



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

ATTORNEY GENERAL OPINION	No. I24-003 (R25-005)
By	Re: Yavapai College's Authority to Build and Use Tiny Homes
KRIS MAYES ATTORNEY GENERAL	
May 23, 2025	

To: Rory Juneman, Law Offices of Lazarus & Sylvan, P.C., on behalf of Yavapai College

Pursuant to A.R.S. § 15-1448(H), we affirm the conclusion reached by the opinion you prepared for Yavapai College regarding whether its construction and use of 264-square-foot structures ("tiny homes") on its campuses subjects the College to regulation by the State's Office of Manufactured Housing (OMH). That opinion is attached hereto as Appendix A.

Specifically, the Office agrees that the College's manufacture and installation of the tiny homes occurs "on site" because all such activities are carried out by the College—a political subdivision of the State that is statutorily authorized to engage in building construction and education—and entirely within the College's own campuses. As such, the tiny homes at issue are not subject to OMH regulation as "factory-built buildings" under A.R.S. § 41-4001(17).

Please note that our determination is confined to these particular facts. That is, the conclusion that OMH lacks regulatory authority is necessarily dependent on the fact that the College is its own political subdivision, conducting all construction and installation within its own campuses, and for its own use. Should the College engage in any manufacture or installation of

tiny homes off-campus, or utilize units, components, or labor from outside of its campuses in the installation of tiny homes on-campus, OMH may have regulatory authority.

Kris Mayes
Attorney General

APPENDIX A

MEMORANDUM

Date: March 21, 2025

To: Dr. Lisa Rhine
President
Deb McCasland
Board Chair, District 2

From: Rory Juneman

Re: Yavapai College's Authority to Build and Use Tiny Homes

Dr. Clint Ewell, Vice President of Finance & Administrative Services, requested an opinion regarding Yavapai College's (the "College") authority to build and use small, self-contained dwelling units ("Tiny Homes") for student instruction and student/faculty housing ("Housing") without being regulated by the Arizona Department of Housing ("ADOH"), Office of Manufactured Housing ("OMH"). The College and OMH disagree about OMH's authority to regulate the College's onsite construction of the Tiny Homes and its use of the Tiny Homes to provide affordable housing to its students and faculty. Despite good faith efforts, the College and OMH have been unable to find an agreeable resolution. See **Attachment A**, Prior Correspondence.

On behalf of the College, I am transmitting this opinion to the Arizona Attorney General for review pursuant to Arizona Revised Statutes ("ARS") § 15-1448(H).¹ The Attorney General will have sixty days to concur, revise, or decline to review the opinion, although we are requesting expedited review, if possible.

I. Issue

Does the College have statutory authority, pursuant to ARS § 15-1401 *et seq.*, to build and use Tiny Homes for instructional and Housing purposes, free from regulation by OMH?

II. Brief Answer

Yes. The College can build and use Tiny Homes free of OMH regulation. The College's statutory authority to build college buildings includes the authority to build Tiny Homes for

¹ The Attorney General has confirmed in the K-12 context that the term "county attorney" in A.R.S. § 15-253(B) (which authorizes the submission of opinions prepared on behalf of school districts to the Attorney General for review) includes elected county attorneys as well as attorneys who represent school districts with the consent of the county attorney. Ariz. Att'y Gen. Op. 188-052, at 2 (Substitute Op.) (June 15, 1988). Thus, the College may submit this opinion to the Attorney General for review although it was not prepared by the County Attorney.

educational purposes. The College acts under its statutory authority when these activities occur on-site, are paid for with public money, and are used for a College/public purpose. OMH's statutory authority to regulate factory-built Public Buildings does not extend to the College's on-site construction of Tiny Homes used solely for educational and Housing purposes.

III. Factual Background

a. History of the Program

The Tiny Homes are built as part of the College's Construction Building Technology Program (the "Program"). The Program began in the 1970s to serve students interested in the construction trades, and provides certifications in General Residential Construction, Carpentry, HVAC Installation and Maintenance, Plumbing, and Electric. The College offers the Program at two of its six campuses: the Verde Valley campus in the Town of Clarkdale ("Verde Campus"), and the Career & Technical Education Center in the City of Prescott ("CTEC").

For decades, the Program's students have built a residential structure as part of the curriculum, giving them hands-on construction experience. The Program uses the latest versions of the International Code Council's building codes (e.g., the 2024 International Residential Code) to teach students and to build the homes. The College requires the Program's primary instructor to be a licensed Arizona contractor. Early on, the Program built full-sized single-family homes, and for several years it worked on Habitat for Humanity projects. However, these large, site-built structures were problematic because they were complex for teaching purposes, and outdoor construction often resulted in weather delays that made it impossible to effectively finish Program instruction before the end of the school year.

To address these issues, in 2021 the Program began building Tiny Homes to teach its students. This moved all instruction indoors and eliminated weather delays. The Tiny Homes are one story structures approximately 264 square feet in size, constructed with wood frames built on Glulam beams that will be mechanically and permanently attached to a block stem wall with Simpson tie-downs at the final building location pad ("Pads"). The homes will be connected to all utilities built to the latest building codes. Once this occurs, the Tiny Homes will be permanently affixed to the land like any other site-built structure with a stem wall and crawl space. Typically, each campus produces one Tiny Home per school year, and all will be permanently placed on a campus. To date, the Program has produced three Tiny Homes at the Verde Campus and two at CTEC.²

b. Utilization of the Program's Tiny Homes to Address Housing Shortage

Instead of demolishing these safe and code-compliant Tiny Homes, the College saw an opportunity to address its need for Housing. Yavapai County has been hit hard by the housing

² The interiors of these Tiny Homes have not been finished and are in storage, subject to the outcome of this matter.

crisis and was recently deemed the State of Arizona's ("State") least affordable county.³ The housing shortage has impacted the College's students and faculty, who have trouble finding attainable housing. The College is looking for creative ways to help its students and faculty, including recently buying the Prescott Pines Camp in 2024 to provide additional Housing.⁴

The College saw its Tiny Homes as another creative Housing option. Because it controls the design and quality of each Tiny Home, the College knew it could safely use the Tiny Homes for Housing. The College's Facilities Management department, which oversees new building development on all six campuses, ensures the Tiny Homes meet all College building standards. The College has a vested interest in producing safe Tiny Homes, as it will lease the Tiny Homes to students and faculty.

The College intends to use the Tiny Homes for Housing on the College's Verde Valley Campus and Chino Valley Center. At the Verde Campus, the College will move the Tiny Homes about 100 yards from the classroom to the Pads located on campus in an area designated for Housing. The CTEC campus has no room for Housing, so the College created Pads at its Chino Valley Center about eight miles away. Once complete, the College will transport the Tiny Homes to the Chino Valley Center for final placement. The College will lease the Tiny Homes to College students and/or faculty in need of affordable housing. The Tiny Homes will be built and used solely on a College property and under the control and direction of the College, and will remain under the control and direction of the College during the brief period of transport from CTEC Campus to the Chino Valley Center.

In early 2024, the College applied for an ADOH Lower Cost Housing NOFA affordable housing grant. ADOH denied the grant and informed the College that OMH should regulate the on-campus construction and placement of the College's Tiny Homes. OMH cited its obligations to protect the public by directing the College to apply for licensing and manufacturing certifications. Alternatively, OMH informed the College that it could avoid regulation by either building the Tiny Homes at the Pad site or leaving the interiors unfinished (i.e., a shed). Neither is workable for the College because 1) building the Tiny Homes at the Pad requires outdoor construction, which creates course delays, and 2) building only a shed limits the Program instruction. Pending resolution of its dispute with OMH, the College has continued building Tiny Homes but has not finished them (i.e., they are sheds). Upon successful resolution, the College will finish the Tiny Homes and place them on their permanent Pads.

IV. Law and Analysis

To determine whether the College has the authority to build and use its Tiny Homes without OMH regulation requires an analysis of the interplay between the College's and OMH's

³ Zachary Siegler, *Home Affordability Continues to Shrink in Arizona*, Arizona Public Media, January 2, 2024, <https://news.azpm.org/p/news-splash/2024/1/2/218569-home-affordability-continues-to-shrink-in-arizona/#:~:text=Some%20of%20the%20state's%20northernmost,counties%20both%20also%20topped%2050%25>

⁴ Jesse Bertel, *Yavapai College District Board approves acquisition of 'Prescott Pines Camp'*, April 25, 2024, https://www.dcourier.com/news/yavapai-college-district-board-approves-acquisition-of-prescott-pines-camp/article_805adb48-026d-11ef-b621-b389c3afddf6.html

statutory authorities. When interpreting statutes, the goal is “to fulfill the intent of the legislature that wrote it.” *Bilke v. State*, 206 Ariz. 462, 464 (2003) (quoting *State v. Williams*, 175 Ariz. 98, 100 (1993)). The best indicator of legislative intent is the statute’s plain language. *SolarCity Corp. v. Ariz. Dep’t of Revenue*, 243 Ariz. 477, 480 ¶ 8 (2018). Absent a statutory definition, a statute’s words should generally be given their ordinary meaning, and dictionary definitions may be used to clarify that meaning. *In re Drummond*, 257 Ariz. 15, ¶ 7 (2024). If a statute’s language is clear, then further statutory interpretation is not necessary unless application of the plain meaning would lead to impossible or absurd results. *Bilke* at 464 (citing *Marquez v. Rapid Harvest Co.*, 89 Ariz. 62, 64 (1960)). Finally, statutory provisions should be construed “in light of their place in the statutory scheme . . . so they may be harmonious and consistent.” *State v. Flynt*, 199 Ariz. 92, 94 ¶ 5 (App. 2000).

The first step in this analysis is to determine whether the College has the statutory authority to build its Tiny Homes. If the College has this statutory authority, the second step is to determine whether OMH’s authority supersedes College’s authority to develop its Tiny Homes.

a. The College’s Authority

i. Statutory Authority of Community College Districts

The College is a community college district (“District”) authorized by ARS Title 15, Ch. 12, Community Colleges. Districts are political subdivisions of the State and therefore possess authority for self-government by their selected officers. *McClanahan v. Cochise College*, 25 Ariz. App. 13, 16-17 (1975). As a political subdivision, a District’s power is limited to the purpose for which it was created, and these powers are no greater than what is granted by statute. *City of Tempe v. Arizona Bd. of Regents*, 11 Ariz. App. 24, 25 (1969); *City of Mesa v. Salt River Project Agr. Imp. & Power Dist.*, 92 Ariz. 91, 97 (1962).

Community colleges, through their District boards, have the following statutory powers:

- Offering programs, establishing curricula and courses, and awarding degrees and certificates to meet the educational needs of the population they serve. ARS § 15-1444(A)(2), (5), (9).⁵
- Determining campus locations and purchasing, holding, selling, and conveying real or personal property for the benefit of the community college. ARS § 15-1444(A)(11).
- Issuing revenue bonds to build student and faculty housing. ARS §§ 15-1481(6); 15-1482(1); 15-1483.
- Constructing, remodeling and repairing buildings. ARS § 15-1444(B)(5).

In addition, Districts’ buildings are exempt from local building codes (except fire codes), giving Districts full authority over the development of buildings on their campuses (outside of local fire codes). ARS § 34-462; ARS § 34-461(D).

⁵ The statutes granting Districts their authority that are referenced in this memo are found at **Attachment B**.

While Title 15 does not provide a definition of “buildings,” Title 34 broadly defines “Public Building” as a “building or appurtenance to a building that is built in whole or in part with public monies.” ARS § 34-461(J). In addition, Arizona caselaw defines a “building” as an “edifice constructed for use or convenience as a house, church, shop, etc., attached to and becoming part of the land....” *Lewis v. Midway Lumber, Inc.*, 114 Ariz. 426, 430 (Ct. App. 1977). Arizona has a three-part test to determine whether a chattel has become “part of the land.” *Murray v. Zerbel*, 159 Ariz. 99, 101 (App. 1988). The chattel must 1) be attached to the land or something appurtenant thereto, 2) it must “have adaptability or application as affixed to the use for which the real estate is appropriated,” and 3) “there must be an intention of the party to make the chattel a permanent accession to the freehold.” *Id.* (quoting *Fish v. Valley Nat’l Bank of Phx.*, 64 Ariz. 164, 170 (1946)).

ii. *The College’s Authority to Build and Use its Tiny Homes*

Political subdivisions must operate within their statutory authority, and the College is clearly authorized to build and use its Tiny Homes. First, the College has authority as a District to offer the Program, and in turn, build its Tiny Homes. The College has created the Program through its authority to create curricula, hire instructors, and award certificates. See ARS § 15-1444(A)(2),(5),(6). The Tiny Homes are a core element of the Program, as they to give students hands-on experience in a climate-controlled environment while supervised by experienced instructors following the latest building codes. As the Tiny Homes are essential to the Program, the College has the authority to build them.

Second, the College has authority to construct campus buildings, including Housing, free of outside regulation, with one exception: fire codes. ARS §§ 15-1444(B)(5); 15-1482(1); 34-462. This authority extends to all campus buildings, and the Tiny Homes are no different. The Tiny Homes are Public Buildings as the College uses public money to build them. They are built on-campus and to the College’s strict standards, including current building codes. The College’s faculty and Facilities Management Department, which is responsible for all new development and maintenance on its campuses, reviews the homes’ design and supervises construction. Most importantly, the College intends for the Tiny Homes to be permanently affixed to a campus, so they are “buildings” under long-standing Arizona law. Once the College finalizes the Tiny Homes’ construction at the Pads, they will be affixed to a campus, used for Housing, and the College will keep them in place permanently. The College has the authority to build these Tiny Homes with no outside regulation, just as the College has been constructing its other campus buildings for decades.

b. OMH’s Authority

i. *OMH’s Authority to Regulate Manufactured Buildings*

ADOH is the State agency that, in part, establishes policies and programs to address the State’s affordable housing issues, including guidelines on the construction and financing of

affordable and attainable housing. ARS §§ 41-3953(A), (B)(1).⁶ Within ADOH, OMH is the department that maintains and enforces standards of quality, safety, and installation of Manufactured Homes, Factory-Built Buildings, Mobile Homes, and Accessory Structures (collectively “Manufactured Buildings”). ARS § 41-4002. Like all State agencies, ADOH/OMH have no inherent powers, as their powers are limited to those granted by statute. *Beazer Homes Ariz., Inc. v. Goldwater*, 196 Ariz. 98, 100 (Ct. App. 1999); *Schwartz v. Superior Ct.*, 186 Ariz. 617, 619 (Ct. App. 1996).

To ensure the public’s safety in acquiring Manufactured Buildings, OMH’s authority includes:

- Issuing certificates of compliance for Manufactured Buildings that meet construction and installation requirements. ARS § 41-4004(A)(3).
- Inspecting facilities that manufacture, sell or install Manufactured Buildings. ARS § 41-4004(A)(4).
- Prohibiting the use of Manufactured Buildings in violation of the Manufactured Building statutes. ARS § 41-4004(A)(6).
- Licensing and citing unlicensed persons for performing work on a Manufactured Building. ARS § 41-4004(C).

Specifically, OMH licenses persons who manufacture or install Manufactured Buildings, which individuals are defined as:

- **Installer** - any person who engages in the business of performing installations of manufactured homes, mobile homes or factory-built buildings. ARS § 41-4001(21).
- **Manufacturer** - any person that is engaged in manufacturing, assembling or reconstructing any unit regulated by this chapter. ARS § 41-4001(26).

OMH argues⁷ that the Tiny Homes are “factory-built buildings,” which are defined as residential or commercial building that are:

- Either wholly or in substantial part manufactured at an off-site location and transported for installation or completion, or both, on-site.
- Constructed in compliance with adopted codes, standards and procedures.
- Installed temporarily or permanently.

ARS § 41-4001(17).⁸

⁶ The statutes granting OMH its authority that are referenced in this memo are found at **Attachment C**.

⁷ See Attachment A, OMH Letter, p. 3.

⁸ Manufactured Homes, Mobile Homes and Accessory Structures are not applicable to this issue. Manufactured Homes must be built on a chassis, while the Tiny Homes are all built on wood frames. ARS §§ 41-4001(2), (25); 42 USC § 5402(6). Mobile Homes are structures built before June 15, 1976, and the College’s Tiny Homes all have been built in the last few years. ARS § 41-4001(27). Accessory Structures are rooms, porches or other building

ii. OMH's Ability to Regulate the College

As the College has the authority to construct buildings on its campuses without OMH oversight, we must examine whether OMH's authority supersedes the College's authority regarding Tiny Homes. As discussed below, OMH's authority to regulate political subdivisions is limited to specific structures built off-site and does not extend to on-site Public Buildings. Furthermore, the Tiny Homes do not meet the definition of a structure regulated by OMH, nor do the College's activities meet the definition of an entity regulated by OMH. Therefore, OMH has no statutory authority over the College under these specific facts.

1. The AG Opinion and the Term "On-Site"

While OMH has no explicit statutory authority over political subdivisions, the AG's Office has previously opined on OMH's authority to regulate Manufactured Buildings that are also Public Buildings. 1984 Ariz. Op. Att'y Gen. 78 ("AG Opinion"). The AG Opinion specifically addressed the interplay between ARS § 34-461, which requires most Public Buildings to be regulated by local building codes, and OMH's authority as a State agency to regulate Manufactured Buildings. The AG Opinion concluded that ARS § 34-461 gives local jurisdictions the authority to regulate *on-site* development and construction of Public Buildings, while OMH has the authority to regulate *off-site* construction of Public Buildings (i.e., Manufactured Buildings).

The AG Opinion relies heavily on the term "on-site," which neither the Opinion itself, Title 15 nor Title 41 defines. The AG Opinion instead relies on a jurisdictional analysis to determine whether construction occurs on-site or off-site. The Opinion determines that OMH must regulate off-site factory-built building construction because it is impractical for local jurisdictions to do so, as that would require "local building officials to travel *out of their jurisdictions* to conduct inspections." 1984 Ariz. Op. Att'y Gen. 78, *3 (emphasis added). Conversely, public buildings constructed on-site must be designed to local building codes where those local entities have jurisdiction. As the College has jurisdiction over its campuses, and all construction activity for the Tiny Homes occurs on campus, the College always has authority over the Tiny Homes and their construction standards. And nothing in this factual situation allows OMH to usurp the College's authority.

The AG Opinion makes clear that OMH has authority over publicly owned Manufactured Buildings built off-site. But this is not the case here. All building activity for the Tiny Homes, from construction to final placement, occurs solely "on-site" where the College has full jurisdictional control. The AG Opinion is clear that local jurisdictions have sole authority over on-site construction. Here, the College is its own local-jurisdiction: ARS 34-461 exempts community college districts from local regulation, so each District assumes the authority over

elements that are attached to a new or used Manufactured Home, Mobile Home or Factory-built Building. ARS § 41-4001(1). The College's Tiny Homes are designed to stand alone and will not be attached to any other structure.

its campuses for development reviews. For purposes of this jurisdictional analysis, Districts are the “local jurisdiction” responsible for on-site reviews.

Using the jurisdictional approach to differentiate between off-site and on-site avoids several absurd results. *See Bilke* at 464. OMH’s regulation will subject the College to fees and significant time delays, which could make regulation infeasible. This would result in the impracticality of the College being forced to destroy usable and Code-compliant housing units that could be used to address its Housing shortage. Alternatively, OMH has said the College could avoid its regulation either by building only “sheds” within the classrooms, then finishing the Tiny Homes at the Pads or fully building the Tiny Homes at the Pads. Both options are unacceptable to the College because they defeat the initial purpose of the Tiny Homes, which was to build them in a controlled environment to avoid weather delays.

OMH’s suggested options highlight the crux of its argument for regulatory authority: that moving a structure just a few hundred yards is the sole reason OMH has jurisdiction over the Tiny Homes. This is not only an interpretation of the statutory scheme that would lead to an absurd result, it is not consistent with the plain statutory language that specifies the College’s authority and OMH’s authority to regulate specific activities in specific circumstances (see below). The AG Opinion’s focus on jurisdictional boundaries is consistent and harmonious with all relevant statutory language and avoids an otherwise absurd result. *See Flynt*, 199 Ariz. at 94.

2. Tiny Homes are not Factory-Built Buildings

The Tiny Homes are not factory-built buildings, as the Tiny Homes are not “manufactured at an *off-site* location....” ARS § 41-4001(17) (emphasis added). As discussed above, all activity related to the Tiny Home construction will occur on-site within a College campus, other than a few minutes of transport between campuses. The Tiny Homes are always under the control of the College, and everything related to their construction is done on-site at a College property. As the Tiny Homes are not manufactured at an off-site location, OMH is simply wrong that they fall within the definition of a factory-built building.

3. The College is not a Manufacturer

The College’s activities also do not meet the definition of any entity regulated by OMH. The College does not meet the definition of “manufacturer,” which is any person “engaged in manufacturing, assembling or reconstructing any unit regulated by this chapter.” ARS § 41-4001(26). The College is not engaged in “manufacturing, assembling, or reconstructing.”

Because the statutory terms “manufacture,” “assemble” and “reconstruct” are not defined, we look to their dictionary meanings. *See In re Drummond* at ¶ 7. The common definition of “manufacture” is the “making of *goods* or *wares* by manual labor or by machinery, especially on a large scale.” *See Dictionary.com available at* <https://www.dictionary.com/browse/manufacture> (emphasis added). “Goods” are defined as “articles of commerce; merchandise” and “wares” are defined as “articles of manufacture considered as being for sale.” *See Dictionary.com available at* <https://www.dictionary.com/browse/goods> and <https://www.dictionary.com/browse/wares>. Based on these definitions, the College is not

“engaged in manufacturing.” The College builds two to three homes a year for its own use, both for educational purposes and Housing. The College only builds the Tiny Homes it needs for teaching the Program, so it is not producing them on a large scale. Most importantly, the College is not building its Tiny Homes for a commercial purpose, as it only uses the Tiny Homes for College purposes. Because the College is not engaged in commercial manufacturing on a large scale, it is not a “manufacturer” under Title 41 and not subject to OMH’s authority. This is illustrated by the list of the entities licensed by OMH as manufacturers, which are all business entities.⁹ See **Attachment D**, Licensed Manufacturers.

The College is also not assembling or reconstructing the Tiny Homes. The common definition of assemble is “to put together the parts of” and the common definition of reconstruct is “to construct again; rebuild.” See Dictionary.com *available at* <https://www.dictionary.com/browse/assemble> and <https://www.dictionary.com/browse/reconstruct>. The College, from the Program through final installation, are building the Tiny Homes from raw materials, such as wood, block, concrete, wiring, pipes and fittings, and other construction materials. It is not assembling the structures from pre-built parts. The College is also building new Tiny Homes, not rebuilding an existing structure. As the College is not manufacturing, assembling, or rebuilding the Tiny Homes, it is not a “manufacturer” over which OMH has authority.

4. The College is not an Installer

Similarly, the College also does not meet the statutory definition of “installer,” which is found in ARS § 41-4001(21). The College is a public entity and is not “in the business of performing installations.” *Id.* The College will never work on a Tiny Home that is off campus, nor will it work on a Tiny Home for a private third party. As the College is not engaging in the business of installations, it is not an “installer” over which OMH has authority.

c. The Limits of the College’s Authority

There are factual situations where OMH would have authority over the College’s use of factory-built buildings, but none of those are present in the current scenario. For example, if the College purchased a factory-built building from a Manufacturer, that building would be built off-site by an entity other than the College and would fall under OMH’s jurisdiction. Similarly, if the College wanted to sell its Tiny Homes for use outside of a College campus, OMH would likely have jurisdiction over the College. As noted above, the College is not engaging in these activities and instead is building the Tiny Homes on-site, for educational purposes, placing them permanently on a College campus, and using them for Housing for its students and faculty. Under these facts, it has the authority to operate without OMH regulation.

V. Conclusion

Based on the above, the plain language of the College’s statutory authority allows it to build the Tiny Homes and use them for Housing within its campuses (i.e., its jurisdictional boundary).

⁹ See <https://arizonahousing.my.site.com/MHD/s/search-license>.

Nothing in OMH's statutory authority allows it to supersede the College's authority to build and use its Tiny Homes on its campuses. Specifically, the Tiny Homes do not meet the statutory definition of a factory-built building, and the College is not a manufacturer nor an installer under the statutory definitions. The conclusion that the College has this authority free from OMH regulation is not only consistent with the statutory language, but is the only result that harmonizes the authority of both the College and OMH in a way that clearly furthers the legislative intent.



VIA E-MAIL: tara.brunetti@azhousing.gov

January 24, 2025

Tara Brunetti
Assistant Deputy Director
Manufactured Housing & Building
Arizona Department of Housing
1110 W. Washington St., Ste. 280
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Re: Yavapai College – Authority to Build, Install, and Use Tiny Homes

Dear Ms. Brunetti:

Thank you for discussing Yavapai College's ("YC") Construction Building Technology Program (the "Program") and its use of small, self-contained dwelling units ("Tiny Homes") for student instruction and housing. As discussed, YC desires to use the finished Tiny Homes for student and/or faculty housing ("Housing"). The Arizona Department of Housing ("ADOH"), Office of Manufactured Housing ("OMH") is taking the position that it must regulate the Tiny Homes as Factory Built Buildings ("FB Buildings") pursuant to Arizona Revised Statutes ("ARS") Title 41, Ch. 37, Article 3, Office of Manufactured Housing. YC believes its statutory authority as a community college district allows it to both build and use the Tiny Homes for Housing without OMH regulation.

YC and OMH have agreed to submit to the Attorney General's Office ("AG") the question of whether OMH has regulatory authority over YC's construction and use of Tiny Homes as described herein. Below is the factual background to this issue, as well as the law and analysis supporting YC's ability to build and use the Tiny Homes for Housing without OMH regulation.

A. YC's Use of Tiny Homes for Educational and Housing Purposes

1. History of the Program.

YC began the Program in the 1970s to serve students interested in the construction trades. The Program provides certifications in General Residential Construction, Carpentry, HVAC Installation and Maintenance, Plumbing, and Electric. YC offers the Program at two locations: its Verde Valley campus in the Town of Clarkdale ("Verde Campus"), and its Career & Technical Education Center in the City of Prescott ("CTEC").

For decades, students in the Program have built a residential structure as part of the curriculum, giving them hands-on construction experience. The Program uses the latest versions of the International Code Council's building codes (e.g., the 2024 International Residential Code) to teach students and to build the homes. The Program's primary instructor is a licensed Arizona contractor, which is a YC job requirement and not a regulatory requirement. Over the years, the Program has used various types of structures to teach students. Early on, the Program built full-sized single-family homes, and for several years it worked on Habitat for Humanity

projects. However, these large, site-built structures were problematic because they were too complex for teaching, and outdoor construction often resulted in weather delays. For these reasons, YC looked for other options to provide hands-on instruction.

In 2021, the Program began using Tiny Homes to teach its students, which allowed it to move all instruction indoors into warehouse buildings. As a result, YC now teaches students in a climate-controlled environment so instructors can avoid weather delays and keep courses on schedule. In a typical school year, each campus produces one Tiny Home. To date, the Program has produced three Tiny Homes at the Verde Campus and two at CTEC (please note the interiors of these Tiny Homes have not been finished out, subject to the outcome of this matter).

2. Utilization of the Program's Tiny Homes to Address Housing Shortage.

Instead of demolishing these safe, code-compliant, and comfortable Tiny Homes, YC saw an opportunity to address its need for Housing. Yavapai County has been hit hard by the housing crisis and was recently deemed the State's least affordable county.¹ The housing shortage has impacted YC's students and faculty, who are finding it increasingly difficult to find attainable housing. YC has looked for creative ways to address the crisis, including recently buying the Prescott Pines Camp in 2024 to provide additional Housing.²

YC saw these Tiny Homes as another creative Housing option. Because it controls the design and quality of each home, YC knew it could safely use the Tiny Homes for Housing. It also involves its Facilities Management group, which oversees new building development, to ensure the Tiny Homes meet all YC building standards. YC has a vested interest in producing safe Tiny Homes, as it will lease the Tiny Homes to students and faculty.

The Tiny Homes will be used for Housing on YC's Verde Campus and CTEC campus. For the Verde Campus, YC will move the Tiny Homes about 100 yards from the classroom to the final building pads ("Pads") located on campus in an area designated for Housing. The CTEC campus has no room for Housing, so YC created Pads at its Chino Valley Center campus ("Chino Valley Campus") about eight miles away. Once complete, YC will transport the Tiny Homes to the Chino Valley Campus for final installation. For both campuses, YC will build the Pads with concrete slabs and all utilities built to the latest building codes. YC will lease the Tiny Homes only to students and/or faculty in need of affordable housing, and the homes will never be sold or leased to non-YC parties. Except for a brief period of transport, the Tiny Homes will be built, installed, and utilized on a YC campus and always be under the control and direction of YC.

In early 2024, YC applied for an ADOH Lower Cost Housing NOFA affordable housing grant. ADOH denied the grant and informed YC that OMH should regulate YC's Tiny Home on-campus construction and installation. OMH specifically noted its obligations to protect the

¹ Zachary Siegler, *Home Affordability Continues to Shrink in Arizona*, Arizona Public Media, January 2, 2024, <https://news.azpm.org/p/news-splash/2024/1/2/218569-home-affordability-continues-to-shrink-in-arizona/#:~:text=Some%20of%20the%20state's%20northernmost,counties%20both%20also%20topped%2050%25>

² Jesse Bertel, *Yavapai College District Board approves acquisition of 'Prescott Pines Camp'*, April 25, 2024, https://www.dcourier.com/news/yavapai-college-district-board-approves-acquisition-of-prescott-pines-camp/article_805adb48-026d-11ef-b621-b389c3afddf6.html

public in directing YC to apply for licensing and manufacturing certifications. Alternatively, OMH informed YC that it could avoid regulation by either building the Tiny Homes at the Pad site, or leaving the interiors unfinished (i.e., build a shed). Neither of these is workable for YC because 1) building the Tiny Homes at the Pad requires outdoor construction, which creates course delays, and 2) building only a shed limits the Program instruction. YC has continued the Program's use of Tiny Homes for instruction but has not finished out the interiors nor installed the completed Tiny Homes, and it is storing them pending resolution with OMH.

B. Statutory Authority of YC and OMH

1. OMH's Authority to Regulate Factory Built Buildings.

ADOH is the State agency that, in part, establishes policies and programs to address the State's affordable housing issues, including guidelines on the construction and financing of affordable and attainable housing. ARS §§ 41-3953(A), (B)(1). ADOH also provides political subdivisions advisory and consultative assistance for the development of safe, decent, and affordable housing. ARS § 41-3953(A).

Within ADOH, OMH is the department that maintains and enforces standards of quality, safety, and installation of FB Buildings, such as manufactured homes, factory-built buildings, and accessory structures. ARS § 41-4002. Like all State agencies, ADOH/OMH have no inherent powers, as their powers are limited to those granted by statute. *Beazer Homes Arizona, Inc. v. Goldwater*, 196 Ariz. 98, 100 (Ct. App. 1999); *Schwartz v. Superior Ct.*, 186 Ariz. 617, 619 (Ct. App. 1996).

To ensure the public safety for FB Buildings, OMH's authority includes:

- Issuing certificates of compliance for FB Buildings that meet construction and installation requirements. ARS § 41-4004(A)(3).
- Inspect facilities that manufacture, sell or install FB Buildings. ARS § 41-4004(A)(4).
- Prohibit the use of FB Buildings in violation of the FB Building statutes. ARS § 41-4004(A)(6).
- Issue stop-work order for any construction, installation, or rebuilding of a FB Buildings done in violation of the applicable statutes. ARS § 41-4004(A)(8).
- Cite unlicensed persons for performing work on a FB Building. ARS § 41-4004(C).
- Provide notice to anyone who has installed a FB Building without first obtaining an installation permit. ARS § 41-4004(E).

2. YC's Authority to Educate and Construct Buildings.

YC is a community college district ("District") authorized by ARS Title 15, Ch. 12, Community Colleges. Districts are political subdivisions of the State of Arizona and therefore possess authority for self-government by their selected officers. *McClanahan v. Cochise College*, 25 Ariz. App. 13, 16-17 (1975). Like State agencies, a political subdivision's power is limited to the purpose justifying its political existence, and these powers are no greater than granted by statute. *City of Tempe v. Arizona Bd. of Regents*, 11 Ariz. App. 24, 25 (1969); *City of Mesa v. Salt River Project Agr. Imp. & Power Dist.*, 92 Ariz. 91, 97 (1962); *City of Scottsdale v. Superior Court*, 103 Ariz. 204, 205 (1968).

The statutory powers granted to community colleges, through their District boards, includes:

- Offering programs that meet the educational needs of the population they serve. ARS § 15-1444(A)(2).
- Establish curricula and designate courses to best serve the population they serve. ARS § 15-1445(5).
- Hire administration, faculty, and other employees. ARS § 15-1444(A)(6).
- Award degrees and certificates at the completion of a course or curricula. ARS § 15-1444(A)(9).
- Determine campus locations and purchase, hold, sell, and convey real or personal property for the benefit of the community college. ARS § 15-1444(A)(11).
- Construct, remodel and repair buildings. ARS § 15-1444(B)(5).

Importantly, when building, maintaining, and renovating buildings, Districts are exempt from local building codes (except fire codes). ARS § 34-462; ARS § 34-461(D). In addition, Arizona law also recognizes that Districts can build Housing through their authority to issue revenue bonds for residence halls. ARS §§ 15-1481(5); 15-1482(1).

3. Arizona law giving Districts the authority to construct onsite buildings.

Arizona law acknowledges several instances where public institutions may build facilities free from outside development regulation. These include ARS § 34-461 and, most relevant here, ARS § 34-462 that exempts Districts from local building regulations. In 1984, the Arizona legislature adopted ARS § 34-461, which required that many public buildings be regulated by local building codes and inspection. Soon after, the AG evaluated how this section coexists with OMH's authority. The AG concluded that ARS § 34-461 only applies to on-site construction of public buildings while OMH regulates FB Buildings built off-site. In 1986, the AG issued a second opinion reaffirming that political subdivisions, like primary school districts, using offsite FB Buildings are subject to OMH regulation, but once onsite these FB Buildings can be moved between campuses without OMH regulation. 1986 Ariz. Op. Att'y Gen. 31.

In 2002, the Arizona legislature adopted ARS § 34-462 (referencing ARS § 34-461(D)), exempting community college District buildings from local building codes (except fire code). This statute gives Districts the authority to oversee and regulate the construction of all college facilities. This statute is consistent with Arizona court decisions related to the construction of other public buildings, particularly those for higher education. *Bd. of Regents of Universities & State Coll. v. City of Tempe*, 88 Ariz. 299, 312 (1960); *Book-Cellar, Inc. v. City of Phoenix*, 150 Ariz. 42, 44, (Ct. App. 1986) ("a governmental body is generally not subject to zoning restrictions in its use of property for governmental purposes."); *City of Scottsdale v. Mun. Ct. of City of Tempe*, 90 Ariz. 393, 397 (1962) (finding that the City of Scottsdale's wastewater facility located in the City of Tempe was not subject to Tempe's zoning and building regulations). In *Bd. Of Regents*, the City of Tempe attempted regulate and charge development fees to new construction at Arizona State University. The court held that the Board of Regents was free from City regulations, recognizing that the Board of Regents had statutory control over the University, and was authorized to build college buildings. *Id. at 310*. The court stressed that centralized

control over University activity was essential to the “efficient and orderly administration of a system of higher education responsive to the needs of the people....” *Id.* at 311.

C. Arizona Law Supports YC’s Use of Tiny Homes for Housing

1. YC has the statutory authority to both build its Tiny Homes and use them for Housing.

The question in this case is one of statutory authority: does YC have the authority to build and use its onsite Tiny Homes without regulation, or does OMH have the authority to regulate YC’s construction and use of the Tiny Homes? In this case, Arizona law is clear that YC can build and use the Tiny Homes without regulation. Political subdivisions and agencies must operate within the authority given to them by statute. As a community college, there are several statutory authorities that allow YC to build and use its Tiny Homes without outside regulation. First, YC has authority as a District to teach the Program. It can create curricula, hire instructors, and award certificates to those who complete the course work. *See* ARS § 15-1444(A)(2),(5),(6). YC uses its Tiny Homes as the core of teaching the Program to give students the hands-on experience they need. Tiny Homes allow for teaching in a climate-controlled environment, supervised by experienced instructors that ensure the structure is built safely and to the most recent building codes. These homes are essential to the Program, and therefore YC has the authority to build them.

Second, YC has the authority to construct, remodel, and repair its campus buildings. ARS § 15-1444(B)(5). YC has used this authority to build all its campus buildings free of outside regulation (other than fire code), as allowed by ARS § 34-462 and ARS § 34-461(D). YC now is using this authority to construct Tiny Homes for Housing. These homes are built on campus to strict standards, including the most current building codes. The homes’ design and construction are reviewed by faculty and Facilities Management, which is responsible for all new development and maintenance on its campuses. YC will install the homes on two campuses, where it will maintain them. At no point will YC remove the homes from its campuses, nor sell or lease the homes to non-YC affiliated parties. Like all its other campus buildings, YC has the authority to construct these Tiny Homes for use on campus with no outside regulation, including that of OMH.

2. OMH’s does not have the authority to Regulate YC’s On-site Construction

Any authority OMH has to regulate FB Buildings is limited to off-site built public structures, which does not apply in this case. *See* Ariz. Op. Att’y Gen. 78. Onsite public FB Building are typically regulated by local jurisdictions, but the legislature specifically exempted Districts from local regulation, *see* ARS § 34-462, giving them the authority to build their own campus buildings. While the AG’s 1984 opinion does not specifically address it, YC’s construction of Tiny Homes must be evaluated as the legislature intended: validating the Districts authority over its onsite construction of college buildings, including FB Buildings.

Here, YC’s Tiny Home construction occurs onsite. It builds the Tiny Homes on its Verde and CTEC campuses, then installs the homes on its Verde and Chino Valley campuses. Other than a few minutes of transport between campuses, all Tiny Home construction and installation will occur on a YC campus. OMH acknowledges that it would not have authority to regulate YC

if the Tiny Homes were built entirely at the Pad site. This position acknowledges that OMH knows its authority is limited to off-site built structures, and relies on the tenuous position that transporting the Tiny Homes makes them subject to its regulation. Even the AG acknowledges this is not the case, finding that mere transport of a building between school district campuses (which are subject to OMH regulation) does not fall under OMH's authority. All of YC's construction activity occurs onsite, and OMH has no authority over this activity.

3. YC assumes all public safety obligations for its Tiny Homes and residents.

OMH has claimed it must regulate the Tiny Homes based in part by its obligation to protect the public, including YC's students and faculty. This position fails to acknowledge the difference between YC's actions and a typical FB Building transaction. In the latter, a manufacturer builds the structure in an offsite factory or warehouse and transports the structure to a buyer where an installer finishes the job. This process involves multiple unrelated parties, all businesses subject to State regulation, who place these buildings into the public marketplace. OMH's regulatory authority in this case is clearly critical to public safety because after installation the buyer assumes all responsibility for the FB Building.

YC's Tiny Home process is much different. YC builds and installs its homes on its campuses, fully under its control and authority. Once installed, YC will lease the homes to its students or faculty. During this time, YC will have an ongoing obligation and legal duty to safely maintain these homes. This duty helps ensure that YC will build and keep these homes safe for its students and faculty. OMH's regulation here is unnecessary because YC has the ongoing obligation to protect the public safety for their students and faculty.

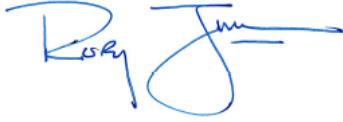
4. OMH has a statutory obligation to encourage affordable housing options.

Finally, we note that part of ADOH's and OMH's mission is to provide State political subdivisions advisory and consultative services for the development of safe, decent, and affordable housing. ARS § 3953(A). YC has identified a creative and legal way to provide a small amount of affordable housing to its students and faculty who need it. YC believes it important to consider in this decision that OMH is directed by the legislature to help address the State's housing affordability crisis. YC's efforts are not only statutorily authorized, they should be acknowledged as a model of creativity and common sense needed to help remedy the housing shortage.

D. Conclusion

As described above, the Arizona legislature gave Districts the authority to build and maintain their buildings without outside regulation, while OMH's authority does not extend to public buildings built onsite. As that is the situation here, YC respectfully requests the AG to confirm that YC's statutory authority allows it to construct, install, and use its Tiny Homes for both educational and Housing purposes. Furthermore, it requests the AG to confirm, consistent with its prior opinion, that OMH does not have the authority to regulate the onsite construction of public buildings, which applies specifically to YC's Tiny Home construction and use.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rory Juneman', with a stylized flourish extending to the right.

Rory Juneman, Esq.

cc: Clint Ewell, VP Finance & Administrative Services, Yavapai College
James Crockett, Assistant Director, Facilities, Yavapai College
John Morgan, Associate Vice President, Yavapai College
Jeff Jacobs, Division Administrator, ADOH
Michael Frary, Program Manager, ADOH

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Governor



JOAN SERVISS
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VIA CERTIFIED MAIL AND E-MAIL

February 13, 2025

Rory Juneman, Esq.

LAZARUS & SILVYN, P.C.

206 E. Virginia Avenue

Phoenix, Arizona 85004-1110

E-mail: rjuneman@lslawaz.com

Re: Your January 24, 2025 letter re: Yavapai College – Authority to Build, Install, and Use Tiny Homes

Dear Mr. Juneman:

The Arizona Department of Housing, the Office of Manufactured Housing (“OMH”) is in receipt of your letter explaining the position of Yavapai College (“YC”) that Title 41, Chapter 37, Article 3, Arizona Revised Statutes (“A.R.S.”) (A.R.S. §§ 41-4001 through 41-4010) does not govern YC’s manufacture and installation of Tiny Homes. OMH has reviewed YC’s position, and sets forth its response below without the need to seek a formal opinion from the Arizona Attorney General’s Office regarding OMH’s regulatory authority over the manufacturing and installation activities described in your letter.

To summarize, YC uses Tiny Homes—manufactured in a controlled warehouse environment at YC’s Verde Campus—to teach construction skills to its students, and to provide affordable housing to students or faculty at YC’s Verde Valley Campus and the Chino Valley Campus, which requires transportation of the manufactured Tiny Homes to completed building pads located elsewhere at the Verde Campus and at the Chino Valley Campus for installation and use as housing. No doubt, YC’s teaching methodology is efficient, creative, and solution-driven, and OMH does not wish to be perceived as unnecessarily interfering with YC’s efforts and goals. Accordingly, OMH respectfully asks that YC consider OMH’s response below as an enhancement to YC’s teaching methodology and not as an unreasonable or improper regulatory overreach.

I. The Manufacturing and Installation of Tiny Homes on YC’s Campuses Is Subject to the Jurisdiction of OMH.¹

¹ YC’s purported authority to engage in the leasing of Tiny Homes to students and/or faculty to provide affordable housing is not relevant to the issues presented by YC in your letter, and without conceding that such purported authority exists, OMH reserves the right to address that issue to the extent it becomes relevant or OMH deems it appropriate to do so.

OMH does not disagree that YC has the express authority to “construct, remodel and repair *buildings*” pursuant to A.R.S. § 15-1444(B)(5), and that YC is a political subdivision of the State of Arizona, and as such, it possesses *subordinate* self-government by its selected officers. Like YC, OMH recognizes that YC’s powers are no greater than those granted by statute and are limited to the purpose justifying its political existence.

As support for its position that it is not subject to OMH’s jurisdiction in the manufacturing of Tiny Homes in a controlled warehouse environment, and for installation of the Tiny Homes at other locations at the Campuses, YC relies upon its authority to construct “buildings” under A.R.S. § 15-1444(B)(5) and its exemption from local building codes² under A.R.S. §§ 34-462 and 34-461(D). YC’s reliance on the foregoing is misplaced for two reasons.

First, the term “public building” under A.R.S. § 34-462(J) “means a *building* or appurtenances to a *building* that is built in whole or in part with public monies.” (Emphasis added.) The term “building”, from OMH’s perspective, means an edifice constructed for use or convenience as a house, church, shop, et., attached to and becoming part of the land, i.e. affixed to the real property and is attached to and is a part of the land.

OMH considers the following factors in assessing when a chattel becomes a building and part of the real property, requiring a unity of three requisites:

- (1) annexation to the realty or something pertinent thereto;
- (2) the chattel must have adaptability or application to the use for which the real estate is appropriated; and
- (3) there must be an intention of the party to make the chattel a permanent accession to the freehold, which is accomplished by filing an Affidavit of Affixture with the county recorder.

Moreover, according to the Ariz. Op. Att’y Gen. 72-30 L (1972), “if the structure can be ‘moved from one spot to another at less expense than building a new building, it is *prima facie* portable and relocatable’”.

Based upon the information provided in your letter and the points set forth above, the Tiny Homes that YC manufactures and installs on pads located elsewhere— whether or not the pad locations are on other parts of YC’s Campuses— are not “buildings” that fall under YC’s construction authority granted in A.R.S. § 15-1444(B)(5).

Second, the exemption under A.R.S. §§ 34-462 and 34-461(D), upon which YC relies, only applies to city, town, or county building codes; the exemption does not apply to OMH’s jurisdiction granted under Title 41, Chapter 37, Article 3. To summarize, A.R.S. § 34-462 (enacted in 2002) exempted community college buildings (like state owned buildings) from local building codes pursuant to § 34-461(D). § 34-

² Under A.R.S. § 34-462, YC remains subject to local fire codes.

461(D) specifically provides that “[s]ubsections A and B of [§ 34-461] do not apply to state owned buildings except for the application of the fire code in effect where a state owned building is located.”

Subsection A of § 34-461, from which YC is exempt, expressly provides:

Public buildings shall be constructed in compliance with applicable building, electrical, fire and mechanical codes adopted by the *city, town, county* . . . in which the building is located.

In other words, under A.R.S. § 34-461(D), state owned buildings and community college buildings are free from local regulation. That is, those applicable building, electrical, and mechanical codes adopted by a city, town or county do not apply to state owned buildings and community college buildings.

Finally, YC’s rational that OMH lacks the authority to regulate what YC characterizes as “on-site” construction (your letter, p. 5) is unavailing for three reasons.

First, the Tiny Home manufacturing/transportation/installation activities do not constitute an exercise of YC’s authority to construct “buildings” under A.R.S. § 15-1444(B)(5), as explained above.

Second, even if YC’s activities fell within its authority under A.R.S. § 15-1444(B)(5), the exemption from local building, electrical, and mechanical codes adopted by the city, town, county under A.R.S. § 34-461(D) and A.R.S. § 34-462 does not extend to the jurisdiction granted to OMH under state and federal law to regulate YC’s activities, as discussed above.

Third, and equally pertinent, in arguing that YC’s activities constitute “on-site” construction—falling outside OMH’s authority—because the manufacturing and the installation of the Tiny Homes at different locations both occur on YC’s Campuses, YC ignores the definitions of “factory-built building” and “installation” under A.R.S. § 41-4001, and the legislature’s expressed purpose of OMH as stated in A.R.S. § 41-4002:

The purpose of the office of manufactured housing . . . is to maintain and enforce standards of quality and safety for . . . factory-built buildings . . . and accessory structures and installation of . . . factory-built buildings and accessory structures. The affairs of the office of manufactured housing shall be conducted consistently with minimum standards of the United States department of housing and urban development so as to be designated the “state inspector” for manufactured homes and related industries. The office shall implement all existing laws and regulations mandated by the federal government, its agencies and this state for such purposes.

Clearly, OMH does not regulate the erection of a structure as a permanent accession at the site where the structure is intended to be used. Rather, OMH maintains and enforces standards of quality and safety for factory-built buildings and accessory structures, *and* their installation. See A.R.S. § 41-4002. It is the manufacturing of the Tiny Home at one location and then the transportation of it for installation or completion at another location on its Campuses that bring YC’s activities directly within OMH’s regulatory authority. Pursuant to A.R.S. § 41-4001(17), a “factory-built building” (a) means a residential or commercial building that is (i) either wholly or in substantial part manufactured at an *off-site* location

and *transported* for installation or completion, or both, on site, (ii) constructed in compliance with adopted codes, standards and procedures, and (iii) is installed temporarily or permanently. Under A.R.S. § 41-4001(20), “installation” means connecting factory-built buildings to on-site utility terminals, and placing them on foundation systems.

YC’s reasoning that both the manufacturing and the installation that occurs on YC’s Campuses renders YC’s activities as “on-site” construction would render Title 41, Chapter 37, Article 3 meaningless. Such a result, from OMH’s perspective, is contrary to applicable law.

II. OMH’s Regulatory Oversight Is Mandated for the Fabrication and Installation of Factory-Built Buildings.

OMH is the designated “state inspector” for manufactured homes and related industries, and is obligated to implement all existing laws and regulations required by the federal government and its agencies, as well as the State of Arizona. A.R.S. § 41-4002. OMH is required to inspect premises or investigate premises where units are manufactured, sold or installed to determine whether there are violations of applicable law or rules. A.R.S. § 41-4004(A)(4). OMH is obligated to issue citations for unlicensed activity pursuant to A.R.S. § 41-4004(C). As notable, pursuant to § 41-4006(A), no building code or local enforcement agency or its adopted building codes may require, as a condition of entry into or sale in any county or municipality that any unit certified by OMH be subjected to any local enforcement inspection to determine compliance with any standard covering any aspect of the unit inspected by OMH.³

Beyond the above stated mandates, there are practical reasons why OMH’s oversight is needed. There are major differences between the construction/plans/installation for factory-built buildings and stick-built/brick and mortar construction. Construction, planning and installation for factory-built buildings require additional expertise that is beyond that of a registered general contractor. For example, factory-built buildings require:

- Detailed knowledge of off-site fabrication processes in the manufacturing stage
- Expertise in planning for transportation of building modules
- Knowledge of precise site preparation to match factory-built modules
- Specialized skills in connecting prefabricated modules on site
- Specialized understanding of unique structural connections and joint systems
- Knowledge of the implementation of quality control measures at the factory and on-site
- Adherence to standards and codes specific to modular construction
- Expertise in integrating mechanical, electrical, and plumbing systems within the factory built-modules, and
- Expertise in ensuring seamless connections between modules and site utilities.

OMH recognizes that YC is providing training to its students and does not intend to interfere with the educational functions performed at the YC Campuses. However, in light of YC’s intention to transport the Tiny Homes from the fabrication site to a different location (whether it is on YC Campuses or not) for

³ OMH regulates the State’s use of modular structures, and YC, as a political subdivision, would be no different.

installation and use as housing/or some other use, it is imperative that YC is informed, as noted herein, of OMH's mandated regulatory oversight to avoid any negative ramifications to YC.

III. Possible Alternatives that may be Available to YC for Purposes of Accomplishing YC's Goals of Teaching and Later Use of the Tiny Homes.

YC may be in a position to accomplish both the instructional goal and the end-use goal with some modifications to its methodology. One or more of YC's instructors could seek licensing by OMH for purposes of manufacturing and installation, with appropriate inspections and regulatory oversight performed by OMH throughout the process. Or, perhaps, YC could work with OMH licensees, under the licensees' authority, in order to perform each stage of the process, including installation, again with OMH's regulatory oversight. YC could also opt to alter the construction method in such a manner that would remove the structure from the definition of "factory-built building" set forth in A.R.S. § 41-4001(17). That is, a "factory-built building" does not include a panelized residential building using open or closed construction. See A.R.S. § 41-4001(17)(b). Or, while this would not accomplish the housing goal, YC could restrict the methodology to instruction only, without transporting, installing, or using the Tiny Home.

IV. Conclusion

This letter is intended to provide YC with a full understanding of OMH's role in the fabrication, installation, and use of modular structures so that YC can proceed with its activities well informed and compliant with State and Federal law. OMH is available to further discuss the matter if that would be helpful.

Sincerely,

Tara Brunetti

Tara Brunetti
Assistant Deputy Director

Arizona Revised Statutes Annotated
Title 15. Education (Refs & Annos)
Chapter 12. Community Colleges (Refs & Annos)
Article 3. Community College District Boards

A.R.S. § 15-1444

§ 15-1444. General powers and duties of district boards

Currentness

A. Except as otherwise provided, each district board shall:

1. Maintain each community college under its jurisdiction for a period of at least eight months in each year and, if the monies of the district are sufficient, maintain each community college for a longer period.
2. Adopt policies in a public forum to offer programs that meet the educational needs of the population served by the community college.
3. Enforce the courses of study prescribed by the district board.
4. Visit each community college under its jurisdiction and examine carefully into its management, conditions and needs.
5. Exclude from each community college all books, publications or papers of a sectarian, partisan or denominational character intended for use as textbooks.
6. Appoint and employ a chancellor or chancellors, vice chancellors, a president or presidents, vice presidents, deans, professors, instructors, lecturers, fellows and such other officers and employees it deems necessary. The district board may enter into employment contracts with chancellors, vice chancellors and presidents for a duration of more than one year but not more than five years.
7. Determine the salaries of persons it appoints and employs. A district may not compensate an employee for work performed on behalf of an elected employee representative organization and may not provide more favorable terms and conditions of employment to any employee because that individual belongs to an elected employee representative organization.
8. Remove any officer or employee if in its judgment the interests of education in this state require the removal.
9. Award degrees, certificates and diplomas on the completion of courses and curricula as it deems appropriate.

10. Appoint or employ, if it deems necessary, police officers who shall have the authority and power of peace officers. The police officers who have received a certificate from the Arizona peace officer standards and training board are eligible for membership in and benefits under either title 38, chapter 5, article 2¹ or the public safety personnel retirement system under title 38, chapter 5, article 4.²

11. Determine the location within the district of a community college and purchase, receive, hold, make and take leases of, sell and convey real or personal property for the benefit of the community colleges under its jurisdiction.

12. Obtain insurance or be self-insured, or a combination of insurance and self-insurance, against loss, to the extent it is determined necessary on community college buildings of the district. The local district shall have an insurable interest in the buildings.

B. The district board may:

1. Administer trusts declared or created for the district and receive by gift or devise and hold in trust or otherwise property wheresoever located, and if not otherwise provided, dispose of the property for the benefit of the district.

2. Lease real property, as lessor or as lessee. If a district is the lessee, the lease may contain an option to purchase the property. The district board may adopt policies as are deemed necessary and may delegate in writing to the chancellor or president of the district, or their designees, all or any part of its authority to lease property under this paragraph. Any delegation by the district board pursuant to this paragraph may be rescinded in whole or in part at any time by the district board.

3. Sue and be sued.

4. Contract. The district board may adopt such policies as are deemed necessary and may delegate in writing to the chancellor or president of the district, or their designees, all or any part of its authority to contract under this paragraph. Any delegation of authority under this paragraph may be rescinded by the district board at any time in whole or in part.

5. Construct, remodel and repair buildings.

6. In conjunction with other districts, establish policies for procuring goods and services.

7. Provide a plan or plans for employee benefits, which may include optional retirement programs pursuant to [§ 15-1451, subsection A](#), which allow for participation in a cafeteria plan that meets the requirements of the United States internal revenue code of 1986.³

8. Accept grants or donations of monies from the United States or any of its agencies, departments or officers, this state, political subdivisions of this state, tribal governments, school districts, special taxing districts, persons, corporations, foundations or associations. The district board shall deposit the monies into a specific fund or account and shall administer the monies in accordance with the purpose of the grant or donation with specific policies or restrictions as described or stipulated in the grant

or donation. In the case of personal property granted or donated to or for the benefit of a community college district, the district board shall immediately transfer possession and ownership of the property to the designated district. Monies received pursuant to this paragraph are not considered local revenues for the purposes of [article IX, section 21, Constitution of Arizona](#).

9. Enter into intergovernmental agreements or contracts pursuant to [§ 11-952.01](#) for participation in programs offered by public agency pools or separately contract with a trustee or board of trustees that provides a common self-insurance program with pooled funds and risks pursuant to [§ 15-382, subsection B](#), paragraph 2. The district board is not required to engage in competitive procurement in order to make the decision to participate in these programs.

10. Name a building or a group of buildings that is located on a community college campus on behalf of a person or entity that has made a significant contribution of monies or other property to the community college or the community college district.

11. Enter into research and development agreements, royalty agreements, development agreements, licensing agreements and profit-sharing agreements concerning the research, development, production, storing or marketing of new products developed or to be developed through community college district research. Monies received pursuant to this paragraph are not considered local revenues for the purposes of [article IX, section 21, Constitution of Arizona](#).

12. Enter into an intergovernmental agreement pursuant to [§ 15-1747](#) to participate in a reciprocity agreement subject to the terms of the reciprocity agreement.

13. Engage in entrepreneurial and commercial activities. Monies received pursuant to this paragraph are not considered local revenues for the purposes of [article IX, section 21, Constitution of Arizona](#).

14. Collect auxiliary fees, including cafeteria fees, food service fees, bookstore fees and dormitory fees. Monies received pursuant to this paragraph are not considered local revenues for the purposes of [article IX, section 21, Constitution of Arizona](#).

15. Provide goods and services pursuant to a contract with a political subdivision of this state or with a tribal government. Monies received pursuant to this paragraph are not considered local revenues for the purposes of [article IX, section 21, Constitution of Arizona](#).

16. For a community college in a county with a population of seven hundred fifty thousand persons or less, offer four-year baccalaureate degrees that are accredited by a regional accreditation agency approved by the United States department of education.

17. For a community college in a county with a population of more than seven hundred fifty thousand persons, offer four-year baccalaureate degrees that are accredited by a regional accreditation agency approved by the United States department of education as follows:

(a) For the first four years that a community college offers four-year baccalaureate degrees, the community college may not offer more than five percent of its total number of degree and certification offerings for four-year baccalaureate degrees. For the fifth and subsequent years that a community college offers four-year baccalaureate degrees, the community college may not offer more than ten percent of its total number of degree and certification offerings for four-year baccalaureate degrees.

(b) Tuition per credit hour for the third and fourth years of a four-year baccalaureate program may not exceed one hundred fifty percent of the tuition per credit hour of any other district program.

C. If a district acquires real or personal property, whether by purchase, exchange, condemnation, gift or otherwise, the district shall pay to the county treasurer any taxes on the property that were unpaid as of the date of acquisition, including penalties and interest. The lien for unpaid delinquent taxes, penalties and interest on property acquired by the district:

1. Is not abated, extinguished, discharged or merged in the title to the property.
2. Is enforceable in the same manner as other delinquent tax liens.

D. In a district whose boundaries encompass a vehicle emissions control area as defined in [§ 49-541](#), the district board shall require all out-of-county and out-of-state students to sign an affidavit at the time of course registration that the student's vehicle meets the requirements of [§ 49-542](#). The district board on property under its jurisdiction within a vehicle emissions control area shall prohibit the parking of those vehicles that fail to comply with [§ 49-542](#).

E. A community college district and a career technical education district governing board may enter into agreements to provide administrative, operational and educational services and facilities.

F. Each district may establish a program for the exchange of students between the community colleges under its jurisdiction and colleges and universities located in Sonora, Mexico. The program may provide for in-state tuition for Sonora students at the community colleges under the jurisdiction of the district in exchange for similar tuition provisions for Arizona students enrolled or seeking enrollment in Sonora colleges and universities. The community colleges may work in conjunction with the Arizona-Mexico commission in the governor's office to coordinate recruitment and admissions activities to provide for in-state tuition for up to fifty Sonora students at the community colleges under the jurisdiction of the district in exchange for similar tuition provisions for up to fifty total Arizona students enrolled or seeking enrollment in Sonora colleges and universities.

G. Each district shall facilitate transfer articulation coordination pursuant to [§ 15-1824](#).

Credits

Added by Laws 1981, Ch. 1, § 2, eff. Jan. 23, 1981. Amended by Laws 1981, Ch. 187, § 2; Laws 1984, Ch. 232, § 2; Laws 1985, Ch. 280, § 2; Laws 1986, Ch. 297, § 2; Laws 1987, Ch. 154, § 2, eff. April 21, 1987; Laws 1987, Ch. 360, § 1; Laws 1987, Ch. 365, § 6; [Laws 1988, Ch. 218, § 2](#); [Laws 1990, Ch. 411, § 1](#); [Laws 1992, Ch. 40, § 1](#); [Laws 1995, Ch. 32, § 7, eff. March 30, 1995](#); [Laws 1998, Ch. 236, § 1](#); [Laws 1999, Ch. 228, § 1](#); [Laws 2000, Ch. 144, § 1](#); [Laws 2001, Ch. 251, § 5](#); [Laws 2002, Ch. 330, § 17](#); [Laws 2003, Ch. 253, § 10, eff. Sept. 18, 2003, retroactively effective to July 1, 2003](#); [Laws 2004, Ch. 230, § 5](#); [Laws 2004, Ch. 336, § 8](#); [Laws 2010, Ch. 17, § 18, eff. April 5, 2010](#); [Laws 2010, Ch. 48, § 2](#); [Laws 2011, Ch. 30, § 1](#); [Laws 2014, Ch. 213, § 1, eff. April 23, 2014](#); [Laws 2016, Ch. 58, § 1](#); [Laws 2018, Ch. 311, § 29](#); [Laws 2019, Ch. 266, § 1](#); [Laws 2021, Ch. 315, § 2](#).

[Notes of Decisions \(20\)](#)

Footnotes

- 1 Section 38-711 et seq.
- 2 Section 38-841 et seq.
- 3 Internal Revenue Code sections may be found in Title 26 of U.S.C.A.

A. R. S. § 15-1444, AZ ST § 15-1444

Current through legislation of the Second Regular Session of the Fifty-Sixth Legislature (2024), and includes Election Results from the November 5, 2024 General Election.

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Arizona Revised Statutes Annotated
Title 15. Education (Refs & Annos)
Chapter 12. Community Colleges (Refs & Annos)
Article 5. Issuance of Bonds for Revenue Producing Buildings

A.R.S. § 15-1481

§ 15-1481. Definitions

Currentness

In this article, unless the context otherwise requires:

1. “Acquire” includes purchase, erect, build, construct, reconstruct, repair, replace, extend, better, furnish, equip, develop, improve and embellish.
2. “Board” means the governing board of a community college district or its successors, but does not include community college tuition financing districts as prescribed in [§ 15-1409](#).
3. “Bonds” means any bonds issued pursuant to this article.
4. “Federal agency” means the housing and home finance agency, the United States of America or any of its officers or agencies designated or created to make grants or loans of monies for public construction work.
5. “Institution” means any community college district that is organized in this state pursuant to [§ 15-1402](#) or [15-1402.01](#), but does not include community college tuition financing districts as prescribed in [§ 15-1409](#).
6. “Project” means one or more classrooms, student or faculty residence halls, dormitories, dining halls, student union buildings, field houses, stadia and other revenue producing buildings located at the institution, together with sites for the buildings, and includes equipment, furnishings, heating, lighting and other service facilities in connection with the buildings.

Credits

Added by Laws 1981, Ch. 1, § 2, eff. Jan. 23, 1981. Amended by [Laws 1988, Ch. 206, § 1](#); [Laws 2002, Ch. 330, § 28](#); [Laws 2003, Ch. 253, § 27](#), eff. Sept. 18, 2003, retroactively effective to July 1, 2003; [Laws 2011, Ch. 248, § 9](#); [Laws 2015, Ch. 306, § 7](#).

A. R. S. § 15-1481, AZ ST § 15-1481

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Arizona Revised Statutes Annotated
Title 15. Education (Refs & Annos)
Chapter 12. Community Colleges (Refs & Annos)
Article 5. Issuance of Bonds for Revenue Producing Buildings

A.R.S. § 15-1482

§ 15-1482. Powers

[Currentness](#)

The board shall have power, for and in behalf of the institution, to:

1. Acquire any project or projects and own, operate and maintain the same.
2. Accept grants or loans of monies from a federal agency.
3. Borrow monies and issue bonds and provide for the payment of the same and for the rights of the holders thereof.
4. Perform all acts and do all things necessary or convenient to carry out the powers granted by this article.

Credits

Added by Laws 1981, Ch. 1, § 2, eff. Jan. 23, 1981.

A. R. S. § 15-1482, AZ ST § 15-1482

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Arizona Revised Statutes Annotated
Title 15. Education (Refs & Annos)
Chapter 12. Community Colleges (Refs & Annos)
Article 5. Issuance of Bonds for Revenue Producing Buildings

A.R.S. § 15-1483

§ 15-1483. Issuance of bonds

Currentness

A. The board for and on behalf of an institution is authorized from time to time to issue negotiable bonds for the purpose of acquiring a project or projects. The bonds shall be authorized by resolution of the board. The bonds may be issued in one or more series, bear such date or dates, be in such denomination or denominations, mature at such time or times, not exceeding forty years from the respective dates thereof, mature in such amount or amounts, bear interest at such rate or rates, as determined by the board, payable semiannually, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such term of redemption, with or without premium, as such resolution or other resolutions may provide. The bonds may be sold at not less than par at either public or private sale. The bonds shall be fully negotiable within the meaning and for all the purposes of title 47, chapter 3.¹

B. Before the issuance of bonds that do not require voter approval, a district shall submit information regarding the planned projects that will be funded with the bond proceeds to the joint committee on capital review for review.

Credits

Added by Laws 1981, Ch. 1, § 2, eff. Jan. 23, 1981. Amended by Laws 1982, Ch. 106, § 1, eff. April 14, 1982; Laws 1984, Ch. 77, § 21; [Laws 2002, Ch. 330, § 29](#); [Laws 2003, Ch. 264, § 8](#); [Laws 2012, Ch. 103, § 2](#).

Footnotes

¹ Section 47-3101 et seq.

A. R. S. § 15-1483, AZ ST § 15-1483

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Arizona Revised Statutes Annotated
Title 34. Public Buildings and Improvements
Chapter 4. Structure of Buildings
Article 4. Building Codes (Refs & Annos)

A.R.S. § 34-461

§ 34-461. Applicability of local codes; exceptions; definition

Currentness

A. Public buildings shall be constructed in compliance with the state fire code or, if at the request of a school district or charter school, the office of the state fire marshal may authorize through an intergovernmental agreement with a city, town, county or fire district in which the school district or charter school building is located to impose the fire code adopted by the city, town, county or fire district on school district or charter school buildings. An intergovernmental agreement entered into pursuant to this subsection may allow the city, town, county or fire district to conduct regularly scheduled fire safety inspections. Public buildings shall be constructed in compliance with applicable building, plumbing, electrical, fire and mechanical codes adopted by the city, town, county or fire district in which the building is located. The owner of the public building is subject to the same fees required of other persons. Public buildings are subject to inspection during construction pursuant to these codes to determine compliance.

B. If a public building is built in an area that has not adopted local codes, the building shall be designed or constructed according to the state fire code adopted by the office of the state fire marshal and the building, plumbing, electrical and mechanical codes that apply in the largest city in the county in which the building is located.

C. Public buildings are subject to those codes that apply and are in effect when the building is designed or constructed and to the currently adopted codes when a building is found to be structurally unsafe, without adequate egress or a fire hazard or is otherwise dangerous to human life.

D. Subsections A and B of this section do not apply to state owned buildings except for the application of the fire code in effect where a state owned building is located. In complying with the applicable codes pursuant to subsections A and B of this section, the permitting process and fees do not apply to a public school district owned building in a county with a population of more than seven hundred fifty thousand persons but less than two million persons except for the application of the design and permitting process and any fee required of a fire code in effect where such a public school district owned building is located. State department of corrections facilities are exempt from the application of the local fire code in the absence of an intergovernmental agreement between the state department of corrections and the governmental entity responsible for enforcing any local fire code.

E. Notwithstanding subsection A of this section, cities prescribed in [§ 37-1383, subsection A](#), paragraph 5 do not have authority that supersedes and are not exempt from the office of the state fire marshal's established fire code in state or county owned buildings wherever located throughout this state.

F. Notwithstanding subsection A of this section, buildings and properties owned by the Arizona board of regents or a university under its jurisdiction are exempt from any city, town, county or fire district fire code in the absence of an intergovernmental agreement between the Arizona board of regents or the university and the city, town, county or fire district.

G. If the office of the state fire marshal enters into an intergovernmental agreement pursuant to subsection A of this section, a school district or charter school may choose to have the plan review, permitting and any related inspections or any regularly scheduled fire safety inspections completed by either the office of the state fire marshal or the city, town, county or fire district. If the school district or charter school chooses to have the city, town, county or fire district perform the plan review, permitting and any related inspections or the regularly scheduled fire safety inspections, the city, town, county or fire district shall inform the school district or charter school of any fees associated with the inspection process.

H. This section does not preclude a public school district in a county with a population of more than seven hundred fifty thousand persons but less than two million persons from submitting, at its discretion, to the building design or construction permitting process of the appropriate local government entity for any given project. A public school district making such a decision is subject to subsections A and B of this section and the permit and code compliance requirements of the local government entity, including inspections and fee payments that may be required, for the duration of the project that the district submitted to the local government entity.

I. Public school districts in a county with a population of more than seven hundred fifty thousand persons but less than two million persons shall adopt policies to provide requirements to be followed by licensed or registered contractors or employees in order to ensure that construction projects are in compliance with the applicable codes pursuant to subsections A and B of this section and that records required by code or law for a given project are completed and maintained by the applicable district. At a minimum, these policies shall:

1. Include the method by which the public school district will notify the appropriate local government unit or units, and retain a record of the notification, that the public school district will not be using the permitting process for a given project pursuant to subsection D of this section.
2. Prohibit a construction contractor from serving as a district's inspector and code compliance official on the same project for which the contractor is providing construction services.
3. Require the architect of record for a given district project to be responsible for signing the certificate of occupancy when such a certificate is required for that particular project.

J. For the purposes of this section, “public building” means a building or appurtenance to a building that is built in whole or in part with public monies.

Credits

Added by Laws 1984, Ch. 329, § 1. Amended by [Laws 1997, Ch. 236, § 1](#); [Laws 2005, Ch. 245, § 7](#), eff. July 1, 2006; [Laws 2012, Ch. 123, § 1](#); [Laws 2016, Ch. 128, § 50](#), eff. Aug. 6, 2016, retroactively effective to July 1, 2016; [Laws 2016, Ch. 234, § 1](#); [Laws 2017, Ch. 258, § 14](#).

[Notes of Decisions \(4\)](#)

A. R. S. § 34-461, AZ ST § 34-461

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Arizona Revised Statutes Annotated
Title 34. Public Buildings and Improvements
Chapter 4. Structure of Buildings
Article 4. Building Codes (Refs & Annos)

A.R.S. § 34-462

§ 34-462. Community college buildings; exemption from building codes

[Currentness](#)

Community college buildings are exempt from local building codes pursuant to [§ 34-461, subsection D](#).

Credits

Added as [Laws 2002, Ch. 330, § 65](#). Renumbered as § 34-462.

A. R. S. § 34-462, AZ ST § 34-462

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Arizona Revised Statutes Annotated

Title 41. State Government (Refs & Annos)

Chapter 37. Housing (Refs & Annos)

Article 2. Arizona Department of Housing (Refs & Annos)

A.R.S. § 41-3953

§ 41-3953. Department powers and duties

Effective: August 9, 2017

[Currentness](#)

A. The department is responsible for establishing policies, procedures and programs that the department is authorized to conduct to address the affordable housing issues confronting this state, including housing issues of low income families, moderate income families, housing affordability, special needs populations and decaying housing stock. Among other things, the department shall provide to qualified housing participants and political subdivisions of this state financial, advisory, consultative, planning, training and educational assistance for the development of safe, decent and affordable housing, including housing for low and moderate income households. The department is responsible for maintaining and enforcing standards of quality and safety for manufactured homes, mobile homes and factory-built buildings.

B. Under the direction of the director, the department shall:

1. Establish guidelines applicable to the programs and activities of the department for the construction and financing of affordable housing and housing for low and moderate income households in this state. These guidelines shall meet or exceed all applicable state or local building and health and safety code requirements and, if applicable, the national manufactured home construction and safety standards act of 1974 and title VI of the housing and community development act of 1974 ([P.L. 93-383](#), as amended by [P.L. 95-128](#), 96-153 and 96-339). Guidelines established pursuant to this paragraph do not apply to the department's activities prescribed in [§ 35-726, subsection E](#).
2. Accept and allocate any monies as from time to time may be appropriated by the legislature for the purposes set forth in this article.
3. Perform other duties necessary to administer this chapter.
4. Perform the duties prescribed in [§§ 35-726 and 35-728](#).
5. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with the agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.
6. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.

7. Provide information and advice on request of any local, state or federal agencies, private persons and business enterprises on matters within the scope of department activities.
8. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.
9. Make annual reports to the governor and the legislature on its activities, including the geographic location of its activities, its finances and the scope of its operations.
10. Maintain and enforce standards of quality and safety for manufactured homes, mobile homes and factory-built buildings and enforce rules adopted by the board pursuant to [§ 41-4010](#).

C. Under the direction of the director, the department may:

1. Assist in securing construction and mortgage financing from public and private sector sources.
2. Assist mortgage financing programs established by industrial development authorities and political subdivisions of this state.
3. Assist in the acquisition and use of federal housing assistance programs pertinent to enhance the economic feasibility of a proposed residential development.
4. Assist in the compliance of a proposed residential development with applicable federal, state and local codes and ordinances.
5. Prepare and publish planning and development guidelines for the establishment and delivery of housing assistance programs.
6. Contract with a federal agency to carry out financial work on the federal agency's behalf and accept payment for the work.
7. Subcontract for the financial work prescribed in paragraph 6 of this subsection and make payments for that subcontracted work based on the expectation that the federal agency will pay for that work.
8. Accept payment from a federal agency for work prescribed in paragraph 6 of this subsection and deposit those payments in the Arizona department of housing program fund established by [§ 41-3957](#).
9. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the department to adequately perform its duties.
10. Contract for and incur obligations reasonably necessary or desirable within the general scope of department activities and operations to enable the department to adequately perform its duties.

11. Use any media of communication, publication and exhibition in the dissemination of information, advertising and publicity in any field of its purposes, objectives or duties.

12. Adopt rules deemed necessary or desirable to govern its procedures and business.

13. Contract with other agencies in furtherance of any department program.

14. Use monies, facilities or services to provide contributions under federal or other programs that further the objectives and programs of the department.

15. Accept gifts, grants, matching monies or direct payments from public or private agencies or private persons and enterprises for the conduct of programs that are consistent with the general purposes and objectives of this article and deposit these monies in the Arizona department of housing program fund established by [§ 41-3957](#).

16. Establish and collect fees and receive reimbursement of costs in connection with any programs or duties performed by the department and deposit the fees and cost reimbursements in the Arizona department of housing program fund established by [§ 41-3957](#).

17. Provide staff support to the board of manufactured housing.

D. For the purposes of this section, the department is exempt from chapter 23 of this title.

E. The department is the designated state public housing agency as defined in the United States housing act of 1937 ([42 United States Code §§ 1401 through 1440](#)) for the purpose of accepting federal housing assistance monies and may participate in the housing assistance payments program. Federal monies may be secured for all areas of this state subject only to the limitations prescribed in subsection F of this section.

F. For areas of this state where an existing public housing authority has not been established pursuant to [§ 36-1404, subsection A](#), the department acting as a public housing agency may undertake all activities under the section 8 tenant-based rental housing assistance payment program, except that the department shall not undertake a section 8 tenant-based rental housing assistance payment program within the boundaries of a city, town or county unless authorized by resolution of the governing body of the city, town or county. If the department accepts monies for a section 8 tenant-based rental housing assistance payment program for areas of this state where an existing public housing authority has been established pursuant to [§ 36-1404, subsection A](#), the department shall only accept and secure federal monies to provide housing for the seriously mentally ill or other populations with disabilities. The department may accept and secure federal monies for undertaking all contract administrator activities authorized under a section 8 project-based rental housing assistance payment program in all areas of this state and this participation does not require the authorization of any local governing body.

G. The department shall not itself directly own, construct, operate or rehabilitate any housing units, except as may be necessary to protect the department's collateral or security interest arising out of any department programs.

H. Notwithstanding any other provision of this section, the department may obligate monies as loans or grants applicable to programs and activities of the department for the purpose of providing housing opportunities for low or moderate income households or for housing affordability or to prevent or combat decaying housing stock. Unless otherwise required by federal or state law, any loan repayments shall be deposited in the Arizona department of housing program fund established by § 41-3957.

I. For any construction project financed by the department pursuant to subsection C of this section, except for contract administration activities in connection with the project-based section 8 program, the department shall notify a city, town, county or tribal government that a project is planned for its jurisdiction and, before proceeding, shall seek comment from the governing body of the city, town, county or tribal government or an official authorized by the governing body of the city, town, county or tribal government. The department shall not interfere with or attempt to override the local jurisdiction's planning, zoning or land use regulations.

J. The department has the administrative responsibility through its hearing officer function concerning alleged violations of the Arizona mobile home parks residential landlord and tenant act under title 33, chapter 11.¹

K. The department shall act consistently with the minimum standards of the United States department of housing and urban development so as to be designated the “state inspector” for manufactured homes and related industries. The department shall implement all existing laws and regulations established by the federal government, its agencies and this state for that purpose.

Credits

Added by [Laws 2001, Ch. 22, § 14, eff. Oct. 1, 2002](#). Amended by [Laws 2002, Ch. 283, § 8, eff. Oct. 1, 2002](#); [Laws 2014, Ch. 215, § 197](#); [Laws 2014, Ch. 229, § 38](#); [Laws 2016, Ch. 372, § 48, eff. Jan. 1, 2017](#); [Laws 2017, Ch. 335, § 4](#).

Footnotes

¹ Section 33-1401 et seq.

A. R. S. § 41-3953, AZ ST § 41-3953

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Arizona Revised Statutes Annotated
Title 41. State Government (Refs & Annos)
Chapter 37. Housing (Refs & Annos)
Article 3. Office of Manufactured Housing (Refs & Annos)

A.R.S. § 41-4001
Formerly cited as A.R.S. § 41-2142

§ 41-4001. Definitions

Currentness

In this chapter, unless the context otherwise requires:

1. “Accessory structure” means the installation, assembly, connection or construction of any one-story habitable room, storage room, patio, porch, garage, carport, awning, skirting, retaining wall, evaporative cooler, refrigeration air conditioning system, solar system or wood decking attached to a new or used manufactured home, mobile home or factory-built building.
2. “Act” means the national manufactured housing construction and safety standards act of 1974 and title VI of the housing and community development act of 1974 ([P.L. 93-383](#), as amended by [P.L. 95-128](#), 95-557, 96-153 and 96-339).
3. “Alteration”:
 - (a) Means the replacement, addition, modification or removal of any equipment or installation after the sale by a manufacturer to a dealer or distributor but before the sale by a dealer to a purchaser, which may affect compliance with the standards, construction, fire safety, occupancy, plumbing or heat-producing or electrical system.
 - (b) Does not include:
 - (i) The repair or replacement of a component or appliance requiring plug-in to an electrical receptacle if the replaced item is of the same configuration and rating as the component or appliance being repaired or replaced.
 - (ii) The addition of an appliance requiring plug-in to an electrical receptacle if the appliance is not provided with the unit by the manufacturer and the rating of the appliance does not exceed the rating of the receptacle to which the appliance is connected.
4. “Board” means the board of manufactured housing.
5. “Broker” means any person who acts as an agent for the sale or exchange of a used manufactured home or mobile home except as exempted in [§ 41-4028](#).

6. "Certificate" means a numbered or serialized label or seal that is issued by the director as certification of compliance with this chapter.
7. "Closed construction" means any building, building component, assembly or system manufactured in such a manner that concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage or destruction.
8. "Commercial" means a building with a use-occupancy classification other than single-family dwelling.
9. "Component" means any part, material or appliance that is built-in as an integral part of the unit during the manufacturing process.
10. "Consumer" means either a purchaser or seller of a unit regulated by this chapter who uses the services of a person licensed by the department.
11. "Consummation of sale" means that a purchaser has received all goods and services that the dealer or broker agreed to provide at the time the contract was entered into, the transfer of title or the filing of an affidavit of affixture, if applicable, to the sale. Consummation of sale does not include warranties.
12. "Dealer" means any person who sells, exchanges, buys, offers or attempts to negotiate or who acts as an agent for the sale or exchange of factory-built buildings, manufactured homes or mobile homes except as exempted in [§ 41-4028](#). A lease or rental agreement by which the user acquired ownership of the unit with or without additional remuneration is considered a sale under this chapter.
13. "Defect" means any defect in the performance, construction, components or material of a unit that renders the unit or any part of the unit unfit for the ordinary use for which it was intended.
14. "Department" means the Arizona department of housing.
15. "Director" means the director of the department.
16. "Earnest monies" means all monies given by a purchaser or a financial institution to a dealer or broker before consummation of the sale.
17. "Factory-built building":
 - (a) Means a residential or commercial building that is:

(i) Either wholly or in substantial part manufactured at an off-site location and transported for installation or completion, or both, on-site.

(ii) Constructed in compliance with adopted codes, standards and procedures.

(iii) Installed temporarily or permanently.

(b) Does not include a manufactured home, recreational vehicle, panelized commercial building using open construction, panelized residential building using open or closed construction or domestic or light commercial storage building.

18. “HUD” means the United States department of housing and urban development.

19. “Imminent safety hazard” means an imminent and unreasonable risk of death or severe personal injury.

20. “Installation” means:

(a) Connecting new or used mobile homes, manufactured homes or factory-built buildings to on-site utility terminals or repairing these utility connections.

(b) Placing new or used mobile homes, manufactured homes, accessory structures or factory-built buildings on foundation systems or repairing these foundation systems.

(c) Providing ground anchoring for new or used mobile homes or manufactured homes or repairing the ground anchoring.

21. “Installer” means any person who engages in the business of performing installations of manufactured homes, mobile homes or factory-built buildings.

22. “Installer of accessory structures” means any person who engages in the business of installing accessory structures.

23. “Listing agreement” means a document that contains the name and address of the seller, the year, manufacturer and serial number of the listed unit, the beginning and ending dates of the time period that the agreement is in force, the name of the lender and lien amount, if applicable, the price the seller is requesting for the unit, the commission to be paid to the licensee and the signatures of the sellers and the licensee who obtains the listing.

24. “Local enforcement agency” means a zoning or building department of a city, town or county or its agents.

25. “Manufactured home” means a structure built in accordance with the act.

26. “Manufacturer” means any person that is engaged in manufacturing, assembling or reconstructing any unit regulated by this chapter.

27. “Mobile home” means a structure built before June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a dwelling when connected to on-site utilities. Mobile home does not include recreational vehicles and factory-built buildings.

28. “Office” means the office of manufactured housing within the department.

29. “Open construction” means any building, building component, assembly or system manufactured in such a manner that all portions can be readily inspected at the building site without disassembly, damage or destruction.

30. “Purchaser” means a person purchasing a unit in good faith from a licensed dealer or broker for purposes other than resale.

31. “Qualifying party” means a person who is an owner, employee, corporate officer or partner of the licensed business and who has active and direct supervision of and responsibility for all operations of that licensed business.

32. “Reconstruction” means construction work performed for the purpose of restoration or modification of a unit by changing or adding structural components or electrical, plumbing or heat or air producing systems.

33. “Recreational vehicle” means a vehicular type unit that is:

(a) A portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfold for camping.

(b) A motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

(c) A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty square feet and not more than four hundred square feet when it is set up, except that it does not include fifth wheel trailers.

(d) A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and has a trailer area of less than three hundred twenty square feet. This subdivision includes fifth wheel trailers. If a unit requires a size or weight permit, it shall be manufactured to the standards for park trailers in a 119.5 of the American national standards institute code.

(e) A portable truck camper constructed to provide temporary living quarters for recreational, travel or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

34. “Residential” means a building with a use-occupancy classification of a single-family dwelling or as governed by the international residential code.

35. “Salesperson” means any person who, for a salary, commission or compensation of any kind, is employed by or acts on behalf of any dealer or broker of manufactured homes, mobile homes or factory-built buildings to sell, exchange, buy, offer or attempt to negotiate or act as an agent for the sale or exchange of an interest in a manufactured home, mobile home or factory-built building.

36. “Seller” means a natural person who enters into a listing agreement with a licensed dealer or broker for the purpose of resale.

37. “Site development” means the development of an area for the installation of the unit's or units' locations, parking, surface drainage, driveways, on-site utility terminals and property lines at a proposed construction site or area.

38. “Statutory agent” means a person who is on file with the corporation commission as the statutory agent.

39. “Title transfer” means a true copy of the application for title transfer that is stamped or validated by the appropriate government agency.

40. “Unit” means a manufactured home, mobile home, factory-built building or accessory structures.

41. “Used unit” means any unit that is regulated by this chapter and that has been sold, bargained, exchanged or given away from a purchaser who first acquired the unit that was titled in the name of that purchaser.

42. “Workmanship” means a minimum standard of construction or installation reflecting a journeyman quality of the work of the various trades.

Credits

Added as § 32-1171.01 by Laws 1977, Ch. 126, § 2. Renumbered as § 32-1172. Amended by Laws 1978, Ch. 132, § 2; Laws 1979, Ch. 85, § 1; Laws 1980, Ch. 135, § 2, eff. July 1, 1980; Laws 1981, Ch. 298, § 3; Laws 1984, Ch. 224, § 2; Laws 1985, Ch. 284, § 2, eff. May 2, 1985; Laws 1986, Ch. 355, § 1. Renumbered as § 41-2142 and amended by Laws 1986, Ch. 330, § 11. Amended by Laws 1987, Ch. 126, § 1; [Laws 1989, Ch. 164, § 3](#); [Laws 1989, Ch. 303, § 5, eff. June 28, 1989](#); [Laws 1990, Ch. 363, § 19](#); [Laws 1994, Ch. 204, § 1](#); [Laws 1996, Ch. 367, § 1](#); [Laws 2003, Ch. 263, § 50](#); [Laws 2005, Ch. 245, § 11](#); [Laws 2006, Ch. 169, § 1](#). Renumbered as § 41-4001 and amended by [Laws 2016, Ch. 128, §§ 89, 91, eff. Aug. 6, 2016, retroactively effective to July 1, 2016](#). Amended by [Laws 2017, Ch. 335, § 5](#); [Laws 2019, Ch. 272, § 4](#); [Laws 2022, Ch. 55, § 4](#).

[Notes of Decisions \(6\)](#)

A. R. S. § 41-4001, AZ ST § 41-4001

Current through legislation of the Second Regular Session of the Fifty-Sixth Legislature (2024), and includes Election Results from the November 5, 2024 General Election.

End of Document

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Arizona Revised Statutes Annotated
Title 41. State Government (Refs & Annos)
Chapter 37. Housing (Refs & Annos)
Article 3. Office of Manufactured Housing (Refs & Annos)

A.R.S. § 41-4002
Formerly cited as A.R.S. § 41-2151

§ 41-4002. Office of manufactured housing; purpose

Effective: August 9, 2017
[Currentness](#)

The purpose of the office of manufactured housing within the department is to maintain and enforce standards of quality and safety for manufactured homes, factory-built buildings, mobile homes and accessory structures and installation of manufactured and mobile homes, factory-built buildings and accessory structures. The affairs of the office of manufactured housing shall be conducted consistently with minimum standards of the United States department of housing and urban development so as to be designated the “state inspector” for manufactured homes and related industries. The office shall implement all existing laws and regulations mandated by the federal government, its agencies and this state for such purposes.

Credits

Added as § 32-1171 by Laws 1977, Ch. 126, § 2. Amended by Laws 1978, Ch. 132, § 1; Laws 1981, Ch. 298, § 2; Laws 1984, Ch. 224, § 1; Laws 1985, Ch. 284, § 1, eff. May 2, 1985. Renumbered as § 41-2151 and amended by Laws 1986, Ch. 330, § 18. Amended by [Laws 1989, Ch. 164, § 7](#); [Laws 2003, Ch. 263, § 52](#). Renumbered as § 41-4001 by [Laws 2016, Ch. 128, § 89](#), eff. Aug. 6, 2016, retroactively effective to July 1, 2016. Amended by [Laws 2017, Ch. 335, § 6](#).

A. R. S. § 41-4002, AZ ST § 41-4002

Current through legislation of the First Regular Session of the Fifty-Sixth Legislature (2023).

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Arizona Revised Statutes Annotated

Title 41. State Government (Refs & Annos)

Chapter 37. Housing (Refs & Annos)

Article 3. Office of Manufactured Housing (Refs & Annos)

A.R.S. § 41-4004

Formerly cited as A.R.S. § 41-2153

§ 41-4004. Powers and duties of department; work
by unlicensed person; inspection agreement; permit

Effective: August 9, 2017

[Currentness](#)

A. The department shall:

1. Establish a state inspection and design approval bureau within the department.
2. Enter into reciprocity agreements and compacts with other states or private organizations that adopt and maintain standards of construction reasonably consistent with those adopted pursuant to this article on determining that such standards are being enforced. The director may void such agreements on determining such standards are not being maintained.
3. Issue a certificate to indicate compliance with the construction and installation requirements of this article.
4. Enter and inspect or investigate premises at reasonable times, after presentation of credentials by the director or personnel of the office or under contract with the office, where units regulated by this article are manufactured, sold or installed, to determine if any person has violated this chapter or the rules adopted pursuant to this chapter.
5. Enter into agreements with local enforcement agencies to enforce the installation standards in their jurisdiction provided the director is monitoring their performance to be consistent with the installation standards of the office.
6. If an inspection reveals that a mobile home entering this state for sale or installation is in violation of this chapter, order its use discontinued and the mobile home or any portion of the mobile home vacated. The order to vacate shall be served on the person occupying the mobile home and copies of the order shall be posted at or on each exit of the mobile home. The order to vacate shall include a reasonable period of time in which the violation can be corrected.
7. If an inspection of a new installation of any mobile home or manufactured home reveals that the natural gas or electrical connections of the installation do not conform to the installation standards promulgated pursuant to this chapter and the nonconformance constitutes an immediate danger to life and property, the inhabitants of the home shall be notified immediately and in their absence a notice citing the violations shall be posted in a conspicuous location. The director may order that the public service corporation, municipal corporation or other entity or individual supplying the service to the unit discontinue

such service. If the danger is not immediate, the director shall allow at least twenty-four hours to correct the condition before ordering any discontinuation of service.

8. If construction, installation, rebuilding or any other work is performed in violation of this chapter or any rule adopted pursuant to this chapter, order the work stopped. The order to stop work shall be served on the person doing the work or on the person causing the work to be done. The person served with the order shall immediately cease the work until authorized by the office to continue.

9. Verify written complaints filed with the office by purchasers within one year after the date of purchase or installation of units. Complaints shall be accepted from consumers that allege violations by any dealer, broker, salesperson, installer or manufacturer of this chapter or the rules adopted pursuant to this chapter.

10. On verification of a complaint pursuant to paragraph 9 of this subsection, serve notice to the dealer, broker, salesperson, installer or manufacturer that such verified complaint shall be satisfied as specified by the office.

11. Provide to the board every six months the year-to-date fund balance of and a listing of the year-to-date revenues and expenditures from the mobile home relocation fund established by [§ 33-1476.02](#). The information shall be updated and posted on the department's website.

B. Any dealer, broker, salesperson, installer or manufacturer licensed by the office shall respond within thirty days to a notice served pursuant to subsection A, paragraph 10 of this section. Failure to respond is grounds for disciplinary action pursuant to [§ 41-4039](#).

C. If an inspection or an investigation reveals that any work that is required to be performed by a licensee was performed by an unlicensed person required to be licensed pursuant to this chapter, the director, an employee or a person under contract with the office may cite the unlicensed person. The citation may be issued and served pursuant to [§ 13-3903](#). The action shall be filed in the justice court in the precinct where the unlicensed activity occurred.

D. The director may enter into agreements with acceptable qualified building inspection personnel or inspection organizations for enforcement of inspection requirements provided the director is monitoring their performance to be consistent with this chapter, rules adopted pursuant to this chapter and the established procedures of the office. If the director determines that the person's or organization's performance is not consistent with this chapter, rules adopted pursuant to this chapter and the established procedures of the office, the person or organization may not enforce the contract and the aggrieved person shall be entitled to a refund of the consideration paid under the agreement.

E. If a mobile or manufactured home or factory-built building is installed without first obtaining an installation permit, the director shall send a written notice to the purchaser specifying that a permit is required. If a permit is not obtained within thirty days after receipt of the written notice, the department shall issue and serve by personal service or certified mail a citation on the purchaser. Service of the citation by certified mail is complete after forty-eight hours after the time of deposit in the mail. On failure of the purchaser to comply with the citation within twenty days after its receipt, the director shall file an action in the justice court in the precinct where installation occurred for violation of this subsection.

Credits

Added as § 32-1171.06 by Laws 1977, Ch. 126, § 2. Renumbered as § 32-1177. Amended by Laws 1978, Ch. 132, § 5; Laws 1980, Ch. 135, § 3, eff. July 1, 1980; Laws 1981, Ch. 298, § 8; Laws 1982, Ch. 32, § 3, eff. April 5, 1982; Laws 1984, Ch. 224, § 3. Renumbered as § 41-2153 and amended by Laws 1986, Ch. 330, § 20. Amended by Laws 1987, Ch. 126, § 4; [Laws 1989, Ch. 164, § 8](#); [Laws 1990, Ch. 18, § 1](#); [Laws 2006, Ch. 169, § 5](#). Renumbered as § 41-4004 and amended by [Laws 2016, Ch. 128, §§ 89, 92, eff. Aug. 6, 2016, retroactively effective to July 1, 2016](#). Amended by [Laws 2017, Ch. 91, § 7](#); [Laws 2017, Ch. 335, § 7](#).

Notes of Decisions (1)

A. R. S. § 41-4004, AZ ST § 41-4004

Current through legislation of the First Regular Session of the Fifty-Sixth Legislature (2023).

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1984 Ariz. Op. Atty. Gen. 78 (Ariz.A.G.), Ariz. Op. Atty. Gen. No. I84-086, 1984 WL 61298

Office of the Attorney General

State of Arizona
I84-086 (R84-088)
June 20, 1984

***1** Mr. Richard E. Wolfe
Director, Office of Manufactured Housing
1645 West Jefferson
Phoenix, Arizona 85007

Dear Mr. Wolfe:

This letter is in response to your inquiry about a potential conflict between the provisions of [A.R.S. § 34-461](#) recently enacted by Ch. 329, § 1, 1984 Ariz.Sess.Laws (2nd Reg.Sess.) and A.R.S. § 32-1187.A. [A.R.S. § 34-461](#), once effective, will require public buildings to be constructed according to local building codes and will subject such buildings to local building inspections during construction.¹ However, many of these public buildings are manufactured homes or factory-built buildings which are regulated by the Arizona Office of Manufactured Housing. A.R.S. § 32-1171.A et seq. These structures are constructed off-site and then moved to or assembled on the site where they are to be used. For the reasons set forth below, we conclude that the provisions of [A.R.S. § 34-461](#) are limited to on-site construction of public buildings.

In an effort to ensure the public safety, the legislature gave exclusive authority to the Office of Manufactured Housing to regulate construction of such units because these structures are often manufactured outside the limits jurisdiction of the local building authorities or outside of the State of Arizona.

[A.R.S. § 32-1188](#) provides:

A. No person required to be licensed pursuant to this article may sell or offer to sell, in this state, any manufactured home, recreational vehicle, factory built building or subassembly after the effective date of this article, unless the proper state insignia or HUD label is affixed to such unit.

B. No person required to be licensed pursuant to this article may manufacture for delivery, sell or offer to sell in this state any manufactured home, recreational vehicle, factory built building or subassembly unless the unit and its components, systems and appliances have been constructed and assembled in accordance with the standards, rules and regulations adopted pursuant to this article.

***2** [A.R.S. § 32-1187](#). A preempts local building authorities from enforcing any other building standards:

A. No local enforcement agency may require, as a condition of entry into or sale in any county or municipality, that any unit which has been certified pursuant to this article be subjected to any local enforcement inspection to determine compliance with any standard covering any aspect of the unit which is inspected pursuant to this article.

The application of [A.R.S. § 34-461](#) to public buildings constructed off-site would impliedly repeal the safeguards for the regulation of manufactured housing as it pertains to public buildings. The Office of Manufactured Housing would be divested of authority to regulate the construction of public buildings and the local jurisdictions would be responsible for establishing construction standards and performing inspections during construction.

In analyzing statutes which appear in conflict, the Arizona courts have established a series of statutory rules of construction which govern our interpretation. Statutes are to be construed together when possible, and implied repeals are not favored. *Industrial Commission v. Hartford Accident & Indemnity Co.*, 61 Ariz. 86, 144 P.2d 548 (1944). Courts have a duty to harmonize statutes and will not construe a statute as repealed by implication if it can avoid doing so. *State ex. rel. Purcell v. Superior Court in and for Maricopa County*, 107 Ariz. 224, 485 P.2d 549 (1971). *State v. Rice*, 110 Ariz. 210, 516 P.2d 1222 (1973). Where a later statute does not expressly repeal a former one, the two statutes should be construed so as to give effect to each, if possible. *State v. Cassius*, 110 Ariz. 485, 520 P.2d 1109 (1974), cert. dismissed, 420 U.S. 514 (1974). A statute, in absence of any express repeal or amendment therein, is held to have been enacted in accord with legislative policy embodied in prior statutes relating to the same subject matter and all such statutes should be construed together. *Frazer v. Terrill*, 65 Ariz. 131, 175 P.2d 438 (1947). The application of these rules of statutory construction to A.R.S. § 34-461 and A.R.S. § 32-1187.A dictate that they be harmonized by limiting A.R.S. § 34-461 to on-site construction and continuing the Office of Manufactured Housing's exclusive authority to regulate off-site construction pursuant to A.R.S. § 32-1187.A.

Our interpretation of A.R.S. § 34-461 and A.R.S. § 32-1187.A above is further bolstered by an examination of the absurd results should we reach a contrary conclusion. If the literal interpretation of the language of a statute leads to results which produce an absurdity, the court must construe the act, if possible, so that it is a reasonable and workable law. *City of Phoenix v. Superior Court In and For Maricopa County*, 101 Ariz. 265, 419 P.2d 49 (1966). Practical construction of a statute is preferred to construction which is absurd, and practical construction is required if technical construction would lead to mischief and absurdity. *State v. LeMaltz*, 121 Ariz. 333, 590 P.2d 449 (1979).

*3 A.R.S. § 34-461 requires public buildings to be designed and constructed in accordance with the state fire code and local building codes adopted by the jurisdiction in which the building is located. Manufactured homes and factory-built buildings are constructed off-site at a location different from that where the structure will be used. If applied to buildings manufactured off-site, A.R.S. § 34-461 would require local building officials to travel out of their jurisdictions to conduct inspections. This function is already being performed by the staff of the Office of Manufactured Housing through a series of reciprocal agreements with other states. Duplication of time and expense in this manner would be wasteful. Such an interpretation would raise additional questions about which particular local building codes apply, those adopted by the jurisdiction where the building is located during construction or by the jurisdiction where the building is located for use.

Accordingly, we conclude that A.R.S. § 34-461 and the provisions of A.R.S. § 32-1187 must be harmonized to apply A.R.S. § 34-461 to on-site construction of public buildings and to continue the regulatory control of off-site construction of manufactured homes and factory-built buildings used as public buildings with the Office of Manufactured Housing pursuant to the provisions of A.R.S. § 32-1171 et seq.

Sincerely,

BOB CORBIN
Attorney General

Footnotes

1 A.R.S. § 34-461 as recently enacted specifically provides:

A. Public buildings shall be designed or constructed according to the state fire code adopted by the state fire marshal and applicable building, plumbing, electrical, fire prevention and mechanical codes adopted by the city or town in which the building is located or, if in an unincorporated area, by the county in which the building is located in the same manner as any other building. The owner of the public building is subject to the same fees required of other persons. Public buildings are subject to inspection during construction pursuant to such codes to determine compliance.

B. If a public building is built in an area not subject to local codes, the building shall be designed or constructed according to the state fire code adopted by the state fire marshal and the building, plumbing, electrical, fire prevention and mechanical codes that apply in the largest city in the county in which the building is located.

* * *

D. Subsections A and B do not apply to state buildings.

E. In this section “public building” means a building or appurtenance to a building which is built in whole or in part with public monies.

1984 Ariz. Op. Atty. Gen. 78 (Ariz.A.G.), Ariz. Op. Atty. Gen. No. I84-086, 1984 WL 61298

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1986 Ariz. Op. Atty. Gen. 31 (Ariz.A.G.), Ariz. Op. Atty. Gen. No. I86-033, 1986 WL 81336

Office of the Attorney General

State of Arizona
I86-033 (R86-002)
April 1, 1986

*1 Mr. Spencer A. Smith
DeConcini, McDonald, Brammer, Yetwin & Lacy, P.C.
Attorneys at Law
240 North Stone Avenue
Tucson, Arizona 85701

Dear Mr. Smith:

Pursuant to [A.R.S. § 15-253\(B\)](#), this office concurs with the opinions expressed in your letter of January 17, 1986 to the Director of Legal Research Services for Tucson Unified School District No. 1, in which your office concluded that [A.R.S. § 34-461](#), requiring subdivisions of the state to comply with local building codes, does not apply to the relocation of existing factory-built, portable classrooms. We also concur with the opinion that such portable classrooms are, however, subject to inspection by the state fire marshal and to regulation by the Office of Manufactured Housing.¹ See [A.R.S. § 26-334](#) and [§ 26-335](#) and Ariz.Atty.Gen.Op. I79-284; [A.R.S. § 32-1171](#) et seq.

We also take this opportunity to point out that [A.R.S. § 34-461](#) was amended in 1984 to provide that local building codes apply to the construction of public buildings, which includes new construction of school district buildings. Any statements to the contrary in our opinions predating this amendment, Ariz.Atty.Gen.Ops. 83-052, 73-12-C, 65-8-C, 64-34-C, are now disapproved.

Sincerely,

BOB CORBIN
Attorney General

ATTACHMENT

January 17, 1986
Mr. Felizardo Valencia, Director

Legal and Research Services

Tucson Unified School District No. 1

P.O. Box 40400

Tucson, Arizona 85717-0400

Dear Mr. Valencia:

You have requested that this office render an opinion as to the applicability of the local building codes of the City of Tucson and Pima County under [§ 34-461 of the Arizona Revised Statutes](#), which was enacted by the Legislature during the 1984 session and became effective August 3, 1984, to the relocation of portable classrooms within the District. After review of the statute along with related statutes and ordinances, we have concluded that [§ 34-461](#) applies only to the construction of public buildings and not to the placement or relocation of portable classrooms or utilities appurtenant thereto. Thus, it is our opinion that no permits are required for locating or moving a portable classroom.

Prior to August 3, 1984, public school districts of the State of Arizona were not subject to the building codes of local jurisdictions since “a State agency delegated by law the responsibility of performing a governmental function is not subject to the general police powers of a municipal corporation.” [Board of Regents v. City of Tempe](#), 88 Ariz. 299, 309, 356 P.2d 399 (1960). During the 1984 session, the Legislature passed a bill now codified as [§ 34-461 of the Arizona Revised Statutes](#), that became effective August 3, 1984, which provides:

***2** A. Public buildings shall be designed or constructed according to the state fire code adopted by the state fire marshal and applicable building, plumbing, electrical, fire prevention and mechanical codes adopted by the city or town in which the building is located or, if in an unincorporated area, by the county in which the building is located in the same manner as any other building. The owner of the public building is subject to the same fees required of other persons. Public buildings are subject to inspection during construction pursuant to such codes to determine compliance.

B. If a public building is built in an area not subject to local codes, the building shall be designed or constructed according to the state fire code adopted by the state fire marshal and the building, plumbing, electrical, fire prevention and mechanical codes that apply in the largest city in the county in which the building is located.

C. Public buildings are subject to those codes that apply and are in effect when the building is designed or constructed and to the currently adopted codes when such buildings are found to be structurally unsafe, without adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life.

D. Subsections A and B do not apply to state buildings.

E. In this section, “public building” means a building or appurtenance to a building which is built in whole or in part with public monies.

The central question concerning the applicability of this statute is whether or not subpart A applies to portable classroom facilities.¹ By its terms, the statute only applies to “public buildings” which are defined in subpart E as “a building or appurtenance to a building which is built in whole or in part with public monies.” In our opinion, neither a portable classroom, nor the utilities which are appurtenant thereto fall within the definition of a “building or appurtenance to a building,” and thus are exempt from the application of the building codes. The term “building” is defined as “an edifice constructed for use or convenience as a house, church, shop, etc., attached to and becoming part of the land.” [Lewis v. Midway Lumber Company](#), 114 Ariz. 426, 430, 561 P.2d 750, 754 (1977). Thus, to be a building, a structure must be real property, a fixture that is attached to and a part of the land.

The Attorney General has opined that if the structure can be “moved from one spot to another at less expense than building a new building, it is prima facie portable and relocatable.” Atty.Gen.Op. 72-30 L (1972). This definition was applied to find that a 28’ x 30’ structure erected on a 4” thick concrete slab was in fact not a “building,” but rather a “portable building,” and therefore could be erected without voter approval. Atty.Gen.Op. I85-19 (1985).

The test of when a chattel becomes a building and part of the real property is the unity of three requisites:

(1) annexation to the realty or something pertinent thereto;

***3** (2) the chattel must have adaptability or application to the use for which the real estate is appropriated; and

(3) there must be an intention of the party to make the chattel a permanent accession to the freehold.

[Fish v. Valley National Bank](#), 64 Ariz. 164, 170, 167 P.2d 107, 111 (1946). The portable classrooms in question are not intended to be permanent, as evidenced by the District practice of moving at least some of them each year.

The portable classrooms under consideration are completely self-contained except for the connection to electric, gas and water utilities in a fashion similar to a mobile home. Similarly, the foundation and tie-down requirements are like those of a mobile home. The utilities and foundations themselves are not part of the real property because they are affixed to and serve a structure which is temporary and thus there is no intention to make the utilities and foundations a permanent accession to the freehold. [Sulphur Springs Valley Electric Cooperative, Inc. v. City of Tombstone](#), 1 Ariz.App. 268, 401 P.2d 753, 758 (1965), *aff'd*. 99 Ariz. 110, 407 P.2d 76 (1965).

Even if the portable classrooms were “public buildings,” it is still our opinion that local building codes would not apply generally to the relocation of the portables within the District. Subpart B of [§ 34-461](#) contemplates only that new construction be covered. It provides that if a building is built in an area not subject to local codes, then codes of the nearest large city and of the State Fire Marshal shall be observed. No mention is made in subpart B of existing structures. Likewise, subpart A contains no specific mention of buildings that are in existence at the time the statute was made effective. Only subpart C deals with existing buildings and states that public buildings are to be subject to those codes that apply and are in effect when the building was designed or constructed, but subject to currently adopted codes only when the buildings are found to be structurally unsafe, to be without adequate egress, to constitute a fire hazard or are otherwise dangerous to human life. Thus, under subpart C of [§ 34-461](#), the current codes are limited in their application to existing buildings to those situations specifically found to be unsafe. If subparts A and B affected existing buildings, the effect of subpart C would be to add nothing because the codes applicable under subparts A and B would accomplish the purpose of subpart C. If possible, statutes are interpreted in a manner so as to give meaning to every section. Thus, to give subpart C of [§ 34-461](#) meaning, subpart A must apply only to new construction while jurisdiction over remodeling, alteration and repair of existing buildings is limited to the situations described in subpart C.

The interpretation set out above is consistent with the statute authorizing and defining the jurisdiction of the State Fire Marshal, [A.R.S. § 26-335](#), that provides that the Fire Marshal shall review plans for new construction, remodeling, alterations and additions for state, county and public school buildings for compliance with the State Fire Code. This statute demonstrates that the Legislature considered the distinction between new construction, remodeling, alterations and additions. The joint effect of [§ 34-461](#) and [§ 26-335](#) is that the legislature has determined that remodeling, alteration and repair of existing buildings must be reviewed by the Fire Marshal since the Fire Marshal's review affects public safety. Similarly, only where the existing buildings are found to be unsafe need they be made to comply with current building codes, and then only to the extent of correction of the unsafe condition. New buildings, on the other hand, are required to be constructed under the jurisdiction of local building codes, including the permit, fee and inspection requirements thereof.

***4** For the foregoing reasons, the portable classrooms are not “public buildings” within the meaning of [A.R.S. § 34-461](#) and therefore the building codes do not apply to their relocation. Even if the portables are “public buildings” the building codes do not apply unless the relocation results in a fire hazard, a structural deficiency that is unsafe, a condition of lack of adequate egress or conditions otherwise unsafe to human life.

In accordance with your request, we are submitting a copy of this opinion to Robert K. Corbin, Attorney General of the State of Arizona, for his review pursuant to A.R.S. § 15-253B.

Very truly yours,
Spencer A. Smith

Footnotes

- 1 A.R.S. § 32-1172.A.11 defines “factory-built building” as a single-story nonresidential building of less than four thousand five hundred square feet floor space....” We do not herein express an opinion as to portable classrooms which fall outside this definition.

- 1 The offsite manufacture of the portable classroom buildings are regulated by the provisions of [A.R.S. § 32-1171](#) et seq. The Attorney General has opined that [§ 34-461](#) does not apply to the manufacture of “factory built buildings” Att.Gen.Op. 84-086 (June 20, 1984), but does not address the extent of jurisdiction given by [§ 34-461](#) over appurtenances to or placement of such buildings.

1986 Ariz. Op. Atty. Gen. 31 (Ariz.A.G.), Ariz. Op. Atty. Gen. No. I86-033, 1986 WL 81336

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Attachment D

Number	Qualifying Party	License Type	Principal Place of Business	Date Issued	Company Name	Doing Business As Name	Status
9287	Juan Antonio Gonzalez	Manufacturer	12321 Cutten Rd, Houston, Texas, 77066, USA	2/24/2025	Mirror Houses USA Inc		Valid
9286	Bill Franklyn Hinchliff	Manufacturer	19523 South Susana Road, Compton, California, 90221, USA	2/24/2025	International Port Corp.		Valid
9281	Robert Wayne Clay	Manufacturer	820 Industrial Loop, Breckenridge, Texas, 76424, USA	1/30/2025	Breckenridge Homes, LLC		Valid
9280	John Marvin Rowland	Manufacturer	287 Baldwin Road, Patterson, California, 95363, USA	1/22/2025	S2A Modular 2 LLC		Valid
9279	Rustin J Russo	Manufacturer	3836 West Buckeye Road, Bldg D, Phoenix, Arizona, 85009, USA	1/15/2025	Prescott Manufacturing, LLC		Valid
9275	Tracy Marie Marx- Keep	Manufacturer	15905 South 46th Street, Suite 100, Phoenix, Arizona, 85048, USA	1/9/2025	USA Eco-Homes LLC		Valid
9272	Chad Thomas Miller	Manufacturer	3070 W. Thompson Rd, Fenton, Michigan, 48430, USA	12/19/2024	Miller Industries Holdings LLC	Flex Air a division of Miller Industries	Valid
9266		Manufacturer	1702 W Flintlock Way, Chandler, Arizona, 85286, USA	11/4/2024	Lagniappe Real Estate Holdings		Valid
9263	Shawn G Norton	Manufacturer	1511 S Hwy 6, Price, Utah, 84501, USA	10/17/2024	Intermountain Electronics Inc of Price Utah	Intermountain Electronics	Valid
9253	Michael Anthony Hopkins	Manufacturer	8700 Hirsch Road, Houston, Texas, 77016, USA	9/10/2024	M & M Coastal Manufacturing, Inc.		Valid
9243	Lee George Loveall	Manufacturer	2821 West Chestnut Expressway, Ste. D., Springfield, Missouri, 65802, USA	8/21/2024	Creative Modular Construction LLC		Valid
9239	Joel Glendon Van Egdorn	Manufacturer	1400 7th Ave NE, Sioux Center, Iowa, 51250, USA	8/7/2024	Interstates, Inc.		Valid
9234	Barry Davis	Manufacturer	13602 S. 34th St., Phoenix, Arizona, 85044, USA	7/29/2024	JBD Construction LLC		Valid
9226	Darren Chad Hillman	Manufacturer	401 W 47th St S, Wichita, Wichita, Kansas, 67217, USA	6/4/2024	RedGuard, LLC		Valid
9219	Kim W Bergman	Manufacturer	3775 East 43rd Place, Tucson, Arizona, 85713, USA	5/14/2024	CPM LABFAB Inc.	CPM Laboratories Inc. (FN)	Valid
9217	Brian James OKeefe	Manufacturer	9538 670 West, unit a, Sandy, Utah, 84070, USA	4/24/2024	Steelbilt LLC		Valid
9213	John Joseph Powers	Manufacturer	20101 E. 36th Drive, Unit 1, Aurora, Colorado, 80011, USA	4/11/2024	RK Mission Critical LLC		Valid
9211	Frank T Han	Manufacturer	5845 South Valley View Boulevard, Las Vegas, Nevada, 89118, USA	4/11/2024	Kitchen Podular, LLC		Valid
9206	Deborah L CasperStone	Manufacturer	3223 S Crismon Rd, Suite 101, Mesa, Arizona, 85212, USA	3/11/2024	Connect Homes Inc		Valid
9203	Michael Dee Kendall	Manufacturer	6582 Airport Road, West Jordan, Utah, 84084, USA	3/7/2024	Stack Modular Development LLC		Valid
9190	John Samuel Frey Jr	Manufacturer	17201 Darwin Ave., Hesperia, California, 92345, USA	1/26/2024	Madison Industries, a California Corporation		Valid
9189	Adam Patrick Spillane	Manufacturer	1132 N 7th Street, San Jose, California, 95112, USA	1/22/2024	Cupertino Electric Inc.		Valid

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9183	Sandra Lynn Dickey	Manufacturer	2616 South 3rd Street, Saint Louis, Missouri, 63118, USA	1/5/2024	Switzer Industries Inc.	Shelter Works	Valid
9179	Travis Joseph McCoy	Manufacturer	624 N 44th Ave, Phoenix, Arizona, 85043, USA	12/14/2023	Digital Building Components LLC		Valid
9178	Dan Bish	Manufacturer	3240 South Dodge Boulevard, Tucson, Arizona, 85713, USA	12/6/2023	LOMAT Rentals LLC		Valid
9175	Laura Gavin Donald	Manufacturer	2625 5th Avenue North, Bldg. C, Bessemer, Alabama, 35020, USA	11/9/2023	Blox LLC		Valid
9174	Jeffrey Walter Heitmann	Manufacturer	5700 Las Positas Road, Livermore, California, 94551, USA	11/1/2023	McGrath RentCorp Inc.	Mobile Modular Management dba Kitchens to Go by Mobile Modular	Valid
9169	Michael John Gallagher	Manufacturer	1177 South 4th Avenue, Brighton, Colorado, 80601, USA	10/26/2023	Watermill Express LLC		Valid
9164	Harry Lynn Kuhns	Manufacturer	7172 Route 522, Middleburg, Pennsylvania, 17842, USA	10/12/2023	Apex Homes of PA, LLC		Valid
9157	Kam Wright Valgardson	Manufacturer	1947 N Chappel Drive, Spanish Fork, Utah, 84660, USA	9/11/2023	KEB Homes LLC	Irontown Modular	Valid
9149	Linda Marie Zrubek	Manufacturer	8905 Industrial Dr., Haven, Kansas, 67543, USA	7/28/2023	National Modular Mfg LLC		Valid
9142	David Lewis Schoonover	Manufacturer	601 Benton Kelly, Shreveport, Louisiana, 71106, USA	7/3/2023	Module X Solutions LLC		Valid
9137	Brandon Treadwell	Manufacturer	201 Industrial Park Place, Cassville, Missouri, 65625, USA	6/21/2023	Arning Companies Inc.-KEEP		Valid
9128	Philip Anthony Muro	Manufacturer	4807 Hwy 90, Crosby, Texas, 77532, USA	5/24/2023	Seaboard Controls LLC		Valid
9126	Jeff J Konczak	Manufacturer	666 McKinley Avenue, Alpena, Michigan, 49707, USA	4/27/2023	BCubed Manufacturing LLC		Valid
9115	Jonathan Giovanni Piccio	Manufacturer	16036 N. 11th Ave., #1046, Phoenix, Arizona, 85023, USA	3/6/2023	JP Fabrications LLC		Valid
9114	Dwayne Michael Teeter	Manufacturer	4805 East Loop 820 South, Ft Worth, Texas, 76119, USA	3/2/2023	Oak Creek Homes, LLC	Oak Creek Homes AZ, LLC (FN)	Valid
9113	Michael Jacob Stewart	Manufacturer	2410 W. Broadway Rd., Phoenix, Arizona, 85041, USA	2/27/2023	New World Management LLC		Valid
9091	Jeffrey David Wareing	Manufacturer	5526 W. Yearling Rd., Phoenix, Arizona, 85085, USA	12/8/2022	Dwell Capital Partners LLC		Valid
9083	Michael Sommer Hertsenberg	Manufacturer	1616 Gears Road, Houston, Texas, 77067, USA	11/1/2022	Volta Texas LLC		Valid
9080	Paolo N/A Tiramani	Manufacturer	5345 E. North Belt Road, North Las Vegas, Nevada, 89115, USA	10/21/2022	Boxabl, Inc.		Valid
9079	Patrick Aaron Sidener	Manufacturer	2924 W. Fairmount Ave., Phoenix, Arizona, 85017, USA	10/19/2022	Meta-Investments LLC	Perfect Fit Housing	Valid
9074	Stephen Chi Shang	Manufacturer	7717 Gilbert Rd., Manor, Texas, 78653, USA	9/29/2022	Bristlecone Ventures 2 LLC	Falcon Structures	Valid

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9070	Raymond Arthur Boff III	Manufacturer	1450 Veterans Boulevard, Redwood City, California, 94063, USA	9/13/2022	DPR Construction, A General Partnership		Valid
9065	Adam Burkhalter-Keep	Manufacturer	7475 E. Old Vail Rd., Unit H28, Tucson, Arizona, 85747, USA	8/31/2022	Advent Travel Technologies LLC	CubeSpace	Valid
9063	Design Modulars Inc.	Manufacturer	3960 E. Illinois St, Tucson, Arizona, 85714, USA	8/29/2022	Design Modulars Inc.		Valid
9056	Brian Lane Stark	Manufacturer	2308 S. 11th Ave, Phoenix, Arizona, 85007, USA	8/16/2022	Steel & Spark LLC		Valid
9054	Samuel Jason Hooker	Manufacturer	4101 Jerome Ave., Chattanooga, Tennessee, 37407, USA	8/12/2022	Astec, Inc.	Astec, Inc. of Tennessee (FN)	Valid
9050	Heith Noel Bibby	Manufacturer	39510 Middleton St., Palmdale, California, 93551, USA	8/1/2022	Mandeville Modular Inc.		Valid
9039	Joshua Thomas Nabb	Manufacturer	1106 N Temple Dr, Diboll, Texas, 75941, USA	6/10/2022	Atco Structures & Logistics (USA) Inc		Valid
9035	Michael Phillip Pearce	Manufacturer	1730 W. Roosevelt Street, Phoenix, Arizona, 85007, USA	5/26/2022	Carbon Vudu LLC		Valid
9029	Abraham Taub	Manufacturer	13338 Midvale Road, Bldg. 1, Waynesboro, Pennsylvania, 17268, USA	5/3/2022	Guardian Booth LLC		Valid
9025	Mark Joseph Tschirgi	Manufacturer	203 Oak Street, Monona, Iowa, 52159, USA	4/11/2022	Art's-Way Scientific Inc.		Valid
9017	Clayton L Efferson	Manufacturer	14935 Jacintoport Blvd, Houston, Texas, 77015, USA	3/11/2022	Hunter Buildings & Manufacturing LP		Valid
9015	Brandon Eric Main	Manufacturer	8350 Eastgate Rd, Henderson, Nevada, 89015, USA	3/9/2022	Xtreme Cubes Corporation		Valid
8957	Karl R Foust	Manufacturer	924 South Tweedy Road, Eloy, Arizona, 85131, USA	7/13/2021	Integrated Modular Solutions LLC		Valid
8980	Jason H Cline	Manufacturer	2700 S. 20th Ave., Phoenix, Arizona, 85009, USA	9/23/2021	United Rentals (North America) Inc.	United Rentals	Valid
9006	Dwayne M Teeter	Manufacturer	800 N. I-35 East, Lancaster, Texas, 75146, USA	2/2/2022	American Homestar of Lancaster LLC	Oak Creek Homes of Lancaster	Valid
8978	Manfred J Laner	Manufacturer	1520 Power Blvd., Cantonment, Florida, 32533, USA	9/17/2021	Custom Control Solutions Inc.		Valid
8401	David P King	Manufacturer	9702 E. Rush St., South El Monte, California, 91733, USA	8/5/2009	B.I.G. Enterprises	Magic Metals Inc. (FN)	Valid
8588	Gregory Palmer Larson	Manufacturer	1001 W. Main St., Elk Point, South Dakota, 57025, USA	9/2/2014	Thermo Bond Buildings LLC		Valid
7495	Gary T Burger	Manufacturer	901 N. Hwy 77, Hillsboro, Texas, 76645, USA	7/28/2000	CXT Incorporated		Valid
8709	Terry McKertcher-Use this	Manufacturer	8550 Mosley Rd., Houston, Texas, 77075, USA	6/14/2017	Powell Electrical Systems Inc.		Valid
8687	Rustin J Russo	Manufacturer	3836 W. Buckeye Rd., Bldg. C, Phoenix, Arizona, 85009, USA	2/16/2017	Buckeye Manufacturing LLC		Valid
8966	Scott Volk	Manufacturer	12441 E. Camino del Garanon, Tucson, Arizona, 85747, USA	8/11/2021	Vivablox LLC		Valid
8950	David Charles Hovey Jr.	Manufacturer	7157 E. Rancho Vista Dr., Ste. 109, Scottsdale, Arizona, 85251, USA	5/26/2021	DCH Global Inc.		Valid

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8991	Clayton J. Abernathy	Manufacturer	1440 S Euclid Ave, Tucson, Arizona, 85713, USA	11/24/2021	Idea'l Marketing LLC		Valid
8576	Kenneth O Thompson Jr.	Manufacturer	43 Ritmore Dr., Ravenswood, West Virginia, 26164, USA	5/20/2014	Valtronics Solutions Inc.		Valid
8953	Michael F Kiernan	Manufacturer	302 Beasley St., Blairsville, Georgia, 30512, USA	6/9/2021	Panel Built Inc.		Valid
8908	Cornell Gillenwater II	Manufacturer	13925 Benson Ave., Chino, California, 91710, USA	11/30/2020	Amco Structures Inc.		Valid
8111	Joe B Hart	Manufacturer	5439 S. 43rd Ave., Phoenix, Arizona, 85041, USA	6/30/2005	Modular Solutions Ltd.		Valid
8902	Noel G Lindsey	Manufacturer	832 E. Walnut St., Garland, Texas, 75040, USA	10/29/2020	Amtex Acquisition Corp.		Valid
8677	John M Putman Jr.	Manufacturer	1707 Colt Circle, Marble Falls, Texas, 78654, USA	12/1/2016	Restroom Facilities Ltd.		Valid
8890	Zachary D Erlebach	Manufacturer	1711 Slipstream Way, Caldwell, Idaho, 83605, USA	9/22/2020	Johnson Thermal Systems Inc.		Valid
6082	Sarah Lynn Morey	Manufacturer	11280 W. Adonis Rd., Marana, Arizona, 85658, USA	4/2/1991	Eastern Style Builders Inc.	ESB Design + Build	Valid
8845	Jeffrey V Burt	Manufacturer	4801 Mark IV Parkway, Fort Worth, Texas, 76106, USA	2/4/2020	Legacy Housing Corporation	Legacy Housing Corporation Tex Corporation (FN)	Valid
8866		Manufacturer	6900 Elm St., Commerce City, Colorado, 80022, USA	6/2/2020	Joaquin Mfg. Corp.		Valid
8839	Robin A Duer	Manufacturer	14219 Smokey Point Blvd., Marysville, Washington, 98271, USA	1/22/2020	Whitley Evergreen Inc.		Valid
8511	Jack T Piper	Manufacturer	3201 E. Industrial Dr., Iron Mountain, Michigan, 49801, USA	4/17/2012	Northern Star Industries Inc.	Systems Control	Valid
8832	Anthony W McIntosh	Manufacturer	2300 S. 51st St., Milwaukee, Wisconsin, 53219, USA	11/13/2019	BHP Inc.	Global Power Components Inc. (FN)	
8850	Joel Raygoza	Manufacturer	195 E. Morgan St., Perris, California, 92571, USA	2/6/2020	Williams Scotsman Inc.-8850		Valid
8820	James P Green	Manufacturer	8701 Harmon Rd., Ft. Worth, Texas, 76177, USA	8/13/2019	Southern Energy Homes Inc.	SE of Texas	Valid
8817	Eric M Fletemeyer	Manufacturer	6901 W. Bowman Roberts Rd., Fort Worth, Texas, 76179, USA	7/12/2019	Palm Harbor Homes Inc., A Corporation of Delaware (FN)		Valid
8810	Michael V Effing	Manufacturer	6893 N. DeChelly Loop, Tucson, Arizona, 85741, USA	5/22/2019	Space Development Inc.		Valid
8782	Cynthia L Glasgow	Manufacturer	1919 W. Polymer Dr., Chattanooga, Tennessee, 37421, USA	9/20/2018	AIS Enclosure Systems - Chattanooga LLC		Valid
8665	Mark J. Pike	Manufacturer	3454 E. Illini St., Phoenix, Arizona, 85040, USA	9/19/2016	Linked Equipment LLC		Valid
8755	Jeffrey J Glover	Manufacturer	2929 N. Power Road, Suite 101, Mesa, Arizona, 85215, USA	4/30/2018	GDC Enterprise LLC		Valid
8741	Charles E Nunez	Manufacturer	2587 Business Pkwy., Minden, Nevada, 89423, USA	2/6/2018	The Public Restroom Company		Valid
8743	Kenneth E Lavelle	Manufacturer	3100 W. 7th St., Ste. 500, Fort Worth, Texas, 76107, USA	2/26/2018	Powergrid Solutions LLC		Valid

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8702	Adam R Aasen	Manufacturer	27157 470th Ave., Tea, South Dakota, 57064, USA	4/12/2017	Harvard Integrations LP		Valid
8725	Aaron J Ingham	Manufacturer	422 N. Burr Oak Ave., Oregon, Wisconsin, 53575, USA	10/26/2017	Trachte LLC		Valid
8714	Henry Audrell Cowan	Manufacturer	16461 FM 170, Presidio, Texas, 79845, USA	8/17/2017	Elliott Manufactured Homes Inc.		Valid
8657	Jerry J Blevins	Manufacturer	1806 River St., Hwy. 268 West, Wilkesboro, North Carolina, 28697, USA	7/8/2016	US Chemical Storage LLC		Valid
8668	Daniel R Bleak	Manufacturer	4938 S. Pinal Drive, Apache Junction, Arizona, 85120, USA	9/29/2016	American Manufacturing & Building Corporation	All Star Storage Containers	Valid
8656	Christopher S Southerland	Manufacturer	520 Sparta Rd., Belton, Texas, 76513, USA	7/7/2016	CMH Manufacturing Inc.	TRU Belton 1	Valid
8648	Fredrick W Gantz	Manufacturer	5040 NW U.S. Hwy. 24, Topeka, Kansas, 66618, USA	5/24/2016	PTMW Inc.		Valid
8645	Kirk E Mellits	Manufacturer	4201 North Beach Street, Ft Worth, Texas, 76137, USA	5/10/2016	KPS Global LLC		Valid
8643	Troy P Doom	Manufacturer	13901 Sutton Park Dr. S, Building A, Suite 100, Jacksonville Beach, Florida, 32224, USA	4/18/2016	Ice House America LLC		Valid
8604	Curt M Dunker	Manufacturer	505 N. I-35 E, DeSoto, Texas, 75115, USA	4/6/2015	Palomar Modular Buildings LLC		Valid
8584	Johnny D Bledsoe	Manufacturer	131 Ava Drive, Hewitt, Texas, 76643, USA	8/7/2014	Schultz Industries Inc.	Sturdisteel Company	Valid
8539	Willy A Faessler	Manufacturer	83 Eagle Dr., Sanford, Maine, 04073, USA	12/24/2012	Ekto Manufacturing Corp.		Valid
8521	Naim I Siddiqui	Manufacturer	13470 Philadelphia Avenue, Fontana, California, 92337, USA	6/20/2012	Crown Technical Systems Inc.		Valid
8452		Manufacturer	Rt. 62, Eleanor Industrial Park, Eleanor, West Virginia, 25070, USA	8/18/2010	Parkline Inc.		Valid
8419	Robert Loomis	Manufacturer	7007 Jurupa Ave., Riverside, California, 92504, USA	12/15/2009	Fleetwood Homes, Inc		Valid
8438	Michael Dean Young	Manufacturer	6420 W. Allison Rd., Chandler, Arizona, 85226, USA	4/12/2010	Champion Home Builders, Inc		Valid
8403	Robert Charles Fischer	Manufacturer	646 Wallis Concrete Rd., Wallis, Texas, 77485, USA	9/1/2009	Wallis Concrete LLC		Valid
8370	Michael A Ransbottom	Manufacturer	201 W. First St., South Whitley, Indiana, 46787, USA	10/24/2008	Whitley Manufacturing Co. Inc.		Valid
8188	Ralph A Hibberd	Manufacturer	909 N. Wheeling Av., Tulsa, Oklahoma, 74110, USA	6/26/2006	Ventaire LLC	Sagebrush Building Systems	Valid
8110	Richard L Rohn	Manufacturer	1090 Industrial Blvd., Bessemer, Alabama, 35022, USA	6/29/2005	Modular Connections LLC		Valid
8164	Jerry D Arnold	Manufacturer	402 Industrial Park Rd., Duffield, Virginia, 24244, USA	3/13/2006	VFP, Inc.		Valid
8163	Michael W English	Manufacturer	1308 N. Maple St., Centralia, Illinois, 62801, USA	3/9/2006	Engineered Fluid, Inc.		Valid
8073	Ronald R Procnier	Manufacturer	5301 W. Madison St., Phoenix, Arizona, 85043, USA	11/9/2004	Phoenix Modular Inc.		Valid

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8046	Glen R Alessandri	Manufacturer	231 N. Apache Rd., Buckeye, Arizona, 85326-0908, USA	5/13/2004	CMH Manufacturing West Inc.	Clayton Buckeye	Valid
8022	L Jeffrey Severe	Manufacturer	1300 S Litchfield Rd., Bldg. 260, Goodyear, Arizona, 85338, USA	3/17/2004	Cavco Industries Inc.	Cavco Industries Litchfield Division dba Cavco West	Valid
7816	Benjamin Matthew Williams	Manufacturer	5122 North State Rd 39, Laporte, Indiana, 46350, USA	8/13/2002	A & A Sheet Metal Products, Inc	dba Securall	Valid
7805	Steve W Schulte	Manufacturer	1020 Industrial Park Dr, Montgomery City, Missouri, 63361, USA	7/10/2002	Jay Henges Enterprises Inc.	Porta-King Building Systems	Valid
7675	Orval Allison	Manufacturer	306 W. State St, Cassopolis, Michigan, 49031, USA	8/28/2001	Mobile Facility Engineering, Inc		Valid
7361		Manufacturer	5031 Hazel Jones Rd., Bossier City, Louisiana, 71111, USA	11/23/1999	Cellxion, LLC		Valid
8851	Kalyan Ghosh	Manufacturer	6205 S. Arizona Ave., Chandler, Arizona, 85248, USA	2/19/2020	Z-Modular LLC		Valid
6265	Dean R Williams	Manufacturer	1300 Davenport Dr., Minden, Louisiana, 71055, USA	11/10/1992	Fibrebond Corporation		Valid
8910	Robert M Worsley	Manufacturer	1205 E. South Temple, Salt Lake City, Utah, 84103, USA	12/10/2020	ZenniHome LLC		Valid
6995	Damon E Jacobson	Manufacturer	1005 N. 50th St., Phoenix, Arizona, 85008, USA	11/10/1997	Southwest Mobile Storage, Inc.		Valid
6865	Thomas A Duemling	Manufacturer	40961 Production Drive, Harrison Township, Michigan, 48045, USA	1/27/1997	Par-Kut International, Inc.		Valid
6660	Devin D Duvak	Manufacturer	721 N. Burleson Blvd., Burleson, Texas, 76028, USA	10/26/1995	Indicom Buildings Inc.		Valid
6611	Steven R Frey	Manufacturer	1801 Rockdale Industrial Blvd., Conyers, Georgia, 30012, USA	7/7/1995	Frey-Moss Structures Inc.		Valid
6207	James E. Knutson	Manufacturer	855 N. 5th St., Charleston, Illinois, 61920, USA	4/20/1992	Safety Storage, Inc.		Valid