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**IDAPA 07
TITLE 03
CHAPTER 09**

**07.03.09 - RULES GOVERNING MANUFACTURED HOMES - CONSUMER
COMPLAINTS - DISPUTE RESOLUTION**

000. LEGAL AUTHORITY.

The Idaho Manufactured Housing Advisory Board of the Division of Building Safety is authorized under Section 44-2102(4), Idaho Code, to promulgate rules concerning establishment of dispute resolution programs. (4-6-05)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 07.03.09, "Rules Governing Manufactured Homes - Consumer Complaints - Dispute Resolution," Division of Building Safety. (4-6-05)

02. Scope. These rules establish a program for the timely resolution of disputes between manufacturers, retailers and installers of manufactured homes in order to comply with Federal Housing and Urban Development regulations within 42 U.S.C. 5422(c)(12). (4-6-05)

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. (4-6-05)

003. ADMINISTRATIVE APPEALS.

Appeals from decisions of the administrator as provided for herein shall be governed by the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, and the contested case provisions of the Idaho Rules of Administrative Procedure of the Attorney General, IDAPA 04.11.01. (4-6-05)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into these rules. (4-6-05)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Division of Building Safety, Building Bureau is located at 1090 E. Watertower Street, Meridian, Idaho. The office is open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday, and legal holidays. The mailing address is: Division of Building Safety, 1090 E. Watertower Street, Meridian, Idaho 83642. The office telephone number is (208) 334-3896 and the facsimile number is (208) 855-9399. (4-6-05)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules were promulgated in accordance with the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. These rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (4-6-05)

007. -- 009. (RESERVED).

010. DEFINITIONS.

There are no definitions in this chapter. (4-6-05)

011. ABBREVIATIONS.

There are no abbreviations in this chapter. (4-6-05)

012 COMPLAINTS.

01. Initial Inquiry. Inquiries concerning complaints may be initiated by the consumer, and directed to the Division of Building Safety, either verbally or in writing. (4-6-05)

02. Statute of Limitations. Complaints must be reported within one (1) year following the date of initial home installation. Complaints reported more than one (1) year following the date of initial home installation are not eligible for this dispute resolution process. (4-6-05)

03. Procedure. The division may discuss the nature of the complaint with the consumer, seek additional information or clarification, and provide the consumer with information regarding the complaint procedures. (4-6-05)

04. Complaint Form. The division will provide the consumer with a consumer complaint form. This form must be completed and returned to the division within thirty (30) days. (4-6-05)

013. INVESTIGATION.

01. Site Inspection. The completed consumer complaint form received by the division is reviewed and, based either on the nature of the complaint (serious defect or imminent safety hazard) or upon request of the consumer, manufacturer, installer, or dealer, a site inspection is scheduled. (4-6-05)

02. Inspectors. The site inspection may have only the division inspector and consumer present, at the consumer's request, or, if there is a dispute between the manufacturer, installer, or dealer, the inspection will be coordinated to include all involved parties. (4-6-05)

03. Costs. (4-6-05)

a. A site inspection made upon a consumer's request that involves issues concerning a defect as defined by HUD is conducted at no cost to the consumer. (4-6-05)

b. A charge for mileage to and from the inspection site, plus an hourly charge for the time spent conducting the inspection, is assessed the manufacturer, installer, or dealer if a site inspection is made upon a request by the manufacturer, installer, or dealer, and does not involve a serious defect or imminent safety hazard. (4-6-05)

04. Inspection Report. Following a site inspection, the inspector will prepare a final report and include copies of any photographs taken. (4-6-05)

05. Complaint Determination. Based on the complaint investigation, a determination is made as to the nature of the complaint and if follow-up is warranted by the division for action pursuant to HUD guidelines. (4-6-05)

014. ACTION.

Based on the determination resulting from the complaint investigation, a notification letter and copies of the completed consumer complaint form and investigation findings may be provided to all involved parties and to HUD as required. (4-6-05)

01. Division Action. If the nature of the complaint requires division action, notification and follow-up are completed according to HUD guidelines. (4-6-05)

02. License File. If the nature of the complaint pertains to dealer contractual issues or installation problems, a copy of the complaint is given to the manufactured housing section of the division to be consolidated with the appropriate license files. (4-6-05)

03. Correction or Repair. A division building inspector shall issue a report concerning correction or repair of defects that are a matter of dispute between the homeowner, dealer, installer, or manufacturer. The report will include the likely cause of the defect and identify the party responsible for creating the defect that is in need of correction or repair. (4-6-05)

015. DECISIONS - APPEALS - INFORMAL DISPOSITION.

01. Decisions. The division administrator will review the inspector's report and enter a decision setting forth the required corrective action and identifying the party to be responsible for such action. The division administrator may initiate a contested case proceeding if the administrator, in his sole discretion, determines that such a proceeding or further investigation would be of assistance in reaching a decision. The decision shall direct the

responsible party to complete the required corrective action within specified timelines. In reaching a decision with respect to appropriate timelines in which to complete corrective action, the administrator shall consider the needs of the involved parties including, but not limited to, safety, anticipated expense and availability of funds, time of year, and convenience to the parties. (4-6-05)

02. Appeals. Decisions of the administrator shall be final orders for purposes of appeal. (4-6-05)

03. Informal Disposition -- Arbitration -- Mediation. Unless otherwise prohibited by other provisions of law, informal disposition may be made of any complaint by negotiation, stipulation, agreed settlement, and consent order. The parties may agree to enter into binding arbitration or mediation. Informal settlement of matters is to be encouraged. (4-6-05)

016. -- 999. (RESERVED).

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