

**PROSPECTIVE ANALYSIS**

**FACTORY BUILT STRUCTURES ADVISORY BOARD**

IDAPA 24.39.31

**RULE 100 LICENSURE REQUIREMENTS (MOBILE AND MANUFACTURED HOMES)**

**Proposed Rule:** The proposed rule simplifies the existing rule and eliminates portions of the rule which are duplicative of statute and/or impose unnecessary burdens on licensees. All manufacturers within the State of Idaho must be licensed through the Division. A retailer must have a branch office. An applicant who is not a natural person (any business entity) must designate a natural person to be the license holder. Additionally, installers or retailers must have eight (8) hours of initial education.

**Current Rule:**

The current rule references real estate brokers, which is outside the scope of this Board's licensing authority. Additionally, the current rules limits branch office managers to managing no more than one (1) branch office.

**Legal Authority:** Idaho Code Section 44-2104 provides that the Factory Built Structures Advisory Board shall advise the administrator in the administration and enforcement of the provisions of the chapter. Discretionary.

**Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?**

The licensing process sets standards for individuals and entities at the state level, though federal law sets the floor for standards for manufactured home. Twenty-seven (27) states do not partner with the US Department of Housing and Urban Development (HUD), which sets standards for manufactured home construction and safety. The partner state is known as the State Administrative Agency (SAA). If there is no SAA, the regulation defaults back to HUD. If the program was not resolved through regulatory means on the state level, the federal government would provide the regulation.

**What evidence is there that the rule, as proposed, will solve the problem?**

TBD

**Federal Law Comparison (where applicable)**

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
<p>HUD regulates manufactured dwellings on a federal level. All residential manufactured homes must comply with the Federal Manufactured Home Construction and Safety Standards. There are 33 states which partner with HUD as State Administrative Agencies (SAA) to regulate and enforce the federal manufactured housing program in their state.</p>	<p>Not applicable</p>

**State Law Comparison**

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
<p><b>Alaska</b></p>	<p>Alaska does not have a SAA.</p>	<p>Not applicable.</p>
<p><b>Montana</b></p>	<p>Montana does not have a SAA.</p>	<p>Not applicable.</p>
<p><b>Nevada</b></p>	<p>Nevada requires licensure of all: dealers; manufacturers; salespersons; and servicepersons. The licensure application forms require a criminal disclosure statement, fingerprinting; education and experience statement; proof of cash on deposit; and proof of escrow or trust account.</p> <p><a href="https://housing.nv.gov/ManfHousing/Licensing/">https://housing.nv.gov/ManfHousing/Licensing/</a> and;  <a href="https://housing.nv.gov/ManfHousing/LIC/Licensing_Forms/">https://housing.nv.gov/ManfHousing/LIC/Licensing_Forms/</a></p>	<p>Not applicable.</p>
<p><b>Oregon</b></p>	<p>Manufactured home dealers must be licensed: have a bond or letter of credit; obtain a corporate surety bond; and certifies that every individual working as a mortgage loan originator meets certain requirements. Additionally, the requirements for the application form are set forth in statute.</p> <p><a href="https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=2136">https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=2136</a></p>	<p>Not applicable.</p>

<b>South Dakota</b>	<p>South Dakota's licensing system is through the department of motor vehicles. Any person, other than a manufacturer, who sells three (3) or more mobile homes or manufactured homes in any consecutive twelve (12) month period. The licensee must have surety bond of \$25,000. A principal place of business is required. No liability insurance is required.</p> <p>chrome-extension://efaidnbmnnnibpcjpcglclefindmkaj/https://dor.sd.gov/media/12nlxfsn/sd-dealer-requirements.pdf</p>	Not applicable.
<b>Utah</b>	<p>Dealers must be registered and pay a registration bond. The application is on forms prescribed by the division, rather than in rule. Licensure is required of a person who is "regularly engage in the sale of factory built housing" and not selling their own property.</p> <p><a href="https://le.utah.gov/xcode/Title58/Chapter56/58-56-S16.html?v=C58-56-S16_1800010118000101">https://le.utah.gov/xcode/Title58/Chapter56/58-56-S16.html?v=C58-56-S16_1800010118000101</a></p>	Not applicable.
<b>Washington</b>	<p>An installer must have six months of experience working under the direct supervision of a certified manufactured home installer.</p> <p><a href="https://app.leg.wa.gov/WAC/default.aspx?cite=296-1501-0050">https://app.leg.wa.gov/WAC/default.aspx?cite=296-1501-0050</a></p>	Not applicable.
<b>Wyoming</b>	Wyoming does not have an SAA.	Not applicable.

**If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:**

TBD

**Anticipated impact of the proposed rule on various stakeholders:**

Category	Potential Impact
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Fiscal impact to the state General Fund, any dedicated fund, or federal fund	TBD
Impact to Idaho businesses, with special consideration for small businesses	TBD
Impact to any local government in Idaho	TBD