

AGENDA

MANUFACTURED HOUSING BOARD

Thursday, February 9, 2023 - 10:00am

Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23060

- I. Roll Call
- II. Approval of October 13, 2022 Minutes
- III. Public Comment
- IV. New Business
 - a. Periodic Review of Regulations (Kyle Flanders item)
 - i. Public Participation Guidelines
 - ii. Manufactured Housing Licensing and Transaction Recovery Fund
- V. Old Business
- VI. Committee Reports
- VII. Secretary's Report
 - a. Transaction Recovery Fund Balance Report (2022 year ending)
 - b. OAG Payment Balance Report - (FY 2022 Debtor Balance Report)
 - c. Staff proposed next meeting date - August 10, 2023
 - d. Staff proposed location - Virginia Housing Center (VHC)
- VIII. Adjournment

VIRGINIA MANUFACTURED HOUSING BOARD

James Trepinski, Chair
(Manufacturer Representative)

Carey L. Allen
(Public Representative)

Stephan Geiser
(Manufactured Home Dealer Representative)

Keith W. Hicks
(Public Representative)

Sean D. Hicks
(Public Representative)

Daniel J. McCormick
(Public Representative)

James W. Roncaglione
(Director's Designee)

Robbie B. Rutherford
(Manufactured Home Dealer Representative)

Michael J. Sandkuhler, Vice-Chair
(Manufacturer Representative)

VIRGININA MANUFACTURED HOUSING BOARD
MEETING MINUTES
October 13 2022
Virginia Housing Center
4224 Cox Road, Glen Allen, Virginia 23260

Members Present

Mr. James Trepinski
Mr. Michael Sandkuhler
Ms. Carey L. Allen
Mr. Keith W. Hicks
Mr. James W. Roncaglione
Mr. Sean D. Hicks
Mr. Daniel J. McCormick
Mr. Robbie B. Rutherford

Members Absent

Mr. Stephen Geiser

Call to Order

The meeting of the Manufactured Housing Board (“Board”) was called to order at approximately 10:00 a.m. by Vice Chairman, James Trepinski.

Roll Call

The roll was called by Mr. Hilderbrand, who served as Secretary for the meeting and a quorum was present. Mr. Justin I. Bell, legal counsel for the Board from the Attorney General’s Office, was not present at the beginning of the meeting.

Election of Officers

Mr. Hilderbrand advised the board members that the terms of the officers of the Board had expired and election of officers was needed prior to moving forward with the meeting. Mr. Hilderbrand then called for nominations for Chair. Mr. Rutherford nominated Mr. Trepinski. The nomination was seconded by Mr. McCormick. Mr. Hilderbrand called for nominations for Chair twice more. After hearing no further nominations, Mr. Hilderbrand closed the nominations for Chair. A vote was taken and Mr. Trepinski was unanimously elected as Chair.

Chair Trepinski called for nominations for Vice-Chair. Mr. Sandkuhler nominated himself for Vice-Chair. The nomination was seconded by Mr. Rutherford. Chairman Trepinski called for additional nominations for Vice-Chair twice more; hearing none, he closed the nominations. A vote was taken and Mr. Sandkuhler was unanimously elected as Vice-Chair.

Chair Trepinski called for nominations for Secretary. Mr. Roncaglione nominated Mr. Luter for Secretary. The nomination was seconded by Vice-Chair, Sandkuhler. Chairman Trepinski called for additional

37 nominations for Secretary twice more; hearing none, he closed the
38 nominations. A vote was taken and Mr. Luter was unanimously elected
39 as Secretary.
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42 Approval of Minutes The draft minutes of the October 13, 2021 meeting in the Board
43 members' agenda package were considered. Mr. Roncaglione moved
44 to approve the minutes as presented. The motion was seconded by Ms.
45 Allen and passed unanimously.
46
47 Public Comment Chair Trepinski opened the meeting for public comment. Mr.
48 Hilderbrand advised that no one had signed up to speak. Mr. Randy
49 Grumbine asked the Chairman for the opportunity to make an
50 announcement and Chair Trepinski granted his request.
51
52 Mr. Grumbine announced that at the August VAMMHA Conference,
53 Mr. James Roncaglione was inducted into the VAMMHA Hall of
54 Fame.
55
56 New Business Periodic Review of Regulations:
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58 Mr. Kyle Flanders provided an overview and purpose of the Periodic
59 Review of Regulations; in this case, Public Participation Guidelines
60 and the Manufactured Housing Licensing and Transaction Recovery
61 Fund. There was a discussion regarding fees outlined in the MHLTRF
62 and how they are developed and or changed.
63
64 Mr. Sean Hicks made a motion to initiate a periodic review of the
65 Public Participation Guidelines. The motion was seconded by Mr.
66 Keith Hicks and the motion was approved unanimously.
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68 Chair Trepinski made a motion to initiate a periodic review of the
69 Manufactured Housing Licensing and Transaction Recovery Fund. The
70 motion was seconded by Ms. Allen and the motion was approved
71 unanimously.
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73 Old Business None
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75 Committee Reports None
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78 Secretary's Report Mr. Hilderbrand provided the Board a revenue and current balance
79 report for the Transaction Recovery Fund ending August 31, 2022.
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81 Mr. Hilderbrand provided the Board a FY 2022 Debtor's balance report
82 for the Transaction Recovery Fund provided by the AG's Office.
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Adjournment

There was discussion on where the funds come from and Mr. Roncaglione continued the discussion on to some of the long outstanding debts shown on the Debtor Balance Report provided by the AG's Office.

Mr. Justin Bell arrived at the end of the discussion (approximately 10:30) and questions were posed to him regarding the Debtor Balance Report status and how the debtors are pursued. Also discussed was what percentage of the debts go back into the Recovery Fund.

Mr. Hilderbrand presented a Certificate from the Governor's office to Sean Hicks for service to the board.

Mr. Hilderbrand informed the Board of the current caseload and that the next meeting was scheduled for February 9, 2023. Mr. Rutherford stated that he would be out of the country on that date but could attend on-line.

Mr. Bell stated that in order for remote participation to be an option for Board members the Board would need to adopt the Model Remote Participation Policy. Mr. Bell gave a presentation providing an overview of the Model Remote Participation Policy.

Mr. Rutherford made a motion to adopt the Model Remote Participation Policy. Mr. Keith Hicks seconded the motion and the motion passed unanimously.

Mr. Hilderbrand provided a MHB Training Presentation.

There being no further business, the meeting was adjourned by proper motion at approximately 12:30 pm.

Chair, Virginia Manufactured Housing Board

Secretary, Virginia Manufactured Housing Board

Code of Virginia
Title 2.2. Administration of Government
Chapter 40. Administrative Process Act

§ 2.2-4007.02. Public participation guidelines.

A. Public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations shall be developed, adopted, and used by each agency pursuant to the provisions of this chapter. The guidelines shall set out any methods for the identification and notification of interested parties and any specific means of seeking input from interested persons or groups that the agency intends to use in addition to the Notice of Intended Regulatory Action. The guidelines shall set out a general policy for the use of standing or ad hoc advisory panels and consultation with groups and individuals registering interest in working with the agency. Such policy shall address the circumstances in which the agency considers the panels or consultation appropriate and intends to make use of the panels or consultation.

B. In formulating any regulation, including but not limited to those in public assistance and social services programs, the agency pursuant to its public participation guidelines shall afford interested persons an opportunity to (i) submit data, views, and arguments, either orally or in writing, to the agency, to include an online public comment forum on the Virginia Regulatory Town Hall, or other specially designated subordinate and (ii) be accompanied by and represented by counsel or other representative. However, the agency may begin drafting the proposed regulation prior to or during any opportunities it provides to the public to submit comments.

2007, cc. [873](#), [916](#); 2012, c. [795](#).

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Virginia Administrative Code
Title 13. Housing

13VAC6. Virginia Manufactured Housing Board

VAC AGENCY NO. 6

VIRGINIA MANUFACTURED HOUSING BOARD

AGENCY SUMMARY

The Virginia Manufactured Housing Board was created within the Department of Housing and Community Development to issue licenses to manufacturers, dealers, brokers, and salespersons in the manufactured housing industry. The board is authorized to promulgate regulations to implement the Manufactured Housing Licensing and Transaction Recovery Fund Law. It is authorized to define, by regulation, that alterations or modifications to manufactured homes must be made by qualified personnel in accordance with the applicable standards of the Virginia Uniform Statewide Building Code and the Manufactured Home Safety Regulations. The Virginia Manufactured Housing Transaction Recovery Fund is established by licensees paying assessment fees. The board is authorized to promulgate regulations governing the administration of the fund to ensure the satisfaction of claims. Code of Virginia, Title 36, Chapter 4.2.

Rev. 9/2014

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

As a service to the public, the Virginia Administrative Code is provided online by the Virginia General Assembly. We are unable to answer legal questions or respond to requests for legal advice, including application of law to specific fact. To understand and protect your legal rights, you should consult an attorney.

Virginia Administrative Code

Chapter 11. Public Participation Guidelines

Part I

Purpose and Definitions

13VAC6-11-10. Purpose.

The purpose of this chapter is to promote public involvement in the development, amendment or repeal of the regulations of the Virginia Manufactured Housing Board. This chapter does not apply to regulations, guidelines, or other documents exempted or excluded from the provisions of the Administrative Process Act (§ [2.2-4000](#) et seq. of the Code of Virginia).

Statutory Authority

§§ [2.2-4007.02](#) and [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 25, Issue 3](#), eff. November 13, 2008.

13VAC6-11-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Administrative Process Act" means Chapter 40 (§ [2.2-4000](#) et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means the Virginia Manufactured Housing Board, which is the unit of state government empowered by the agency's basic law to make regulations or decide cases. Actions specified in this chapter may be fulfilled by state employees as delegated by the agency.

"Basic law" means provisions in the Code of Virginia that delineate the basic authority and responsibilities of an agency.

"Commonwealth Calendar" means the electronic calendar for official government meetings open to the public as required by § [2.2-3707](#) C of the Freedom of Information Act.

"Negotiated rulemaking panel" or "NRP" means an ad hoc advisory panel of interested parties established by an agency to consider issues that are controversial with the assistance of a facilitator or mediator, for the purpose of reaching a consensus in the development of a proposed regulatory action.

"Notification list" means a list used to notify persons pursuant to this chapter. Such a list may include an electronic list maintained through the Virginia Regulatory Town Hall or other list maintained by the agency.

"Open meeting" means any scheduled gathering of a unit of state government empowered by an agency's basic law to make regulations or decide cases, which is related to promulgating, amending or repealing a regulation.

"Person" means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof.

"Public hearing" means a scheduled time at which members or staff of the agency will meet for the purpose of receiving public comment on a regulatory action.

"Regulation" means any statement of general application having the force of law, affecting the rights or conduct of any person, adopted by the agency in accordance with the authority conferred on it by applicable laws.

"Regulatory action" means the promulgation, amendment, or repeal of a regulation by the agency.

"Regulatory advisory panel" or "RAP" means a standing or ad hoc advisory panel of interested parties established by the agency for the purpose of assisting in regulatory actions.

"Town Hall" means the Virginia Regulatory Town Hall, the website operated by the Virginia Department of Planning and Budget at www.townhall.virginia.gov, which has online public comment forums and displays information about regulatory meetings and regulatory actions under consideration in Virginia and sends this information to registered public users.

"Virginia Register" means the Virginia Register of Regulations, the publication that provides official legal notice of new, amended and repealed regulations of state agencies, which is published under the provisions of Article 6 (§ [2.2-4031](#) et seq.) of the Administrative Process Act.

Statutory Authority

§§ [2.2-4007.02](#) and [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 25, Issue 3](#), eff. November 13, 2008.

Part II

Notification of Interested Persons

13VAC6-11-30. Notification list.

A. The agency shall maintain a list of persons who have requested to be notified of regulatory actions being pursued by the agency.

B. Any person may request to be placed on a notification list by registering as a public user on the Town Hall or by making a request to the agency. Any person who requests to be placed on a notification list shall elect to be notified either by electronic means or through a postal carrier.

C. The agency may maintain additional lists for persons who have requested to be informed of specific regulatory issues, proposals, or actions.

D. When electronic mail is returned as undeliverable on multiple occasions at least 24 hours apart, that person may be deleted from the list. A single undeliverable message is insufficient cause to delete the person from the list.

E. When mail delivered by a postal carrier is returned as undeliverable on multiple occasions, that person may be deleted from the list.

F. The agency may periodically request those persons on the notification list to indicate their desire to either continue to be notified electronically, receive documents through a postal carrier, or be deleted from the list.

Statutory Authority

§§ [2.2-4007.02](#) and [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 25, Issue 3](#), eff. November 13, 2008.

13VAC6-11-40. Information to be sent to persons on the notification list.

A. To persons electing to receive electronic notification or notification through a postal carrier as described in [13VAC6-11-30](#), the agency shall send the following information:

1. A notice of intended regulatory action (NOIRA).
2. A notice of the comment period on a proposed, a repropoed, or a fast-track regulation and hyperlinks to, or instructions on how to obtain, a copy of the regulation and any supporting documents.
3. A notice soliciting comment on a final regulation when the regulatory process has been extended pursuant to § [2.2-4007.06](#) or [2.2-4013](#) C of the Code of Virginia.

B. The failure of any person to receive any notice or copies of any documents shall not affect the validity of any regulation or regulatory action.

Statutory Authority

§§ [2.2-4007.02](#) and [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 25, Issue 3](#), eff. November 13, 2008.

Part III

Public Participation Procedures

13VAC6-11-50. Public comment.

A. In considering any nonemergency, nonexempt regulatory action, the agency shall afford interested persons an opportunity to submit data, views, and arguments, either orally or in writing, to the agency. Such opportunity to comment shall include an online public comment forum on the Town Hall.

1. To any requesting person, the agency shall provide copies of the statement of basis, purpose, substance, and issues; the economic impact analysis of the proposed or fast-track regulatory action; and the agency's response to public comments received.
2. The agency may begin crafting a regulatory action prior to or during any opportunities it provides to the public to submit comments.

B. The agency shall accept public comments in writing after the publication of a regulatory action in the Virginia Register as follows:

1. For a minimum of 30 calendar days following the publication of the notice of intended regulatory action (NOIRA).
2. For a minimum of 60 calendar days following the publication of a proposed regulation.
3. For a minimum of 30 calendar days following the publication of a repropoed regulation.
4. For a minimum of 30 calendar days following the publication of a final adopted regulation.
5. For a minimum of 30 calendar days following the publication of a fast-track regulation.
6. For a minimum of 21 calendar days following the publication of a notice of periodic review.
7. Not later than 21 calendar days following the publication of a petition for rulemaking.

C. The agency may determine if any of the comment periods listed in subsection B of this section shall be extended.

D. If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may require the agency to provide an additional 30 calendar days to solicit additional public comment on the changes in accordance with § [2.2-4013](#) C of the Code of Virginia.

E. The agency shall send a draft of the agency's summary description of public comment to all public commenters on the proposed regulation at least five days before final adoption of the regulation pursuant to § [2.2-4012](#) E of the Code of Virginia.

Statutory Authority

§§ [2.2-4007.02](#) and [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 25, Issue 3](#), eff. November 13, 2008.

13VAC6-11-60. Petition for rulemaking.

A. As provided in § [2.2-4007](#) of the Code of Virginia, any person may petition the agency to consider a regulatory action.

B. A petition shall include but is not limited to the following information:

1. The petitioner's name and contact information;
2. The substance and purpose of the rulemaking that is requested, including reference to any applicable Virginia Administrative Code sections; and
3. Reference to the legal authority of the agency to take the action requested.

C. The agency shall receive, consider and respond to a petition pursuant to § [2.2-4007](#) and shall have the sole authority to dispose of the petition.

D. The petition shall be posted on the Town Hall and published in the Virginia Register.

E. Nothing in this chapter shall prohibit the agency from receiving information or from proceeding on its own motion for rulemaking.

Statutory Authority

§§ [2.2-4007.02](#) and [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 25, Issue 3](#), eff. November 13, 2008.

13VAC6-11-70. Appointment of regulatory advisory panel.

A. The agency may appoint a regulatory advisory panel (RAP) to provide professional specialization or technical assistance when the agency determines that such expertise is necessary to address a specific regulatory issue or action or when individuals indicate an interest in working with the agency on a specific regulatory issue or action.

B. Any person may request the appointment of a RAP and request to participate in its activities. The agency shall determine when a RAP shall be appointed and the composition of the RAP.

C. A RAP may be dissolved by the agency if:

1. The proposed text of the regulation is posted on the Town Hall, published in the Virginia Register, or such other time as the agency determines is appropriate; or
2. The agency determines that the regulatory action is either exempt or excluded from the requirements of the Administrative Process Act.

Statutory Authority

§§ [2.2-4007.02](#) and [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 25, Issue 3](#), eff. November 13, 2008.

13VAC6-11-80. Appointment of negotiated rulemaking panel.

A. The agency may appoint a negotiated rulemaking panel (NRP) if a regulatory action is expected to be controversial.

B. An NRP that has been appointed by the agency may be dissolved by the agency when:

1. There is no longer controversy associated with the development of the regulation;
2. The agency determines that the regulatory action is either exempt or excluded from the requirements of the Administrative Process Act; or
3. The agency determines that resolution of a controversy is unlikely.

Statutory Authority

§§ [2.2-4007.02](#) and [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 25, Issue 3](#), eff. November 13, 2008.

13VAC6-11-90. Meetings.

Notice of any open meeting, including meetings of a RAP or NRP, shall be posted on the Virginia Regulatory Town Hall and Commonwealth Calendar at least seven working days prior to the date of the meeting. The exception to this requirement is any meeting held in accordance with § [2.2-3707](#) D of the Code of Virginia allowing for contemporaneous notice to be provided to participants and the public.

Statutory Authority

§§ [2.2-4007.02](#) and [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 25, Issue 3](#), eff. November 13, 2008.

13VAC6-11-100. Public hearings on regulations.

A. The agency shall indicate in its notice of intended regulatory action whether it plans to hold a public hearing following the publication of the proposed stage of the regulatory action.

B. The agency may conduct one or more public hearings during the comment period following the publication of a proposed regulatory action.

C. An agency is required to hold a public hearing following the publication of the proposed regulatory action when:

1. The agency's basic law requires the agency to hold a public hearing;
2. The Governor directs the agency to hold a public hearing; or
3. The agency receives requests for a public hearing from at least 25 persons during the public comment period following the publication of the notice of intended regulatory action.

D. Notice of any public hearing shall be posted on the Town Hall and Commonwealth Calendar at least seven working days prior to the date of the hearing. The agency shall also notify those persons who requested a hearing under subdivision C 3 of this section.

Statutory Authority

§§ [2.2-4007.02](#) and [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 25, Issue 3](#), eff. November 13, 2008.

13VAC6-11-110. Periodic review of regulations.

A. The agency shall conduct a periodic review of its regulations consistent with:

1. An executive order issued by the Governor pursuant to § [2.2-4017](#) of the Administrative Process Act to receive comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance; and
 2. The requirements in § [2.2-4007.1](#) of the Administrative Process Act regarding regulatory flexibility for small businesses.
- B. A periodic review may be conducted separately or in conjunction with other regulatory actions.
- C. Notice of a periodic review shall be posted on the Town Hall and published in the Virginia Register.

Statutory Authority

§§ [2.2-4007.02](#) and [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 25, Issue 3](#), eff. November 13, 2008.

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Virginia Administrative Code

Chapter 20. Manufactured Housing Licensing and Transaction Recovery Fund RegulationsPart I
General

13VAC6-20-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

"Board" means the Virginia Manufactured Housing Board.

"Buyer" means the person who purchases at retail from a dealer or manufacturer a manufactured home for personal use as a residence or other related use.

"Claimant" means any person who has filed a verified claim under Chapter 4.2 (§ [36-85.16](#) et seq.) of Title 36 of the Code of Virginia.

"Code" means the appropriate standards of the Virginia Uniform Statewide Building Code ([13VAC5-63](#)) and the Manufactured Home Safety Regulations ([13VAC5-95](#)) adopted by the Board of Housing and Community Development and administered by the Department of Housing and Community Development pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC § 5401 et seq.) for manufactured homes.

"Controlling financial interest" means the direct or indirect ownership or control of a firm.

"Date of delivery" means the date on which all terms or conditions of the sales contract agreed to or required of the regulant have been completed.

"Dealer/manufacture sales agreement" means a written contract or agreement between a manufactured housing manufacturer and a manufactured housing dealer whereby the dealer is granted the right to engage in the business of offering, selling, and servicing new manufactured homes of a particular line or make of the stated manufacturer of such line or make. The term shall include any severable part of such sales agreement which separately provides for selling or servicing different lines or makes of the manufacturer.

"Defect" means any deficiency in or damage to materials or workmanship occurring in a manufactured home which has been reasonably maintained and cared for in normal use. The term also means any failure of any structural element, utility system or the inclusion of a component part of the manufactured home which fails to comply with the Code.

"Department" means the Department of Housing and Community Development.

"Director" means the Director of the Department of Housing and Community Development, or the director's designee.

"Fund" or "recovery fund" means the Virginia Manufactured Housing Transaction Recovery Fund.

"HUD" means the U.S. Department of Housing and Urban Development.

"Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable federal manufactured home construction or safety standard.

"Licensed" means the regulant has met all applicable requirements of this chapter, paid all required fees, and been authorized by the board to manufacture or offer for sale or sell manufactured homes in accordance with this chapter.

"Manufactured home" means a structure constructed to federal standards, transportable in one or more sections, which, in the traveling mode is eight feet or more in width and is 40 feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

"Manufactured home broker" or "broker" means any person, partnership, association or corporation, resident or nonresident, who, for compensation or valuable consideration, sells or offers for sale, buys or offers to buy, negotiates the purchase or sale or exchange, or leases or offers to lease used manufactured homes that are owned by a party other than the broker.

"Manufactured home dealer" or "dealer" means any person engaged in the business of buying, selling, or dealing in manufactured homes or offering or displaying manufactured homes for sale in Virginia. Any person who buys, sells, or deals in three or more manufactured homes in any 12-month period shall be presumed to be a manufactured home dealer. The terms "selling" and "sale" include lease-purchase transactions. The term "manufactured home dealer" does not include banks and finance companies that acquire manufactured homes as an incident to their regular business.

"Manufactured home manufacturer" or "manufacturer" means any persons, resident or nonresident, who manufacture or assemble manufactured homes for sale in Virginia.

"Manufactured home salesperson" or "salesperson" means any person who for compensation or valuable consideration is employed either directly or indirectly by, or affiliated as an independent contractor with, a manufactured home dealer to sell or offer to sell; or to buy or offer to buy; or to negotiate the purchase, sale or exchange; or to lease or offer to lease new or used manufactured homes.

"New manufactured home" means any manufactured home that (i) has not been previously sold except in good faith for the purpose of resale, (ii) has not been previously occupied as a place of habitation, (iii) has not been previously used for commercial purposes such as offices or storage, and (iv) has not been titled by the Virginia Department of Motor Vehicles and is still in the possession of the original dealer. If the home is later sold to another dealer and then sold to a consumer within two years of the date of manufacture, the home is still considered new and must continue to meet all state warranty requirements. However, if a home is sold from the original dealer to another dealer and it is more than two years after the date of manufacture, and it is then sold to a consumer, the home must be sold as "used" for warranty purposes. Notice of the "used" status of the manufactured home and how this status affects state warranty requirements must be provided, in writing, to the consumer prior to the closing of the sale.

"Person" means any individual, natural person, firm, partnership, association, corporation, legal representative, or other recognized legal entity.

"Regulant" means any person, firm, corporation, association, partnership, joint venture, or any other legal entity required by Chapter 4.2 (§ [36-85.16](#) et seq.) of Title 36 of the Code of Virginia to be licensed by the board.

"Regulations" or "these regulations" means this chapter, the Virginia Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed or license has been revoked or not renewed by the board.

"Relevant market area" means the geographical area established in the dealer/manufacturer sales agreement and agreed to by both the dealer and the manufacturer in the agreement.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company;
6. The officers or directors of an association or both; and
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Responsible party" means a manufacturer, dealer, or supplier of manufactured homes.

"Set-up" means the operations performed at the occupancy site which render a manufactured home fit for habitation. Such operations include, but are not limited to, transportation, positioning, blocking, leveling, supporting, anchoring, connecting utility systems, making minor adjustments, or assembling multiple or expandable units. Such operations do not include lawful transportation services performed by public utilities operating under certificates or permits issued by the State Corporation Commission.

"Standards" means the Federal Manufactured Home Construction and Safety Standards adopted by the U.S. Department of Housing and Urban Development.

"Statement of Compliance" means the statement found on the initial license application and on the renewal application that the regulant licensed by the board will comply with the Manufactured Housing Licensing and Transaction Recovery Fund Law, this chapter, and the orders of the board.

"Substantial identity of interest" means (i) a controlling financial interest by the individual or corporate principals of the manufactured home broker, dealer, or manufacturer whose license has been revoked or not renewed for cause by the board or (ii) substantially identical principals or officers as the manufactured home broker, dealer, or manufacturer whose license has been revoked or not renewed for cause by the board.

"Supplier" means the original producers of completed components, including refrigerators, stoves, water heaters, dishwashers, cabinets, air conditioners, heating units, and similar components and materials such as

floor coverings, paneling, siding, trusses, and similar materials, which are furnished to a manufacturer or a dealer for installation in the manufactured home prior to sale to a buyer.

"Used manufactured home" means any manufactured home other than a new home as defined in this section.

"Warranty" means any written assurance of the manufacturer, dealer, or supplier or any promise made by a regulant in connection with the sale of a manufactured home that becomes part of the basis of the sale. The term "warranty" pertains to the obligations of the regulant in relation to materials, workmanship, and fitness of a manufactured home for ordinary and reasonable use of the home for the term of the promise or assurance.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 1.1, eff. April 1, 1994; amended, Virginia Register [Volume 12, Issue 3](#), eff. January 1, 1996; [Volume 22, Issue 10](#), eff. April 12, 2006; [Volume 28, Issue 20](#), eff. July 4, 2012; [Volume 35, Issue 20](#), eff. July 1, 2019.

Part II

Licenses

Article 1

Manufacturers

13VAC6-20-20. License required; annual renewal.

A. Each manufacturer located in or outside of the Commonwealth delivering in or shipping into the Commonwealth manufactured homes for sale, shall apply to the board for a license. The license shall be displayed at the place of business in a conspicuous place accessible to the public. The license shall be issued for a term of one year from the date of issuance.

B. Each licensed manufacturer shall apply for license renewal annually, by application and accompanied by the required fee. Applicants for license renewal shall meet all the criteria for original licensing. Upon failure to renew, the license shall automatically expire.

C. Should the department fail to receive a licensed manufacturer's renewal form and appropriate fee within 30 days of the license expiration date, the manufacturer shall be required to reinstate the license according to the terms and conditions of Article 8 ([13VAC6-20-201](#) et seq.) of this part.

D. For licensing purposes, a manufacturer operating more than one manufacturing facility shall have each location treated as a separate entity and shall adhere to all requirements for manufacturer licensing at each location, including posting a license at each location. Multiple production lines at one site shall be considered as a single facility for licensing purposes under the following conditions:

1. All production lines at that site are identified by the parent company with the same name, address and plant number.
2. All production lines at that site are under the same general and production management.
3. All production lines at that site are identified by the same Federal Identification Number (FIN) for tax purposes.

Statutory Authority

§§ [36-85.18](#) and [36-85.36](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.1, eff. April 1, 1994; amended, Virginia Register [Volume 12, Issue 3](#), eff. January 1, 1996; [Volume 28, Issue 20](#), eff. July 4, 2012.

13VAC6-20-30. Application for licensing; renewal.

A. Application for license or renewal shall be on forms supplied by the department and may be submitted as designated in hard copy or by electronic means. All information required on the form shall be furnished by the applicant for the board's review.

B. Each application for original licensure shall be accompanied by the following:

1. Deposit in the Transaction Recovery Fund required by [13VAC6-20-420](#) A 1.
2. Licensing fee required by [13VAC6-20-200](#) A 1.
3. Copy of the manufacturer's homeowner and installation manuals.
4. Statement of compliance.
5. List of salespeople licensed in Virginia.

C. The Department of Housing and Community Development will mail a notice of renewal to the licensee at the last known address of record. Licensees may submit renewals by mail or electronically. Failure to receive this notice shall not relieve the licensee of the obligation to renew. If the licensee does not receive the notice of renewal, a copy of the license may be substituted with the required fee. Each application for renewal shall be accompanied by the following:

1. Licensing fee required by [13VAC6-20-200](#) A 2.
2. If revised, a copy of the revised homeowner and installation manuals.
3. Statement of compliance.
4. Updated list of salespeople employed.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.2, eff. April 1, 1994; amended, Virginia Register [Volume 12, Issue 3](#), eff. January 1, 1996; [Volume 28, Issue 20](#), eff. July 4, 2012; [Volume 35, Issue 20](#), eff. July 1, 2019.

13VAC6-20-40. Statement of Compliance.

The Statement of Compliance shall be signed by the person or responsible officer having full authority to commit his firm to the conditions of compliance and shall not be transferable. Violation of the Statement of

Compliance is ground for suspension of the license.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.3, eff. April 1, 1994.

Article 2

Dealers

13VAC6-20-50. License required; annual renewal.

Article 2

Dealers

- A. Any person located in or outside of the Commonwealth buying or selling or offering or displaying manufactured homes for sale in Virginia and meeting the definition of a dealer in [13VAC6-20-10](#) shall apply to the board for a license. The license shall be displayed in a conspicuous place accessible to the public in the office of the business location. The license shall be issued for a term of one year from the date of issuance.
- B. Each licensed dealer shall apply for license renewal annually by application and accompanied by the required fee. Applicants for license renewal shall meet all the criteria for original licensing. Upon failure to renew, the license shall automatically expire.
- C. Should the department fail to receive a licensed dealer's renewal form and appropriate fee within 30 days of the license expiration date, the dealer shall be required to reinstate the license according to the terms and conditions of Article 8 ([13VAC6-20-201](#) et seq.) of this part.
- D. For licensing purposes, a dealer operating more than one retail location shall have each location treated as a separate entity and shall adhere to all requirements for dealer licensing including posting a license at each location.
- E. Each dealer licensed under this chapter shall also obtain a certificate of dealer registration from the Virginia Motor Vehicle Dealer Board (MVDB). The certificate of registration shall be renewed annually and shall be maintained in effect with the MVDB as long as the dealer is licensed under this chapter.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.4, eff. April 1, 1994; amended, Virginia Register [Volume 12, Issue 3](#), eff. January 1, 1996; [Volume 28, Issue 20](#), eff. July 4, 2012; [Volume 35, Issue 20](#), eff. July 1, 2019.

13VAC6-20-60. Application for licensing; renewal.

- A. Application for license or renewal shall be on forms supplied by the department and may be submitted as designated in hard copy or by electronic means. All information required on the form shall be furnished by the applicant for the board's review.

B. Each application for original licensure shall be accompanied by the following:

1. Deposit in the Transaction Recovery Fund required by [13VAC6-20-420](#) A 2.
2. Licensing fee required by [13VAC6-20-200](#) A 3.
3. Statement of compliance.
4. Verification of a business office with all utilities, including a business telephone, and where the required business records are maintained.
5. Verification of a permanent business sign, in view of public traffic, bearing the name of the firm.
6. List of salespeople employed.
7. Name of the owner, principal, manager, agent, or other person designated as the holder of the dealer's license for the specific location and the names of other partners or principals in the dealership.

Photographs of the front of the business office and required sign may be considered as verification required by this subsection.

C. The Department of Housing and Community Development will mail a notice of renewal to the licensee at the last known address of record. Licensees may submit renewals by mail or electronically. Failure to receive this notice shall not relieve the licensee of the obligation to renew. If the licensee does not receive the notice of renewal, a copy of the license may be substituted with the required fee. Each application for renewal shall be accompanied by the following:

1. Licensing fee required by [13VAC6-20-200](#) A 4.
2. Statement of compliance.
3. Notification of any significant changes to the office or the business sign.
4. Updated list of salespeople employed.
5. Any changes of officers or directors of the company or corporation.
6. A copy of the dealer's current certificate of registration from the Virginia Motor Vehicle Dealer Board.

D. Any change in the form of ownership of the dealer or any changes (deletions or additions) in the partners or principals of the dealer shall be submitted to the board with an application and fee for a new license. If the new owner assumes the liabilities of the previous owner, then a new recovery fund assessment is not required. New recovery fund assessments shall be required when the new owner does not assume the liabilities of the previous owner. The board shall be notified immediately by the dealer of any change in the operating name of the dealer. The director shall endorse the change on the license without requiring an additional fee. The board shall be notified immediately by the dealer of any change in the location of the dealer. The dealer shall pay a fee of \$50 for the change of location on the license but shall not be required to pay an additional assessment to the recovery fund for the change of location only.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.5, eff. April 1, 1994; amended, Virginia Register [Volume 28, Issue 20](#), eff. July 4, 2012; [Volume 35, Issue 20](#), eff. July 1, 2019.

13VAC6-20-70. Statement of Compliance.

The Statement of Compliance shall be signed by the person or responsible officer having full authority to commit the dealer to the conditions of compliance and shall not be transferable. Violation of the Statement of Compliance is ground for suspension of the license.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.6, eff. April 1, 1994.

13VAC6-20-80. Dealer responsibility for inspections; other items.

A. The dealer shall inspect every new manufactured home unit upon delivery from a manufacturer. If a dealer becomes aware of a noncompliance or an imminent safety hazard in a manufactured home, the dealer shall contact the manufacturer, provide full information concerning the problem, and request appropriate action by the manufacturer. No dealer shall sell a new manufactured home if he becomes aware that it contains a defect or an imminent safety hazard.

B. The dealer shall inspect every new manufactured home unit prior to selling to determine that all appliances, fixtures, and devices are not damaged and are in place and operable.

C. A dealer shall not alter or cause to be altered any manufactured home to which a HUD label has been affixed if such alteration or conversion causes the manufactured home to be in violation of the standards.

D. If the dealer provides for the installation of any manufactured home the dealer sells, the dealer shall be responsible for making sure the installation of the home meets the manufacturer's installation requirements and the Code.

E. On each home sold by the dealer, the dealer shall collect the applicable title fees and title tax for the manufactured home, to include an additional \$30 inspection/administrative fee, and forward such fees and taxes to the Virginia Department of Motor Vehicles.

The above fees shall be submitted to the Virginia Department of Motor Vehicles within 30 days from the completion date of the sale.

F. On each home sold by the dealer, the dealer shall provide the owner with information to file a claim supplied by the department.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.7, eff. April 1, 1994; amended, Virginia Register [Volume 22, Issue 10](#), eff. April 12, 2006; [Volume 28, Issue 20](#), eff. July 4, 2012; [Volume 35, Issue 20](#), eff. July 1, 2019.

Article 3
Brokers

13VAC6-20-90. License required; annual renewal.

Article 3
Brokers

A. Any person located in or outside of the Commonwealth (i) buying or selling, negotiating the purchase or sale or exchange of, or leasing used manufactured homes and (ii) meeting the definition of broker in [13VAC6-20-10](#) shall apply to the board for a license. The license shall be displayed in a conspicuous place accessible to the public in the office of the business location. The license shall be issued for a term of one year from the date of issuance.

B. Each licensed broker shall apply for license renewal annually by application and accompanied by the required fee. Applicants for license renewal shall meet all the criteria for original licensing. Upon failure to renew, the license shall automatically expire.

C. Should the department fail to receive a licensed broker's renewal form and appropriate fee within 30 days of the license expiration date, the broker shall be required to reinstate the license according to the terms and conditions of Article 8 ([13VAC6-20-201](#) et seq.) of this part.

D. For licensing purposes, a broker operating more than one business location shall have each location treated as a separate entity and shall adhere to all requirements for broker licensing, including posting a license, at each location.

E. Each broker licensed under this chapter shall also obtain a certificate of dealer registration from the Virginia Motor Vehicle Dealer Board (MVDB). The certificate of registration shall be renewed annually and shall be maintained in effect with the MVDB as long as the broker is licensed under this chapter.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.8, eff. April 1, 1994; amended, Virginia Register [Volume 12, Issue 3](#), eff. January 1, 1996; [Volume 28, Issue 20](#), eff. July 4, 2012; [Volume 35, Issue 20](#), eff. July 1, 2019.

13VAC6-20-100. Application for licensing; renewal.

A. Application for license or renewal shall be on forms supplied by the department and may be submitted as designated in hard copy or by electronic means. All information required on the form shall be furnished by the applicant for the board's review.

B. Each application for original licensure shall be accompanied by the following:

1. Deposit in the Transaction Recovery Fund required by [13VAC6-20-420](#) A 3.
2. Licensing fee required by [13VAC6-20-200](#) A 5.
3. Statement of compliance.

4. Verification of a business office with all utilities, including a business telephone, and where the required business records are maintained.
5. Verification of a permanent business sign, in view of public traffic, bearing the name of the firm.
6. Name of the owner, principal, manager, agent or other person designated as the holder of the broker's license for the specific location and the names of the partners or principals in the broker's firm.
7. List of salespeople employed.

Photographs of the front of the business office and required sign may be considered as verification required by this subsection.

C. The Department of Housing and Community Development will mail a notice of renewal to the licensee at the last known address of record. Licensees may submit renewals by mail or electronically. Failure to receive this notice shall not relieve the licensee of the obligation to renew. If the licensee does not receive the notice of renewal, a copy of the license may be substituted with the required fee. Each application for renewal shall be accompanied by the following:

1. Licensing fee required by [13VAC6-20-200](#) A 6.
2. Statement of compliance.
3. Notification of any significant changes to the office or the business sign.
4. Any changes of officers or directors of the company or corporation.
5. A copy of the broker's current certificate of registration from the Virginia Motor Vehicle Dealer Board.
6. Updated list of salespeople employed.

D. Any change in the form of ownership of the broker or any changes (deletions or additions) in the partners or principals of the broker shall be submitted to the board with an application and fee for a new license. If the new owner assumes the liabilities of the previous owner, then a new recovery fund assessment is not required. New recovery fund assessments shall be required when the new owner does not assume the liabilities of the previous owner.

The board shall be notified immediately by the broker of any change in the operating name of the broker. The director shall endorse the change on the license without requiring an additional fee. The board shall be notified immediately by the broker of any change in location of the broker. The broker shall pay a fee of \$50 for the change of location on the license but shall not be required to pay an additional assessment to the recovery fund for the change of location only.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.9, eff. April 1, 1994; amended, Virginia Register [Volume 12, Issue 3](#), eff. January 1, 1996; [Volume 28, Issue 20](#), eff. July 4, 2012; [Volume 35, Issue 20](#), eff. July 1, 2019.

13VAC6-20-110. Statement of Compliance.

The Statement of Compliance shall be signed by the person or responsible officer having full authority to commit the broker to the conditions of compliance and shall not be transferable. Violation of the Statement of Compliance is ground for suspension of the license.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.10, eff. April 1, 1994.

13VAC6-20-120. Broker responsibility for inspections; other items.

A. The broker shall inspect every used manufactured home unit prior to completion of sale. No broker shall sell a used manufactured home, if he becomes aware that it contains an imminent safety hazard.

Exception: A broker may sell a used manufactured home in which he is aware of an imminent safety hazard if the buyer is advised of the imminent safety hazard in writing by the broker and is further advised that building permits may be required from the local building official for repair of the imminent safety hazard.

B. A broker shall not alter or cause to be altered any manufactured home to which a HUD label has been affixed if such alteration or conversion causes the manufactured home to be in violation of the standards.

C. If the broker provides for the installation of any manufactured home he sells, the broker shall be responsible for making sure the installation of the home meets the manufacturer's installation requirements and the Code.

D. On each home sold by the broker, the broker shall collect the applicable title tax and title fees for the manufactured home, to include an additional \$30 inspection/administrative fee, and forward such fees and taxes to the Virginia Department of Motor Vehicles.

The above fees shall be submitted to the Virginia Department of Motor Vehicles within 30 days from the completion date of the sale.

Statutory Authority

§§ [36-85.18](#) and [36-85.36](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.11, eff. April 1, 1994; amended, Virginia Register [Volume 22, Issue 10](#), eff. April 12, 2006; [Volume 28, Issue 20](#), eff. July 4, 2012.

Article 4

Salespeople

13VAC6-20-130. License required; annual renewal.

Article 4

Salespeople

A. Any person employed by a dealer, broker or manufacturer buying or selling or negotiating the purchase, sale or exchange of new or used manufactured homes and meeting the definition of a salesperson in [13VAC6-20-10](#) shall apply to the board for a license. The salesperson's license shall be displayed in the company's business

office in a conspicuous place accessible to the public in public view. The license shall be issued for a term of one year from the date of issuance. A salesperson shall be authorized by the board to sell manufactured homes after applying for a license, accompanied by the required fees, but prior to receiving the license back from the board, and shall not be considered to be an "unlicensed salesperson" during such time.

B. Each licensed salesperson shall apply for license renewal annually, by application and accompanied by the required fee. Applicants for license renewal shall meet all criteria for original licensing. Upon failure to renew, the license shall automatically expire.

C. Should the department fail to receive a licensed salesperson's renewal form and appropriate fee within 30 days of the license expiration date, the salesperson shall be required to reinstate the license according to the terms and conditions of Article 8 ([13VAC6-20-201](#) et seq.) of this part.

D. When employed by a dealer, broker or manufacturer having more than one licensed retail location or business office, a licensed salesperson may transfer or be temporarily assigned from one location to the other as long as he is working for the same company under the same ownership. Such transfer or assignment shall not require an additional license or Transaction Recovery Fund assessment. If a salesperson works for more than one company or at locations with different owners, he shall be licensed separately for each and pay a separate Transaction Recovery Fund assessment for each such license.

Statutory Authority

§§ [36-85.18](#) and [36-85.36](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.12, eff. April 1, 1994; amended, Virginia Register [Volume 12, Issue 3](#), eff. January 1, 1996; [Volume 28, Issue 20](#), eff. July 4, 2012.

13VAC6-20-140. Application for licensing; renewal.

A. Application for license or renewal shall be on forms supplied by the department and may be submitted as designated in hard copy or by electronic means. All information required on the form shall be supplied by the applicant for the board's review.

B. Each application for original licensure shall be accompanied by the following:

1. Deposit in the Transaction Recovery Fund required by [13VAC6-20-420](#) A 4.
2. Licensing fee required by [13VAC6-20-200](#) A 7.
3. Statement of Compliance.

C. The Department of Housing and Community Development will mail a notice of renewal to the licensee at the last known address of record. Licensees may submit renewals by mail or electronically. Failure to receive this notice shall not relieve the licensee of the obligation to renew. If the licensee does not receive the notice of renewal, a copy of the license may be substituted with the required fee. Each application for renewal shall be accompanied by the following:

1. Licensing fee required by [13VAC6-20-200](#) A 8.
2. Statement of Compliance.

Statutory Authority

§§ [36-85.18](#) and [36-85.36](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.13, eff. April 1, 1994; amended, Virginia Register [Volume 28, Issue 20](#), eff. July 4, 2012.

13VAC6-20-150. Termination of employment; notification to department.

Whenever the salesperson's employment is terminated, the salesperson shall immediately send his license to the department. The license shall be marked "Employment terminated on Date" with the date given that the salesperson stopped working for the dealer, broker or manufacturer. The dealer, broker or manufacturer also shall notify the department of the salesperson's termination of employment no later than the tenth day of the month following the month of termination.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.14, eff. April 1, 1994; amended, Virginia Register [Volume 12, Issue 3](#), eff. January 1, 1996.

Article 5

Special License

13VAC6-20-160. Special license; applications; fees.

Article 5

Special License

A. The board may approve applications from regulants for special licenses, not to exceed 10 days in duration, for a temporary place of business operated or proposed by the regulant. The temporary location shall not be contiguous to other premises for which a license is issued, except that contiguous locations may be licensed for dealer and manufacturer product shows.

B. The application for special licenses shall be submitted on forms supplied by the department. All information required with the application shall be furnished by the applicant for the board's review. Applications shall be submitted to the board at least 30 days prior to the requested effective date of the special license.

C. The application shall be accompanied by the required fee in [13VAC6-20-200](#) B.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.15, eff. April 1, 1994.

Article 6
Violations and Hearings

13VAC6-20-170. Prohibited conduct; grounds for denying, suspending or revoking license.

Article 6
Violations and Hearings

A. The following acts by regulants are prohibited and may be considered by the board as grounds for action against the regulant:

1. Engaging in business as a manufactured home manufacturer, dealer, or broker without first obtaining a license from the board.
2. Engaging in business as a manufactured home salesperson without first applying to the board for a license.
3. Making a material misstatement in an application for license.
4. Failing to pay a required assessment to the Transaction Recovery Fund.
5. Failing to comply with the warranty service obligations and claims procedures required by this chapter.
6. Failing to comply with the set-up and tie-down requirements of the Code.
7. Knowingly failing or refusing to account for or pay over money or other valuables belonging to others which have come into the regulant's possession due to the sale of a manufactured home.
8. Using unfair methods of competition or unfair or deceptive commercial acts or practices.
9. Failing to comply with the advertising provisions in Part IV ([13VAC6-20-270](#) et seq.) of this chapter.
10. Defrauding any buyer to the buyer's damage, and any other person in the conduct of the regulant's business.
11. Employing an unlicensed salesperson.
12. Knowingly offering for sale a manufactured home produced by a manufacturer that is not licensed as a manufacturer under this chapter.
13. Knowingly selling a manufactured home to a dealer who is not licensed as a dealer under this chapter.
14. Failing to appear before the board upon due notice.
15. Failing to comply with orders issued by the board pursuant to this chapter.
16. Failing to renew a license and continuing to engage in business as a manufacturer, dealer, broker, or salesperson after the expiration of any license.
17. A salesperson selling, exchanging, or offering to sell or exchange a manufactured home for any dealer or broker other than the licensed dealer or broker employing the salesperson.
18. A salesperson offering, transferring, or assigning any negotiated sale or exchange of a manufactured home to another dealer, broker, manufacturer, or salesperson.
19. Failing to comply with the statement of compliance.

20. Failing to notify the board of a change of location or address of the business office.
21. Failing to comply with any provisions of this chapter.
 - a. The board may revoke or deny renewal of an existing license or refuse to issue a license to any manufactured home broker, dealer, manufacturer, or salesperson who is shown to have a substantial identity of interest with a manufactured home broker, dealer, or manufacturer whose license has been revoked or not renewed by the board.
 - b. Any person whose license is revoked or not renewed for cause by the board shall not be eligible for a license under any circumstances or under any name, except as provided by regulations of the board pursuant to § [36-85.18](#) of the Code of Virginia.
22. Failing to comply with the regulations of state or federal agencies regarding the financing, titling, taxation, or transporting of manufactured homes.
23. Failing to perform a written contract between the regulant and seller or buyer that contains the following minimum requirements:
 - a. A statement of the total cost of the contract and the amounts, including specific statement on the cost of the home, any additional costs for work to be performed, and the amount of the down payment, taxes, and titling fees.
 - b. A listing of specified materials and work to be performed and who is to supply the materials and perform that work.
 - c. Contract to identify the business name as shown on the license issued per this chapter and to include the address and the phone number of the business.
 - d. Specify the make and model of the home.
 - e. Specify if the home is new or used.
 - f. Specify the length and width of the home as defined by the HUD Standards.
 - g. Specify the date of manufacture and the serial number, except when the home is specially ordered from the manufacturer for the buyer and this information is not known.
24. Failing to provide a statement notifying consumers of the limitations on damages retained by dealer disclosure to the buyer.
25. Failing to provide a statement notifying consumers of the dispute resolution program available to resolve disputes concerning defects in manufactured homes.
 - B. The board may deny, suspend, revoke, or refuse to renew or reinstate the license of a regulant because of, but not limited to, one or more of the following grounds:
 1. Having had a license previously denied, revoked, or suspended under this chapter.
 2. Having a license denied, suspended, or revoked by a similar licensing entity in another state.
 3. Engaging in conduct in another state that would have been a violation of this chapter if the actions were committed in Virginia.

4. Failing to obtain a required certification of registration from the Motor Vehicle Dealer Board (MVDB), failing to renew the annual certificate of registration from the MVDB, or having the certificate of registration suspended or revoked by the MVDB.
5. Having been convicted or found guilty in any jurisdiction of a felony.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.16, eff. April 1, 1994; amended, Virginia Register [Volume 12, Issue 3](#), eff. January 1, 1996; [Volume 28, Issue 20](#), eff. July 4, 2012; [Volume 35, Issue 20](#), eff. July 1, 2019.

13VAC6-20-180. Penalties; notice to regulant.

A. The board shall have the power to deny, suspend, revoke, or refuse to renew or reinstate the license of a regulant found to be engaging in prohibited conduct or otherwise failing to comply with this chapter or orders of the board.

B. The board shall have the authority to levy monetary penalties in addition to or instead of denying, suspending, revoking, or refusing to renew or reinstate a regulant's license. Such monetary penalties shall include the following:

1. Monetary penalties of up to \$2,500 for each violation by a manufacturer.
2. Monetary penalties of up to \$2,500 for each violation by a dealer or broker.
3. Monetary penalties of up to \$2,500 for each violation by a salesperson.

C. The board shall notify the regulant, in writing, of any complaint directed against him. The notice shall include the time and place of a conference or hearing on the complaint. No penalties shall be imposed by the board until after the conference or hearing.

Statutory Authority

§§ [36-85.18](#) and [36-85-36](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.17, eff. April 1, 1994; amended, Virginia Register [Volume 28, Issue 20](#), eff. July 4, 2012.

13VAC6-20-190. Conference; hearing; service of notice.

A. The board, or department acting on the board's behalf, shall send notice of the conference or hearing to the regulant at least 15 calendar days prior to the date of the conference or hearing. The notice shall be sent by certified mail to the address of the regulant, as shown on the license or other record of information in possession of the board.

B. The conference or hearing shall be conducted by the board according to the applicable provision of the Administrative Process Act and shall be open to the public. The regulant or applicant shall have the right to be heard in person or by counsel, and to provide evidence and witnesses on his behalf.

C. After the conference or hearing has been completed, if the board determines that the regulant or applicant has engaged in prohibited conduct, or is in violation of this chapter or orders of the board, or otherwise determines that it has grounds to impose any penalties under [13VAC6-20-180](#), the board shall immediately notify the regulant or applicant in writing, by certified mail, of the action imposed by the board. The department shall be responsible for carrying out the board's decision. The department shall also notify the Department of Motor Vehicles of the suspension or revocation of any dealer's or broker's license under this chapter.

Statutory Authority

§§ [36-85.18](#) and [36-85.36](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.18, eff. April 1, 1994; amended, Virginia Register [Volume 28, Issue 20](#), eff. July 4, 2012.

Article 7

License Fees

13VAC6-20-200. Fee schedules.

Article 7

License Fees

A. The following fees are set by the board for annual licenses and renewals issued in accordance with this chapter. Checks, money orders, credit cards and other approved electronic fee payments shall be made payable to the Treasurer of Virginia or applicable state agency. In the event that a check, money draft, credit card, or similar instrument for payment of a required fee is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee plus an additional processing charge set by the department.

1. The manufacturer's original license fee shall be \$700.
2. The manufacturer's renewal license fee shall be \$600.
3. The dealer's original license fee shall be \$200.
4. The dealer's renewal license fee shall be \$150.
5. The broker's original license fee shall be \$200.
6. The broker's renewal license fee shall be \$150.
7. The salesperson's original license fee shall be \$100.
8. The salesperson's renewal license fee shall be \$100.

B. The following fees apply to special licenses issued by the board in accordance with Article 5 ([13VAC6-20-160](#)) of this part:

1. Manufacturer's special license fee shall be \$40.
2. Dealer's special license fee shall be \$40.

3. Broker's special license fee shall be \$40.

4. Salesperson's special license fee shall be \$30.

Statutory Authority

§§ [36-85.18](#) and [36-85.36](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 2.19, eff. April 1, 1994; amended, Virginia Register [Volume 12, Issue 3](#), eff. January 1, 1996; [Volume 28, Issue 20](#), eff. July 4, 2012.

Article 8

Reinstatement

13VAC6-20-201. Reinstatement required.

Article 8

Reinstatement

Should the board fail to receive a license holder's renewal form and appropriate fee within 30 days of the license expiration date, or if the license has been revoked or not renewed by the board the applicant shall be required to reinstate the license. Applicants for reinstatement of a manufacturer's license shall continue to meet all the qualifications for licensure set forth in Article 1 ([13VAC6-20-20](#) et seq.) of this part. Applicants for reinstatement of a dealer's license shall continue to meet all the qualifications for licensure set forth in Article 2 ([13VAC6-20-50](#) et seq.) of this part. Applicants for reinstatement of a broker's license shall continue to meet all qualifications for licensure set forth in Article 3 ([13VAC6-20-90](#) et seq.) of this part. Applicants for reinstatement of a salesperson's license shall continue to meet all qualifications for licensure set forth in Article 4 ([13VAC6-20-130](#) et seq.) of this part.

Statutory Authority

§§ [36-85.18](#) and [36-85.36](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 28, Issue 20](#), eff. July 4, 2012.

13VAC6-20-202. Reinstatement fees.

Each check, money order, credit card, and other approved electronic payment of fee shall be made payable to the "Treasurer of Virginia" or applicable state agency. In the event that a check, money draft, credit card, or similar instrument for payment of a required fee is not honored by the bank or financial institution named, the applicant shall be required to remit fees sufficient to cover the original fee, plus an additional processing charge set by the department. The following reinstatement fees shall be submitted by the applicant with the reinstatement application:

- | | |
|-----------------------|--------|
| 1. Manufacturer's fee | \$750* |
| 2. Dealer's fee | \$300* |
| 3. Broker's fee | \$300* |
| 4. Salesperson's fee | \$225* |
- *Includes the renewal fee listed in [13VAC6-20-200](#).

The date on which the reinstatement application and fee is received by the department shall determine whether the licensee is eligible for reinstatement or must apply for a new license and meet the license requirements in place at the time of that application. Licenses that have been expired for a year or more from date of expiration are not eligible for reinstatement. An application for a new license must be submitted.

Statutory Authority

§§ [36-85.18](#) and [36-85.36](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 28, Issue 20](#), eff. July 4, 2012.

13VAC6-20-203. Status of the license during the period prior to reinstatement.

A manufacturer, dealer, broker, or salesperson who reinstates his license shall be regarded as having been continuously licensed without interruption, shall remain under the full disciplinary authority of the board during this period, and may be held accountable for his activities during this period. Any person who suffers a loss or damage by an act of a regulant that constitutes a violation of this chapter during the period between the expiration of the license and the reinstatement of the license shall not be prohibited from filing a claim for recovery from the Manufactured Housing Transaction Recovery Fund.

A regulant who fails to reinstate his license shall be regarded as unlicensed from the expiration date of the license forward.

Nothing in this chapter shall divest the board of its authority to discipline a regulant for a violation of the law or regulations during the period of time for which the regulant was licensed.

Statutory Authority

§§ [36-85.18](#) and [36-85.36](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 28, Issue 20](#), eff. July 4, 2012.

13VAC6-20-204. Board discretion to deny reinstatement.

Failure to timely pay any monetary penalty, reimbursement of costs or other fee assessed by consent order or final order shall result in delaying or withholding services provided by the department such as, but not limited to, renewal, reinstatement, or processing of a new application. The board may deny reinstatement of a license for the same reasons as it may refuse initial or renewal licensure or to discipline a regulant.

Statutory Authority

§§ [36-85.18](#) and [36-85.36](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 28, Issue 20](#), eff. July 4, 2012.

Part III

Dealer or Manufacturer Sales Agreements

13VAC6-20-210. Filing of dealer or manufacturer sales agreements; contents.

A. Each licensed manufacturer shall file with the board a true copy of each new, amended, modified, or different form of dealer/manufacturer sales agreement to be offered to a dealer or prospective dealer in the Commonwealth prior to the date the sales agreement is offered. The department shall review the form for terms inconsistent with the requirements of this chapter. Any forms found to contain inconsistent terms shall be reported to the board for review and notification. The department shall notify the manufacturer of the inconsistent terms and its report to the board.

B. The sales agreement between the manufacturer and the dealer shall not include terms that are contrary to, prohibited by, or otherwise inconsistent with the requirements of this chapter.

C. The manufacturer shall include in any sales agreement with a dealer the following language or words to that effect:

"If any provision herein contravenes the laws or regulations of Virginia, or denies access to the procedures, hearings, or remedies provided by the laws or regulations of Virginia, such provision shall be deemed to be modified to conform to those laws and regulations, and all other terms and provisions of the agreement shall remain in full force."

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 3.1, eff. April 1, 1994.

13VAC6-20-220. Coercion of dealer by manufacturer prohibited.

A. A manufacturer shall not coerce or attempt to coerce any dealer or prospective dealer to sell, assign, or transfer any sales contract obtained by the dealer for any manufactured home produced by the manufacturer, to a specified finance company or class of finance companies or to any other specified persons by any of the following:

1. By any statement, suggestion, promise or threat that the manufacturer will in any manner benefit or injure the dealer, whether the statement, suggestion, threat, or promise is express or implied or made directly or indirectly.

2. By any act that will benefit or injure the dealer.

3. By any contract, or any express or implied offer of contract, made directly or indirectly to the dealer, for handling the manufactured home on the condition that the dealer sell, assign, or transfer his sales contract on the manufactured home to a specified finance company or class of finance companies or to any other specified persons.

4. By any express or implied statement or representation made directly or indirectly that the dealer is under any obligation to sell, assign, or transfer any of his sales contracts because of any relationship or affiliation between the manufacturer and the finance company or persons.

B. A manufacturer shall not coerce or attempt to coerce any dealer to accept delivery of any manufactured home or homes, parts or accessories which have not been ordered by the dealer.

C. A manufacturer shall not coerce or attempt to coerce any dealer to enter into an agreement with the manufacturer, or do any other act unfair to the dealer, by threatening to cancel any sales agreement existing between the manufacturer and the dealer.

D. A manufacturer shall not coerce or attempt to coerce any dealer to join, contribute to, or affiliate with any advertising association.

E. A manufacturer shall not require or otherwise coerce a dealer to underutilize a dealer's facilities.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 3.2, eff. April 1, 1994.

13VAC6-20-230. Grant, transfer, succession to and cancellation of dealer or manufacturer sales agreements: delivery.

A. Prior to granting an additional dealer or manufacturer sales agreement for a particular line of manufactured home in a relevant market area in which a dealer or dealers are already located, a manufacturer shall notify, in writing, all other dealers in the line of homes in that relevant market area. Any dealer in the same line of homes in the relevant marketing area may request a conference or hearing before the board within 30 days of receipt of the manufacturer's notice of intention to establish the additional dealer or manufacturer sales agreement. The additional sales agreement may be established at the proposed site if, after the conference or hearing, the board determines that there is reasonable evidence that after the grant of the new sales agreement, the market will support all of the dealers in that line of homes in the relevant market area.

Establishing a dealer or manufacturer sales agreement in a relevant market area to replace a dealer that has ceased operation shall constitute the establishment of a new dealer or manufacturer sales agreement subject to the terms of this section.

EXCEPTIONS:

1. The relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more than 25 miles from any other dealer in the same line of homes.
2. The relocation of an existing dealer within that dealer's relevant market area if the relocation site will be further away from all other dealers of the same line of homes in that relevant market area than the relocating dealer's current site.
3. The relocation of an existing dealer within two miles of that dealer's current site.

B. A dealer shall give written notice to the manufacturer at least 90 days prior to the sale, assignment, or transfer of the dealer or manufacturer sales agreement. The notice shall include the identity, financial ability, and qualifications of the proposed transferee. The sale or transfer of the sales agreement or business shall not involve a relocation of the sales agreement without the manufacturer's consent. The manufacturer shall not prevent or refuse to approve the sale or transfer of the ownership of a dealer by the sale of the business, stock transfer, or otherwise, or the sale, transfer, or assignment of a dealer or manufacturer sales agreement or a change in the executive management or principal operator of the dealership, unless the manufacturer provides written notice to the dealer of its objections and the reasons therefor at least 30 days prior to the proposed

effective date of the sale, transfer, assignment, or change. The dealer shall have 30 days from receipt of the manufacturer's objection to file a written request for a conference or hearing by the board. At the conference or hearing, the manufacturer and the dealer shall be allowed to present their reasons for and objections to the sale or transfer. The board shall determine whether the manufacturer's objection to the sale, assignment, transfer or change of the dealership is reasonable or unreasonable. The sale, transfer, assignment or change of the dealer or manufacturer sales agreement shall be allowed if the board determines the objection is unreasonable.

C. A dealer shall be allowed to designate a member of his family as a successor to the dealer or manufacturer sales agreement in the event of the death or incapacity of the dealer by providing written notice to the manufacturer of the identity, financial ability, and qualifications of the member of the family designated as successor. The manufacturer shall have the right to prevent or refuse to honor the succession to the sales agreement by notifying the family member in writing of its objections and of the person's right to request a conference or hearing on the matter before the board. The dealer shall have 30 days from receipt of the manufacturer's notice to file a written request to the board for a conference or hearing. At the conference or hearing, the dealer and manufacturer shall be allowed to present their reasons for and objections to the succession. The board shall determine if the manufacturer's objection to the succession is reasonable. The designated succession shall be allowed if the board determines the manufacturer's objection is unreasonable.

D. A dealer or manufacturer sales agreement may be cancelled or terminated at any time by mutual consent.

E. A manufacturer may terminate, cancel, or refuse to renew the sales agreement of a dealer with good cause. At least 60 days prior to the effective date of such termination, cancellation, or the expiration date of the sales agreement the manufacturer shall give written notice of his intentions to the dealer and the board, setting forth the specific grounds for the action. Within the 60-day period, the dealer may request, in writing, a conference or hearing before the board to determine if there is good cause for the termination, cancellation, or nonrenewal of the sales agreement. When the dealer has requested a board conference or hearing, the sales agreement in question shall continue in effect until the board issues a finding of good cause for the action.

If a manufacturer neither advises a dealer that it does not intend to renew a sales agreement nor takes any action to renew a sales agreement beyond its expiration date, the sales agreement in question shall continue in effect on the terms last agreed to by the parties.

A manufacturer may provide written notice of termination, cancellation or nonrenewal to a dealer not less than 15 days prior to the effective date of such termination, cancellation or nonrenewal when the grounds for such action are any of the following:

1. Insolvency of the dealer or filing of any petition by or against the dealer, under any bankruptcy or receivership law, leading to liquidation or which is intended to lead to liquidation of the dealer's business.
2. Failure of the dealer to conduct its customary sales and service operations during its established business hours for 10 consecutive business days, except where the failure results from acts of God or circumstances beyond the direct control of the dealer.
3. Revocation of any license which the dealer is required to have to operate a dealership.
4. Conviction of the dealer or any principal of the dealer of a felony, during the term of the sales agreement.

F. The change or discontinuance of a marketing or distribution system of a particular line of manufactured homes by a manufacturer, while the name identification of the home is continued in substantial form by the same or different manufacturer, may be considered to be a sales agreement termination, cancellation, or

nonrenewal. A manufacturer shall provide continued parts and service support to a dealer for a discontinued line of homes for at least five years from the date of such discontinuance.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 3.3, eff. April 1, 1994.

13VAC6-20-240. Dealer or manufacturer sales agreement warranties.

Any warranty agreements or contracts included in the sales agreement shall comply with the warranty and service requirements of Part V of this chapter ([13VAC6-20-310](#) et seq.).

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 3.4, eff. April 1, 1994.

13VAC6-20-250. (Repealed.)

Historical Notes

Derived from VR449-01-02 § 3.5, eff. April 1, 1994; repealed, Virginia Register [Volume 28, Issue 20](#), eff. July 4, 2012.

13VAC6-20-260. Conferences, hearings and other remedies.

A. In every case of a conference or hearing before the board authorized by this chapter, the board shall give reasonable notice of each conference or hearing to all interested parties. The board's decision shall be binding on the parties, subject to the rights of judicial review and appeal.

Conferences or hearings before the board under this part shall commence within 90 days of the request for the conference or hearing. The board's decision shall be rendered within 60 days from the conclusion of the conference or hearing.

B. The board shall initiate investigations, conduct conferences or hearings, and determine the rights of parties under this part whenever they are provided sufficient information indicating a possible violation of this part or this chapter.

C. For purposes of any matter brought to the board under [13VAC6-20-230](#) in which the board is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the board shall consider:

1. The volume of the affected dealer's business in the relevant market area;
2. The nature and extent of the dealer's investment in its business;
3. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel;

4. The effect of the proposed action on the community;
5. The extent and quality of the dealer's service under warranties in Part V of this chapter ([13VAC6-20-310](#) et seq.).
6. The dealer's performance under the terms of its dealer/manufacturer sales agreement;
7. Other economic and geographical factors reasonably associated with the proposed action; and
8. The recommendations, if any, of the department personnel requested to investigate the matter.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 3.6, eff. April 1, 1994.

Part IV

Advertising

13VAC6-20-270. Prohibited practices.

For the purposes of this part and this chapter, the following regulated advertising practices by manufacturers, dealers, brokers, or salespersons are prohibited and shall be considered by the board to be unfair methods of competition or unfair or deceptive commercial acts or practices:

1. Advertising a manufactured home as a "new manufactured home" when the home does not meet all of the requirements for the definition of a new manufactured home in [13VAC6-20-10](#).
2. Advertising a used manufactured home by misleading or confusing terms rather than "used" or such other term that is clearly understood to mean that the home is used. Once a title has been issued to a purchaser by the Department of Motor Vehicles, the home is considered as a used home and must be advertised as such.
3. Advertising finance charges or other interest rates when there are costs to buy down the charges or rates which are passed on to the buyer, in whole or in part.
4. Advertising terms, conditions and disclosures which are not stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information, but the disclaimer shall not contradict or change the meaning of the advertised statement.
5. Advertising a "sale" when the expiration date is not clearly and conspicuously stated.
6. Advertising which uses terms such as "at cost," "below cost," or "dollars off cost." Terms such as "invoice price" or "dollars over invoice" may be used, provided the invoice referred to is the manufacturer's original factory invoice which is available for customer inspection upon request.
7. Advertising a policy to match or better a competitor's price when the terms of the offer are not specific and verifiable. Any such advertisement shall fully disclose, as a part of the ad, any material or significant conditions which must be met or the evidence the buyer must present to take advantage of the offer.
8. Advertising which includes "dealer rebates" or "manufacturer's rebate."

9. Advertising any "free" or "at no cost" (or other words to that effect) offers of equipment or accessories in a negotiated sale. No equipment or accessory shall be described as "free" or "at cost" if its cost or any part of its cost is included in the price of the home, or if the home can be purchased for a lesser price without accepting the free offer, or if a purchase is required in order to receive the free offer.

10. Advertising which is determined to be "bait advertising" such as advertising homes, equipment, accessories or prices which are not available at the dealer's business location, or advertising homes of a specific price but having available for sale only homes equipped with dealer added cost options which increase the selling price above the advertised price. If any home is available only by order, then that shall be clearly and conspicuously disclosed in the advertisement.

11. Advertising as "repossessed" any manufactured home which has not been previously sold, titled and then taken back from the buyer. Proof of repossession shall be provided by the advertiser upon request.

12. Advertising special dealer arrangements such as "manufacturer's outlet," "factory authorized outlet," and "factory wholesale outlet." Any term that gives the buyer the impression the dealer has a special arrangement with the manufacturer compared to similarly situated dealers is misleading and shall be prohibited. The term "factory authorized dealer" shall be an acceptable term for advertising purposes.

13. Advertising the length of a manufactured home as including the towing assembly or hitch.

14. Advertising in any newspaper, periodical or sign which omits the name of the firm from the advertisement.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 4.1, eff. April 1, 1994; amended, Virginia Register [Volume 12, Issue 3](#), eff. January 1, 1996.

13VAC6-20-280. Records retention.

Advertisers shall maintain a copy of all media advertising for a period of not less than 60 days after the expiration date of the advertisement. For the purposes of this section, the expiration date of the advertisement shall be the last date the advertisement runs or the expiration date of the advertised sale, whichever is later.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 4.2, eff. April 1, 1994.

13VAC6-20-290. Violations; penalties.

A. The first violation of any regulated advertising practice may, at the discretion of the board, be addressed by a written warning to the regulant, by certified mail, advising the regulant of the prohibited conduct and the possible actions by the board if such conduct is continued or repeated.

B. Any violation of regulated advertising practices in this part may be considered as prohibited conduct under [13VAC6-20-170](#) and subject to the board's actions contained therein.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 4.3, eff. April 1, 1994; amended, Virginia Register [Volume 12, Issue 3](#), eff. January 1, 1996.

13VAC6-20-300. Conferences or hearings.

Conferences or hearings on any complaint or notice of violation of advertising practices contained in this part shall be conducted according to the procedures established in [13VAC6-20-190](#).

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 4.4, eff. April 1, 1994.

Part V

Warranty, Service and Alterations

13VAC6-20-310. Warranties; provisions.

A. Each manufacturer located in or outside of the Commonwealth delivering in or shipping into the Commonwealth manufactured homes for sale shall issue with each new home a warranty to the buyer, in writing, setting forth the following terms:

1. That all structural elements; plumbing systems; heating, cooling (if any), and fuel burning systems; electrical systems; and any other components included by the manufacturer are manufactured and installed free from defect.
2. That the manufacturer shall take appropriate corrective action at the site of the manufactured home, except for components which can be removed for service without undue inconvenience to the buyer, in instances of defects which become evident after the date of delivery of the home to the buyer, provided the buyer gives notice of the defects to the manufacturer at the manufacturer's business address.
3. That the manufacturer shall take such actions deemed necessary as ordered by the board under this chapter.

B. Each dealer located in or outside of the Commonwealth selling or delivering manufactured homes to buyers in the Commonwealth shall issue with each manufactured home a warranty to the buyer, in writing, setting forth the following terms:

1. That any modifications or alterations made to the home by the dealer or authorized by the dealer are free from defects. Alterations or modifications made by the dealer, without written permission of the manufacturer, shall relieve the manufacturer of the warranty requirements of subsection A of this section for the item altered or modified and any damage resulting from the alteration or modification.

2. That set-up operations performed by the dealer or by persons under contract to the dealer on the manufactured home are completed in compliance with the applicable Code requirements for the installation of manufactured homes.
3. That during the course of transportation and set-up operations performed by the dealer or by persons under contract to the dealer, any defects which may occur with the manufactured home will be corrected properly.
4. That the dealer shall take appropriate corrective action at the site of the manufactured home, except for components which can be removed for service without undue inconvenience to the buyer, if such defects become evident after the date of delivery of the home to the buyer, provided the buyer gives notice of the defects to the dealer at the dealer's place of business.
5. That the dealer shall take such actions deemed necessary as ordered by the board under this chapter.

C. Any warranties generally offered by suppliers in the ordinary sale of their products to consumers shall be extended to buyers of manufactured homes. The warranty by the manufacturer of the home shall remain in effect not withstanding the existence of the suppliers' warranty.

D. The regulant's warranty shall be in addition to, and not in detracting of, all other rights and privileges which the buyer may have under any other law or regulation. The regulant shall not require the buyer to waive his rights under this part and any such waiver shall be deemed contrary to public policy and shall be unenforceable and void.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 5.1, eff. April 1, 1994; amended, Virginia Register [Volume 12, Issue 3](#), eff. January 1, 1996.

13VAC6-20-320. Duration of warranties.

All warranties provided by regulants as required by [13VAC6-20-310](#) shall be for a period of not less than 12 months measured from the date of delivery of the home to the buyer.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 5.2, eff. April 1, 1994; amended, Virginia Register [Volume 35, Issue 20](#), eff. July 1, 2019.

13VAC6-20-330. Presenting warranty claims.

To invoke a regulant's warranty under [13VAC6-20-310](#), the buyer shall notify the regulant within a reasonable time after discovering the defect and not later than 90 days after the expiration of the stated term of the warranty. The regulant shall make a record of the name and address of each claimant and the date, substance, and disposition of each claim about the defect. The regulant may request that a warranty claim be made in writing;

however, the regulant shall record any claim received as noted above and shall not delay service pending receipt of the written claim.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 5.3, eff. April 1, 1994.

13VAC6-20-340. Service agreements; determination of responsible party.

A. If a service agreement exists between or among the manufacturer, the dealer, and the supplier to provide warranty services on a manufactured home, the service agreement shall specify which of the regulants shall be the responsible party for remedying defects reported in the home. All service agreements shall be in writing. No service agreement shall relieve a regulant, determined by the board to be the responsible party for remedying the defect, of the responsibility for performing warranty service; however, any regulant accepting the responsibility to perform the warranty service obligations of other regulants under the service agreement shall be responsible to both the buyer and the other regulant to perform adequate warranty service.

B. If there is no warranty or service agreement between or among the regulants, the board shall have the authority to designate the responsible party for each defect given in the claim. The board may use reports and recommendations from the department staff investigating consumer complaints under the applicable provisions of the Code or may request staff to make a specific on-site inspection to determine the responsible party for remedying the defect.

C. If a warranty claim is made to a regulant that is not the responsible party for remedying the defect, that regulant shall immediately notify the claimant, in writing of that fact, and shall also notify, in writing, the regulant that is the responsible party for the defect, forwarding to the responsible party all available information about the claimant and the substance of the warranty claim.

D. If a defect is the responsibility of more than one regulant, each regulant shall be deemed to be a responsible party for the defect. A responsible party shall not fail to remedy defects because other regulants may also have joint responsibility for the defect or defects; however, nothing in this chapter shall prevent a responsible party from obtaining compensation by way of contribution or subrogation from another responsible party in accordance with any other provision of law or contracts between the regulants.

E. If a regulant corrects a defect under a warranty claim and the board determines that the regulant is not the responsible party, then that regulant shall be entitled to reasonable compensation for the warranty service performed. The compensation shall be from the responsible party for the defect.

F. It shall be a violation of this part for a regulant to coerce or require a nonresponsible party to perform warranty service under this chapter. Any regulant or responsible party may file a complaint to the board if warranty service obligations under this chapter are not being completed or enforced.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 5.4, eff. April 1, 1994.

13VAC6-20-350. Warranty service; time limits; rejection of claim.

A. Any defect which is determined to be an imminent safety hazard to life and health shall be remedied within three days of receipt of the written notice of the warranty claim. Defects which may be considered as imminent safety hazards to life and health include, but are not limited to, any of the following:

1. Inadequate heating in freezing weather.
2. Failure of sanitary facilities.
3. Electrical shock hazards.
4. Leaking gas.
5. Major structural failure.

The board may suspend this three-day time period in the event of widespread defects or damage resulting from adverse weather conditions or other natural disasters.

B. All other defects shall be remedied within 45 days of receipt of the written notice of the warranty claim unless a bona fide reason exists for not remedying the defect within the time period. If the responsible party has a bona fide reason for not meeting the 45-day time period, he shall respond to the claimant in writing, with a copy to the board, explaining the reason or reasons and stating what further action is contemplated regarding the warranty service.

C. Department staff handling consumer complaints under the Code shall also review the complaints for warranty service obligations under this part, and shall make initial determinations of defects and imminent safety hazards to life and health as defined by the Code. Any disagreements between department staff and regulants or responsible parties regarding these determinations shall be resolved by the board. If a regulant or responsible party disputes the determination of an imminent safety hazard to life or health by the staff and asks for a ruling by the board, the three-day time period for remedying the hazard shall not be enforced unless the board agrees to the determination. If the board determines that the defect is an imminent safety hazard, it shall immediately notify the responsible party of the determination. The responsible party shall have three days from receipt of this notice to remedy the hazard.

D. Within the time limits specified in subsections A and B of this section, the responsible party shall either resolve the claim or determine that it is not justified. Whenever a regulant determines that a claim for warranty service is not justified, in whole or in part, he shall immediately notify the claimant in writing that the claim or a part of the claim is rejected. This notice shall explain to the claimant why the claim or specific parts of the claim are rejected and that the claimant is entitled to complain or file an appeal to the board. The notice shall provide the claimant with the complete address of the board.

Statutory Authority

§§ [36-85.18](#) and [36-85.36](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 5.5, eff. April 1, 1994; amended, Virginia Register [Volume 22, Issue 10](#), eff. April 12, 2006; [Volume 28, Issue 20](#), eff. July 4, 2012.

13VAC6-20-360. Records; available to board.

The board or the board's representative shall be authorized to inspect the pertinent service records of a manufacturer, dealer, supplier, or broker relating to a written warranty claim or complaint made to the board regarding that manufacturer, dealer, supplier, or broker. Such inspection shall be allowed by the regulant during reasonable business hours. Upon request by the board, every regulant shall send to the board within 10 days a true copy of any and all documents or records pertinent to the claim for service or complaint.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 5.6, eff. April 1, 1994.

13VAC6-20-370. Alterations; by dealer or by owner.

A. Unless authorized by this chapter or by the manufacturer, a dealer shall not make any alterations or modifications to a manufactured home after shipment from the manufacturer's facility. If a dealer performs an unauthorized alteration or modification in or to a manufactured home, the dealer then shall bear primary warranty responsibility for the altered or modified item or items. If the manufacturer remedies or is required by the board to remedy any warranty claim on the altered or modified item or items, then that manufacturer shall be entitled to recover damages in the amount of his costs, including attorney's fees, from the dealer responsible for the alteration or modification.

B. Unless authorized by the manufacturer, the owner or person or persons working for the owner shall not make alterations or modifications to a manufactured home after shipment from the manufacturer's facility. Any unauthorized alteration or modification made by the owner or person or persons working for the owner shall relieve the manufacturer of the responsibility to remedy any defects caused by such alteration or modification. All manufacturers shall display clearly and conspicuously on the face of their warranty to the buyer a statement explaining that the owner shall be responsible for remedying any defects caused by unauthorized alterations or modifications done by the owner or person or persons working for the owner. The statement shall also include a warning specifying any alterations or modifications which should be performed only by qualified personnel in order to preserve their warranty protection.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 5.7, eff. April 1, 1994.

13VAC6-20-380. Qualifications of personnel performing alterations.

All persons responsible for performing alterations under this part shall be deemed "qualified personnel" only when approved or certified by the manufacturer of the home.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 5.8, eff. April 1, 1994.

Part VI

Miscellaneous Provisions

13VAC6-20-390. Set-up requirements; effect on insurance policies.

A. Manufactured homes shall be set-up in accordance with the Code.

B. In the event that a manufactured home is insured against damage caused by windstorm and subsequently sustains windstorm damage of a nature that indicated the home was not set-up in the manner required by this section, the insurer issuing the home owner's insurance policy on the home shall not be relieved from meeting the obligations specified in the insurance policy with respect to such damage on the basis that the manufactured home was not properly set up.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 6.1, eff. April 1, 1994.

13VAC6-20-400. Limitation on damages retained by dealer; disclosure to buyer.

A. If a buyer fails to accept delivery of a manufactured home, the dealer may retain actual damages from the buyer's deposit according to the following terms:

1. If the manufactured home is a single section unit and is in the dealer's stock and is not specially ordered from the manufacturer for the buyer, the maximum retention shall be \$1,000.
2. If the manufactured home is a single section unit and is specially ordered from the manufacturer for the buyer, the maximum retention shall be \$2,000.
3. If the manufactured home is larger than a single section unit in the dealer's stock and is not specially ordered for the buyer, the maximum retention shall be \$4,000.
4. If the manufactured home is larger than a single section unit and is specially ordered for the buyer from the manufacturer, the maximum retention shall be \$7,000.

B. A dealer shall provide a written disclosure to the buyer at the time of the sale of a manufactured home alerting the buyer to the actual damages that may be assessed of the buyer by the dealer, as listed in subsection A of this section, for failure to take delivery of the manufactured home as purchased.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 6.2, eff. April 1, 1994; amended, Virginia Register [Volume 12, Issue 3](#), eff. January 1, 1996; [Volume 38, Issue 1](#), eff. October 15, 2021.

13VAC6-20-410. Other remedies not excluded.

Nothing in this chapter, nor any decision by the board, shall limit any right or remedy available to the buyer through common law or under any other statute.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 6.3, eff. April 1, 1994.

Part VII

Transaction Recovery Fund

13VAC6-20-420. Recovery fund established; assessments.

A. In accordance with § [36-85.31](#) of the Code of Virginia, the board shall establish a Manufactured Housing Transaction Recovery Fund. Any manufacturer, dealer, broker or salesperson licensed by the board under this chapter to operate in the Commonwealth of Virginia shall pay an initial assessment fee of the following amount into the fund:

1. Manufacturer -- \$4,000 for each separate manufacturing facility payable in one installment or \$4,400 payable at \$2,200 per year with the second payment due one year after initial licensing.
2. Dealer -- \$500 per retail location.
3. Broker -- \$500 per sales office.
4. Salesperson -- \$50 per individual.

B. After the initial assessments have been paid, the board shall review the balance in the fund. In accordance with § [36-85.31](#) of the Code of Virginia, the minimum balance of the fund shall be \$250,000. If the initial assessments fail to achieve this minimum balance, or if future payments from the fund deplete the fund below this minimum balance, the board shall set and collect reassessment fees to achieve and maintain this minimum balance. Before setting any reassessments, the board shall notify all regulants at least 30 days prior to any meeting to set reassessment fees, advising the regulants of the purpose of the meeting and the regulants' opportunity to provide comments and suggestions prior to and at the meeting. Failure to pay any reassessment fees assessed by the board shall result in suspension of the regulant's license until such time as the regulant pays the reassessment fee.

C. All initial assessments and reassessments collected by the board under this chapter shall be deposited in an interest earning, special fund account by the State Treasurer in accordance with § [36-85.31](#) of the Code of Virginia. The board shall make appropriations from the fund in accordance with the express purposes set forth in Chapter 4.2 (§§ [36-85.16](#) et seq.) of Title 36 of the Code of Virginia and this chapter. Interest earned on the deposits of the fund shall accrue to the fund or may be used by the board to provide educational programs about manufactured homes to consumers.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 7.1, eff. April 1, 1994.

13VAC6-20-430. Filing claims; investigations; conference or hearing on claim.

A. Any person who suffers any loss or damage by an act of a regulant that constitutes a violation of this law or this chapter shall have the right to file a claim for recovery from the fund. The department shall provide forms for filing claims. As a minimum, the following information shall be furnished with the claim:

1. The names and addresses of the regulants involved in the claim.
2. The identification of the home including the serial number, HUD label number or numbers, and model designations.
3. A complete explanation of the issues or actions which constitute the basis for the claim, along with copies of pertinent documents.
4. The name, address and telephone number of the claimant and the location of the home if different from the claimant's address.

B. Upon receipt of a claim, the board shall review the claim and may conduct, or cause to be conducted, an on-site inspection of the home. All regulants involved in a claim shall be notified of any on-site inspections by the board or the department under this chapter and shall be requested to have a representative present during the inspection. The person or persons conducting the inspection for the board or the department shall prepare a written report of the findings of the inspection, citing any defects or violations of the Code or this chapter with a reference to the specific section of the Code or regulation which serves as the basis for the violation, and identifying the regulant responsible for the defect or violation. Copies of this report shall be provided to the regulants, the claimant, and the board.

C. The board shall hold a conference or hearing on a claim for damages. The board, or the department acting on the board's behalf, shall send written notice of the conference or hearing to all involved regulants, stating the purpose of the conference or hearing and the time and place of the conference or hearing. The notice shall be sent to the regulant or regulants at least 15 calendar days prior to the date of the conference or hearing. The notice shall be sent by certified mail to the address of the regulant or regulants, as shown on the license or other record or information in possession of the board. The conference or hearing shall be conducted by the board according to the applicable provisions of the Administrative Process Act and shall be open to the public. The regulant or regulants shall have the right to be heard in person or by counsel, and to provide evidence and witnesses on his behalf.

D. After the conference or hearing, if the board finds that the person has suffered a loss or damages due to the acts of a regulant that constitute a violation of this chapter, the board shall determine the amount of damages to be awarded to the claimant. The amount of damages awarded by the board shall be limited to actual compensatory damages and shall not include attorney's fees for representation before the board. The board shall order the responsible manufacturer, dealer, broker, or salesperson to pay the awarded amount to the claimant. The board's written order shall be sent by certified mail to the regulant responsible for paying the awarded amount. Within 30 days of receipt of the board's decision, the responsible regulant shall pay the awarded amount to the claimant, unless an appeal is pending.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 7.2, eff. April 1, 1994; amended, Virginia Register [Volume 12, Issue 3](#), eff. January 1, 1996.

13VAC6-20-440. Appeals of the board's decision.

Appeals of the decision of the board shall be to a circuit court with jurisdiction in the Commonwealth. The appeal shall be filed by the regulant within 30 days of the date of the board's order, and shall stay the board's order for payment of the awarded amount. Neither the regulant nor the board shall be required to pay damages to the claimant until such time as the final order of the court is issued. In accordance with § [36-85.35](#) of the Code of Virginia, the court may award reasonable attorney's fees and court costs to be paid by the recovery fund.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 7.3, eff. April 1, 1994.

13VAC6-20-450. Payment of damages; limitations; conditions.

A. If a regulant has not paid the awarded amount within 30 days as provided in [13VAC6-20-430](#) or filed an appeal to the circuit court as provided in [13VAC6-20-440](#), the board shall, upon request of the claimant pay the awarded amount to the claimant from the recovery fund under the following conditions:

1. The maximum claim of one claimant against the fund because of a single or multiple violations by one or more regulants shall be limited to \$40,000;
2. The fund balance is sufficient to pay the awarded amount;
3. The claimant has assigned the board all rights and claims against the regulant; and
4. The claimant agrees to subrogate to the board all rights of the claimant to the extent of payment.

B. The aggregate amount of claims paid from the fund for violations by any one regulant during any license period shall be as follows:

1. For a manufacturer -- \$75,000.
2. For a dealer -- \$35,000.
3. For a broker -- \$35,000.
4. For a salesperson -- \$25,000.

C. If the board has reason to believe there may be additional claims against the fund from other transactions by the same regulant, the board may withhold any payments, involving that regulant, from the fund for a period of not more than one year from the date the board approved the original claimant's award. After this one-year period, if the aggregate of claims against the same regulant exceeds the limitations of this section, the aggregate amount shall be prorated by the board among the claimants and paid from the fund in proportion to the amounts of their awards remaining unpaid.

D. The amount of damages awarded by the board shall be limited to actual, compensatory damages and shall not include attorney fees for representation before the board.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 7.4, eff. April 1, 1994; amended, Virginia Register [Volume 38, Issue 1](#), eff. October 15, 2021.

13VAC6-20-460. Revocation of license.

Upon payment to a claimant from the fund, the board shall immediately revoke the license of the regulant whose conduct resulted in the payment from the fund. Any regulant whose license is revoked under this section shall not be eligible to apply for a new license, renewal, or reinstatement of license until he has repaid the fund the full amount of the payments from the fund on his amount, plus interest, calculated at the rate of interest the recovery fund was earning at the time of the payment from the fund.

Statutory Authority

§§ [36-85.18](#) and [36-85.36](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 7.5, eff. April 1, 1994; amended, Virginia Register [Volume 28, Issue 20](#), eff. July 4, 2012.

13VAC6-20-470. Other disciplinary action not voided.

The board may take other disciplinary actions against any regulant for any violation of Chapter 4.2 (§§ [36-85.16](#) et seq.) of Title 36 of the Code of Virginia, or this chapter. Full repayment of the amount paid from the fund for the regulant's actions shall not nullify, modify or prohibit the affect of any disciplinary proceeding by the board against that regulant for any violations.

Statutory Authority

§ [36-85.18](#) of the Code of Virginia.

Historical Notes

Derived from VR449-01-02 § 7.6, eff. April 1, 1994.

FORMS (13VAC6-20).

Complete license registration application forms for broker, dealer, manufacturer, salesperson, and special licensing online at <https://dmz1.dhcd.virginia.gov/BFR/Main/LogOn.aspx>.

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

As a service to the public, the Virginia Administrative Code is provided online by the Virginia General Assembly. We are unable to answer legal questions or respond to requests for legal advice, including application of law to specific fact. To understand and protect your legal rights, you should consult an attorney.



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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Virginia Manufactured Housing Board
Virginia Administrative Code (VAC) Chapter citation(s)	13VAC6 - 11
VAC Chapter title(s)	Public Participation Guidelines
Date this document prepared	January 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

NA

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The Virginia Manufactured Housing Board is the promulgating agency. They have authority to promulgate regulations through Section 36-85.36 of the Code of Virginia . The regulation is based on model

guidelines and is required per section 2.2-4007.02 of the Code of Virginia. The determination to amend the regulations is based on the necessity to conform to 2012 Acts of Assembly, Chapter 795.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no viable alternatives, the Public Participation Guidelines are based on the model guidelines and are required by statute.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

None received.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation is based on model guidelines and is required per section 2.2-4007.02 of the Code of Virginia.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

No comments were received from the public. However, a small change to conform to legislation was identified during the review process. As such, the regulation should be amended to conform with statutory changes (2012 Acts of Assembly, Chapter 795).

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to the which the regulation overlaps,

duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

No comments were received and the regulation is based on model guidelines. The regulation was last evaluated in 2008 when it was adopted to conform to statutory changes. The regulation provides standards by which the public can participate in regulatory processes under the purview of the Board of Housing and Community Development. The regulation does not appear to have an impact on small businesses.



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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Virginia Manufactured Housing Board
Virginia Administrative Code (VAC) Chapter citation(s)	13VAC6 - 20
VAC Chapter title(s)	Manufactured Housing Licensing and Transaction Recovery Fund Regulations
Date this document prepared	January 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

NA

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The Virginia Manufactured Housing Board is the promulgating agency. They have authority to promulgate regulations through Section 36-85.36 of the Code of Virginia.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are not believed to be viable alternatives that will accomplish the purpose of the regulation. The regulation meets the requirements set forth in statute.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

None received.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation was adopted to provide a means to implement state law regarding the licensing of manufacturers, dealers, brokers, and salespersons of manufactured homes. The regulation also provides a method to hear and resolve complaints between affected parties. It has been determined that the regulation is language and provisions are clear and easily understandable and are in compliance with their statutory directive.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

As no public comment has been received and stakeholders and affected parties have not requested or indicated any necessary changes, the decision is to retain the regulation with no change.

The regulation was update in 2019 and 2021. The changes in 2019 removed unnecessary provisions and the changes in 2021 addressed complying with certain provisions in state law regarding damages.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

The regulation is necessary to continue to implement statutory directives regarding licensing and resolution of complaints for manufactured housing 2) None received 3) & 4) The regulation does not appear to be overly complex, duplicate, or conflict with other federal or state law. 5) The regulation was update in 2019 and 2021.

As noted, no comment has been received regarding the regulation and the fee structure will remain in its current form (last amended 2012.) minimizing any impacts to small business.



Department of Housing and Community Development

Virginia Manufactured Housing Transaction Recovery Fund (09253)

Quarterly Cash Balance Report

As of December 31, 2022

Beginning Balance - July 1, 2022		803,405.12
Revenue:		
Manufactured Home Assessment Fees	6,729.68	
Interest	0.00	
Total Revenue	<u>6,729.68</u>	
Expenses:		
Postage	0.00	
Travel	0.00	
Fiscal Services	0.00	
Individual Claims & Settlements	0.00	
Total Expenses	<u>0.00</u>	
Ending Balance:		<u>810,134.80</u>

Commonwealth of Virginia
Office of the Attorney General
900 East Main Street
Richmond, VA 23219

Debtor Balance Report

Detail

Interest As Of: 12/31/2022

Client: Department of Housing & Community Development
Main Street Centre 600 East Main Street, Suite 300
Richmond, VA 23219

Member: None
Status: All

Sort Order: Debtor Name

Type: All

Debtor Name Claim No.	Ref. Acct. No.	Open Date	Initial Balance	Last Pmt Date	Principal Balance	Interest Balance	Fees Balance	Costs Balance	Other Balance	Current Balance
C & K Homes, Inc. 202000073.001	T-2018-06-Transaction Fund	01/16/2020	1,338.05		0.00	0.00	0.00	0.00	0.00	0.00
Court: RICGD - City of Richmond General District Court -- For: Final Order 12-13-18 -- Debtor2: Dennis Ray Kidd -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 07/31/2020 531 - CLOSED-UNCOLLECTIBLE - NO JUDGMENT -- Status Code: 531 -- Status Date: 07/31/2020 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund										
C & K Homes, Inc. 202000073.002	D-2018-06-Disciplinary Fine	01/16/2020	10,400.00		8,000.00	0.00	2,400.00	0.00	0.00	10,400.00
Court: RICGD - City of Richmond General District Court -- For: Final Order entered 1-23-19 -- Debtor2: Dennis Ray Kidd -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 01/16/2020 010 - OPEN -- Status Code: 010 -- Status Date: 01/16/2020 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund										
Golden Rule Homes, Inc. 202000074.001	T-2012-8-Transaction Fund	01/16/2020	3,000.00		0.00	0.00	0.00	0.00	0.00	0.00
Court: RICGD - City of Richmond General District Court -- For: Final Order entered 8-10-13 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 08/10/2021 518 - CLOSED - NON COLLECTION CASE -- Status Code: 518 -- Status Date: 08/10/2021 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund										
Golden Rule Homes, Inc. 202000074.002	D92012-8-Disciplinary	01/16/2020	1,000.00		1,000.00	0.00	0.00	0.00	0.00	1,000.00
Court: RICGD - City of Richmond General District Court -- For: Final Order entered 8-10-13 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 01/16/2020 010 - OPEN -- Status Code: 010 -- Status Date: 01/16/2020 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund										
Glenwood Walker 201702015.001	T-2014-14 Transaction Recovery	11/29/2017	28,600.00	06/06/2022	22,000.00	4,791.79	5,420.00	0.00	0.00	32,211.79
Court: RICGD - City of Richmond General District Court -- For: Claimant: Terry Tatum-Final Order-3-30-15 -- Debtor2: Glenwood A. Walker -- Judgment Date: 05/16/2019 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 11/06/2019 304 - JUDGMENT - PAYMENT PLAN -- Status Code: 304 -- Status Date: 11/06/2019 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund -- Last Payment Date: 06/06/2022 -- Last Payment Amount: \$40.00										
Glenwood Walker 201702015.002	D-2014-14 Disciplinary	11/29/2017	2,600.00		2,000.00	435.62	600.00	0.00	0.00	3,035.62
Court: RICGD - City of Richmond General District Court -- For: Claimant: Terry Tatum-Final Order 3-30-15 -- Debtor2: Glenwood A. Walker -- Judgment Date: 05/16/2019 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 05/16/2019 302 - JUDGMENT -- Status Code: 302 -- Status Date: 05/16/2019 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund										

Debtor Balance Report

Detail

Interest As Of: 12/31/2022

Client: Department of Housing & Community Development
 Main Street Centre 600 East Main Street, Suite 300
 Richmond, VA 23219

Member: None
 Status: All

Sort Order: Debtor Name

Type: All

Debtor Name Claim No.	Ref. Acct. No.	Open Date	Initial Balance	Last Pmt Date	Principal Balance	Interest Balance	Fees Balance	Costs Balance	Other Balance	Current Balance
Glenwood Walker 201702016.001	T-2016-01 Transaction Recovery	11/29/2017	20,800.00	06/06/2022	16,000.00	3,484.85	3,960.00	0.00	0.00	23,444.85
Court: RICGD - City of Richmond General District Court -- For: Claimant:Elia Devora-Final Order 6-30-16 -- Debtor2: Glenwood A. Walker -- Judgment Date: 05/16/2019 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 11/07/2019 304 - JUDGMENT - PAYMENT PLAN -- Status Code: 304 -- Status Date: 11/07/2019 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund -- Last Payment Date: 06/06/2022 -- Last Payment Amount: \$30.00										
Glenwood Walker 201702016.002	D-2016-01 Disciplinary	11/29/2017	3,250.00		2,500.00	544.52	750.00	0.00	0.00	3,794.52
Court: RICGD - City of Richmond General District Court -- For: Claimant:Elia Devora-Final Order 6-30-16 -- Debtor2: Glenwood A. Walker -- Judgment Date: 05/16/2019 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 05/16/2019 302 - JUDGMENT -- Status Code: 302 -- Status Date: 05/16/2019 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund										
GRAND TOTAL:			70,988.05		51,500.00	9,256.78	13,130.00	0.00	0.00	73,886.78
TOTAL COUNT:					8					