

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CHAPTER 34. BOARD OF MANUFACTURED HOUSING

*Editor's Note: The following Notice of Proposed Rulemaking was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 2507.) The Governor's Office authorized the notice to proceed through the rulemaking process on January 25, 2011.*

[R11-192]

#### PREAMBLE

**1. Article, Part, or Section Affected (as applicable)      Rulemaking Action**

R4-34-101	Amend
R4-34-102	Amend
R4-34-103	Amend
R4-34-601	Amend
R4-34-603	Amend
R4-34-607	Amend
R4-34-702	Amend
R4-34-703	Amend
R4-34-704	Amend
R4-34-706	Amend
R4-34-801	Amend
R4-34-803	Amend
R4-34-804	Amend
R4-34-805	Amend
Exhibit 1	Repealed

**2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 41-2144(A)(13)

Implementing statute: A.R.S. §§ 41-2144, 41-2151, and 41-2154

**3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Rulemaking Docket Opening: 17 A.A.R. 2502, December 16, 2011 (*in this issue*)

**4. The agency's contact person who can answer questions about the rulemaking:**

Name: Debra Blake  
Address: Department of Fire, Building and Life Safety  
1110 W. Washington St., Suite 100  
Phoenix, AZ 85007  
Telephone: (602) 364-1022  
Fax: (602) 364-1052  
E-mail: Debra.blake@dfbls.az.gov  
Web site: www.dfbls.az.gov

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**5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

The Board, which was granted an exception to the Governor's rulemaking moratorium by an e-mail from Steve Kilian, Assistant Policy Advisor, dated January 25, 2011, is updating and adding materials incorporated by reference to comply with statute, which requires the Office of Manufactured Housing to conduct its affairs consistently with minimum standards of the U.S. Department of Housing and Urban Development so the Office can be designated the state inspector for manufactured homes and related industries (See A.R.S. § 41-2151).

The Board is also updating and adding materials incorporated by reference regarding factory-built buildings, subassemblies, and components to comply with statute, which requires the Office to impose minimum construction requirements that are reasonably consistent with nationally recognized and accepted practices. (See A.R.S. § 41-2144(A)(1)).

The Board also makes conforming and clarifying changes.

**6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

The amendments will have minimal economic impact on manufacturers of manufactured homes or factory-built buildings, subassemblies, and components because the updated and added materials incorporated by reference are the current industry standard with which manufacturers already comply.

The National Manufactured Housing Construction and Safety Standards Act of 1974 requires the Department of Housing and Urban Development to establish federal manufactured home construction and safety standards. These standards are published in Title 24 of the *Code of Federal Regulations*. Since 2005, when the Board last updated materials incorporated by reference, HUD published the three additional Parts that the Board incorporates in this rulemaking. Because manufacturers of manufactured homes are required by federal law to comply with the federal standards, incorporating them by reference has no economic impact of the manufacturers. It simply gives the state enforcement authority.

Regulation of factory-built buildings, subassemblies, and components is a state program required by statute to be reasonably consistent with nationally recognized practices. By updating the incorporated International Codes, the Office complies with statute. Two Codes are newly incorporated in this rulemaking. Previously, the Office incorporated the Uniform Plumbing Code because that was the Code adopted by the state's Uniform Plumbing Code Commission. The Uniform Plumbing Code addressed requirements regarding fuel gas so it was not necessary to incorporate the International Fuel Gas Code. After the state moved away from the Uniform Plumbing Code, the Office decided to use the International Plumbing Code because it is consistent with the other International Codes. This made it necessary to incorporate the International Fuel Gas Code also. Failure to incorporate the International Energy Conservation Code in 2005 was an oversight by the Office. However, because the International Energy Conservation Code consists of the nationally recognized standard and manufacturers routinely comply with it, incorporating it into the rules will have minimal economic impact.

**9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:**

Name: Debra Blake  
Address: Department of Fire, Building and Life Safety  
1110 W. Washington St., Suite 100  
Phoenix, AZ 85007  
Telephone: (602) 364-1022  
Fax: (602) 364-1052  
E-mail: Debra.blake@dfbls.az.gov  
Web site: www.dfbls.az.gov

**10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

The Board has not scheduled an oral proceeding regarding the proposed rules. To request that an oral proceeding be scheduled, a person shall submit a written request to the individual at the address listed in item 4 within 30 days after this notice is published in the *Arizona Administrative Register*.

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

None

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

The rules in Article 8 require that a licensee or consumer obtain a permit before installing a manufactured home, mobile home, factory-built building, accessory structure, or rehabilitation of a mobile home. This is not a general permit. An installation-specific permit is required to enable the Office or local jurisdiction to protect the public by inspecting to ensure that the installation is done properly.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

Federal law applies to the subject of these rules (See 24 CFR 3280, 3282, 3284, 3285, 3286, and 3288). The Board has ensured that the rules are no more stringent than federal law by incorporating the federal law by reference.

**c. Whether a person submitted an analysis to the agency that compares the rule's impact on the competitiveness of business in this state to the impact on business in other states:**

No analysis was submitted.

**12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

The following materials are incorporated by reference in R4-34-102:

24 CFR 3280, Manufactured Home Construction and Safety Standards, April 1, 2008, edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D. C. 20401 or [www.bookstore.gpo.gov](http://www.bookstore.gpo.gov)

24 CFR 3282, Manufactured Home Procedural and Enforcement Regulations, April 1, 2008, edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or [www.bookstore.gpo.gov](http://www.bookstore.gpo.gov)

24 CFR 3284, Manufactured Housing Program Fee, April 1, 2008 edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or [www.bookstore.gpo.gov](http://www.bookstore.gpo.gov)

24 CFR 3285, Model Manufactured Home Installation Standards, April 1, 2008 edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or [www.bookstore.gpo.gov](http://www.bookstore.gpo.gov)

24 CFR 3286, Manufactured Home Installation Program, April 1, 2009 edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or [www.bookstore.gpo.gov](http://www.bookstore.gpo.gov)

24 CFR 3288, Manufactured Home Dispute Resolution Program, April 1, 2008 edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or [www.bookstore.gpo.gov](http://www.bookstore.gpo.gov)

International Building Code (IBC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478

International Residential Code (IRC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478

International Mechanical Code (IMC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478

International Plumbing Code (IPC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478

International Fuel Gas Code (IFGC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478

International Energy Conservation Code (IECC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478

National Electrical Code (NEC), 2008 edition, available from the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02169

Protecting Manufactured Homes from Floods and Other Hazards, publication 85, second edition, November 2009, available from the Federal Emergency Management Agency, 500 C. St. SW, Washington, D.C. 20472 or [www.fema.gov](http://www.fema.gov)

**13. The full text of the rules follows:**

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 34. BOARD OF MANUFACTURED HOUSING

ARTICLE 1. GENERAL

Section

- R4-34-101. Definitions
- R4-34-102. ~~Codes~~ Materials Incorporated by Reference
- R4-34-103. Exceptions

ARTICLE 6. MANUFACTURING, CONSTRUCTION, AND INSPECTION

Section

- R4-34-601. Manufactured Homes
- R4-34-603. ~~Factory-Built~~ Factory-built Buildings and FBB Subassemblies
- R4-34-607. Manufacturing Inspection and Certification

ARTICLE 7. PLAN APPROVALS

Section

- R4-34-702. Quality Assurance Manuals
- R4-34-703. Drawings and Specifications
- R4-34-704. Alterations or Reconstruction
- R4-34-706. ~~Factory-Built~~ Factory-built Building Installation

ARTICLE 8. PERMITS AND INSTALLATION

Section

- R4-34-801. Permits
- R4-34-803. Soil and Materials
- R4-34-804. Utilities
- R4-34-805. Accessory Structures
- Exhibit 1. Repealed

ARTICLE 1. GENERAL

**R4-34-101. Definitions**

The definitions in A.R.S. §§ 41-2142, 41-2152, and 41-2157 apply to this Chapter. Additionally, in this Chapter:

- ~~A.1.~~ “Act” means the ~~National Manufactured Home Construction and Safety Standards~~ Housing Improvement Act of 1974 and 2000, which is Title VI of the Housing and Community Development Act of 1974 (P.L. 93-383, as amended by P.L. 95-128, 95-557, 96-153, 96-339, 100-242, and 102-550) American Homeownership and Economic Opportunity Act of 2000.
- ~~B.2.~~ “Agency” means, in a brokered transaction, the consensual relationship that exists between ~~the~~ an agent and the seller or purchaser of a used home when either the purchaser or ~~the~~ seller authorizes the ~~licensed retailer or broker to act as an~~ agent and the agent agrees to ~~this~~ the authorization in writing. A licensed salesperson may establish an agency relationship on behalf of the salesperson’s licensed and employing retailer.
- ~~C.3.~~ “Agency disclosure” means a document that specifies the party or parties ~~which the~~ that an agent is ~~representing~~ represents in a brokered transaction ~~either as a seller’s agent, purchaser’s agent, or a dual agent representing who represents both the seller and purchaser.~~
- ~~D.4.~~ No change
- ~~E.~~ “Board” means the Board of Manufactured Housing.
- ~~F.5.~~ No change
- ~~G.6.~~ “Brokered transaction” means a transaction in which a properly licensed ~~retailer~~ broker acts as an agent for the seller, or purchaser, or both.
- ~~H.7.~~ No change
- ~~I.8.~~ “Factory-built building” or “FBB” has the meaning in A.R.S. § 41-2142 means factory-built building.
- ~~J.~~ “HUD” means U.S. Department of Housing and Urban Development, 451 7th Street S.W., B 133, Washington, D. C. 20410-8000.
- ~~K.~~ “Incidental”, as used in A.R.S. § 41-2178(B)(1), means that the acquisition of the used manufactured home, mobile home, factory-built building, or subassembly was not the primary purpose of the sales transaction.
- ~~L.9.~~ “Lease with option to purchase” means a lease under which the lessee has the right to purchase the leased property for

a specified price and terms.

~~M.10.~~ No change

~~N.11.~~ “Offer to purchase in a brokered transaction” means a written proposal to purchase a ~~listed~~ used home listed for sale that a broker presents to a the seller for acceptance or rejection.

~~O.12.~~ No change

~~P.13.~~ “Permanent foundation” means a system of support and perimeter enclosure of crawl space that is:

- ~~a.~~ ~~constructed~~ Constructed of durable materials (e.g., concrete, masonry, steel, or treated wood); ~~and developed~~
- ~~b.~~ Developed in accordance with the manufacturer’s installation instructions or designed by a licensed professional engineer; ~~A permanent foundation has a means of attachment~~
- ~~c.~~ Attached in a manner that effectively transfers all vertical and horizontal design loads that could be imposed on the structure by wind, snow, frost, seismic, or flood conditions, as applicable, to the underlying soil or rock; ~~Anchoring straps or cables affixed to ground anchors, other than footings, do not meet this requirement. The perimeter enclosure of a permanent foundation is designed~~
- ~~d.~~ Designed to exclude unwanted elements and varmints, ensure sufficient ventilation, and provide ~~for~~ adequate access to the building; ~~and~~
- ~~e.~~ Not anchoring straps or cable affixed to ground anchors other than footings.

~~Q.14.~~ No change

~~R.15.~~ “Reconstruction” means construction work performed on a manufactured home, mobile home, or factory-built building for the purpose of restoring the unit to a usable condition, but does not include work limited to remodeling, replacing, or repairing appliances or components that will not significantly alter the systems or ~~the~~ structural integrity of the living area.

~~S.16.~~ “Respond” means to furnish the Office of Manufactured Housing or Office of Administration with a written explanation detailing any reasons why a complaint is not justified or the signature of the complainant indicating that the complainant is satisfied with the resolution of the verified complaint.

~~T.17.~~ “Retailer” means a dealer or broker as prescribed at A.R.S. § 41-2142(9) and (5).

~~U.18.~~ “Standards” means the ~~state rules and codes as they relate to manufactured homes, mobile homes, factory-built buildings, subassemblies, and accessory structures~~ materials incorporated by reference in R4-34-102.

~~V.19.~~ “Supplement” means a submittal of not more than two sheets of paper that ~~may indicate~~ indicates floor plan dimensional sizes, does not change more than 25% of a system or configuration, and is incorporated as part of ~~the~~ an originally approved plan.

~~W.20.~~ “Technical service” means engineering assistance and interpretative application or clarification of compliance and enforcement of A.R.S. Title 41, Chapter 16, Articles 1, 2, and 4 and this Chapter.

~~X.21.~~ “Typical plan” means a design plan ~~representative of a design~~ that may be duplicated numerous times.

~~Y.22.~~ “Used home” means a used unit ~~as prescribed in A.R.S. § 41-2142(39)~~ that is a previously titled manufactured home, mobile home, or factory-built building designed for use as a residential dwelling.

#### **R4-34-102. Codes Materials Incorporated by Reference**

The following materials, which the Board incorporates by reference, apply to this Chapter. The materials, which include no later amendments of editions, are available from the Board. If there is a conflict between an adopted code the incorporated material and a statute or rule, the statute or rule controls. All referenced standards and codes are incorporated by reference, on file with the Board, and do not include any later amendments or editions.

##### 1. HUD Manufactured Housing Program

- ~~1-a.~~ “HUD standards”– 24 CFR 3280 as amended April 1, 1998, Manufactured Home Construction and Safety Standards, April 1, 2008, edition. Copies of these standards are available from the U.S. Department of Housing and Urban Development, 451 7th Street S.W., B-133 Government Printing Office, 732 N. Capitol St. NW, Washington, D. C. 20410-8000, 20401 or [www.bookstore.gpo.gov](http://www.bookstore.gpo.gov);
- ~~2-b.~~ “HUD regulations”– 24 CFR 3282, as amended April 1, 1998, Manufactured Home Procedural and Enforcement Regulations, published pursuant to the “Act” as defined in A.R.S. § 41-2142(2). April 1, 2008, edition. Copies are available from the U.S. Department of Housing and Urban Development, 451 7th Street S.W., B-133 Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20410-8000, 20401 or [www.bookstore.gpo.gov](http://www.bookstore.gpo.gov);
- ~~c.~~ 24 CFR 3284, Manufactured Housing Program Fee, April 1, 2008 edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or [www.bookstore.gpo.gov](http://www.bookstore.gpo.gov);
- ~~d.~~ 24 CFR 3285, Model Manufactured Home Installation Standards, April 1, 2008 edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or [www.bookstore.gpo.gov](http://www.bookstore.gpo.gov);
- ~~e.~~ 24 CFR 3286, Manufactured Home Installation Program, April 1, 2009 edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or [www.bookstore.gpo.gov](http://www.bookstore.gpo.gov); and
- ~~f.~~ 24 CFR 3288, Manufactured Home Dispute Resolution Program, April 1, 2008 edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or [www.bookstore.gpo.gov](http://www.bookstore.gpo.gov).

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- ~~3-2.~~ Copies of these codes are available from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795: Factory-built Building Program
- a. ~~International Building Code (IBC), 2003 Edition 2009 edition, including the appendices, which applies to commercial factory-built buildings with the exception that if the water or gas connection does not conform to the International Building Code requirements on anchoring plumbing to a foundation for resistance to uplift and sliding forces, an installer or contractor shall use a flexible connector approved for the water or gas connection. Approved materials in the Uniform Plumbing Code shall be used. The installer or contractor shall use a flexible connector not more than 6 feet long and of the rated size necessary to supply the total demand of the unit; available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;~~
  - b. ~~International Residential Code (IRC), 2003 Edition 2009 edition, including the appendices, which applies to single-family residential factory-built building, except for Chapter 11, Chapters 29 through 32, and Chapters 33 through 40 and the exception that if a water or gas connection does not conform to the International Residential Code requirements on anchoring plumbing to a foundation for resistance to uplift and sliding forces, an installer or contractor shall use a flexible connector approved for the water or gas connection. Approved materials in the Uniform Plumbing Code shall be used. The installer or contractor shall use a flexible connector not more than 6 feet long and of the rated size necessary to supply the total demand of the unit; and available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;~~
  - c. ~~International Mechanical Code (IMC), 2003 Edition 2009 edition, including the appendices; available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;~~
  - d. ~~International Plumbing Code (IPC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;~~
  - e. ~~International Fuel Gas Code (IFGC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;~~
  - f. ~~International Energy Conservation Code (IECC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478; and~~
  - g. ~~National Electrical Code (NEC), 2008 edition, available from the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02169.~~
4. ~~Uniform Plumbing Code (UPMO), 1994 Edition, including the appendices and exceptions, as incorporated by reference in 4 A.A.C. 48.~~
5. ~~National Electrical Code (NFPA 70), 2002 Edition, with the exception of Article 80. Copies of this code are available from the National Fire Protection Agency (NFPA), 1 Batterymarch Park, Quincy, MA 02269-9101.~~
3. Installation, Foundation, and Accessory Structures
- a. Materials incorporated in subsections (1) and (2); and
  - b. Protecting Manufactured Homes from Floods and Other Hazards, publication 85, second edition, November 2009, available from the Federal Emergency Management Agency, 500 C. St. SW, Washington, D.C. 20472 or [www.fema.gov](http://www.fema.gov).

**R4-34-103. Exceptions**

**A.** The Board makes the following exceptions to the materials incorporated by reference in R4-34-102:

1. International Building Code and International Residential Code. A water or gas connection may be a flexible connector if the flexible connector:
  - a. Is not more than 6 feet long.
  - b. Is of the rated size necessary to supply the total demand of the unit, and
  - c. Made of materials that comply with the International Plumbing Code and International Fuel Gas Code; and
2. International Residential Code. Exclude Section R313, Automatic Fire Sprinkler Systems.

**A-B.** ~~Under A.R.S. § 41-2144(D), a local jurisdiction may petition the Board for an exception to a standard. The local jurisdiction shall ensure that the~~ a petition for an exception to codes and standards referred to in this Article shall:

1. ~~Specify~~ Specifies the standard or code sections affected;
2. ~~Justify~~ Justifies the requested exception with documented evidence of the local conditions that support the requested exception;
3. ~~Specify~~ Specifies the boundaries of the area affected by the local conditions;
4. ~~State~~ States why the exception is necessary to protect the health and safety of the public; and
5. ~~Provide~~ Provides an estimate of the economic impact that the requested exception will have on the petitioning jurisdiction, other affected governmental entities, the public, unit owners, and licensees, and the facts upon which the estimate is based.

**B-C.** An exception ordered by the Board ~~only~~ only applies only within the jurisdiction that petitioned for the exception. The jurisdiction shall comply with any conditions specified in the exception order.

**C-D.** No change

ARTICLE 6. MANUFACTURING, CONSTRUCTION, AND INSPECTION

**R4-34-601. Manufactured Homes**

A manufacturer shall build a manufactured ~~homes~~ home according to the standards ~~and regulations~~ in ~~R4-34-102(1) and (2)~~ R4-34-102.

**R4-34-603. ~~Factory-Built~~ Factory-built Buildings and FBB Subassemblies**

A. A manufacturer shall construct a factory-built ~~buildings~~ building ~~and or a FBB subassemblies~~ subassembly according to the applicable ~~codes~~ standards in ~~R4-34-102(3), (4) and (5)~~ R4-34-102(2); and

1. No change
2. Affix a permanent serial number to each unit during the ~~1st~~ first stage of manufacturing. ~~Sections of a~~ If a unit has multiple section-unit sections, ~~the manufacturer shall be ensure that each section is~~ separately identified. The serial number location and application method shall be shown in the plans required under R4-34-703(B)(7); and
3. Affix an Arizona Insignia of Approval to each completed section. The insignia shall indicate the unit serial number; ~~and plan approval number,~~ and be located on the unit as indicated in the plans required under R4-34-703(B)(8).

B. A manufacturer of a non-residential factory-built ~~buildings~~ building ~~and or a FBB subassemblies~~ subassembly shall comply with A.A.C. Title 10, Chapter 3 relating to the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

C. No change

1. No change
2. No change
3. Unwillingness of a the manufacturer to comply with plan submittal and requirements.

**R4-34-607. Manufacturing Inspection and Certification**

A. The Department shall conduct manufactured home plant certification under R4-34-102(1) ~~and (2)~~.

B. No change

C. No change

1. The Department shall conduct manufactured home certification under R4-34-102(1) ~~and (2)~~; and
2. No change

D. No change

1. Each manufacturer of manufactured ~~home~~ manufacturer ~~homes~~ shall report affixing HUD labels, complete any other required reports, and establish and maintain records required under R4-34-102(1) ~~and (2)~~; and
2. Each manufacturer of factory-built buildings, reconstructed units, and FBB subassemblies shall report to the Department affixing Arizona Insignias of Approval by the 15th day of each month.

E. No change

1. No change
2. An inspector identifies three or more repetitive failures ~~manufacturing~~ to specifications in the approved plans, codes, or quality assurance manual;
3. No change
4. No change

F. No change

1. No change
2. No change

G. No change

1. The Department shall conduct regular inspections of retailer lots to assure compliance with approved plans, ~~codes~~ standards, and A.R.S. § 41-2195.
2. No change
  - a. No change
  - b. No change
  - c. Unwillingness of a the manufacturer to comply with plan submittal and requirements.

ARTICLE 7. PLAN APPROVALS

**R4-34-702. Quality Assurance Manuals**

A. A manufacturer of manufactured homes shall prepare the quality assurance manual required by R4-34-102(1) ~~and (2)~~.

B. No change

1. No change
  - a. No change
  - b. No change
  - c. No change
2. No change
  - a. No change

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- b. No change
- c. No change
- d. No change
- e. ~~Procedures~~ A description of procedures for receiving, ~~inspection and inspecting construction materials, handling~~ damaged material ~~handling~~, and ~~rotating~~ stock ~~rotation~~;
- f. ~~Procedures~~ A description of procedures for control of drawings and insignias; and
- g. ~~Procedures for~~ A description of recordkeeping procedures.

**R4-34-703. Drawings and Specifications**

- A. A manufacturer of manufactured homes shall submit drawings and specifications that comply with applicable ~~requirements of standards in~~ R4-34-102(1) and (2).
- B. A manufacturer of factory-built buildings or FBB subassemblies shall submit plans that comply with the applicable ~~codes standards in R4-34-102(3), (4), and (5)~~ R4-34-102(2). The plans shall provide or have the following information or format attributes:
  - 1. ~~An indentured~~ A set of drawings, process descriptions, component lists, shop drawings, or other documents that specify and identify each component, process, assembly operation, and manufacturing step;
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. No change
  - 7. No change
  - 8. No change

**R4-34-704. Alterations or Reconstruction**

- A. Alterations.
  - 1. A retailer or broker performing any alteration on a unit shall send notice of the alteration to the manufacturer of the unit.
  - 2. ~~The~~ A retailer or broker performing an alteration on a unit shall prepare a detailed set of drawings and specifications that depict all aspects of the ~~alterations~~ alteration and any serial numbers of the unit.
  - 3. ~~The~~ A retailer or broker shall ~~not prepare~~ ensure that manufactured home plans ~~that are not consistent~~ comply with the manufactured home construction and safety standards prescribed in R4-34-102(1) ~~and (2).~~
  - 4. ~~The~~ A retailer or broker shall ensure that factory-built building and FBB subassembly plans comply with R4-34-703(B).
- B. Reconstruction.
  - 1. A manufacturer shall comply with the ~~codes standards in R4-34-102~~ R4-34-102(2) when preparing reconstruction plans.
  - 2. ~~The manufacture~~ A manufacturer preparing reconstruction plans shall prepare a detailed set of drawings and specifications that depict all aspects of the reconstruction and contain the serial number of the unit.

**R4-34-706. ~~Factory-Built~~ Factory-built Building Installation**

- A. An installer shall complete and submit an application form obtained from the ~~Office of Manufactured Housing~~ Department.
- B. No change
  - 1. No change
  - 2. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
  - 3. Electrical drawings, including the isometric one-line diagram required by ~~R4-34-102(5)~~ R4-34-102(2)(g), that contain the following information:
    - a. Size; and type of conductors, length of feeders, and all amperage;
    - b. No change
    - c. No change
    - d. No change
  - 4. Plumbing drawings, including any one-line diagrams required by ~~R4-34-102(4), R4-34-102(2)(d) and (e)~~ that contain the following information:
    - a. No change
    - b. No change

- c. No change

**ARTICLE 8. PERMITS AND INSTALLATION**

**R4-34-801. Permits**

- A. No change
- B. The ~~Office of Manufactured Housing~~ Department shall issue or deny a permit within seven business days from the date the application is received.
- C. A licensee or consumer shall obtain a permit before ~~commencing~~ beginning any work and post the permit in a conspicuous location onsite. The licensee who contracts to install a unit or a licensed installer who subcontracts to perform the installation shall verify that a valid installation permit has been obtained before beginning the installation.
- D. Local jurisdictions that have entered into agreement with the ~~Office of Manufactured Housing~~ Department may issue installation permits and conduct inspections.
- E. A permit fee shall be charged either by the ~~office~~ Department or the local jurisdiction participating in the installation inspection program. The fee charged by the ~~office~~ Department shall be the amount established by the Board of ~~Manufactured Housing~~ under A.R.S. § ~~41-2144(A)(5)~~ 41-2144(A)(4). The fee charged by a local jurisdiction shall not exceed the amount established by the Board under A.R.S. § ~~41-2144(A)(5)~~ 41-2144(A)(4).
- F. Every permit except a special use permit expires six months from the date the permit is issued. The ~~Office~~ Department may extend the permit for good cause.
- G. A licensee or consumer shall obtain a certificate of occupancy from the Department before occupying a commercial factory-built building.
- H. No change
- I. No change
- J. No change
- K. A special use permit for factory-built buildings used for events of 45 days or less ~~may~~ shall be obtained from the Department. The permit is ~~temporary and shall expire~~ expires 45 days from the date of purchase. The unit shall be removed from the site ~~upon the expiration of~~ when the permit expires.

**R4-34-803. Soil and Materials**

- A. A licensee ~~who that~~ contracts with ~~the a~~ consumer for an installation shall perform or contract for any site preparation necessary to make the site compatible with the manufactured home, mobile home, or residential single-family factory-built building to be installed. The licensee may contract with a licensed installer or other qualified professional to assess site and soil compatibility or perform any necessary preparation work. The party actually performing the site compatibility assessment or work is primarily responsible for work related to site compatibility or preparation. The licensee ~~who that~~ contracts with the consumer, if a different entity, is secondarily responsible.
- B. No change
  - 1. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
  - 2. No change
    - a. No change
    - b. No change
    - c. No change
- C. Materials: An installer or contractor shall
  - 1- ~~Use use~~ materials that comply with applicable standards incorporated in R4-34-102: ~~The International Building Code, International Residential Code, International Mechanical Code, Uniform Plumbing Code, as incorporated by reference in 4 A.A.C. 48, National Electrical Code, and HUD standards (24 CFR 3280); and~~
  - 2- ~~Test metal supports to ensure they can withstand 15,000 pounds of downward pressure under 24 CFR 3280.401.~~
- D. Footings: An installer or contractor shall:
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
    - a. Minimum 3/4-inch thick plywood or two layers of 5/8-inch thick plywood no less than 12 inches wide. The plywood shall be Grade CDX APA Rated Sheeting Exposure 1, PSI-treated for ground contact, conforming to International Building Code ~~Section 2303.1.8~~ or International Residential Code ~~Section R402.1.2~~, as applicable under ~~R4-34-102(3)~~ R4-34-102(2)(a) or (b);

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- b. Minimum 2-inch nominal thickness wood no less than 12 inches wide, and treated for ground contact, conforming to the International Building Code ~~Section 2303.1.8~~ or the International Residential Code ~~Section R402.1.2~~, as applicable under ~~R4-34-102(3)~~ R4-34-102(2)(a) or (b);
  - c. No change
  - d. Hard plastic pad with either 256 or 144 square inches of ground surface. The plastic pad shall withstand a minimum vertical concentrated load failure rating of 15,000 pounds when tested on very dense and coarse gravel soils. "Failure" means that ~~cracks a crack~~ at least ~~four~~ 4 inches in length ~~have~~ has appeared anywhere on the pad, or ~~the~~ pad's surface has curled or bowed.
6. Stack plywood with face grain perpendicular and fasten the plywood with ~~corrosion-resistant~~ corrosion-resistant nails or 7/16-inch wide-crown staples or screws;
7. No change
8. No change
9. When precast concrete pads are stacked, use pads with equal sized surface sides;
10. When concrete masonry unit (CMU) building blocks are ~~utilized~~ used for supports, use only 256 square inch ground and 8 inch by 16 inch caps;
11. No change
12. No change
- E. Supports (piers):** An installer or contractor shall:
- 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. For ~~a below ground installations~~ installation, ensure that the height of the bottom of the perimeter rim joist is a minimum of ~~six~~ 6 inches above finished grade;
  - 6. No change
  - 7. No change
  - 8. No change
  - 9. Construct permanent support heights to the International Building Code or the International Residential Code as applicable under ~~R4-34-102(3)~~ R4-34-102(2)(a) or (b).
- F. Wedges:** An installer or contractor shall:
- 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. Use material ~~or~~ and methods designed by an Arizona professional engineer or architect and approved by the authority having jurisdiction.
- G.** No change
- H. Snow/Wind Loads**
- 1. Under 24 CFR 3282.11 and 3280.305 ~~of the HUD regulations~~, the authority having jurisdiction may not require manufactured homes to be built or installed to a snow load greater than 20 pounds per square foot unless ~~they have the~~ the jurisdiction has received approval from HUD.
  - 2. No change
- I. Permanent Foundation Systems**
- 1. An installer or contractor shall install factory-built buildings in compliance with ~~applicable standards incorporated by reference in R4-34-102(3), (4), and (5); the International Building Code, International Residential Code, International Mechanical Code, Uniform Plumbing Code as incorporated by reference in 4 A.A.C. 48, and National Electrical Code R4-34-102(2).~~
  - 2. No change
- R4-34-804. Utilities**
- A.** Utility service facilities— An installer or contractor shall not enter into an agreement to connect units to utility service facilities that are not compatible with the units.
- B.** Electric — An installer or contractor shall make all electric connections or installations according to the National Electric Code in ~~R4-34-102(5)~~.
- 1. An installer or contractor shall connect manufactured or mobile homes using a piece of flexible metal conduit no greater than 36 inches and no less than 18 inches long. ~~Liquidtight~~ The installer or contractor shall use liquidtight, flexible metal conduit ~~shall be used~~ when a manufactured home is set at ground level or in ~~a wet locations~~ location. The installer or contractor shall connect the flexible metal conduit at the location so that only the rigid conduit

emerges from the ground and ~~that~~ the conduit extends at least six 6 inches above ground level.

2. When service equipment is installed on a manufactured home, an installer or contractor shall install the grounding electrode ~~according to the manufacturer's instructions, if the instructions are consistent with this Chapter, or Article 250 I & II and table 250.122 of~~ in compliance with the National Electrical Code. The following items shall be installed according to the National Electrical Code:
  - a. Feeder size according to Table ~~310-15(b)(6)~~ 310.15(B)(6),
  - b. No change
  - c. No change
- C. Sewer - An installer or contractor shall make sewer connections or installations ~~according to the Uniform~~ in compliance with the International Plumbing Code, ~~and its appendices, incorporated in R4-34-102(4).~~
- D. Water - An installer or contractor shall make water connections or installations ~~according to the Uniform~~ in compliance with the International Plumbing Code, ~~and its appendices, incorporated in R4-34-102(4).~~
- E. Gas - An installer or contractor shall make gas connections or installations ~~according to the Uniform Plumbing~~ in compliance with the International Fuel Gas Code, ~~and its appendices, incorporated in R4-34-102(4).~~
  1. No change
  2. No change
  - ~~F.3.~~ F.3. No change
- F. Mechanical. An installer or contractor shall make mechanical connections and installations in compliance with the International Mechanical Code and the International Energy Conservation Code.

**R4-34-805. Accessory Structures**

- A. For the purpose of A.R.S. § 41-2142(1), the word "attached" means fastened to ~~the a~~ a manufactured or mobile home; or residential single-family, factory-built building; ~~or accessory structure~~ at the time of its installation and removable without degradation of the structural integrity of the unit.
- B. An installer or contractor shall install, assemble, or construct each accessory structure in compliance with applicable standards incorporated by reference in R4-34-102(3), (4), and (5); ~~the International Building Code, International Residential Code, International Mechanical Code, Uniform Plumbing as incorporated by reference in 4 A.A.C. 48, and the National Electric Code or according to the manufacturer's installation instructions if the instructions are consistent with this Chapter.~~
- C. An installer or contractor installing manufactured homes, mobile homes, or factory-built buildings shall provide an opening that permits access to the underfloor area. If ~~the~~ the access is through the skirting, retaining wall, or perimeter foundation wall, the access opening shall measure at least 18 inches by 24 inches.
- D. No change
- E. Above or Below Grade Skirting
  1. For all skirting, an installer or contractor shall:
    - a. Provide an 18 inch by 24 inch minimum access crawl hole;
    - b. Ventilate skirting according to the International Building Code or the International Residential Code, ~~as applicable under R4-34-102(3);~~ and
    - c. No change
  2. For below grade skirting, ~~the an~~ an installer or contractor shall:
    - a. ~~Comply with the minimum acceptable below grade skirting design found in the Below Grade Skirting Specifications of Exhibit 1, or~~
    - b. Design design and construct skirting as a retaining wall according to the International Building Code or the International Residential Code, ~~as applicable under R4-34-102(3).~~
  3. ~~The installer or contractor shall use skirting rated for exterior and soil contact.~~

Exhibit 1. Repealed

~~Illustration 1. Below Grade Skirting Specifications~~

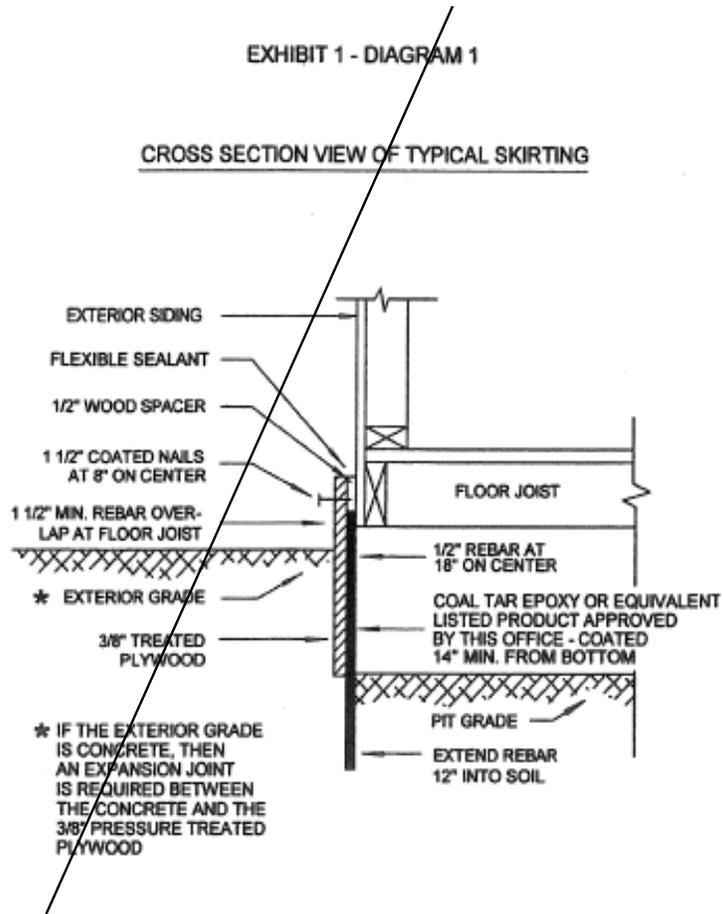
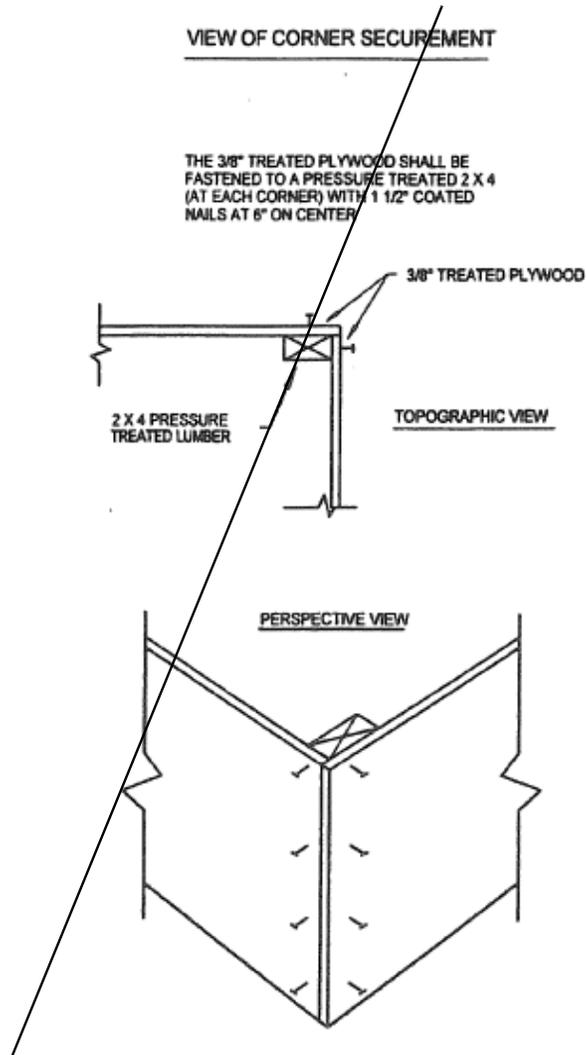
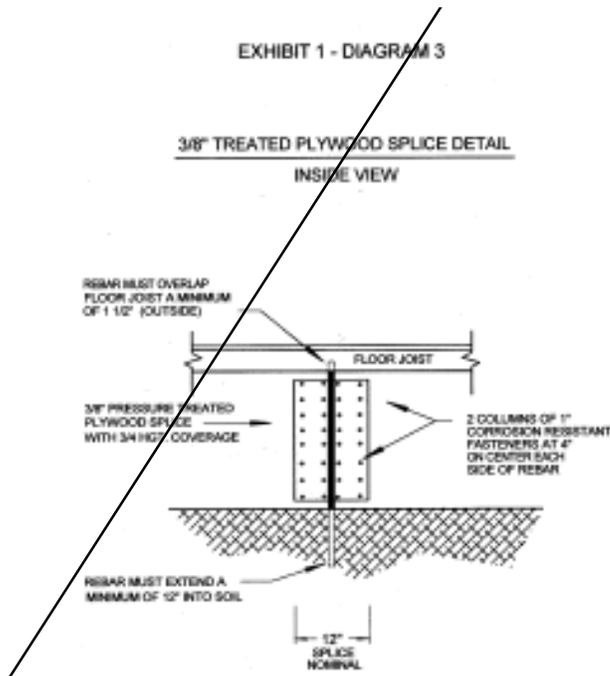


Exhibit 1. (continued)  
Illustration 2. View of Corner Securement



**Exhibit 1. (continued)**  
**Illustration 3. 3/8" Treated Plywood Splice Detail**



**Exhibit 1. (continued)**  
**Illustration 4: Topographic View of Vent Location for Underground Skirting**

