rentals & Leases	10,606.53	12,331.03	8,482.33	7,882.07
Utilities & Communication	41,785.09	50,408.24	47,725.42	43,089.43
Professional Services	88,479.93	139,512.10	79,298.68	99,062.84
Supplies, Materials, & Operating Expenses	48,144.72	43,946.82	52,073.73	47,979.94
Transportation Equipment Operations	52,391.49	49,649.01	46,342.20	35,742.18
Transportation Equipment Purchases	86,425.90	80,553.99	180,575.00	73,992.50
Other Equipment Purchases	33,068.35	6,301.84	37,817.66	16,653.80
Transfer to General Fund	-	-	-	134,000.00
Total	<u>2,410,658.65</u>	<u>2,331,939.06</u>	<u>2,302,306.20</u>	<u>2,198,195.20</u>
Excess of Receipts over Disbursements	217,827.65	181,026.09	301,993.33	212,176.41
Cash Balance at Beginning of Year	<u>3,093,081.20</u>	<u>2,912,055.11</u>	<u>2,610,061.78</u>	<u>2,397,885.37</u>
Cash Balances at End of Year	3,310,908.85	3,093,081.20	2,912,055.11	2,610,061.78
Reserve for Unpaid Obligations	<u>(127,968.34)</u>	<u>(127,512.97)</u>	<u>(111,233.79)</u>	<u>(137,821.32)</u>
Available Cash Balance at Year End	<u>\$ 3,182,940.51</u>	<u>\$ 2,965,568.23</u>	<u>\$ 2,800,821.32</u>	<u>\$ 2,472,240.46</u>

Operating Receipts vs. Operating Disbursements (Chart)

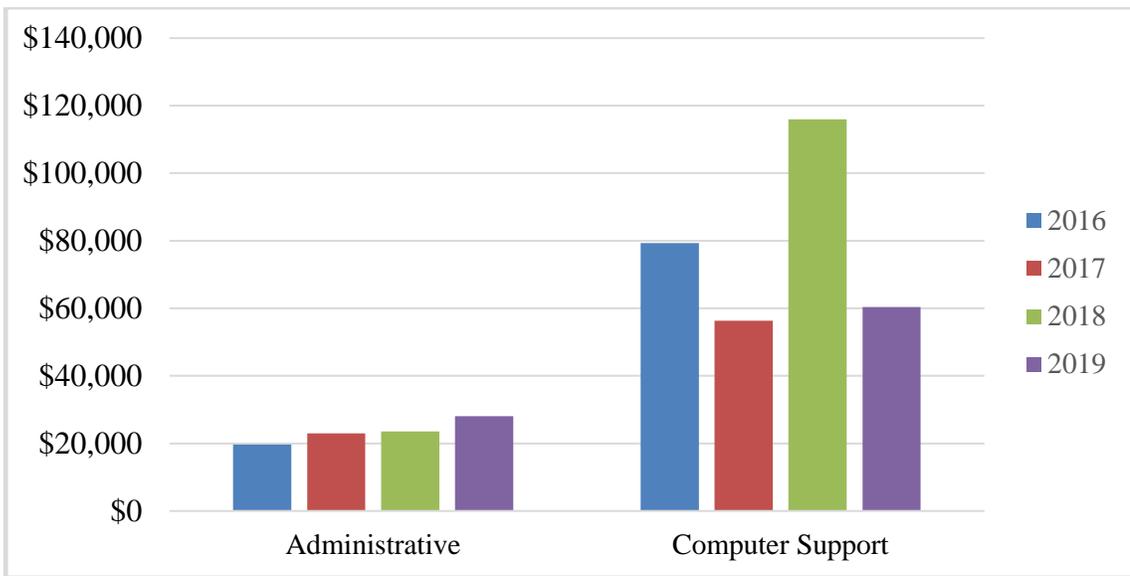


Does not include the transfer to the General Fund in FY 2016

SUMMARY SCHEDULE OF PROFESSIONAL SERVICE DISBURSEMENTS*				
As of September 30 th				
Type of Service	FY 2016	FY 2017	FY 2018	FY 2019
Computer Support	\$79,350.44	\$56,307.58	\$115,996.63	\$60,380.80
Administrative	19,712.40	22,991.10	23,515.47	28,099.13
Total Professional Services	\$99,062.84	\$79,298.68	\$139,512.10	\$88,479.93

*Detailed information presented in the appendix

Professional Service Disbursement Chart



QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to all nine members of the Alabama Manufactured Housing Commission requesting participation in our survey. Four participated in the survey. The percentages, where shown, are based on the number who responded to the question.

1. What are the most significant issues currently facing the Alabama Manufactured Housing Commission and how is the agency addressing these issues?

Board Member #1 - "Need to find replacement for retired Assistant Administrator. Will be meeting this month to discuss."

Board Member #2 - "Ensuring proper placement and foundation work by installers. The board hears/discusses concerns and corrective actions that are taken or to be taken."

Board Member #3 - "Installer who do not follow guidelines. Primarily site-prep. Installers are fined accordingly, and if necessary their license can be revoked."

Board Member #4 - "I've only attended 2 meetings since being appointed to the board, therefore I am not up to date on the issues yet."

2. What changes, if any, to the Commission's law are needed?

Board Member #1 - "None known."

Board Member #2 - "None."

Board Member #3 - "Not aware of any changes needed at this moment."

Board Member #4 - "I do not have enough information about the laws to form an opinion yet."

3. Is the Commission adequately funded?

Yes	3	75%
No	1	25%

Board Member #3 - "Self-funded."

Board Member #4 - "I am unsure at this time."

4. Is the Commission adequately staffed?

Yes	4	100%
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Board Member #4 - "I have attended only 2 meetings, so, I cannot say one way or the other."

Board Member Questionnaire

- 5. Does the Board receive regular reports on the operations of the Commission from the chief administrative officer?**

Yes	4	100%
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Board Member #4 - "I am new to the board so therefore I am not up to date on this."

- 6. Has the Commission experienced any significant changes to its operations?**

No	3	75%
No answer	1	25%

Board Member #4 - "I have attended only 2 meetings, so, I cannot say one way or the other."

- 7. Does the Commission plan any significant changes in its operations?**

No	4	100%
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Board Member #4 - "I am sure we will discuss this in the future meetings."

Licensee Questionnaire

A letter was sent to one hundred licensees requesting their participation in our survey. Nineteen participated in the survey. The percentages, where shown, are based on the number who responded to the question.

1. Do you think regulation of your profession by the Alabama Manufactured Housing Commission is necessary to protect the public welfare?

Yes	17	89%
No	2	11%

Respondent #1 - "Wide loads on roads."

Respondent #6 - "That's what we have building inspectors for."

Respondent #9 - "Some of them is necessary."

2. Do you think any of the Commission's requirements are irrelevant to the competent practice of your profession?

Yes	8	42%
No	11	58%

Respondent #6 - "Even if I pull and drop a mobile home. I have to send paper work in. they have made the prices go up on buying and setting and moving mobile homes."

3. Are you adequately informed by the Commission of changes to and interpretations of Commission's positions, policies, rules and laws?

Yes	17	89%
No	2	11%

Respondent #6 - "They are inconsistent on what they turn down. Some people they check some they don't. some they fine some they don't I have proof."

Respondent #11 - "██████████ and the inspectors will answer questions when you call them. I have called them man times with questions that I needed help with. ██████████

██████████ is very knowledgeable about specific rules and regulations. I have to call ██████████ on a regular basis for guidance."

4. Has the Commission performed your licensing and renewal in a timely manner?

Yes	18	95%
No	1	5%

Respondent #14 - "Not enough communication."

5. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Commission doing to address the issue(s)?

Respondent #1 - "The Commission is always helpful."

Respondent #2 - "Rain which can't be helped."

Respondent #3 - "Laws of the nation the laws of the counties."

Respondent #4 - "Movers setting up homes that are not approved installers."

Respondent #5 - "Labor."

Respondent #6 - "I work out of a service truck and it would be nice if I could do all my paperwork online."

Respondent #7 - "Having enough certified installers to meet demand statewide.

Encouraging folks to be professionally trained and become certified."

Respondent #8 - "I have not had any issues and have always been pleased with the commission's performance."

Respondent #9 - "The cost of setups and the cost of license."

Respondent #10 - "People who have been in the industry should not have ever 2 year schooling and the decals are the highest of any adjoining states."

Respondent #11 - "Too much liability on the mover. I am not certain how to solve this."

Respondent #12 - "No answer."

Respondent #13 - "No answer."

Respondent #14 - "t enough communication from housing association. Also, they let to many non-licensed installers get away with too much."

Respondent #15 - "Site preparation."

Respondent #16 - "The plastic that is required to be placed on the ground as a moisture barrier under a mobile home actually draws moisture."

Respondent #17 - "No answer."

Respondent #18 - "People who are moving homes under the radar and the state not doing nothing about it. And would like to see the state stand behind the movers and installers more since the movers and installers are who pay the big money to be licensed in the state and the consumer is who benefits from the housing commission."

Respondent #19 - "Incorrect installations. They are education people to complete the work correctly."

6. Do you think the Commission and its staff are satisfactorily performing their duties?

Yes	17	89%
No	2	11%

Respondent #1 - "Always trying to help me if I have a problem."

Licensee Questionnaire

Respondent #3 - “Yes but need to stay involved with rules and regulations that counts require you to do.”

Respondent #4 - “Thank god for [REDACTED] [REDACTED]”

Respondent #6 - “Inconsistent, favoritisms, and unfairness.”

Respondent #11 - “[REDACTED] [REDACTED] is the best inspector I have personally worked under. He doesn’t go overboard trying to write you up like some other inspectors.”

Respondent #14 - “Somewhat, they could do better.”

Complainant Questionnaire

A letter was sent to eighty-one complainants whose complaint had been resolved within the past two years requesting participation in our survey. Nine participated in the survey. The percentages, where shown, are based on the number who responded to the question.

1. How was your complaint filed with the Manufactured Housing Commission?

Mail	6	67%
Phone	2	22%
E-mail/Online	1	11%

Complainant #7 - “It started with a phone call and because of the extent of complaints I had to send in a formal complaint.”

Complainant #8 - “In person.”

2. Was receipt of your complaint acknowledged?

Yes	7	79%
No	2	22%

Complainant #7 - “Within a week of filing.”

3. If you answer to Question 2 was “YES”, was the person who responded to your complaint knowledgeable and courteous?

Courteous	1	12%
Both	5	63%
Neither	2	25%

Did not Respond 1

Complainant #4 - “Response was by letter.”

4. Did the Board communicate the results of the investigation into your complaint to you?

Yes	5	56%
No	3	33%
No opinion	1	11%

Complainant #4 - “We never got anything from them. Just the manufacturer calling to find out what was still wrong and how to fix it.”

Complainant #7 - “After 11 months of dealing with the mess, I basically said if my house doesn’t get fixed this month, we are going to court and if I have to go to court everybody is getting brought into it because of the way things were handled. It was ridiculous!!!! At the long drawn out year, the 2nd inspector came out and I had to

Complainant Questionnaire

still call for the decision that came like 4 weeks after the final repairs that had to be made by someone else, not the original installer.”

5. Do you think the Board did everything it could to resolve your complaint?

Yes	6	67%
No	3	33%

Complainant #4 - “Every time the manufacturer fixes a little bit, y’all would send us a letter to ask if everything was right. We would send it back with a list of stuff that still was not fixed, the manufacturer would then call us back to try to fix the problem. So, I think yes because the manufacturer still would contact us about the problems.”

Complainant #7 - “Emphatically no!!! the incompetence started with the first inspector and then when I got someone I trusted to check things out, the first inspector that didn’t do his job started bad mouthing him to me and going around to his jobs and telling them to not let him do their work or they would get wrote up. The second inspector that came out concurred with my guy that all of my complaints were valid and needed to be taken care of. The good old boy, male chauvinistic mentality was sickening.”

6. Were you satisfied with your dealings with Board?

Yes	6	67%
No	3	33%

Complainant #4 - “They got the manufacturer to fix everything that was wrong.”

Complainant #5 - “I got a call from the home seller. Nothing from the manufacturer, and only a letter from the commission. The complaint was taken care of, but was not satisfied with the service of any.”

Complainant #7 - “The list of complaints with the commission is long.”

APPENDICES

Applicable Statutes

Section 24-4A-1 Legislative findings; purpose of chapter.

The Legislature hereby finds that in an effort to meet the housing needs within the state, the private housing and construction industry has developed mass production techniques which can substantially reduce a housing and building cost, and that the mass production of housing and buildings consisting primarily of factory manufacture presents unique problems with respect to the establishment of uniform health and safety standards and inspection procedures. The Legislature further finds that by minimizing the problems of standards and inspection procedures, it is demonstrating its intention to encourage the reduction of manufactured building construction costs, and to make housing and home ownership more feasible for all residents of the state.

(Acts 1981, No. 81-706, p. 1183, §1.)

Section 24-4A-2 Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them by this section:

- (1) COMMISSION. The Alabama Manufactured Housing Commission.
- (2) APPROVED. Conforming to the recognized codes and regulatory requirements adopted by the commission.
- (3) APPROVED INSPECTION AGENCY. An organization meeting the commission's requirements to provide inspection of manufactured buildings and to insure compliance with national recognized codes, and rules and regulations adopted by the commission pursuant to this chapter.
- (4) LOCAL GOVERNMENT. A city or county government.
- (5) MANUFACTURE. The process of making, fabricating, constructing, forming or assembling a product from raw, unfinished or semifinished materials.
- (6) INSTALL. The assembly of a manufactured building, components of manufactured building on site and the process of affixing a manufactured building to land, a foundation, footings or an existing building and service connections which are a part thereof.
- (7) SITE. The entire tract, subdivision, or parcel of land on which a manufactured building is installed.
- (8) INSIGNIA. A label, seal, or data plate issued by the commission to indicate compliance with the codes and requirements established by the commission pursuant to this chapter.
- (9) MOBILE HOME or MANUFACTURED HOME. Any residential dwelling unit constructed to standards and codes as promulgated by the United States Department of Housing and Urban Development.
- (10) DWELLING UNIT. One or more habitable rooms which are occupied, intended, or designed to be occupied by one or more families with facilities for living, sleeping, cooking, and eating.
- (11) EQUIPMENT. All materials, appliances, devices, fixtures, fittings, or accessories installed in or used in the manufacture and assembly of a manufactured building.

(12) SYSTEM. Structural, plumbing, mechanical, heating, electrical, or ventilating elements, materials or components combined for use in a manufactured building.

(13) MANUFACTURED BUILDING. A closed structure, building assembly or systems of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, utility service lines, footings, foundations, porches, or other service systems manufactured in manufacturing facilities, for installation or erection, with or without other specified components, as a finished building or as a part of a finished building, which shall include, but not be limited to, residential dwelling units, commercial, institutional, storage, and industrial structures. "Mobile homes" or "manufactured homes" are excluded. "Manufactured building" may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Excluded from the definition of "manufactured building" shall be any temporarily placed building, trailer, or structure maintained by a licensed general contractor or subcontractor for purposes of storage, office space, or any other construction related function at a project site.

(14) CLOSED CONSTRUCTION. That condition when any building, component, assembly, subassembly, or system is manufactured in such a manner that all portions cannot be readily inspected at the site without disassembly or destruction thereof.

(15) OPEN CONSTRUCTION. Any building, building component, assembly or systems manufactured in such a manner that all portions can be readily inspected at the site without disassembly, damage to or destruction thereof.

(16) FEES. Moneys to be paid to the commission from any and all persons, firms, companies, corporations, and manufacturers engaged in the manufacture or installation of manufactured buildings.

(17) COMPONENT. Any assembly, subassembly, or combination of parts for use as a part of a building, which may include structural, electrical, mechanical, and fire protection systems, and other systems affecting health and safety.

(18) MODEL. A specific design of manufactured building which is based on size, room arrangement, method of construction, location arrangement, or size of plumbing, heating, or electrical equipment systems.

(19) MODULAR HOME. A manufactured building built and inspected in accordance with a national building code and in compliance with the provisions of this chapter.

(Acts 1981, No. 81-706, p. 1183, §2; Act 2001-426, p. 543, §4.)

Section 24-4A-3 Powers and duties of commission generally; insignia of approval; modification of units prior to or during installation; authority of local government agencies; fee schedule; manufactured buildings approved by other states.

(a) The commission is authorized to promulgate rules, and enter into contracts, and do such things as may be necessary and incidental to the administration of its authority pursuant to this chapter.

(b) After the effective date of the rules adopted pursuant to this chapter, no manufactured building shall be sold, or offered for sale, or installed, in this state unless it is approved and bears the insignia of approval of the commission.

(c) The Factory-Built Housing Act of 1971 and the rules promulgated under that act shall continue until the effective date of subsection (b) of this section, and thereafter shall be repealed. All personnel of the Modular Housing Division of the Alabama

Development Office shall be transferred without impairment of their Merit System status to the commission, and all funds, appropriations, papers, documents, files, materials, equipment, supplies, and other effects employed and used for the administration and enforcement of the previous act shall become the property of the commission. All approvals issued by the commission under the provisions of the prior act shall be deemed to comply with the requirements of this chapter.

(d) All manufactured buildings issued and bearing insignia of approval pursuant to subsections (b) and (c) of this section shall be deemed to comply with the requirements of all ordinances or regulations enacted by any local government which are applicable to the construction of manufactured buildings. The determination by the commission of the scope of such approval is final.

(e) No manufactured building bearing commission insignia of approval pursuant to subsection (b) of this section shall be in any way modified prior to or during installation unless approval is first obtained from the commission.

(f) Manufactured buildings which have been issued and bear the insignia of approval pursuant to this chapter upon manufacture or first sale shall not require an additional approval or insignia by a local government in which they are subsequently sold or installed, except a residential dwelling unit that is resold, whether by a manufacturer, manufacturer's representative or dealer; these units must bear an additional seal of approval issued by the commission.

(g) The commission by rule shall establish a schedule of fees to give cost relief to the commission for the work related to the administration and enforcement of this chapter. All fees collected under the provisions of this chapter, or otherwise inuring to the credit of the commission, shall be deposited in the State Treasury in a fund to be designated as the "State Fire Marshals Fund."

(h) If the commission determines that standards for construction and inspection of manufactured buildings prescribed by statute or rule of another state are at least equal to standards prescribed by the commission under this chapter and such standards are actually enforced by such other state, the commission may provide by rule that a manufactured building, which has been inspected and approved by such other state or its delegated inspection agency, shall be deemed to have been approved by the commission, and shall authorize the affixing of the appropriate insignia of approval.

(i) The use of the word "modular," singular or in combination with any other word to describe a mobile home or manufactured home, is hereby prohibited, and said use shall constitute a violation of the provisions of this chapter.

(j) Any city or county official who violates the provisions of this chapter by refusing to accept a manufactured building approved by the commission shall personally be liable and not be immune from prosecution if suit is brought by a party to said transaction.

(k) This section shall not apply to factory built housing which is inspected and approved by a local government agency at the place of, and during the time of manufacture in accordance with local building requirements if the requirements are reasonably consistent with standards established by the Southern Building Codes Congress, the National Fire Protection Association and the United States Department of Housing and Urban Development. The cost of the inspection shall be borne by the manufacturer.

(l) All factory-built housing bearing an insignia of approval issued by the commission pursuant to this chapter shall be deemed to comply with the requirements of all ordinances or regulations enacted by any local government which are applicable to the

manufacturer of such housing. The determination by the commission of the scope of such approval is final.

(m) No factory-built housing bearing a commission insignia of approval pursuant to this chapter shall be in any way modified prior to or during installation unless approval is first obtained from the commission.

(n) Factory-built housing which has been inspected and approved by a local government agency shall not be modified prior to or during installation unless approval for the modification is first obtained from the local government agency.

(o) The commission by rule shall establish a schedule of fees to pay the costs incurred by it for the work related to administration and enforcement of this section.

(Acts 1981, No. 81-706, p. 1183, §3.)

Section 24-4A-4 Enforcement of chapter; delegation of enforcement authority; promulgation of rules and regulations.

(a) The commission shall enforce the provisions of this chapter and the regulations adopted pursuant hereto; except, that the commission may delegate its enforcement authority to a local government agency, an approved inspection agency or an agency of another state, provided the inspection agencies' inspection requirements conform with the requirements of the commission.

(b) The commission shall promulgate rules and regulations to interpret and make specific the provisions of this chapter. These rules shall include provisions imposing requirements reasonably consistent with recognized and accepted standards adopted by the Southern Building Codes Congress, International, the National Fire Protection Association, or any other nationally recognized building standards.

(Acts 1981, No. 81-706, p. 1183, §4.)

Section 24-4A-5 Injunctive relief.

The commission may obtain injunctive relief from the proper circuit court to enjoin the sale, delivery, or installation of manufactured building upon an affidavit specifying the manner in which the building does not conform to the requirements of this chapter or to rules issued pursuant hereto.

(Acts 1981, No. 81-706, p. 1183, §5.)

Section 24-4A-6 Penalties.

A person who violates any of the provisions of this chapter or any rule adopted pursuant hereto is guilty of a misdemeanor, punishable by a fine of \$500.00, or by imprisonment for 30 days, or both. A separate violation shall be deemed to have occurred with respect to each building unit (building component) involved.

(Acts 1981, No. 81-706, p. 1183, §6.)

Section 24-4A-7 Exemption of pre-engineered metal buildings.

The provisions of this chapter omit pre-engineered metal buildings.

(Acts 1981, No. 81-706, p. 1183, §7.)

Section 24-5-1 Short title.

This article shall be known and may be cited as the "Uniform Standards Code for Manufactured Homes Act."

(Acts 1971, No. 1938, p. 3129, §1; Act 2009-37, p. 130, §3.)

Section 24-5-2 Definitions.

Unless clearly indicated otherwise by the context, the following words when used in this article, for purposes of this article, shall have the meanings respectively ascribed to them in this section:

- (1) ALABAMA MANUFACTURED HOUSING COMMISSION FUND. The fund established to provide necessary revenue for the enforcement of this article.
- (2) COMMISSION. The Alabama Manufactured Housing Commission.
- (3) DEALER. Any person, other than a manufacturer, who is duly licensed to sell manufactured homes in this state.
- (4) LABEL. The approved form of certification by the manufacturer under the Uniform Standards Code that is permanently affixed to each manufactured home or transportable section thereof, and which serves as the certification by the manufacturer of conformance with the applicable federal manufactured home construction and safety standards in effect the date of manufacture.
- (5) MANUFACTURED HOME. A structure, transportable in one or more sections, which when erected on site measures eight body feet or more in width and 32 body feet or more in length, 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, air-conditioning, and electrical systems contained therein. A manufactured home can be new. A new manufactured home is a manufactured home which is still in the possession of the manufacturer, dealer, or first purchaser of the manufactured home.
- (6) MANUFACTURED HOME 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.
- (7) MANUFACTURER. Any person who manufactures manufactured homes and shall include the manufacturer, factory branch, or factory representative.
- (8) PERSON. A person, firm, partnership, company, corporation, or association engaged in manufacturing or selling manufactured homes.
- (9) UNIFORM STANDARDS CODE. The federal manufactured home construction or safety standards promulgated pursuant to Section 604 of the National Mobile Home Construction and Safety Standards Act of 1974, published in Public Law 93-383, 42 U.S.C. § 5401 et seq., or the Manufactured Housing Improvement Act of 2000, or both, as amended from time to time.

(Acts 1971, No. 1938, p. 3129, §2; Acts 1980, No. 80-599, p. 1014, §1; Act 2009-37, p. 130, §3.)

Section 24-5-3 Establishment of uniform standards.

All construction of manufactured homes manufactured after May 28, 1980, in this state shall meet the standards of the Uniform Standards Code.

(Acts 1971, No. 1938, p. 3129, §3; Acts 1980, No. 80-599, p. 1014, §2; Act 2009-37, p. 130, §3.)

Section 24-5-4 Inspection or approval; certification of manufacturer.

No person may sell or offer to sell in the state any new manufactured home for use in this state manufactured after May 28, 1980, unless each of the following requirements are satisfied:

(1) A label of approval has been permanently affixed to the manufactured home.

(2) The label bears a certification by the manufacturer that the new manufactured home to which the label is attached meets or exceeds the Uniform Standards Code.

(Acts 1971, No. 1938, p. 3129, §4; Acts 1980, No. 80-599, p. 1014, §3; Act 2009-37, p. 130, §3.)

Section 24-5-5 Label and certification required for manufactured homes.

No person may manufacture in this state any manufactured home after May 28, 1980, unless it bears a label and certification, certifying that the manufactured home meets or exceeds the Uniform Standards Code.

(Acts 1971, No. 1938, p. 3129, §5; Acts 1980, No. 80-599, p. 1014, §4; Act 2009-37, p. 130, §3.)

Section 24-5-6 Licenses for sale of manufactured homes.

(a) Any manufacturer or dealer within or without this state shall apply for a license to sell manufactured homes in this state.

(b) Applications shall be obtained from and submitted to the commission. Each applicant shall be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

(c) The original license fee and the renewal fee shall be established by the commission by rule pursuant to Section 24-6-4. Each sales or manufacturing location shall be required to be licensed at the same rate and basis as others. The license shall be valid from January 1 until December 31 of the year in which the license was issued or until revoked as provided in this section.

(d) Any license may be revoked or suspended by the commission for violation of this article, or rules and regulations or standards or codes or specifications adopted pursuant to this article. The commission shall notify the licensee in writing of the reasons why the commission intends to revoke or suspend the license, and the licensee shall be entitled to a hearing before the commission within 10 days after receipt of the notice of intention to revoke or suspend. At the hearing the commission shall consider the circumstances and shall give the licensee reasonable time, but not less than 30 days, to correct the conditions or circumstances that caused the notice of intention to revoke or suspend the license to be given.

(Acts 1971, No. 1938, p. 3129, §6; Acts 1975, No. 1143, p. 2245; Acts 1980, No. 80-599, p. 1014, §5; Act 2001-426, p. 543, §3; Act 2009-37, p. 130, §3.)

Section 24-5-7 Sale of new manufactured homes without labels.

A new manufactured home which does not bear the label required by this article may not be offered for sale by any manufacturer or dealer anywhere within the geographical limits of this state.

(Acts 1971, No. 1938, p. 3129, §7; Acts 1980, No. 80-599, p. 1014, §6; Act 2009-37, p. 130, §3.)

Section 24-5-9 Inspection of establishments; testing and records.

(a) The commission shall cause to be inspected, at such times as it may deem proper, any place or establishment within this state where manufactured homes are manufactured, sold, or offered for sale, for the purpose of ascertaining whether the requirements of this article and the regulations of the commission have been met.

(b) The commission, or its duly authorized representatives, may cause products or parts or portions thereof to be analyzed or tested by the state agent, or its duly authorized agency. Such analysis or test records may be preserved by the commission, and when sworn to by the state testing agent, or its duly authorized agency, shall be prima facie evidence of violations of this article or rules and regulations or standards or codes or specifications adopted pursuant to this article.

(Acts 1971, No. 1938, p. 3129, §8; Act 2009-37, p. 130, §3.)

Section 24-5-10 License fees.

A license to sell to licensed dealers or to the public of this state shall be issued for a fee in an amount as established by the commission by rule pursuant to Section 24-6-4.

(Acts 1971, No. 1938, p. 3129, §9; Acts 1975, No. 1051, p. 2114; Acts 1980, No. 80-599, p. 1014, §8; Act 2001-426, p. 543, §3.)

Section 24-5-11 Statistics and records as to manufactured homes.

(a) The commission shall maintain a system by which accurate statistics regarding the disposition of all manufactured homes by licensees may be obtained.

(b) The commission shall require that each licensee in this state maintain adequate records so as to ascertain all of the following information:

(1) The total number of manufactured homes manufactured.

(2) The total number of manufactured homes delivered to dealers within and without the state.

(3) The total number of manufactured homes sold to individuals within and without the state, including name, address, and county.

(4) Specific information about each manufactured home, including serial number, manufacturer's name, model name or number, or both, and size unit.

(Acts 1971, No. 1938, p. 3129, §10; Act 2009-37, p. 130, §3.)

Section 24-5-12 Administration of article.

The commission is hereby charged with the administration of this article. It shall make and amend, alter or repeal general rules and regulations of procedure for carrying into effect all provisions of this article and prescribe means, methods, and practices to make effective such provisions.

(Acts 1971, No. 1938, p. 3129, §11.)

Section 24-5-13 Enforcement of article; local ordinances providing for inspection of manufactured homes.

(a) No person may interfere, obstruct, or hinder an authorized representative of the commission who displays proper commission credentials in the performance of his or her duties as set forth in this article.

(b) In the performance of its duties, the commission, or any of its duly authorized representatives, may enter and inspect, at any reasonable time, any place or establishment where manufactured homes are manufactured, sold, or offered for sale, for the purpose of ascertaining whether the requirements of this article and the regulations of the commission have been met.

(c) Nothing in this article shall prevent the governing authority of any county or municipal corporation from adopting ordinances or resolutions providing for the inspection of manufactured homes sold or placed within its limits and to provide penalties for violations thereof, but no such ordinance or resolution shall conflict with any power or authority of the commission, or its duly authorized representatives. Any manufactured home which has been inspected and approved in accordance with this article is not required to comply with any local ordinances in conflict with this article. (*Acts 1971, No. 1938, p. 3129, §12; Act 2009-37, p. 130, §3.*)

Section 24-5-13.1 Commission authorized to enter into contracts with agencies dealing with federal Department of Housing and Urban Development; purpose.

The commission shall be authorized to enter into contracts with any private or public agency which is under contract with the United States Department of Housing and Urban Development to provide services in the enforcement of the Uniform Standards Code.

(*Acts 1980, No. 80-599, p. 1014, §10.*)

Section 24-5-14 Penalties; disposition of funds.

(a) Whoever violates this article or any regulation or order issued under this article shall be liable for a civil penalty of not to exceed one thousand dollars (\$1,000) for each such violation. Each violation of any section of this article or regulation or order shall constitute a separate violation with respect to each manufactured home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed one million dollars (\$1,000,000) for any related series of violations occurring within one year from the date of the first violation. Before the commission shall impose a civil penalty it shall first advise the violator of its intention to do so and hold a hearing on the violation no sooner than two weeks after notification to the person of the commission's intent to impose civil penalties and the indicated violations.

(b) Any individual or a director, officer, or agent of a corporation who knowingly and willfully violates subsection (a), in a manner which threatens the health or safety of any purchaser, shall be fined not more than one thousand dollars (\$1,000) or sentenced to the county jail for not more than one year, or both.

(c) Any fines collected under subsections (a) and (b) shall be paid into the Alabama Manufactured Housing Commission Fund.

(*Acts 1971, No. 1938, p. 3129, §13; Acts 1980, No. 80-599, p. 1014, §9; Act 2009-37, p. 130, §3.*)

Section 24-5-30 Short title.

This article shall be known and may be cited as the "Uniform Code for the Anchoring of Mobile Homes Act."

(Acts 1975, No. 1144, p. 2247, §1.)

Section 24-5-31 Definitions.

When used in this article, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them in this section:

- (1) ANSI. The American National Standards Institute or its successor.
- (2) GROUND ANCHOR. Any device at the mobile home stand designed for the purpose of securing a mobile home to the ground.
- (3) MARSHAL. The Alabama State Fire Marshal.
- (4) NFPA. The National Fire Protection Association or its successor.
- (5) TIEDOWN. Any device designed to anchor a mobile home to ground anchors.
- (6) COMMISSION. The Alabama Manufactured Housing Commission.
- (7) INSTALL or INSTALLATION. Siting, placing, or anchoring a manufactured home or manufactured building, either one or more units, to land, upon footings, piers, or foundations, or connecting the home or building to public or private utilities. Public or private utilities shall not be classified as installers under this section.
- (8) INSTALLER. Any person who sites, anchors, places, connects, sets up or installs a manufactured home or manufactured building upon land, footings, piers, or foundations.
- (9) MANUFACTURED BUILDING. A closed structure, building assembly or systems of subassemblies which may include structural, electrical, plumbing, heating, ventilating, utility service lines, footings, foundations, porches, or other service systems manufactured in manufacturing facilities, for installation or erection, with or without other specified components, as a finished building or as a part of a finished building, which shall include, but not be limited to, residential dwelling units, commercial, institutional, storage, and industrial structures. "Mobile homes" or "manufactured homes" are excluded. "Manufactured building" may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation on the building site. Excluded from the definition of "manufactured building" shall be any temporarily placed building, trailer, or structure maintained by a licensed general contractor or subcontractor for purposes of storage, office space, or any other construction related function at a project site.
- (10) MANUFACTURED HOME. As defined by the United States Department of Housing and Urban Development.

(Acts 1975, No. 1144, p. 2247, §2; Acts 1991, No. 91-642, p. 1213, §1; Act 2001-426, p. 543, §4.)

Section 24-5-32 Anchorage requirements.

(a) After January 1, 1976, it shall be unlawful for any person to install, allow to be installed, occupy, or allow to be occupied any new or used manufactured home or manufactured building unless the home or building is tied down to properly installed ground anchors so as to be able to resist wind loads as specified in the rules and regulations adopted by the commission. The Counties of Mobile and Baldwin are

designated as hurricane wind zones. All installers of manufactured homes and manufactured buildings must be certified by the commission to install such structures.

(b) Any manufactured home or manufactured building sold after January 1, 1976, shall comply with the requirements of subsection (a) immediately upon location on the new site. Any existing manufactured home or manufactured building relocated to a new site after January 1, 1976, shall comply with the code requirements of subsection (a) immediately upon location on the new site.

(c) The commission shall promulgate rules and regulations setting forth uniform standards for the manufacture and installation of ground anchors and blocking to be compatible with ANSI A 119.1/NFPA 501B, in order to accomplish the intent of this section. Local building inspectors shall, when required by local jurisdiction, enforce rules and regulations promulgated by the commission to accomplish the intent of this section.

(d) Prior to adoption of the initial rules and regulations and in the event it becomes necessary to make changes in or additions to the rules and regulations adopted in subsection (a), the commission, at least 30 days prior to adopting or promulgating any such rules and regulations or changes or additions, shall mail to all manufacturers and service organizations doing business in Alabama and to the Alabama Manufactured Housing Institute a notice which shall include a copy of the rules and regulations or additions and changes thereto, and a designation of the time and place that the commission will hear and consider any objections to the proposed rules and regulations or additions and changes thereto. The commission shall afford any interested party an opportunity to be heard orally or in writing with respect to the proposed rules and regulations or additions and changes thereto. Sixty days after date of notice and hearing, any rules and regulations or changes and additions thereto shall become effective.

(e) This section shall not apply to any mobile home which is in transit between sites.

(f) The commission shall establish by rule a schedule of fees to pay for the administration of this article.

(Acts 1975, No. 1144, p. 2247, §3; Acts 1991, No. 91-642, p. 1213, §2.)

Section 24-5-33 Penalties for violations of article; suspension of license tags; additional relief from violations.

(a) It is a misdemeanor for any person to install, allow to be installed, occupy, or allow to be occupied, any manufactured home or manufactured building in this state which is not in accordance with the uniform standards and the rules and regulations adopted and set forth by the commission pursuant to this article.

(b) The commission is authorized to suspend the tag issued under Section 40-12-255 of any person violating either subsection (a) or (b) of Section 24-5-32, and shall be authorized to levy a civil penalty up to \$500.00 against any person found in violation of subsection (a) of Section 24-5-32. The commission is moreover authorized to levy a civil penalty up to \$500.00 against any installer or installation personnel violating either subsection (a) or (b) of Section 24-5-32 or the rules and regulations adopted and set forth by the commission pursuant to this article. Persons subjected to the operation of this subsection shall be given a hearing by the commission on application therefor, and shall be notified of the availability of a hearing by the commission on imposition of a penalty.

(c) In addition to other penalties provided by law, the commission and district attorneys are authorized to apply to the circuit courts within their respective jurisdictions, and such courts shall have jurisdiction, upon hearing and for cause shown, to grant appropriate additional relief to prevent or restrain violations of this article.
(*Acts 1975, No. 1144, p. 2247, §3; Acts 1991, No. 91-642, p. 1213, §3.*)

Section 24-5-34 Certain local laws, municipal ordinances, etc., not repealed.

This article shall not repeal any local act, general law of local application or municipal ordinance where provisions thereof have standards, qualifications and requirements for the anchoring of mobile homes equal to or higher than those provided in this article, and such laws, acts or ordinances shall remain entirely in full force and effect.
(*Acts 1975, No. 1144, p. 2247, §4.*)

Section 24-6-1 Intent.

It is the express intent of this chapter to give administrative relief to the Fire Marshal Division of the Insurance Department in the supervision of any current or future federal and state statutes and codes relating to manufactured and modular housing and buildings. For such purposes, the Alabama Manufactured Housing Commission is created to perform such administrative functions.
(*Acts 1985, No. 85-691, p. 1109, §1.*)

Section 24-6-2 Commission created; composition.

The Alabama Manufactured Housing Commission, hereinafter referred to as "the commission," is created and shall function as the principal executive branch agency with powers to provide for a comprehensive manufactured and modular housing and building program with respect to construction, transportation, site location, or manufacturing standards for such structures. The commission shall consist of an advisory board of nine members, an administrator, and other staff and personnel. The membership of the commission shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. Each commission member shall be a citizen of this state. The advisory board members shall serve in an advisory capacity only to the administrator. The administrator shall have the sole and complete authority to formulate, implement, and execute policy, laws, and regulations for the commission, and will consult with the advisory board as necessary during its scheduled meetings. The commission shall have such other powers and duties as are hereinafter provided.
(*Acts 1985, No. 85-691, p. 1109, §2; Act 99-355, p. 553, §1; Act 2009-37, p. 130, §3.*)

Section 24-6-3 Advisory board.

- (a) The advisory board of the commission shall be composed of nine advisory only members, each of whom shall have been a resident of Alabama for at least five years prior to appointment.
- (b) Six of the members shall be appointed by the Governor, subject to Senate confirmation, as follows:
- (1) From a list of nine nominees submitted by the Alabama Manufactured Housing Association (AMHA), the Governor shall appoint three members who shall be from the Alabama manufactured housing industry and of those three members, two members

shall represent the manufacturers and one member shall represent the retailers. No employee of AMHA shall serve on the commission. The terms of office of the initial appointees shall be one for one year, one for two years, and one for three years.

(2) There shall be three consumer representatives appointed as follows: The Governor shall appoint from the general public three members who shall serve as consumer representatives and whose initial term of office shall be one for one year, one for two years, and one for three years. The appointees from the general public shall serve as consumer representatives with one appointee living in a manufactured home at the time of appointment. The appointments shall be selected from the current congressional districts as follows: One appointee shall reside in congressional district 4 or 5, one appointee shall reside in congressional district 3 or 6, one appointee shall reside in congressional district 1 or 2 or 7.

(c) There shall be three governmental representatives appointed as follows:

(1) The President Pro Tempore of the Senate shall appoint one member who is a representative from any local government for an initial term of two years.

(2) The Speaker of the House of Representatives shall appoint one member who is a member of the House of Representatives.

(3) The Lieutenant Governor shall appoint one member who is a member of the Senate.

(d) Appointment, reappointment, vacancies, compensation, meetings, and responsibilities shall be as follows:

(1) Appointed members shall be eligible for reappointment.

(2) Any vacancy or new appointment shall be filled by the appointing authority for the unexpired term in the same manner as the original appointment was made, except that the number of nominees for the industry members shall be reduced to three for each vacancy.

(3) The successors to the initial appointees shall serve terms of five years.

(4) The members who are appointed by the Speaker of the House of Representatives, Lieutenant Governor, and the President Pro Tempore of the Senate shall serve for the initial terms of their elected office and may be reappointed by the appointing authority for additional terms.

(5) The administrator, or other persons responsible for handling all matters under the National Manufactured Housing Construction and Safety Standards Act of 1974, shall have no actual or potential conflict of interest nor be under the influence or control of a manufacturer of products or a retailer, supplier, or vendor of products in any manner which may affect his or her capacity to perform the function of the job objectively and without bias. The Alabama Ethics Commission shall investigate any report of a conflict of interest and, upon a finding of a conflict of interest, the Governor shall remove any such person having a conflict of interest. A member of the advisory board of the housing commission who has a direct pecuniary interest in any matter before the advisory board of the housing commission shall disclose that fact before the advisory board takes action at any meeting with respect to the matter, and he or she shall not vote, participate, or be present at any such meeting. Disclosure of such a pecuniary interest shall become a part of the official record of the proceedings of the advisory board of the commission.

(6) A person appointed as a general consumer or government representative shall not have any ownership interest in or income benefit from a manufacturer of manufactured homes, a retail seller of manufactured homes, a community, or a supplier of products or

services to the manufactured housing industry. These appointees shall not have any financial contracts or provide or accept any services with anyone in the manufactured housing industry except to the extent the consumer lives in a manufactured home.

(7) Membership of the advisory board shall reflect the geographical, gender, racial, and ethnic diversity of the state without regard to party affiliation.

(8) The members of the advisory board of the commission shall select from its membership a person to serve as chair. The chair shall preside over the advisory board meetings. The chair may not serve for more than two consecutive terms of two years each.

(9) The Governor shall make appointments within 30 days following receipt of the list of nominees from the agencies and if not made within 30 days, nominees are no longer valid and a new list of nominees must be submitted. Appointments requiring Senate approval made at times when the Legislature is not in session shall be effective ad interim. Ad interim appointments shall be made in the same manner as appointments made during a legislative session. An appointment made by the Governor when the Legislature is in session shall be submitted to the Senate not later than the third legislative day following the date of the appointment. An appointment made when the Legislature is not in session shall be submitted to the Senate not later than the third legislative day following the reconvening of the Legislature.

(10) All members of the advisory board of the commission, except legislative members, shall be paid one hundred dollars (\$100) for each day the members of the advisory board of the commission meet and shall receive the same per diem and allowance for meetings of the advisory board as is paid to state employees for official state business. Legislative members shall be entitled to receive their regular legislative compensation.

(11) The advisory board shall meet at least two times per year and at such times as called by the chair. Notice of regular meetings shall be given by the chair to advisory board members at least five business days prior to the meeting. Special called meetings shall similarly require five days' notice in writing. Five members of the advisory board shall constitute a quorum for all purposes. Vacancies on the advisory board shall be filled by nomination and appointment within 30 days by the same procedure as the original appointments. Vacancies may occur through death or resignation of an advisory board member, or other reasons.

(Acts 1985, No. 85-691, p. 1109, §3; Act 99-355, p. 553, §1; Act 2001-344, p. 446, §1; Act 2015-497, §1.)

Section 24-6-4 Powers and duties; fund; Sunset provision.

(a) The commission, in an advisory capacity, shall be the principal staff agency of the executive branch to provide, with the cooperation of other departments of state governmental units, a comprehensive housing program and procedures which include the relevance for housing programs administered by the state and the governmental structures required to put such programs into effect. The commission, through its administrator, shall perform all the duties and exercise all the powers and authority relative to modular housing, manufactured buildings, manufactured housing, and pre-HUD 1976 mobile homes, heretofore vested in the Fire Marshal's Division within the State Department of Insurance, and other implied powers. All the functions, powers, authority, and duties provided by law, specifically, but not limited to: Sections 24-5-1 through 24-5-14; 24-5-30 through 24-5-34; and 24-4A-1 through 24-4A-7, all books,

records, and supplies, pursuant to and under the authority of the aforesaid code sections through legislative budgetary authority and duties provided by law, specifically, but not limited to: Sections 24-5-1 through 24-5-14; 24-5-30 through 24-5-34; and 24-4A-1 through 24-4A-7, and all books, records, supplies, equipment, documents, files, papers, materials, and personnel of the Fire Marshal's Division subject to and authorized by, or under these various code sections and related thereto are also hereby transferred to the commission.

(b) There is established a revolving fund in the State Treasury to be known as the "Alabama Manufactured Housing Commission Fund" (Fund). Any proceeds remaining at the end of each fiscal year shall not revert to the State General Fund, but shall carry forward to the succeeding fiscal years in the fund for the use of the commission. All proceeds from federal grants, loans, funds, fees, and state or federal appropriations received or collected by the commission heretofore or hereafter are so appropriated and shall be deposited in the fund, and used only for and to the enurement of this commission.

(c) The commission is authorized, through its administrator, to promulgate such rules and regulations not inconsistent with this chapter as are implied or stated as are necessary to carry out the provisions of this chapter, pertaining specifically to the manufacture, transportation, or site location of said manufactured and modular housing and buildings and building programs in the State of Alabama. The commission is further authorized, through its administrator, to promulgate such rules and regulations as it may deem necessary to meet the requirements of the Department of Housing and Urban Development, the National Fire Protection Association, or any other recognized standards.

(d) The advisory board may recommend a schedule of fees to the administrator, who, through commission rules and regulations, will establish the fees to pay the cost incurred by the said commission for the work related to the administration and enforcement of this chapter. All fees, funds, and moneys received or collected by the commission are hereby appropriated to the commission and shall be deposited in the fund to be used only for the enrichment of the commission.

(e) The commission, through its administrator, may enter into any contracts with public or private agencies and said contracts shall be submitted to the Contract Review Permanent Legislative Oversight Committee for approval.

(f) The administrator is authorized to set qualifications for employees of the commission and compensation through the state Merit System for the necessary employees to carry out the provisions of this chapter. The administrator and all other current Merit System employees shall retain their Merit System status under this chapter. The Governor is authorized to set the qualifications and compensation of future administrators. The members of the advisory board shall serve only in an advisory capacity and may make recommendations to the Governor for the hiring or firing of the administrator. The Governor has the sole authority to hire or fire the administrator.

(g) The administrator shall serve as the department head for the purposes of all commission business, including, but not limited to, the hiring and firing of commission employees under the rules of the State Personnel Board for state Merit System employees, as required to perform the duties and responsibilities necessary in order to accomplish the state and federal regulatory functions of the agency including

implementation of the state plan on file with the Department of Housing and Urban Development.

(h) The commission, through its administrator, is authorized to: Make comprehensive and detailed plans for combating the shortage of safe and sanitary housing in Alabama; apply for and accept advances, loans, grants, contributions, and any other forms of assistance from the federal government, state or other public body, or from any other source, public or private; enter into and carry out contracts or agreements in connection with programs funded by the aforesaid sources to serve a public purpose and benefit the citizens of the State of Alabama; and prepare proper legislation to administer the programs.

(i) This chapter shall not prevent an agency or department of state government from administering the program for which they are responsible.

(j) The operations of the commission shall be subject to termination October 1, 2001, and every fourth year thereafter unless continued in accordance with the Alabama Sunset Law.

(Acts 1985, No. 85-691, p. 1109, §4; Act 99-355, p. 553, §1.)

Professional Services by Vendor

	2016	2017	2018	2019
Computer Support				
<i>Data Processing</i>				
Office of Information Technology	\$ -	\$ -	\$ 79,158.49	\$ 45,397.84
Department of Finance	27,948.43	7,913.72	1,201.72	-
<i>Finance and IT Planning Oversight</i>				
Department of Finance	1,265.00	2,051.32	240.00	-
Office of Information Technology	-	-	1,438.80	1,177.20
<i>FRMS</i>				
Department of Finance	6,137.01	2,342.54	957.62	2,805.76
Interfund Contract Programs	44,000.00	44,000.00	33,000.00	11,000.00
Total Computer Support	\$79,350.44	\$56,307.58	\$115,996.63	\$60,380.80
Administrative Services				
<i>Advertising</i>				
Department of Finance	\$ 17.05	\$ 194.67	\$ 3.10	\$ -
Legislative Services Agency	-	-	600.00	780.00
Office of Information Technology	-	-	790.46	6.20
<i>Education Training Consultants</i>				
Halfmoon Education Inc.	538.00	-	-	558.00
Manufactured Housing Association	-	-	-	5,600.00
Alabama Power	-	2,400.00	-	-
<i>Custodial</i>				
Before and After Lawn Service	450.00	-	-	-
Gentile Company LLC	-	-	-	2,776.80
PNC Commercial Building	1,350.00	263.06	-	-
Stephen Jones	195.00	1,560.00	1,560.00	2,210.00
Willcam, Inc.	3,231.00	3,949.00	4,667.00	1,077.00
Personnel Department Services	6,721.00	7,239.00	8,221.00	8,466.00
<i>Sanitation Services</i>				
Gilmore Services	139.00	111.20	134.64	79.04
<i>Mailing Services</i>				
Department of Finance	32.13	171.52	238.25	180.00
<i>Pest Control Services</i>				
Terminix	840.00	801.00	945.00	864.00
<i>Comptroller Services</i>				
Department of Finance	6,199.22	6,301.65	6,356.02	5,502.09
Total Administrative Services	\$19,712.40	\$22,991.10	\$23,515.47	\$28,099.13
Total Professional Services	\$99,062.84	\$79,298.68	\$139,512.10	\$88,479.93

Board Members

KAY IVEY
GOVERNOR



JIMMY HARSB
ADMINISTRATOR

ALABAMA MANUFACTURED HOUSING COMMISSION

350 SOUTH DECATUR STREET • MONTGOMERY, ALABAMA 36104
(334) 242-4036 • FAX (334) 240-3178
WWW.AMHC.ALABAMA.GOV

February 20, 2020

Mr. Gerald Dedon
State of Alabama
Department of Examiners of Public Accounts
P. O. Box 302251
Montgomery, Alabama 36130-2251

Dear Mr. Dedon:

The following is a list of current AMHC Advisory Board members with name, expiration of term, city of each Commission member:

Senator Clay Scofield
Guntersville, AL 35976
Governmental Representative
Expiration Date: November 5, 2022

Walter G. Bracy
Codan, Alabama 36523
Consumer Representative
Expiration Date: January 8, 2021

Ms. Nancy Ballard
Oxford, AL 36203
Consumer Representative
Expiration Date: January 8, 2023

Mr. Winston Lindsey
Brewton, AL 36426
Industry Representative
Expiration Date: January 8, 2021

Representative Thad McClammy
Montgomery, AL 36105
Governmental Representative
Expiration Date: November 5, 2022

AMHC Advisory Board Members
February 20, 2020
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Mr. Gary Davenport
Eclectic, AL 36024
Governmental Representative
Expiration Date: December 14, 2020

Mr. Chet Murphree
Northport, Alabama 35475
Industry Representative
Expiration Date: January 8, 2023

Mr. Joe Taylor
Jasper, Alabama 35501
Consumer Representative
Expiration Date: January 8, 2022

Mr. Michael Wade, Chairman
Addison, AL 35540
Industry Representative
Expiration Date: January 8, 2022

Sincerely,



Jimmy Harris

JH/kp