



# 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 Emergency 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 <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): 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:  <b>Explain:</b> 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 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. The class and test has been postponed until a suitable situation existed by the Governor's Executive Orders or other circumstances beyond our control.

**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

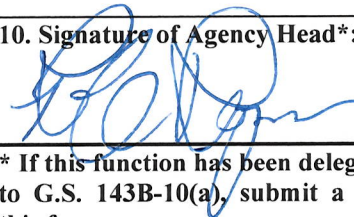
E-Mail: [Loretta.Peace-Bunch@ncdoi.gov](mailto:Loretta.Peace-Bunch@ncdoi.gov)

Agency contact, if any: Joe Sadler

Phone: 919-647-0052

E-Mail: [Joe.Sadler@ncdoi.gov](mailto: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](mailto:Rob.Roegner@ncdoi.gov)

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

TEMPORARY RULES  
REQUEST FOR TECHNICAL CHANGE

AGENCY:      Manufactured Housing Board

RULE CITATION:      11 NCAC 08 .0913

**DEADLINE FOR RECEIPT: Tuesday, August 18, 2020**

**NOTE WELL:** *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*The comment period for this temporary adoption ended May 12, and the earliest date the Board could adopt is May 22. Why did the Board take until July 21 to adopt this temporary rule? To coincide with a regularly scheduled Board meeting?*

*Also, I note that the Board made changes from what was published on the OAH website. Please note, substantial change does not apply to temporary rules, but I am curious about the reason for the changes. Please address this in your Findings of Need form.*

*In the Findings of Need form:*

*In Box 2, this name (using the word "Emergency") is not the name used on the Rule submitted. Please either amend this Box or the Rule so that the name matches.*

*In Box 4, there is supposed to be a box for the effective date of the Emergency Rule, which was April 20, 2020. Please insert that.*

*In Box 5(e), give the date that you sent notice of this temporary rulemaking to the interested persons as required by G.S. 150B-21.1(a3).*

*In Box 7, I think you are missing language here. Specifically, the last sentence is incoherent. Please revise this explanation.*

*In the Rule:*

*In the Introductory Statement, line 1, this is Rule .0913. And please state that this temporary amendment is "with changes"*

*In (a), line 6, replace "which" with "that"*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: August 13, 2020

*So that I'm clear – the temporary licensure in Rule .0911 is granted pursuant to G.S. 143-143.11(g)?*

*On lines 8 and 9, I don't see that this class is required by Rule .0911. Is this required by another rule?*

*In (b), line 14, replace "temporary rule" with "Rule"*

*Why do you need to restate the passing score here? Isn't that addressed by Rule .0911(a)?*

*On lines 15-16, replace "set forth above," with "in Paragraph (a) of this Rule,"*

*In the History Note, line 18, separate the serial citations to the same statute thusly: "G.S. 143-143.10(b)(1); 143-143.10(b)(4);"*

*Please insert that this is an expired emergency rule.*

*Insert a Temporary Adoption Eff. date – the earliest possible date is August 28, 2020.*

*In summation, your History Note will look like this:*

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

*Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: August 13, 2020

1 11 NCAC 08 .0903 is adopted under temporary procedures as follows:

2  
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 would otherwise expire 90 days after issuance pursuant to 11 NCAC 08 .0911 (b) [~~after March 1, 2020~~  
7 ~~shall not expire until 60 days after the Covid-19 "Stay at Home" order is rescinded by the Governor of North Carolina.~~  
8 ~~shall not expire until 90 days after the resumption of the Residential Housing Specialist class conducted by the North~~  
9 ~~Carolina Manufactured and Modular Homebuilders Association.~~ The applicant shall take the Manufactured  
10 Salesperson's License exam in accordance with 11 NCAC 08 .0911 (a) [~~at one of the next two test dates scheduled by~~  
11 ~~the North Carolina Manufactured Housing Board after the Covid-19 "Stay at Home" order is rescinded by the~~  
12 ~~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 temporary rule fails to attain a passing grade of 70 percent of a possible  
15 100 percent [~~at one of the next two scheduled dates after the order has been rescinded,~~] within the 90-day period set  
16 forth above, the temporary salesperson's license shall expire.

17  
18 *History Note: Authority G.S. 143-143.10 (b)(1)(4); 143-143.11;*  
19 *Temporary Adoption Eff.*