

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

1800 Third Street, Suite 260, P.O. Box 31
Sacramento, CA 95812-0031
From TDD Phones 1 (800) 735-2929
(916) 445-9471 FAX (916) 327-4712
www.hcd.ca.gov



December 29, 2006

INFORMATION BULLETIN 2006-06 (MH)

**TO: City and County Building Officials
Commercial Modular Dealers
Commercial Modular Manufacturers
Department Approved Third Party Agencies
Division Staff**

SUBJECT: COMMERCIAL MODULAR UNITS

This Information Bulletin is intended to reiterate and provide information regarding the State law and preemptive Department of Housing and Community Development (HCD) regulations pertaining to Commercial Modular Units and replaces Information Bulletin MH 98-10 issued November 3, 1998. The applicable provisions of the California Health and Safety Code (HSC) regarding Commercial Modulares can be found at the end of this bulletin. Or, you may visit the California Law website located at <http://www.leginfo.ca.gov/calaw.html> to reference applicable laws.

Commercial modulares have different forms and uses. The traditional and most common commercial modular is designed and used as temporary or auxiliary leased office space that often is relocated and remains on a transportation chassis. Another form of commercial modular is custom-designed for permanent installation on a foundation system as a real property improvement. Single-story and multi-story commercial modular structures are designed and comprised of modular units arriving at the site ready to be erected into position for offices, private schools, restaurants, telecommunication equipment structures, and other commercial uses.

HSC Section 18028 provides that commercial modulares are to be constructed to codes commonly known as "model codes," and also permits HCD to adopt building standard regulations which are located in Title 25, California Code of Regulations (25 CCR) beginning with Section 4350. It also prohibits any local jurisdiction from imposing local requirements on the commercial modular itself when it bears an HCD insignia of approval. Each complying unit is issued an HCD insignia prior to shipment with information relating to the occupancy group; design loads; exiting; and fire safety, electrical, plumbing and mechanical standards.

Local building officials may report defects and apparent violations of the model codes and 25 CCR to HCD. Enforcement of applicable construction codes and standards is accomplished through HCD-approved Design Approval Agencies for plan review and approval, and Quality Assurance Agencies for in-plant inspections.

Regulations governing the design and construction of foundation systems for commercial modulars are contained in 25 CCR, Chapter 2, Section 1333, adopted under authority of HSC Section 18551. These regulations apply throughout the state and permit manufacturers or contractors to obtain an HCD "Standard Plan Approval" (SPA) for foundation systems which must be accepted by local authorities when the SPA design loads and conditions are consistent with those of the locality.

Local authorities permitting the use of commercial modulars may regulate site use, configuration, installation, and utility services and connections of the commercial modular. As noted in Information Bulletin 2002-08 (April 15, 2002), local governments doing the installation permit review must ensure compliance with applicable federal and state disabled access requirements. Local authorities requiring plans and plan checking fees for the purpose of imposing construction requirements for commercial modulars do so in violation of State law.

Local authorities are encouraged to contact the HCD when confronted with problems or questions concerning commercial modulars. Questions regarding the applicable regulations or inspections and insignia may be referred to the Manufactured Housing Program at (916) 445-3338.

Kim Strange
Deputy Director

APPLICABLE PROVISIONS OF CALIFORNIA LAW

The applicable provisions of California Law are contained in the California Health and Safety Code, and include the following:

§ 18001.8. “Commercial modular”

“Commercial modular” means a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes, which is required to be moved under permit, and shall include a trailer coach as defined in Section 635 of the Vehicle Code. “Commercial coach” has the same meaning as “commercial modular” as that term is defined in this section.

§ 18015. Statewide applicability

The provisions of this part apply to all parts of the state and supersede any ordinance enacted by any city, county, or city and county which conflict with the provisions of this part. The department may promulgate regulations to interpret and make specific the provisions of this part relating to construction, titling and registration, occupational licensing, advertising, commercial transactions, and other related or specifically enumerated activities, and, when adopted, these rules and regulations shall apply in all parts of the state. The department may promulgate rules and regulations to interpret and make specific the other provisions of this part and when adopted these rules and regulations shall apply in all parts of the state.

§ 18028. Adoption of regulations for construction of certain vehicles not subject to federal Standards

(a) The department may adopt regulations for the construction of commercial coaches and special purpose commercial coaches, and of manufactured homes and mobilehomes that are not subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. Sec. 5401 et seq.) that it determines are reasonably necessary to protect the health and safety of the occupants and the public.

(b) Requirements for the construction, alteration, or conversion of commercial coaches shall be those contained, with reasonably necessary additions thereto, or deletions therefrom, as adopted by department regulations, in all of the following:

(1) The 1991 Edition of the Uniform Building Code, published by the International Conference of Building Officials.

(2) The 1993 Edition of the National Electrical Code, published by the National Fire Protection Association.

(3) The 1991 Edition of the Uniform Mechanical Code, published jointly by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.

(4) The 1991 Edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials.

(c) The department shall, on or after January 1, 1994, adopt by regulations the most recent editions of the codes specified in subdivision (b) within one year from their publication date, with appropriate additions or deletions. The requirements promulgated by the department pursuant to this section shall only apply to the construction, alteration, and conversion of commercial coaches and not to the use or operation thereof.

(d) No municipality shall prohibit the use of a commercial coach that bears a valid decal and insignia, based on the date the insignia was issued.

§ 18030.5. Compliance with local ordinances

A manufactured home, mobilehome, recreational vehicle, commercial coach, or special purpose commercial coach which meets the standards prescribed by this chapter, and the regulations adopted pursuant thereto, shall not be required to comply with any local ordinances or regulations prescribing requirements in conflict with the standards prescribed in this chapter.