

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
CALIFORNIA CODE OF REGULATIONS
TITLE 25, DIVISION 1. HOUSING AND COMMUNITY DEVELOPMENT

Legend:

*Text in single underline reflects proposed new text.

*Text in ~~single-strikeout~~ reflects proposed deleted text.

CHAPTER 3. FACTORY-BUILT HOUSING, MOBILEHOMES AND MANUFACTURED HOMES

SUBCHAPTER 2. MANUFACTURED HOMES, MOBILEHOMES, MULTIFAMILY MANUFACTURED HOMES, COMMERCIAL MODULARS, AND SPECIAL PURPOSE COMMERCIAL MODULARS

ARTICLE 1. Administration

1. Amend Section 4004.

§ 4004. Definitions

Definitions contained in the California Health and Safety Code, Division 13, Part 2, Chapter 1 (commencing with Section 18000) and the following shall govern this subchapter.

(a) Alteration. The conversion, replacement, addition, reconstruction, modification or removal of any equipment or installations which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system or the functioning thereof, of units subject to this subchapter.

(b) Carbon Monoxide Alarm. A device that detects the presence of carbon monoxide (CO) gas and sounds an alarm before dangerous levels of carbon monoxide accumulate.

~~(b)~~(c) Ceiling Height. The clear vertical distance from the finished floor to the finished ceiling.

~~(e)~~(d) Certification or Certified. The approval by the department or a Quality Assurance Agency, of a manufacturer to receive a supply of insignia and a reduced frequency of inspection, subsequent to the manufacturer demonstrating its quality control program which results in the production of units in compliance with applicable provisions of this ~~Chapter~~ subchapter.

~~(d)~~(e) Construction. The same as "Manufacture."

~~(e)~~(f) Design Approval Agency. A third-party entity approved by the department to perform one or both of the following:

(1) Review and approve plans and quality control manuals relating to the manufacture or remanufacture of mobilehomes, multifamily manufactured homes, commercial modulars and special purpose commercial modulars.

(2) Review and approve plans for the design and installation of fire sprinkler systems and ignition resistant construction systems during the manufacture of either manufactured homes or multifamily manufactured homes with two (2) dwelling units.

~~(f)~~(g) Dormitory. A room occupied or intended to be occupied by more than two (2) guests.

(h) Dwelling Unit. A single-family manufactured home, mobilehome or each living facility in a multifamily manufactured home intended for human habitation.

(g)(i) Equipment. All materials, appliances, devices, fixtures, fittings or accessories used in the construction, fire safety, plumbing, heat-producing and electrical systems of units subject to this subchapter.

(h)(j) Exit. A continuous and unobstructed means of egress to the exterior of the unit.

(i)(k) Expandable Units. An enclosed room, semi-enclosed room, or roofed porch which expands outward from the basic unit by means of rollers, hinges, or other devices or arrangements, but is designed as a structural portion of the unit and is carried within the unit while traveling on the highway.

(j)(l) Fire-life Safety. The conditions relating to the prevention of fire or for the protection of life and property against fire.

(k)(m) Fire Sprinkler System. An integrated system of piping, connected to a water supply, with listed sprinklers that automatically initiate water discharge over a fire area.

(l)(n) Flame Spread. The propagation of flame over a surface.

(m)(o) Floor Area. The area included within the surrounding exterior walls of a unit or portion thereof, subject to these regulations.

(n)(p) Guest Room. Any room or rooms used, or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

(o)(q) Habitable Room. A room or enclosed floor space arranged for living, eating, food preparation, or sleeping purposes (not including bathrooms, toilet compartments, laundries, pantries, foyers, hallways, and other accessory floor spaces).

(p)(r) HUD Label. A label issued to manufactured homes manufactured on or after June 15, 1976, indicating compliance with Federal Standards and Regulations of the U.S. Department of Housing and Urban Development, pursuant to Title 42-U.S.C. of the United States Code (USC), section 5401, et seq. and Title 24 of the Code of Federal Regulations (24 CFR).

(q)(s) Insignia. A tab or tag issued by the department to indicate compliance, on the date of issue, with the requirements of this subchapter.

(r)(t) Insignia Administrator. A person on the staff of a Quality Assurance Agency designated as responsible for the procurement and administration of insignia and the maintenance of insignia security.

(s)(u) Insignia Security. A system designed for the safekeeping of insignia which accounts for the disposition of each insignia, which ensures the proper entry of information on the insignia in the case of a commercial modular, and which maintains restricted access to the insignia as necessary to eliminate the potential for loss, damage and misappropriation of the insignia.

(t)(v) Installations. All arrangements and methods of construction, fire safety, plumbing, heat-producing and electrical systems used in units subject to this chapter.

(u)(w) Interior Finish. The surface material of walls, fixed or movable partitions, ceilings and other exposed interior surfaces affixed to the unit's structure including any material such as paint or wallpaper and the substrate to which they are applied. Interior finish does not include windows and doors or their frames, skylight, trim, moldings, decorations or furnishings which are not affixed to the unit's structure.

(v)(x) Labeled. Materials, products, or equipment bearing the inspection label of an approved listing agency.

(w)(y) Length. The distance measured from the exterior of the front wall to the exterior of the rear wall of a unit where such walls enclose the living or other interior space,

including expandable rooms, but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments.

~~(x)~~(z) Listed. Equipment, materials, products, or installations included in a list published by an approved listing agency. The listing agency conducts periodic inspections of the production of the listed equipment, materials, or products, and conducts periodic evaluations of the listed installations. The list means that the listed equipment, material, product or installation fulfills one of the following:

(1) Complies with the corresponding appropriate nationally recognized standard and is suitable for the specified purpose.

(2) Has been tested, and found suitable for use in a specified manner.

~~(y)~~(aa) Listing Agency. An independent agency approved by the department, that is in the business of listing and labeling equipment, materials, products, or installations and that maintains a periodic inspection program on current production of listed equipment, materials, or products, or periodic evaluations of listed installations. A listing agency makes available at least annually a published report of listings that includes specific information about the nationally recognized standard with which each item complies and the manner in which the item is safe for use, or information about a listed equipment, material, product, or installation that has been tested and found suitable for use in a specified manner.

~~(z)~~(bb) Loads.

(1) Dead Load is the vertical load due to the weight of all permanent structural and nonstructural components of a unit such as walls, floors, and fixed service equipment.

(2) Live Load. The load superimposed by the use and occupancy of the unit not including the wind load, seismic load or dead load.

(3) Wind Load. The lateral or vertical pressure or uplift on the unit due to wind blowing in any direction.

~~(aa)~~(cc) Manufacture. The manufacture, fabrication, erection or building up of elements of a unit subject to this subchapter including, but not limited to, structural, fire and life safety, mechanical, plumbing and electrical materials and installations.

~~(bb)~~(dd) Manufactured Home. A structure as defined by section 18007 of the Health and Safety Code.

~~(cc)~~(ee) Mobile Food Preparation Unit. A special purpose commercial modular upon which food is cooked, wrapped, packaged, processed, portioned, or any combination thereof, for service, sale or distribution.

~~(dd)~~(ff) Mobilehome. A structure as defined by section 18008 of the Health and Safety Code.

~~(ee)~~(gg) Model. A manufactured home, mobilehome, commercial modular, special purpose commercial modular or multifamily manufactured home of a specific design designated by the manufacturer based on width, type of construction, or room configuration.

~~(ff)~~(hh) Multifamily Manufactured Home. A structure as defined by section 18008.7 of the Health and Safety Code. "Multi-unit manufactured housing" has the same meaning as "multifamily manufactured home", as that term is defined by section 18008.7 of the Health and Safety Code.

~~(gg)~~(ii) Occupancy. The designated purpose for which a unit or part thereof, is used or intended to be used.

~~(hh)~~(jj) Plan. A drawing or set of drawings pertaining to one design for a unit distinguished by size, room configuration or type of construction, or pertaining to one typical system to be used in production models.

~~(ii)~~(kk) Plan Approval. Relates to plans approved by the department or a Design Approval Agency as meeting the requirements of law and this subchapter for one or both of the following:

(1) Manufacture or remanufacture of mobilehomes, multifamily manufactured homes, commercial modulars or special purpose commercial modulars.

(2) Design and installation of fire sprinkler systems in manufactured homes and in multifamily manufactured homes with two (2) dwelling units.

~~(jj)~~(ll) "Professional Engineer." A person engaged in professional practice as defined in Business and Professions Code Section 6701.

~~(kk)~~(mm) Prohibited Sales Notice. A printed notification issued by the department that the unit may not be offered for sale because of violations of the provisions of law or this subchapter.

~~(ll)~~(nn) Quality Assurance Agency. A third-party entity approved by the department to conduct inspections and monitor in-plant quality assurance programs to determine compliance with approved plans, quality control manuals and/or this subchapter during one or any of the following:

(1) Manufacture or remanufacture of mobilehomes, multifamily manufactured homes, commercial modulars or special purpose commercial modulars subject to this subchapter.

(2) Installation of a fire sprinkler system or ignition resistant construction system in a manufactured home or in multifamily manufactured home with two (2) dwelling units.

~~(mm)~~(oo) Quality Assurance and Quality Control. When used in Health and Safety Code Sections 18013.2 and 18020 and this subchapter, shall mean the same.

~~(nn)~~(pp) Quality Assurance Inspector. A person approved by the department and employed by an approved Quality Assurance Agency to conduct inspections and monitor quality assurance programs pursuant to this subchapter.

~~(oo)~~(qq) Quality Control Manual. A manual developed by a manufacturer and approved by the department or a Design Approval Agency, which describes in detail a program of procedures, tests, and inspections to be performed by the manufacturer during the manufacturing process to assure that all materials, systems, equipment and assemblies of a mobilehome, multifamily manufactured home, commercial modular or special purpose commercial modular, comply with approved plans, the Health and Safety Code, Division 13, Part 2, and this subchapter.

~~(pp)~~(rr) Remanufacture. The alteration, conversion, replacement, addition, reconstruction, modification or removal by a mobilehome, multifamily manufactured home, commercial modular, or special purpose commercial modular manufacturer within the manufacturer's facility, of any equipment or installations comprising the structural, fire-life safety, electrical, heat-producing and plumbing systems of an existing structure.

~~(qq)~~(ss) Running Gear. An assembly subsystem consisting of suspension springs, axles, bearings, wheels, hubs, tires, brakes and related hardware for the purposes of transportation and support.

~~(rr)~~(tt) Section. A transportable portion of an entire manufactured home, multifamily manufactured home or commercial modular unit.

~~(ss)~~(uu) Serial Number. An identification number assigned by the manufacturer for the purpose of distinguishing each individual section.

~~(tt)~~(vv) Smoke Detector. An approved device which senses visible or invisible particles of combustion.

~~(uu)~~(ww) Supplier. A person or firm which manufactures or sells equipment, materials and goods used in the manufacture of mobilehomes, multifamily manufactured homes, commercial modulars and special purpose commercial modulars.

~~(vv)~~(xx) Technical Service. Interpretation and clarification by the department of technical data relating to the application of this subchapter.

~~(ww)~~(yy) Testing Agency. An organization that is all of the following:

(1) In the business of testing materials, products, equipment or installations.

(2) Qualified and equipped for such experimental testing.

(3) Not under the jurisdiction or control of any manufacturer or supplier for any affected industry.

(4) Approved by the department pursuant to ~~S~~Section 4006 of this subchapter.

~~(xx)~~(zz) Typical Systems. A design for either a structural, fire-life safety, electrical, mechanical or plumbing system which is designed for use in more than one model.

~~(yy)~~(aaa) Unit. A manufactured home, mobilehome, multifamily manufactured home, commercial modular or special purpose commercial modular.

~~(zz)~~(bbb) Vehicle Identification Number (VIN). A serial number.

~~(aaa)~~(ccc) Wall—Load Bearing. A wall which supports any superimposed load in excess of 100 pounds per lineal foot.

~~(bbb)~~(ddd) Wall—Exterior. A wall or element of a wall which defines the exterior boundaries of a unit.

~~(ccc)~~(eee) Wall—Non-load Bearing. Any wall which is not a load-bearing wall.

Note: Authority cited: Sections 18015, 18015.5, 18020, 18025, 18028, 18029 and 18029.5, Health and Safety Code. Reference: Sections 18007, 18007.7, 18008, 18015, 18015.5, 18020, 18025, 18025.5, 18026, 18028, 18029, 18029.3, 18029.5, 18030 and 18031.5, Health and Safety Code.

2. Amend Article 2.3 Heading

ARTICLE 2.3. ~~Manufactured Home, Mobilehome, Multifamily Manufactured Home and Commercial Modular~~ Ignition Resistant Construction Systems

3. Amend Section 4200.

§ 4200. Application of Design Requirements; Preemption of Local Design and Construction Requirements

(a) This article shall apply to the design, construction and installation of an ignition-resistant construction system, when a manufactured home, ~~mobilehome,~~ multifamily manufactured home, or commercial modular structure, is newly installed in any Fire Hazard Severity Zone within State Responsibility Areas or in any Local Responsibility Area, as defined herein, pursuant to California Code of Regulations, Title 24, Part 2, Chapter 7A.

(b) Except as provided herein, this article preempts all other requirements in any law or ordinance establishing standards for the design and installation of ignition-resistant construction systems on the exterior of a manufactured home, mobilehome, multifamily manufactured home, or commercial modular structures, including but not limited to those requirements of any ordinance or rule adopted by any city, county, city and county, or special district or fire district, except for the following:

(1) Those structures not exempt pursuant to subsection (c) ~~or (d)~~ of this section installed in locally established fire hazard areas other than in areas specified in

~~subdivision subsection~~ (a) of this section shall not be subject to any additional or more restrictive ignition-resistant protection than required by this article.

(2) Ignition-resistant construction standards enacted by local governments that are less restrictive than this article, shall apply only to those structures installed in locally established Wildland-Urban Interface Fire areas. The less restrictive ignition-resistant construction system standards shall be approved by the local enforcement agency and shall be applicable to those structures in the same manner as site-constructed buildings or structures constructed in the same fire hazard area.

(c) This article requires installation of an ignition-resistant construction system ~~or any part thereof, only~~ when a new manufactured home, ~~mobilehome,~~ multifamily manufactured home, or commercial modular ~~not exempt pursuant to this subsection or subsection (d) manufactured on or after September 1, 2008,~~ is installed, or intended to be installed, in a State Responsibility Area or a Local Responsibility Area, ~~on or after September 1, 2008.~~

~~(1) Exception: New manufactured homes manufactured on or after January 1, 2006, and prior to September 1, 2008, for which an application for a permit to install has been submitted prior to December 31, 2010.~~

~~(2) Exception: Used manufactured homes, mobilehomes, multifamily manufactured homes, commercial modular units manufactured before September 1, 2008, are exempt from this subsection and must comply with the requirements of section 4205.~~

~~(3) Exception: Mobilehomes, manufactured homes, multifamily manufactured homes reinstalled on the same mobilehome park lot or parcel.~~

~~(4)(1) Exception: Any new or used commercial modular structure installed in either a State Responsibility Area or Local Responsibility Area for temporary use or occupancy for three years or less, as calculated based upon the date of permit issuance.~~

(d) This article ~~does not shall~~ require the installation of an ignition-resistant construction system or any part thereof, on a used manufactured home, mobilehome, multifamily manufactured home, or commercial modular structure currently located in a State Responsibility Area or a Local Responsibility Area, ~~unless if~~ the structure meets one of the following criteria:

~~(1) it already has an ignition-resistant construction system,~~

~~(2)(1) if it undergoes exterior repair, replacement, or alteration of a component which would be subject to this article, and only the portion undergoing the repair, replacement, or alteration must comply with the provisions of this article;~~

~~(3)(2) if it undergoes conversion from one type of occupancy to another;~~

~~(4) it is intended to be installed or re-installed in a different location, that is in a State Responsibility Area or a Local Responsibility Area.~~

(e) If a used mobilehome or a new or used manufactured home, multifamily manufactured home, or commercial modular is altered to add any or all components of exterior fire protection, and the alteration is intended to create an “ignition-resistant construction system”, the alterations or additions must comply with the provisions of this article.

(f) No municipality shall prohibit the use, occupancy or installation of a commercial modular, manufactured home, mobilehome, or multifamily manufactured home based upon the date the unit was previously certified as complying with the provisions of this article.

Note: Authority cited: Sections 18015, 18020, 18028, 18029 and 18029.5, Health and Safety Code.
Reference: Sections 18015, 18020, 18025, 18029.5, 18030.5 and 18613.4, Health and Safety Code.

4. Amend Section 4204.

§ 4204. Adoption by Reference of the Provisions of the California Code of Regulations, Title 24, Part 2, Chapter 7A

For the purposes of this article, California Code of Regulations, Title 24, Part 2, Chapter 7A, is hereby incorporated by reference and made applicable to mobilehomes, manufactured homes, multifamily manufactured homes, and commercial modulars in accordance with section 4200 of this article, except for the following provisions: Sections 701A.5, 701A.6 and 702A (Fire Protection Plan).

Note: Authority cited: Sections 18015, 18020, 18028, 18029 and 18029.5, Health and Safety Code. Reference: Sections 18015, 18020, 18025, 18028, 18029.5 and 18030.5, Health and Safety Code.

5. Amend Section 4208.

§ 4208. Requirements for the Design Approval of the Plans for Ignition-Resistant Construction System

(a) The following requirements apply to the design review of the design of an ignition-resistant construction system prior to construction of a new manufactured home, multifamily manufactured home or commercial modular within a manufacturing facility:

(1) A Department-approved Design Approval Agency, prior to installation of an ignition-resistant construction system shall review and approve the manufacturer's design for the system.

(2) A Department-approved Design Approval Agency shall provide the manufacturer with a copy of the approved plans for the manufacturer's use prior to the construction of any ignition-resistant construction system, including specifications and procedures for completion of the ignition-resistant construction system at the installation site.

(3) The manufacturer shall use plans approved only by a Department-approved Design Approval Agency for the purpose of construction of any ignition-resistant construction system.

Note: Authority cited: Sections 18015, 18029 and 18029.5, Health and Safety Code. Reference: Sections 18015, 18025, 18029, 18029.5 and 18030.5, Health and Safety Code; and Title 24, CFR Part 23282, Subpart E.

6. Adopt Article Number and Heading.

ARTICLE 2.7. CARBON MONOXIDE ALARM SYSTEMS

7. Adopt Section 4326.

§ 4326. Requirements for Single and Multifamily Manufactured Homes of up to Two Dwelling Units.

The requirements of section R315 of the California Code of Regulations, Title 24, Part 2.5, California Residential Code (CRC), herein incorporated by reference, shall apply to the design, construction and installation of approved carbon monoxide alarms in all of the following:

(1) New manufactured homes or multifamily manufactured homes with two (2) dwelling units manufactured on or after March 1, 2012, containing either a fuel-burning appliance(s) or designed for site-installation of an attached garage.

(2) Existing and used manufactured homes, mobilehomes or multifamily manufactured homes with two (2) dwelling units containing either a fuel-burning appliance(s), attached garage or designed for a site-installed attached garage, effective March 1, 2012.

Note: Authority cited: Sections 18015, 18020, 18025, and 18029, Health and Safety Code. Reference: Sections 18015, 18025, 18028, 18029 and 18030.5, Health and Safety Code.

8. Adopt Section 4328.

§ 4328. Requirements for Multifamily Manufactured Homes of More Than Two Dwelling Units.

The requirements of section 420.4 of the California Code of Regulations, Title 24, Part 2, California Building Code (CBC), herein incorporated by reference, shall apply to the design, construction and installation of approved carbon monoxide alarms in all of the following:

(1) New multifamily manufactured homes with more than two (2) dwelling units manufactured on or after March 1, 2012, containing either a fuel-burning appliance(s) or designed for site-installation of an attached garage.

(2) Existing and used multifamily manufactured homes with more than two (2) dwelling units containing either a fuel-burning appliance(s), attached garage or designed for a site-installed attached garage, effective January 1, 2013.

Note: Authority cited: Sections 18015, 18025, and 18029, Health and Safety Code. Reference: Sections 18015, 18025, 18028, 18029 and 18030.5, Health and Safety Code.