



SPONSOR: Sen. Bunting & Sen. Sokola & Rep. Valihura;  
Sens. Connor, Copeland; Reps. Atkins, Ennis, Hocker, Hudson,  
Lavelle, Schwartzkopf, Stone

DELAWARE STATE SENATE

143rd GENERAL ASSEMBLY

SENATE BILL NO. 203

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

1 WHEREAS, the Delaware General Assembly finds that manufactured homes are a viable housing resource for many citizens in  
2 Delaware and play a vital role in meeting the affordable housing needs of Delaware residents; and

3 WHEREAS, the Delaware General Assembly recognizes that design, construction, and inspection of new manufactured homes  
4 are satisfied under the federal requirements of the Manufactured Home Construction & Safety Standards Act (42 U.S.C. § 5403) as  
5 evidenced by the red HUD seal affixed to every new home shipped into, or manufactured in Delaware; and

6 WHEREAS, the Delaware General Assembly further recognizes that in order for a manufactured home to perform to the design  
7 standards to which it is built, the home must be installed properly; and

8 WHEREAS, the Delaware General Assembly further recognizes the need to protect the safety and well being of the citizens of  
9 Delaware, and therefore acknowledge that all manufactured homes must be installed by persons responsible and qualified to  
10 perform such installations; and

11 WHEREAS, the Delaware General Assembly recognizes the need for a public body to be dedicated to the management and  
12 supervision of issues pertaining to manufactured home installations, in order to protect the safety and well being of the citizens of  
13 Delaware; and

14 WHEREAS, the Delaware General Assembly further recognizes that this initiative necessitates creation of a Manufactured  
15 Home Installation Board as a mechanism to ensure the training and licensing of manufactured home installers, the certification of  
16 manufactured home installation inspectors, and to ensure compliance with State and federal law;

18 NOW THEREFORE:

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

21 Section 1. Amend Title 24 of the Delaware Code by inserting therein a new Chapter as follows:

22 “CHAPTER 44. MANUFACTURED HOME INSTALLATION.

23 Subchapter I. General Provisions

24 § 4401 Short Title.

25 This Chapter shall be known as and may be cited as the Manufactured Home Installation Act.

26 § 4402 Scope.

27 This Chapter governs the installation of manufactured homes wherever situated in the State of Delaware, and shall  
28 apply to single section, multiple section or expandable homes for use as a permanent dwelling.

29 § 4403. Definitions.

30 For the purposes of this Chapter, the following terms and phrases when used in this Act shall have, unless the context  
31 clearly indicates otherwise, the meanings given to them in this section:

- 32 (1) ‘Applicant’ means any person, individual, natural person who seeks to become licensed as a manufactured  
33 housing installer.
- 34 (2) ‘Approval decal’ means the approval certificate sent to the municipal body by the inspection agency after an  
35 inspection has been completed, which authorizes the homeowner to move into the residence.
- 36 (3) ‘Authorized inspection agency’ means a State, county, or municipal administrative department or agency, or  
37 other instrumentality of the State of Delaware, that has been assigned the function of inspecting manufactured  
38 home installations to ensure compliance with this Chapter and the Board’s rules and regulations.
- 39 (4) ‘Board’ means the Manufactured Home Installation Board.
- 40 (5) ‘Division’ means the Division of Professional Regulation.
- 41 (6) ‘Homeowner’ means, for purposes of this Chapter, an individual who owns manufactured housing in Delaware  
42 that is used as a residence.
- 43 (7) ‘Installation’ means the assembly of manufactured homes on site and the process of affixing manufactured  
44 homes to the land by the use of a foundation, footings, utilities, or to an existing building. The term includes  
45 the process of affixing manufactured home components to or within the housing structure for which they are

designated. It shall also mean the installation of support and or anchoring systems to secure the home to the ground.

(8) 'Installation Code' means the requirements for installation of a manufactured home or housing as they are set forth in this Chapter.

(9) 'Installation Instructions' means written instructions provided by the manufacturer in the installation manual, or equivalent, which accompanies each manufactured home when it leaves the factory, and that detail the manufacturers requirements for ground support, anchoring systems, and other work to be completed on site during the installation process. If there are no manufacturer's instructions available then the term means either NCSBCS/ANSI 225.1, 1994 national standards, as amended, or in accordance with plans sealed by a registered professional engineer designed for that specific home.

(10) 'Installer' means any person who is engaged in the business of performing manufactured housing installations as they are defined above. Any individual who is acting at all times under the supervision of a licensee need not be licensed in order to assist in the installation of manufactured housing.

(11) 'Licensee' means any person who has completed the required training and who has paid the applicable fee for and received a license, under this Chapter, for the installation of manufactured housing.

(12) a. 'Manufactured Home' or 'Manufactured Housing' means a factory-built, single-family dwelling:

1. transportable in 1 or more sections, which is either 8 body feet or more in width and 40 body feet or more in length, or, when erected on site, has more than 400 square feet in living area; and
2. with or without a permanent foundation and designed to be used as a year-round dwelling when connected to the required utilities; and
3. if manufactured since June 15, 1976, built in accordance with manufactured housing construction requirements promulgated by the federal Department of Housing and Urban Development (HUD) or by other applicable codes.

b. The terms 'manufactured home' and 'manufactured housing' are synonymous with the term 'manufactured home' as that term is used and defined in Title 25, Chapter 70 of this code, but shall not be interpreted to include any recreational vehicle, recreational trailer, travel trailer, park trailer, camping trailer, or truck camper as those terms are defined in Title 21, Chapter 1 of this code.

(13) 'Manufactured home installation inspector' means any person who holds a manufactured home installation inspector's certificate issued pursuant to this Chapter.

- (14) 'New Manufactured Home' means a manufactured home that has not been previously sold or previously installed. Homes that would otherwise have been considered new under this paragraph shall not lose that status as a result of having been set up on a temporary basis for display in a retail sales center, facility or its equivalent.
- (15) 'Person' means an individual, firm, partnership, corporation, association, Joint Stock Company, limited partnership, Limited Liability Company and any other legal entity and includes a legal successor of those entities.
- (16) 'Previously owned manufactured home' means any manufactured home that has been previously sold and been subject to an installation as defined herein.
- (17) 'NCSBCS/ANSI 225.1, 1994' means the National Conference of States on Building Codes and Standards, Inc., American National Standard Home Installations, as adopted on January 4, 1994, as amended.
- (18) 'Recreational Vehicle' means a travel trailer, camping trailer, park model trailer, campers, or motor homes which are primarily designed as temporary living quarters for recreational camping, seasonal or travel use and which either have their own motor power or are mounted on or drawn by another vehicle.
- (19) 'Substantially related' means the nature of the criminal conduct, for which the person was convicted, has a direct bearing on his or her fitness or ability to perform 1 or more of the duties or responsibilities necessarily related to the work of a manufactured home installer.
- (20) 'Supervision' means managing the acts of another by overseeing the performance or operation of the person and by taking full responsibility for acts or omissions of the person that are being performed at the direction of a licensee or under the authority of a licensee's license.
- (21) 'Unauthorized practitioner' means any person, who engages in the occupational practices regulated by the Board, and who is not licensed or certified by the Board to do so.

§ 4404. Division responsibilities; register of licensed installers; Board records; administrative support.

- (a) The Division of Professional Regulation shall keep a register of all approved manufactured home installer licensure applications.
- (b) The Division shall maintain complete records relating to meetings of the Manufactured Home Installation Board including, but not limited to: minutes, examinations, rosters, changes and additions to the Board's rules and regulations, complaints, hearing records, and such other matters as the Board shall determine. Such records shall be prima facie evidence of the proceedings of the Board.

(c) The Division shall provide administrative support necessary for the Board to carry out its duties under this Chapter.

## Subchapter II. The Manufactured Home Installation Board

### § 4411. The Manufactured Home Installation Board.

There is created a Manufactured Home Installation Board which shall administer and enforce this Chapter.

### § 4412. Same; objectives.

(a) The primary objective of the Manufactured Home Installation Board, to which all other objectives and purposes are secondary, is to protect the general public, specifically those persons who are the direct recipients of services regulated by this Chapter, from unsafe practices and from occupational practices which tend to reduce competition or fix the price of services rendered.

(b) The secondary objectives of the Board are to maintain minimum standards of competence; and, to maintain certain standards in the delivery of services to the public. In meeting its objectives, the Board shall develop standards assuring professional competence; shall monitor complaints brought against persons regulated by the Board; shall adjudicate at formal hearings; shall promulgate rules and regulations; and shall impose sanctions where necessary against persons licensed or certified pursuant to this Chapter.

### § 4413. Same; appointments; composition; qualifications; term; succession; conflicts of interest; public inquiries.

(a) The Board shall consist of 9 members, appointed by the Governor, who are residents of this State. These members shall consist of:

- (1) 2 manufactured home installers, licensed pursuant to this Chapter;
- (2) 2 manufactured home installation inspectors, certified pursuant to this Chapter;
- (3) 1 representative of Delaware manufactured home retailers;
- (4) 1 registered professional engineer with at least 6 years experience in manufactured home planning and design who is authorized to practice in this State; and
- (5) 3 members of the public.

(b) Except as provided in subsection (c) of this section, each member shall serve a term of 3 years, and may succeed himself or herself; provided, however, that where a member was initially appointed to fill a vacancy, such member may succeed himself or herself for only 1 additional full term. Any person appointed to fill a vacancy on the Board, or to replace a member who has held over following the expiration of his or her term of office, shall hold office for the remainder of the unexpired term of the former member. Each term of office shall expire on the date specified in the appointment; however, the Board member shall remain eligible to participate in Board proceedings unless and until

replaced by the Governor. Any person appointed to replace a member who has held over following the expiration of his or her term of office, shall serve a term of less than 3 years when necessary to ensure that Board members' terms expire on a rotating annual basis.

- (c) A person may be appointed to the Board for up to 2 consecutive terms and, if the person has been twice appointed to the Board or has served on the Board for 6 or more years within any 9-year period, he or she shall again be eligible for appointment to the Board only after an interim period of at least 3 years has expired since such person last served.
  - (d) Any act or vote by a person appointed in violation of this section shall be invalid. An amendment or revision of this Chapter is not sufficient cause for any appointment or attempted appointment in violation of this section, unless such an amendment or revision amends this section to permit such an appointment.
  - (e) In addition to the criteria set forth in subsection (a) of this section:
    - (1) No member of the Board, while serving on the Board, shall hold elective office in any professional association of manufactured home installers, including but not limited to serving as the head of the professional association's Political Action Committee (PAC);
    - (2) The public members shall be accessible to inquiries, comments, and suggestions from the general public; and
    - (3) No public member of the Board shall be, or ever have been:
      - a. A manufactured housing installer;
      - b. A member of the immediate family of a licensed manufactured housing installer;
      - c. Employed by a manufactured home installation company or contractor;
      - d. Materially interested in the providing of goods and services to manufactured home installers;
      - e. Engaged in an activity directly related to the manufactured home installation business.
- § 4414. Same; vacancies; suspension or removal; member conduct; unexcused absences; compensation.
- (a) A member of the Board shall be suspended or removed by the Governor for misfeasance, nonfeasance, malfeasance, misconduct, incompetence, or neglect of duty. A member subject to disciplinary hearing shall be disqualified from Board business until the charge is adjudicated or the matter is otherwise concluded. A Board member may appeal any suspension or removal to the Superior Court.
  - (b) The provisions set forth in Chapter 58 of Title 29 shall apply to all members of the Board.
  - (c) Any member, who is absent without adequate reason for 3 consecutive meetings, or who fails to attend at least half of all regular business meetings during any calendar year, shall be guilty of neglect of duty.

(d) Each member of the Board shall be reimbursed for all expenses involved in each meeting, including travel, according to Division policy, and, in addition, shall receive not more than \$50 for each meeting attended but not more than \$500 in any calendar year. After 10 meetings have been attended, the member shall not be compensated for any subsequent meetings attended in that year.

§ 4415. Same; meetings; officers; quorum.

(a) The Board shall hold regularly scheduled business meetings at least once in each quarter of a calendar year, and at such times as the president deems necessary, or, at the request of a majority of Board members.

(b) The Board annually shall elect a president, vice-president, secretary, a complaint officer and an education officer. Each officer shall serve for 1 year and shall not succeed himself or herself for more than 2 consecutive terms.

(c) A majority of the members shall constitute a quorum for the purpose of transacting business. No disciplinary action shall be taken without the affirmative vote of at least 5 members of the Board.

(d) Minutes of all meetings shall be recorded and delivered to the Division in a timely manner following the meeting. At any hearing where evidence is presented, a record from which a verbatim transcript can be prepared shall be made. The person requesting the transcript shall incur the cost of preparing any transcript.

§ 4416. Same; powers and duties.

(a) The Board shall have all the powers and authority necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter, including the powers set forth in this section in addition to others granted in this Chapter.

(b) The Manufactured Home Installation Board may:

(1) Formulate rules and regulations, with appropriate notice to those affected; all rules and regulations shall be promulgated in accordance with the procedures specified in the Administrative Procedures Act of this State.

Each rule or regulation shall implement or clarify a specific section of this Chapter.

(2) Designate application forms to be used by all applicants and process all applications;

(3) Designate the written, standardized examination, approved by the Division, and administered and graded by the testing service, to be taken by all persons applying for licensure, except applicants who qualify for licensure by reciprocity;

(4) Evaluate the credentials of all persons applying for a license as a Manufactured Home Installer, in this State, in order to determine whether such persons meet the qualifications for licensing set forth in this Chapter.

(5) Evaluate the credentials of all persons applying for a certificate as a Manufactured Home Installation Inspector, in order to determine whether such persons meet the qualifications for certification set forth in this Chapter.

- 190 (6) Grant licenses to and renew licenses of all persons who meet the qualifications for licensure;
- 191 (7) Grant certificates to and renew certifications of all person who meet the qualifications for certification;
- 192 (8) Establish by rule and regulation continuing education standards, which shall be a requirement of continued  
193 licensure and certification, as well as a requirement for renewal;
- 194 (9) Evaluate certified records to determine whether an applicant for licensure or certification, who previously has  
195 been licensed, certified or registered in another jurisdiction as a manufactured home installer or installation  
196 inspector, has engaged in any act or offense that would be grounds for disciplinary action under this Chapter,  
197 and whether there are disciplinary proceedings or unresolved complaints pending against such applicant for  
198 such acts or offenses;
- 199 (10) Refer all complaints from licensees and certified installation inspectors and the public concerning licensees and  
200 certified installation inspectors, concerning unauthorized practitioners, or concerning practices of the Board or  
201 of the profession, to the Division for investigation pursuant to § 8807 of Title 29; and assign a member of the  
202 Board to assist the Division in an advisory capacity with the investigation of the technical aspects of the  
203 complaint;
- 204 (11) Conduct hearings and issue orders in accordance with the Administrative Procedures Act, Chapter 101 of Title  
205 29.
- 206 (12) Grant a license to, and renew the license of, any person holding an inactive license, as defined in the Board's  
207 rules and regulations, provided the individual does not use the license to perform manufactured home  
208 installations, and who in addition, submits proof of completion of biennial continuing education requirements.
- 209 (13) Require, if necessary, that a licensed manufactured home installer or certified manufactured home installation  
210 inspector take over the work done by an unauthorized practitioner, or if the work is completed, that the work be  
211 inspected by a Board-certified installation inspector; such work shall be so inspected within 5 working days  
212 after receipt of the Board's request.
- 213 (14) In the event an installation is not in compliance with this Chapter, direct a licensed installer to take such  
214 corrective actions as it deems necessary to bring the installation into compliance.
- 215 (15) Assess administrative penalties against any unauthorized practitioner.
- 216 (16) Designate and impose the appropriate sanction or penalty, after time for appeal has lapsed, when the Board  
217 determined after a hearing, that penalties or sanctions should be imposed.

(17) Monitor federal laws and regulations governing manufactured home installations and installation inspections to ensure its continued compliance with them.

(c) The Board shall require that all persons receiving a license, display on the vehicles used in the performance of their work, the words “Licensed Manufactured Home Installer”, and the number assigned to them, in not less than 3-inch letters and numbers.

(d) The Board shall promulgate regulations specifically identifying those crimes which are substantially related to the work of a manufactured home installer or the practice of manufactured home installation.

### Subchapter III. Manufactured Home Installation Code

#### § 4421. Manufactured home installations.

(a) Every manufactured home installed in Delaware must be installed by a manufactured home installer licensed by the Board pursuant to this Chapter.

(b) All manufactured home installations shall performed in a manner consistent with the regulations of the United States Department of Housing and Urban Development and shall be completed:

(1) Pursuant to the requirements of the manufactured home manufacturer’s written installation instructions or manual; or

(2) If the manufacturer’s written installation instructions or manual is not available, then pursuant to the applicable provisions of NCSBCS/ANSI 225.1, 1994, as amended; or

(3) If the manufacturer’s written installation instructions or manual is not available, and the provisions of NCSBCS/ANSI 225.1, 1994, as amended do not apply to the specific manufactured home, then pursuant to a set of plans designed for that specific manufactured home under the seal of a registered professional engineer.

(c) All manufactured home installations shall be inspected pursuant to this Chapter, by an employee or contractor of an authorized inspection agency who has been certified by the Board as a manufactured home installation inspector.

(d) This section is intended to establish minimal standards for the installation of any manufactured home within the State of Delaware and to govern the installation of both previously owned manufactured homes and new manufactured homes. These standards are intended to satisfy the standards established by the federal Manufactured Housing Improvement Act of 2000, and shall be liberally construed to that end.

#### § 4422. Installation inspections.

(a) All installations of manufactured homes, whether new or previously owned, shall be subject to a minimum of two and a maximum of five inspections conducted prior to the owner taking occupancy, and the issuance of a certificate of

completion or occupancy. At least one inspection shall be performed upon completion of an installation for the purposes of ensuring the safety and stability of the installation and the habitability of the manufactured home. Re-inspections required due to a failure of a previous inspection do not count towards the maximum number of inspections.

(b) Inspections shall be conducted by the land use department or other applicable agency or department of the county in which the manufactured home is located, unless a local government agency that currently performs such inspections on traditional housing desires to assume responsibility for inspections of manufactured housing. If the local government agency declines to do the inspection then the county shall be the authorized inspection agency. In no event shall any installation be subject to multiple inspections by other jurisdictions.

(c) The county or other local applicable agency which performs the inspection may charge a reasonable fee, as it relates to the actual cost to the inspecting agency, for the inspection procedure.

(d) No person shall undertake an installation inspection pursuant to this Chapter without first having been individually certified by the Board pursuant to this Chapter.

§ 4423. Requirement to provide notification of installation information.

All licensed manufactured home installers shall purchase approval decals from the Board, for a fee to be established by the Division. Such decal shall denote the date of setup, the name of the installer, and the number of the installer's license. Approval decals shall be positioned and permanently affixed next to the manufactured home data plate.

Subchapter IV. Licensure and certification.

§ 4431. Licensure requirements; reciprocal licensure.

(a) To obtain a manufactured home installer license, a person must:

- (1) Apply to the Board for the license, in a manner designated by the Board;
- (2) Pay an application fee established by the Division to offset the administrative costs associated with the functions of the Board;
- (3) Be at least 18 years old;
- (4) Hold a performance bond in an amount designated by the Board;
- (5) Carry liability insurance in an amount designated by the Board;
- (6) Complete the educational requirements established by the Board;
- (7) Have passed a licensure test established or adopted by the Board, and presented proof of the same to the Board;

and

(8) Agree to be responsible for all acts or omissions of any individual acting under the supervision of the applicant while assisting in the installation of manufactured housing.

(b) The Board may waive the education and examination requirements and grant a reciprocal license upon the receipt of an application and the payment of the fees to any person who presents proof of current licensure, registration, or certification as a manufactured home installer in any other state, district, or territory of the United States whose laws and regulations governing licensure, registration, or certification are considered by the Board to be substantially similar to the requirements for licensure set forth in this Chapter and the Board's rules and regulations.

§ 4432. Certification requirements.

The Board may issue a manufactured home installation inspector's certificate to any full-time, part-time, or casual/seasonal employee of an authorized inspection agency who has completed a certification course established or approved by the Board.

§ 4433. License and certification renewal; inactive licenses; refusal to renew; finality of Board's decision.

(a) All licenses issued pursuant to this Chapter shall be renewed biennially. All certificates issued pursuant to this Chapter shall be renewed on a schedule established by the Board.

(b) The Board may establish requirements to grant an inactive status to any licensee upon request.

(c) Renewal decisions of the Board shall be final when announced to the applicant.

Subchapter V. Disciplinary proceedings and judicial review

§ 4441. Grounds and procedure for denial, non-renewal or revocation of license.

(a) The Board may revoke, deny, or refuse to renew any license or certificate issued pursuant to this Chapter if the licensee or certificate holder fails to meet the applicable provisions of this Chapter or of the Board's regulations.

(b) The Board shall promulgate rules and regulations establishing the procedures for the denial, non-renewal, or revocation of a manufactured home installer license or installation inspector certificate.

(c) No licensee, applicant, former licensee, or certificate holder shall have his or her license or certificate restricted, denied, non-renewed, or revoked until such licensee, applicant, former licensee, or certificate holder has been provided notice of the Board's intended action and an opportunity to be heard on the matter in a public hearing

(d) At a hearing of the Board pursuant to this section:

(1) The Board may consider evidence from any source relating to the competency or status of the applicant, licensee or former licensee;

(2) The Delaware Uniform Rules of Evidence shall be used as a reference to guide proceedings; and

(3) Parties may be represented by counsel, but such representation shall not be required by the Board, and any corporate party may represent itself through an officer, fiduciary, or duly authorized representative of the corporation.

(e) Following a hearing of the Board conducted pursuant to this section, the Board shall issue a written decision, within which it shall set forth its findings of fact and conclusions of law and shall include the reasons for such decision. The Board's decision shall also announce the status of the applicant, licensee, or former licensee. The Board's decision shall be issued and approved by the Board in a timely manner pursuant to the Administrative Procedures Act, Chapter 101 of Title 29. The Board's decision is final when approved by the Board.

(f) The Board's approved decision shall be mailed to the parties and released to the public within 24 hours following its approval by the Board.

(g) Any licensee, applicant, former licensee, or certificate holder who was a party to the hearing before the Board and who is aggrieved by the Board's decision may bring an appeal on the record to the Superior Court. An appeal pursuant to this subsection must be taken within 30 days of the Board's decision becoming final.

§ 4442. Complaints; complaint hearings.

(a) The Board may at any time consider complaints from any source as to the competency of any applicant, licensee, or Board-certified inspector.

(b) If the Board receives a complaint, and wishes to take action that is adverse to the applicant, licensee, or inspector, the Board shall schedule a public hearing on the complaint pursuant to the Administrative Procedures Act (29 Del. C. Chapter 100).

(c) At a complaint hearing:

(1) The Delaware Uniform Rules of Evidence shall be used as a reference to guide proceedings;

(2) Parties may be represented by counsel, but such representation shall not be required by the Board, and any corporate party may represent itself through an officer, fiduciary, or duly authorized representative of the corporation; and

(3) Evidence of compliance with the installation code, such as the issuance of a certificate of completion or occupancy following installation inspection, shall be prima facie evidence that an installer has correctly installed a manufactured home.

(d) Following a hearing of the Board conducted pursuant to this section, the Board shall issue a written decision, within which it shall set forth its findings of fact and conclusions of law and shall include the reasons for such decision. If

the Board finds that an installation was performed or completed in a manner not in compliance with this Chapter, the Board's decision shall also contain a section to address the deficiency(ies) in the installation and the Board may direct a licensee to take such corrective actions as it deems necessary to bring the installation into compliance. The Board's decision shall be issued and approved by the Board in a timely manner pursuant to the Administrative Procedures Act, Chapter 101 of Title 29. The Board's decision is final when approved by the Board.

(e) The Board's approved decision shall be mailed to the parties and released to the public within 24 hours following its approval by the Board.

(f) Any complainant, licensee, applicant, former licensee, or certificate holder who was a party to the hearing before the Board and who is aggrieved by the Board's decision may bring an appeal on the record to the Superior Court. An appeal pursuant to this subsection must be taken within 30 days of the Board's decision becoming final.

§ 4443. Unauthorized practitioners.

(a) Any person found by the Board, after an investigation into the matter, to be an unauthorized practitioner shall be ordered by the Board to cease and desist all activities the person is undertaking in this State as an unauthorized practitioner. The Board's cease and desist order shall be issued and approved by the Board in a timely manner pursuant to the Administrative Procedures Act, Chapter 101 of Title 29. The Board's cease and desist order is final when approved by the Board. The Board's approved order shall be mailed to the unauthorized practitioner and released to the public within 24 hours following its approval by the Board.

(b) If it comes to the Board's attention that an unauthorized practitioner has failed to obey a cease and desist order issued pursuant to this section, the Board may pursue a civil action in the Justice of the Peace Court to enforce the order and seeking civil penalties as follows:

(1) For a first offense, the unauthorized practitioner shall be ordered to pay to the Board a penalty in the amount of \$500 for the installation or inspection undertaken in violation of this Chapter and shall be ordered to pay all costs associated with the Board's action.

(2) For second and subsequent offenses, the unauthorized practitioner shall be ordered to pay to the Board a penalty in the amount of \$1,000, plus an additional \$1,000 for each installation or inspection undertaken in violation of this Chapter, and shall be ordered to pay all costs associated with the Board's action.

§ 4444. Applicability of other laws.

Nothing in this Chapter shall prevent or hinder any prosecution under the applicable provisions of Title 11. Where it is alleged that such violation of this Chapter has resulted in serious injury to or the death of any individual, the offender shall be charged and tried under the applicable provisions of Title 11.”

Section 2. This Act shall become effective 6 months following its enactment into law; provided, however, that nothing in this Act shall be construed as requiring any person to become licensed or certified pursuant to its provisions until 1 year following the enactment of this Act into law.

Section 3. Nothing in this Act shall be construed as to invalidate or pre-empt any municipal or county ordinance, rule, regulation, or policy, relating to the inspection of manufactured housing in their respective jurisdictions, that is adopted within 1 year following the enactment of this Act into law, that is substantially similar to and that expressly supplements the provisions of this Act, that is at least as restrictive as the terms of this Act, and that provides equal or greater protections to the public.

Section 4. The first members appointed to the Manufactured Home Installation Board pursuant to this Act shall have staggered terms as follows: 3 members shall be appointed for a term of 3 years, 3 members shall be appointed for a term of 4, years, and 3 members shall be appointed for a term of 5 years. The Governor shall determine the duration of each member’s initial appointment. All subsequent appointments to the Board shall be for 3 year terms pursuant to section 1 of this Act. The first members of the Board who must be licensed or certified pursuant to this Act, may be appointed prior to such licensure or certification; provided however, that said appointees become so licensed or certified within 18 months following such appointment.

#### SYNOPSIS

This Act establishes a new Board to license installers of manufactured housing in Delaware. The terms of this Act are intended to comply with Title VI (“Manufactured Housing Improvement”) of the American Homeownership and Economic Opportunity Act of 2000, (Public Law 106-569 – 12 U.S.C. § 1701, *et. seq.*).

Pursuant to this Act, the Manufactured Home Installation Board is established to administer its terms. The Division of Professional Regulation is empowered to oversee the Board, provide administrative support, and set fees the Board charges to licensees and certificate holders, must as it for other licensing Boards and Commissions. The Board’s authority over its licensees and certificate holders is similar to, but more limited than, other licensing Boards and Commissioner. For instance, this Board has not authority to fine licensees, although it may direct that corrective actions be taken by a licensee in the event a manufactured home installation is not completed properly.

This Act mandates that, beginning 1 year following its enactment into law, no Manufactured home installation shall be performed in Delaware except by a licensed manufactured home installer. Further, each installation must be inspected by a Board certified inspector. Pursuant to this Act, the Board may only certify employees and contractors of a State, county, or municipal administrative department or agency, or other instrumentality of the State of Delaware, that has been assigned the function of inspecting manufactured home installations to ensure compliance with this Chapter and the Board’s rules and regulations.

To ensure a level of local control, this Act permits the several counties and municipalities in Delaware to enact laws whose terms are more stringent than those in this Act. In those cases, the local laws must relate to the inspection of manufactured housing in their respective jurisdictions, must be adopted within 1 year following the enactment of this Act into law, must be substantially similar to and expressly supplement the provisions of this Act, must be at least as restrictive as the terms of this Act, and must provide equal or greater protections to the public.

To enable the Governor to appoint the initial members of the Board, Section 4 this Act permits the appointment of persons who are supposed to be licensed or certified under the Act, but who are not yet so licensed or certified, provided they become properly licensed or certified within 18 months following the appointment.

Author: Senator Bunting