

WEST VIRGINIA BOARD OF MANUFACTURED HOUSING CONSTRUCTION AND SAFETY

1900 Kanawha Boulevard East - State Capitol Complex - Building 3, Room 200 - Charleston, WV 25305

Email: MHBoard@wv.gov * Fax: (304) 558-2447 * Main: (304) 558-7890

To Whom It May Concern:

On April 4, 2000, H. B. 4753 was signed into law by the Governor adding a new section to Chapter 21-9 of the West Virginia code for the West Virginia Board of Manufactured Housing Construction and Safety.

21-9-11a. Inspection of manufactured housing; deferral period for inspection and administrative remedies; notification to consumers of rights.

(a) *Inspection of manufactured housing.*

1. Sets specific timelines for the board to conduct an investigation and issue a written report to consumers.

(b) *Limited period for exclusive administrative remedy.*

1. Allows the board ninety (90) days to issue a determination (citations, letters of correction) commencing with the date of filing of the complaint.

2. A purchaser or owner of a manufactured home may not file any civil action seeking monetary recovery or damages for claims related to or arising out of the manufacture, acquisition, sale or installation of the manufactured home until the expiration of ninety (90) days after the consumer has filed a written complaint with the board.

3. This period of exclusive administrative authority may not prohibit the purchaser or owner of the a home from seeking equitable relief in any court of competent jurisdiction to prevent or address immediate risk of personal injury or property damage.

(c) *Notice of consumer rights.*

1. Every dealer or contractor who moves homes from one place to another shall provide written notification to every purchaser of a manufactured home of the availability of administrative assistance from the board in investigating and ordering corrections of any defect in the manufacture or installation of a manufactured home and the period of exclusive jurisdiction given to the board.

2. The board may prescribe that the notice contains any information the board determines to be beneficial to the purchaser or owner of the manufactured home in exercising that person's rights under this section.

Company Name
Insert Address
Insert Address
Insert Phone #

Prior to execution of the sales contract to purchase or agreement to lease a manufactured home, the retailer must provide the purchaser or lessee with a consumer disclosure. This disclosure must be in a document separate from the sales or lease agreement as required by §3286.7 (b) Retailer disclosures before sale or lease (1)(3)(4)(5)(6) and §21-9-11a.(c) of the West Virginia Code.

DEALER/DISTRIBUTOR AND NOTICE OF CONSUMER RIGHTS

1. This home is required to comply with all state requirements for the installation of the home;
2. This home may also be required to comply with additional state and local requirements for its installation;
3. Additional information about the required disclosures is available from the dealer and, in the case of the federal requirements, is available in part §3286 of Title 24 of the Code of Federal Regulations and from the U.S. Department of Housing and Urban Development;
4. Compliance with any additional federal, state, and local requirements, including a requirement for inspection of the installation of the home, may involve additional costs to the purchaser or lessee; and
5. We recommend that any home being reinstalled after its original installation should be professionally inspected in order to assure that it has not been damaged in transit and is properly installed.

If a purchaser of a manufactured home has problems with a defect in the manufacture, installation of the home or with obtaining warranty service, the purchaser may seek administrative assistance for correction with the:

West Virginia Board of Manufactured Housing Construction and Safety
State Capitol Complex - Building 3, Room 200 - Charleston, WV 25305
Main: (304) 558-7890 Email: MHBoard@wv.gov

Signature of Consumer

Signature of Dealer/Distributor

Date

Date

The form will be printed:

1. With duplicate copies on 8 ½ x 11 paper.
2. Must be printed on a carbonless or carbon form in 12-point bold face type.
3. With signature and date lines for the dealer and consumer.

A Dealer/Distributor will be required to file a blank copy utilized for their "Notice of Consumer Rights" with the West Virginia Board of Manufactured Housing Construction and Safety application for licensure.