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FISCAL IMPACT REPORT

ORIGINAL DATE 03/01/11

SPONSOR Kravens LAST UPDATED HB

SHORT TITLE Manufactured Housing Commission Rulemaking SB 479

ANALYST Sanchez, C.

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of Bill

Senate Bill 479 would amend the Manufactured Housing Act, to change the role of rulemaking authority from the Manufactured Housing Committee and grant rulemaking to the Manufactured Housing Division of the Regulation and Licensing Department.

The Manufactured Housing Committee would retain disciplinary authority over licensees.

The following is a summary of the proposed amendments of the act:

- §60-14-4 – Manufactured Housing Division - Deletes reference to the Manufactured Housing Committee (MHC) and inserts the Manufactured Housing Division as the authority establishing rules governing manufactured housing construction, repair, tie-down, hookup and sale, and any other rules necessary to carry out the provisions of the MHD Act and the adoption of the federal HUD rules applicable to manufactured housing in the State.
- §60-14-5 – Manufactured Housing Committee - Amends that the MHC is administratively attached to the division. Removes approval of rulemaking from the MHC, but the MHC retains disciplinary authority over licenses issued by MHD.

- §60-14-6 – Bonding Requirements
 - Removes approval of rules governing dealers, brokers, salespersons, manufacturers, repairers and installers from the MHC and makes it advisory to MHD.
 - MHD is made the authority for rulemaking and administration of the consumer bond process.
- §60-14-7, 9 and 10 – Licensing – The MHC is removed and MHD is made the authority for rulemaking and administration of the licensing processes under the MHD Act.
- §60-14-12 – Suspension and Revocation – Changes made to clarify that rulemaking under the MHD Act is the responsibility of MHD not MHC.
- §60-14-15 – Consumer Complaints – Changes made to clarify the authority of complaints fall under MHD authority not MHC.
- §60-14-18 – Division – Powers of Injunction-Mandamus – Changes made to clarify the authority of MHD to enforce the provisions of the MHD Act not MHC.

FISCAL IMPLICATIONS

No significant fiscal impact is identified.

SIGNIFICANT ISSUES

SB 479 eliminates the Manufactured Housing Committee from rulemaking authority and transfers this authority to the Manufactured Housing Division of the Regulation and Licensing Department. SB 479 provides that consumer complaints shall now be filed with the Division only, and that only the Division may enforce the Manufactured Housing Act in state district court.

Currently, the Manufactured Housing Division adopts rules “subject to the approval of the committee.” SB 479 gives exclusive manufactured housing rulemaking authority to the Division.

The Committee is currently housed within the Division, and SB 479 instead “administratively attaches” the Committee to the Division. The Committee’s authority is then limited to providing technical and policy advice to the Division, reviewing Division rules, and suspending or revoking a license or certification issued by the Division. SB 479 provides that consumer complaints shall now be filed with the Division only, and that only the Division may enforce the Manufactured Housing Act in state district court.

SB 479 includes gender-neutral and other language clean-up, and makes committee per diem and mileage optional.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Manufactured Housing Committee will continue to hold and exercise rulemaking authority and approval of Division rules.