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GOVERNOR

KEVIN W. REEVES, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

March 25, 2019

Governor John Bel Edwards
Office of the Governor

Attorney General Jeff Landry
Department of Justice

Speaker Taylor F. Barras
Louisiana House of Representative

President John A. Alario, Jr.
Louisiana Senate

Re: Emergency Rule Proposed by the Louisiana Manufactured Housing Commission to amend, supplement and expand portions of and readopt LAC 55.V.Chapter 5.

Dear Gentlemen,

The Louisiana Manufactured Housing Commission, hereafter referred to as the "LMHC", gives notice that it has exercised the emergency provision, in accordance with R.S. 49:953(B) of the Administrative Procedure Act, to amend, supplement and expand portions of and readopt LAC 55:V.Chapter 5, as authorized by R.S. 51:911.26(E) regarding the repairs of used manufactured homes. Furthermore, the LMHC has found an immediate need to adopt amendments to create standards applicable to the repair of used manufactured homes which were built in or after January 2006 and are currently located within Louisiana. In particular, this Emergency Rule is applicable to manufactured homes built to standards and codes promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended. This Emergency Rule adopts LAC 55:V.Chapter 5, Subchapter C, Manufactured Housing (Repairs), to require that the repairs made to these used manufactured homes restore the damaged portion of the structure to the same or similar condition as existed prior to the damage, as determined by the Office of State Fire Marshal.

The LMHC is promulgating this rule adoption to provide greater health and safety for the public and those providing repairs and maintenance to the aforementioned manufactured homes. The adoption of this Rule on an emergency basis is necessary due to the fact that many home owners lack the resources available to hire individuals such as contractors, architects and

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engineers to advise said homeowner on to how to restore and repair the damaged manufactured homes. As a result, many homes are abandoned and become an imminent peril to the public health, safety and welfare of society, as seen in the flood of August 2016. In addition, these homes become a blight to surrounding property values which in turn, becomes a problem for the local and/or parish governments. Many of these local jurisdictions lack the financial resources available to eradicate these damaged homes.

The public welfare further dictates that these changes are implemented immediately through the adoption of this Emergency Rule because of the health risks these amendments address. Adoption of this emergency rule gives owners of the aforementioned manufactured homes the knowledge and standards needed to immediately restore and repair the damage to said home which will ensure the health, safety and welfare of the public.

This Emergency Rule was adopted and became effective March 25, 2019. It shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first. A copy of the Emergency Rule, as submitted to the Office of the State Register, is attached for your review.

Thank you for your attention to this matter. With professional regards, I remain,

Sincerely,



MELINDA L. LONG, Attorney
LA Manufactured Housing Commission
Office of State Fire Marshal
(225) 925-6103

DECLARATION OF EMERGENCY

Department of Public Safety and Correction Manufactured Housing Commission

Manufactured Housing Repairs (LAC 55:V.Chapter 5)

The Department of Public Safety and Corrections, Office of State Fire Marshal, Manufactured Housing Commission, hereafter referred to as the “Commission”, has exercised the emergency provision, in accordance with R.S. 49:953(B) of the Administrative Procedure Act, to amend, supplement and expand portions of and readopt LAC 55:V.Chapter 5 as authorized by R.S. 51:911.26(E). Furthermore, the Commission has found an immediate need to adopt amendments to create standards applicable to repairs made to used manufactured homes constructed during and after January 2006, which are located within the State of Louisiana. In particular, this emergency rule is applicable to manufactured homes built to standards and codes promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended. The Emergency Rule adopts LAC 55:V.Chapter 5, Subchapter C., Manufactured Housing (Repairs) to require that the repairs made to these used manufactured homes restore the damaged portion of the structure to the same or similar condition as existed prior to the damage, as determined by the Office of State Fire Marshal.

The adoption of this Rule on an emergency basis is necessary due to the fact that many home owners lack the resources available to hire individuals such as architects and engineers to advise the homeowner on to how to restore and repair the damaged manufactured homes. As a result, as seen in the flood of August 2016, many homes are abandoned and become an imminent peril to the public health, safety and welfare of society. In addition, these abandoned homes become a blight to surrounding property values. Therefore, this becomes a problem for local and parish jurisdictions to address, with many of these jurisdictions not having the financial resources to remove the abandoned homes. The adoption of this Rule is necessary so that owners of manufactured homes have the knowledge needed to restore and repair their homes. This Emergency Rule was adopted and became effective March 25, 2019. It shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final Rule, whichever occurs first.

Title 55
PUBLIC SAFETY
Part V. Fire Protection

Chapter 5. Manufacture Housing
(Installation)
Subchapter C. Repairs

§553. Definitions

- A. When used in these regulations, these terms shall have the following meanings:

Act—the National Manufactured Home Construction and Safety Standards Act of 1974, as amended, the Housing and Community Development Act of 1974 (42 U.S.C. 5401 et seq.).

HUD—the United States Department of Housing and Urban Development.

Inspect— a visual examination of manufactured homes to verify that it appears to be in operating condition and is free of physical damage.

Local jurisdiction— city, town, township, parish, village, or other general purpose political subdivision of the State of Louisiana that has the authority to make legal pronouncements and administer judicial and regulatory enforcement to individuals and companies who are conducting transactions within the given geographical location.

LSUCCC— the Louisiana State Uniform Construction Code Council.

Manufactured home and manufactured housing—a prefabricated, factory built home built on a permanent chassis which can be transported in one or more sections and is typically used as a permanent residential dwelling unit. Homes built since 1976 are constructed to standards and codes, as promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Home Construction and Safety Standards Act of 1974, as amended, the Housing and Community Development Act of 1974, 42 U.S.C. 5401 et seq., as amended. Further, the terms “manufactured home” and “manufactured housing” may be used interchangeably and apply to structures bearing the permanently affixed seal of the United States Department of Housing and Urban Development.

Public entity—the state and any of its branches, departments, offices, agencies, boards, commissions, instrumentalities, officers, officials, employees, and political subdivisions and the departments, offices, agencies, boards, commissions, instrumentalities, officers, officials and employees of such political subdivision.

Standards—the federal manufactured housing construction and safety standards promulgated under Section 604 of the Act, 42 U.S.C. 5403, Part 3280.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.26(E).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Fire Marshal, LR 45

§555. Repair Requirements

- A. All repairs made to used manufactured homes constructed during and after January 2006 that are no longer in compliance with the standards to which they were built, or standards and codes, as promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended, shall be made so that the repair restores the damaged portion of the structure, using like or similar materials, to the same or similar condition as existed prior to the damage, as determined by the Office of State Fire Marshal.
- B. All repairs made to used manufactured homes constructed during and after January 2006 that are no longer in compliance with the standards to which they were built or standards and codes, as promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended shall be in accordance with the 2015 Wood Frame Construction Manual, the plumbing and mechanical portions of the 2015 International Residential Code (IRC) and the 2014 National Electrical Code, as applicable.
- C. The Office of State Fire Marshal, as the authority having jurisdiction pursuant to R.S. 51:911.26(F)(11), is hereby authorized to adopt administrative, permitting, and inspection policies to assure that the repairs have been done in accordance with the aforementioned codes, which shall adhere to and not usurp applicable state laws. This authorization shall include permitting or inspections of driveways, steps, decks, or other similar accessory structures as provided in R.S. 40: 1730.23(B). The Office of State Fire Marshal shall use employee inspectors that are registered LSUCCC certified building officials for inspection of all repairs, not to include repairs which are performed under warranty and/or repairs pursuant to installations and set ups of manufactured homes. Upon completion of a final, approved inspection, as reported in an Office of State Fire Marshal inspection report, the Office of State Fire Marshal shall provide the inspection report to the local governing authority, which may utilize the report in determining the reinstatement and/or permitting of services, utilities, and, any and all other amenities that were discontinued due to the damage incurred to the manufactured home which prompted the repairs.
- D. In the absence of the availability of the aforesaid Office of State Fire Marshal certified building officials, the Office of State Fire Marshal shall give written notification to the local jurisdictions to conduct said inspections.
- E. Pursuant to R.S. 9:2798.1, liability shall not be imposed on public entities or their officers or employees based upon the exercise or performance or the failure to exercise or

perform their policymaking or discretionary acts when such acts are within the course and scope of their lawful powers and duties. These provisions are not applicable:

(1) To acts or omissions which are not reasonably related to the legitimate governmental objective for which the policymaking or discretionary power exists; or

(2) To acts or omissions which constitute criminal, fraudulent, malicious, intentional, willful, outrageous, reckless, or flagrant misconducts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.26(E), R.S. 51:911.26(F)(11) and R.S. 40:1730.23(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Fire Marshal, LR 45:

Adopted and became effective March 25, 2019.

A handwritten signature in black ink, appearing to read 'HB', is written over a horizontal line. The signature is stylized and cursive.

CHIEF H. "BUTCH" BROWNING
Louisiana State Fire Marshal