

1 **TITLE 24, CODE OF FEDERAL REGULATIONS**
2 **PART 3282**

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4
5 **SUBPART A: Changes in Definitions:**

6
7 **§ 3282.7 (j):** Text with proposed modification:

8
9 Defect means a failure to comply with an applicable Federal
10 manufactured home safety and construction standard including any
11 defect in the performance, construction, components or material
12 that renders the manufactured home or any part thereof not fit for
13 the ordinary use for which it was intended, but does not result in an
14 unreasonable risk of injury or death to occupants of the affected
15 manufactured home.

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17 **§ 3282.7 (n):** Text being proposed for deletion:

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19 ~~Failure to conform means an imminent safety hazard related to the~~
20 ~~standards, a serious defect, defect, or non-compliance and is used~~
21 ~~as a substitute for all of those terms.~~

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23 **§ 3282.7 (v):** Text with proposed modification:

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25 Manufactured Home Construction means all activities relating to
26 the assembly and manufacture of a manufactured home, including
27 but not limited to those relating to durability, quality and safety.
28 Manufactured Home Construction does not include those activities
29 regulated under the model manufactured home installation
30 standards.

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32 **§ 3282.7 (dd) (NEW):** Proposed New Text:

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34 Manufactured Home installation standards means reasonable
35 specifications for the installation of a manufactured home, at the
36 place of occupancy, to ensure the proper siting, the joining of all
37 sections of the home, and the installation of stabilization, support
38 or anchoring systems.

1 **SUBPART H, § 3282.362(c)(1):**

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3 Add the following new 11th sentence, before the sentence "Failure to
4 perform to the approved manual justifies withholding labels until an
5 adequate level of performance is attained.":

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7 "The IPIA must periodically review the manufacturer's service
8 records to see whether evidence exists that the manufacturer is
9 ignoring or not performing under its approved quality assurance
10 manual."
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14 **SUBPART I**

15
16 **Table of Contents:**

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39 **§ 3282.401 Purpose and scope.**

40
41 (a) Purpose. The purpose of this subpart is to establish a system of
42 protections provided by the Act with respect to imminent safety hazards and
43 violations of the construction and safety standards with a minimum of formality
44 and delay, while protecting the rights of all parties.

1 (b) Scope. This subpart sets out the procedures to be followed by
2 manufacturers, retailers, State Administrative Agencies, primary inspection
3 agencies, and the Secretary to assure that notification and correction are provided
4 with respect to manufactured homes when required under this subpart.
5 Notification and correction may be required with respect to manufactured homes
6 that have been sold or otherwise released by the manufacturer to another party.
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10 **§ 3282.402 General provisions.**
11

12 (a) Purchaser's rights. Nothing in this subpart shall limit the rights of the
13 purchaser under any contract or applicable law.

14 (b) Manufacturer's liability limited. A manufacturer is not responsible for
15 failures that occur in any manufactured home or component as the result of
16 normal wear and aging, unforeseeable consumer abuse, or unreasonable neglect of
17 maintenance. The life of a component warranty may be one of the indicators used
18 to establish normal wear and aging. A failure of any component may not be
19 attributed by the manufacturer to normal wear and aging under this subpart during
20 the term of any applicable warranty provided by the original manufacturer of the
21 affected component.
22
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24 **§ 3282.403 Consumer complaint and information referral.**
25

26 (a) Retailer responsibilities. When a retailer receives a consumer
27 complaint or other information about a home in its possession, or that it has sold
28 or leased, that likely indicates a noncompliance, defect, serious defect, or
29 imminent safety hazard, the retailer must forward the complaint or information to
30 the manufacturer of the manufactured home in question as early as possible in
31 accordance with § 3282.256.

32 (b) SAA and HUD responsibilities. (1) When an SAA or the Secretary
33 receives a consumer complaint or other information that likely indicates a
34 noncompliance, defect, serious defect, or imminent safety hazard in a
35 manufactured home, the SAA or HUD must:

36 (i) Forward the complaint or information to the manufacturer of the home
37 in question as early as possible; and

38 (ii) Send a copy of the complaint or other information to the SAA of the
39 State where the manufactured home was manufactured or to the Secretary if there
40 is no such SAA.

41 (2) When it appears from the complaint or other information that an
42 imminent safety hazard or serious defect may be involved, the SAA of the State
43 where the home was manufactured must also send a copy of the complaint or
44 other information to the Secretary.

1 (c) Manufacturer responsibilities. Whenever the manufacturer receives
2 information from any source that the manufacturer believes in good faith relates
3 to a noncompliance, defect, serious defect, or imminent safety hazard in any of its
4 manufactured homes, the manufacturer must, for each such occurrence, make the
5 determinations required by § 3282.404.
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9 **§ 3282.404 Manufacturers' determinations and related concurrences.**
10

11 (a) Initial determination. (1) Not later than 30 days after a manufacturer
12 receives information that it believes in good faith likely indicates a
13 noncompliance, defect, serious defect, or imminent safety hazard, the
14 manufacturer must make a specific initial determination that there is a
15 noncompliance, a defect, a serious defect, an imminent safety hazard, or that the
16 information requires no further action under subpart I. When no further action
17 under subpart I is required and a problem still exists, the manufacturer must
18 forward the information in its possession to the appropriate retailer and, if known,
19 the installer, for their consideration.

20 (2) In making the determination of noncompliance, defect, serious defect,
21 imminent safety hazard, or that no further action is required under subpart I, the
22 manufacturer must review the information it received and carry out reasonable
23 investigations, including, if appropriate, inspections. The manufacturer must
24 review the information, the known facts, and the circumstances relating to the
25 complaint or information, including service records, approved designs, and audit
26 findings, as applicable, to decide what investigations are reasonable.

27 (b) Class determination. (1) When the manufacturer makes an initial
28 determination of defect, serious defect, or imminent safety hazard, the
29 manufacturer must also make a good faith determination of the class that includes
30 each manufactured home in which the same defect, serious defect, or imminent
31 safety hazard exists or likely exists. Multiple occurrences of defects may be
32 considered the same defect if they have the same cause, are related to a specific
33 workstation description, or are related to the same failure to follow the
34 manufacturer's approved quality assurance manual. Good faith may be used as a
35 defense to the imposition of a penalty, but does not relieve the manufacturer of its
36 responsibilities for notification or correction under this subpart I. The
37 manufacturer must make this class determination not later than 20 days after
38 making a determination of defect, serious defect, or imminent safety hazard.

39 (2) Paragraph (c) of this section sets out methods for a manufacturer to
40 use in determining the class of manufactured homes. If the manufacturer can
41 identify the precise manufactured homes affected by the defect, serious defect, or
42 imminent safety hazard, the class of manufactured homes may include only those
43 manufactured homes actually affected by the same defect, serious defect, or
44 imminent safety hazard. The manufacturer is also permitted to exclude from the
45 class those manufactured homes for which the manufacturer has information that

1 indicates the homes were not affected by the same cause. If it is not possible to
2 identify the precise manufactured homes affected, the class must include every
3 manufactured home in the group of homes that is identifiable because the same
4 defect, serious defect, or imminent safety hazard exists or likely exists in some
5 homes in that group of manufactured homes.

6 (3) For purposes related to this section, a defect, a serious defect, or an
7 imminent safety hazard likely exists in a manufactured home if the cause of the
8 defect, serious defect, or imminent safety hazard is such that the same defect,
9 serious defect, or imminent safety hazard would likely have been introduced
10 systematically into more than one manufactured home by the manufacturer,
11 including a person performing work or providing a component on behalf of the
12 manufacturer. Indications that the defect, serious defect, or imminent safety
13 hazard would likely have been introduced systematically may include, but are not
14 limited to, complaints that can be traced to the same faulty design, problems
15 known to exist in supplies of components or parts, information related to the
16 performance of a particular employee or use of a particular process, and
17 information signaling a failure to follow quality control procedures with respect to
18 a particular aspect of the manufactured home.

19 (4) If under this paragraph (b) the manufacturer must determine the class
20 of homes, the manufacturer must obtain from the IPIA, and the IPIA must
21 provide, either:

22 (i) The IPIA's written concurrence on the methods used by the
23 manufacturer to identify the homes that should be included in the class of homes;
24 or

25 (ii) The IPIA's written statement explaining why it believes the
26 manufacturer's methods for determining the class of homes were inappropriate or
27 inadequate.

28 (c) Methods for determining class. (1) In making a class determination
29 under paragraph (b) of this section, a manufacturer is responsible for carrying out
30 reasonable investigations. In carrying out reasonable investigations, the
31 manufacturer must review the information, the known facts, and the relevant
32 circumstances, and generally must establish the cause of the defect, serious defect,
33 or imminent safety hazard. Based on the results of such investigations and all
34 information received, the manufacturer must use an appropriate method or
35 appropriate methods to determine the class of manufactured homes in which the
36 same defect, serious defect, or imminent safety hazard exists or likely exists.

37 (2) Methods that may be used in determining the class of manufactured
38 homes include, but are not limited to:

39 (i) Inspection of the manufactured home in question, including its design,
40 to determine whether the defect, serious defect, or imminent safety hazard
41 resulted from the design itself;

42 (ii) Physical inspection of manufactured homes of the same design or
43 construction, as appropriate, that were produced before and after a home in
44 question;

1 (iii) Inspection of the service records of a home in question and of homes
2 of the same design or construction, as appropriate, produced before and after that
3 home;

4 (iv) Inspection of manufacturer quality control records to determine
5 whether quality control procedures were followed and, if not, the time period
6 during which they were not;

7 (v) Inspection of IPIA records to determine whether the defect, serious
8 defect, or imminent safety hazard was either detected or specifically found not to
9 exist in some manufactured homes;

10 (vi) Identification of the cause as relating to a particular employee whose
11 work, or to a process whose use, would have been common to the production of
12 the manufacturer's homes for a period of time; and

13 (vii) Inspection of records relating to components supplied by other
14 parties and known to contain or suspected of containing a defect, a serious defect,
15 or an imminent safety hazard.

16 (d) Documentation required. The manufacturer must comply with the
17 recordkeeping requirements in § 3282.417 as applicable to its determinations and
18 any IPIA concurrence or statement that it does not concur.

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22 **§ 3282.405 Notification pursuant to manufacturer's determination.**

23
24 (a) General requirement. Every manufacturer of manufactured homes
25 must provide notification as set out in this section with respect to any
26 manufactured home produced by the manufacturer in which the manufacturer
27 determines, in good faith, that there exists or likely exists:

28 (1) A serious defect or an imminent safety hazard; or

29 (2) The same defect caused by a manufacturer, including a person
30 performing work or providing a component on behalf of the manufacturer, that
31 has been introduced systematically into more than one home.

32 (b) Requirements by category. (1) Noncompliance. A manufacturer
33 must provide notification of a noncompliance only when ordered to do so by the
34 Secretary or an SAA pursuant to §§ 3282.412 and 3282.413.

35 (2) Defects. When a manufacturer has made a determination in
36 accordance with § 3282.404 that a defect exists or likely exists in more than one
37 home, the manufacturer must prepare a plan for notification in accordance with
38 § 3282.408, and must provide notification with respect to each manufactured
39 home in the class of manufactured homes.

40 (3) Serious defects and imminent safety hazards. When a manufacturer
41 has made a determination in accordance with § 3282.404 that a serious defect or
42 imminent safety hazard exists or likely exists, the manufacturer must prepare a
43 plan for notification in accordance with § 3282.408, must provide notification
44 with respect to all manufactured homes in which the serious defect or imminent

1 safety hazard exists or likely exists, and must correct the home or homes in
2 accordance with § 3282.406.

3 (c) Plan for notification required. (1) If a manufacturer determines that it
4 is responsible for providing notification under this section, the manufacturer must
5 prepare and receive approval on a plan for notification as set out in § 3282.408,
6 unless the manufacturer meets alternative requirements established in § 3282.407.

7 (2) If the Secretary or SAA orders a manufacturer to provide notification
8 in accordance with the procedures in §§ 3282.412 and 3282.413, the Secretary or
9 SAA has the option of requiring a manufacturer to prepare and receive approval
10 on a plan for notification.

11 (d) Method of notification. When a manufacturer provides notification as
12 required under this section, notification must be:

13 (1) By certified mail or other more expeditious means to each retailer or
14 distributor to whom any manufactured home in the class of homes containing the
15 defect, serious defect, or imminent safety hazard was delivered;

16 (2) By certified or express mail to the first purchaser of each
17 manufactured home in the class of manufactured homes containing the defect,
18 serious defect, or imminent safety hazard, and, to the extent feasible, to any
19 subsequent owner to whom any warranty provided by the manufacturer or
20 required by Federal, State, or local law on such manufactured home has been
21 transferred, except that notification need not be sent to any person known by the
22 manufacturer not to own the manufactured home in question if the manufacturer
23 has a record of a subsequent owner of the manufactured home; and

24 (3) By certified or express mail to each other person who is a registered
25 owner of a manufactured home in the class of homes containing the defect,
26 serious defect, or imminent safety hazard and whose name has been ascertained
27 pursuant to § 3282.211 or is known to the manufacturer.
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31 **§ 3282.406 Required manufacturer correction.**

32
33 (a) Correction of noncompliances and defects. (1) Section 3282.415 sets
34 out requirements with respect to a manufacturer's correction of any
35 noncompliance or defect that exists in each manufactured home that has been sold
36 or otherwise released to a retailer but that has not yet been sold to a purchaser.

37 (2) In accordance with section 623 of the Act and the regulations in part
38 3288 of this chapter, the manufacturer, retailer, or installer of a manufactured
39 home must correct, at its expense, each failure in the performance, construction,
40 components, or material of the home that renders the home or any part of the
41 home not fit for the ordinary use for which it was intended and that is reported
42 during the 1-year period beginning on the date of installation of the home.

43 (b) Correction of serious defects and imminent safety hazards. (1) A
44 manufacturer required to furnish notification under § 3282.405 or § 3282.413
45 must correct, at its expense, any serious defect or imminent safety hazard that can

1 be related to an error in design or assembly of the manufactured home by the
2 manufacturer, including an error in design or assembly of any component or
3 system incorporated into the manufactured home by the manufacturer.

4 (2) If while making corrections under any of the provisions of this
5 subpart, the manufacturer creates an imminent safety hazard or serious defect, the
6 manufacturer shall correct the imminent safety hazard or serious defect.

7 (3) Each serious defect or imminent safety hazard corrected under this
8 paragraph must be brought into compliance with applicable Standards or, where
9 the Standards are not specific, with the manufacturer's approved design.

10 (c) Inclusion in plan. (1) In the plan required by § 3282.408, the
11 manufacturer must provide for correction of those homes that are required to be
12 corrected pursuant paragraph (b) of this section.

13 (2) If the Secretary or SAA orders a manufacturer to provide correction in
14 accordance with the procedures in § 3282.413, the Secretary or SAA has the
15 option of requiring a manufacturer to prepare and receive approval on a plan for
16 correction.

17 (d) Corrections by owners. A manufacturer that is required to make
18 corrections under paragraph (b) of this section or that elects to make corrections
19 in accordance with § 3282.407 must reimburse any owner of an affected
20 manufactured home who chose to make the correction before the manufacturer
21 did so for the reasonable cost of correction.

22 (e) Correction of appliances, components, or systems. (1) If any
23 appliance, component, or system in a manufactured home is covered by a product
24 warranty, the manufacturer, retailer, or installer that is responsible under this
25 section for correcting a noncompliance, a defect, a serious defect, or an imminent
26 safety hazard in the appliance, component, or system may seek the required
27 correction directly from the producer. The SAA that approves any plan of
28 notification required pursuant to § 3282.408 or the Secretary, as applicable, may
29 establish reasonable time limits for the manufacturer of the home and the
30 producer of the appliance, component, or system to agree on who is to make the
31 correction and for completing the correction.

32 (2) Nothing in this section shall prevent the manufacturer, retailer, or
33 installer from seeking indemnification from the producer of the appliance,
34 component, or system for correction work done on any appliance, component, or
35 system.

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38 **§ 3282.407 Voluntary compliance with the notification and correction**
39 **requirements under the Act.**

40
41 A manufacturer that takes corrective action that complies with one of the
42 following three alternatives to the requirement in § 3282.408 for preparing a plan
43 will be deemed to have provided any notification required by § 3282.405:

44 (a) Voluntary action-one home. When a manufacturer has made a
45 determination that only one manufactured home is involved, the manufacturer is

1 not required to provide notification pursuant to § 3282.405 or to prepare or submit
2 a plan if:

3 (1) The manufacturer has made a determination of defect; or

4 (2) The manufacturer has made a determination of serious defect or
5 imminent safety hazard and corrects the home within the 20-day period. The
6 manufacturer must maintain, in the plant where the manufactured home was
7 manufactured, a complete record of the correction. The record must describe
8 briefly the facts of the case and any known cause of the serious defect or
9 imminent safety hazard and state what corrective actions were taken, and it must
10 be maintained in the service records in a form that will allow the Secretary or an
11 SAA to review all such corrections.

12 (b) Voluntary action-multiple homes. Regardless of whether a plan has
13 been submitted under § 3282.408, the manufacturer may act prior to obtaining
14 approval of the plan. Such action is subject to review and disapproval by the
15 SAA of the State where the home was manufactured or the Secretary, unless the
16 manufacturer obtains the written agreement of the SAA or the Secretary that the
17 corrective action is adequate. If such an agreement is obtained, the correction
18 must be accepted as adequate by all SAA's and the Secretary if the manufacturer
19 makes the correction as agreed to and any imminent safety hazard or serious
20 defect is eliminated.

21 (c) Waiver. (1) A manufacturer may obtain a waiver of the notification
22 requirements in § 3282.405 and the plan requirements in § 3282.408 either from
23 the SAA of the State of manufacture, when all of the manufactured homes that
24 would be covered by the plan were manufactured in that State, or from the
25 Secretary. As of the date of a request for a waiver, the notification and plan
26 requirements are deferred pending timely submission of any additional
27 documentation as the SAA or the Secretary may require and final resolution of the
28 waiver request. If a waiver request is not granted, the plan required by
29 § 3282.408 must be submitted within 5 days after the expiration of the time period
30 established in § 3282.408 if the manufacturer is notified that the request was not
31 granted.

32 (2) The waiver may be approved if not later than 20 days after making the
33 determination that notification is required, the manufacturer presents evidence
34 that it in good faith believes would show to the satisfaction of the SAA or the
35 Secretary that:

36 (i) The manufacturer has identified all homes that would be covered by
37 the plan in accordance with § 3282.408;

38 (ii) The manufacturer will correct, at its expense, all of the identified
39 homes, either within 60 days of being informed that the request for waiver has
40 been granted or within another time limit approved in the waiver; and

41 (iii) The proposed repairs are adequate to remove the defect, serious
42 defect, or imminent safety hazard that gave rise to the determination that
43 correction is required; and

44 (3) The manufacturer must correct all affected manufactured homes
45 within 60 days of being informed that the request for waiver has been granted or

1 the time limit approved in the waiver, as applicable. The manufacturer must
2 record the known cause of the problem and the correction in the service records in
3 an approved form that will allow the Secretary or SAA to review the cause and
4 correction.

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8 **§ 3282.408 Plan of notification required.**
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10 (a) Manufacturer's plan required. Except as provided in § 3282.407, if a
11 manufacturer determines that it is responsible for providing notification under
12 § 3282.405, the manufacturer must prepare a plan in accordance with this section
13 and § 3282.409. The manufacturer must, as soon as practical, but not later than
14 20 days after making the determination of defect, serious defect, or imminent
15 safety hazard, submit the plan for approval to one of the following, as appropriate:

- 16 (1) The SAA of the State of manufacture, when all of the manufactured
17 homes covered by the plan were manufactured in that State; or
18 (2) The Secretary, when the manufactured homes were manufactured in
19 more than one State or there is no SAA in the State of manufacture.

20 (b) Implementation of plan. Upon approval of the plan, including any
21 changes for cause required by the Secretary or SAA after consultation with the
22 manufacturer, the manufacturer must carry out the approved plan within the
23 agreed time limits.
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27 **§ 3282.409 Contents of plan.**
28

29 (a) Purpose of plan. This section sets out the requirements that must be
30 met by a manufacturer in preparing any plan it is required to submit under
31 § 3282.408. The underlying requirement is that the plan show how the
32 manufacturer will fulfill its responsibilities with respect to notification and
33 correction.

34 (b) Contents of plan. The plan must:

- 35 (1) Identify, by serial number and other appropriate identifying criteria,
36 all manufactured homes for which notification is to be provided, as determined
37 pursuant to § 3282.404;
38 (2) Include a copy of the notice that the manufacturer proposes to use to
39 provide the notification required by § 3282.405;
40 (3) Provide for correction of those manufactured homes that are required
41 to be corrected pursuant to § 3282.406(b);
42 (4) Include the IPIA's written concurrence or statement on the methods
43 used by the manufacturer to identify the homes that should be included in the
44 class of homes, as required pursuant to § 3282.404(b); and
45 (5) Include a deadline for completion of all notifications and corrections.

1 (c) Contents of notice. Except as otherwise agreed by the Secretary or the
2 SAA reviewing the plan under § 3282.408, the notice to be approved as part of
3 the plan must include the following:

4 (1) An opening statement that reads: "This notice is sent to you in
5 accordance with the requirements of the National Manufactured Housing
6 Construction and Safety Standards Act.";

7 (2) The following statement: "[choose one, as appropriate: Manufacturer's
8 name, or the Secretary, or the (insert State) SAA] has determined that [insert
9 identifying criteria of manufactured home] may not comply with an applicable
10 Federal Manufactured Home Construction or Safety Standard."

11 (3) Except when the manufacturer is providing notice pursuant to an
12 approved plan or agreement with the Secretary or an SAA under § 3282.408, each
13 applicable statement as follows:

14 (i) "An imminent safety hazard may exist in (identifying criteria of
15 manufactured home)."

16 (ii) "A serious defect may exist in (identifying criteria of manufactured
17 home)."

18 (iii) "A defect may exist in (identifying criteria of manufactured home)."

19 (4) A clear description of the defect, serious defect, or imminent safety
20 hazard and an explanation of the risk to the occupants, which must include:

21 (i) The location of the defect, serious defect, or imminent safety hazard in
22 the manufactured home;

23 (ii) A description of any hazards, malfunctions, deterioration, or other
24 consequences that may reasonably be expected to result from the defect, serious
25 defect, or imminent safety hazard;

26 (iii) A statement of the conditions that may cause such consequences to
27 arise; and

28 (iv) Precautions, if any, that the owner can, should, or must take to reduce
29 the chance that the consequences will arise before the manufactured home is
30 repaired;

31 (5) A statement of whether there will be any warning that a dangerous
32 occurrence may take place and what that warning would be, and any signs that the
33 owner might see, hear, smell, or feel which might indicate danger or deterioration
34 of the manufactured home as a result of the defect, serious defect, or imminent
35 safety hazard;

36 (6) A statement that the manufacturer will correct the manufactured
37 home, if the manufacturer will correct the manufactured home under this subpart
38 or otherwise;

39 (7) A statement in accordance with whichever of the following is
40 appropriate:

41 (i) Where the manufacturer will correct the manufactured home at no cost
42 to the owner, the statement must indicate how and when the correction will be
43 done, how long the correction will take, and any other information that may be
44 helpful to the owner; or

1 (ii) When the manufacturer does not bear the cost of repair, the
2 notification must include a detailed description of all parts and materials needed
3 to make the correction, a description of all steps to be followed in making the
4 correction including appropriate illustrations, and an estimate of the cost of the
5 purchaser or owner of the correction;

6 (8) A statement informing the owner that the owner may submit a
7 complaint to the SAA or Secretary if the owner believes that:

8 (i) The notification or the remedy described therein is inadequate;

9 (ii) The manufacturer has failed or is unable to remedy the problem in
10 accordance with its notification; or

11 (iii) The manufacturer has failed or is unable to remedy within a
12 reasonable time after the owner's first attempt to obtain remedy; and

13 (9) A statement that any actions taken by the manufacturer under the Act
14 in no way limit the rights of the owner or any other person under any contract or
15 other applicable law and that the owner may have further rights under contract or
16 other applicable law.

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20 **§ 3282.410 Implementation of plan.**

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22 (a) Deadline for notifications. (1) The manufacturer must complete the
23 notifications carried out under a plan approved by an SAA or the Secretary under
24 § 3282.408 on or before the deadline approved by the SAA or Secretary. In
25 approving each deadline, an SAA or the Secretary will allow a reasonable time to
26 complete all notifications, taking into account the number of manufactured homes
27 involved and the difficulty of completing the notifications.

28 (2) The manufacturer must, at the time of dispatch, furnish to the SAA or
29 the Secretary a true or representative copy of each notice, bulletin, and other
30 written communication sent to retailers, distributors, or owners of manufactured
31 homes regarding any serious defect or imminent safety hazard that may exist in
32 any homes produced by the manufacturer, or regarding any noncompliance or
33 defect for which the SAA or Secretary requires, under § 3282.413(c), the
34 manufacturer to submit a plan for providing notification.

35 (b) Deadline for corrections. A manufacturer that is required to correct a
36 serious defect or imminent safety hazard pursuant to § 3282.406(b) must complete
37 implementation of the plan required by § 3282.408 on or before the deadline
38 approved by the SAA or the Secretary. The deadline must be no later than 60
39 days after approval of the plan. In approving the deadline, the SAA or the
40 Secretary will allow a reasonable amount of time to complete the plan, taking into
41 account the seriousness of the problem, the number of manufactured homes
42 involved, the immediacy of any risk, and the difficulty of completing the action.
43 The seriousness and immediacy of any risk posed by the serious defect or
44 imminent safety hazard will be given greater weight than other considerations.

1 (c) Extensions. An SAA that approved a plan or the Secretary may grant
2 an extension of the deadlines included in a plan if the manufacturer requests such
3 an extension in writing and shows good cause for the extension, and the SAA or
4 the Secretary decides that the extension is justified and is not contrary to the
5 public interest. When the Secretary grants an extension for completion of any
6 corrections, the Secretary will notify the manufacturer and must publish notice of
7 such extension in the Federal Register. When an SAA grants an extension for
8 completion of any corrections, the SAA must notify the Secretary and the
9 manufacturer.

10 (d) Recordkeeping. The manufacturer must provide the report and
11 maintain the records that are required by § 3282.417 for all notification and
12 correction actions.

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16 **§ 3282.411 Administrative initiation of remedial action.**

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18 (a) Administrative review of information. Whenever the Secretary or an
19 SAA has information indicating the possible existence of a noncompliance,
20 defect, serious defect, or imminent safety hazard in a manufactured home, the
21 Secretary or SAA may initiate administrative review of the need for notification
22 and correction in accordance with paragraphs (b) and (c) of this section.

23 (b) SAA authority. (1) An SAA must refer the matter to the SAA in the
24 state of manufacture or, whenever the affected manufactured homes were
25 manufactured in more than one state, to the Secretary for possible action pursuant
26 to § 3282.412.

27 (2) An SAA in a State of manufacture is permitted to issue a preliminary
28 determination in accordance with § 3282.412 under the following circumstances:

29 (i) The SAA believes that a manufactured home that has been sold or
30 otherwise released by a manufacturer to a retailer or distributor, but for which
31 there is no completed sale to a purchaser, contains a noncompliance, defect,
32 serious defect, or imminent safety hazard;

33 (ii) The SAA believes that the information referenced in paragraph (a) of
34 this section indicates a class of homes in which a noncompliance or defect
35 possibly exists;

36 (iii) The SAA believes that the information referenced in paragraph (a) of
37 this section indicates one or more homes in which a serious defect or an imminent
38 safety hazard possibly exists;

39 (iv) The SAA is reviewing a plan under § 3282.408 and the SAA and
40 manufacturer disagree on proposed changes to the plan;

41 (v) The SAA believes that the manufacturer has failed to fulfill the
42 requirements of a waiver granted under § 3282.407; or

43 (vi) There is evidence that a manufacturer in the State failed to make the
44 determinations required under § 3282.404.

1 (3) For purposes of this paragraph (b), the conclusion that there is a class
2 of homes in which a noncompliance or defect possibly exists must be based on the
3 same factors that are established for a manufacturer's class determination in
4 §3282.404(b). If evidence arises that the manufactured homes in the class were
5 manufactured in more than one state, the SAA must refer the matter to the
6 Secretary for any further action.

7 (4) An SAA that issues a preliminary determination must provide a copy
8 of the preliminary determination to the Secretary at the time of its issuance.
9 Failure to comply with this requirement does not affect the validity of the
10 preliminary determination.

11 (c) Secretary authority. The Secretary may make a preliminary
12 determination in accordance with § 3282.412 when:

13 (1) There is evidence that a noncompliance, defect, serious defect, or
14 imminent safety hazard possibly exists in any manufactured home; or

15 (2) There is evidence that the manufacturer failed to make the
16 determinations required under § 3282.404.

17 (d) Secretary notification. The Secretary will notify the SAA of each
18 State where the affected homes were manufactured and, to the extent it is
19 reasonable, the SAA of each State where the homes are located of the issuance of
20 a preliminary determination. Failure to comply with this requirement does not
21 affect the validity of the preliminary determination.

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25 **§ 3282.412 Preliminary and final administrative determinations.**

26
27 (a) Issuance of preliminary determination. In accordance with
28 § 3282.411, the Secretary or an SAA may issue a Notice of Preliminary
29 Determination when:

30 (1) The manufacturer has not provided to the Secretary or SAA the
31 necessary information to make a determination that:

32 (i) A noncompliance, defect, serious defect, or imminent safety hazard
33 possibly exists; or

34 (ii) A manufacturer had information that likely indicates a
35 noncompliance, defect, serious defect, or imminent safety hazard for which the
36 manufacturer failed to make the determinations required under § 3282.404; or

37 (2) The Secretary or SAA has information that likely indicates a
38 noncompliance, a defect, a serious defect, or an imminent safety hazard exists.

39 (b) Notice of Preliminary Determination. (1) The Notice of Preliminary
40 Determination must be sent by certified mail or express delivery and must:

41 (i) Include the factual basis for the determination;

42 (ii) Include the criteria used to identify any class of homes in which the
43 noncompliance, defect, serious defect, or imminent safety hazard possibly exists;

44 (iii) If applicable, indicate that the manufacturer may be required to make
45 corrections on a home or in a class of homes; and

1 (iv) If the preliminary determination is that the manufacturer failed to
2 make an initial determination required under § 3282.404(a), include an allegation
3 that the manufacturer failed to act in good faith.

4 (2) The Notice of Preliminary Determination must inform the
5 manufacturer that the preliminary determination will become final unless the
6 manufacturer requests a hearing or presentation of views under subpart D of this
7 part.

8 (c) Presentation of views. (1) The Secretary or the SAA, as applicable,
9 must receive the manufacturer's request for a hearing or presentation of views:

10 (i) Within 15 days of delivery of the Notice of Preliminary Determination
11 of serious defect, defect, or noncompliance; or

12 (ii) Within 5 days of delivery of the Notice of Preliminary Determination
13 of imminent safety hazard.

14 (2) A Formal or an Informal Presentation of Views will be held in
15 accordance with § 3282.152 promptly upon receipt of a manufacturer's request
16 under paragraph (c) of this section.

17 (d) Issuance of Final Determination. (1) The SAA or the Secretary, as
18 appropriate, may make a Final Determination that an imminent safety hazard,
19 serious defect, defect, or noncompliance exists, or that the manufacturer failed to
20 make the determinations required under § 3282.404, if:

21 (i) The manufacturer fails to respond to the Notice of Preliminary
22 Determination within the time period established in paragraph (c)(2) of this
23 section; or

24 (ii) The SAA or the Secretary decides that the views and evidence
25 presented by the manufacturer or others are insufficient to rebut the preliminary
26 determination.

27 (2) At the time that the SAA or Secretary makes a Final Determination
28 that an imminent safety hazard, serious defect, defect, or noncompliance exists,
29 the SAA or Secretary, as appropriate, must issue an order in accordance with
30 § 3282.413.

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34 **§ 3282.413 Implementation of Final Determination.**

35
36 (a) Issuance of orders. (1) The SAA or the Secretary, as appropriate, must
37 issue an order directing the manufacturer to furnish notification if:

38 (i) The SAA makes a Final Determination that a defect or noncompliance
39 exists in a class of homes;

40 (ii) The Secretary makes a Final Determination that an imminent safety
41 hazard, serious defect, defect, or noncompliance exists; or

42 (iii) The SAA makes a Final Determination that an imminent safety
43 hazard or serious defect exists in any home and the SAA has received the
44 Secretary's concurrence on the issuance of the Final Determination and order.

1 (2) The SAA or the Secretary, as appropriate, must issue an order
2 directing the manufacturer to make corrections in any affected manufactured
3 home if:

4 (i) The SAA or the Secretary makes a Final Determination that a defect or
5 noncompliance exists in a manufactured home that has been sold or otherwise
6 released by a manufacturer to a retailer or distributor but for which the sale to a
7 purchaser has not been completed;

8 (ii) The Secretary makes a Final Determination that an imminent safety
9 hazard or serious defect exists; or

10 (iii) The SAA makes a Final Determination that an imminent safety
11 hazard or serious defect exists in any home and the SAA has received the
12 Secretary's concurrence on the issuance of the Final Determination and order.

13 (3) Only the Secretary may issue an order directing a manufacturer to
14 repurchase or replace any manufactured home already sold to a purchaser, unless
15 the Secretary authorizes an SAA to issue such an order.

16 (4) An SAA that has a concurrence or authorization from the Secretary on
17 any order issued under this section must have the Secretary's concurrence on any
18 subsequent changes to the order. An SAA that has issued a Preliminary
19 Determination must have the Secretary's concurrence on any waiver of
20 notification or any settlement when the concerns addressed in the Preliminary
21 Determination involve a serious defect or an imminent safety hazard.

22 (5) If an SAA or the Secretary makes a Final Determination that the
23 manufacturer failed to make in good faith an initial determination required under
24 § 3282.404(a):

25 (i) The SAA may impose any penalties or take any action applicable
26 under State law and may refer the matter to the Secretary for appropriate action;
27 and

28 (ii) The Secretary may take any action permitted by law.

29 (b) Decision to order replacement or repurchase. The SAA or the
30 Secretary will order correction of any manufactured home covered by an order
31 issued in accordance with paragraph (a) of this section unless any requirements
32 and factors applicable under § 3282.414 and § 3282.415 indicate that the SAA or
33 the Secretary should order replacement or repurchase of the home.

34 (c) Time for compliance with order. (1) The SAA or the Secretary may
35 require the manufacturer to submit a plan for providing any notification and any
36 correction, replacement, or repurchase remedy that results from an order under
37 this section. The manufacturer's plan must include the method and date by which
38 notification and any corrective action will be provided.

39 (2) The manufacturer must provide any such notification and correction,
40 replacement, or repurchase remedy as early as practicable, but not later than:

41 (i) Thirty (30) days, in the case of a Final Determination of imminent
42 safety hazard or when the SAA or Secretary has ordered replacement or
43 repurchase of a home pursuant to § 3282.414; or

44 (ii) Sixty (60) days, in the case of a Final Determination of serious defect,
45 defect, or noncompliance.

1 (3) Subject to the requirements of paragraph (a)(3) of this section, the
2 SAA that issued the order or the Secretary may grant an extension of the deadline
3 for compliance with an order if:

4 (i) The manufacturer requests such an extension in writing and shows
5 good cause for the extension; and

6 (ii) The SAA or the Secretary is satisfied that the extension is justified in
7 the public interest.

8 (4) When the SAA grants an extension, it must notify the manufacturer
9 and forward to the Secretary a draft of a notice of the extension for the Secretary
10 to publish in the Federal Register. When the Secretary grants an extension, the
11 Secretary must notify the manufacturer and publish notice of such extension in the
12 Federal Register.

13 (d) Appeal of SAA determination. Within 10 days of a manufacturer
14 receiving notice that an SAA has made a Final Determination that an imminent
15 safety hazard, serious defect, defect, or noncompliance exists or that the
16 manufacturer failed to make the determinations required under § 3282.404, the
17 manufacturer may appeal the Final Determination to the Secretary under
18 § 3282.309.

19 (e) Settlement offers. A manufacturer may propose in writing, at any time,
20 an offer of settlement which shall be submitted to and considered by the Secretary
21 or the SAA that issued the Notice of Preliminary Determination. The Secretary or
22 the SAA has the option of providing the manufacturer making the offer with an
23 opportunity to make an oral presentation in support of such offer. If the
24 manufacturer is notified that an offer of settlement is rejected, the offer is deemed
25 to have been withdrawn and will not constitute a part of the record in the
26 proceeding. Final acceptance by the Secretary or an SAA of any offer of
27 settlement automatically terminates any proceedings related to the matter
28 involved in the settlement.

29 (f) Waiver of notification. (1) At any time after the Secretary or an SAA
30 has issued a Notice of Preliminary Determination, the manufacturer may request
31 the Secretary or SAA to waive any formal notification requirements. When
32 requesting a waiver, the manufacturer must certify that:

33 (i) The manufacturer has made a class determination in accordance with
34 § 3282.404(b);

35 (ii) The manufacturer will correct, at the manufacturer's expense, all
36 affected manufactured homes in the class within a time period that is specified by
37 the Secretary or SAA, but is not later than 60 days after the manufacturer is
38 notified of the acceptance of the request for waiver or the issuance of any Final
39 Determination, whichever is later; and

40 (iii) The proposed repairs are adequate to correct the noncompliance,
41 defect, serious defect, or imminent safety hazard that gave rise to the issuance of
42 the Notice of Preliminary Determination.

43 (2) If the Secretary or SAA grant a waiver, the manufacturer must
44 reimburse any owner of an affected manufactured home who chose to make the
45 correction before the manufacturer did so for the reasonable cost of correction.

1 (g) Recordkeeping. The manufacturer must provide the report and
2 maintain the records that are required by § 3282.417 for all notification and
3 correction actions.
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7 **§ 3282.414 Replacement or repurchase of homes after sale to purchaser.**
8

9 (a) Order to replace or repurchase. Whenever a manufacturer cannot fully
10 correct an imminent safety hazard or a serious defect in a manufactured home for
11 which there is a completed sale to a purchaser within 60 days of the issuance of an
12 order under § 3282.413 or any extension of the 60-day deadline that has been
13 granted by the Secretary in accordance with § 3282.413(c), the Secretary or, if
14 authorized in writing by the Secretary in accordance with § 3282.413(a)(3), the
15 SAA may require that the manufacturer:

16 (1) Replace the manufactured home with a home that:

17 (i) Is substantially equal in size, equipment, and quality; and

18 (ii) Either is new or is in the same condition that the defective
19 manufactured home would have been in at the time of discovery of the imminent
20 safety hazard or serious defect had the imminent safety hazard or serious defect
21 not existed; or

22 (2) Take possession of the manufactured home, if the Secretary or the
23 SAA so orders, and refund the purchase price in full, except that the amount of
24 the purchase price may be reduced by a reasonable amount for depreciation if the
25 home has been in the possession of the owner for more than 1 year and the
26 amount of depreciation is based on:

27 (i) Actual use of the home; and

28 (ii) An appraisal system approved by the Secretary or the SAA that does
29 not take into account damage or deterioration resulting from the imminent safety
30 hazard or serious defect.

31 (b) Factors affecting order. In determining whether to order replacement
32 or refund by the manufacturer, the Secretary or the SAA will consider:

33 (1) The threat of injury or death to manufactured home occupants;

34 (2) Any costs and inconvenience to manufactured home owners that will
35 result from the lack of adequate repair within the specified period;

36 (3) The expense to the manufacturer;

37 (4) Any obligations imposed on the manufacturer under contract or
38 other applicable law of which the Secretary or the SAA has knowledge; and

39 (5) Any other relevant factors that may be brought to the attention of the
40 Secretary or the SAA.

41 (c) Owner's election of remedy. When under contract or other applicable
42 law the owner has the right of election between replacement and refund, the
43 manufacturer must inform the owner of such right of election and must inform the
44 Secretary of the election, if any, made by the owner.

1 (d) Recordkeeping. The manufacturer must provide the report that is
2 required by § 3282.417 when a manufactured home has been replaced or
3 repurchased under this section.
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7 **§ 3282.415 Correction of homes before sale to purchaser.**
8

9 (a) Sale or lease prohibited. Manufacturers, retailers, and distributors
10 must not sell, lease, or offer for sale or lease any manufactured home that they
11 have reason to know in the exercise of due care contains a noncompliance, defect,
12 serious defect, or an imminent safety hazard. The sale of a home to a purchaser is
13 complete when all contractual obligations of the manufacturer, retailer, and
14 distributor to the purchaser have been met.

15 (b) Retailer/distributor notification to manufacturer. When a retailer,
16 acting as a reasonable retailer, or a distributor, acting as a reasonable distributor,
17 believes that a manufactured home that has been sold to the retailer or distributor,
18 but for which there is no completed sale to a purchaser, likely contains a
19 noncompliance, defect, serious defect, or an imminent safety hazard, the retailer
20 or distributor must notify the manufacturer of the home in a timely manner.

21 (c) Manufacturer's remedial responsibilities. Upon a Final Determination
22 pursuant to § 3282.412 by the Secretary or an SAA, a determination by a court of
23 appropriate jurisdiction, or a manufacturer's own determination that a
24 manufactured home that has been sold to a retailer but for which there is no
25 completed sale to a purchaser contains a noncompliance, defect, serious defect, or
26 an imminent safety hazard, if caused by the manufacturer or a person working on
27 behalf of the manufacturer, or when the retailer/distributor has not made the
28 corrections for the problems they cause, the manufacturer must do one of the
29 following:

30 (1) Immediately repurchase such manufactured home from the retailer or
31 distributor at the price paid by the retailer or distributor, plus all transportation
32 charges involved, if any, and a reasonable reimbursement of not less than 1
33 percent per month of such price paid prorated from the date the manufacturer
34 receives notice by certified mail of the noncompliance, defect, serious defect, or
35 imminent safety hazard; or

36 (2) At its expense, immediately furnish to the retailer or distributor all
37 required parts or equipment for installation in the home by the retailer or
38 distributor, and the manufacturer must reimburse the retailer or distributor for the
39 reasonable value of the retailer's or distributor's work, plus a reasonable
40 reimbursement of not less than 1 percent per month of the manufacturer's or
41 distributor's selling price prorated from the date the manufacturer receives notice
42 by certified mail to the date the noncompliance, defect, serious defect, or
43 imminent safety hazard is corrected, so long as the retailer or distributor proceeds
44 with reasonable diligence with the required work; or

45 (3) Carry out all needed corrections to the home.

1 (d) Retailer/distributor responsibilities. Upon a Final Determination
2 pursuant to 3282.412 by the Secretary or an SAA, a determination by a court of
3 appropriate jurisdiction, or an agreement reached under section 623(c)(12) of the
4 Act [Dispute Resolution] that a retailer/distributor is responsible for taking a
5 home out of compliance with the construction standards and that the home
6 contains a noncompliance, defect, serious defect, or an imminent safety hazard,
7 the retailer/distributor must, before it is permitted to sell the home:

8 (1) At its expense, immediately obtain approved designs or instructions
9 from the manufacturer and all required parts and equipment for correction of the
10 home and reimburse the manufacturer or the person authorized by the
11 manufacturer to make the corrections on the home; or

12 (2) Carry out all needed corrections to the home when approved by the
13 manufacturer.

14 (e) Establishing costs. The value of reasonable reimbursements as
15 specified in paragraph (c) of this section will be fixed by either:

16 (1) Mutual agreement of the manufacturer and retailer or distributor; or

17 (2) A court in an action brought under section 613(b) of the Act (42 USC
18 5412(b)).

19 (f) Records required. The manufacturer and the retailer or distributor
20 must maintain records of their actions taken under this section in accordance with
21 § 3282.417.

22 (g) Exception for leased homes. This section does not apply to any
23 manufactured home purchased by a retailer or distributor that has been leased by
24 such retailer or distributor to a tenant for purposes other than resale. Other
25 remedies that may be available to a retailer or distributor under subpart I of this
26 part continue to be applicable.

27 (h) Indemnification. A manufacturer may indemnify itself through
28 agreements or contracts with retailers, distributors, transporters, installers, or
29 others for the costs of repurchase, parts, equipment, and corrective work incurred
30 by the manufacturer pursuant to paragraph (c).

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34 **§ 3282.416 Oversight of notification and correction activities.**

35
36 (a) IPIA responsibilities. The IPIA in each manufacturing plant must:

37 (1) Assure that notifications required under this subpart I are sent to all
38 owners, purchasers, retailers, and distributors of whom the manufacturer has
39 knowledge;

40 (2) Audit the certificates required by § 3282.417 to assure that the
41 manufacturer has made required corrections;

42 (3) Whenever a manufacturer is required to determine a class of homes
43 pursuant to § 3282.404(b), provide either:

1 (i) The IPIA's written concurrence on the methods used by the
2 manufacturer to identify the homes that should be included in the class of homes;
3 or

4 (ii) The IPIA's written statement explaining why it believes the
5 manufacturer's methods for determining the class of homes were inappropriate or
6 inadequate; and

7 (4) Periodically review the manufacturer's service records of
8 determinations under § 3282.404 and take appropriate action in accordance with
9 §§ 3282.362(c) and 3282.364.

10 (b) SAA and Secretary's responsibilities. (1) SAA oversight of
11 manufacturer compliance with this subpart I will be done primarily by
12 periodically checking the records that manufacturers are required to keep under
13 § 3282.417.

14 (2) The SAA or Secretary to which the report required by § 3282.417(a) is
15 sent is responsible for assuring through oversight that remedial actions have been
16 carried out as described in the report. The SAA of the State in which an affected
17 manufactured home is located may inspect that home to determine whether any
18 correction required under this subpart I is carried out in accordance with the
19 approved plan or, if there is no plan, to the Standards or other approval obtained
20 by the manufacturer.

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24 **§ 3282.417 Recordkeeping requirements.**

25
26 (a) Manufacturer report on notifications and corrections. Within 30 days
27 after the deadline for completing any notifications, corrections, replacement, or
28 repurchase required pursuant to this subpart I, the manufacturer must provide a
29 complete report of the action taken to, as appropriate, the Secretary or the SAA
30 that approved the plan under § 3282.408, granted a waiver, or issued the order
31 under § 3282.413. If any other SAA or the Secretary forwarded the relevant
32 consumer complaint or other information to the manufacturer in accordance with
33 § 3282.403, the manufacturer must send a copy of the report to that SAA or the
34 Secretary, as applicable.

35 (b) Records of manufacturer's determinations. (1) A manufacturer must
36 record each initial and class determination required under § 3282.404 in its
37 service records, in a form approved by the Secretary or an SAA and that identifies
38 who made each determination, what each determination was, and all bases for
39 each determination. Such information must be available for review by the IPIA.

40 (2) The manufacturer records must include:

41 (i) The information it received that likely indicated a noncompliance,
42 defect, serious defect, or imminent safety hazard;

43 (ii) All of the manufacturer's determinations and each basis for those
44 determinations;

1 (iii) The methods used by the manufacturer to establish any class,
2 including, when applicable, the cause of the defect, serious defect, or imminent
3 safety hazard; and

4 (iv) Any IPIA concurrence or statement that it does not concur with the
5 manufacturer's class determination, in accordance with § 3282.404(b).

6 (c) Manufacturer records of notifications. When a manufacturer is
7 required to provide notification under this subpart, the manufacturer must
8 maintain in its files a copy of each type of notice sent and a complete list of the
9 persons notified and their addresses. The manufacturer must maintain these
10 records in a form approved by the Secretary or an SAA to identify each
11 notification campaign.

12 (d) Manufacturer records of corrections. When a manufacturer is required
13 to provide or provides correction under this subpart, the manufacturer must
14 maintain in its files one of the following, as appropriate, for each manufactured
15 home involved:

16 (1) If the correction is made, a certification by the manufacturer that the
17 repair was made to conform to the Federal construction and safety standards in
18 effect at the time the home was manufactured and that each identified imminent
19 safety hazard or serious defect has been corrected; or

20 (2) If the owner refuses to allow the manufacturer to repair the home, a
21 certification by the manufacturer that:

22 (i) The owner has been informed of the problem that may exist in the
23 home;

24 (ii) The owner has been provided with a description of any hazards,
25 malfunctions, deterioration, or other consequences that may reasonably be
26 expected to result from the defect, serious defect, or imminent safety hazard; and

27 (iii) An attempt has been made to repair the problems, but the owner has
28 refused the repair.

29 (e) Retailer and distributor records of corrections. When a retailer or
30 distributor makes corrections necessary to bring a manufactured home into
31 compliance with the Standards, the retailer or distributor must maintain a
32 complete record of its actions.

33 (f) Length of retention. Records of the information and any other records
34 required to be maintained by this subpart must be kept for a minimum of 5 years
35 from the date the manufacturer, retailer, or distributor, as applicable:

36 (1) Received the information;

37 (2) Creates the record; or

38 (3) Completes the notification or correction campaign.

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42 **§ 3282.418 Factors for appropriateness and amount of civil penalties.**

43
44 In determining whether to seek a civil penalty for a violation of the
45 requirements of this subpart I, and the amount of such penalty to be

- 1 recommended, the Secretary will consider the provisions of the Act and the
2 following factors:
- 3 (a) The gravity of the violation;
 - 4 (b) The degree of the violator's culpability, including whether the violator
5 had acted in good faith in trying to comply with the requirements;
 - 6 (c) The injury to the public;
 - 7 (d) Any injury to owners or occupants of manufactured homes;
 - 8 (e) The ability to pay the penalty;
 - 9 (f) Any benefits received by the violator;
 - 10 (g) The extent of potential benefits to other persons;
 - 11 (h) Any history of prior violations;
 - 12 (i) Deterrence of future violations; and
 - 13 (j) Such other factors as justice may require.