

Regular Session, 2008

ACT No. 825

HOUSE BILL NO. 553

BY REPRESENTATIVE ARNOLD

1 AN ACT

2 To amend and reenact R.S. 51:911.22(10)(introductory paragraph), 911.24(J)(2) and (L),
3 911.26(F)(3), 911.32(A)(1), and 911.34, to enact R.S. 51:911.22(13) and (14), and
4 to repeal R.S. 51:911.42 and 911.44, relative to the Uniform Standards Code for
5 Manufactured Housing; to provide for definitions; to provide for changes in
6 guidelines for a retailer's license; to provide for powers and duties of the Louisiana
7 Manufactured Housing Commission; to provide for administration and enforcement;
8 to provide for guidelines for suits filed by the Louisiana Manufactured Housing
9 Commission; to provide for a venue for a suit filed by the commission; to provide
10 for reasonable costs payable to the commission; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 51:911.22(10)(introductory paragraph), 911.24(J)(2) and (L),
13 911.26(F)(3), 911.32(A)(1), and 911.34 are hereby amended and reenacted and R.S.
14 51:911.22(13) and (14) are hereby enacted to read as follows:

15 §911.22. Definitions

16 As used in this Part, unless the context requires a different definition:

17 * * *

18 (10) "Retailer" means any person who is engaged in the sale or distribution
19 of mobile homes or manufactured housing primarily to a person who in good faith
20 purchases the home for purposes other than resale wholly or in part in the business
21 of buying, selling, distributing, or exchanging an interest in a manufactured home
22 with the intent to make a profit, monetary gain, or any thing of economic value. Any
23 person who buys, sells, or distributes, or exchanges an interest in more than one such
24 manufactured home in any twelve-month period shall be presumed to be a retailer.

25 "Retailer" shall not include:

26 * * *

1 F. The powers and duties of the commission shall include but are not limited
2 to the following:

3 * * *

4 (3) Working with ~~manufactured home~~ consumers, manufacturers, retailers,
5 developers, salesmen, and installers to hear complaints and make determinations
6 relating to construction defects, warranty issues ~~and~~ service complaints, and other
7 matters which are not set forth pursuant to 24 CFR Part 3280 and 24 CFR Part 3282.

8 * * *

9 §911.32. Administration and enforcement of Part; powers of commission; cease and
10 desist orders; applicability of Administrative Procedure Act

11 A.(1) The commission is charged with the adoption, administration, and
12 enforcement of manufactured housing construction and safety standards and any
13 other rules and regulations necessary for the administration and enforcement of this
14 Part which are not set forth pursuant to 24 CFR Part 3280 and CFR Part 3282,
15 Subpart I. The standards adopted shall be in conformity with the standards
16 promulgated pursuant to the National Manufactured Housing Construction and
17 Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. The commission shall
18 discharge this duty consistent with the rules and regulations promulgated by the U.S.
19 Department of Housing and Urban Development.

20 * * *

21 §911.34. Suit by commission for violations; venue; relief obtainable

22 A. Whenever it appears that a person is violating or is threatening to violate
23 the Code or a provision of this Part, ~~or~~ Part XIV-B of this Chapter, or any rule or
24 regulation adopted and promulgated by the commission in accordance with the
25 Administrative Procedure Act, the commission shall bring suit to restrain that person
26 from continuing the violation or from carrying out the threat.

27 B. Venue ~~shall be~~ is permissible in the district court in the parish of the
28 residence of any one of the defendants or in the parish where the violation is alleged
29 to have occurred or is threatened or in the Nineteenth Judicial District Court for the
30 parish of East Baton Rouge.

1 C. In the suit, the commission may obtain injunctions, prohibitory and
 2 mandatory, including temporary restraining orders and preliminary injunctions, as
 3 the facts warrant, including, when appropriate, injunctions restraining a person from
 4 moving or disposing of a manufactured home that is subject to the requirements of
 5 this Part, ~~but does not comply with the Code or any provision of this Part~~ Part XIV-B
 6 of this Chapter, or any rule or regulation adopted and promulgated by the
 7 commission in accordance with the Administrative Procedure Act, or to restrain a
 8 person from engaging in any business for which a license has been or should be
 9 issued under this Part or Part XIV-B of this Chapter. Any such manufactured home
 10 may, in the court's discretion, be ordered impounded or placed under the control of
 11 an agent appointed by the court.

12 D. All costs incurred by the commission, including reasonable attorney fees,
 13 may be borne by the person or licensee who has been enjoined, or found in violation
 14 of the provisions of the Code, or any provision of this Part or Part XIV-B of this
 15 Chapter, or any rule or regulation adopted and promulgated by the commission in
 16 accordance with the Administrative Procedure Act.

17 Section 2. R.S. 51:911.42 and 911.44 are hereby repealed in their entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____