



Alabama Department of Examiners of Public Accounts

Sunset Report **Alabama Manufactured Housing Commission Montgomery, Alabama**

October 1, 2019 through September 30, 2023

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ALABAMA STATE HOUSE

Rachel Laurie Riddle, Chief Examiner



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State of Alabama
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Examiners of Public Accounts

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September 25, 2024

Representative Margie Wilcox
Chairman, Sunset Committee
Alabama State House
Montgomery, Alabama 36130

Dear Representative Wilcox:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Manufactured Housing Commission in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Manufactured Housing Commission in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle
Chief Examiner

Examiner
Karen McClure

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PROFILE

Purpose/Authority

The Alabama Manufactured Housing Commission (the “Commission”) was created by the Alabama Legislature in 1985 to provide a comprehensive manufactured housing and building program with respect to construction, transportation, site location or manufacturing standards for such structures. The mission of the Commission is to regulate the manufactured housing industry doing business in Alabama with an emphasis on compliance and consumer protection. The Commission accomplishes its mission through licensing and regulation of manufacturers, retailers, installers, and salespersons of manufactured/modular homes and buildings.

The Commission serves as the state’s regulatory agency to enforce the installation program standards and the manufactured building (modular) program construction standards. Additionally, the Commission serves as the state administrative agency for U. S. Department Housing and Urban Development to enforce federal regulations pertaining to manufactured homes. The Commission inspects the installation and setup of new and used manufactured and modular homes and responds to consumer complaints.

The *Code of Alabama 1975*, Sections 24-4A-1 through 24-4A-7; 24-5-1 through 24-5-34; and 24-6-1 through 24-6-4 provide the Commission’s current statutory authority. There were no legislative acts passed since the last sunset review of this agency.

<u>Characteristics</u>	
Members and Selection	The Commission consists of an advisory board of nine members, an administrator, and other staff and personnel. Members of the Advisory Board are appointed as follows: Six members appointed by the Governor and subject to Senate confirmation: • Three industry members selected from a list of nine nominees submitted by the Alabama Manufactured Housing Association. • Three consumers appointed from the general public. Three Governmental Representatives appointed as follows: • One local government member appointed by the President Pro Tempore of the Senate. • One member of the House of Representatives appointed by the Speaker of the House of Representatives. • One member of the Senate appointed by the Lieutenant Governor. <i>Code of Alabama 1975</i>, Sections 26-6-2 and 26-6-3

Term	Industry and consumer members serve five-year terms. Appointed members shall be eligible for reappointment. The members who are appointed by the Speaker of the House of Representatives, the Lieutenant Governor, and the President Pro Tempore of the Senate shall serve for the initial terms of their elected office and may be reappointed by the appointing authority for additional terms. <i>Code of Alabama 1975, Section 24-6-3</i>
Qualifications	All members shall have been a resident of Alabama for at least five years prior to appointment. Of the six members appointed by the Governor: • Three members shall be from the Alabama manufactured housing industry. ▪ Two members shall represent the manufacturers. ▪ One member shall represent the retailers. ▪ No employee of AMHA shall serve on the Commission. Three consumer members from the general public of whom one must live in a manufactured home at the time of appointment. <i>Code of Alabama 1975, Section 24-6-3</i>
Consumer Representation	Three consumer members required by statute. Three consumer members serving. <i>Code of Alabama 1975, Section 24-6-3</i>
Racial Representation	No specific statutory requirement. Two minority members serving.

Geographical Representation	Consumer members shall be selected from current Congressional Districts as follows: • One member must reside in Congressional Districts 4 or 5. • One member must reside in Congressional Districts 3 or 6. • One member must reside in Congressional Districts 1, 2 or 7. <i>Code of Alabama 1975</i>, Section 24-6-3
Other Representation	The membership of the Commission shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. <i>Code of Alabama 1975</i>, Section 26-6-2 Membership of the advisory board shall reflect the geographical, gender, racial, and ethnic diversity of the state without regard to party affiliation. <i>Code of Alabama 1975</i>, Section 26-6-3
Compensation	All members of the advisory board of the Commission, except legislative members, shall be paid one hundred dollars (\$100) for each day the members of the advisory board of the Commission meet and shall receive the same per diem and allowance for meetings of the advisory board as is paid to state employees for official state business. Legislative members shall be entitled to receive their regular legislative compensation. <i>Code of Alabama 1975</i>, Section 26-6-3
Attended Board Member Training	One Advisory Board Member Senior Accountant General Counsel

<u>Operations</u>	
Administrator	Steve Pinckard serves as the administrator of the Commission with an annual salary of \$142,454.40. The administrator is appointed by the Governor. The Governor is authorized to set the qualifications and compensation of the administrator and has the sole authority to hire or fire the administrator. <i>Code of Alabama 1975</i>, Section 24-6-4(f)
Location	350 South Decatur Street Montgomery, AL 36104 Monday through Friday - 6:30 am to 5:30 pm
Real Property	The Commission owns the building at 350 South Decatur Street, Montgomery, AL 36104.
Employees	23 employees
Legal Counsel	Dean Hartzog, an employee of the Commission serves as General Counsel for the Commission.
Subpoena Power	The Commission does not have subpoena power except as provided by the Administrative Procedures Act, <i>Code of Alabama 1975</i> , Section 41-22-12 for hearings and contested cases.
Internet Presence	www.amhc.alabama.gov The Commission's website has announcements, meeting notices, administrative rules and federal regulations as well as information related to training. The website has links to forms and applications for installers, retailers, and manufacturers. Miscellaneous forms such as complaint forms and public record request forms and the ability to search for licensed manufacturers, retailers/salespersons, and installers are also included on the website.

<u>Financial</u>																															
Source of Funds	Licensing fees, inspection fees, certification fees, federal reimbursements, fines and penalties.																														
State Treasury	Yes, Special Revenue Fund 0350 in the State Treasury. <i>Code of Alabama 1975</i> , Section 24-6-4(b)																														
Required Distributions	None.																														
Unused Funds	Any proceeds remaining at the end of each fiscal year shall not revert to the State General Fund but shall carry forward to the succeeding fiscal years in the fund for the use of the Commission. <i>Code of Alabama 1975</i> , Section 24-6-4(b)																														
<u>Licensure</u>																															
Licensees	As of September 30, 2023: <table border="1"> <thead> <tr> <th>Type of License</th><th>Number</th></tr> </thead> <tbody> <tr> <td colspan="2">U. S. Department of Housing and Urban Development (HUD)</td></tr> <tr> <td>Manufacturers</td><td>50</td></tr> <tr> <td>Retailers</td><td>215</td></tr> <tr> <td>Salespersons</td><td>463</td></tr> <tr> <td colspan="2">Installers</td></tr> <tr> <td>HUD</td><td>140</td></tr> <tr> <td>HUD Trainee</td><td>46</td></tr> <tr> <td>Modular</td><td>62</td></tr> <tr> <td>Modular Trainee</td><td>16</td></tr> <tr> <td colspan="2">Modular</td></tr> <tr> <td>Manufacturers</td><td>76</td></tr> <tr> <td>Retailers</td><td>66</td></tr> <tr> <td>Third Party Inspection Agency</td><td>10</td></tr> <tr> <td>Total</td><td>1,144</td></tr> </tbody> </table> <i>Source: Administrator</i>	Type of License	Number	U. S. Department of Housing and Urban Development (HUD)		Manufacturers	50	Retailers	215	Salespersons	463	Installers		HUD	140	HUD Trainee	46	Modular	62	Modular Trainee	16	Modular		Manufacturers	76	Retailers	66	Third Party Inspection Agency	10	Total	1,144
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Licensure Qualifications	Installers (Manufactured Homes and Manufactured Buildings [Modulars]) - Each applicant shall satisfactorily complete an installer's course conducted by the Commission and pass a written or oral test prior to being issued a certification to install manufactured homes or manufactured buildings (modulars) <i>Administrative Rule</i> 535-X-11-.14 and 535-X-12-.03 To obtain licensure manufacturers, retailers, and installers must hold a valid bond and general liability insurance coverage as follows: <table><tr><th></th><th>Bond</th><th>Insurance</th></tr><tr><td>Manufacturer</td><td>\$25,000.00 per license facility or a minimum of \$100,000.00</td><td>\$1,000,000.00</td></tr><tr><td>Retailer</td><td>\$25,000.00 for 1 to 3 facilities, \$50,000.00 for more than three.</td><td>\$500,000.00</td></tr><tr><td>Installer</td><td>\$20,000</td><td>\$100,000.00</td></tr></table> <i>Administrative Rule</i> 535-X-15-.03 Salespersons - Shall satisfactorily complete a course of instruction approved by the Commission. - Upon written request salespersons who only sell commercial manufactured buildings (modular) may be granted an exception to be required to complete a course limited to the sale of manufactured buildings (the modular training course). <i>Administrative Rule</i> 535-X-14-.04		Bond	Insurance	Manufacturer	\$25,000.00 per license facility or a minimum of \$100,000.00	\$1,000,000.00	Retailer	\$25,000.00 for 1 to 3 facilities, \$50,000.00 for more than three.	\$500,000.00	Installer	\$20,000	\$100,000.00
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Installer	\$20,000	\$100,000.00											

Examinations	Examinations are compiled, administered and graded by the Alabama Manufactured Housing Commission (AMHC). <u>Installer Training (HUD and Modular)</u> The initial training shall consist of 8 hours of classroom training. After the completion of the classroom training, the applicant shall have an additional 4 hours of hands-on training by a AMHC Field Inspector. <u>Salesperson Training</u> All new salespersons must attend a one day (8 hour) course of instruction before receiving an original salespersons license. Exams are held at the training site. Exam sites include Atmore, Gardendale, Wetumpka and Orange Beach throughout the year. Examination fees are paid directly to the Commission. <table data-bbox="686 793 1286 1285"> <tr> <th colspan="2">Examination Pass/Fail Rates</th></tr> <tr> <th>FY 2020</th><th>% Passed</th></tr> <tr> <td>Installer</td><td>100%</td></tr> <tr> <td>Salesperson</td><td>100%</td></tr> <tr> <th>FY 2021</th><th>% Passed</th></tr> <tr> <td>Installer</td><td>100%</td></tr> <tr> <td>Salesperson</td><td>100%</td></tr> <tr> <th>FY 2022</th><td></td></tr> <tr> <td>Installer</td><td>100%</td></tr> <tr> <td>Salesperson</td><td>100%</td></tr> <tr> <th>FY 2023</th><td></td></tr> <tr> <td>Installer</td><td>100%</td></tr> <tr> <td>Salesperson</td><td>100%</td></tr> </table> <i>Source:</i> Administrator	Examination Pass/Fail Rates		FY 2020	% Passed	Installer	100%	Salesperson	100%	FY 2021	% Passed	Installer	100%	Salesperson	100%	FY 2022		Installer	100%	Salesperson	100%	FY 2023		Installer	100%	Salesperson	100%
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Reciprocity	If the Commission determines that standards for construction and inspection of manufactured buildings prescribed by statute or rule of another state are at least equal to standards prescribed by the Commission under this chapter and such standards are actually enforced by such other state, the Commission may provide by rule that a manufactured building, which has been inspected and approved by such other state or its delegated inspection agency, shall be deemed to have been approved by the commission, and shall authorize the affixing of the appropriate insignia of approval. <i>Code of Alabama 1975, Section 24-4A-3(h)</i>																										

Renewals	Manufacturers or Dealers (Retailers) renew annually. Licenses are valid from January 1 until December 31 of the year in which the license was issued. <i>Code of Alabama 1975</i>, Section 24-5-6(c) <i>Administrative Rule</i> 535-X-17-.03 Salesperson licenses renew annually. The license shall be valid from March 1 until February 28/29 of the following year it is issued. <i>Administrative Rule</i> 535-X-14-.03 Installers licenses renew annually. Each applicant, once certified, may thereafter renew their certification with Commission approval and the payment of an annual certification fee. <i>Administrative Rule</i> 535-X-12-.03 No grace period allowed. Approximately 35% of renewals are done online. <i>Source:</i> Administrator
Licensee Demographics	Data not collected by agency. <i>Source:</i> Administrator
Continuing Education	Each certified installer, certified salesperson and certified modular installer shall be required to satisfactorily complete a refresher course on installation every two years after completion of the initial course. <i>Administrative Rules</i> 535-X-12-.03, 535-X-14-.04, and 535-X-11.14

SIGNIFICANT ISSUES

Significant Issue 2024-001: The Commission did not certify deposits to the State Treasury within thirty days after the deposits were made. Sixteen of the seventy-one (23%) deposits tested were not certified to the State Treasury from 31 up to 99 business days after deposit.

According to the State Treasurer's Office, "When monies are deposited or electronically remitted to a Treasury bank account, the state agency receiving the monies should certify the amount with a cash receipt document within 30 days."

Significant Issue 2024-002: The Commission did not always deposit receipts in a timely manner. Two-hundred one of four-hundred eleven checks (48%) tested were deposited from 6 up to 17 business days after receipt. Failure to promptly deposit checks and money orders unnecessarily increases the risk of loss or misuse of state funds.

The Commission is responsible for establishing and maintaining an effective system of internal accounting controls to provide reasonable assurance that funds are deposited in a timely manner. According to the Commission's *Policies and Operating Procedures*, Policy #6 Accounting for Daily Receipts, checks should be transferred to accounting no later than 11:00 a.m. each duty day. Accounting will deposit checks as soon as possible each duty day."

Significant Issue 2024-003: The Commission did not accurately record compensatory time, annual leave, and sick leave into the State's Governmental Human Resources System (GHRS). A review of employee timesheets revealed errors with four employees' leave balances. As a result, the four employees' balances required adjustments. Upon notification of the errors, the Commission adjusted the leave balances as needed.

Failure to maintain accurate records could result in erroneous compensation to employees as well as unnecessary expenses or liability for the Commission. The Alabama State Personnel Board's *Administrative Rule* 670-X-11-.06 states, "All departments shall maintain accurate and current time and leave records in the official time and attendance/payroll/personnel system."

Significant Issue 2024-004: Twenty of twenty-five (80%) complaint files selected for review were missing required documentation of a letter being mailed to complainants with information regarding the closure of their complaint and the reason for closure by the Commission.

The Commission serves as the state administrative agency for U. S. Department Housing and Urban Development (HUD) to enforce federal regulations pertaining to manufactured homes. HUD's State Administrative Agency State Plan states, "The consumer is mailed a letter stating the date of closure and the reason. A copy is placed in the complaint file."

SIGNIFICANT ISSUES FROM QUESTIONNAIRES

Significant Issue 2024-005: Five out of seventeen (29%) licensees responding to our survey think some of the Commission's laws, rules, or policies are an unnecessary restriction on the practice of their profession.

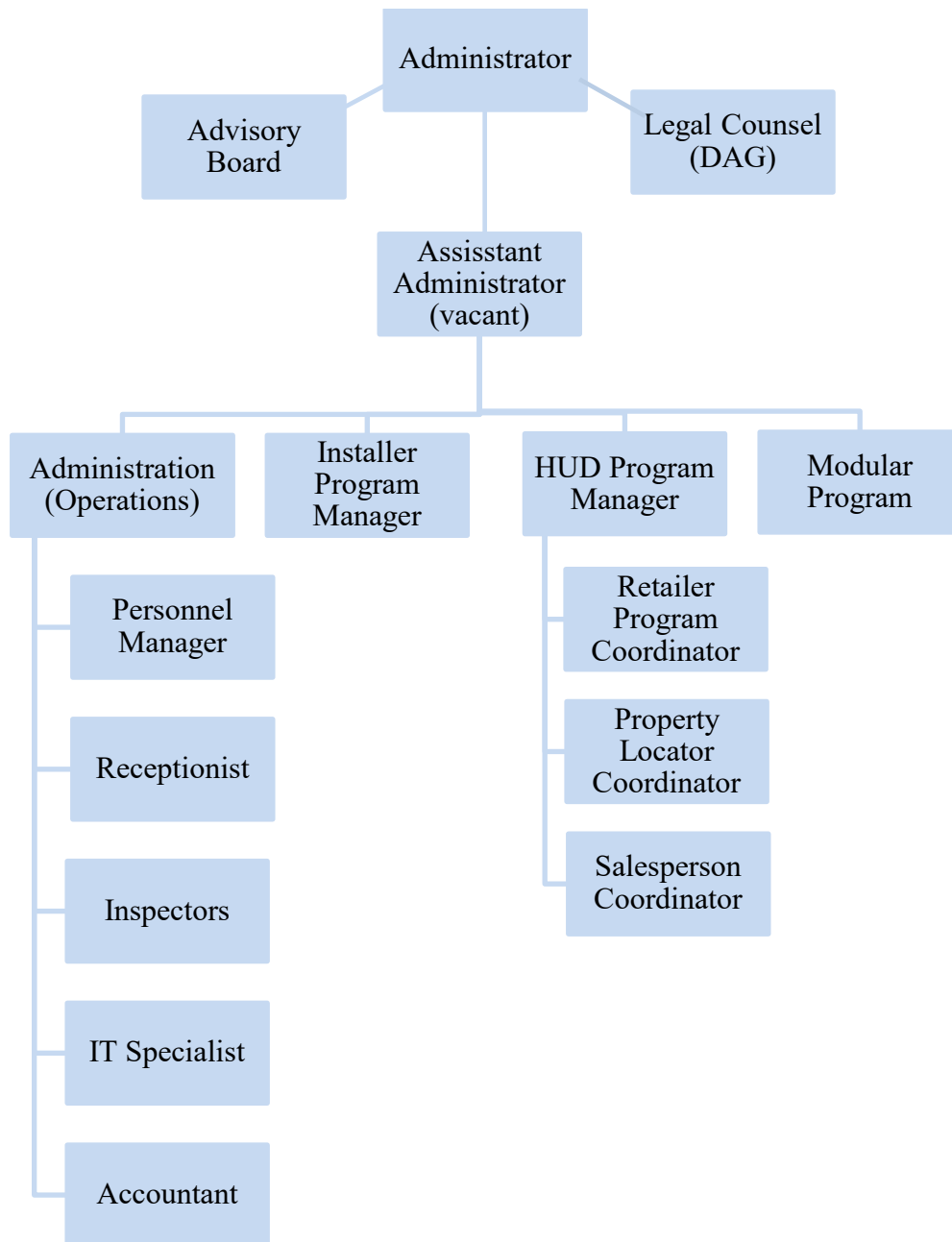
Significant Issue 2024-006: Complainants whose complaint had been resolved within the last two years were sent a request to complete a survey. The following issues were noted in the responses:

- Three of the eleven (27%) complainants responding to our survey indicated receipt of their complaint was not acknowledged by the Commission. Testing of complaint files did not reveal any issues with acknowledgment of complaints by the Commission.
- Nine of the eleven (82%) complainants responding to our survey indicated the Commission did not communicate the results of its investigation into their complaint to them. Testing of complaint files revealed that documentation of a letter being mailed to complainants with information regarding the closure of their complaint and the reason for closure by the Commission was not always in the files. *See Significant Issue 2024-004.*
- Nine of the eleven (82%) complainants responding to our survey do not think the Commission did everything it could to resolve their complaint.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

All prior findings/significant issues have been resolved.

ORGANIZATION



Source: Administrator

PERSONNEL

Employees

	#	B/M	W/M	B/F	W/F	Salary or Salary Range	Vehicle Assigned
Unclassified/Exempt							
Administrator	1		1			\$142,454.40	1
General Counsel	1		1			\$142,454.40	
Classified							
Account Clerk	1			1		\$32,416.80	
Administrative Support Assistant II	1				1	\$35,793.60	
Administrative Support Assistant III	1				1	\$34,048.80	
Executive Secretary	1				1	\$43,591.20	
IT Systems Specialist	1			1		\$91,269.60	
Senior Accountant	1		1			\$91,269.60	3*
Building Construction Specialist	3		3			\$62,894.40- \$78,549.60	3
Manufactured Housing Field Supervisor	1		1			\$78,549.60	1
Manufactured Housing Inspector	9	1	8			\$41,479.20 - \$62,894.40	6
Manufactured Housing Programs Manager	2		1		1	\$78,549.60 - \$89,030.40	1
Total	23	1	16	2	4		13

B/M=black male, W/M=white male, B/F=black female, W/F=white female

*Senior Accountant acts as the Commission's Property Manager and has three vehicles assigned for general office use

Legal Counsel

Dean Hartzog, Deputy Attorney General and an employee of the Commission, provides legal services for the Alabama Manufactured Housing Commission.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee (FY 2023): 50

Number of Licensees for the Past Four Fiscal Years

Type of Licenses	Fiscal Year			
	2020	2021	2022	2023
Department of Housing and Urban Development (HUD)				
Manufacturers	41	43	46	50
Retailers	189	217	214	215
Salespersons	371	415	382	463
Installers				
HUD	147	158	156	140
HUD Trainees	28	37	46	46
Modular	66	68	72	62
Modular Trainees	11	12	9	16
Modular				
Manufacturers	85	87	84	76
Retailers	82	89	71	66
Third Party ⁴¹	11	10	10	10
Total	1,031	1,136	1,090	1,144

Operating Disbursements per Licensee (FY 2023): \$2,196.32

Fines/Penalties as a Percentage of Operating Receipts

	FY 2020	FY 2021	FY 2022	FY 2023
Total Receipts	\$ 2,710,909.61	\$ 3,195,232.13	\$ 3,064,275.04	\$ 3,384,690.30
Fines and Penalties*	\$ 30,275.00	\$ 60,610.00	\$ 57,471.40	\$ 38,325.60
Percentage	1.12%	1.88%	1.88%	1.13%

*This is the total of Administrative Penalties and Professional/Occupational Board Penalties.

Notification of Commission Decisions to Amend Administrative Rules

The Commission complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules.

The Commission mails notices of proposed rule changes regarding anchoring to all manufacturers and service organizations doing business in Alabama. Additionally, the Commission mails notices to the Alabama Manufactured Housing Association (AMHA) when rule changes or additions are made to the rules and regulations adopted in subsection (a) of the *Code of Alabama 1975*, Section 24-5-32. Licensees are informed by mail with notice or memorandum on the amended Administrative Rules. There were no rule changes during the examination period.

Inspections

Manufactured Homes

The Commission inspects 100% of the installations/setups of new and used manufactured homes and buildings. The purpose of the inspections is to ensure that the homes are suitable for habitation and exhibit a U. S. Department of Housing and Urban Development (HUD) label indicating an in-plant inspection by a HUD representative. The inspections are also made to ensure if the following are adequate:

- Drainage: There is proper drainage to prevent the erosion of the ground beneath the home or ponding of water, which causes mold.
- Support: Piers that support the home are of the proper type and spaced properly.
- Anchoring: Homes are properly anchored.
- Utility Connections: Utilities are properly interconnected on multi-unit homes.
- Set up: Homes are set up as required by the manufacturer's installation instructions.

Schedule of Inspections				
Calendar Years 2020 through 2023				
	2020	2021	2022	2023
Installation Inspections	5,901	6,319	6,277	6,382

Source: Administrator

If an installer fails an inspection, the installer is provided with a copy of the inspection report and given 30 days to correct the inspection discrepancies. At the completion of corrections, the installer returns the inspection report to the AMHC with a signed statement that the discrepancies have been corrected. AMHC staff conducts random follow-up inspections to ensure that inspection discrepancies have actually been corrected.

Modular Buildings

Modular buildings are not regulated by HUD. The Commission has adopted the requirements of the International Building Code published by the International Code Council for regulations of modular buildings. The International Building Code establishes standards for various aspects of construction such as gas, plumbing, electricity, energy conservation, fire prevention, etc.

The Commission requires manufacturers, retailers, and installers to provide evidence of general liability insurance and surety bond in order to be licensed. Although HUD requires independent inspectors at manufactured housing plants, there is no such requirement for modular housing. The Commission, in order to ensure that modular homes are constructed in accordance with applicable building codes, delegates its authority to conduct inspections to 3rd party inspectors (firms) whose credentials have been certified by the Commission. A manufacturer of modular buildings to be sold in Alabama is required to employ the services of a 3rd party inspecting firm certified by the Commission. In order to ensure that inspectors are acceptable, the inspecting firm must submit an application as well as evidence of the educational/professional/experience qualifications of the persons who will be doing the inspections.

COMPLAINT HANDLING

As the State Administrative Agency (SAA) for the U. S. Department of Housing and Urban Development (HUD), complaints are handled in accordance with the guidelines set forth in U.S. *Code of Federal Regulations* Part 3282, *Manufactured Home Procedural and Enforcement Regulations*. The Commission's *Administrative Rules* 535-X-18-.01 through 535-X-18-.07 provide the procedures for documentation, receipt, and investigation of complaints received by the Commission.

Initial Contact/Documentation	Complaints are received only from consumers on a specific Alabama Manufactured Housing Commission (AMHC) form, signed by the complainant and submitted in person, by mail or via email. Complainants are notified of receipt of the complaint through a phone call or email. Manufacturers, Retailers and Installers are sent a copy of the complaint and are required to submit a written response.
Anonymous Complaints Accepted	No.
Investigative Process / Probable Cause Determination	Investigations are primarily handled by the Manufactured Housing Programs Manager. Involvement with attorneys hired by the complainant could pause/close investigations until litigation/arbitration has concluded in the courts. After an investigation is concluded, the Program Manager along with the Administrator and/or General Counsel determines if further action is required pursuant to the federal regulations and/or state laws, rules & regulations or the complaint is outside of the Commission's regulatory authority.
Negotiated Settlements	No.
Notification of Resolution to the Complainant	The Commission notifies complainants of its resolution of the complaint by mail, phone call, or email.

Source: Administrator

Complaint Data

Schedule of Complaints Resolved Fiscal Year 2020 through 2023						
Year/Number of Complaints Received	Year/Number Resolved					Pending
	2020	2021	2022	2023	2024¹	
2020 / 52	30	21	1			
2021 / 42		28	12	2		
2022 / 55			20	32	2	1
2023 / 35				17	16	2
2024 ¹ / 7					6	1

¹As of May, 31, 2024

Source: Administrator

Average Time to Resolve Complaints - 126 business days.

All cases open longer than one year were either having continuous repairs being completed or awaiting resolution of litigation.

Disposition of Resolved Complaints

Number of Complaints	Resolution
137	Corrective Repairs Made – Work Complete
12	Complaint Withdrawn
8	No Jurisdiction
5	Settlement Agreement between the two parties involved*
4	Consumer Refused Repairs
4	No Action Taken – No Defect/Issues Noted
3	Bond Claim
3	Corrective Repairs Made – Code Violations Complete
2	No Action Taken – Cosmetic Item
2	No Action Taken – No Code Violation
2	No Action Taken
1	Corrective Repairs Made – Consumer Unsatisfied with Repairs
1	Corrective Repairs Made – Consumer Unsatisfied with Repairs, In Litigation
1	Corrective Repairs Made – Cosmetic Items Fixed, Consumer Unsatisfied
1	Corrective Repairs Made
1	No Action Taken – Manufacturer Out of Business

*Settlement agreements are not with the Commission but rather between the Complainant and the responsible Manufacturer/Retailer/Installer.

Source: Administrator

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

Federal (HUD) – Under the National Manufactured Housing Construction and Safety Standards Act as amended, the Department of Housing and Urban Development (HUD) is responsible for establishing and enforcing the Federal Manufactured Home Construction and Safety Standards (24 CFR Part 3280.2), and the Manufactured Home Procedural and Enforcement Regulations (24 CFR Part 3282). As the State Administrator Agency (SAA) for HUD, the Alabama Manufactured Housing Commission (AMHC) is responsible for enforcing the Federal Regulations and Standards as stated in the Alabama State Plan. AMHC must carry out all provisions identified in its State Plan. Section 609 of the Act, 42 U.S.C., Section 5408, authorizes HUD to advise, assist, and cooperate with State agencies, in the planning and development of methods for inspecting and testing to determine compliance with the manufactured home standards. The entire manufactured housing program is structured as a joint Federal/State partnership.

FINANCIAL INFORMATION

Source of Funds

License fees, inspection fees, certification fees, federal reimbursements, fines, and penalties are deposited into the Alabama Manufactured Housing Commission's Special Revenue Fund 0350 maintained in the State Treasury.

Schedule of Fees

With the exception of the bad check fee and the penalty fees, all Commission fees are authorized by the *Code of Alabama 1975*, Section 24-6-4 (d). The bad check fee is authorized by *Code of Alabama 1975*, Section 8-8-15 and with a maximum allowed of \$30.00.

FEE TYPE/PURPOSE	ADMINISTRATIVE RULE	AMOUNT COLLECTED
Manufactured Home Program		
<i>License/Certification</i>		
Manufacturer	535-X-19-.03	\$550.00
Dealer	535-X-19-.03	\$450.00
Installer	535-X-19-.03	\$200.00
Salesperson	535-X-19-.03	\$200.00
Transfer Fee	535-X-19-.03	\$30.00
Pre-delivery Site Inspection	535-X-19-.03	\$100.00
Certificate of Training	535-X-19-.03	\$200.00
Manufacturer New Home Shipment/ Inspection Fee*	535-X-19-.03	\$75.00
Installer Decal	535-X-19-.03	\$130.00
Training	535-X-19-.03	\$200.00
Hearing Cost – Bond Claims	535-X-19-.03	Not to exceed 25%
Man-Hour Rate – Litigation or Dispute Resolution	535-X-19-.03	Not to exceed 45%
Used Manufactured Homes - Resale Decal	535-X-19-.03	\$100.00
*Each manufacturer shall pay a shipment fee to the Alabama Manufactured Housing Commission (AMHC) for each transportable section of each new manufactured home shipped to a retailer in Alabama during the previous month. The payment will be due on the 10th of each month for the previous month's shipments		
Supplier Program		
<i>Testing & Evaluation Approval & Filing</i>		
Installation Device	535-X-19-.04	\$2,050.00
Installation System	535-X-19-.04	\$3,000.00
Annual Renewal	535-X-19-.04	25%
Man-Hour Rate	535-X-19-.04	\$45.00

FEE TYPE/PURPOSE	ADMINISTRATIVE RULE	AMOUNT COLLECTED
Modular/Manufactured Building Program		
<i>Plan Approval and System Filing</i>		
Electrical	535-X-19-.05	\$150.00
Plumbing	535-X-19-.05	\$150.00
Heating, Ventilation, and Air Conditioning	535-X-19-.05	\$150.00
Structural	535-X-19-.05	\$350.00
Total of All Systems	535-X-19-.05	\$800.00
Renewal Fee	535-X-19-.05	Minimum of 50%
Modular Plan Modification	535-X-19-.05	\$100.00
<i>Insignia per square foot floor area:</i>		
International Building Code (IBC) Units	535-X-19-.05	\$0.20 per sq. ft. Minimum of \$150.00
International Residential Code (IRC) Units	535-X-19-.05	\$0.15 per sq. ft. Minimum of \$150.00
Man-Hour Rate for Complex Systems	535-X-19-.05	\$45.00
Modular Retailer/Leasing Company License	535-X-19-.05	\$450.00
Salespersons License	535-X-19-.05	\$200.00
Modular Manufacturer License	535-X-19-.05	\$550.00
Modular Out-of-State Decal	535-X-19-.05	\$20.00
Third Party Approval	535-X-19-.05	\$650.00
Training	535-X-19-.05	\$200.00
Installer Certification/license	535-X-19-.05	\$200.00
Certificate of Training	535-X-19-.05	\$200.00
Installer Decal	535-X-19-.05	\$175.00
Used Modular Units Sold/Leased/to Purchase Retailer**	535-X-19-.05	\$25.00
Late Payment Fee	535-X-19-.05	50%
Bad Check Fee	535-X-19-.05	\$30.00

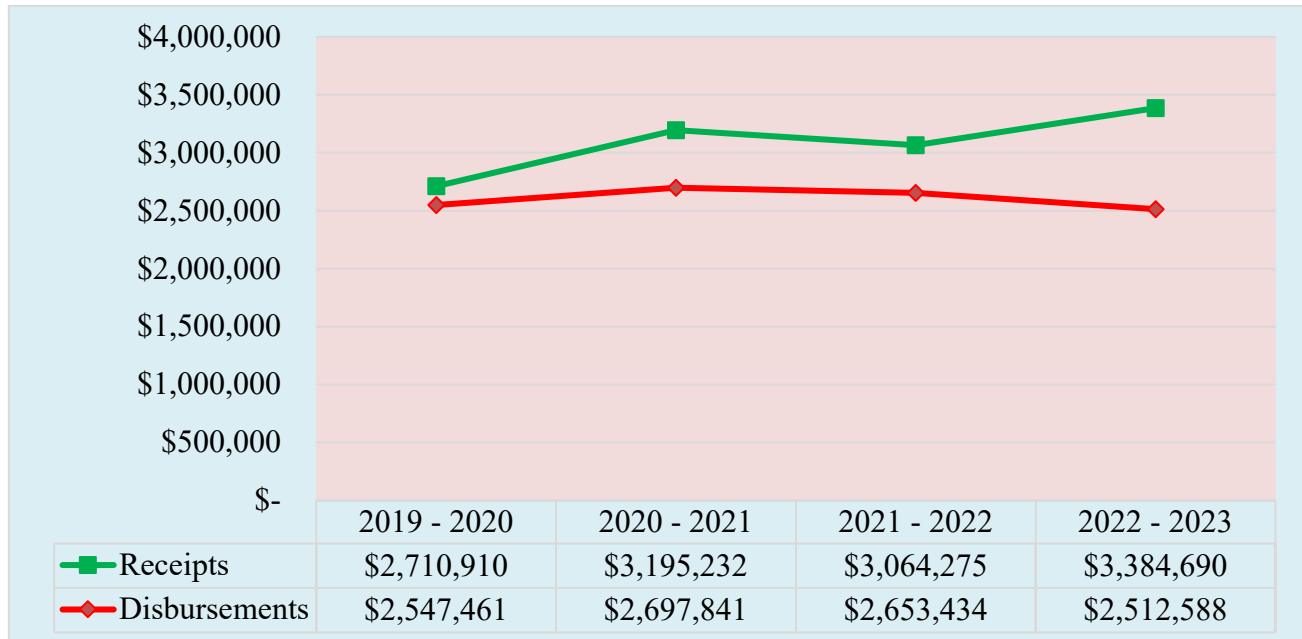
**Each modular retailer shall pay a fee to the AMHC for each used manufactured building sold, leased or leased to purchase during the previous month for siting in Alabama. The payment will be due on the 10th of each month for the previous month's sales, leases or leases to purchase.

Schedule of Receipts, Disbursements and Balances

October 1, 2019 through September 30, 2023

	2019-2020	2020-2021	2021-2022	2022-2023
<u>Receipts</u>				
Mobile Home Dealers Fees	\$ 767,525.90	\$ 916,178.40	\$ 958,442.65	\$ 840,664.93
Mobile Home Installers Fees	964,399.66	1,068,088.55	1,002,098.84	967,914.94
Modular Home Fees	549,574.75	652,648.36	741,445.50	913,454.44
Administrative Penalties	9,875.00	20,625.00	14,200.00	13,367.00
Professional/Occupational Board Penalties	20,400.00	39,475.00	43,271.40	24,958.60
Copy Fees	4,397.44	2,662.64	2,240.25	2,087.50
Bad Check Penalties	380.00		90.00	60.00
Insurance Recoveries	18,969.67			
Prior Year Refunds	43.99	111.68		
Salvage Equipment	28,224.70	30,597.00	58,500.40	16,019.89
Federal Operating Reimbursement	347,118.50	464,845.50	243,986.00	606,163.00
Total	<u>2,710,909.61</u>	<u>3,195,232.13</u>	<u>3,064,275.04</u>	<u>3,384,690.30</u>
<u>Disbursements</u>				
Personnel Costs	1,481,374.07	1,494,000.84	1,623,299.83	1,575,348.42
Employee Benefits	594,429.10	602,594.96	638,474.99	608,586.49
Travel, In-State	20,176.40	20,862.55	30,427.92	23,219.51
Travel, Out-of-State	1,706.15	999.83	1,105.60	788.24
Repairs and Maintenance	11,647.58	80,121.08	4,418.49	17,652.12
Rentals and Leases	10,638.79	14,585.82	14,540.97	13,436.81
Utilities and Communications	57,425.62	56,251.54	54,935.45	49,549.94
Professional Services	62,039.24	79,685.86	77,455.73	73,253.97
Supplies, Materials, and Operating Expenses	51,562.73	49,066.05	53,239.43	55,763.10
Transportation Equipment Operations	47,426.15	59,339.72	86,249.48	72,531.68
Transportation Equipment Purchases	185,773.15	209,167.00	60,063.32	
Other Equipment Purchases	23,261.97	31,165.64	9,223.15	22,457.53
Total	<u>2,547,460.95</u>	<u>2,697,840.89</u>	<u>2,653,434.36</u>	<u>2,512,587.81</u>
Excess of Receipts over Disbursements	163,448.66	497,391.24	410,840.68	872,102.49
Cash Balance at Beginning of Year	<u>3,310,908.85</u>	<u>3,474,357.51</u>	<u>3,971,748.75</u>	<u>4,382,589.43</u>
Cash Balance at End of Year	3,474,357.51	3,971,748.75	4,382,589.43	5,254,691.92
Reserved for Unpaid Obligations	<u>(125,171.28)</u>	<u>(154,822.18)</u>	<u>(116,487.73)</u>	<u>(275,153.49)</u>
Unobligated Cash Balance at End of Year	<u>\$ 3,349,186.23</u>	<u>\$ 3,816,926.57</u>	<u>\$ 4,266,101.70</u>	<u>\$ 4,979,538.43</u>

Operating Receipts vs. Operating Disbursements

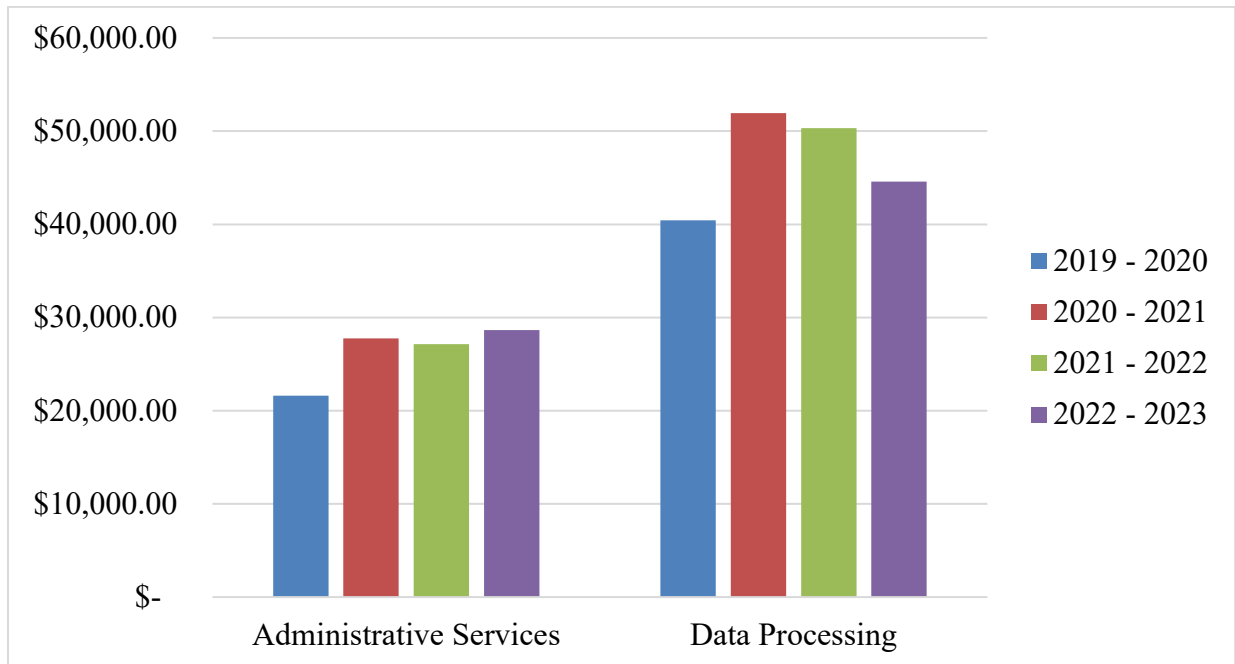


Summary Schedule of Professional Services Disbursements*

As of September 30th				
Type of Service	FY 2020	FY 2021	FY 2022	FY 2023
Administrative Services	\$ 21,622.71	\$ 27,743.10	\$ 27,143.33	\$ 28,664.13
Data Processing	40,416.63	51,942.76	50,312.40	44,589.84
Total Professional Services	\$ 62,039.24	\$ 79,685.86	\$ 77,455.73	\$ 73,253.97

*Detailed information presented in Appendix II of this report.

Professional Services Disbursements



QUESTIONNAIRES

Advisory Board Member Questionnaire

A letter was sent to all nine members of the Alabama Manufactured Housing Commission's Advisory Board requesting participation in our survey. Three participated in our survey. The percentages are based on the number who responded to the question.

1. What do you consider the most significant issue(s) facing the Alabama Manufactured Housing Commission and how is the Commission addressing these issues?

Board Member #1 - "Ensuring proper Installation of the HUD and Modular Homes Installed in within the State of Alabama. The AMHC has a field inspection team, and they inspect 100% of the homes installed in the State. To my knowledge, Alabama is the only State in the whole United States that performs 100% inspections."

Board Member #2 - "No immediate issues. The commission serves the consumer who purchases manufactured and modular homes. The commission does an outstanding job of inspecting all homes that have been installed by licensed installers."

Board Member#3 - "Managing & overseeing the correct & compliant manufacturing processes. Conducting onsite inspections & training. Work with the State to maintain and keep current enforce rules & guidelines for the public's safety and well-being."

2. What, if any, changes to the Commission's laws are needed?

Board Member #1 - "It has been discussed about adding vertical ties to the sidewalls of homes placed in the Wind Zone 1 region of the State of Alabama. This however, would be in conflict with Federal Law. A request has been submitted by the Administrator of the AMHC to the Manufactured Housing Consensus Committee (committee responsible for making edits/changes to the HUD Code), requesting an edit to the HUD code, which would then allow the AMHC to require such vertical ties for homes located in Wind Zone 1 region of the State, without a conflict between State and Federal requirements."

Board Member #2 - "None that I am aware of."

Board Member#3 - "Need to work on increasing the tie-down rules and regulations for the public's safety."

3. Do you think the Commission is adequately funded?

Yes	3	100%
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4. Do you think the Commission is adequately staffed?

Yes	3	100%
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5. Does the Commission receive regular reports on its operations from the Administrator?

Yes	3	100%
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6. Has the Commission experienced any significant change to its operations??

Yes	1	33%
No	2	67%

7. Does the Commission plan to make any significant changes to its operations??

No	2	67%
Unknown	1	33%

8. Do you have any additional comments you would like to make?

Board Member #1 - "I have served on the AMHC Board for well over a decade and have worked with 4-different Administrators during my tenure. The current Administrator [REDACTED] stands head and shoulders above his predecessors. He is an outstanding individual with impeccable work ethic. He displays excellent stewardship while also having genuine concerns for the safety of the citizens and home owners within the State of Alabama. It is truly an honor to work with him."

Board Member #2 - "I believe the commission is run and managed with the utmost ethical standards and is always striving to improve and maintain on a daily basis."

Board Member #3 - "No"

Licensee Questionnaire

A letter was sent to 100 licensees requesting participation in our survey. Seventeen participated in the survey. The percentages are based on the number who responded to the question.

1. What do you consider the most significant issue(s) facing your profession in Alabama?

Respondent #1 - "High interest rates for chattel loans in particular"

Respondent #2 - "[REDACTED] builds concrete and steel buildings in our plant, and we place them on a flat slab, but I have to go to an Installer class for mobile homes, I think there may need to be another class of buildings?? Our buildings are not public."

Respondent #3 - "Customers being able to file complaints and lawsuits for any reason they wish, even when it is not justifiable."

Respondent #4 - "Too many issues to list"

Respondent #5 - "Lack of qualified setup crews. Our set up crews are aging out. The commission does a good job of educating new crews."

Respondent #6 - "We are required to have general liability insurance..."

The dealers are also required to have general liability insurance..but, most dealers operate as general contractors...contracting land prep, septic installation, home installation, electrical, plumbing, trim out, step installation, skirting, etc...

If a dealer only has insurance to cover a fall or mishap on their lot, but no coverage for all of the other liabilities, what good is this law? In the past, when a job is not completed to the customer's satisfaction and a law suit results, they conveniently share they have no insurance coverage...This falls on the installers insurance to pick up the tab...This needs to be addressed.."

Respondent #7 - "N/A"

Respondent #8 - "The lack of individuals willing to work hard."

Respondent #9 - "Local municipality code overkill. Dealer responsibility on land drainage requirements outside of the pad. I feel like the customer should bear some responsibility."

Respondent #10 - "Lack of new delivery/installation crews"

Respondent #11 - "Moisture"

Respondent #12 - "Pricing of homes and lack of movers."

Respondent #13 - "License applications and renewals"

Respondent #14 - "No punishment for offenders"

Respondent #15 - "The next generation of entrepreneurs / builders and tradespeople to manufacture, transport, install, trim out and connect utilities for factory built housing"

Respondent #16 - "Local county and city regulations."

Respondent #17 - "Turn around time to receive licenses back from the state"

2. Do you think regulation of your profession by the Alabama Manufactured Housing Commission is necessary to protect the public's welfare?

Yes	16	94%
No	1	6%

3. Do you think any of the Commission's laws, rules, or policies are an unnecessary restriction on the practice of your profession?

Yes	5	29%
No	9	53%
Unknown	3	18%

4. Are you adequately informed by the Commission of changes to and interpretations of the Commission's positions, policies, rules and laws?

Yes	14	82%
No	2	12%
Unknown	1	6%

5. Does the Commission respond to your inquiries in a timely manner?

Yes	17	100%
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6. Has the Commission performed your licensing and renewal in a timely manner?

Yes	16	94%
No	1	6%

7. Do you have any additional comments you would like to make?

Respondent #1 - "Salesperson training is not necessary. Half of the session talks about mostly installation techniques, which are not things a salesperson needs to know. The other half is a speaker who provides sales training which the retailer should be conducting. None of it helps the consumer. Other states don't have a license requirement for salespeople. If you're going to require it, consider not requiring a training day. If you're going to require the training day, offer it remotely. If you must have it in person, a session in north Alabama occasionally would seem appropriate (huntsville is the largest city in the state after all). Thank you for your consideration."

Respondent #2 - "No, I guess see item #1."

Respondent #3 - "No."

Respondent #4 - "If it was not for [REDACTED] at the AMHC we would have problems. She is the best."

Respondent #5 - "The Commission does a great job regulating our industry and is very helpful whenever problems arise"

Respondent #6 - "The commission can only issue fines to licensed installers..The jack legs and bootleggers continue to harm our business by shoddy work and nothing is done about them...large fines or confiscation of trucks and equipment and jailing of offenders would be a welcome change.."

Respondent #7 - "N/A"

Respondent #8 - "We as installers are proud to have the commission overseeing the installation of all homes. Everyone must have someone they report to. The commission does a fantastic job overseeing the installation of manufactured and modular homes in Alabama."

Respondent #9 - “None”

Respondent #10 - “n/a”

Respondent #11 - “NO”

Respondent #12 - “No”

Respondent #13 - “My experience with the state of Alabama Manufactured Housing division has been excellent. [REDACTED] [REDACTED] is top notch. He is always pleasant, willing to help and answers all questions in a timely fashion.”

Respondent #14 - ‘no’

Respondent #15 - “I think the commission does a great job with very limited staff and could use additional”

Respondent #16 - “no”

Respondent #17 - “Everyone we work with is extremely nice but they are swamped and it takes quite a bit of time to get licenses back”

Complainant Questionnaire

A letter was sent to eighty-eight complainants requesting participation in our survey. Eleven participated in the survey. The percentages are based on the number who responded to the question.

1. Was the receipt of your complaint acknowledged by the Commission?

Yes	7	64%
No	3	27%
Unknown	1	9%

2. Approximately how long after filing your complaint did the Commission contact you?

Within 15 days	3	28%
Within 30 days	2	18%
Within 60 days	2	18%
More than 60 days	2	18%
Unknown	2	18%

3. Did the Commission communicate the results of its investigation into your complaint to you?

Yes	2	18%
No	9	82%

4. Do you think the Commission did everything it could to resolve your complaint?

Yes	1	9%
No	9	82%
Unknown	1	9%

5. Do you have any additional comments you would like to make?

Respondent #1 - “did not communicate”

Respondent #2 - “No one ever came out to inspect the work done. There’s still exposed nails on my roof and vent covers that is not installed correctly”

Respondent #3 - “I tried on 2 occasions to get the Manufactured Housing Commission to inspect my home. I was told the first time that I needed to try one more time to let them make repairs, even though we had been trying to get them here for months. [REDACTED] [REDACTED] did finally send a contractor out to my home. However, the repairs were not acceptable and some were not addressed at all.

I then completed a formal complaint via mail, I received a call from The Manufactured Housing committee telling me that the Manager for [REDACTED] ([REDACTED] [REDACTED]) called him directly and stated we would not LET them complete repairs. This was after I received an email from [REDACTED] [REDACTED] that he had done everything he was going to do unless the manufactured housing commission told him different. He saw to it they did not with his phone call.

So, I let the manufacturer come yet again. Repairs were still not made and the commission never followed up with me or visited my home.

Fast forward we have now been in our home for 3 years with the same problems we started with. Our home is not level and has never been level. We have had mold problems as well.

Seems to me that if the Manufactured Housing Commission had visited my home as requested twice, that this could have been addressed way before now.

Instead we have had to take the legal route through arbitration and spend a great deal of money.

I have zero faith in a commission that accepts a phone call as a job done.

I would be happy to speak with anyone regarding this, my contact information is

Phone [REDACTED]

Email [REDACTED]

Respondent #4 - “My issues are still an issue. My floors are giving out. I can't get any help and I can't afford an attorney.”

Respondent #5 - “The Mobile Home Act of 1970's needs to be revised. I've got several major issues still left that the manufacturer refuses to acknowledge because the government protects them. This home is a step above trash at a hefty price. Promises made by dealer and rep that were no more than decorated legal lies by standard. This needs to be resolved ASAP! Thanks, [REDACTED] [REDACTED] [REDACTED] [REDACTED]”

Respondent #6 - “The anchors were not installed deep enough. The installer was notified that they needed to be put deeper in the ground. He signed a form stating he had fixed the problem but he did not. I sent an email to the AMHC sending a picture showing that the anchor was not put deeper in the ground and nobody ever contacted me. The anchor is still not correct.”

Respondent #7 - "I would just like to say that [REDACTED] [REDACTED] [REDACTED] has been an absolute pleasure to work with and so patient with a stroke patient as me. He communicated every step of the way thru 3 HUD complaints and did everything he could do within his capabilities to resolve this matter.

I pray this is God opening a door for a blessing. I am asking for someone to please read the statement pasted below giving a statement of where I am right now. I feel are unsafe in this home. Thank you for all you do!

In August 2021, [REDACTED] [REDACTED] of [REDACTED] [REDACTED] of [REDACTED], [REDACTED], [REDACTED] sold me a beautiful, 2022 2 bedroom 2 bath Hamilton built home for upwards of \$80,000. This home had all the upgrades and was the perfect layout to meet the needs of myself and my young daughter. This home had literally just rolled on to the lot. My approval through [REDACTED] [REDACTED] that day guaranteed that home to me as seen on the original loan approval. I am a single mother living with a rare bone disease. [REDACTED] [REDACTED] was aware that I was recovering from having my 2nd hip replacement. The conditions of my current home were so extreme that [REDACTED] [REDACTED] made the decision to tear down my home instead of trying to move it. They gave me \$2500 trade in for this 18x80 80s model mobile home. After being inconvenienced and homeless after 2 months of waiting, I finally got the call that we were ready to close. [REDACTED] and I scheduled the closing for Friday [REDACTED] [REDACTED], [REDACTED]. Thursday, [REDACTED], [REDACTED] I received a call from [REDACTED] [REDACTED] telling me that we had to reschedule the closing because the closing paperwork had to be reprinted due to a small clerical error on her part. [REDACTED] [REDACTED] worked with [REDACTED] [REDACTED] to falsify another loan in my name changing the serial number of the home and the year model to a 2021 Weston model that was pieced together to resemble my home but used the cheapest material and literally glued as much together as possible. Cross threaded faucets and shower fixtures that have been the cause of absolutely every leak in this home which gets my homeowners claims denied Not only did they give me a molded, water damaged home with bowed out walls, multiple water leaks, black mold not once but now twice covered my walls in which we sat for 6 months. I have filed 3 Hud reports. The underside plumbing does not support the inside. [REDACTED] [REDACTED] also dug 4ft into my yard, dug up all water and sewer pipes and power pole. It took nearly 10 grand to fix my yard by having a retainer wall and replace all the damaged pipes and power source. They did a 3-day turnaround in October during a 10-day rain. It was 10 days and \$10,000 later that i was finally able to get a clear look of the inside. This home is a trainwreck still and they keep me behind on my mortgage. This caused me such crippling anxiety that I had a stroke and neck and spine surgery due to the conditions of my yard. Now I am completely disabled and am unable to work to provide for my daughter and am in the process of waiting for SS Disability approval.

I currently have 2 water leaks and MOLD AGAIN. I hear clanking in the pipes when the facilities are used. My washer has been backing up into my sink since the 1st month in the home. My ceilings are cracking, and my washing machine power outlet is near the floor behind the washer, nor is it surge protected making it out of code. This will surely cost us our lives. Directly behind that cardboard wall is the water heater plus HVAC system return. I have outlets hanging out from the wall. In the 2nd bedroom no heat or air comes through the vent. I feel like I'm in a death Trap and scared for my family. My hvac system builds up formaldehyde and emits it through the ventilation system. A whole house ventilation fan that must be running ALL THE TIME. This is not something I would have agreed to ever and was a sure way of void my 1-year warranty with [REDACTED] [REDACTED]. Complete Negligence on the part of [REDACTED] [REDACTED] and their associates. This cost me ever"

Respondent #8 - "They did NOTHING to assist"

Respondent #9 - "I filed my complaint in May of 2022 & AMHC did not get involved until November of 2022. I tried very hard to get the commission to help with all the STILL unresolved issues with the house on numerous occasions. It would appear that a lot of the issues were caused by the company that installed the house, [REDACTED] [REDACTED]. The commission had the same company to come out & reset the house. The company did even more damage the 2nd time. When resetting they initially neglected to unstrap the hurricane straps, causing damage to the roof (we still have mold growing on the ceiling) and causing pipes bust because they shifted the house too much. They even broke the bolt that holds the two halves of the house together. I did pay for a home inspection & an environmental inspection, to document the damage.

[REDACTED] [REDACTED] would not acknowledge the damage that was done after the reinstall was complete, even though I had the reports & the repair statement to prove it.

None of the items listed on the AMHC consumer complaint inspection report were ever addressed by the manufacturer, [REDACTED] [REDACTED].

We purchased the home from [REDACTED] [REDACTED] in [REDACTED] and they did repair the items on the list noted as theirs, however when the home was reset it undid a lot of what they had done.

If you would like to speak with me I still have my documentation & I believe most of my correspondence. [REDACTED] [REDACTED] [REDACTED] [REDACTED] or

[REDACTED]@ [REDACTED]. [REDACTED]"

Respondent #10 - "Nothing was ever done after they contacted us and got the manufacturers out. They sent someone that done a few things but everything was not fixed. I feel the Commission took their word everything was fixed and it was not. We paid \$500 for extra insulation in the roof and that is not there, the floors have weak spots and the list goes on. This claim was NEVER FIXED!!"

Respondent #11 - "████. ██████,"

Main complaints:

- a) Installation was not done by an Alabama certified installer.
- b) Electrical was not done by an Alabama certified and license Electrician.
- c) Plumbing was not done by an Alabama certified and license Plumber.
- d) Alabama Manufactured Home Consumer Complaint (AMHC) has not responded in written on my complaint. █████. █████ just sent copy of work orders.
- e) █████ █████ █████ had not responded on the AMHC complaint
- f) AMHC never provided written or any resolution.
- g) █████. █████ or █████. █████ never provided proof of █████. █████ █████ installed my home.

Since █████. █████, AMHC didn't provide a satisfaction resolution for an inspection or hearing. I submitted a complaint to HUD, Office of Regulatory Affairs and Manufactured Housing Attn: Dispute Resolution. I can provide e-mail traffic to and from HUD. Especially my responds dated █/█/████. █████. █████ told HUD I have not requested on-site inspection or administrative hearing. My comments are in the responds █/█/████ with attachments which showed that I have requested inspection or hearing several times. My HUD case number is █████-█████-█████.

████. █████ is the POC for AMHC Consumer Complaint. I submitted my consumer complaint to him on █/█/████. He responded to me on █/█/████ (with many many telephone calls and emails) with only copy of works (nonspecific work order) from █████ and █████. (I can provide copies of emails). Since I didn't get any directions or comments from █████, I replied with comments to Alabama Commission dated █/█/████ and email on █/█/████. These comments were cc to █████ and █████. This was the only responds I received from █████. He did email me after HUD contacted him. He asked for a list of repairs and I told him he had the list and I would resend the list to him. I didn't even know that I had an open case number with AMHC until HUD contact █████. █████ or knew about regulation AMHC 535-X-18. But, █████. █████ still didn't offer any resolutions to my issues. He did say that I would have to pay for another inspection. █████. █████ never answer my request for administrative hearing. My AMHC case number is case# █████.

Some Description of █████, █████ breach of contract defects:

- a) Installation was not done by an Alabama certified installer. Issues:
 - Unleveling of the home
 - Marriage line is sagging
 - Exteriors doors (Front/Back) opening/closing, locking, unlocking
 - Interiors door not level
 - Sliding has been removal several times to trying to level the home. Sliding was damaged and not installed correctly
 - Fear future issues
 - b) Electrical was not done by an Alabama certified and license Electrician.
- Issues:
- Not inspected
 - Fear future issues

c) Plumbing was not done by an Alabama certified and license Plumber.

Issues:

- Master Toilet
- Hot water heater
- Dishwasher
- Fear future issues

d) General set up was not done adequate employees and/or subcontractors.

Issues:

- Causes cosmetic issues, painting, light fixtures, shelves,
- Sliding has been removal several times to trying to level the home. Sliding was damaged and not installed correctly

e) Miscellaneous:

- Driveway
- Trash

Purchase and Installation Timeline:

A. [REDACTED] - Agreement with down payment to buy the manufactured Home with [REDACTED]

B. [REDACTED] - Down payment for Site preparation by [REDACTED]

C. [REDACTED] - Retailer Site Survey, [REDACTED], [REDACTED]

D. [REDACTED] - Signed Purchase agreement and mortgage agreement with [REDACTED]

E. [REDACTED] - Delivery of the Manufactured Home by [REDACTED] to [REDACTED]

[REDACTED] AL

F. [REDACTED] - [REDACTED] ask for a Welcome call to confirm the home has been delivered and anchored down. Couldn't agree due to the manufactured home was still in two sections sitting on my property. Several calls to [REDACTED] when are you going to set up the home. The home was marriage together on [REDACTED], [REDACTED]. I did my welcome call on [REDACTED]th.

G. [REDACTED] - Marriage the sections"

H. [REDACTED] - Final payment for Site preparation by [REDACTED]

I. [REDACTED] - Locator Inspection

J. [REDACTED] - Submitted AMHC Consumer Complaint to [REDACTED]. [REDACTED]

Can provide the following Attachments:

A-1: [REDACTED] AMHC Consumer Complaint, dated [REDACTED]

A-2: [REDACTED] Emails to AMHC requesting status on my AMHC Consumer Complaint, [REDACTED] to [REDACTED] -

A-3: [REDACTED], work orders response to [REDACTED] Consumer Complaint, [REDACTED]

A-4: [REDACTED] Response to AMHC reply work orders to the consumer complaint, [REDACTED]

A-5: [REDACTED] Request Dispute Resolution, HUD Office of Regulatory Affairs and Manufactured Housing, [REDACTED]

A-6: Reply from HUD MHS

A-7: [REDACTED] Reply to HUD, [REDACTED]

A-8: HUD Email Traffic To/From [REDACTED] to [REDACTED]

A-9: Alabama Locator Inspection, [REDACTED]

My References:

- a. AMHC ADMINISTRATIVE CODE CHAPTER 535-X-18 DISPUTE RESOLUTION PROGRAM
- b. ALABAMA MANUFACTURED HOUSING COMMISSION ADMINISTRATIVE CODE CHAPTER 535-X-13 REGULATIONS FOR THE INSTALLATION OF MANUFACTURED HOMES AND MANUFACTURED BUILDINGS AND THE MANUFACTURE OF GROUND ANCHORS AND TIEDOWN DEVICES
- c. Purchase Contract between [REDACTED], [REDACTED] and [REDACTED], dated [REDACTED]
- d. [REDACTED] Homeowner Manual
- e. [REDACTED] Site Construction Manual
- f. 24 CFR 3280 Standards & Regulations - Nationally Preemptive Manufactured Home Construction and Safety Standards 24 CFR 3282 • Manufactured Home Procedural and Enforcement Regulations
- g. 24 CFR 3285 • Model Manufactured Home Installation Standards 24 CFR 3286 • Manufactured Home Installation Program 24 CFR 3288 • Manufactured Home Dispute Resolution Program
- h. The Code of Alabama 1975, Title 24, Chapter 5-Manufactured Homes, Chapter -Alabama Housing Commission

DATE: [REDACTED], [REDACTED]

TO: Alabama Manufactured Housing Commission
350 South Decatur Street
Montgomery, AL 36104

Attention: [REDACTED], Assistant Administrator

Cc: HUD Office of Regulatory Affairs and Manufactured
Housing, Dispute Resolution

FROM: [REDACTED]
[REDACTED], Alabama

SUBJECTS:

- 1) Consumer Complaint against [REDACTED], Alabama administer
- 2) Revoking Retailer and Installer AMHC licenses

Case Reference Numbers:

- 1) AMHC Case# [REDACTED]
- 2) HUD [REDACTED]
- 3) HUD [REDACTED]

Consumer Information:

A. Name, address and a telephone number: [REDACTED]
[REDACTED] AL [REDACTED]

Telephone Number: ([REDACTED]) [REDACTED]

B. The name of the manufacturer: [REDACTED]

C. The serial number and model number of your home: [REDACTED]
[REDACTED]

D. The label number (the red tag on the back of the home): [REDACTED]

E. The date purchased: signed loan papers on [REDACTED], (Note they did not delivery home until [REDACTED])

F. The name of the business who sold you the home: [REDACTED], Inc.
[REDACTED], Al [REDACTED]

G. AMHC Installation Certification Decal: Decal # [REDACTED], Date: Undated, [REDACTED], Installer# [REDACTED]

Purchase and Installation Timeline:

K. [REDACTED] - Agreement with down payment to buy the manufactured Home with [REDACTED]

L. [REDACTED] - Down payment for Site preparation by [REDACTED]

M. [REDACTED] - Retailer Site Survey, [REDACTED], [REDACTED]

N. [REDACTED] - Signed Purchase agreement and mortgage agreement with [REDACTED]

O. [REDACTED] - Delivery of the Manufactured Home by [REDACTED] to [REDACTED] AL

P. [REDACTED] - [REDACTED] ask for a Welcome call to confirm the home has been delivered and anchored down. Couldn't agree due to the manufactured home was still in two sections sitting on my property. Several calls to [REDACTED] when are you going to set up the home. The home was marriage together on [REDACTED], [REDACTED]. I did my welcome call on [REDACTED]th.

Q. [REDACTED] - Marriage the sections together and tied down the Manufactured Home by [REDACTED]

R. [REDACTED] - Final payment for Site preparation by [REDACTED]

S. [REDACTED] - Locator Inspection

T. [REDACTED] - Submitted AMHC Consumer Complaint to [REDACTED]. [REDACTED]

Attachments:

A-1: [REDACTED] AMHC Consumer Complaint, dated [REDACTED]

A-2: [REDACTED] Emails to AMHC requesting status on my AMHC Consumer Complaint, [REDACTED] to [REDACTED] -

A-3: [REDACTED], work orders response to [REDACTED] Consumer Complaint, [REDACTED]

A-4: [REDACTED] Response to AMHC reply work orders to the consumer complaint, [REDACTED]

A-5: [REDACTED] Request Dispute Resolution, HUD Office of Regulatory Affairs and Manufactured Housing, [REDACTED]

A-6: Reply from HUD MHS

A-7: [REDACTED] Reply to HUD, [REDACTED]

A-8: HUD Email Traffic To/From [REDACTED] to [REDACTED]

A-9: Alabama Locator Inspection, [REDACTED]

References:

i. AMHC ADMINISTRATIVE CODE CHAPTER 535-X-18 DISPUTE RESOLUTION PROGRAM

j. ALABAMA MANUFACTURED HOUSING COMMISSION ADMINISTRATIVE CODE CHAPTER 535-X-13 REGULATIONS FOR THE INSTALLATION OF MANUFACTURED HOMES AND MANUFACTURED BUILDINGS AND THE MANUFACTURE OF GROUND ANCHORS AND TIEDOWN DEVICES

k. Purchase Contract between [REDACTED] and [REDACTED], dated [REDACTED]

l. [REDACTED] Homeowner Manual

- m. [REDACTED] Site Construction Manual
- n. 24 CFR 3280 Standards & Regulations - Nationally Preemptive Manufactured Home Construction and Safety Standards 24 CFR 3282 • Manufactured Home Procedural and Enforcement Regulations
- o. 24 CFR 3285 • Model Manufactured Home Installation Standards 24 CFR 3286 • Manufactured Home Installation Program 24 CFR 3288 • Manufactured Home Dispute Resolution Program
- p. The Code of Alabama 1975, Title 24, Chapter 5-Manufactured Homes, Chapter -Alabama Housing Commission

Dear [REDACTED]:

I am writing to you for three reasons, 1) [REDACTED] not responding to me as a Consumer filing a complaint with Alabama Manufactured Housing Commission (AMHC), 2) My AMHC Consumer Complaint issues, and 3) Revoking retailer and installer AMHC licenses. I will try to go in chronologic order to help you get the overall picture of my frustration of these matters. The time line shows that it has been to get resolutions for my issues.

Alabama Manufactured Housing Commission mission states that you have “emphasis on compliance and consumer protection”. AMHC, [REDACTED] failed me as a Consumer that purchased a manufactured home by not acknowledging my Consumer Complaint against [REDACTED], [REDACTED]. I believe [REDACTED] did not process my consumer complaints made against retailer-[REDACTED], [REDACTED], and installer-[REDACTED] in accordance with Subpart I of Part 3282 of the combined federal regulations. [REDACTED] did not offer to conduct inspection of my installation to ensure installation of new homes meet and/or exceed the Federal Standards.

Unfortunately, the installation and set-up on my home was not performed adequately by [REDACTED], [REDACTED]. [REDACTED], [REDACTED] did not follow the AMHC Regulations and [REDACTED] guidelines for installation and set-up. This also leads to a breach of contract between [REDACTED] and me. [REDACTED], [REDACTED] took 4 months to install and set-up my manufactured home. My issues occur be causes of:

- a) Installation was not done by an Alabama Manufactured Housing Commission certified installer.
- b) Electrical was not done by an Alabama certified and license Electrician.
- c) Plumbing was not done by an Alabama certified and license Plumber.
- d) [REDACTED], [REDACTED] incompetent employees or subcontractors that perform general
- e) Alabama Manufactured Home Consumer Complaint (AMHC) has not responded in written to me regarding my AMHC Consumer complaint.

f) [REDACTED], [REDACTED] had not responded to me regarding the AMHC complaint. You can find my "Consumer Information" listed in the beginning of this letter. Also enclosed Attachment: A-1 is a copy of my AMHC Consumer Complaint filed on [REDACTED], [REDACTED] with [REDACTED], AMHC. [REDACTED] has not responded in written or verbal to me regarding my AMHC Cons Consumer complaint. I made many many calls and emails to [REDACTED] for status on my AMHC complaint. In Attachment: A-2 you can see some of emails that I sent to [REDACTED] for status. The only response I did receive from [REDACTED] was on [REDACTED], [REDACTED] about 2 months later copies of work orders with no explanations or actions. I called [REDACTED] which was the only time he answer my calls. I asked him about work orders he sent to me and what was my status on my complaint. [REDACTED] response was that he reached out to [REDACTED] and [REDACTED] and the work orders was what they sent to him. [REDACTED] told me to ask [REDACTED] and [REDACTED] about the work orders. Attachment: A-3 Copies of the work orders.

On [REDACTED], [REDACTED], I replied back to [REDACTED] with courtesy copy to [REDACTED], [REDACTED] and [REDACTED] regarding the work orders and my issues that I was still having on installation set-up. Primarily the un-leveling of my home and that it was not installed by an AMHC certified installer. Most all of the issues that I am having with my home are mostly due to the un-leveling and appropriate lag bolts not installed. Attachment: A-4 [REDACTED] Response to AMHC reply work orders to the consumer complaint, In Attachment: A-4, I talked about my comments on current issues and comments on the responds to the Alabama Manufactured Home Consumer Compliant. Also, I requested an arbitrator to come in and review all the issues. Compile one master list of issues and decide who will be responsible of completing the repairs. [REDACTED] and [REDACTED] did perform some repairs, but they did the same repairs one after another. They did not communicate together to resolve the issues.

[REDACTED] as my AMHC Consumer Administer has failed me as a Consumer by not processing my Consumer Complaint per AMHC ADMINISTRATIVE CODE CHAPTER 535-X-18 DISPUTE RESOLUTION PROGRAM and all the references listed. As section 535-X-18.04, The Best of my knowledge and with no response from [REDACTED], there was no investigation on my complaint, no Administrator issuing appropriate written orders for corrections to the retailer, and installer. There was not on-site inspection or an administrative hearing conducted by [REDACTED]. [REDACTED] did not assign specific duties to employees of the AMHC as necessary to ensure that Supp. 3/31/03 18-1 Chapter 535-X-18 Manufactured Housing disputes are handled and resolved in a timely and efficient manner. [REDACTED] has not resolved or offer me any resolutions to my AMHC Consumer Complaint. With no communications from [REDACTED] he left no chose to file a complaint with HUD, Office of Regulatory Affairs and Manufactured Housing, Attn: Dispute Resolution, Washington, D.C.

I have provided details on the issues in Attachment A-1, A-3, A-4, A-5, A7. To summarize why I have issues with the installation and set-up are:

a) Installation was not done by an Alabama Manufactured Housing Commission certified installer.

- [REDACTED] was tasked by [REDACTED] to deliver and marriage sections together my home.
- [REDACTED] did not install my manufactured Home. He had one of his employees, [REDACTED] to do the installation. [REDACTED] is not an AMHC certified Installer.
- [REDACTED] has stated to me and [REDACTED], [REDACTED], [REDACTED] that he was the one that installed my home not [REDACTED] and there was no lag bolts installed.

- [REDACTED]. [REDACTED] placed the AMHC certified decal indicating that he was the certified installer and installed by AMHC regulations for my manufactured home. Which was incorrect? Could you say that he falsified this information?
- b) Electrical was not done by an Alabama certified and license Electrician.
- The Electric and Plumbing installation was done by [REDACTED], AKA [REDACTED] [REDACTED]
 - Requested business license and certification Electric and Plumbing.
 - Went back and forward with [REDACTED] and [REDACTED] to see who had the business license and certification. [REDACTED] said [REDACTED] had it and [REDACTED] said [REDACTED] had it. [REDACTED] also said that he worked off of [REDACTED] business licenses.
 - Received Business for [REDACTED] [REDACTED] (aka [REDACTED]). This business license is only for “Construction Companies or Contractors”. I mention to [REDACTED] that this license was not for Electrical or Plumbing and had the following questions.
 - Was the electrical and plumbing work done at [REDACTED] [REDACTED] [REDACTED] was contracted to [REDACTED] [REDACTED] or [REDACTED] Electric Service Co.?
 - [REDACTED] did the installation. [REDACTED]. [REDACTED] was not on site until we had questions about the electrical installation. Then is showed up to say to inspected [REDACTED] work.
 - If [REDACTED] Electric Service, they did not supervise the installation of electrical of the home. So the Alabama Board of Electrical Contractors is invalid.
 - If the work was contracted to [REDACTED] [REDACTED] (aka [REDACTED]) than the Alabama Board of Electrical Contractors is invalid.
 - My installation/setup contract is with [REDACTED]. Please provide electrical certification for [REDACTED] [REDACTED] (aka [REDACTED]) by noon on [REDACTED] [REDACTED], [REDACTED]. They only provided [REDACTED]. [REDACTED] and said that Alabama did not require a certification or license for plumbing. Which I think is not true. In the State of Alabama you have to be a certified plumber.
- c) Plumbing was not done by an Alabama certified and license Plumber.
- See about Section b). The plumbing was also done by [REDACTED] AKA [REDACTED] [REDACTED].
 - Because [REDACTED] did not follow AMHC and [REDACTED] [REDACTED] regulations, I have issues with the master bathroom toilet.
 - The manufacturer [REDACTED] Site Construction Manual indicates that “All field work must be done by a licensed electrician approved by [REDACTED]” (page 97). [REDACTED] did not in electrical or plumbing by AMHC or [REDACTED] manuals.
- d) [REDACTED] [REDACTED] incompetent employees or subcontractors that perform general.
- [REDACTED] [REDACTED] employees that performed the general set up, HUD Installation –(not all listed,) paint marriage line, install dish washer, over, refrigerator, toilets, Exterior siding close up at mating line, hang lighting fixture, ceiling suspended fans , Exterior lighting fixture , dry vent, Peak flip and peak cap roof, Duct connection between home sections etc.
 - They did not perform an adequate installation on these items.
- e) Alabama Manufactured Home Consumer Complaint (AMHC) has not responded in written to me regarding my AMHC Consumer complaint.
- As stated before [REDACTED]. [REDACTED] has not provided status, comments, or resolutions to my Consumer Complaint.

- f) [REDACTED] [REDACTED] [REDACTED] had not responded to me regarding the AMHC complaint.
- As stated before [REDACTED], [REDACTED] [REDACTED] has not provided status, comments, or resolutions to my Consumer Complaint.

There were repairs done, but the un-leveling of home is still a big issues; sagging of the marriage line, front and back doors not locking correctly. Plumbing is causing issues; master toilet, the hot water heater. I feel there will be more future issues due to the incompilant Installer, Electrician, Plummer, and general set-up. All this issues could have been settled or void if [REDACTED]. [REDACTED] process my Consumer Complaint per AMHC regulations.

Summary Complaint to HUD

- Submitted a request to HUD to help out in getting resolutions on manufactured installation by a non-certified AMHC installer which caused other issues with my home.
- HUD is unable to assist me since Alabama has its own dispute resolution program and an open case regarding your complaint. HUD recommends that you contact the AMHC ([REDACTED]. [REDACTED]) and provide the requested information on outstanding issues connected to your home/installation.
- HUD replies that "The [REDACTED] [REDACTED] [REDACTED] has confirmed with [REDACTED]. [REDACTED] of the Alabama Manufactured Housing Commission that you have an open dispute resolution complaint under case# [REDACTED]. [REDACTED]. [REDACTED] also confirmed that you brought to their attention concerns with floor leveling recently but indicated several of your previous concerns were addressed in [REDACTED] [REDACTED] per his understanding. He further indicated an Alabama state inspector inspected your home on [REDACTED] [REDACTED] and certified the installation without any noted floor level issues at that time. [REDACTED]. [REDACTED] recommended that you should provide them, in writing, a list of outstanding concerns that have not been addressed to your satisfaction so they can investigate them accordingly

My Reply back to HUD comments:

1. Regarding [REDACTED]. [REDACTED] of the Alabama Manufactured Housing Commission (AMHC);
 - Never told me that I had an open dispute resolution complaint under case# [REDACTED]. [REDACTED]. [REDACTED] never explain the process nor did he offer any options to resolve these issues.
 - My first call to [REDACTED]. [REDACTED] regarding my issues on installation of my manufactured home. I told him about; lag bolts not installed; the unlevel of the home and that an Alabama certify installer did not install my home; I didn't agree with the State inspector report. All I could do was to file a consumer complaint and go from there.
 - [REDACTED]. [REDACTED] [REDACTED], Alabama Manufactured Housing Commission (AMHC) conducted the inspection of my home. [REDACTED]. [REDACTED] did not notify me when he conducted the inspection. The home was locks so he did not have access to the inside to check the leveling of the floors. [REDACTED]. [REDACTED] also could not inspect the lag bolt due the siding on the home. I did call [REDACTED]. [REDACTED] about the report and why he didn't call me to be there during the inspection. I told him my concerns about the home not installed by a certified Alabama Installer and we had concerns of the lag bolts and floors not level. That [REDACTED]. [REDACTED] [REDACTED] was not on site when my home was installed. Also requested for him or someone else to reinspect the home. [REDACTED]. [REDACTED] said that took [REDACTED] [REDACTED] [REDACTED] worded that the lag bolts were installed correctly and there was no need to reinspect the home. See Attachment A-9 for a copy of the AMHC inspection report.

- I assumed when I filed my Alabama Manufactured Housing Commission Consumer Complaint, [REDACTED], [REDACTED] that was my written request for resolution. I was not told by [REDACTED], [REDACTED] that I could request an on-site hearing or administrative hearing. When I did talk to [REDACTED], [REDACTED], I asked about a third party for inspection to reinspect the lag bolts and to do a walk thru inspection of the home. His comments were there was no reason to warrant another inspection. That [REDACTED], [REDACTED] was the one that installed my home and he was certified. [REDACTED], [REDACTED] was not the one installing or overseeing the installing of my home. He was never on site but one time after I complained about the unleveling home and asked for a copy of [REDACTED], [REDACTED] certification.
- [REDACTED], [REDACTED] knew about the unlevel floors and the issues that I was having from the floors not being level since [REDACTED], [REDACTED], [REDACTED]. I believe [REDACTED], [REDACTED] referring to my recently problems of the marriage line of the home is dropping due to the floors not level and improper lag bolts installed or no lag bolts installed.
- [REDACTED], [REDACTED] did not respond to my Alabama Manufactured Housing Commission Consumer Complaint. I had to make several calls and leaving messages to him asking the status on the complaint. When I did finally get a hold of him. He would send me the response. [REDACTED], [REDACTED] responds was only copies of work order from [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. See email below for AMHC response to Consumer complaint.
- I did reply back with my comments and question on the work orders. [REDACTED], [REDACTED] never reply back to me. See email below for my response to [REDACTED], [REDACTED] response to my Consumer complaint. I also copy email to [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED].
- [REDACTED], [REDACTED] never provided me a written respond to me Alabama Manufactured Housing Commission Consumer Complaint. [REDACTED], [REDACTED] only provided copies of work order without any comments.

2. I have provided [REDACTED], [REDACTED] with several lists of issues. The first and upmost problem that I have is that my home has been improperly installed and the person(s) was not Alabama certified as an installer. This has been addressed verbally and written by telephone calls, emails, formal complaint to Mr. [REDACTED], [REDACTED], [REDACTED], and [REDACTED], [REDACTED]. The unleveling of my home has caused all the other issues. Which [REDACTED], [REDACTED] said that they don't address those issues. But the unleveling of my home has caused these issues.

I feel like [REDACTED], [REDACTED] did not tell the whole story to HUD. He left out that I have requested to him for a; request status on my consumer complaint, request an arbitrator, request another inspection to be conducted other than [REDACTED], [REDACTED].

How could [REDACTED], [REDACTED], AMHC conducted a completed inspection of my home when the under pin had be installed, the siding had been installed, the doors was lock, and he conducted the inspection by himself. I was not notified when the inspection was schedule. That's why they were no flooring unlevel noted on the inspection report because he didn't check it.

To current day, [REDACTED] has not provided me status, information, resolution to my Consumer complaint.

Since [REDACTED], [REDACTED], [REDACTED], or [REDACTED] didn't provide resolutions to my consumer complaint. According to AMHC Regulations and Policies, I would appreciate your action for:

- [REDACTED], demote him as an Alabama Manufactured Housing Commission Consumer Complaint Administer.
- [REDACTED], revoke their AMHC Retailer license with a fine per AMHC Regulation and Polices, Chapter 535-X-18 Dispute Resolution
- [REDACTED], AMHC Installer, revoke his AMHC Installer license with a fine per the AMHC Regulation and Polices, Chapter 535-X-18 Dispute Resolution Program

This may be harsh actions, but I feel whole hearted that they did me wrong by not installing my home by AMHC and [REDACTED] regulation and policies. [REDACTED] did not comply with AMHC consumer complaint process. [REDACTED] not provide any resolutions to my consumer complaint. He showed no professionalize by not communicating with me and taking action to investigate my consumer complaint. [REDACTED] actions show that he did not have the consumer interest in the matter. I'm probably not the only consumer that has had problems with [REDACTED] and [REDACTED]. They need to be discipline for their unprofessional actions.

You will find attached copies of my records concerning my Consumer Complaint and manufactured installation issues. I can provide additional information if you have any questions. I have contacted a third party to help me in this nightmare.

I look forward to your reply and a resolution to my problem. Please contact me at the below e-mail address or by phone.

Sincerely,

[REDACTED]
[REDACTED]@[REDACTED]
([REDACTED]) [REDACTED]

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APPENDICES

Appendix I - Applicable Statutes

Section 24-4A-1 Legislative findings; purpose of chapter.

The Legislature hereby finds that in an effort to meet the housing needs within the state, the private housing and construction industry has developed mass production techniques which can substantially reduce a housing and building cost, and that the mass production of housing and buildings consisting primarily of factory manufacture presents unique problems with respect to the establishment of uniform health and safety standards and inspection procedures. The Legislature further finds that by minimizing the problems of standards and inspection procedures, it is demonstrating its intention to encourage the reduction of manufactured building construction costs, and to make housing and home ownership more feasible for all residents of the state.

(Acts 1981, No. 81-706, p. 1183, §1.)

Section 24-4A-2 Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them by this section:

- (1) COMMISSION. The Alabama Manufactured Housing Commission.
- (2) APPROVED. Conforming to the recognized codes and regulatory requirements adopted by the commission.
- (3) APPROVED INSPECTION AGENCY. An organization meeting the commission's requirements to provide inspection of manufactured buildings and to insure compliance with national recognized codes, and rules and regulations adopted by the commission pursuant to this chapter.
- (4) LOCAL GOVERNMENT. A city or county government.
- (5) MANUFACTURE. The process of making, fabricating, constructing, forming or assembling a product from raw, unfinished or semifinished materials.
- (6) INSTALL. The assembly of a manufactured building, components of manufactured building on site and the process of affixing a manufactured building to land, a foundation, footings or an existing building and service connections which are a part thereof.
- (7) SITE. The entire tract, subdivision, or parcel of land on which a manufactured building is installed.
- (8) INSIGNIA. A label, seal, or data plate issued by the commission to indicate compliance with the codes and requirements established by the commission pursuant to this chapter.
- (9) MOBILE HOME or MANUFACTURED HOME. Any residential dwelling unit constructed to standards and codes as promulgated by the United States Department of Housing and Urban Development.
- (10) DWELLING UNIT. One or more habitable rooms which are occupied, intended, or designed to be occupied by one or more families with facilities for living, sleeping, cooking, and eating.
- (11) EQUIPMENT. All materials, appliances, devices, fixtures, fittings, or accessories installed in or used in the manufacture and assembly of a manufactured building.
- (12) SYSTEM. Structural, plumbing, mechanical, heating, electrical, or ventilating elements, materials or components combined for use in a manufactured building.

(13) MANUFACTURED BUILDING. A closed structure, building assembly or systems of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, utility service lines, footings, foundations, porches, or other service systems manufactured in manufacturing facilities, for installation or erection, with or without other specified components, as a finished building or as a part of a finished building, which shall include, but not be limited to, residential dwelling units, commercial, institutional, storage, and industrial structures. "Mobile homes" or "manufactured homes" are excluded. "Manufactured building" may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Excluded from the definition of "manufactured building" shall be any temporarily placed building, trailer, or structure maintained by a licensed general contractor or subcontractor for purposes of storage, office space, or any other construction related function at a project site.

(14) CLOSED CONSTRUCTION. That condition when any building, component, assembly, subassembly, or system is manufactured in such a manner that all portions cannot be readily inspected at the site without disassembly or destruction thereof.

(15) OPEN CONSTRUCTION. Any building, building component, assembly or systems manufactured in such a manner that all portions can be readily inspected at the site without disassembly, damage to or destruction thereof.

(16) FEES. Moneys to be paid to the commission from any and all persons, firms, companies, corporations, and manufacturers engaged in the manufacture or installation of manufactured buildings.

(17) COMPONENT. Any assembly, subassembly, or combination of parts for use as a part of a building, which may include structural, electrical, mechanical, and fire protection systems, and other systems affecting health and safety.

(18) MODEL. A specific design of manufactured building which is based on size, room arrangement, method of construction, location arrangement, or size of plumbing, heating, or electrical equipment systems.

(19) MODULAR HOME. A manufactured building built and inspected in accordance with a national building code and in compliance with the provisions of this chapter.

(Acts 1981, No. 81-706, p. 1183, §2; Act 2001-426, p. 543, §4.)

Section 24-4A-3 Powers and duties of commission generally; insignia of approval; modification of units prior to or during installation; authority of local government agencies; fee schedule; manufactured buildings approved by other states.

(a) The commission is authorized to promulgate rules, and enter into contracts, and do such things as may be necessary and incidental to the administration of its authority pursuant to this chapter.

(b) After the effective date of the rules adopted pursuant to this chapter, no manufactured building shall be sold, or offered for sale, or installed, in this state unless it is approved and bears the insignia of approval of the commission.

(c) The Factory-Built Housing Act of 1971 and the rules promulgated under that act shall continue until the effective date of subsection (b) of this section, and thereafter shall be repealed. All personnel of the Modular Housing Division of the Alabama Development Office shall be transferred without impairment of their Merit System status to the commission, and all funds, appropriations, papers, documents, files, materials, equipment, supplies, and other effects employed and used for the administration and enforcement of the previous act shall become the property of the commission. All approvals issued by the commission under the provisions of the prior act shall be deemed to comply with the requirements of this chapter.

- (d) All manufactured buildings issued and bearing insignia of approval pursuant to subsections (b) and (c) of this section shall be deemed to comply with the requirements of all ordinances or regulations enacted by any local government which are applicable to the construction of manufactured buildings. The determination by the commission of the scope of such approval is final.
- (e) No manufactured building bearing commission insignia of approval pursuant to subsection (b) of this section shall be in any way modified prior to or during installation unless approval is first obtained from the commission.
- (f) Manufactured buildings which have been issued and bear the insignia of approval pursuant to this chapter upon manufacture or first sale shall not require an additional approval or insignia by a local government in which they are subsequently sold or installed, except a residential dwelling unit that is resold, whether by a manufacturer, manufacturer's representative or dealer; these units must bear an additional seal of approval issued by the commission.
- (g) The commission by rule shall establish a schedule of fees to give cost relief to the commission for the work related to the administration and enforcement of this chapter. All fees collected under the provisions of this chapter, or otherwise inuring to the credit of the commission, shall be deposited in the State Treasury in a fund to be designated as the "State Fire Marshals Fund."
- (h) If the commission determines that standards for construction and inspection of manufactured buildings prescribed by statute or rule of another state are at least equal to standards prescribed by the commission under this chapter and such standards are actually enforced by such other state, the commission may provide by rule that a manufactured building, which has been inspected and approved by such other state or its delegated inspection agency, shall be deemed to have been approved by the commission, and shall authorize the affixing of the appropriate insignia of approval.
- (i) The use of the word "modular," singular or in combination with any other word to describe a mobile home or manufactured home, is hereby prohibited, and said use shall constitute a violation of the provisions of this chapter.
- (j) Any city or county official who violates the provisions of this chapter by refusing to accept a manufactured building approved by the commission shall personally be liable and not be immune from prosecution if suit is brought by a party to said transaction.
- (k) This section shall not apply to factory built housing which is inspected and approved by a local government agency at the place of, and during the time of manufacture in accordance with local building requirements if the requirements are reasonably consistent with standards established by the Southern Building Codes Congress, the National Fire Protection Association and the United States Department of Housing and Urban Development. The cost of the inspection shall be borne by the manufacturer.
- (l) All factory-built housing bearing an insignia of approval issued by the commission pursuant to this chapter shall be deemed to comply with the requirements of all ordinances or regulations enacted by any local government which are applicable to the manufacturer of such housing. The determination by the commission of the scope of such approval is final.
- (m) No factory-built housing bearing a commission insignia of approval pursuant to this chapter shall be in any way modified prior to or during installation unless approval is first obtained from the commission.
- (n) Factory-built housing which has been inspected and approved by a local government agency shall not be modified prior to or during installation unless approval for the modification is first obtained from the local government agency.
- (o) The commission by rule shall establish a schedule of fees to pay the costs incurred by it for the work related to administration and enforcement of this section.

(Acts 1981, No. 81-706, p. 1183, §3.)

Section 24-4A-4 Enforcement of chapter; delegation of enforcement authority; promulgation of rules and regulations.

(a) The commission shall enforce the provisions of this chapter and the regulations adopted pursuant hereto; except, that the commission may delegate its enforcement authority to a local government agency, an approved inspection agency or an agency of another state, provided the inspection agencies' inspection requirements conform with the requirements of the commission.

(b) The commission shall promulgate rules and regulations to interpret and make specific the provisions of this chapter. These rules shall include provisions imposing requirements reasonably consistent with recognized and accepted standards adopted by the Southern Building Codes Congress, International, the National Fire Protection Association, or any other nationally recognized building standards.

(Acts 1981, No. 81-706, p. 1183, §4.)

Section 24-4A-5 Injunctive relief.

The commission may obtain injunctive relief from the proper circuit court to enjoin the sale, delivery, or installation of manufactured building upon an affidavit specifying the manner in which the building does not conform to the requirements of this chapter or to rules issued pursuant hereto.

(Acts 1981, No. 81-706, p. 1183, §5.)

Section 24-4A-6 Penalties.

A person who violates any of the provisions of this chapter or any rule adopted pursuant hereto is guilty of a misdemeanor, punishable by a fine of \$500.00, or by imprisonment for 30 days, or both. A separate violation shall be deemed to have occurred with respect to each building unit (building component) involved.

(Acts 1981, No. 81-706, p. 1183, §6.)

Section 24-4A-7 Exemption of pre-engineered metal buildings.

The provisions of this chapter omit pre-engineered metal buildings.

(Acts 1981, No. 81-706, p. 1183, §7.)

Section 24-5-1 Short title.

This article shall be known and may be cited as the "Uniform Standards Code for Manufactured Homes Act."

(Acts 1971, No. 1938, p. 3129, §1; Act 2009-37, p. 130, §3.)

Section 24-5-2 Definitions.

Unless clearly indicated otherwise by the context, the following words when used in this article, for purposes of this article, shall have the meanings respectively ascribed to them in this section:

(1) ALABAMA MANUFACTURED HOUSING COMMISSION FUND. The fund established to provide necessary revenue for the enforcement of this article.

(2) COMMISSION. The Alabama Manufactured Housing Commission.

(3) DEALER. Any person, other than a manufacturer, who is duly licensed to sell manufactured homes in this state.

(4) LABEL. The approved form of certification by the manufacturer under the Uniform Standards Code that is permanently affixed to each manufactured home or transportable section thereof, and which serves as the certification by the manufacturer of conformance with the applicable federal manufactured home construction and safety standards in effect the date of manufacture.

(5) **MANUFACTURED HOME.** A structure, transportable in one or more sections, which when erected on site measures eight body feet or more in width and 32 body feet or more in length, 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. A manufactured home can be new. A new manufactured home is a manufactured home which is still in the possession of the manufacturer, dealer, or first purchaser of the manufactured home.

(6) **MANUFACTURED HOME CONSTRUCTION.** All activities relating to the assembly and manufacture of a manufactured home including, but not limited to, those relating to durability, quality, and safety.

(7) **MANUFACTURER.** Any person who manufactures manufactured homes and shall include the manufacturer, factory branch, or factory representative.

(8) **PERSON.** A person, firm, partnership, company, corporation, or association engaged in manufacturing or selling manufactured homes.

(9) **UNIFORM STANDARDS CODE.** The federal manufactured home construction or safety standards promulgated pursuant to Section 604 of the National Mobile Home Construction and Safety Standards Act of 1974, published in Public Law 93-383, 42 U.S.C. § 5401 et seq., or the Manufactured Housing Improvement Act of 2000, or both, as amended from time to time.

(Acts 1971, No. 1938, p. 3129, §2; Acts 1980, No. 80-599, p. 1014, §1; Act 2009-37, p. 130, §3.)

Section 24-5-3 Establishment of uniform standards.

All construction of manufactured homes manufactured after May 28, 1980, in this state shall meet the standards of the Uniform Standards Code.

(Acts 1971, No. 1938, p. 3129, §3; Acts 1980, No. 80-599, p. 1014, §2; Act 2009-37, p. 130, §3.)

Section 24-5-4 Inspection or approval; certification of manufacturer.

No person may sell or offer to sell in the state any new manufactured home for use in this state manufactured after May 28, 1980, unless each of the following requirements are satisfied:

(1) A label of approval has been permanently affixed to the manufactured home.

(2) The label bears a certification by the manufacturer that the new manufactured home to which the label is attached meets or exceeds the Uniform Standards Code.

(Acts 1971, No. 1938, p. 3129, §4; Acts 1980, No. 80-599, p. 1014, §3; Act 2009-37, p. 130, §3.)

Section 24-5-5 Label and certification required for manufactured homes.

No person may manufacture in this state any manufactured home after May 28, 1980, unless it bears a label and certification, certifying that the manufactured home meets or exceeds the Uniform Standards Code.

(Acts 1971, No. 1938, p. 3129, §5; Acts 1980, No. 80-599, p. 1014, §4; Act 2009-37, p. 130, §3.)

Section 24-5-6 Licenses for sale of manufactured homes.

(a) Any manufacturer or dealer within or without this state shall apply for a license to sell manufactured homes in this state.

(b) Applications shall be obtained from and submitted to the commission. Each applicant shall be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

(c) The original license fee and the renewal fee shall be established by the commission by rule pursuant to Section 24-6-4. Each sales or manufacturing location shall be required to be licensed at the same rate and basis as others. The license shall be valid from January 1 until December 31 of the year in which the license was issued or until revoked as provided in this section.

(d) Any license may be revoked or suspended by the commission for violation of this article, or rules and regulations or standards or codes or specifications adopted pursuant to this article. The commission shall notify the licensee in writing of the reasons why the commission intends to revoke or suspend the license, and the licensee shall be entitled to a hearing before the commission within 10 days after receipt of the notice of intention to revoke or suspend. At the hearing the commission shall consider the circumstances and shall give the licensee reasonable time, but not less than 30 days, to correct the conditions or circumstances that caused the notice of intention to revoke or suspend the license to be given.

(Acts 1971, No. 1938, p. 3129, §6; Acts 1975, No. 1143, p. 2245; Acts 1980, No. 80-599, p. 1014, §5; Act 2001-426, p. 543, §3; Act 2009-37, p. 130, §3.)

Section 24-5-7 Sale of new manufactured homes without labels.

A new manufactured home which does not bear the label required by this article may not be offered for sale by any manufacturer or dealer anywhere within the geographical limits of this state.

(Acts 1971, No. 1938, p. 3129, §7; Acts 1980, No. 80-599, p. 1014, §6; Act 2009-37, p. 130, §3.)

Section 24-5-9 Inspection of establishments; testing and records.

(a) The commission shall cause to be inspected, at such times as it may deem proper, any place or establishment within this state where manufactured homes are manufactured, sold, or offered for sale, for the purpose of ascertaining whether the requirements of this article and the regulations of the commission have been met.

(b) The commission, or its duly authorized representatives, may cause products or parts or portions thereof to be analyzed or tested by the state agent, or its duly authorized agency. Such analysis or test records may be preserved by the commission, and when sworn to by the state testing agent, or its duly authorized agency, shall be prima facie evidence of violations of this article or rules and regulations or standards or codes or specifications adopted pursuant to this article.

(Acts 1971, No. 1938, p. 3129, §8; Act 2009-37, p. 130, §3.)

Section 24-5-10 License fees.

A license to sell to licensed dealers or to the public of this state shall be issued for a fee in an amount as established by the commission by rule pursuant to Section 24-6-4.

(Acts 1971, No. 1938, p. 3129, §9; Acts 1975, No. 1051, p. 2114; Acts 1980, No. 80-599, p. 1014, §8; Act 2001-426, p. 543, §3.)

Section 24-5-11 Statistics and records as to manufactured homes.

(a) The commission shall maintain a system by which accurate statistics regarding the disposition of all manufactured homes by licensees may be obtained.

(b) The commission shall require that each licensee in this state maintain adequate records so as to ascertain all of the following information:

(1) The total number of manufactured homes manufactured.

(2) The total number of manufactured homes delivered to dealers within and without the state.

(3) The total number of manufactured homes sold to individuals within and without the state, including name, address, and county.

(4) Specific information about each manufactured home, including serial number, manufacturer's name, model name or number, or both, and size unit.

(Acts 1971, No. 1938, p. 3129, §10; Act 2009-37, p. 130, §3.)

Section 24-5-12 Administration of article.

The commission is hereby charged with the administration of this article. It shall make and amend, alter or repeal general rules and regulations of procedure for carrying into effect all provisions of this article and prescribe means, methods, and practices to make effective such provisions.

(Acts 1971, No. 1938, p. 3129, §11.)

Section 24-5-13 Enforcement of article; local ordinances providing for inspection of manufactured homes.

(a) No person may interfere, obstruct, or hinder an authorized representative of the commission who displays proper commission credentials in the performance of his or her duties as set forth in this article.

(b) In the performance of its duties, the commission, or any of its duly authorized representatives , may enter and inspect, at any reasonable time, any place or establishment where manufactured homes are manufactured, sold, or offered for sale, for the purpose of ascertaining whether the requirements of this article and the regulations of the commission have been met.

(c) Nothing in this article shall prevent the governing authority of any county or municipal corporation from adopting ordinances or resolutions providing for the inspection of manufactured homes sold or placed within its limits and to provide penalties for violations thereof, but no such ordinance or resolution shall conflict with any power or authority of the commission, or its duly authorized representatives. Any manufactured home which has been inspected and approved in accordance with this article is not required to comply with any local ordinances in conflict with this article.

(Acts 1971, No. 1938, p. 3129, §12; Act 2009-37, p. 130, §3.)

Section 24-5-13.1 Commission authorized to enter into contracts with agencies dealing with federal Department of Housing and Urban Development; purpose.

The commission shall be authorized to enter into contracts with any private or public agency which is under contract with the United States Department of Housing and Urban Development to provide services in the enforcement of the Uniform Standards Code.

(Acts 1980, No. 80-599, p. 1014, §10.)

Section 24-5-14 Penalties; disposition of funds.

(a) Whoever violates this article or any regulation or order issued under this article shall be liable for a civil penalty of not to exceed one thousand dollars (\$1,000) for each such violation. Each violation of any section of this article or regulation or order shall constitute a separate violation with respect to each manufactured home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed one million dollars (\$1,000,000) for any related series of violations occurring within one year from the date of the first violation. Before the commission shall impose a civil penalty it shall first advise the violator of its intention to do so and hold a hearing on the violation no sooner than two weeks after notification to the person of the commission's intent to impose civil penalties and the indicated violations.

(b) Any individual or a director, officer, or agent of a corporation who knowingly and willfully violates subsection (a) , in a manner which threatens the health or safety of any purchaser, shall be fined not more than one thousand dollars (\$1,000) or sentenced to the county jail for not more than one year, or both.

(c) Any fines collected under subsections (a) and (b) shall be paid into the Alabama Manufactured Housing Commission Fund.

(Acts 1971, No. 1938, p. 3129, §13; Acts 1980, No. 80-599, p. 1014, §9; Act 2009-37, p. 130, §3.)

Section 24-5-30 Short title.

This article shall be known and may be cited as the "Uniform Code for the Anchoring of Mobile Homes Act."

(Acts 1975, No. 1144, p. 2247, §1.)

Section 24-5-31 Definitions.

When used in this article, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them in this section:

(1) ANSI. The American National Standards Institute or its successor.

(2) GROUND ANCHOR. Any device at the mobile home stand designed for the purpose of securing a mobile home to the ground.

(3) MARSHAL. The Alabama State Fire Marshal.

(4) NFPA. The National Fire Protection Association or its successor.

(5) TIEDOWN. Any device designed to anchor a mobile home to ground anchors.

(6) COMMISSION. The Alabama Manufactured Housing Commission.

(7) INSTALL or INSTALLATION. Siting, placing, or anchoring a manufactured home or manufactured building, either one or more units, to land, upon footings, piers, or foundations, or connecting the home or building to public or private utilities. Public or private utilities shall not be classified as installers under this section.

(8) INSTALLER. Any person who sites, anchors, places, connects, sets up or installs a manufactured home or manufactured building upon land, footings, piers, or foundations.

(9) MANUFACTURED BUILDING. A closed structure, building assembly or systems of subassemblies which may include structural, electrical, plumbing, heating, ventilating, utility service lines, footings, foundations, porches, or other service systems manufactured in manufacturing facilities, for installation or erection, with or without other specified components, as a finished building or as a part of a finished building, which shall include, but not be limited to, residential dwelling units, commercial, institutional, storage, and industrial structures. "Mobile homes" or "manufactured homes" are excluded. "Manufactured building" may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation on the building site. Excluded from the definition of "manufactured building" shall be any temporarily placed building, trailer, or structure maintained by a licensed general contractor or subcontractor for purposes of storage, office space, or any other construction related function at a project site.

(10) MANUFACTURED HOME. As defined by the United States Department of Housing and Urban Development.

(Acts 1975, No. 1144, p. 2247, §2; Acts 1991, No. 91-642, p. 1213, §1; Act 2001-426, p. 543, §4.)

Section 24-5-32 Anchorage requirements.

(a) After January 1, 1976, it shall be unlawful for any person to install, allow to be installed, occupy, or allow to be occupied any new or used manufactured home or manufactured building unless the home or building is tied down to properly installed ground anchors so as to be able to resist wind loads as specified in the rules and regulations adopted by the commission. The Counties of Mobile and Baldwin are designated as hurricane wind zones. All installers of manufactured homes and manufactured buildings must be certified by the commission to install such structures.

(b) Any manufactured home or manufactured building sold after January 1, 1976, shall comply with the requirements of subsection (a) immediately upon location on the new site. Any existing manufactured home or manufactured building relocated to a new site after January 1, 1976, shall comply with the code requirements of subsection (a) immediately upon location on the new site.

(c) The commission shall promulgate rules and regulations setting forth uniform standards for the manufacture and installation of ground anchors and blocking to be compatible with ANSI A 119.1/NFPA 501B, in order to accomplish the intent of this section. Local building inspectors shall, when required by local jurisdiction, enforce rules and regulations promulgated by the commission to accomplish the intent of this section.

(d) Prior to adoption of the initial rules and regulations and in the event it becomes necessary to make changes in or additions to the rules and regulations adopted in subsection (a), the commission, at least 30 days prior to adopting or promulgating any such rules and regulations or changes or additions, shall mail to all manufacturers and service organizations doing business in Alabama and to the Alabama Manufactured Housing Institute a notice which shall include a copy of the rules and regulations or additions and changes thereto, and a designation of the time and place that the commission will hear and consider any objections to the proposed rules and regulations or additions and changes thereto. The commission shall afford any interested party an opportunity to be heard orally or in writing with respect to the proposed rules and regulations or additions and changes thereto. Sixty days after date of notice and hearing, any rules and regulations or changes and additions thereto shall become effective.

(e) This section shall not apply to any mobile home which is in transit between sites.

(f) The commission shall establish by rule a schedule of fees to pay for the administration of this article.

(Acts 1975, No. 1144, p. 2247, §3; Acts 1991, No. 91-642, p. 1213, §2.)

Section 24-5-33 Penalties for violations of article; suspension of license tags; additional relief from violations.

(a) It is a misdemeanor for any person to install, allow to be installed, occupy, or allow to be occupied, any manufactured home or manufactured building in this state which is not in accordance with the uniform standards and the rules and regulations adopted and set forth by the commission pursuant to this article.

(b) The commission is authorized to suspend the tag issued under Section 40-12-255 of any person violating either subsection (a) or (b) of Section 24-5-32, and shall be authorized to levy a civil penalty up to \$500.00 against any person found in violation of subsection (a) of Section 24-5-32. The commission is moreover authorized to levy a civil penalty up to \$500.00 against any installer or installation personnel violating either subsection (a) or (b) of Section 24-5-32 or the rules and regulations adopted and set forth by the commission pursuant to this article. Persons subjected to the operation of this subsection shall be given a hearing by the commission on application therefor, and shall be notified of the availability of a hearing by the commission on imposition of a penalty.

(c) In addition to other penalties provided by law, the commission and district attorneys are authorized to apply to the circuit courts within their respective jurisdictions, and such courts shall have jurisdiction, upon hearing and for cause shown, to grant appropriate additional relief to prevent or restrain violations of this article.

(Acts 1975, No. 1144, p. 2247, §3; Acts 1991, No. 91-642, p. 1213, §3.)

Section 24-5-34 Certain local laws, municipal ordinances, etc., not repealed.

This article shall not repeal any local act, general law of local application or municipal ordinance where provisions thereof have standards, qualifications and requirements for the anchoring of mobile homes equal to or higher than those provided in this article, and such laws, acts or ordinances shall remain entirely in full force and effect.

(Acts 1975, No. 1144, p. 2247, §4.)

Section 24-6-1 Intent.

It is the express intent of this chapter to give administrative relief to the Fire Marshal Division of the Insurance Department in the supervision of any current or future federal and state statutes and codes relating to manufactured and modular housing and buildings. For such purposes, the Alabama Manufactured Housing Commission is created to perform such administrative functions.

(Acts 1985, No. 85-691, p. 1109, §1.)

Section 24-6-2 Commission created; composition.

The Alabama Manufactured Housing Commission, hereinafter referred to as "the commission," is created and shall function as the principal executive branch agency with powers to provide for a comprehensive manufactured and modular housing and building program with respect to construction, transportation, site location, or manufacturing standards for such structures. The commission shall consist of an advisory board of nine members, an administrator, and other staff and personnel. The membership of the commission shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. Each commission member shall be a citizen of this state. The advisory board members shall serve in an advisory capacity only to the administrator. The administrator shall have the sole and complete authority to formulate, implement, and execute policy, laws, and regulations for the commission, and will consult with the advisory board as necessary during its scheduled meetings. The commission shall have such other powers and duties as are hereinafter provided.

(Acts 1985, No. 85-691, p. 1109, §2; Act 99-355, p. 553, §1; Act 2009-37, p. 130, §3.)

Section 24-6-3 Advisory board.

(a) The advisory board of the commission shall be composed of nine advisory only members, each of whom shall have been a resident of Alabama for at least five years prior to appointment.

(b) Six of the members shall be appointed by the Governor, subject to Senate confirmation, as follows:

(1) From a list of nine nominees submitted by the Alabama Manufactured Housing Association (AMHA), the Governor shall appoint three members who shall be from the Alabama manufactured housing industry and of those three members, two members shall represent the manufacturers and one member shall represent the retailers. No employee of AMHA shall serve on the commission. The terms of office of the initial appointees shall be one for one year, one for two years, and one for three years.

(2) There shall be three consumer representatives appointed as follows: The Governor shall appoint from the general public three members who shall serve as consumer representatives and whose initial term of office shall be one for one year, one for two years, and one for three years. The appointees from the general public shall serve as consumer representatives with one appointee living in a manufactured home at the time of appointment. The appointments shall be selected from the current congressional districts as follows: One appointee shall reside in congressional district 4 or 5, one appointee shall reside in congressional district 3 or 6, one appointee shall reside in congressional district 1 or 2 or 7.

(c) There shall be three governmental representatives appointed as follows:

(1) The President Pro Tempore of the Senate shall appoint one member who is a representative from any local government for an initial term of two years.

(2) The Speaker of the House of Representatives shall appoint one member who is a member of the House of Representatives.

(3) The Lieutenant Governor shall appoint one member who is a member of the Senate.

(d) Appointment, reappointment, vacancies, compensation, meetings, and responsibilities shall be as follows:

(1) Appointed members shall be eligible for reappointment.

(2) Any vacancy or new appointment shall be filled by the appointing authority for the unexpired term in the same manner as the original appointment was made, except that the number of nominees for the industry members shall be reduced to three for each vacancy.

(3) The successors to the initial appointees shall serve terms of five years.

(4) The members who are appointed by the Speaker of the House of Representatives, Lieutenant Governor, and the President Pro Tempore of the Senate shall serve for the initial terms of their elected office and may be reappointed by the appointing authority for additional terms.

(5) The administrator, or other persons responsible for handling all matters under the National Manufactured Housing Construction and Safety Standards Act of 1974, shall have no actual or potential conflict of interest nor be under the influence or control of a manufacturer of products or a retailer, supplier, or vendor of products in any manner which may affect his or her capacity to perform the function of the job objectively and without bias. The Alabama Ethics Commission shall investigate any report of a conflict of interest and, upon a finding of a conflict of interest, the Governor shall remove any such person having a conflict of interest. A member of the advisory board of the housing commission who has a direct pecuniary interest in any matter before the advisory board of the housing commission shall disclose that fact before the advisory board takes action at any meeting with respect to the matter, and he or she shall not vote, participate, or be present at any such meeting. Disclosure of such a pecuniary interest shall become a part of the official record of the proceedings of the advisory board of the commission.

(6) A person appointed as a general consumer or government representative shall not have any ownership interest in or income benefit from a manufacturer of manufactured homes, a retail seller of manufactured homes, a community, or a supplier of products or services to the manufactured housing industry. These appointees shall not have any financial contracts or provide or accept any services with anyone in the manufactured housing industry except to the extent the consumer lives in a manufactured home.

(7) Membership of the advisory board shall reflect the geographical, gender, racial, and ethnic diversity of the state without regard to party affiliation.

(8) The members of the advisory board of the commission shall select from its membership a person to serve as chair. The chair shall preside over the advisory board meetings. The chair may not serve for more than two consecutive terms of two years each.

(9) The Governor shall make appointments within 30 days following receipt of the list of nominees from the agencies and if not made within 30 days, nominees are no longer valid and a new list of nominees must be submitted. Appointments requiring Senate approval made at times when the Legislature is not in session shall be effective ad interim. Ad interim appointments shall be made in the same manner as appointments made during a legislative session. An appointment made by the Governor when the Legislature is in session shall be submitted to the Senate not later than the third legislative day following the date of the appointment. An appointment made when the Legislature is not in session shall be submitted to the Senate not later than the third legislative day following the reconvening of the Legislature.

(10) All members of the advisory board of the commission, except legislative members, shall be paid one hundred dollars (\$100) for each day the members of the advisory board of the commission meet and shall receive the same per diem and allowance for meetings of the advisory board as is paid to state employees for official state business. Legislative members shall be entitled to receive their regular legislative compensation.

(11) The advisory board shall meet at least two times per year and at such times as called by the chair. Notice of regular meetings shall be given by the chair to advisory board members at least five business days prior to the meeting. Special called meetings shall similarly require five days' notice in writing. Five members of the advisory board shall constitute a quorum for all purposes. Vacancies on the advisory board shall be filled by nomination and appointment within 30 days by the same procedure as the original appointments. Vacancies may occur through death or resignation of an advisory board member, or other reasons.

(Acts 1985, No. 85-691, p. 1109, §3; Act 99-355, p. 553, §1; Act 2001-344, p. 446, §1; Act 2015-497, §1.)

Section 24-6-4 Powers and duties; fund; Sunset provision.

(a) The commission, in an advisory capacity, shall be the principal staff agency of the executive branch to provide, with the cooperation of other departments of state governmental units, a comprehensive housing program and procedures which include the relevance for housing programs administered by the state and the governmental structures required to put such programs into effect. The commission, through its administrator, shall perform all the duties and exercise all the powers and authority relative to modular housing, manufactured buildings, manufactured housing, and pre-HUD 1976 mobile homes, heretofore vested in the Fire Marshal's Division within the State Department of Insurance, and other implied powers. All the functions, powers, authority, and duties provided by law, specifically, but not limited to: Sections 24-5-1 through 24-5-14; 24-5-30 through 24-5-34; and 24-4A-1 through 24-4A-7, all books, records, and supplies, pursuant to and under the authority of the aforesaid code sections through legislative budgetary authority and duties provided by law, specifically, but not limited to: Sections 24-5-1 through 24-5-14; 24-5-30 through 24-5-34; and 24-4A-1 through 24-4A-7, and all books, records, supplies, equipment, documents, files, papers, materials, and personnel of the Fire Marshal's Division subject to and authorized by, or under these various code sections and related thereto are also hereby transferred to the commission.

(b) There is established a revolving fund in the State Treasury to be known as the "Alabama Manufactured Housing Commission Fund" (Fund). Any proceeds remaining at the end of each fiscal year shall not revert to the State General Fund, but shall carry forward to the succeeding fiscal years in the fund for the use of the commission. All proceeds from federal grants, loans, funds, fees, and state or federal appropriations received or collected by the commission heretofore or hereafter are so appropriated and shall be deposited in the fund, and used only for and to the enurement of this commission.

(c) The commission is authorized, through its administrator, to promulgate such rules and regulations not inconsistent with this chapter as are implied or stated as are necessary to carry out the provisions of this chapter, pertaining specifically to the manufacture, transportation, or site location of said manufactured and modular housing and buildings and building programs in the State of Alabama. The commission is further authorized, through its administrator, to promulgate such rules and regulations as it may deem necessary to meet the requirements of the Department of Housing and Urban Development, the National Fire Protection Association, or any other recognized standards.

(d) The advisory board may recommend a schedule of fees to the administrator, who, through commission rules and regulations, will establish the fees to pay the cost incurred by the said commission for the work related to the administration and enforcement of this chapter. All fees, funds, and moneys received or collected by the commission are hereby appropriated to the commission and shall be deposited in the fund to be used only for the enrichment of the commission.

(e) The commission, through its administrator, may enter into any contracts with public or private agencies and said contracts shall be submitted to the Contract Review Permanent Legislative Oversight Committee for approval.

(f) The administrator is authorized to set qualifications for employees of the commission and compensation through the state Merit System for the necessary employees to carry out the provisions of this chapter. The administrator and all other current Merit System employees shall retain their Merit System status under this chapter. The Governor is authorized to set the qualifications and compensation of future administrators. The members of the advisory board shall serve only in an advisory capacity and may make recommendations to the Governor for the hiring or firing of the administrator. The Governor has the sole authority to hire or fire the administrator.

(g) The administrator shall serve as the department head for the purposes of all commission business, including, but not limited to, the hiring and firing of commission employees under the rules of the State Personnel Board for state Merit System employees, as required to perform the duties and responsibilities necessary in order to accomplish the state and federal regulatory functions of the agency including implementation of the state plan on file with the Department of Housing and Urban Development.

(h) The commission, through its administrator, is authorized to: Make comprehensive and detailed plans for combating the shortage of safe and sanitary housing in Alabama; apply for and accept advances, loans, grants, contributions, and any other forms of assistance from the federal government, state or other public body, or from any other source, public or private; enter into and carry out contracts or agreements in connection with programs funded by the aforesaid sources to serve a public purpose and benefit the citizens of the State of Alabama; and prepare proper legislation to administer the programs.

(i) This chapter shall not prevent an agency or department of state government from administering the program for which they are responsible.

(j) The operations of the commission shall be subject to termination October 1, 2001, and every fourth year thereafter unless continued in accordance with the Alabama Sunset Law.

(Acts 1985, No. 85-691, p. 1109, §4; Act 99-355, p. 553, §1.)

Appendix II –Professional Services by Vendor

	FY2020	FY2021	FY2022	FY2023
Administrative Services				
<i>Advertising</i>				
Legislative Services Agency	\$ 130.00	\$	\$	\$ 100.00
<i>Education Training Consultants</i>				
Alabama Manufactured Housing Association	5,600.00	5,600.00	7,000.00	7,000.00
<i>Medical Services - Professional</i>				
Daniel G White			20.00	
<i>Information and Research Services</i>				
U.S. Department of Homeland Security	25.00	25.00		
<i>Custodial</i>				
Daniel S. Hadden		375.00	375.00	
Gentile Company LLC	4,382.00	4,404.00	4,803.00	410.00
Stephen Jones	1,650.00	2,745.00	1,800.00	
Bowen-Wilson, Inc.		5,000.00		
Cedar Hill Lawn Maintenance, LLC				1,996.00
LM Cleaning Services				4,125.00
<i>Personnel Department Services</i>				
Personnel Department	8,915.00	9,037.00	9,802.00	10,444.00
<i>Sanitation Services</i>				
Gilmore Services	118.56	98.80	102.00	136.00
<i>Mailing</i>				
Department of Finance	198.15	149.30	177.25	164.45
<i>Pest Control Services</i>				
Terminix	604.00	45.00		
Oakes Exterminating Co.		84.00	126.00	
<i>Moving Services</i>				
Kyser Office Works, Inc.		180.00		450.00
<i>Inter-departmental Services</i>				
Department of Finance			2,938.08	3,838.68
Total Administrative Services	21,622.71	27,743.10	27,143.33	28,664.13

	FY2020	FY2021	FY2022	FY2023
Data Processing				
<i>Data Processing</i>				
Office of Information Technology	22,006.86	31,909.56	23,486.31	17,136.45
Alabama Interactive LLC			3,400.00	3,875.00
<i>Finance and IT Planning Oversight</i>				
Office of Information Technology	1,924.60	1,830.40	1,618.76	1,367.08
<i>State Business Systems (SBS)</i>				
Department of Finance	10,899.01	12,585.16	15,707.05	15,242.31
<i>Comptroller Services</i>				
Department of Finance	5,586.06	5,617.64	6,100.28	6,969.00
Total Data Processing	40,416.53	51,942.76	50,312.40	44,589.84
Total Professional Services	\$ 62,039.24	\$ 79,685.86	\$ 77,455.73	\$ 73,253.97

Appendix III: Members of Advisory Board



KAY IVEY
GOVERNOR

STEVE PINCKARD
ADMINISTRATOR

ALABAMA MANUFACTURED HOUSING COMMISSION

350 SOUTH DECATUR STREET · MONTGOMERY, ALABAMA 36104
(334) 242-4036 · FAX (334) 240-3178
WWW.AMHC.ALABAMA.GOV

May 28, 2024

Ms. Karen McClure
State of Alabama
Department of Examiners of Public Accounts
P.O. 302251
Montgomery, Alabama 36130-2251

Dear Ms. McClure:

The following is a list of current AMHC Advisory Board members with name, expiration of term, and city of each Commission member.

Mr. William Aycock
Guin, Alabama 35563
Industry Representative
Expiration Date: January 8, 2028

Mr. Eric Boehm, Chairman
Trussville, Alabama 35173
Industry (Manufacturer) Representative
Expiration Date: January 8, 2026

Mr. Walter G. Bracy
Codan, Alabama 36523
Consumer Representative
Expiration Date: January 8, 2026

Mr. O'Neal Caton
Jamison, Alabama 35085
Consumer Representative
Expiration Date: January 8, 2028

Mayor Gary Davenport

Eclectic, Alabama 36024

Governmental Representative

Expiration Date: December 15, 2025

Senator Garlan Gudger

Cullman, Alabama 35056

Governmental Representative

Expiration Date: November 5, 2026 (term of elected office)

Representative Tashina Morris

Montgomery, Alabama 36108

Governmental Representative

Expiration Date: November 5, 2026 (term of elected office)

Mr. Joe Taylor

Jasper, Alabama 35501

Consumer Representative

Expiration Date: January 8, 2027

Mr. Michael Wade

Addison, Alabama 35540

Industry (Manufacturer) Representative

Expiration Date: January 8, 2027

Sincerely,



Steve Pinckard

SP/ct

Appendix IV: Commission's Response



KAY IVEY
GOVERNOR

STEVE PINCKARD
ADMINISTRATOR

ALABAMA MANUFACTURED HOUSING COMMISSION

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August 23, 2024

Ms. Dixie B. Thomas
Director of Operational Audits
Examiners of Public Accounts
401 Adams Avenue, Suite 280
Montgomery, Alabama 36104

Re: Sunset Committee response

Dear Ms. Thomas:

Pursuant to your letter dated August 16, 2024, regarding significant issues discovered during the recent Sunset audit of the Commission, and the status of the findings of our most recent legal compliance examination for the period covering October 1, 2021, through September 30, 2023, I respectfully submit the following responses for presentation to the Sunset Committee:

Significant Issue 2024-001: The Commission did not certify deposits to the State Treasury within thirty days after the deposits were made. Sixteen of the seventy-one (23%) deposits tested were not certified to the State Treasury from 31 up to 99 business days after deposits were made.

Response: A counseling session was held with the Senior Accountant responsible for making deposits and certifying those deposits are made within 30 days. The employee was advised of the necessity to comply with the State Treasurer's Office policies, rules, and regulations. Certification of deposits will be closely monitored by the accounting department supervisor to ensure compliance with established policies and regulations.

Significant Issue 2024-002: The Commission did not always deposit receipts in a timely manner. Two-hundred one of four-hundred eleven checks (48%) tested were deposited from six up to seventeen business days after receipt. Failure to promptly

deposit checks and money orders unnecessarily increases the risk of loss or misuse of state funds.

Response: A verbal discussion was held with the employee responsible for failure to deposit checks and money orders in a timely manner. During the discussion, a copy of AMHC Policy #6 was provided to the employee and discussed in detail. The employee was advised their direct supervisor will monitor weekly their compliance with established policies and was advised future failure to ensure deposits are made in a timely manner will result in further disciplinary action.

Significant Issue 2024-003: The Commission did not accurately record compensatory time, annual leave, and sick leave into the State's Governmental Human Resources System (GHRIS). A review of employee timesheets revealed errors with four employees' leave balances. As a result, the four employees' balances required adjustments.

Response: The AMHC has corrected three of the four employees' leave balances identified as having incorrect leave totals and documentation confirming correction of those adjustments have been provided to the Examiners of Public Accounts. The fourth employee has been placed on a Restrictive Leave Plan in which the employee's accrued annual leave will be withheld and utilized to reimburse the State until the excess accrued leave balance is satisfied. The employee responsible for calculating, recording and maintaining accurate employee leave balances was instructed to ensure that leave balances were correct following the accrual of leave after each pay period.

Significant Issue 2024-004: Twenty of twenty-five (80%) complaint files selected for review were missing required documentation of a letter being mailed to complainants with information regarding the closure of their complaint and the reason for closure by the Commission.

Response: The Examiners of Public Accounts relies on a provision in the Commission's State Plan with the Department of Housing and Urban Development (HUD) regarding the handling of consumer complaints to support this Significant Finding. HUD, which approves the Commission as the State Administrative Agency (SAA) for the enforcement of the Federal Regulations in the State of Alabama, audits the Commission annually for compliance with the applicable Federal standards and procedures, including a comprehensive review of the consumer complaint and dispute resolution process, and has never cited this provision as a violation. The only controlling authority for this Significant Finding is in the Administrative Code, specifically Rule 535-X-18: Dispute Resolution Program, which states that "[o]nce the Commission receives

documentation indicating corrections have been completed, the homeowner will be contacted for verification." In most cases where a closure letter was not sent, there is documented evidence of either telephone conversations or emails with the homeowner regarding the reason for the closure of the file.

Significant Issue 2024-005: Five out of seventeen (29%) licensees responding to our survey think some of the Commission's laws, rules, or policies are an unnecessary restriction on the practice of their profession.

Response: The Commission conducted a comprehensive review of its Administrative Rules pursuant to the Governor's Executive Order No. 735. None of the administrative rules containing the words "shall", "must" or "require" were deemed to be discretionary because these rules are the direct result of a State or Federal statutory requirement or are designed to accomplish objectives set forth by the applicable statutes. The Commission posted the following in the "Announcements" section on the homepage of its website: "Administrative Rules Review: The AMHC is currently conducting a comprehensive review of its administrative rules (See "Rules & Regulations" tab above). Any public comments regarding unnecessary or excessive regulatory restrictions should be submitted to Steve Pinckard at steve.pinckard@amhc.alabama.gov." To date, zero responses have been received.

Significant Issue 2024-006: Complainants whose complaint had been resolved within the last two years were sent a request to complete a survey. The following issues were noted in the responses:

- Three of the eleven (27%) complainants responding to our survey indicated receipt of their complaint was not acknowledged by the Commission.
- Nine of the eleven (82%) complainants responding to our survey indicated the Commission did not communicate the results of its investigation into their complaint to them. *See Significant Issue 2024-004.*
- Nine of the eleven (82%) complainants responding to our survey do not think the Commission did everything it could to resolve their complaint.

Response: The Manufactured Home Construction and Safety Standards Act (42 U.S.C. §5401, et seq., and the regulations promulgated by the United States Department of Housing and Urban Development, pursuant to 24 C.F.R. §3280 and §3282, generally referred to as "the HUD Code") govern the manufactured housing industry and give the Alabama Manufactured Housing Commission ("AMHC") its authority to require licensees (manufacturers, retailers, and installers) to make repairs or to take corrective actions. This authority, however, is defined and limited. The AMHC lacks the authority to require corrections or repairs in situations such as: (1) more than one year from the date of the installation of a new manufactured home unless it involves an imminent safety hazard or serious defect, (2) it is cosmetic in nature, (3) the homeowner refuses to allow the licensee to make repairs, (4) it involves a contractual dispute, (5) it is a used home that was sold "as is", or (6) the dispute is in litigation or arbitration.

Please let me know if you have any questions or need any additional information. I can be reached at the office at (334) 242-4036, or on my cell at (334) 324-8361.

Sincerely,

A handwritten signature in blue ink that reads "Steve Pinckard". The signature is fluid and cursive, with the first name "Steve" and last name "Pinckard" clearly legible.

Steve Pinckard
Administrator