

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS
FACTORY-BUILT HOUSING**

2020 W. El Camino Avenue, Suite 250, Sacramento, CA 95833
P. O. Box 31, Sacramento, CA 95812-0031
(916) 445-3338 / FAX (916) 263-4713
From TDD Phones: 1-800-735-2929
www.hcd.ca.gov



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Information Bulletin 2015-01 (FBH)

TO: Factory-Built Housing Third-Party Quality Assurance Agencies

SUBJECT: Factory-Built Housing - Quality Assurance Agencies/ Quality Assurance Inspectors Reporting and Inspection Standards

This Information Bulletin (IB) is issued to provide an overview of the laws and regulations applicable to quality assurance inspections of Factory-Built Housing (FBH) in manufacturing facilities. The Department of Housing and Community Development's (HCD) authority to approve and oversee Quality Assurance Agencies and their respective Quality Assurance Inspectors can be found in the California Health and Safety Code (HSC) Division 13, Part 6, Sections 19990 and 19991.4 and HCD regulations.

Inspections conducted within a manufacturing facility shall be conducted only by the following persons:

- An HCD approved FBH Quality Assurance Agency (QAA), California Code of Regulations, Title 25 (CCR T25) Section 3031(c)(2)
- An HCD approved FBH Quality Assurance Inspector (QAI) whom has met the requirements found in the CCR T25, Sections 3034(b) and 3035
- HCD, or one of its designated representatives, CCR T25 Section 3031(c)(3)
- By local ordinance, an HCD-approved ¹Local Enforcement Agency (LEA) within the political limits of the LEA's jurisdiction, CCR T25 Section 3031(c)(1)

The reporting requirements for Quality Assurance Agencies and Quality Assurance Inspectors may be found in the CCR T25, Division 1, Chapter 3, Subchapter 1, Article 3, Sections 3034.1 and 3035.1, respectively.

If an HCD-approved FBH Third-party Agency is found to be in violation of HCD conditions of approval, laws, or regulations, HCD may assess administrative penalties in accordance with HSC §19997 as described below.

¹Reference: California Health and Safety Code, Section 19991.1.

§ 19997. Violation as misdemeanor; Punishment

(a) Any person who violates any of the provisions of this part, a building standard published in the State Building Standards Code relating to factory-built housing, or any other rules or regulations adopted pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment not exceeding 30 days, or by both that fine and imprisonment.

(b)(1) For violations of Section 19980, 19991.3, or 19991.4, the department shall assess civil penalties in a range between two hundred fifty dollars (\$250) and two thousand dollars (\$2,000). When determining the amount of the assessed civil penalty, the department shall take into consideration whether one or more of the following or similar circumstances apply:

(A) The citation includes multiple violations.

(B) The cited person has a history of violations of the same or similar provisions of this part and the regulations promulgated under this part.

(C) In the judgment of the department, the person has exhibited bad faith or a conflict of interest.

(D) In the judgment of the department, the violation is serious or harmful.

(E) The citation involves a violation perpetrated against a senior citizen, veteran, or person with disabilities.

(F) There is exculpatory evidence that, in the judgment of the department, is material to the elements of the current violation for which the citation is being issued and is significantly related to the degree of fault.

(2) If a citation lists more than one violation and each of the violations relates to the same manufacturing facility or client, the total penalty assessment in each citation shall not exceed ten thousand dollars (\$10,000).

(3) If a citation lists more than one violation, the amount of assessed civil penalty shall be stated separately for each section violated.

(4) Appeals procedures shall be the same as those provided under subdivisions (c) to (e), inclusive, of Section 18021.7.

(c) Nothing in this section is intended to preclude remedies available under other provisions of law.

Questions or concerns regarding this Information Bulletin may be directed to Cesar Ponce, Codes and Standards Administrator I, at (916) 263-4738 or by email to cesar.ponce@hcd.ca.gov. You may also visit the Factory-Built Housing page at www.hcd.ca.gov/codes/fbh to access the cited statutes and regulations.



Cesar Ponce
Codes and Standards Administrator I

CC: Natalie Munson
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