

93-288, May 22, 1974, 88 Stat. 143, as amended. Title IV of the Act is classified generally to subchapter IV (§5170 et seq.) of chapter 68 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

#### EFFECTIVE DATE

Section applicable with respect to any amounts made available to carry out subchapter II (§12721 et seq.) of chapter 130 of this title after Apr. 11, 1994, and any amounts made available to carry out that subchapter before that date that remain uncommitted on that date, with Secretary to issue any regulations necessary to carry out this section not later than end of 45-day period beginning on that date, see section 209 of Pub. L. 103-233, set out as an Effective Date of 1994 Amendment note under section 5301 of this title.

### CHAPTER 70—MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS

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| <p>Sec.<br/>5401. Findings and purposes.<br/>    (a) Findings.<br/>    (b) Purposes.</p> <p>5402. Definitions.</p> <p>5403. Construction and safety standards.<br/>    (a) Establishment.<br/>    (b) Other orders.<br/>    (c) Effective date of orders establishing standards.<br/>    (d) Supremacy of Federal standards.<br/>    (e) Considerations in establishing and interpreting standards and regulations.<br/>    (f) Coverage; exclusion.<br/>    (g) Manufactured housing construction and safety standards.<br/>    (h) New performance standards for hard-board siding.</p> <p>5404. Manufactured home installation.<br/>    (a) Provision of installation design and instructions.<br/>    (b) Model manufactured home installation standards.<br/>    (c) Manufactured home installation programs.</p> <p>5405. Judicial review of orders establishing standards; petition; additional evidence before Secretary; certified copy of transcript.</p> <p>5406. Submission of cost or other information by manufacturer.<br/>    (a) Purpose of submission; detail of information.<br/>    (b) Conditions upon availability to public of submitted information.<br/>    (c) "Cost information" defined.<br/>    (d) Power of Secretary to obtain or require submission of information under other provisions unaffected.</p> <p>5407. Research, testing, development, and training by Secretary.<br/>    (a) Scope.<br/>    (b) Contracts and grants with States, interstate agencies, and independent institutions.<br/>    (c) Definitions.</p> <p>5408. Cooperation by Secretary with public and private agencies.</p> <p>5409. Prohibited acts; exemptions.</p> <p>5410. Civil and criminal penalties.</p> <p>5411. Injunctive relief.<br/>    (a) Jurisdiction; petition of United States attorney or Attorney General; notice by Secretary to affected persons to present views.<br/>    (b) Criminal contempt proceedings; conduct of trial.<br/>    (c) Venue.<br/>    (d) Subpenas.</p> | <p>Sec.</p> <p>(e) Designation by manufacturer of agent for service of administrative and judicial processes, etc.; filing and amendment of designation; failure to make designation.</p> <p>5412. Noncompliance with standards or defective nature of manufactured home; administrative or judicial determination; repurchase by manufacturer or repair by distributor or retailer; reimbursement of expenses, etc., by manufacturer; injunctive relief against manufacturer for failure to comply; jurisdiction and venue; damages; period of limitation.</p> <p>5413. Inspections and investigations for promulgation or enforcement of standards or execution of other duties.<br/>    (a) Authority of Secretary; results furnished to Attorney General and Secretary of the Treasury for appropriate action.<br/>    (b) Designation by Secretary of persons to enter and inspect factories, etc.; presentation of credentials; reasonableness and scope of inspection.<br/>    (c) Powers of Secretary.<br/>    (d) Refusal to obey subpoena or order of Secretary; order of compliance by district court; failure to obey order of compliance punishable as contempt.<br/>    (e) Submission by manufacturer of building plans for manufactured homes; certification by manufacturer of conformity of building plans to standards.<br/>    (f) Records, reports and information from manufacturers, distributors and retailers of manufactured homes; inspection and examination of relevant books, papers, records and documents by designated person.<br/>    (g) Performance and technical data from manufacturer; persons required to receive notification of data.<br/>    (h) Disclosure of confidential information and trade secrets.</p> <p>5414. Notification and correction of defects by manufacturer.<br/>    (a) Notice to purchaser within reasonable time after discovery of defect.<br/>    (b) Notification by mail.<br/>    (c) Form and requisites of notification.<br/>    (d) Copy to Secretary of all notices, bulletins, and communications sent by manufacturer to retailers and purchasers concerning defects; disclosure to public by Secretary.<br/>    (e) Notice by Secretary to manufacturers of noncompliance with standards or defective nature of manufactured home; contents of notice; presentation by manufacturer of views; notice to purchasers of defects.<br/>    (f) Maintenance by manufacturers of record of names and addresses of first purchasers of manufactured homes; procedures for ascertaining names and addresses of subsequent purchasers; establishment and reasonableness of procedures for maintaining records.<br/>    (g) Correction of defects by manufacturer; conditions; procedures; contract or legal rights of purchasers or other persons unaffected.</p> |
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- (h) Submission to Secretary by manufacturer of plan for notifying owners of defects and repair of defects; approval of manufacturer's remedy plan; effectuation and implementation of remedy plan.
  - (i) Defective or inadequately repaired manufactured homes; replacement with new or equivalent home or refund of purchase price.
5415. Certification by manufacturer of conformity of manufactured home with standards; form and placement of certification.
5416. Consumer's manual; contents.
5417. Effect upon antitrust laws.
5418. Use of services, research and testing facilities of public agencies and independent laboratories.
5419. Authority to collect fee.
- (a) In general.
  - (b) Contractors.
  - (c) Prohibited use.
  - (d) Modification.
  - (e) Appropriation and deposit of fees.
5420. Failure to report violations; penalties.
5421. Prohibition on waiver of rights.
5422. State enforcement.
- (a) Jurisdiction of State agency or court under State law.
  - (b) Assumption of responsibility for enforcement of Federal standards; submission of enforcement plan to Secretary.
  - (c) Criteria for approval of State plan by Secretary.
  - (d) Notice and hearing prior to rejection by Secretary of State plan.
  - (e) Discretionary enforcement by Secretary of standards in State having approved plan.
  - (f) Annual evaluation by Secretary of execution of State plan; basis of evaluation; submission of evaluation and data to Congress; determination by Secretary of improper administration, etc., of State plan; procedure; effect of determination.
  - (g) Enforcement of dispute resolution standards.
5423. Grants to States.
- (a) Purposes.
  - (b) Designation by Governor of State agency for receipt of grant.
  - (c) Submission of application by State agency to Secretary; review by Secretary.
  - (d) Amount of Federal share; equality of distribution of funds.
5424. Rules and regulations.
5425. Repealed.
5426. Authorization of appropriations.

**§ 5401. Findings and purposes**

**(a) Findings**

Congress finds that—

- (1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and
- (2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

**(b) Purposes**

The purposes of this chapter are—

- (1) to protect the quality, durability, safety, and affordability of manufactured homes;

(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards for manufactured homes;

(4) to encourage innovative and cost-effective construction techniques for manufactured homes;

(5) to protect residents of manufactured homes with respect to personal injuries and the amount of insurance costs and property damages in manufactured housing, consistent with the other purposes of this section;

(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.

(Pub. L. 93-383, title VI, §602, Aug. 22, 1974, 88 Stat. 700; Pub. L. 96-399, title III, §308(c)(4), Oct. 8, 1980, 94 Stat. 1641; Pub. L. 97-35, title III, §339B(c), Aug. 13, 1981, 95 Stat. 417; Pub. L. 106-569, title VI, §602, Dec. 27, 2000, 114 Stat. 2997.)

AMENDMENTS

2000—Pub. L. 106-569 amended section catchline and text generally. Prior to amendment, text read as follows: "The Congress declares that the purposes of this chapter are to reduce the number of personal injuries and deaths and the amount of insurance costs and property damage resulting from manufactured home accidents and to improve the quality and durability of manufactured homes. Therefore, the Congress determines that it is necessary to establish Federal construction and safety standards for manufactured homes and to authorize manufactured home safety research and development."

1980—Pub. L. 96-399 substituted "manufactured home" for "mobile home" wherever appearing.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-569, title VI, §612, Dec. 27, 2000, 114 Stat. 3012, provided that: "The amendments made by this title [see Short Title of 2000 Amendment note below] shall take effect on the date of the enactment of this Act [Dec. 27, 2000], except that the amendments shall have no effect on any order or interpretative bulletin that is issued under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before that date of the enactment."

EFFECTIVE DATE

Pub. L. 93-383, title VI, §627, formerly §628, Aug. 22, 1974, 88 Stat. 714, renumbered §627, Pub. L. 106-569, title VI, §611(2), Dec. 27, 2000, 114 Stat. 3012, provided that: "The provisions of this title [enacting this chapter and provisions set out as a note under this section] shall take effect upon the expiration of 180 days following the date of enactment of this title [Aug. 22, 1974]."

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-569, title VI, §601(a), Dec. 27, 2000, 114 Stat. 2997, provided that: "This title [amending this section