

**NOTICE OF PROPOSED RULEMAKING  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
CALIFORNIA CODE OF REGULATIONS, TITLE 25, DIVISION 1,  
CHAPTER 3, SUBCHAPTER 2**

**NOTICE IS HEREBY GIVEN** that the California Department of Housing and Community Development (HCD) proposes to adopt, amend or repeal regulations administered by its Manufactured Housing Program.

**PUBLIC HEARING**

**HCD HAS NOT SCHEDULED A PUBLIC HEARING ON THIS PROPOSED ACTION.**

However, HCD will hold a hearing if a written request for a public hearing is received from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period, pursuant to Government Code Section 11346.8 prior to adoption.

The public hearing facilities will be accessible to individuals with disabilities. Any additional services required, please notify the contact person named in this notice at least 10 working days prior to the public hearing.

If Paratransit services are needed, please contact them at (916) 429-2744, TDD (916) 429-2568 in Sacramento. Sacramento Regional Transit has public transit available the day of the public hearing. For possible routes contact Sacramento Regional Transit at (916) 321-BUSS (2877); for hearing impaired (916) 483-HEAR (4327), or on-line at [www.sacrt.com](http://www.sacrt.com).

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to HCD. All written comments must be received at HCD's office no later than 5:00 p.m. on **March 5, 2012** in order to be considered.

Written comments may be submitted by regular mail, electronic mail (e-mail), facsimile transmission or hand-delivery as follows:

By mail to: Department of Housing and Community Development  
Division of Codes and Standards  
P. O. Box 31  
Sacramento, CA 95812-0031  
ATTN: Keisha Harris

By e-mail to: [kharris@hcd.ca.gov](mailto:kharris@hcd.ca.gov)

By facsimile to: (916) 327-4712  
ATTN: Keisha Harris

By hand-delivery to: HCD – Headquarters  
1800 3<sup>rd</sup> Street, Room 260  
Sacramento, CA 95811  
ATTN: Keisha Harris or Kevin Cimini

**CONTACT PERSONS**

Questions regarding the substance of this regulatory proposal may be directed to the main contact person: Mr. Kevin Cimini, Supervisor, Manufactured Housing and Factory-Built Housing Programs; E-mail: [kcimini@hcd.ca.gov](mailto:kcimini@hcd.ca.gov); Telephone: (916) 445-3338; Fax: (916) 327-4712

Questions regarding the regulatory process may be directed to back-up contact person: Ms. Keisha Harris, Associate Governmental Program Analyst; E-mail: [kharris@hcd.ca.gov](mailto:kharris@hcd.ca.gov); Telephone: (916) 322-1473; Fax: (916) 327-4712; TDD Phones: 1 (800) 735-2929

## **AUTHORITY AND REFERENCE**

Health and Safety Code (HSC), Division 13, Part 2, commencing with Section 18000 establish requirements for enforcement and standards that guide the MH Program within HCD. HSC Section 18015 grants HCD the authority to promulgate regulations that interpret and make specific the standards relating to the design, construction and sale of new or existing manufactured home (MH), mobilehome, multifamily manufactured home (MFMH), commercial modular (CM) and special purpose commercial modular (SPCM) units manufactured, altered, remanufactured or converted under HCD's jurisdiction. HSC Section 18020 authorizes HCD to enforce the provisions of Part 2 of the HSC, and rules and regulations adopted pursuant to that part except for MH construction standards covered by 42 USC Section 5401 et. seq. of the National Manufactured Housing Construction and Safety Standards Act (NMHCSSA) of 1974. HSC Section 18025 authorizes HCD to adopt regulations that are reasonably consistent with recognized and accepted principles for structural, fire safety, plumbing, heat-producing, and electrical systems and equipment and installations, respectively, to protect the health and safety of the people of California. HSC Section 18029 authorizes HCD to adopt regulations governing the alteration or conversion of fire-life safety systems, installations and equipment in MH, mobilehome, MFMH, CM and SPCM units. HSC Section 18029.5 authorizes HCD to adopt regulations that are reasonably consistent with generally recognized fire protection standards governing conditions relating to the protection of life against fire in MH, mobilehome, MFMH and CM units.

## **INFORMATIVE DIGEST**

### **Summary of Existing Laws**

HSC section 17926 mandates an owner of a dwelling intended for human occupancy install a carbon monoxide device approved by the State Fire Marshal, in each dwelling unit having a fossil fuel burning heater or appliance, fireplace, or an attached garage within applicable time periods as defined within the section. Additionally, number and placement of carbon monoxide devices; failure to comply – terms and conditions; and, enactment of local ordinances are addressed.

HSC section 17926.1 mandates an owner, or, agent of an owner of a dwelling intended for human occupancy that rents or leases a dwelling shall maintain carbon monoxide devices as defined in this section and section 17926.

HSC section 17926.2 allows HCD, in consultation with the State Fire Marshal, to temporarily suspend enforcement of the law for up to six months if it is decided there is not enough carbon monoxide devices available to property owners. Additionally, if building standards relating to carbon monoxide detectors are updated, owners or agents of owners will not be required to install a device meeting the new standards until they make an application for a permit for alteration, repair, or addition to a dwelling unit exceeding one thousand dollars (\$1,000).

The Manufactured Housing Act of 1980, commencing with HSC Section 18000, governs the construction, registration, titling and occupational licensing of MH, MFMH, mobilehomes, CM and SPCM units for sale, rent, lease or use within the State of California.

HSC section 18008.7 defines a “multifamily manufactured home” and requires that “...all provision of law that apply to manufactured homes shall apply equally to multifamily manufactured homes....”

HSC section 18028 directs HCD to adopt regulations for the construction, alteration or conversion of CM and SPCM units based on the current California Code of Regulations (CCR), Title 24, California Building Standards Code (CBSCode). The section also gives HCD the

authority to determine whether the proposed regulations are reasonably necessary to protect the health and safety of the occupants and the public.

HSC section 18029.5 states in-part: “The department may adopt rules and regulations...governing conditions relating to the prevention of fire or for the protection of life and property against fire in manufactured homes, mobilehomes, special purpose commercial coaches... commercial coaches....”

HSC section 18030.5 exempts MH, mobilehome, MFMH, CM and SPCM units from compliance with local ordinances prescribing requirements in conflict with the standards prescribed by Chapter 4 (commencing with Section 18025), of Part 2 of Division 13 of the HSC and adopted regulations.

There is no equivalent mandate in state law for the installation of carbon monoxide (CO) alarm devices in MH, mobilehome and MFMH units.

### **Summary of Existing Regulations**

#### **WUI Requirements**

Uniform statewide preemptive standards were developed to assure owners, occupants and users of MH, mobilehome, MFMH, CM and SPCM units, protection from risks to their health, safety and property. HCD has adopted preemptive WUI, fire sprinkler and smoke detector standards, as well as installation requirements to address the fire-life safety of residents and the public.

#### **CO Devices**

There is no equivalent mandate in State law or regulations for the installation of CO alarm devices in MH, mobilehome and MFMH units.

### **Summary of Effect of Proposed Regulatory Action**

#### **WUI Requirements**

HCD proposes to amend sections 4004, 4200, 4204 and 4208 in CCR, Title 25, Chapter 3, Subchapter 2, Articles 1, Administration and 2.3, Manufactured Home, Mobilehome, Multifamily Manufactured Home and Commercial Modular Ignition Resistant Construction System for dwellings installed in Wildland Urban Interface (WUI) high fire hazard areas.

The proposed amendments will require all *new* MH, mobilehome, MFMH or CM units manufactured after September 1, 2008, to meet the WUI standards, and exempting all used units. Additionally, the mandate that a permit to install was to be obtained prior to December 31, 2010, will be removed.

Existing law provides that HCD's regulations supersede local ordinances that conflict with standards adopted by HCD. In accordance with these laws, the exterior fire resistive construction standards adopted by HCD have statewide application. The preemptive nature of the standards provides all interested parties with construction standards that maintain the integrity of the units and provides consistency throughout the state.

#### **CO Devices**

New Article 2.7 is proposed for adoption pursuant to the Manufactured Housing Act, sections 18000, et seq., of HSC. Regulations adopted pursuant to the Manufactured Housing Act preempt and supersede any ordinance enacted by a local government and shall apply in all areas of the state. California Civil Code section 1102.6(d) was amended to include CO detectors in the disclosure statement for MH and MFMH units, thus requiring the reporting of these devices upon sale.

HSC section 17926 is not in the Manufactured Housing Act and does not apply to MH and MFMH units. However, the Manufactured Housing Act does require HCD to adopt regulations

to ensure the health and safety of California residents and public. Therefore, HCD has determined that these proposed regulations, which require MH and MFMH units to comply with the CO alarm device requirement, are necessary to maintain consistency with the health and safety requirements mandated in all California dwelling units.

Additionally, the sections of CCR, Title 25, affected by this rulemaking, see “Summary of Sections Affected” below, and the specific purpose for each regulatory provision of the proposed regulations are described in the *Initial Statement of Reasons*.

### **Statement Regarding Inconsistency or Incompatibility with Existing State Regulations**

HCD finds that these proposed regulations are not inconsistent or incompatible with existing state regulations.

### **Summary of Sections Affected**

The specific sections of CCR, Title 25, Division 1, Chapter 3, Subchapter 2, to be adopted, amended or repealed by this proposed regulatory action are as follow:

- Amend: Article 1 Section 4004.  
Article 2.3, Sections 4200, 4204 and 4208
- Adopt: Article 2.7 number and heading, Sections 4326 and 4328.

### **COMPARABLE FEDERAL STATUTES OR REGULATIONS**

NONE.

### **POLICY STATEMENT OVERVIEW**

The Manufactured Housing Program within HCD is responsible for adopting and enforcing preemptive state regulations for the construction, alteration, remanufacture, conversion, sale, rent or lease of MH, MFMH, mobilehomes, CM and SPCM units within the State of California. The program staff performs activities on behalf of the U.S. Department of Housing and Urban Development, as a State Administrative Agency. HCD’s mission includes promoting both safety and affordability of housing and related structures in California.

Please see the Economic Impact Analysis below for an explanation of the specific benefits anticipated for the proposed action.

HCD is proposing to amend and adopt regulation sections within CCR, Title 25, Chapter 3, Subchapter 2, Sections 4004 through 4328, not consecutive, related to the Manufactured Housing Act of 1980, HSC Sections 18000 through 18153.

### **DISCLOSURES REGARDING THE PROPOSED ACTION**

HCD has made the following initial determinations:

- Mandate on local agencies and school districts: NONE.
- Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.
- Costs or savings to any state agencies: NONE.
- Other nondiscretionary costs or savings imposed on local agencies: NONE.
- Costs or savings in federal funding to the State: NONE.
- Significant effect on housing costs: NONE.

### **BUSINESS IMPACT STATEMENT**

HCD has made an initial determination that the proposed amendments and adoptions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. In fact,

proposed WUI regulations are a benefit to businesses and manufacturers, as they will be allowed to sell unsold inventory and potentially save the cost of retrofit of \$10,000 to \$15,000 per unit.

### **ECONOMIC IMPACT ANALYSIS**

#### **Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation within California**

HCD has determined that this proposed regulatory action will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

The proposed WUI regulations serve to allow businesses and manufacturers to sell unsold stock without retrofitting. If manufacturers and dealers are not allowed to sell their existing MH units without retrofitting at substantial cost (up to \$15K per unit); this may result in manufacturers and dealers loss in sales and potential loss in jobs.

#### **Health and Welfare Benefits for California Residents, Worker Safety and the State's Environment**

HCD proposes to modify or replace existing regulatory language to provide clear and concise statewide preemptive standards. HCD has determined that implementing these proposed regulations will not only provide the regulated public with improved health and safety due to the use of updated, clear and concise statewide building standards, but will help standardize the building codes used for MH, mobilehome, MFMH and CM units constructed for use in California. The proposed amendments will allow any *new* MH, mobilehome, MFMH and CM units manufactured prior to September 1, 2008, to meet the WUI standards. These units typically meet the roofing and siding requirements of WUI standards, therefore would only need to meet the requirement to move the eave fence.

HCD has determined that these proposed regulations, which require MH and MFMH units to comply with the CO alarm device requirement, are necessary to maintain consistency with the health and safety requirements of all California dwelling units and for the protection of California residents from CO poisoning resulting in death.

HCD has determined that these proposed regulations present no benefits to worker safety or the state's environment.

#### **COST IMPACT ON REPRESENTATIVE PRIVATE PERSON(S) OR BUSINESS(ES)**

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The proposed WUI regulations serve to allow businesses and manufacturers to sell unsold stock.

To meet the minimum installation requirements specified in the proposed CO regulations an individual may expend \$15.00 to \$60.00 for a single-level home; \$30.00 to \$120.00 for a two-level home; or \$60.00 to \$180.00 for a two-level home with a basement. Costs are estimated for one CO alarm device for each dwelling level. CO devices retail for \$15.00 to \$60.00 each, depending on the type of device purchased, and are widely available through numerous retail outlets. Most manufactured home units are single-level, requiring one CO detector.

#### **SMALL BUSINESS IMPACT STATEMENT**

HCD has made a determination that small businesses will not be affected adversely by this regulatory action. In fact, proposed WUI regulations are a benefit to businesses and manufacturers, as they will be allowed to sell unsold stock and potentially save the cost of retrofit of \$10,000 to \$15,000 per unit.

