Office of Asst. Sec. for Housing, HUD § 3282.407

those standards are not specific, with
the manufacturer's approved design.

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

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

(d) **Corrections by owners.** A manufac-
turer that is required to make correc-
tions under paragraph (b) of this sec-
tion, or that elects to make corrections
in accordance with § 3282.407, must re-
imburse any owner of an affected man-
ufactured home who choses to make
the correction before the manufacturer
did so, for the reasonable cost of cor-
rection.

(e) **Correction of appliances, compo-
nents, or systems.** (1) If any appliance,
component, or system in a manufac-
tured home is covered by a product
warranty, the manufacturer, retailer,
or installer that is responsible under
this section for correcting a non-
compliance, defect, serious defect, or
imminent safety hazard in the appli-
cance, component, or system may seek
the required correction directly from
the producer. The SAA that approves
any plan of notification required pursu-
ant to § 3282.405 or the Secretary, as ap-
licable, may establish reasonable time
limits for the manufacturer of the
home and the producer of the appli-
cance, component, or system to agree on
who is to make the correction and for
completing the correction.

(2) Nothing in this section shall pre-
vent the manufacturer, retailer, or in-
staller from seeking indemnification
from the producer of the appliance,
component, or system for correction
work done on any appliance, compo-
nent, or system.

§ 3282.407 Voluntary compliance with
the notification and correction re-
quirements under the Act.

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

(a) **Voluntary action—one home.** When
a manufacturer has made a determina-
tion that only one manufactured home
is involved, the manufacturer is not re-
quired to provide notification pursuant
to § 3282.405 or to prepare or submit a
plan if:

(1) The manufacturer has made a de-
termination of defect; or

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

(b) **Voluntary action—multiple homes.**
Regardless of whether a plan has been
submitted under § 3282.408, the manu-
facturer may act prior to obtaining ap-
proval of the plan. Such action is sub-
ject to review and disapproval by the
SAA of the state where the home was
manufactured or by the Secretary, un-
less the manufacturer obtains the writ-
ten agreement of the SAA or the Sec-
retary that the corrective action is
adequate. If such an agreement is ob-
tained, the correction must be accepted
as adequate by all SAAs and the Sec-
retary, if the manufacturer makes the
 correction as agreed to and any immi-
nant safety hazard or serious defect is
eliminated.

(c) **Waiver.** (1) A manufacturer may
obtain a waiver of the notification re-
quirements in § 3282.405 and the plan re-
quirements in § 3282.408 either from the
SAA of the state of manufacture, when
all of the manufactured homes that
would be covered by the plan were
manufactured in that state, or from
the Secretary. As of the date of a re-
quest for a waiver, the notification and
plan requirements are deferred pending
timely submission of any additional
documentation as the SAA or the Sec-
retary may require and final resolution


§ 3282.408 Plan of notification required.

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

(1) The SAA of the State of manufacture, when all of the manufactured homes covered by the plan were manufactured in that State; or

(2) The Secretary, when the manufactured homes were manufactured in more than one State or there is no SAA in the State of manufacture.

(b) Implementation of plan. Upon approval of the plan, including any changes for cause required by the Secretary or SAA after consultation with the manufacturer, the manufacturer must carry out the approved plan within the agreed time limits.

§ 3282.409 Contents of plan.

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

(b) Contents of plan. The plan must:

(1) Identify, by serial number and other appropriate identifying criteria, all manufactured homes for which notification is to be provided, as determined pursuant to §3282.404;

(2) Include a copy of the notice that the manufacturer proposes to use to provide the notification required by §3282.405;

(3) Provide for correction of those manufactured homes that are required to be corrected pursuant to §3282.406(b);

(4) Include the IPIA’s written concurrence or statement on the methods used by the manufacturer to identify the homes that should be included in the class of homes, as required pursuant to §3282.404(b); and

(5) Include a deadline for completion of all notifications and corrections.

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

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

(2) The following statement: “[choose one, as appropriate]: Manufacturer’s name, or the Secretary, or the (insert