§ 604. Powers of the department. The department shall have the following powers and duties with respect to manufactured housing:

1. To create and maintain a registry accessible to the public which shall include, but not be limited to the following information:
(a) a listing of certified manufacturers, retailers, installers and mechanics of manufactured homes; and
(b) records of all violations issued, disciplinary action taken and penalties paid and levied pursuant to this article;

2. To retain records and all application materials submitted to it;

3. To receive complaints, conduct investigations and establish procedures for the resolution of disputes relating to the construction, installation, or servicing of manufactured homes and to resolve such complaints and disputes pursuant to section six hundred five of this article;

4. To establish administrative procedures for processing applications for certification of persons and business entities required to be certified pursuant to this article; to receive such applications; to approve or disapprove applications for certifications; and to issue certificates;

5. To promulgate rules and regulations relating to the provisions of this article;

6. To conduct adjudicatory hearings, pursuant to the state administrative procedure act to resolve violations of this article and the rules and regulations promulgated thereunder;

7. To suspend and revoke certificates, and impose such other penalties as may be authorized pursuant to this article. The department may revoke or suspend the certification of a person or business entity certified pursuant to this article for a substantial violation of this article, or for a material misstatement in the application for such certification, or if such person or business entity is guilty of fraud or fraudulent

practices, or of dishonest or misleading advertising, or has demonstrated untrustworthiness or incompetency to conduct the certified activity or fails to comply with a decision issued pursuant to section six hundred five of this article;

8. To seek injunctive relief in the supreme court in the county where the complainant resides;

9. To promulgate rules and regulations establishing the standards for certification of manufacturers, retailers, installers and mechanics pursuant to this article. In establishing such standards, the department shall provide for minimum requirements of experience and education as may be necessary to protect the public interest. Such standards shall also include a requirement for initial training of installers and mechanics seeking certification by the department. In establishing standards, the department shall recognize certifications or licenses obtained in other states without requiring additional initial educational testing, provided that the requirements for certification or licensing in such other states are comparable to the requirements for certification in the state of New York and provided further, that the individual or entity seeking certification otherwise meets the qualifications for certification in the state of New York;

10. To promulgate rules and regulations to require bonding, minimum capital requirements or other reasonable methods to ensure that manufacturers, retailers, installers and mechanics are financially responsible to fully comply with this article and have the financial resources to meet their warranty, contractual and other obligations. In connection therewith, the department may require the posting of surety bonds to ensure the satisfactory completion of the installation or service; and

11. a. To promulgate rules and regulations regarding the development and approval of courses and seminars required for original certification and to establish requirements for continuing education for persons certified pursuant to this article. Such regulations shall at a minimum require that certified installers and mechanics attend courses and

seminars relating to the proper methods of installation and servicing manufactured homes not less than once every three years.

b. Instructional services for courses leading to original certification or qualifying for continuing education may be provided either by the department, a private trade association or other entity which has been approved as an instructional provider by the department and has paid the appropriate fee prescribed by rules and regulations promulgated under this section. Approved instructional providers shall be permitted to charge a fee for such services, not to exceed the maximum amount prescribed by the rules and regulations. Persons electing to have the continuing education instructional services provided by the department, shall pay for such services in accordance with fee schedules established by the department.

c. Fees charged by the department for approving or providing instructional services shall be deposited in the department account established pursuant to section six hundred eight of this article.

12. To create and maintain a consumer awareness pamphlet, in conjunction with the advisory council, to include, but not be limited to, detailing the certification process, installer selection rights, the dispute resolution process, the differences between the types of housing, and other consumer protection issues. Such pamphlet shall be available to the public, and published on the department's website.