

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

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INFORMATION BULLETIN 2016-02 (MH)

Replaces Information Bulletins 2006-06 (MH) and 2002-08 (MH)

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

FROM: Richard Weinert, Deputy Director
Division of Codes and Standards

SUBJECT: Commercial Modular Units – Building Standards and Ordinances

This Information Bulletin provides information regarding preemptive State law and Department of Housing and Community Development (HCD) regulations as they pertain to commercial modular units. This Information Bulletin replaces Information Bulletins 2006-06 (MH), issued December 29, 2006, and 2002-08 (MH), issued April 15, 2002. The applicable provisions of the California Health and Safety Code (HSC) and California Code of Regulations regarding commercial modulars can be found at the end of this bulletin. You may also visit the California law website, located at <http://leginfo.legislature.ca.gov/faces/codes.xhtml>, and the California regulations website, at www.oal.ca.gov, to reference the applicable laws and regulations, respectively.

Commercial modulars have different forms and uses. The traditional and most common commercial modular is designed and used as temporary or auxiliary leased office space that is often relocated and remains on a transportation chassis. Commercial modulars may also be 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 industrial, professional and commercial uses.

HSC Section 18028 (see Attachment 1), in part, provides the following:

- Authorizes HCD to adopt regulations related to the construction of commercial modulares and special purpose commercial modulares based on Parts 2, 3, 4, 5, 6 and 11 of the California Building Standards Code. These regulations have been adopted in Title 25, California Code of Regulations (25 CCR), Division 1, Chapter 3, beginning with Section 4350. See Information Bulletin 2011-06 (MH), issued October 1, 2011.
- Clarifies that requirements for the construction, alteration or conversion of commercial modulares are those in model codes as amended and adopted by HCD. As of the date of this Information Bulletin release, the 2013 California Building Standards Code is the current effective code. The 2016 California Building Standards Code will be the next triennial updated code and will be effective January 1, 2017.
- Clarifies that a municipality shall not prohibit the use of commercial modulares that bear a valid HCD insignia, based on the date the insignia was issued.

HSC Section 18030.5 (see Attachment 1) prohibits any local jurisdictions from imposing conflicting local ordinances or regulations on commercial modulares or special purpose commercial modulares when they bear an HCD insignia. In accordance with 25 CCR Section 4034.5, commercial modulares are required to bear HCD insignia prior to leaving the manufacturing facility. The insignia includes information relating to the occupancy group, design loads, fire safety, electrical, plumbing and mechanical standards which apply to the commercial modular or special purpose commercial modular.

Enforcement of applicable construction codes and standards is accomplished through an HCD-approved Design Approval Agency (DAA) for plan review and approval, and a Quality Assurance Agency (QAA) for in-plant inspections. However, local building officials may report defects and apparent violations of the California Building Standards Code and 25 CCR to HCD.

Title 25 CCR, Division 1, Chapter 2, Section 1320 (see Attachment 2) clarifies the application of Sections 1333 and 1333.5 as regulations governing the design and construction of foundation systems for commercial modulares. These regulations apply throughout the state and permit manufacturers or contractors to obtain an HCD Standard Plan Approval (SPA) for foundation systems. These applications for SPAs must meet the requirement for foundation systems pursuant to 25 CCR Section 1020.9, which shall be accepted by local authorities when the SPA design loads and conditions are consistent with those of the locality. See HSC Section 18551 for authority.

Since January 1, 1994, the HSC has required commercial modulares, or portions of the interior, to be made accessible to persons with disabilities at the time of construction or alteration of the unit(s). Currently, 25 CCR, Division 1, Chapter 3, Article 3, Section 4353 (see Attachment 3) requires commercial modulares to be designed and constructed in compliance with specified chapters in Title 24, California Code of Regulations, Part 2 California Building Code, including Chapter 11B Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Public Housing.

Therefore, DAAs reviewing/approving plans and QAAs conducting inspections for new or remanufactured units must ensure compliance with applicable provisions of Chapter 11B related to accessibility. This supersedes Information Bulletin 2002-08 (MH) which required compliance with ANSI Standard A117.1 – 1986 Design of Buildings for Access and Use by the Disabled and other prior information bulletins addressing accessibility provisions for commercial modulars.

Alterations, conversions, remanufacturing or changes in occupancy of an existing commercial modular bearing or required to bear an HCD insignia shall be filed with and approved by HCD. Form HCD 415 (permit application) is required to be submitted along with plans (as necessary) and the appropriate fees to one of the HCD Area Offices. Once approved, if there is any change in the commercial modular's occupancy group, design load, or mechanical, electrical, plumbing or fire safety systems, a revised HCD insignia shall be issued with the updated information. Local authorities permitting the use of commercial modulars may regulate site use, configuration, installation, and utility services and connections of the commercial modular.

Any local authority 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 HCD's Manufactured Housing Program at (916) 445-3338 with questions or concerns regarding commercial modulars.

Attachments (3)

Attachment 1

**MANUFACTURED HOUSING ACT OF 1980
HEALTH AND SAFETY CODE, Division 13. HOUSING
Part 2. MANUFACTURED HOUSING**

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

- (a) The department may adopt regulations regarding the construction of commercial modulars and special purpose commercial modulars, other than mobile food facilities subject to Article 11 (commencing with Section 114250) of Chapter 4 of Part 7 of Division 104, and of multifamily manufactured homes, 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 the department 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 modulars shall be those contained, with reasonably necessary additions or deletions, 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)
 - (1) The department shall, on or after January 1, 2008, adopt regulations for the construction, alteration, or conversion of commercial modulars based on Parts 2, 3, 4, 5, 6, and 11 of the California Building Standards Code, as contained in Title 24 of the California Code of Regulations, with appropriate additions, deletions, and other implementing provisions. The regulations adopted under this paragraph shall be placed within Title 25 of the California Code of Regulations.
 - (2) The requirements promulgated by the department pursuant to this section shall apply only to the construction, alteration, and conversion of commercial modulars, and not to the use or operation of commercial modulars.
- (d) A municipality shall not prohibit the use of commercial modulars that bear a valid 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.

Attachment 2

California Code of Regulations, Title 25. Housing and Community Development Division 1. Housing and Community Development Chapter 2. MOBILEHOME PARKS AND INSTALLATIONS Article 7. MH-Unit and Commercial Modular Installations and Facilities

§ 1320. Application and Scope

- (a) The requirements of this article shall apply to the installation of MH-units and shall apply to all parts of the state within and outside of parks.
- (b) Installation provisions that apply to manufactured homes and mobilehomes shall apply equally to multifamily manufactured home installations subject to California Health and Safety Code section 18008.7, this chapter and any other applicable laws or regulations.
- (c) The requirements of this article also apply to any MH-unit reinstallation or any alteration, addition or changes to an original or prior MH-unit installation.
- (d) These installation requirements do not apply to recreational vehicles or to MH-units set up for display on dealer sales lots. However, MH-units displayed as sales models in parks shall comply with the requirements; of this chapter.
- (e) An installation or reinstallation on a different lot pursuant to Health and Safety Code section 18613, shall include the following:
 - (1) (A) A tiedown system consisting of listed tiedown assemblies installed as required by section 1336.2 of this article, or
 - (B) An engineered tiedown system designed by an engineer or architect in compliance with section 1336.3 and installed according to the engineered plans and specifications; and
 - (2) If concrete piers or steel piers are used in the support system for the MH-unit, mechanical connection of the piers to the MH-unit and of the piers to their footing in compliance with the requirements of section 1334.1.
- (f) Existing construction, connections, and installations of MH-units made before the effective date of the requirements of this chapter, may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.
- (g) Sections 1333 and 1333.5 of this article apply to commercial modulars installed on foundation systems and are applicable to all parts of the state both within and outside of parks.
- (h) At the discretion of the local jurisdiction, a commercial modular as defined in Health and Safety Code section 18001.8 that is built upon an attached chassis may be installed using the same support system requirements as an MH-unit.

AUTHORITY:

Note: Authority cited: Sections 18300, 18551, 18613 and 18613.4, Health and Safety Code. Reference: Sections 18008.7, 18045.6, 18551, 18613 and 18613.4, Health and Safety Code.

§ 1333. Foundation Systems

- (a) Pursuant to Health and Safety Code section 18551, the requirements for MH-unit and commercial modular foundation systems are applicable throughout the state.
- (b) The foundation system and the connection of a MH-unit to the foundation system shall be designed to withstand the vertical and lateral forces due to dead load, roof and floor live loads, wind and seismic loads in accordance with the provisions of the California Residential Code and local soil conditions. The roof live load, wind and seismic loads as established for dwellings within specific local areas shall apply.
- (c) The foundation system and the connection of a commercial modular to the foundation system shall be designed to withstand the vertical and lateral forces due to dead load, roof and floor live loads, wind and seismic loads in accordance with the provisions of the California Building Code and local soil conditions. The roof live load, wind and seismic loads as established for permanent buildings within specific local areas shall apply.
- (d) The vertical and lateral load resisting elements shall be sized and located to resist the loads specified in the manufacturer's installation instructions. The manufacturer's installation instructions shall become a part of the foundation system plans. In the absence of the manufacturer's installation instructions, plans and specifications signed by an architect or engineer covering the installation of an individual MH-unit or commercial modular shall be provided to the enforcement agency.
- (e) The foundation system and the connection of the MH-unit or commercial modular to the foundation system shall be capable of withstanding the vertical and lateral loads shown in the manufacturer's installation instructions, or plans and specifications signed by an architect or engineer, including locations where there are concentrated loads.
- (f) When an MH-unit or commercial modular is installed on a foundation system, a foundation system plan shall be provided to the enforcement agency. The manufacturer may provide a foundation system plan in its installation instructions, or a foundation system plan may accompany the installation instructions. Foundation systems may be approved by the enforcement agency or the department. Foundation systems approved by the department shall be accepted by every enforcement agency as approved for the purpose of obtaining a construction permit when the design loads and conditions are consistent for the locality. The department shall require that foundation system plans and supporting data be signed by an architect or engineer.
- (g) Local enforcement agencies shall not require the original signature or stamp of the architect or engineer on a foundation plan approved by the department.
- (h) Foundations for cabanas, porches, and stairways which are accessory to MH-units on foundation systems and foundations for building components shall be subject to approval of the enforcement agency. Porches and stairways which are accessory to commercial modulares on a foundation system shall be subject to approval of the enforcement agency.

- (i) When it is necessary for the department to approve plans or to make investigations of complaints relating to foundation system plans, fees shall be paid in accordance with section 1020.9 of article 1.
- (j) A standard plan approval may be obtained from the department for a plan for MH-unit or commercial modular foundation systems. The requirements for obtaining a standard plan approval are contained in section 1020.9 of article 1.
- (k) Multifamily manufactured homes consisting of three (3) or more dwelling units shall be installed on a foundation system pursuant to Health and Safety Code section 18551(a) or (b).
- (l) In flood hazard areas, foundation systems must be capable of resisting loads associated with flood and wind events or combined wind and flood events, and homes must be anchored to prevent floatation, collapse, or lateral movement.
 - (1) The foundation installation instructions must indicate whether:
 - (A) The foundation specifications have been designed for flood-resistant considerations, and, if so, the conditions of applicability for velocities, depths, or wave action; or
 - (B) The foundation is not designed to address flood loads.
 - (2) This subsection becomes operative August 1, 2013.

AUTHORITY:

Note: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18551 and 18008.7, Health and Safety Code.

§ 1333.5. Utility Connections for Manufactured Homes, Mobilehomes, and Commercial Modulares on Foundation Systems

- (a) When an MH-Unit is installed on a foundation system pursuant to section 18551 of the Health and Safety Code, utility connections shall comply with the requirements of this chapter, or at the discretion of the MH-Unit owner, the connections may be installed as required for permanent residential buildings in compliance with the California Plumbing Code and California Electric Code.
- (b) Whenever a commercial modular is installed, the utility connections shall comply with the California Plumbing Code and the California Electrical Code.
- (c) The testing of MH-Unit utility systems and connections installed on a foundation system shall be performed in accordance with section 1362 of this Article.

AUTHORITY:

Note: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18551, Health and Safety Code.

Attachment 3

**California Code of Regulations, Title 25. Housing and Community Development
Division 1. Housing and Community Development
Chapter 3. Factory–Built Housing, Mobilehomes, and Manufactured Homes
Subchapter 2. Manufactured Homes, Mobilehomes, Multi-Unit Housing,
Commercial Modulares, and Special Purpose Commercial Modulares
Article 3. Commercial Modulares**

§ 4353. Minimum Requirements.

- (a) Materials, products, applications, specifications, equipment and installations comprising the structural system fire-life safety aspects of a commercial modular shall conform with the standards incorporated in the California Code of Regulations, Title 24, Part 2, California Building Code (CBC), Chapter 35 and to the provisions of this article, including standards for listing and labeling, and compliance with manufacturer's installation instructions.
- (b) The structural system, fire-life safety aspects and California Green Building Standards Code (CALGreen) standards of a commercial modular shall be designed, constructed and maintained in compliance with accepted engineering practices, with the provisions of this subarticle and with the California Code of Regulations, Title 24, Part 2, California Building Code (CBC), Chapters 2 through 10, 11B, 12, 14 through 26, 30, 31C and 35, and Title 24, Part 11.
- (c) Commercial modular manufacturing facilities are exempt from mandatory requirements of the California Code of Regulations, Title 24, Part 11, Chapter 5, Sections A5.105, A5.106, A5.401, A5.403, A5.404, A5.405, A5.406, A5.408, A5.409, A5.410, A5.501, A5.502, A5.504, and A5.508.

AUTHORITY:

Note: Authority cited: Sections 18015 and 18029.5, Health and Safety Code. Reference: Sections 18028 and 18029.5, Health and Safety Code