Office of Asst. Sec. for Housing, HUD

§ 3282.255

completion of the entire sales trans-
action. A sales transaction with a pur-
chaser is considered completed when
all the goods and services that the
dealer agreed to provide at the time
the contract was entered into have
been provided. Completion of a retail
sale will be at the time the dealer com-
pletes set-up of the manufactured home
if the dealer has agreed to provide the
set-up, or at the time the dealer deliv-
ers the home to a transporter, if the
dealer has not agreed to transport or
set up the manufactured home, or to
the site if the dealer has not agreed to
provide set-up.

(c) This prohibition of sale does not
apply to manufactured homes which
are placed in production prior to the ef-
fective date of the standards, and it
does not apply to "used" manufactured
homes which are being sold or offered
for sale after the first purchase in good
faith for purposes other than the re-
sale.

§ 3282.253 Removal of prohibition of
sale.

(a) If a distributor or dealer has a
manufactured home in its possession or
a manufactured home with respect to
which the sales transaction has not
been completed, and the distributor or
dealer, acting as a reasonable dis-
tributor or dealer, knows as a result of
notification by the manufacturer or
otherwise that the manufactured home
contains a failure to conform or immi-
nent safety hazard, the distributor or
dealer may seek the remedies available
to him under § 3282.415.

(b) When, in accordance with
§ 3282.415, a manufacturer corrects a
failure to conform to the applicable
standard or an imminent safety hazard,
the distributor or dealer, acting as a
reasonable distributor or dealer, may
accept the remedies provided by the
manufacturer as having corrected the
failure to conform or imminent safety
hazard. The distributor or dealer,
therefore, may sell, lease, or offer for
sale or lease any manufactured home
so corrected by the manufacturer.

(c) When a distributor or dealer is au-
thorized by a manufacturer to correct
a failure to conform to the applicable
standard or an imminent safety hazard
and completes the correction in ac-
cordance with the manufacturer’s in-
structions, the distributor or dealer
may sell, or lease or offer for sale or
lease the manufactured home in ques-
tion, provided that the distributor or
dealer, acting as a reasonable dis-
tributor or dealer knows that the man-
ufactured home conforms to the stand-
ards. A distributor or dealer and a
manufacturer, at the manufacturer’s
option, may agree in advance that the
distributor or dealer is authorized to
make such corrections as the manufac-
turer believes are within the expertise
of the dealer.

(d) If the corrections made under
paragraphs (b) and (c) of this section do
not bring the manufactured home into
conformance or correct the imminent
safety hazard, the provisions of
§ 3282.415 will continue in effect prior to
completion of the sales transaction.

§ 3282.254 Distributor and dealer alter-
ations.

(a) If a distributor or dealer alters a
manufactured home in such a way as to
create an imminent safety hazard or to
create a condition which causes a fail-
ure to conform with applicable Federal
standards, the manufactured home af-
fected may not be sold, leased, or of-
fered for sale or lease.

(b) After correction by the dis-
tributor or dealer of the failure to con-
form or imminent safety hazard, the
corrected manufactured home may be
sold, leased, or offered for sale or lease.

(c) Distributors and dealers shall
maintain complete records of all alter-
ations made under paragraphs (a) and
(b) of this section.

§ 3282.255 Completion of information
card.

(a) Whenever a distributor or dealer
sells a manufactured home subject to
the standards to a purchaser, the dis-
tributor or dealer shall fill out the card
with information provided by the pur-
chaser and shall send the card to the
manufacturer. (See § 3282.211.)

(b) Whenever a distributor or dealer
sells a manufactured home to an owner
which was originally manufactured
under the standards, the distributor or
dealer shall similarly use one of the de-
tachable cards which was originally
provided with the manufactured home.
If such a card is no longer available, the distributor or dealer shall obtain the information which the card would require and send it to the manufacturer of the manufactured home in an appropriate format.

§ 3282.256 Distributor or dealer complaint handling.

(a) When a distributor or dealer believes that a manufactured home in its possession which it has not yet sold to a purchaser contains an imminent safety hazard, serious defect, defect, or noncompliance, the distributor or dealer shall refer the matter to the manufacturer for remedial action under §3282.415. If the distributor or dealer is not satisfied with the action taken by the manufacturer, it may refer the matter to the SAA in the state in which the manufactured home is located, or to the Secretary if there is no such SAA.

(b) Where a distributor or dealer receives a consumer complaint or other information concerning a manufactured home sold by the distributor or dealer, indicating the possible existence of an imminent safety hazard, serious defect, defect, or noncompliance in the manufactured home, the distributor or dealer shall refer the matter to the manufacturer.

Subpart G—State Administrative Agencies

§ 3282.301 General—scope.

This subpart sets out procedures to be followed and requirements to be met by States which wish to participate as State Administrative Agencies (SAA) under the Federal standards enforcement program. Requirements relating to States which wish to participate as primary inspection agencies under the Federal standards enforcement program are set out in subpart H of this part. Requirements which States must meet in order to receive full or conditional approval as SAAs and the responsibilities of such agencies are set out in §3282.302. Reporting requirements for approved and conditionally approved SAAs are set out in subpart L.

§ 3282.302 State plan.

A State wishing to qualify and act as a SAA under this subpart shall make a State Plan Application under this section. The State Plan Application shall be made to the Director, Manufactured Housing Standards Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, and shall include:

(a) An original and one copy of a cover sheet which shall show the following:

(1) The name and address of the State agency designated as the sole agency responsible for administering the plan throughout the State,

(2) The name of the administrator in charge of the agency,

(3) The name, title, address, and phone number of the person responsible for handling consumer complaints concerning standards related problems in manufactured homes under subpart I of this part,

(4) A list of personnel who will carry out the State plan,

(5) The number of manufactured home manufacturing plants presently operating in the State,

(6) The estimated total number of manufactured homes manufactured in the State per year,

(7) The estimated total number of manufactured homes set up in the State per year, and

(8) A certification signed by the administrator in charge of the designated State agency stating that, if it is approved by the Secretary, the State plan will be carried out in full, and that the regulations issued under the Act shall be followed.

(b) An original and one copy of appropriate materials which:

(1) Demonstrate how the designated State agency shall ensure effective handling of consumer complaints and other information referred to it that relate to noncompliances, defects, serious defects or imminent safety hazards as set out in subpart I of this part, including the holding of Formal and Informal Presentations of Views and the fulfilling of all other responsibilities of SAAs as set out in this subpart G.

(2) Provide that personnel of the designated agency shall, under State law or as agents of HUD, have the right at