



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Manufactured Housing Board	
2. Rule citation & name: 11 NCAC 08 0913 Extension of Temporary License for Manufactured Housing Salesperson	
3. Action:	<input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule:	<input checked="" type="checkbox"/> Yes Effective April 20, 2020 <input type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: April 9, 2020 b. Proposed Temporary Rule published on the OAH website: April 14, 2020 c. Public Hearing date: April 22, 2020 d. Comment Period: April 21 – May 12, 2020 e. Notice pursuant to G.S. 150B-21.1(a3) (2): April 14, 2020 f. Adoption by agency on: July 21, 2020 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input checked="" type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other:	
Explain: A serious and unforeseen threat to the public health, safety or welfare. On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. The COVID-19 is a respiratory disease that can result in serious illness or death. The COVID-19, previously unidentified in humans, spreads easily from person to person. Once an outbreak of the COVID-19 begins, it is difficult to contain. The World Health Organization, the Center for Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. On March 12, 2020, the Governor of North Carolina and the NC Department of Health and Human Services recommended high risk persons stay at home, that schools implement plans for distance or e-learning, that employers and employees use teleworking technologies, and that mass gatherings should cancel, postpone, and modify these events or offer online streaming services	

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The North Carolina Manufactured and Modular Homebuilders Association Registered Housing Specialist class and the Manufactured Housing Salesperson's test have been postponed until 90 days after the resumption of the Residential Housing Specialist class conducted by the North Carolina Manufactured and Modular Homebuilders Association. Without passing the Manufactured Housing Salesperson's test the salesperson may no longer engage in business as a manufactured housing salesperson.

When the Board initially adopted its emergency rule and submitted the proposed temporary rule for publication on the OAH website, it was based upon conditions set forth in an early "Stay at Home Order" issued by the Governor. However, as the situation progresses, that order was amended by other Executive Orders. The Board therefore changed the language that was initially proposed as the temporary rule based upon the changing the circumstances.

It is necessary for the Board to adopt this Rule immediately in order to ensure that the regulated public is allowed to be employed under temporary licensure until the avenues to pursue permanent licensure are re-opened.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator: Loretta Peace-Bunch

Phone: 919-807-6004

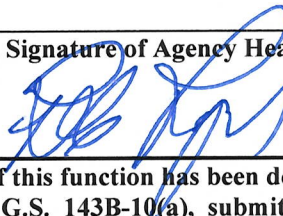
E-Mail: Loretta.Peace-Bunch@ncdoi.gov

Agency contact, if any: Joe Sadler

Phone: 919-647-0052

E-Mail: Joe.Sadler@ncdoi.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Robert Roegner

Title: Designated Chairman

E-Mail: rob.roegner@ncdoi.gov

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

1 11 NCAC 08 .0913 is adopted under temporary procedures with changes as follows:

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3 **11 NCAC 08 .0913 EXTENSION OF TEMPORARY LICENSE FOR MANUFACTURED HOUSING**
4 **SALESPERSON**

5 (a) A temporary manufactured housing salesperson’s license issued by the North Carolina Manufactured Housing
6 Board ~~[which]~~ that would otherwise expire 90 days after issuance pursuant to 11 NCAC 08 .0911(b) ~~[after March 1,~~
7 ~~2020 shall not expire until 60 days after the Covid-19 “Stay at Home” order is rescinded by the Governor of North~~
8 ~~Carolina.] shall not expire until 90 days after the resumption of the Residential Housing Specialist class conducted~~
9 ~~by the North Carolina Manufactured and Modular Homebuilders Association. The applicant shall take the~~
10 ~~Manufactured Salesperson’s License exam in accordance with 11 NCAC 08 .0911(a) ~~[at one of the next two test dates~~~~
11 ~~scheduled by the North Carolina Manufactured Housing Board after the Covid-19 “Stay at Home” order is rescinded~~
12 ~~by the Governor of North Carolina.] within the 90-day period after the resumption of the class.~~

13 (b) In the event an applicant ~~[who has been affected by the Covid-19 extension fails to take the exam or]~~ whose
14 temporary license has been extended by this Rule fails to attain a passing grade of 70 percent of a possible 100 percent
15 ~~[at one of the next two scheduled dates after the order has been rescinded,]~~ within the 90-day period in Paragraph (a)
16 of this Rule, the temporary salesperson’s license shall expire.

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18 *History Note: Authority G.S. 143-143.10(b)(1); 143-143.10(b)(4); 143-143.11;*
19 *Emergency Adoption Eff. April 20, 2020;*
20 *Emergency Adoption Expired June 30, 2020;*
21 *Temporary Amendment Eff. August 28, 2020.*
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