

Article 2.3 Manufactured Home, Mobilehome, Multifamily Manufactured Home and Commercial Modular Ignition-resistant Construction System

§ 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 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) installed in locally established fire hazard areas other than in areas specified in subdivision (a) 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 manufactured home, mobilehome, multifamily manufactured home, or commercial modular not exempt pursuant to this subsection or subsection (d) 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) Exception: Any 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 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 the structure meets one of the following criteria:

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

(2) 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) 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.

AUTHORITY: 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.

§ 4202. Definitions

The following definitions shall apply to this article:

(a) "Date of manufacture" means the date a manufacturer certifies compliance of the structure by affixing either a federal label or an insignia of approval. The date of manufacture of a manufactured home or multifamily manufactured home is recorded by the manufacturer on a data plate and affixed inside each manufactured home in accordance with federal regulations. The date of manufacture of a commercial modular structure is the date entered by the manufacturer on a unit identification label in accordance with the provisions of Article 1, section 4030 of this subchapter.

(b) "Ignition-resistant construction system" is an exterior fire safety system consisting of ignition-resistant designs, construction and site installation methods and materials that comply with the applicable provisions of Title 24, Part 2, Chapter 7A.

(c) "Local Responsibility Area" is a Local Agency Very-High Fire Hazard Severity Zone established pursuant to Title 24, Part 2, Chapter 7A.

(d) "New manufactured home, mobilehome, multifamily manufactured home or commercial modular" is one that is defined pursuant to California Health and Safety Code, Division 13, Chapter 1, Section 18009, and which has not been delivered to a first purchaser or lessor for purposes other than resale or reletting.

(e) "State Responsibility Area" is a Fire Hazard Severity Zone established pursuant to Title 24, Part 2, Chapter 7A.

(f) "Used" manufactured home, mobilehome, multifamily manufactured home or commercial modular is one that is defined pursuant to California Health and Safety Code, Division 13, Section 18014, and which has either been installed on a foundation system, delivered for installation on a foundation system, or registered and titled with the department, and has been sold or leased to a first purchaser for purposes other than resale or reletting.

(g) "Wildland-Urban Interface Fire Area" is a geographical area identified by the state as a "Fire Hazard Severity Zone", or other areas designated by the enforcing agency to be a significant risk from wildfires, established pursuant to Title 24, Part 2, Chapter 7A.

AUTHORITY: Sections 18015, 18020, 18029 and 18029.5, 18613, Health and Safety Code.
Reference: Sections 18009, 18014, 18015, 18020, 18025, 18029.5 18030.5, and 18551 Health and Safety Code.

§ 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, Title 24, Part 2, Chapter 7A, is hereby incorporated by reference and made applicable to mobilehomes, manufactured homes, multifamily manufactured homes, and commercial modulars except for the following provisions: Sections 701A.3.1, 701A.3.2.4, and 702A (Fire Protection Plan).

AUTHORITY: 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.

§ 4205. Manufactured Homes, Mobilehomes, Multifamily Manufactured Homes, Commercial Modular Roof Coverings

- (a) New and used commercial modular roof systems originally constructed with metal roof coverings are deemed to comply with the provisions of section 4204, and Title 24, Part 2, Chapter 7A, section 704A.1.
- (b) The metal or asphalt roof covering systems installed on new manufactured homes or multifamily manufactured homes in compliance with Title 24, CFR, Part 3280, are deemed to comply with the provisions of section 4204, and Title 24, Part 2, Chapter 7A, section 704A.1, if originally constructed or altered in accordance with section (c).
- (c) Manufactured homes, mobilehomes, multifamily manufactured homes installed or intended to be installed in a State Responsibility Area or a Local Responsibility Area shall be deemed to comply with the purposes of this Article if such units are originally constructed or altered in accordance with both of the following:
 - (1) The unit(s) have an existing asphalt composition roof, or metal roof covering and,
 - (2) The unit(s) comply with the provisions of section 4204 and Title 24, Part 2, Chapter 7A pertaining to attic ventilation, and if altered to eliminate existing under-eave ventilation, the roof shall be reconstructed or altered to maintain a minimum free ventilation area of not less than 1/300 of the attic or roof cavity

floor area. At least 40 percent of the free ventilation area shall be provided by attic ventilation located on the lower area of the roof. The location and spacing of the vent openings and ventilators shall provide cross-ventilation to the entire attic or roof cavity space. Manufactured homes originally constructed with metal roofs without attic ventilation will not require reconstruction or alteration to comply with this paragraph.

- (d) Used manufactured homes, mobilehomes, multifamily manufactured homes, or commercial modulars meeting the requirements of this section shall not be required to bear a label in accordance with section 4214.

Authority: Sections 18015, 18020, Health and Safety Code; Reference Title 24, CFR Part 3280, Sections 18015, 18020, 18025, 18029.5, and 18030.5, Health and Safety Code.

§4206. Sale, Rent or Lease of a Manufactured Home, Mobilehome, Multifamily Manufactured Home, or Commercial Modular

(a) It shall be unlawful for any person to sell, offer for sale, for rent or for lease within this state any mobilehome, manufactured home, multifamily manufactured home, or commercial modular that is not constructed or modified with an ignition-resistant construction system consistent with and when required by this article.

(b) It shall be unlawful for any person to construct, repair, replace, or modify an ignition-resistant construction system on a structure subject to this article unless that person performs the work in a manner consistent with this article.

AUTHORITY: Sections 18015, 18020, 18025, 18029 and 18029.5 Health and Safety Code.
Reference: Sections 18015, 18020, 18025, 18026, 18029, 18029.5, 18035, 18035.2, 18046 18046.1 and 18060.5, Health and Safety Code.

§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.

AUTHORITY: Sections 18015, 18029 and 18029.5., Health and Safety Code. Reference: Sections 18015, 18025, 18029, 18029.5 and 18030.5, Health and Safety Code, Title 24, CFR Part 2382, Subpart E

§ 4210. Requirements for the Inspection Approval of an Ignition-resistant Construction System Within a Factory.

(a) The inspection of the installation of an ignition-resistant construction system on a manufactured home within a manufacturing facility shall be in accordance with the provisions of this subsection.

(1) The manufacturer of the manufactured home shall obtain inspection approval in accordance with this article and federal regulations contained in Title 24 CFR Part 3282, Subpart E, titled "Manufacturer Inspection and Certification Requirements", by its federally approved Primary Inspection Agency.

(2) The manufacturer of the manufactured home shall certify that the ignition-resistant construction system is installed in accordance with the plans approved by the Department-approved Design Approval Agency and document its certification in accordance with Title 25, CCR section 4214.

(b) The following requirements apply to the inspection of any ignition-resistant construction system constructed during the manufacture of a multifamily manufactured home or commercial modular structure:

(1) The manufacturer shall have a Quality Assurance Agency conduct the inspections of the ignition-resistant construction system in accordance with the Design Approval Agency approved plans and this subchapter.

(2) The manufacturer shall certify that the ignition-resistant construction system is installed in accordance with the plans approved by the Design Approval Agency and document its certification in accordance with section 4214.

(c) Following the certification of the ignition-resistant construction system, a copy of the completed certification label shall be provided to the enforcement agency when the manufacturer, licensed dealer, contractor, or owner-builder submits the application for the installation permit, to assist the local building official or appropriate enforcement agency to satisfy the requirements of Sections 701A.3.2.2 and 701A.3.2.3 of Title 24, CCR Part 2, Chapter 7A.

(d) All manufacturers shall provide to the department, by the fifteenth day of each month, one copy of each completed certification label required by section 4214 of this subchapter that was affixed to the structure(s) constructed with an ignition-resistant construction system in the previous month.

AUTHORITY: Sections 18015, 18020, 18029 and 18029.5., Health and Safety Code. Reference: Sections 18015, 18020, 18025, 18029, 18029.5 and 18030.5, Health and Safety Code

§ 4212. Requirements for the Installation of an Ignition-resistant Construction System to Structures not in a Factory.

The following requirements apply to the design and construction approval of an ignition-resistant construction system of a manufactured home, mobilehome, multifamily manufactured home, or commercial modular structure after the structure has left a manufacturing facility:

(a) The person proposing to install an ignition-resistant construction system shall apply to the department for plan review and approval as required by section 4040 and submit the fees as required by section 4044.

(b) Before a system is installed, the department shall review the designs or plans for the ignition-resistant construction system and approve them when determined to comply with the provisions of this article.

(c) An HCD 415 form (Rev 11/2004) application shall be submitted for department review and approval and shall include a minimum of two (2) sets of complete plans for the proposed ignition-resistant construction system.

(d) The department shall provide written inspection approval once the exterior fire-resistant construction system is installed in accordance with the approved plans. When inspection determines the installation is in compliance, a copy of the inspection report shall be provided to the applicant and homeowner at time of inspection by the department in order that the requirements of Sections 701A.3.2.2 and 701A.3.2.3 of Title 24, Part 2, Chapter 7A, may be satisfied by the local building official or appropriate enforcement agency.

(e) Until inspection, the person responsible for the installation shall maintain the ignition-resistant material packaging and installation instructions bearing the manufacturer's label or identifying mark of all materials used during the construction for review by the department representative.

AUTHORITY: Sections 18015, 18029 and 18029.5., Health and Safety Code. Reference: Sections 18015, 18025, 18029, 18029.5 and 18030.5, Health and Safety Code

§ 4214. Ignition-resistant Construction System Certification Label

(a) Either the manufacturer within the manufacturing facility or the person installing the ignition-resistant construction system on a structure not in a factory in accordance with section 4212 shall complete and affix a label that meets all of the following requirements:

(1) It is either printed on paper or scribed, etched or engraved in metal, plastic or of an equivalent material, with lettering at least 10 point font size;

(2) It is at least 8.5 inches by 11 inches in size;

(3) It is affixed on a wall or door surface inside the water heater compartment; or in the case of a commercial modular unit, it may be affixed on an interior wall, within the dropped ceiling cavity, or in another permanent and readily accessible location.

(4) It is positioned in a manner that allows a person to easily read the label;

(5) It is affixed with adhesive or fasteners that discourage the removal of the label;

(6) It is covered or laminated in a permanent manner with a material that will protect the label from damage or deterioration without obscuring the information.

(b) The label shall include all the statements and requested information arranged in substantially the same layout, as shown on the following example:

§ 4216. Maintenance and Repair or Alteration.

(a) Alterations, repairs or replacement in-kind of an existing ignition-resistant construction system or its material shall be in accordance with the provisions of this article.

(b) An alteration of the ignition-resistant construction system includes any of the following activities:

(1) Overlay or replacement of exterior materials;

(2) Replacement of the entire system with a completely new system;

(3) The removal of a portion or an addition to the covering materials of the ignition-resistant construction system, such as a removal of portions of the exterior materials to construct a gable roof, garage, porch, or room addition(s).

(c) The person altering an ignition-resistant construction system shall be either the homeowner or lessor functioning as an owner-builder pursuant to section 7026.12 of the Business and Professions Code or a contractor holding either a valid "B" or "C-47" license issued by the California Contractor's State Licensing Board.

(d) The alteration of an ignition-resistant construction system installed on a manufactured home, mobilehome, multifamily manufactured home or commercial modular is subject to the approval of the plans for the alteration and to an inspection of the completed alteration by a representative of the department, as follows:

(1) Any person proposing to alter the ignition-resistant construction system shall apply for department inspection approval by completion of form HCD MH 415 and submittal to either the department's Northern Area or Southern Area Offices, along with fees as required by section 4044.

(2) The person altering an ignition-resistant construction system shall obtain and pass an inspection of the installation by a representative of the department.

(3) Until inspection, the homeowner or person responsible for the alterations shall maintain the original ignition-resistant materials packaging and installation instructions bearing the manufacturer's label or identifying mark of all material used during the alteration for review by the department representative.

Authority: Sections 18015, 18016, 18025, 18029 and 18029.5, Health and Safety Code.

Reference: Sections 18015, 18016, 18025, 18029, 18029.5 and 18030.5 Health and Safety Code.