

CHAPTER 169
FORMERLY
SENATE BILL NO. 180

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING
TO MANUFACTURED HOME INSTALLATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
DELAWARE (Two-thirds of all members elected to each house thereof
concurring therein):

Section 1. Amend § 4403, Chapter 44, Title 24 of the Delaware Code by striking paragraph (2) in its entirety and replacing it as follows:

“(2) ‘Approval decal’ means the decal approved by and purchased from the Board on which an installer shall inscribe the date of setup, the name of the installer, and the number of the installer’s license. Affixing an approval decal to the manufactured home data plate signifies the installer’s certification that the home was installed in accord with all applicable laws, rules and regulations.”.

Section 2. Amend § 4403(3), Chapter 44, Title 24 of the Delaware Code by deleting the period “(.)” at the end of the paragraph and inserting the phrase “or inspectors hired by the State, county or municipal administrative department or agency on a contract basis to perform inspections.”.

Section 3. Delete § 4416(b)(13), Chapter 44, Title 24 of the Delaware Code and renumber paragraphs (14) thru (17) as paragraphs (13) thru (16) respectively.

Section 4. Amend § 4416(c), Chapter 44, of Title 24 of the Delaware Code by inserting after the comma “,” and before the words “and the number” the phrase “or the abbreviation ‘Lic. Mfd. Home Installer’”.

Section 5. Amend § 4416(c), Chapter 44, of Title 24 of the Delaware Code by replacing the letter words “3-inch” with “2-inch”.

Section 6. Amend § 4421, Chapter 44, of Title 24 of the Delaware Code by inserting a new paragraph (c), as follows and be re-lettering paragraphs (c) and (d) as (d) and (e):

“(c) At the discretion of the County where the manufactured home is sited, and for a period not to exceed six months, limited exceptions to the above installation requirements may be permitted where installation of a manufactured home is made on a temporary basis, as emergency relief to a resident whose legal dwelling has been damaged or destroyed by fire or other natural disaster until said damage can be repaired or the dwelling replaced with a legal dwelling, or for a temporary installation where a manufactured home is being replaced with another legal dwelling.”

Section 7. Amend § 4422(b), Chapter 44, of Title 24 of the Delaware Code by inserting after the period “.” and before the words “In no event” the sentences “Counties or municipalities may hire inspectors on a contract basis to perform inspections on the county’s or municipality’s behalf, consistent with their current practices for other types of inspections. Such inspectors are subject to the requirements of Paragraph (d) below.”.

Section 8. Amend § 4431(a)(4), Chapter 44, Title 24 of the Delaware Code by striking the paragraph in its entirety and substituting in lieu thereof the following:

“Provide evidence that the applicant or his or her employer has and will maintain a surety bond or irrevocable letter of credit issued by a federally-insured financial institution, in

the form and minimum amount to be determined by the Board in its rules and regulations, that will cover the cost of repairing all damage to the home and its supports caused by the installer, or the installer's or employer's employees or agents, during the installation. The Board may require the licensed installer to provide proof of the surety bond or irrevocable letter of credit at any time. The licensed installer must notify the Board in writing, within seven (7) days of any changes or cancellations of the surety bond or irrevocable letter of credit. The employer must notify the Board of the termination of employment of any licensee who is covered by the employer's surety bond or irrevocable letter of credit. Entities or individuals who maintain a surety bond or irrevocable letter of credit as provided in this paragraph are responsible for all acts or omissions of the licensed manufactured home installer and any individual acting under the supervision of or assisting the installer in the installation of manufactured housing.”.

Section 9. Amend § 4431(a)(5), Chapter 44, Title 24 of the Delaware Code by striking the paragraph in its entirety and substituting in lieu thereof the following:

“Provide evidence that the applicant or his or her employer has and will maintain liability insurance in the form and minimum amount to be determined by the Board in its rules and regulations. The Board may require the licensed installer to provide proof of liability insurance at any time. The licensed installer must notify the Board in writing, within seven (7) days of any changes or cancellations of the liability insurance. The employer must notify the Board of the termination of employment of any licensee who is covered by the employer's liability insurance. Entities or individuals who maintain liability insurance as provided in this paragraph are responsible for all acts or omissions of the licensed manufactured home installer and any individual acting under the supervision of or assisting the installer in the installation of manufactured housing.”.

Approved July 16, 2009