

Retailer Webinar: Questions and Answers

March 27, 2018

- 1. The lists for states that participate in the HUD Dispute Resolution Program and HUD Installation Program appear to be different. Is state participation in these programs optional and are the states that participate in these programs different?**

Yes. The HUD Dispute Resolution Program and HUD Installation Program are two different programs and states elect their participation uniquely for each program. Therefore, the list of participating states is different for each program.

- 2. It appears that the states that participate in the HUD Installation Program and HUD Dispute Resolution Program change over time with some states switching from HUD to State-administered, and vice versa. Is there any procedure we may follow to be informed when a state changes from one to the other?**

States can administer their own dispute resolution or installation program following a HUD-approval process, or HUD can gain control of a program due to several reasons. The status of a state may be determined by the programs' website. There is an -up-to-date map and list of HUD-Administered states. If a change in oversight occurs there will be notices provided via email and website updates.

- 3. May a purchaser who is not a HUD-licensed installer install their own manufactured home that they intend to live in?**

The homeowner may install a home they intend to live in without becoming a HUD-licensed installer per 24 CFR §3286.107(d). However, the home must be inspected, and the HUD 309 Form completed and submitted to HUD per 24 CFR §3286.109 and §3286.111. The 309 requires the signature of a HUD-licensed installer and qualified inspector. It is strongly recommended that homeowners use a HUD-licensed installer to avoid self-injury or damage to the home.

- 4. Are renters/lessees required to be provided a copy of the installation manual?**

Only if the renter/lessee is the **first** occupant of the home after installation per 24 CFR §3282.207. A community does not have to provide an installation manual after that, even if the home is rented and/or sold to a new renter/lessee.

- 5. The HUD 305 Form states that the form pertains to “purchasers” in one spot but states “purchasers and lessees” in another. Which one is it?**

It is "purchaser or lessee."

6. Is it a requirement to have the HUD Installer License published on the job site?

The license certificate is required to be clearly posted at the job site much like an installer would do for any trade work that is inspected. Please see 24 CFR §3286.203(a)(4).

7. Is the retailer required to have a renter sign the Consumer Disclosure Statement?

No, the statement only needs to be provided per 24 CFR §3286.603(a)(2)(i).

8. Does the retailer have any responsibility to ensure that the purchaser had the home inspected or does that responsibility pass to the purchaser?

The answer depends on the role the retailer plays in the installation of the home. If the retailer simply sells a home and has nothing to do with the home installation, then the purchaser is responsible. If the retailer is responsible for arranging the installation, then it is the retailer's responsibility to ensure the inspection takes place. Please see 24 CFR §3286.409(a), which states: "Ten business days prior to the completion of installation, the installer must arrange for a third-party inspection of the work performed, in accordance with subpart F of this part, unless the installer and retailer who contracted with the purchaser for the sale of the home agree, in writing, that during the same time period the retailer will arrange for the inspection."

If a retailer is unsure of their responsibility in a specific situation, they should contact the HUD Installation Program.