



STATE OF NEW MEXICO
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Interpretive Bulletin from the Manufactured Housing Division.

Issue: What work type falls under the purview of “Manufactured Housing Installation” and what license classification is required to perform such work.

Scenario: Can a licensed manufactured housing dealer who does not possess a manufactured housing installation license perform work or provide labor for work integral to the installation of a manufactured home including the following work,

- Trim / moldings
- Drywall / tape & texture
- Painting
- Carpet

Manufactured housing licensing requirements

14.12.2.8 LICENSING PROCEDURES:

A. Any person or business, prior to engaging in any scope of practice regulated by the act, shall obtain a license in accordance with the act and these regulations.

14.12.2.10 DEALERS:

A. A dealer's license entitles its holder to engage in the business of selling, exchanging, buying for resale, leasing, offering to or attempting to negotiate sales or exchanges or lease-purchases of new and pre-owned manufactured homes. A dealer may also perform all functions, which a broker is authorized to perform under the act and these regulations. Any person who in any manner acts as a dealer in the transaction of more than one manufactured home in any consecutive 12-month period is required to be licensed as a dealer.

1 **60-14-2 NMSA**

2 E. "dealer" means any person engaged in the business of buying for resale, selling or exchanging
3 manufactured homes or offering manufactured homes for sale, exchange or lease purchase to consumers.
4 No person shall be considered a dealer unless engaged in the sale, exchange, or lease-purchase of two or
5 more manufactured homes to consumers in any consecutive twelve-month period. A dealer may also
6 engage in any brokerage activities included under the definition of broker in this section;

7 **Conclusion**

8 There is no reference or inference cited within the statute or the regulations that allows a dealer to
9 perform installation work on a manufactured home.

10 **Installation Requirements**

11 **14.12.5.8 GENERAL INSTALLATION REQUIREMENTS (New or used; pre-owned or resold):**

12 The following requirements apply to new, used, pre-owned or resold manufactured homes, unless
13 otherwise indicated.

14 A. Manufactured homes produced under the Federal Manufactured Home Construction and Safety
15 Standards Act must be **installed**, including completion of all factory installed connections from the unit to
16 the necessary utilities, **by persons licensed as a manufactured home installer or repairman under the**
17 **provisions of 14.12.2 NMAC.** (Emphasis added.)

18 **60-14-2 NMSA**

19 J. "installer" means any person who installs manufactured homes for remuneration.

20 K. "installation" means, **but is not limited to** preparation by an installer of a manufactured
21 home site, construction of tie-down facilities and connection to on-site utility terminals. (Emphasis
22 added.)

23 **14.12.1.7 DEFINITIONS:** All words and terms defined in the Manufactured Housing Act have the same
24 meaning in these rules.

25 (M)(2) "Mobile or manufactured home installation" means **all** on-site work necessary for the
26 installation of a manufactured home. (Emphasis added.)

1 **Conclusion**

2 Both the statute and regulations state that manufactured homes produced under the Federal
3 Manufactured Home Construction and Safety Standards Act must be installed by persons licensed as a
4 manufactured home installer or repairman. Mobile or manufactured home installation means all on-site
5 work necessary for the installation of a manufactured home. This would include the installation of trim,
6 moldings, dry wall tape and texture, floor coverings as there are no written exclusions for licensure in
7 statute or rule.

8 **Licensing scope**

9 **14.12.2.14 INSTALLER AND REPAIRMEN:**

10 **A.** An installer's license entitles its holder to install manufactured homes for remuneration or
11 consideration as provided for by these regulations.

12 **B.** A repairman's license entitles its holder to repair manufactured homes for remuneration or
13 consideration as provided for by these regulations. An exception to this rule is a person(s) who makes
14 manufacturer’s warranty repairs and is employed and paid wages by a New Mexico licensed manufacturer
15 or its designated agent. Such person(s) are not required to maintain a repairman’s license.

16 **C.** Licenses for installers and repairmen shall be classified as MHD-1, MHD-2, MHD-3, MHD-3 Y
17 and MHD-3 E.

18 **(1)** MHD-1 shall permit the holder to level ground and place piers to support a manufactured
19 home, to attach and tighten tiedowns, to connect existing water and sewer lines, to connect electrical
20 cable to the home's approved existing receptacle, to install and repair skirting, and to install concrete
21 associated with footings or foundations.

22 **(2)** MHD-2 shall permit the holder to perform all functions of an MHD-1 and to make structural
23 repairs and alterations.

24 **(3)** MHD-3 shall permit the holder to perform all the functions of an MHD-2 and to service and
25 repair natural gas piping and appliances, change and adjust orifices in a manufactured home prior to
26 connection to L.P. gas, and to service and repair plumbing and electrical systems.

27 **I.** The division may, upon request, grant separate licensure for any person holding a valid license in the
28 electrical or mechanical classifications issued under the Construction Industries Licensing Act (Sections
60-13-1, et. seq., NMSA 1978), as amended, and may permit such person to act in the capacity of an
installer or repairman for electrical or mechanical work on a manufactured home within the scope of
such license. The division may also, upon request, grant separate licensure for any person holding a valid
license in the general construction classifications, including GB-2, GB-98, or GS-4 classifications issued

1 under the Construction Industries Licensing Act (Sections 60-13-1, et. Seq., NMSA 1978), as amended,
2 and may permit such person to act in the capacity of a contractor for work associated with the general
3 construction license classification. ***A person licensed under this provision may not perform or permit***
4 ***the installation of a manufactured home***, including installations of alternate manufactured home
5 foundation systems. Any person requesting a license, in accordance with this provision, shall furnish
6 proof satisfactory to the division of his status as a licensee of the construction industries division or its
7 successor. Nothing in this provision shall be construed as a waiver of any obligation to comply with any
8 other requirement of the Manufactured Housing Act or these regulations, including the bonding
9 requirements of these regulations. (Emphasis added.)

10 **Conclusion**

11 The installation of trim, moldings, dry wall tape and texture, floor coverings are part of the
12 installation of a manufactured home. An MHD installer license would be required. A CID license cross
13 over in the general construction classification may not perform or permit the installation of a
14 manufactured home. An exception in the regulations provides for person(s) who make manufacturer's
15 warranty repairs only and is employed and paid wages by a New Mexico licensed manufacturer or its
16 designated agent.

17 **Regulation Installation Manual Requirements**

18 **14.12.5.11 NMAC**

19 **C. New home installations.** *The manufacturer's installation manual shall be followed for all new*
20 *homes installed within the state of New Mexico.* The person(s) performing the work to install a new
21 home shall be responsible to insure that all necessary installation permits have been obtained by the
22 homeowner, customer or installer, to be determined in writing prior to the delivery of subject home.
23 Compliance with permanent foundation criteria, site work 14.12.5.9 NMAC, planning, and zoning, slope
24 and drainage requirements is the sole and separate responsibility of the persons, companies or contractors
25 performing such work. (Emphasis added.)

26 **Installer training requirements**

27 **14.12.2.14 NMAC**

28 **F.** An applicant for installation license must complete 12 hours of training, at least 4 of which must
consist of training on the federal installation standards and installation program. The training must be
conducted by committee approved trainers who meet the requirements of 24 C.F.R. Section 3286 subpart

D. The curriculum must include, at a minimum, training in the following areas:

1 (1) an overview of the Manufactured Home Construction and Safety Standards Act and the
2 general regulatory structure of the HUD manufactured housing program;

3 (2) an overview of the manufactured home installation standards and regulations established in
4 parts 24 C.F.R. Section 3285 and 24 C.F.R. Section 3286, and specific instruction including:

5 **(h) exterior and interior close-up work** (Emphasis added.)

6 **Federal Manufactured Housing regulations**

7 **CFR 3280.2** Installation means *all* arrangements and methods of construction, as well as fire safety,
8 plumbing, heat- producing and electrical systems used in manufactured homes. (Emphasis added.)

9 **Installer responsibilities**

10 **CFR 3286.407** *The installer will be responsible for the work performed by each person engaged to*
11 *perform installation tasks on a manufactured home*, in accordance with the HUD- administered
12 installation program. (Emphasis added.)

13 **Manufactures Installation instruction requirements**

14 **CFR 3286.102 (b)** *Manufacturers Installation Instructions*. The manufacturer is required to include in its
15 installation instructions for the home is required to be installed in accordance with: An installation design
16 and instructions that have been provided by the manufacturer and approved by the secretary directly or
17 through review by the DAPIA

18 **Conclusion**

19 Installation means all arrangements and methods of construction. The installer is responsible for the work
20 performed by each person engaged to perform installation tasks on a manufactured home. The
21 manufacturer is required to include in its installation instructions for the home and is required to be
22 installed in accordance with: An installation design and instructions.

23 **Manufacturer's instructions**

24 Manufacturers installation manuals provide a complete installation checklist in accordance with HUD
25 CFR 3286.411 (a)(1)(ii). *See Exhibit 1*. Items listed in the "Complete installation checklist" provided by
26 the manufacturer include:

- 27
- Ceilings walls and floor coverings are free from damage and serious defects
 - Carpeting is properly stretched and seamed
 - All trim and molding is installed properly and free of damage and defects.
- 28

1 **Conclusion**

2 Installation means, but is not limited to, preparation by an installer of a manufactured home site,
3 construction of tie-down facilities and connection to on-site utility terminals. For new homes, the
4 manufacturer’s installation manual shall be followed. Therefore, the manufacture’s installation
5 instructions define what is in the scope and requirements for the installation of the home.
6

7 **Summary**

8 The interpretation of the statute and regulations as they are written currently, do not exclude any
9 work that falls under the definition of installation, nor is there a licensing exclusion for any work for
10 manufactured home installation. The statute, regulations and federal standards provide a general
11 definition of what work falls under the scope of manufactured housing installation. The manufacture’s
12 installation manual, which must be followed according to the statute, regulations, and federal standards,
13 provides the specifics of what falls under the scope of the installation of their manufactured home
14 product. The manufacturer’s installation instructions include trim, moldings, drywall / tape & texture
15 painting and carpeting as part of the installation.

16 Therefore, a licensed manufactured housing dealer who does not possess a manufactured housing
17 installation license cannot perform work or provide labor for work integral to the installation of a
18 manufactured home, including, trim, moldings, drywall / tape & texture, painting, and carpeting during
19 the installation of a manufactured home. Only in the capacity of manufacturer’s warranty repairs and is
20 employed and paid wages by a New Mexico licensed manufacturer or its designated agent would such
21 work be allowed.
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Complete Installation Checklist

- The exterior of the home and immediate surroundings is clean, clear of construction materials, dust, and debris

INTERIOR

- Ceilings, walls, and floor coverings are free from damage and serious defects
- Carpeting is properly stretched and seamed
- All trim and molding is installed properly and free of damage and defects
- All cabinets, countertops, plumbing fixtures, appliances, furnishings, and window coverings are free of damage or serious defects
- All cabinet doors and drawers work properly
- All interior and exterior doors and windows open, close, and latch properly
- One window in each bedroom meets emergency egress requirements, has operating instruction labels on it, and operates properly
- All temporary shipping hardware has been removed
- Floors are level
- The data plate is intact and legible
- Smoke alarms have been tested
- The interior of the home is clean, clear of materials, dust, and debris

WATER AND DRAIN SYSTEMS

- Crossover and service connection and splices have been properly made with correct materials
- Water and drain lines are insulated or otherwise protected from freezing
- Pipe supports are installed and properly spaced
- Proper slope has been maintained on all drain lines
- All necessary inspections and tests have been performed
- All sinks, basins, tubs, and toilets operate properly
- All hot and cold water lines are properly connected to fixtures, dispense water as labeled, and operate properly
- Tub, tub/shower and shower outlets have been verified to ensure the outlet hot water temperature does not exceed 120°F (49°C)

ELECTRICAL SYSTEMS

- The panel amperage matches the connection to the home
- The home has been properly grounded
- The main power supply has been properly connected and tested by a licensed electrician
- All electrical crossovers have been connected
- All receptacles, switches, and light fixtures operate properly
- Ground fault circuit interrupters operate properly
- All exterior lights have been properly installed

GAS/FUEL OIL SYSTEMS

- The gas system pressure test has been conducted
- Connections between units are properly made with access as required
- The main fuel line has been properly connected and tested by a qualified technician

APPLIANCE OPERATING AND VENTING

- All appliances are working properly
- Appliance venting is in accordance with the manufacturer's instructions
- Fresh air intakes are properly installed
- Whole house, kitchen, and bath exhaust fan operation are correct
- Fireplace chimney stack extension and roof cap have been installed in accordance with the manufacturer's instructions
- Air conditioner/heat pump is sized properly

Manufacturers installation checklists define the specifics of the installation. The highlighted items are part of the installation.