§ 609. State administrative agency requirements. 1. In carrying out its responsibilities and obligations pursuant to 42 USC 5401, et seq., the department, by authorized representatives, may enter, at reasonable times, any factory, warehouse or establishment in which manufactured housing is manufactured, stored, or held for sale for the purpose of ascertaining whether the requirements of the federal manufactured housing construction and safety standards act, the provisions of this article and the rules of the department are being met. The department's authority to enter and inspect shall be no less than the authority provided in 42 USC 5413.

2. Each manufacturer and retailer of manufactured housing constructed under the federal standards and any other party or entity covered by chapter 10 of title 42 of the United States Code shall be subject to and comply with all applicable provisions of said laws any violation of which shall be deemed a violation of this section.

3. The department by authorized representative, shall have all of the powers granted to the secretary of housing and urban development as provided in chapter 10 of title 42 of the United States Code with respect to the enforcement of manufactured home safety and construction standards promulgated under 42 USC 5403.

4. The department is authorized to impose and collect fees to be paid by manufacturers in amounts adequate to cover the costs of inspections conducted pursuant to the provisions of this article. Such fees shall be deposited in the department account established pursuant to section six hundred eight of this article.

5. (a) A manufacturer or retailer of manufactured housing who violates any of the provisions set forth in this section relating to manufactured housing or rules adopted by the department, including provisions of the New York state uniform fire prevention and building code relating to manufactured housing, is subject to a civil penalty not to exceed the maximum civil penalty established by 24 C.F.R. § 3282.10, as then in effect, for each violation. Each violation constitutes a separate violation with respect to each manufactured housing unit,

except that the maximum civil penalty may not exceed the maximum civil penalty established by 24 C.F.R. § 3282.10, as then in effect, for any related series of violations occurring within one year from the date of the first violation.

(b) An individual or a director, officer, or agent of a corporation or a principal on a business entity who knowingly and willfully violates 42 USC 5409 in a manner which threatens the health or safety of any purchaser shall be fined not more than the maximum criminal penalty established by 24 C.F.R. § 3282.10, as then in effect, or imprisoned not more than one year or both.

(c)(i) The department may enforce the provisions of this article and may impose civil penalties administratively;

(ii) Nothing in this article shall limit the powers and duties of the attorney general, as defined in section sixty-three of this chapter; and

(iii) Nothing in this article shall diminish or limit any other right or cause of action existing under any other provision of law.