

**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 new regulations administered by its Manufactured Housing Program.

**AUTHORITY AND REFERENCE**

Health and Safety Code (HSC) Sections 18000, 18015 and 18031 grant HCD the authority to adopt regulations pertaining to the manufacture and sale or use of manufactured homes, multifamily manufactured homes, mobilehomes, commercial modulars and special purpose commercial modulars within the State of California. Legislation (Chapter 737, Statutes of 2008), effective January 1, 2009, amended HSC Section 18031.7 requiring HCD to promulgate rules and regulations that include standards for water heater seismic bracing, anchoring or strapping. These regulations implement, interpret and make specific HSC Section 18031.7.

**INFORMATIVE DIGEST**

**Summary of Existing Laws**

The Manufactured Housing Act of 1980, commencing with HSC Section 18000, governs the construction, registration and titling and occupational licensing of manufactured homes, multifamily manufactured homes, mobilehomes, commercial modulars and special purpose commercial modulars for sale or use within the State of California.

The HSC, Division 13, Part 3, Chapter 2, Sections 19210 through 19217, contains requirements for new and used site-build residential structures for the seismic bracing of water heaters.

**Summary of Existing Regulations**

The Manufactured Housing Program regulation requirements for the construction, alteration, conversion, sale, rent or lease of manufactured homes, multifamily manufactured homes, mobilehomes, commercial modulars and special purpose commercial modulars are found in California Code of Regulations (CCR), Title 25, Division 1, Chapter 3, Subchapter 2.

**Summary of Effect of Proposed Regulatory Action**

The proposed action will establish requirements and standards for the seismic bracing, anchoring or strapping of storage-type fuel-gas-burning water heater appliances in new, used and existing manufactured homes, multifamily manufactured homes and mobilehomes sold, resold, leased, rented or installed in California. The proposed regulations will eliminate or minimize the threat of fire or explosion to the people of California from gas-fueled water heater appliances, which may overturn or experience damage to the gas or oil supply piping during an earthquake.

Additionally, the sections of CCR, Title 25, affected by this rulemaking (See "Summary of Sections Affected"), and the specific purpose for each requirement of the proposed regulations are described in the *Initial Statement of Reasons*.

**Summary of Sections Affected**

The specific sections of CCR, Title 25, Division 1, Chapter 3, Subchapter 2, to be added by this proposed adoption are a new Article 2.1 and new Sections 4100, 4102 and 4104.

**Comparable Federal Statutes or Regulations**

NONE

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## **Policy Statement Overview**

The Manufactured Housing Program within HCD is responsible for adopting and enforcing preemptive state regulations for the construction, alteration, conversion, sale, rent or lease of manufactured homes, mobilehomes, multifamily manufactured homes within California. The mission of HCD includes promoting both safety and affordability of housing and related structures in California.

HCD is proposing to adopt permanent regulations related to the Manufactured Housing Act of 1980, Sections 18000 through 18153, and specifically Section 18031.7.

## **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 agency: NONE.
- Other non-discretionary costs or savings imposed upon 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 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. However, there exists the need to adopt these regulations to alleviate a potential adverse economic impact on business, should businesses manufacture structures for use in California without a consistent set of requirements applicable statewide. In addition, the proposed regulations protect California businesses against unfair competition from out-of-state manufacturers by requiring the seismic protection for new homes at or before the time of actual installation rather than at the time of sale, which may occur out-of-state.

## **SMALL BUSINESS IMPACT STATEMENT**

Small businesses will be affected by these regulations (See "Cost Impact on Representative Private Person or Business").

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

There will be minimal cost impact to homeowners, dealers and manufacturers of new or used manufactured homes, multifamily manufactured homes and mobilehomes in the form of cost associated with generic materials necessary to comply with the seismic securement of water heaters. Pre-manufactured water heater seismic strapping kits are readily available for purchase at most hardware stores for approximately \$15.00 each, plus labor.

## **ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION**

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- **The creation or elimination of jobs within the State of California.**  
These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.
- **The creation of new businesses or the elimination of existing businesses within the State of California.**  
These regulations will not affect the creation or the elimination of existing business within the State of California.
- **The expansion of businesses currently doing business within the State of California.**

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These regulations will not affect the expansion of businesses currently doing business within the State of California.

### **CONSIDERATION OF ALTERNATIVES**

Throughout the development of this proposed rulemaking, HCD must determine that no alternative will be more effective in carrying out the purpose for which the action is proposed or that no alternative will be as effective as and less burdensome to affected private persons than the proposed action.

During the development of this rulemaking, the following alternatives were determined not to be acceptable and were rejected:

- **New Performance-Based Requirements**

New performance-based requirements for seismic water heater securement, while worthy of consideration, were found not to be acceptable. The requirements may not be equivalent to prescriptive requirements provided in CCR, Title 24, Part 5, California Plumbing Code, causing resistance from contractors, home inspection services and local fire officials, and, as such, do not meet the objective of providing uniform standards for both site-built and manufactured homes, mobilehomes and multifamily manufactured homes. Generally, performance-based regulations require design by a professional engineer and may be unnecessarily more expensive for businesses and consumers.

- **Not Establishing Preemptive Statewide Standards**

Not establishing preemptive statewide standards would not meet HCD's mission of promoting both safe and affordable housing, and would not comply with the statutory mandate.

### **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 this office **no later than 5:00 p.m. on August 24, 2009** 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 Wickham

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

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

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

### **AVAILABILITY OF DOCUMENTS AND CONTACTS**

HCD has prepared an *Initial Statement of Reasons* for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the rulemaking file, including the exact language of the proposed regulations, *Initial Statement of Reasons*, the *Final Statement of Reasons* (when available) and other information, if any, may be obtained upon request from HCD at the following location, mailing address or from the contact person listed below:

Department of Housing and Community Development  
Division of Codes and Standards

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#### **Manufactured Housing**

Department of Housing and Community Development  
Division of Codes and Standards

1800 3<sup>rd</sup> Street, Room 260  
Sacramento, California 95811

P.O. Box 31  
Sacramento, California 95812-0031

In addition, this Notice, the exact language of the proposed regulations and the *Initial Statement of Reasons* may be found on HCD's website at <http://www.hcd.ca.gov/codes/mhp/>.

Questions regarding the substance of this regulatory proposal or the regulatory process may be directed to:

Mr. Richard Weinert, Manufactured Housing Programs Manager  
Telephone: (916) 327-2838, Fax: (916) 327-4712  
E-mail: [rweinert@hcd.ca.gov](mailto:rweinert@hcd.ca.gov)

### **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.

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the 45-day public comment period, HCD may adopt substantially related proposals or may modify the proposals if the modifications are sufficiently related to the original text. The text of any modified proposal, with the exception of minor technical or grammatical changes, will be made available from the contact person(s) designated in this Notice. The modified text will be available for at least a 15-day comment period and mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.