

**IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES
DIVISION OF BUILDING SAFETY – IDAHO FACTORY BUILT STRUCTURES
ADVISORY BOARD**

**24.39.32 – Rules Governing Manufactured Homes – Consumer Complaints –
Dispute Resolution**

Who does this rule apply to?

This rule applies to consumers of manufactured homes and the manufacturers, retailers and resale brokers, and installers of such homes against whom a consumer may file a complaint for failure to conform to the construction and safety standards applicable to the manufacture, sale, or installation of manufactured homes.

What is the purpose of this rule?

The rule sets forth the procedure for consumers to file complaints against manufacturers, retailers or installers of manufactured homes, including the investigation and disposition thereof by the Division.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature, and U.S. code:

Labor - Manufactured Home Deal and Installer Licensing:

- [44-2102\(4\), Idaho Code](#) – Administration – Powers and Duties

U.S. Code - The Public Health and Welfare -

Manufactured Home Construction and Safety Standards:

- [42 U.S.C. 5422\(c\)\(12\)](#) – State Enforcement

U.S. Code - Housing and Urban Development -

Manufactured Home Procedural and Enforcement Regulations:

- [24 CFR Part 3282, Subpart I](#): Consumer Complaint Handling and Remedial Actions

Who do I contact for more information on this rule?

Idaho Division of Building Safety
1090 E. Watertower Street, Suite 150
Meridian, ID 83642
Phone: (208) 334-3950
Fax: (877) 810-2840
Email: customer.service@dbs.idaho.gov
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**24.39.32 – RULES GOVERNING MANUFACTURED HOMES –
CONSUMER COMPLAINTS – DISPUTE RESOLUTION**

000. LEGAL AUTHORITY.

The Factory Built Structures 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. (3-20-20)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 24.39.32, “Rules Governing Manufactured Homes – Consumer Complaints – Dispute Resolution.” (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. Section 5422(c)(12). (4-6-05)

002. -- 011. (RESERVED)

012 COMPLAINTS.

01. Inquiry. Complaints may be initiated by the consumer and directed to the Division of Building Safety in writing. (3-20-20)

02. Statute of Limitations. Complaints are to be reported on forms provided by the Division within one (1) year following the date of initial home installation in order to be eligible for this dispute resolution process. (3-20-20)

013. INVESTIGATION.

01. Site Inspection. Upon review of the completed complaint form, the Division may perform a site inspection, based on the nature of the complaint or upon request of the complainant. (3-20-20)

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 photographs. (3-20-20)

05. Complaint Determination. Following an investigation, a determination is made regarding the complaint along with any follow-up required by HUD guidelines. (3-20-20)

014. ACTION.

A notification letter and copies of the complaint form and investigation findings may be provided to all involved parties and HUD. (3-20-20)

01. Division Action. Any Division action, notification and follow-up are completed according to HUD guidelines. (3-20-20)

02. License File. If the nature of the complaint pertains to retailer contractual issues or installation problems, a copy of the complaint is to be consolidated with the appropriate Division license files. (3-20-20)

03. Correction or Repair. A Division building inspector must issue a report concerning correction or

repair of defects that are a matter of dispute between the homeowner, retailer, 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. (3-20-20)

015. DECISIONS - APPEALS - INFORMAL DISPOSITION.

01. Decisions. The Administrator will review the inspector's report and set forth the required corrective action and identify the party responsible for such action. The Administrator may initiate a contested case proceeding if, in his sole discretion, he determines that such a proceeding or further investigation would be of assistance in reaching a decision. The decision must direct the responsible party to complete the required corrective action within specified timelines and 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. (3-20-20)

02. Appeals. Decisions of the administrator are 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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