

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 45, No. 11, June 3, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 4C. ENFORCEMENT OF FEDERAL MANUFACTURED HOME STANDARDS

N.J.A.C. 5:23-4C (2013)

§ 5:23-4C.1 Delegation of authority

The authority of the Department of Community Affairs as the State Administrative Agency to enforce Federal manufactured home construction and safety standards is hereby delegated to the Bureau of Code Services (the "Bureau"), PO Box 816, Trenton, New Jersey 08625-0816.

§ 5:23-4C.2 Relation to Federal law

(a) This subchapter incorporates the Federal regulations found at *24 C.F.R. Sections 3282.152, 3282.153, 3282.309 and 3282.401* et seq. (Subpart I), including all subsequent amendments and supplements to these sections. These sections are hereby incorporated by reference.

(b) Every manufacturer who produces manufactured homes in this State shall comply with all applicable requirements of *24 C.F.R. Section 3282.401* et seq. (Subpart I).

(c) The Bureau shall monitor manufacturer compliance with the requirements of *24 C.F.R. Section 3282.401* et seq. (Subpart I) primarily by checking records required to be kept by manufacturers in the State pursuant to *24 C.F.R. Section 3282.404(b)* at least once annually.

(d) Nothing in this chapter shall be read to conflict with any provision of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (P.L. 93-383) as amended or Federal regulations promulgated thereunder (*42 U.S.C. Section 5401* et seq.). Whenever it shall appear that a provision of this chapter is in conflict with any Federal standard or requirement under the Federal Manufactured Housing Construction and Safety Standards Act, Federal law shall govern.

§ 5:23-4C.3 Complaint procedure

(a) Complaints or other information concerning an imminent safety hazard or a failure to conform with applicable standards of any manufactured home manufactured, sold, leased, introduced, imported or delivered in this State may be made to the Bureau.

(b) When a consumer complaint or other information indicating the possible existence of an imminent safety hazard or a failure to conform to applicable standards is received by the Bureau, the Bureau shall forward the complaint or other information to the manufacturer of the manufactured home in question.

(c) When it appears from the complaint or other information that more than one manufactured home may be involved, the Bureau shall send a copy of the complaint or other information to the State Administrative Agency of the state where the manufactured home was manufactured or, if there is no such State Administrative Agency, to the Secretary of the United States Department of Housing and Urban Development (the "Secretary") and, when it appears that an imminent safety hazard or serious defect may be involved, simultaneously send a copy to the Secretary.

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§ 5:23-4C.4 Hearing and appeal procedures

(a) When the Bureau is the appropriate agency to hold a hearing for presentation of views as provided for at *24 C.F.R. Sections 3282.405 and 3282.407*, the Bureau shall follow the procedures set forth in *24 C.F.R. Sections 3282.152 and 3282.153*, with the Bureau acting as the Secretary would otherwise act under that section. Where *24 C.F.R. Section 3282.152* requires publication in the Federal Register, the Bureau shall provide equivalent notice throughout the State by publication in the New Jersey Register.

(b) Any person who is aggrieved by any determination issued by the Bureau pursuant to *24 C.F.R. Section 3282.407*, or who is aggrieved by application of this subchapter, shall be entitled to a hearing on the matter pursuant to the Administrative Procedure Act before the Office of Administrative Law.

1. The hearing request shall be in writing, shall be addressed to the Hearing Coordinator, Division of Codes and Standards, PO Box 802, Trenton, New Jersey 08625-0802, shall state the basis for the appeal and shall be filed within 15 days of receipt of the ruling, notice, order or action complained of.

2. The final decision in each such case shall be issued by the Commissioner.

3. Any determination of the Bureau that is not appealed to a hearing before the Office of Administrative Law shall be considered the final determination of the Bureau and of the Department of Community Affairs upon the expiration of the 15 day period for submission of a hearing request.

4. When a final determination by the Bureau and the Department of Community Affairs has become effective, or when notice has been given to a manufacturer of the final decision of the Commissioner, that a defect or noncompliance exists, the manufacturer may, within 10 days of the effective date of such final determination or receipt of notice of such final decision, appeal to the Secretary.

(c) Any party in a proceeding held pursuant to *24 C.F.R. Section 3282.407*, including, specifically, owners of affected manufactured homes, states in which affected manufactured homes are located, consumer groups representing owners, manufacturers and parties with similar substantial interest, may appeal to the Secretary in writing any final determination or final decision of the Bureau or of the Commissioner that is adverse to the interest of that party. This appeal shall be made within 30 days of the effective date of the final determination by the Bureau or of notice of the final decision of the Commissioner, as the case may be.

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§ 5:23-4C.5 Monitoring inspection fee

There is hereby established a monitoring inspection fee of \$ 19.00 which is to be paid by manufacturers for each manufactured home manufactured in New Jersey.