



FACTORY-BUILT HOUSING HANDBOOK FOR LOCAL ENFORCEMENT AGENCIES, BUILDERS, AND THE GENERAL PUBLIC



**State of California
Business, Consumer Services and Housing Agency
Department of Housing and Community Development
Division of Codes and Standards**

HCD FBH 314 (Rev. 11/20)

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Factory-Built Housing Handbook for Local Enforcement Agencies, Builders, and the General Public

Department of Housing and Community Development



**Gustavo Velasquez, Director
Department of Housing and Community Development (HCD)**

Zack Olmstead, Chief Deputy Director, HCD

**Kyle Krause, Acting Deputy Director
Division of Codes and Standards, HCD**

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Preface

This handbook on factory-built housing (FBH) was prepared and made available to the public by the California Department of Housing and Community Development (HCD), Division of Codes and Standards. This publication is intended to provide information to assist local building officials and the public in their understanding of the manufacture, assembly, installation, post-installation alterations, and code enforcement of factory-built homes and FBH components.

HCD does not advocate the use of FBH dwelling units over any other type of site-constructed housing. The purposes of the FBH Program are to ensure the health and safety of persons using or purchasing factory-built dwellings or building components, and to provide California residents with reduced housing costs through mass production techniques resulting from a factory production environment. The state laws and regulations, reproduced herein, mandate specific requirements for the design, manufacture, design approval, in-plant inspection, assembly and installation of FBH.

The information in this publication is superseded by current FBH laws and regulations. To determine whether new laws or regulations have been enacted or adopted, you may access California's laws at leginfo.legislature.ca.gov and regulations at www.oal.ca.gov.

For a list of Frequently Asked Questions, visit <http://www.hcd.ca.gov/building-standards/manufactured-modular-factory-built/factory-built-housing/docs/HCDFBH315.pdf>.

This publication is available upon request from:

California Department of Housing and Community Development
Division of Codes and Standards
Factory-Built Housing Program
9342 Tech Center Drive, Suite 500
Sacramento, CA 95826
(800) 952-8356

or

view online on the Factory-Built Housing Program website:
www.hcd.ca.gov/building-standards/manufactured-modular-factory-built/factory-built-housing.shtml

Glossary of Acronyms

BCSH	Business, Consumer Services and Housing Agency
CBSC	California Building Standards Code, Title 24, CCR
CCR	California Code of Regulations
DAA	Design Approval Agency
FBH	Factory-Built Housing
HCD	California Department of Housing and Community Development
HUD	U.S. Department of Housing and Urban Development
HSC	California Health and Safety Code
MH	Mobilehome / Manufactured Home
QAA	Quality Assurance Agency

What is Factory-Built Housing?

Factory-built housing (FBH) is a factory constructed version of a site-built residential structure. FBH laws and regulations are intended to help reduce many of the site costs and weather delays associated



with the construction of single-family and multifamily dwellings, dormitories, hotels and motels onsite by allowing mass-production techniques, combined with the benefits of a controlled atmosphere and efficiency of a factory. Once assembled onsite, there is no practical difference between FBH and site-built

residential structures.

FBH products, by definition, may include any residential structures: single or multifamily dwellings, apartments, condominiums, hotels, motels, dormitories, or components¹ of those structures. FBH dwellings must be supported on a foundation designed to comply with [Title 24 of the California Code of Regulations \(CCR\)](#) (also known as the California Building Standards Code) requirements and are under the jurisdiction of the local planning and building departments for installation and assembly of the structure once onsite.

FBH products are not subject to HCD registration or titling requirements as chattel; or subject to sales by a dealer, salesperson, or manufacturer licensed by HCD's Occupational Licensing Program.

California Health and Safety Code (HSC), Division 13, Part 6, beginning with [section 19960](#), governs FBH. [HSC section 19971](#) defines FBH as:

“Factory-built housing” means a residential building, dwelling unit, or an individual dwelling room or combination of rooms thereof, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected

¹ See the definition of “building component” in Health and Safety Code (HSC) section 19967

before installation at the building site without disassembly, damage, or destruction of the part, including units designed for use as part of an institution for resident or patient care, that is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the California Building Standards Code and other regulations adopted by the commission pursuant to [Section 19990](#). Factory-built housing does not include a mobilehome, as defined in [Section 18008](#), a recreational vehicle, as defined in [Section 18010.5](#)², or a commercial modular, as defined in [Section 18012.5](#)³. [Emphasis added.]

FBH are residential structures manufactured wholly or partially offsite, in sections, or building components which are assembled at the installation site to form part of, or most of a completed unit. FBH components may consist of wall, floor or roof panels utilizing rigid foam insulation enclosed by interior and exterior sheathing materials (structural insulated panels); or may be a conventionally framed closed-system wall or roof panel containing the plumbing, electrical, and other systems enclosed within interior and exterior panels. FBH components do not include appliances or equipment such as heaters, stoves, refrigerators or air conditioners, which have been listed and labeled by a nationally recognized testing and listing agency. FBH units and building components are generally assembled in factories located in or outside of California.

FBH laws and regulations require the factory to obtain the services of HCD-approved third-party design approval and inspection approval entities and to document methods of quality control. Manufacturers demonstrate the FBH product compliance to California regulations by the placement of an HCD “Insignia of Approval” on each transportable unit or building component prior to it leaving the factory. Samples of HCD insignia and their use are found in other parts of this handbook.

For a builder to utilize HCD’s preemptive standards, a dwelling must be wholly or in substantial part manufactured at an offsite location as defined in [Title 25, CCR section 3010](#):

“In Substantial Part Manufactured” means a module or major portion of factory-built housing assembled at an offsite location, in such a manner that all portions may not be inspected at the installation site without disassembly or destruction of the part.

“In substantial part manufactured” may consist of the major portions or sub-assemblies of a dwelling such as the kitchens, bathrooms, laundry, and plumbing and mechanical systems, which are manufactured at an offsite location and transported to the site. Such closed system sub-assemblies may then be completed on-site; either attached to an existing dwelling or the bedrooms, living rooms, roofs, and walls.

² This HSC section has been revised. HSC section 18010.5 is now HSC section 18010.

³ This HSC section has been revised. HSC section 18012.5 is now HSC section 18001.8.

FBH products, by definition, do not include “open-framed-type” prefabricated construction due to the fact that it would allow inspection at the building site by the local building department without disassembly.





Where May Factory-Built Housing be Installed?

FBH may be installed where other similar types of dwelling units are zoned. [HSC section 19993](#) allows local governments to exercise specified local land use requirements with respect to FBH, but the Attorney General has ruled that local governments may not require use permits for FBH built in residential areas. **Local requirements imposed on FBH may not differ substantially from requirements imposed on other residential buildings of the same size.**

FBH may also be installed on foundation systems in mobilehome parks if the park was constructed after January 1, 1982, and if a local zoning designation or conditional use permit authorizes the installation of FBH (See [HSC section 18611](#)).

Applicable Laws, Regulations and Construction Standards

Factory-Built Housing Code Matrix

  Laws and Regulations	 Construction Standards (Ref. HSC Section 19990 , Title 25, CCR Section 3070)	 Building Accessibility
<p>Laws: California Health and Safety Code, Division 13, Part 6, section 19960, et seq.</p> <p>Regulations: Title 25, California Code of Regulations, Division 1, Chapter 3, Subchapter 1, section 3000, et seq.</p>	<p>Title 24, California Code of Regulations, California Building Standards Code</p> <p>Part 2 California Building Code Part 2.5 California Residential Code Part 3 California Electrical Code Part 4 California Mechanical Code Part 5 California Plumbing Code Part 6 California Energy Code Part 11 California Green Building Standards Code</p>	<p>Title 24, California Code of Regulations, Part 2 (California Building Code), Chapters 2, 11A⁴ and 11B⁵</p>

⁴ See California Building Code, Chapter 1, Division 1, Section 1.8.2.1.2 and Chapter 11A, Section 1101A for application of these standards for covered multifamily dwelling units.

⁵ See Chapter 11B, as applicable, for public accommodation buildings and public housing.

The regulations address such matters as:

- Requirements for HCD Insignia of Approval, third-party plan review and inspection.
- Fees for HCD Insignia of Approval and services.
- Design and fabrication requirements for FBH.
- Installation plan requirements.
- Jurisdictional delineation for FBH projects.
- Application requirements, qualification criteria, and monitoring of approved city, county and/or third-party agencies providing inspection and design approval services on behalf of HCD.

Full text copies of the laws and regulations (Title 25 only) may be obtained from:

LexisNexis

Telephone: (877) 394-8826

Website: www.lexisnexis.com/bookstore

Online versions may be viewed at:

Laws: leginfo.legislature.ca.gov

Regulations: www.oal.ca.gov

Design Approval, Inspections, and Installation

HCD provides rules and regulations pertaining to third-party plan approval and in-plant inspection procedures for all FBH products intended for sale in California. This includes FBH products manufactured out-of-state and intended for sale in California (See [HSC section 19985](#) for exception).



Construction Standards

The design and construction of FBH products are subject to the most current and applicable California Building Standards Code (CBSC), the same as all site-built residential occupancies in California ([Title 25, CCR section 3070](#)).

Plan Approvals

Plan approval is required for every model or design of FBH and building component that is designated for sale in California ([Title 25, CCR section 3020](#)). Design approval is performed by a third-party Design Approval Agency (DAA) certified and monitored by HCD. The DAA reviews the FBH designs and supporting calculations to ensure compliance with the requirements of the CBSC and the FBH regulations contained in Title 25, CCR, Division 1, Chapter 3, [Subchapter 1](#). Approved designs must also provide a document describing in detail all of the installation and assembly methods required onsite in order to clarify the onsite inspection responsibilities of the local building departments. It is suggested that the manufacturer provide a “Pre-Construction Disclosure Document”, such as the one found on page 9 of this handbook, to assist local officials with plan review and inspection.

FBH design and approval by HCD third-party agencies typically consists of the factory-constructed structure only, but may also include the foundation, and other site-installed elements, if noted and approved by the DAA on the approved set of plans. Additionally, as permitted by [HSC section 19993](#), local ordinances addressing local use zone requirements, local snow load requirements, local wind pressure requirements, local fire zones, building setback, side and rear yard requirements, site development and property line requirements, as well as the review and regulation of architectural and aesthetic requirements apply to the FBH design. If the entire structure is submitted for approval, the DAA may plan check and evaluate all related building systems, i.e., wall, floor, foundation, roof (truss), plumbing, electrical, and mechanical, including all site-installed elements, preempting local plan review. The DAA is required to stamp the approval on each page of the plans reviewed and approved.

If the FBH design submitted for review consists of or comprises only a portion of the entire dwelling, the DAA-approved FBH plans must designate and address all transfer of the design loads to the existing site-built structure and foundation, in order to allow the local building department to complete its approval of the FBH project.

As noted previously, plans must also contain all construction details for the onsite assembly and attachment of the FBH units to the foundation and surrounding structure for use by the local building department in plan review and site inspection. See additional information under “Responsibilities of Local Governments” in this handbook.

In-Plant Inspection

The inspection of FBH manufactured products may be made either by HCD, third-parties approved by HCD, or city or county building departments that are specifically approved by HCD. HCD may certify an FBH Quality Assurance Agency (QAA) or local building department to act on its behalf. These agencies conduct in-plant inspections to monitor the manufacturer's compliance with the approved plans and the applicable [CBSC](#).

City or county building departments (see [HSC section 19991.1](#)) may request a reciprocity agreement with HCD to conduct in-plant inspections of FBH products that are manufactured within the political limits of their jurisdiction. The authority having jurisdiction must first enact an ordinance in this regard, then seek approval from HCD in order for HCD to qualify inspections of FBH in manufacturing facilities located within their political boundaries and jurisdiction.

Assembly and Installation Provisions

FBH units must be assembled onsite in accordance with the approved installation instructions provided to the local building department by the manufacturer. The installation instructions and the plans submitted for the entire project will be made available to the local inspection agency by the FBH manufacturer, general contractor, or owner. The local building department, not HCD, is responsible for inspecting the assembly and installation of FBH units. Some FBH installations may require special inspections, depending upon its design. [HSC section 19992](#) requires the local building department to enforce and inspect the installation of FBH and permits the enactment of an ordinance for any additional fees that may be necessary to cover the cost of any additional inspections required to assure compliance with the FBH installation plans.

Licensing Requirements for the Manufacturing and Sale of FBH

State law does not require FBH manufacturers, dealers, or distributors to obtain an HCD occupational license to construct or sell FBH units in California. Manufacturers must sell FBH units to a licensed contractor for installation. A licensed real estate broker may sell FBH units to the public, same as any site-constructed dwelling. Any person who is licensed by the [Contractors State License Board](#) to construct conventional housing may install FBH units. A general building contractor ("B" license) is required to install FBH units (refer to the laws contained in the [Business and Professions Code, Division 3, Chapter 9](#)). *Note: Once assembled onsite, FBH units are thereafter treated the same as site-built structures for the life of the structure.*

Responsibilities of Local Governments

State laws establish three principal roles for local government:

- Plan review of the portions of the project that are not designated as FBH or have not been approved previously by HCD or an HCD third-party agency.
- Permit issuance and inspection of the installation and assembly of FBH units at the building site.
- The local enforcement agency, by ordinance, may establish an inspection fee for the inspection involved in the installation of the FBH structure.

The city, county, or city and county department having authority for the proposed construction of residential structures within its jurisdiction shall inspect the FBH assembly and installation at the building site in the same manner as it normally would be performed on any other site-constructed residential structure. The local enforcement agency or local inspection agency, as defined in [HSC sections 19975](#) and [19975.1](#), respectively, must:

- Verify the presence of the HCD Insignia of Approval on each FBH unit or building component prior to its installation or assembly on-site. This insignia indicates the FBH or FBH component is deemed to comply with the requirements of all local ordinances that may be applicable to the construction of the housing ([HSC section 19981](#)). *Note: The presence of other listings, approval methods or evaluation service listings are not a substitute for, nor eliminate the need for, an HCD Insignia of Approval. Products not approved by HCD-approved third-party agencies, or not bearing HCD Insignia of Approval, shall not be permitted to be installed.*
- Inspect the installation of FBH units and building components for compliance with the [CBSC](#), as applicable to residential occupancies.
- Inspect alterations to FBH units or building components which are altered after the FBH unit or building component is installed. Any such alterations proposed by the owner or contractor shall be reviewed and approved by the local building department for compliance. HCD does not issue permits or conduct the inspection for alterations made after initial installation of the FBH.



Pursuant to [HSC section 19981](#), the local building department **may not**:

- Require review of any FBH plans (other than local code requirements specified in [HSC section 19993](#)) or charge plan check fees when plans have already been approved by HCD or an HCD-approved third-party DAA.
- Require the alteration of any FBH unit, including any building component system, in order to meet any local code requirements other than those specified in [HSC section 19993](#). *Note: Wildland-Urban Interface standards may be imposed by local governments in accordance with [California Building Code, Chapter 7A](#) or [California Residential Code, commencing with Section R327](#).*

FBH projects differ significantly in terms of building size, lot size, mixture of FBH structures and/or components, and the amount of site-built structures and FBH products. To provide efficient and timely project completion, HCD recommends that activities related to the project be coordinated between all involved parties. HCD recommends that the enclosed Pre-Construction Disclosure be utilized as a reference. This Pre-Construction Disclosure may be used at the FBH project conception.

Pre-Construction Disclosure

Project Name and Location:						
Parties Involved:				Date:		
Plan Review and Permitting	Local Enforcing Agency	HCD/Approved 3rd-Party Agency	Builder	Code Reference	Comments	Not Applicable
FBH compliance with Title 24, CCR Parts 2, 2.5, 3, 4, 5, 6, 11		X		Title 25, CCR §3070		
Local Zone Use Requirements	X			HSC §19993		
Local Snow Load Requirements	X			HSC §19993		
Local Wind Pressure Requirements	X			HSC §19993		
State Fire Zone Requirements	X			HSC §19990		
Local Fire Zone Requirements	X			HSC §19993		
Building Setback Requirements	X			HSC §19993		
Side and Rear Yard Requirements	X			HSC §19993		
Site Development Requirements	X			HSC §19993		
Property Line Requirements	X			HSC §19993		
Architectural and Aesthetic Requirements	X			HSC §19993		
Building Permits			X	Title 25, CCR §3080		
FBH Foundation Plans				Title 25, CCR §3028	Project Specific	
Elevators				Title 25, CCR §3070	Project Specific - OSHA Involvement	
OnSite Inspections	Local Enforcing Agency	HCD-Approved 3rd Party	Builder	Code Reference	Comments	Not Applicable
FBH Assembly Onsite	X			HSC §19992		
Residential Fire Sprinkler Testing	X			HSC §19992		
Grading and Land Clearing	X			HSC §19992		
Landscape Construction	X			HSC §19992		
Architectural	X			HSC §19992		
Demolition	X			HSC §19992		
Elevators	X			HSC §19992	OSHA Involvement	
Underground Utilities	X			HSC §19992		
Onsite Electrical	X			HSC §19992		
Onsite Mechanical	X			HSC §19992		
Onsite Plumbing	X			HSC §19992		
Foundation	X			HSC §19992		
(If fire hazard area) Application of PRC §4291/GC §51182	X			HSC §19992		
HCD/ Third-Party Agency Approved Alternate Construction:						
Required Construction-Related Permits and Variances:						
Project Timeframe:			Applicable CBSC Version (Year):			

The above matrix is an example and should be customized for each project. Additional information may be required for site-built structures.

Factory-Built Housing Insignia of Approval

All FBH units, building components, or systems that are offered for sale within California to first users (meaning a person, firm or corporation who initially installs a factory-built unit, building component or system) shall bear an Insignia of Approval issued by HCD ([HSC section 19980](#)) and affixed by the manufacturer prior to release from the factory. The Insignia of Approval must be placed in a visible location (as indicated on the DAA-approved plans) on the FBH unit or building component pursuant to [Title 25, CCR Section 3028\(f\)](#).

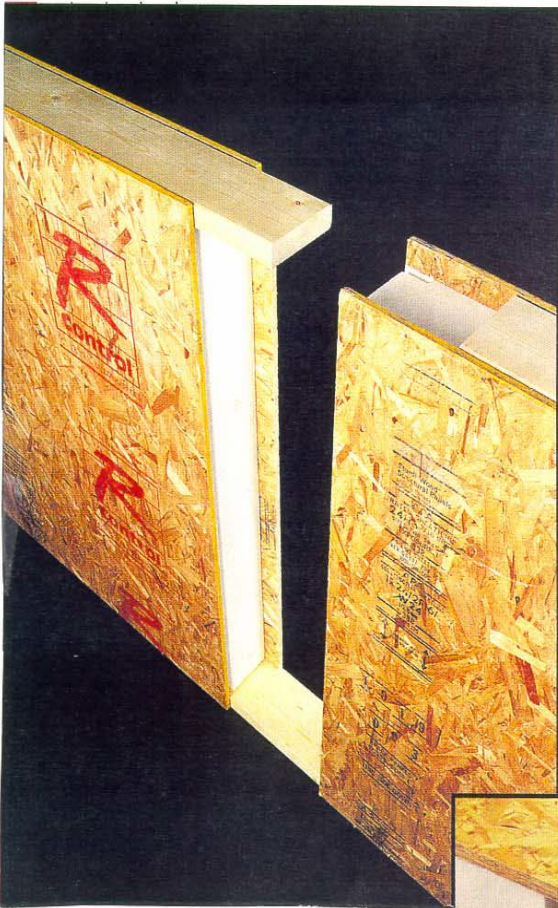
The Insignia of Approval must be affixed to each FBH unit or building component prior to shipment by the manufacturer ([Title 25, CCR section 3039](#)). The Insignia of Approval displayed on the product informs the local building official that the FBH unit or building component was inspected and conforms to California laws and regulations, including the applicable building standards. After acceptance of the FBH unit or building component by the local building department, it is permissible to remove or cover the Insignia of Approval.

Following are pictures of the two types of FBH Insignia of Approval issued by HCD.

ORANGE: The orange FBH insignia is issued for affixing to residential buildings, dwelling units, multifamily dwelling units, individual dwelling rooms or combinations of rooms (such as core units consisting of a kitchen, bathrooms and laundry space) which, when assembled onsite, forms the residential structure in whole or in part.

RED: The red FBH insignia is issued for affixing to building components which, when assembled onsite, form the residential structure in whole or in-part.

Factory-Built Housing Unit Insignia of Approval



Factory-Built Housing Panels



H/CD STATE OF CALIFORNIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS

INSIGNA NO. A 015474

MANUFACTURER: _____

MODEL: _____ UNIT SERIAL NO.: _____

DATE OF MANUFACTURE: _____ PLAN APPROVAL NO.: _____

DESIGN LIVE LOADS: ROOF _____ PSF. SEISMIC ZONE: _____

DESIGN WIND LOAD: _____ MPH. EXPOSURE: _____

THIS UNIT COMPLIES WITH THE CALIFORNIA
FACTORY-BUILT HOUSING LAW



Building Component
Insignia of Approval

Appendix 1

Access current state laws at leginfo.legislature.ca.gov.

FACTORY-BUILT HOUSING LAW **CALIFORNIA HEALTH AND SAFETY CODE DIVISION 13, PART 6**

Chapter 1. GENERAL PROVISIONS AND DEFINITIONS

19960. This part shall be known and may be cited as the "California Factory-Built Housing Law."

19961. The Legislature hereby finds and declares that in an effort to meet the housing needs within the State of California, the private housing and construction industry has developed mass production techniques which can substantially reduce housing construction costs, and that the mass production of housing, consisting primarily of factory manufacture of dwelling units or habitable rooms thereof, presents unique problems with respect to the establishment of uniform health and safety standards and inspection procedures. The Legislature further finds and declares that by minimizing the problems of standards and inspection procedures, it is demonstrating its intention to encourage the reduction of housing construction costs and to make housing and home ownership more feasible for all residents of the state.

Chapter 2. DEFINITIONS

19965. The definitions contained in this chapter govern the construction of this part, unless the context otherwise requires.

19966. "Approved" means conforming to the requirements, and obtaining the approval, of the Department of Housing and Community Development of the State of California.

19967. "Building component" means any subsystem, subassembly, or other system designed for use in, or as part of, a structure, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety. However, "building component" does not include appliances or equipment, such as heaters, stoves, refrigerators, or air conditioners, which have been listed and labeled by an approved testing and listing agency.

19967.1. "Building system" means plans, specifications, and documentation for a system of manufactured building, or for a type or a system of building components, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety, including variations which are submitted as part of the building system.

19967.2. "Building standard" means building standard as defined in Section 18909.

19969. "Department" means the Department of Housing and Community Development of the State of California.

19969.3. "Design approval agency" is a private organization meeting the requirements of department regulations to perform evaluation of factory-built housing plans and specifications.

19970. "Dwelling unit" means one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

19971. "Factory-built housing" means a residential building, dwelling unit, or an individual dwelling room or combination of rooms thereof, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction of the part, including units designed for use as part of an institution for resident or patient care, that is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the California Building Standards Code and other regulations adopted by the commission pursuant to Section 19990. Factory-built housing does not include a mobilehome, as defined in Section 18008, a recreational vehicle, as defined in Section 18010.5⁶, or a commercial modular, as defined in Section 18012.5⁷.

19972. "First user" means the person, firm, or corporation who initially installs factory-built housing within this state. A person who subsequently purchases a building which wholly or partially consists of factory-built housing is not a first user within the meaning of this definition.

19974. "Installation" means the assembly of factory-built housing on site and the process of affixing factory-built housing to land, a foundation, footings or an existing building.

19975. "Local enforcement agency" means the city, county, or city and county in which factory-built housing is installed.

19975.1. "Local inspection agency" means the building department of a city, county, or city and county, which has been certified by the department, and which has assumed responsibility for inspection of in-plant construction as provided by Section 19991.1.

19976. "Manufacture" is the process of making, fabricating, constructing, forming, or assembling a product from raw, unfinished, or semi-finished materials.

⁶ This HSC section has been revised. HSC section 18010.5 is now HSC section 18010.

⁷ This HSC section has been revised. HSC section 18012.5 is now HSC section 18001.8.

19976.05. "Quality assurance agency" means a private organization meeting the requirements specified in regulations of the department to perform in-plant inspections of the construction of factory-built housing.

19976.1. "Residential building" means any structure designed for dwelling occupancy, containing one or more dwelling units and structures accessory thereto.

19977. "Site" is the entire tract, subdivision or parcel of land on which factory-built housing is installed.

Chapter 3. REGULATION

19980. All factory-built housing manufactured after the effective date of the building standards published in the State Building Standards Code and the other regulations adopted pursuant to Chapter 4 (commencing with Section 19990) of this part, which is sold or offered for sale to first users within this state, shall bear insignia of approval issued by the department.

19981. (a) All factory-built housing bearing an insignia of approval pursuant to Section 19980 shall be deemed to comply with the requirements of all ordinances or regulations enacted by any city, city and county, county, or district which may be applicable to the construction of housing. No city, city and county, county, or district shall require submittal of plans for any factory-built housing manufactured, or to be manufactured, pursuant to this part for the purpose of determining compliance with this part or the regulations promulgated thereunder, or for determining compliance with any local construction requirement, except as provided in Section 19993.

(b) No factory-built housing bearing a department insignia of approval pursuant to Section 19980 shall be in any way modified prior to installation unless approval is first obtained from the department.

(c) No factory-built housing shall be in any way modified during installation unless approval for the modification is first obtained from the local enforcement agency.

19982. (a) The department by rule and regulation shall establish a schedule of fees to pay the costs incurred by the department for the work related to the administration and enforcement of this part. Notwithstanding Section 13340 of the Government Code, the fees collected shall be placed in the Mobilehome-Manufactured Home Revolving Fund established by Section 18016.5, and are continuously appropriated to the department for expenditure in carrying out this part.

(b) The total amount of money collected pursuant to this part and contained in the Mobilehome-Manufactured Home Revolving Fund on June 30 of each fiscal year shall not exceed the amount needed for operating expenses for one year for the enforcement of this part. If the total amount of money collected pursuant to this part in the fund exceeds this amount, the department shall make appropriate reductions in the schedule of fees authorized by this section.

19983. Nothing in this part shall be construed to prevent the department from delegating by written contract its enforcement authority to local government agencies or from approving design approval agencies, as provided in Section 19991.3.

19984. All building standards shall be adopted and published in the State Building Standards Code pursuant to Part 2.5 (commencing with Section 18901) of this division, and all other rules and regulations promulgated by the commission under the authority of this part shall be adopted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

19985. If the department determines that standards for the construction of factory-built housing, which have been prescribed by the statutes or rules and regulations of other states, are at least equal to the standards of the State Building Standards Code and the other requirements prescribed by the department, the department may so provide by regulation. Any factory-built housing which a state has approved as meeting its standards for construction shall be deemed to meet the requirements of the department, if the department determines that the standards of that other state are actually being enforced.

Chapter 4. APPLICATION AND SCOPE

19990. (a) Except as provided in Section 18930, the department shall adopt rules and regulations to interpret and make specific this part. The department shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of this division for the purposes described in this section. Standards adopted, amended, or repealed from time to time by the department pursuant to this chapter shall include provisions imposing requirements reasonably consistent with recognized and accepted standards contained in the most recent editions of the following uniform industry codes as adopted or amended from time to time by the organizations specified:

- (1) The Uniform Housing Code of the International Conference of Building Officials.
- (2) The Uniform Building Code of the International Conference of Building Officials.
- (3) The Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials.

(4) The Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.

(5) The National Electrical Code of the National Fire Protection Association.

(b) The department shall require every city and county to file with the department all wind pressure and snow load requirements in effect within their respective jurisdictions if these requirements differ from building standards published in the State Building Standards Code, on or before January 1 of each year. The department shall notify every manufacturer of factory-built housing of these requirements on or before March 1 of each year.

(c) Except as provided in Section 18930, the department shall adopt other rules and regulations as it deems necessary to carry out this part. In promulgating these other rules and regulations the department shall consider any amendments to the uniform codes referred to in this section. In the event of any conflict with respect to factory-built

housing between Part 1.5 (commencing with Section 17910) and this part, the requirements of this part shall control.

19990.6. The provisions of Section 17920.9, the building standards published in the State Building Standards Code relating to foam building systems, and the other rules and regulations adopted pursuant to Section 17920.9, shall be applicable to the sale, offering for sale, or use in the construction of any factory-built housing of any foam building system, and to any factory-built housing in which any such system is used as a component.

19991. The department shall enforce every provision of this part, the building standards published in the State Building Standards Code relating to factory-built housing, and the other regulations adopted pursuant to this part, except as provided in Sections 19991.1, 19991.3, 19991.4, and 19992.

19991.1. The governing body of any city, county, or city and county may by ordinance elect to have its building department assume responsibility, for in-plant inspections of all factory-built housing in all places of manufacture within the political limits of the jurisdiction of such city, county, or city and county. If certified by the department as qualified to perform such inspections, the building department shall be the local inspection agency within the city, county, or city and county. The governing body of any city, county, or city and county having a local inspection agency may, by ordinance, establish a reasonable inspection fee for in-plant inspections to defray the actual cost of inspections.

19991.2. Where there is no certified local inspection agency, the department shall make in-plant inspection of all factory-built housing in all places of manufacture located within the political limits of the jurisdiction in which such manufacturing plants are located.

19991.3. The department shall provide by regulation for qualification and disqualification of design approval agencies to perform approval of factory-built housing plans and specifications, and the approvals of those agencies shall be deemed the equivalent of department approval. The regulations for qualification of design approval agencies shall specifically provide for the absence of any conflict of interest between manufacturers and design approval agencies and for department oversight of design approval agency performance.

19991.4. The department may provide by regulation for the qualification and disqualification of quality assurance agencies to perform inspections of factory-built housing manufacturers. Quality assurance agencies shall act on behalf and subject to the supervision of the department and shall exercise the powers of the department with respect to these inspections, as provided by regulations of the department. These regulations shall specifically provide for the absence of any conflict of interest between manufacturers and quality assurance agencies and for department oversight of the performance quality assurance agencies.

19992. Local enforcement agencies shall enforce and inspect the installation of factory-built housing. The installation of factory-built housing shall be conducted in accordance with the requirements of the building standards published in the State Building Standards Code relating to factory-built housing and the other requirements of Part 1.5 (commencing with Section 17910), subject to the provisions of Section 19990. The local enforcement agency may, by ordinance, establish an inspection fee for the inspection of the installation of factory-built housing.

19993. (a) Local use zone requirements, local snow load requirements, local wind pressure requirements, local fire zones, building setback, side and rear yard requirements, site development and property line requirements, as well as the review and regulation of architectural and aesthetic requirements are hereby specifically and entirely reserved to local jurisdictions notwithstanding any requirement of this part.

(b) Local requirements imposed on factory-built housing pursuant to the authority granted by this section shall not vary substantially from the requirements imposed on other residential buildings of similar size.

Chapter 5. APPEALS

19995. Except as provided in Section 18945, the department shall hear appeals brought by any person regarding the application to such person of any building standard published in the State Building Standards Code relating to factory-built housing or to any other rule or regulation of the department promulgated pursuant to this part. Any such appeals shall first be submitted to the local enforcement agency, if any, delegated by the department to enforce the provisions of this part. The department shall not hear any appeal regarding any local ordinance, rule, or regulation related to the installation of factory-built housing.

19996. The department may promulgate informal hearing rules pertaining to the hearing of appeals under the provisions of this chapter.

Chapter 6. PENALTIES

19997. (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.

Appendix 2

Access current state regulations at www.oal.ca.gov.

FACTORY-BUILT HOUSING REGULATIONS **TITLE 25, CALIFORNIA CODE OF REGULATIONS, DIVISION 1,** **CHAPTER 3, SUBCHAPTER 1**

Article 1. APPLICATION AND SCOPE

3000. The provisions of this subchapter are applicable to all factory–built housing manufactured after the effective date of this subchapter, except as otherwise permitted or required by the Health and Safety Code.

Article 2. DEFINITIONS

3010. The following definitions and those contained in Division 13, Part 6 commencing with Section 19960, Health and Safety Code apply to the provisions of this subchapter.

"Agency, Design Approval" means, in addition to the definition contained in Section 19969.3, Health and Safety Code, a private entity which, as determined pursuant to Sections 3022.1 and 3022.2 is:

- (1) Independent and free from conflict of interest, and has the ability to enforce, and shall enforce, the provisions of this subchapter without an actual or any appearance of a conflict of interest.
- (2) Staffed with qualified personnel who can and shall implement all provisions of this subchapter relating to the evaluation of factory-built housing plans and specifications as demonstrated by compliance with Section 3022.1(a)(3) and (b)(1)-(3).
- (3) Has the authority and the ability to obtain corrections of the detected or reported defects.

"Agency, Listing" means an agency approved by the department which is in the business of listing or labeling and which maintain a periodic inspection program on current production of listed models, and which makes available at least an annual published report of such listing in which specific information is included that the product has been tested to approved standards and found safe for use in a specified manner.

"Agency, Quality Assurance" means an organization which:

- (1) Is in the business of inspecting equipment and systems;
- (2) Conducts a Quality Assurance program;
- (3) Is not under the control or jurisdiction of any manufacturer or supplier for any affected industry except by contract as required and approved by the department;
- (4) Makes available specific information as required by the department;
- (5) Is certified and approved by the department.

"Agency, Testing" means an organization which is:

- (1) In the business of testing equipment and installations;
- (2) Qualified and equipped for experimental testing;
- (3) Not under the jurisdiction or control of any manufacturer or supplier for any affected industry;
- (4) Maintaining at least an annual inspection program of all equipment and installations currently listed or labeled;
- (5) Making available a published directory showing current listings of manufacturer's equipment and installations which have been investigated, certified and found safe for use in a specified manner and which are listed or labeled by the testing agency;
- (6) Approved by the department.

"Field Technical Service" means interpretation and clarification by the department or design approval agency of technical data relating to the application of this subchapter, but not including inspection.

"In Substantial Part Manufactured" means a module or major portion of factory-built housing assembled at an offsite location, in such a manner that all portions may not be inspected at the installation site without disassembly or destruction of the part.

"Insignia of Approval" means a tab or tag issued by the department to indicate compliance with this subchapter.

"Labeled" means equipment bearing an inspection label of an approved testing or listing agency.

"Listed" means all equipment and installations that appear in a list published by an approved testing or listing agency.

"Local Inspection Agency" means a local government building department authorized and approved pursuant to Sections 3036 and 3037.

"Manufacturer" means any person who produces factory-built housing.

"Model" means a specific design of factory-built housing, as designated by the manufacturer, identifiable as such for purposes of plan checking, quality control, quality assurance, in-plant and on-site inspection.

"Modified" means any change from the approved plans or installation instructions which in the opinion of the department, design approval agency or local enforcement agency would affect the structural, mechanical, electrical or plumbing systems of factory-built housing bearing a department insignia of approval.

"Professional Engineer" means an engineer holding a valid certificate under Chapter 7 (commencing with Section 6700) of Division 3, of the Business and Professions Code, in that branch of engineering which is applicable.

"System" is a combination of structural, plumbing, mechanical or electrical elements, components or subassemblies.

Article 3. ADMINISTRATION AND ENFORCEMENT

3020. Every manufacturer of factory-built housing subject to requirements of this subchapter shall obtain plan approval for each model, and shall obtain insignia for each unit manufactured. The manufacturer shall maintain a quality control program, and the units shall be manufactured in accordance with the approved plans and shall be inspected as required by provisions of this subchapter. No factory-built housing bearing a department insignia of approval shall be in any way modified prior to installation unless approval is first obtained from the department or design approval agency.

3020.1. (a) All contracts, and any amendments thereto, executed between a manufacturer and a Design Approval Agency, shall be in writing, and the agency or agencies shall submit a copy of each contract or amendment thereto to the department no later than ten (10) days after the effective date of the contract.

(b) In the event of cancellation of any contract executed between a manufacturer and a Design Approval Agency, the design Approval Agency or Quality Assurance Agency shall notify the department in writing no later than ten (10) days after the cancellation. The written notice shall include an explanation of the circumstances which led to the cancellation by the manufacturer or the Design Approval Agency or Quality Assurance Agency.

3021. Plan approval of each model of factory–built housing shall be contingent upon compliance with the requirements of this subchapter. Violation of any of the provisions of this subchapter or variations from the approved plans shall be cause for revocation of the plan approval by the department or design approval agency.

3022. Any person may request field technical service. Requests for such service shall be submitted to the department in writing, together with required fees as specified in this subchapter. Requests from out-of-state shall be accompanied by a cashier's check or money order payable to the Department of Housing and Community Development.

3022.1. (a) An application for design approval agency certification must be made to the department in writing and such application shall include the following information and documentation:

- (1) An organizational chart of the agency, including reference to any interlocking organizational relationships;
- (2) Personnel resumes;
- (3) Reports and other documentation indicating capability and capacity to carry out design approval activities;
- (4) A statement under penalty of perjury that the agency and its staff have no institutional or contractual relationships with any manufacturer, architect, engineer, or other person or entity which would create the appearance of, or an actual, conflict of interest;

- (5) The applicant's proposed contract and fee schedule; and
 - (6) Documentation necessary to demonstrate the applicant's eligibility to receive public benefits pursuant to chapter 5.5 of this division, beginning with section 5802.
- (b) Reports and other documentation indicating the applicant's capability and capacity to carry out design approval activities shall contain, at a minimum, the following information:
- (1) Availability of licensed engineers and architects and other required professional and support staff adequate to process estimated workload;
 - (2) Prior experience satisfactory to contractors or clients in reviewing and/or preparing plans for factory-built or conventional structures;
 - (3) Description of proposed review process and procedures to ensure design defects are corrected.
- (c) An application for certification shall be accompanied by fees for certification of design approval agencies as set forth in Section 3060.
- (d) The department reserves the right to request additional documentation and information to make the findings necessary for certification.

3022.2. (a) Within 15 days of receiving the application, the department shall review each application for design approval agency certification received pursuant to this subchapter and notify the applicant in writing of either the acceptance of the application for filing, or the rejection of the application due to incompleteness or errors, specifically identifying the incompleteness of errors and what must be done in order to make the application complete and acceptable.

(b) Within 60 days of receiving a completed application, the department will complete its review of the application and shall grant or deny a certification.

(c) Nothing in this section shall be construed as preventing the department from requesting additional information or documentation from an applicant after the receipt of a completed application, or from seeking additional information from other persons or entities regarding the applicant's fitness for certification during the 60-day review period.

3022.3. (a) Upon completion of its review of a completed application, the department shall issue a certification if all of the following conditions have been met.

(1) All of the information required in Section 3022.1 has been provided by the applicant to the department's satisfaction;

(2) The certification fees required by Section 3060 have been paid;

(3) The department is satisfied that there is no actual or apparent conflict of interest between any manufacturer, architect, engineer or other person and the applicant;

(4) The department is satisfied that the applicant's proposed fee structure is not disproportionate with regard to the services to be performed; and

(5) The department is satisfied that the applicant has the capability and capacity to carry out the activities of this subchapter.

(b) The certification of a design approval agency shall expire 36 months from the date the certification was issued. Application for recertification shall be as specified in Section 3022.1.

(c) The department may revoke its certification of a design approval agency for cause. For the purposes of this section, "cause" shall be acts or omissions during the

certification process or subsequent to certification which would have resulted in a denial of certification if such acts or omissions had occurred or existed prior to certification.

(d) A department refusal to issue a certification, or a revocation of certification, shall be subject to an informal administrative appeal before the Director or his or her designee pursuant to Section 3056.

3022.4. (a) Design Approval Agencies shall prepare and maintain written reports of all design approval activities performed pursuant to this subchapter. Each report shall be maintained for a period of three (3) years from the date of the approval by the design approval agency.

(b) Upon approval by the design approval agency of each plan, quality control annual⁸ or amendment thereto, the design approval agency shall submit a report of such approval to the department. The report shall be submitted concurrent with notification of approval to the manufacturer. The report shall list each plan and manual or amendment to such, which were approved. The report shall be on form HCD 309(A), Factory-Built Housing Notification of Plan Approval, dated March, 1989, and provided by the department and shall contain the following information:

- (1) Identification, address and telephone number of the design approval agency.
- (2) The name, address, telephone number and identification number of the manufacturer.
- (3) The assigned plan approval number.
- (4) The date of the approval and signature of the approving officer.
- (5) The expiration date of the approval.
- (6) An indication of the types of units, for which plans are approved.
- (7) The location and telephone number of the manufacturing plant.
- (8) The date of the report.
- (9) The application number and the date it was received.
- (10) The model number for each unit and a description of the work or the change in the work outlined in the plan.

(c) By the fifteenth day of each month and on form HCD-FB 309(C) Factory Built Housing Design Approval Agency Monthly Activity Report, dated December 89 and provided by the department, a Design Approval Agency shall prepare and transmit to the department the following information:

- (1) The Design Approval Agency name, address, agency number and telephone number.
- (2) The reporting month and year.
- (3) The date that the report was prepared.
- (4) The name and identification number of each client manufacturer served in the previous month.
- (5) The total number of plans, plan renewals, plan amendments, manuals and manual amendments approved for each client manufacturer served in the previous month.
- (6) The total number of plans, plan renewals, plan amendments, manuals and manual amendments rejected for each client manufacturer served in the previous month.
- (7) The subtotal(s) of all plans, plan renewals, plan amendments, manuals and manual amendments approved or rejected on page(s) 1 and/or 2.

⁸ Substitute "manual" for "annual"; annual was incorrectly adopted.

(8) The grand total number of all plans, plan renewals, plan amendments, manuals and manual amendments approved or rejected by adding the subtotals on pages 1 and/or 2.

(9) The fees calculated as follows

(A) For plans approved, multiply the total number by the fee specified in section 3060(m).*

(B) For plan renewals approved, multiply the total number by the fee specified in section 3060(m).*

(C) For plan amendments approved, multiply the total number by the fee specified in section 3060(m).*

(D) For manuals approved, multiply the total number by the fee specified in section 3060(m).*

(E) For manual amendments approved, multiply the total number by the fee specified in section 3060(m).*

(10) The total fees attached by adding the fees for plans approved, plan renewals approved, plan amendments approved, manuals approved and manual amendments approved.

(11) The signature and title of the authorized person certifying under penalty of perjury to the accuracy of the information provided.

(12) The date that certification was signed.

(d) The Design Approval Agency shall number the front and back pages on form HCD-FB 309(C) Factory-Built Housing Design Approval Agency Monthly Activity Report, dated December 1989.

(e) Each Design Approval Agency monthly activity report shall be accompanied by a copy of each plan, manual or amendment approved during the previous month and the fee specified by section 3060(m)⁹, for each plan, manual or amendment approved during the reporting month.

3023. (a) A plan approval shall be obtained from the department or a design approval agency for each model of factory-built housing which is subject to this subchapter.

(b) After obtaining plan approval, the manufacturer shall notify the department and the inspection agency in writing when he will commence manufacturing the first units of each approved model.

3024. Application to the department or design approval agency for plan approval shall include the following:

(a) Completed application in duplicate on forms prescribed by the department.

(b) Two complete sets of plans, calculations, and test data when required.

(c) Three sets of quality control manuals or reference to applicable manuals which have previously been submitted and approved for prior models.

(d) When plans are submitted to the department the fees shall be as specified in Section 3060.

(e) If the applicant's manufacturing plan is out-of-state, the application shall include a statement signed by the applicant that he agrees to in-plant inspections and that he will apply for insignia for his factory-built housing pursuant to Section 3054.

⁹ Review Title 25, CCR section 3060 in its entirety.

3025. (a) In the event the application is incomplete or unsuitable for processing, the applicant shall be notified in writing within seven working days of the date it is received by the department or design approval agency. Should the applicant fail to submit a completely corrected application in accordance with the information supplied by the department or design approval agency within 90 calendar days of such notice, the application will be deemed abandoned and all fees submitted will be forfeited to the department or design approval agency. Subsequent submissions shall be treated as a new application.

(b) In the event the plans are incomplete or require corrections, the applicant shall be notified in writing within a median of seven working days of the date the plans are received by the department or design approval agency. Should the applicant fail to submit complete or corrected plans in accordance with the information supplied by the department or design approval agency within 120 calendar days of such notice, the plans will be deemed abandoned and all fees submitted will be forfeited to the department or design approval agency. The 120-day limitation may be extended for cause by the department or design approval agency. For the purposes of this section, "cause" may be demonstrated by actions or omissions beyond the control of the applicant which delay final approval. A request for extension must be initiated by the applicant. Where plans have expired, any resubmittal for plan approval shall be as required for a new application for plan approval.

3026. [Renumbered] Note: Authority cited: Sections 17003.5 and 19990, Health and Safety Code. Reference: Sections 19980 and 19990, Health and Safety Code

3027. If an applicant requests withdrawal of his application for plan approval, he may make written request for refund of unspent fees, except that plan filing fees shall not be refundable

3028. (a) Plans submitted to the department or design approval agency shall indicate every pertinent item necessary for design, assembly and installation. The plans shall include, when applicable, dimensions, framing plans, cross sections, details of connections, material specifications, floor plans, designed room use, exterior wall elevations, general notes, methods of installation, and line diagrams, materials and details of electrical, mechanical and plumbing systems. Design calculations shall be submitted separately from the plan sheets.

(b) Plans shall list all applicable design criteria.

(c) Plan sheets shall not be less than 11" x 17" nor more than 30" x 42". The first sheet shall contain the address of the manufacturer and his manufacturing plant(s). Each sheet shall be numbered and contain the name of the manufacturer, model designation and a blank space in the lower right hand corner for the stamp of approval. The blank space shall not be less than 3 1/2" wide by 5 1/2" high, except it may be a minimum of 3" x 3" for building component and building system plans.

(d) Except for schematic drawings, plans shall be drawn to a scale of not less than 1/8 inch per foot.

(e) When floor plans are applicable, the manufacturer shall identify separate floor plans based on a specific size, room arrangement, method of construction, location or arrangement or size of plumbing, electrical or mechanical equipment. Any variations,

including design loadings shall be shown and properly identified on separate plan sheets.

(f) Plans shall indicate the location on the unit where the department insignia of approval is to be applied.

(g) Plans shall include a resume of what installation work is to be done on-site.

3029. (a) Separate models shall be provided for each type of construction and shall be shown on a separate set of plans.

(b) Each model shall be uniquely designated.

3030. [Repealed] Note: Authority cited: Sections 17003.5 and 19990, Health and Safety Code. Reference: Section 19990, Health and Safety Code

3031. (a) Concurrent with the request for plan approval, the manufacturer shall submit to the department or design approval agency two sets of a manual outlining a program of quality control. The program outlined must meet the standards of this subchapter.

(b) The manufacturer shall maintain records for not less than one year after manufacture to substantiate that each unit has been inspected and complies with the approved plans.

(c) The manufacturer shall have in-plant inspections performed by one of the following agencies to verify that the units have been produced in accordance with the manufacturer's quality control program and comply with the approved plans.

(1) Where there is a local inspection agency certified by the department, it shall perform the required in-plant inspections and enforce compliance with the quality control manual and plans.

(2) Where there is no certified local inspection agency, the manufacturer may contract with a quality assurance agency approved by the department to maintain a quality assurance program. The approved quality assurance agency shall provide a certification that all of the manufacturer's factory-built housing bearing an insignia of the department have been subject to the quality control program and are in compliance with plans as approved by the department or the design approval agency.

(3) Where there is no certified local inspection agency, the manufacturer may have the department perform the required in-plant inspections, with inspection fees to be paid as specified in Section 3061.

(d) When the in-plant inspections are performed by a certified local inspection agency or an approved quality assurance agency, the department shall make periodic inspections to verify that the units have been produced in accordance with the quality control program and comply with the approved plans. Periodic inspection fees shall be paid as specified in Section 3061.

3032. The inspection agency as applicable shall make at least the following inspections:

(a) For at least the first ten units of each model, produced at each manufacturing location, all systems including structural, electrical, mechanical and plumbing shall be inspected.

(b) Following inspection and approval of the first ten units, each system shall be inspected in at least 25 percent of all units produced thereafter, except the inspection

level may be reduced to 10 percent for building components or building systems. The manufacturer shall request written approval from the department before reducing the level of inspection from the initial 100 percent inspection.

(c) The manufacturer may request written approval from the department to further reduce the frequency of inspection for building components, when it can be shown that the nature of the product, its end use, or the manufacturing process warrants a lesser inspection frequency.

3033. (a) The quality control manual shall conform to the following:

(1) Pages of the manual shall be 8 1/2" x 11" in size, consecutively numbered and replaceable.

(2) The manual shall contain an index.

(3) The manual shall identify the company or corporate officer to be responsible for the quality control program.

(4) The manual shall set forth in detail how the manufacturer will maintain his quality control to meet the standards set forth in this subchapter.

(5) The manual shall specify how the units are identified during production for the purposes of inspection relative to the approved plans. The model, floor plan and design loading, as applicable, shall be indicated.

(6) The manual shall specify the procedure for maintaining a record system indicating the type and date of inspections performed on each unit. Copies of the forms to be used shall be included.

(7) The manual shall provide a general outline and/or schematic indicating the sequence of the manufacturing and assembly processes. It shall also indicate the sequence, type, and frequency of the quality control procedures to be instituted.

(8) The manual shall specify the place and method of storage of materials and components, and shall indicate the degree of protection from the weather and the capacity to control such factors as temperature and humidity where required to prevent deterioration of materials.

(9) The manual shall specify the method of storage and support of the completed units at the manufacturing plant and any other location including the site prior to installation.

(10) The manual shall specify the inspection agency performing the in-plant inspections.

(11) If applicable, the manual shall contain either a copy of the contract between the manufacturer and the quality assurance agency, or a signed statement by a responsible officer of the manufacturing company that such an agreement is in force and effect prior to granting of plan approval by the department or design approval agency.

(b) If the in-plant inspections are to be performed by an approved quality assurance agency, the quality control manual shall contain a separate section outlining the quality assurance program to be utilized by the quality assurance agency in carrying out its responsibilities. This section of the manual shall contain at least the following:

(1) A detailed description of how the quality assurance agency will perform the in-plant inspections, including the frequency of the inspections required.

(2) An explanation of how discrepancies noted will be recorded, marked, and how corrections will be obtained.

(3) Details of how inspection reports are to be made to the department, together with samples of forms to be used. All inspection reports shall be submitted to the department at least monthly.

(4) An explanation of how certification of the factory-built housing is to be made, including a sample of the certification document or a facsimile thereof.

(5) Specific designation of the approved quality assurance inspector(s) who is to perform the in-plant inspections. If for any reason a designated quality assurance inspector specified in the quality control manual will no longer be assigned, the department shall be notified within 48 hours of such termination, and a replacement shall be designated.

3034. (a) A quality assurance agency prior to certification by the department shall provide at least the following:

(1) An official request in writing for such certification accompanied by the fee specified in this subchapter.

(2) An organizational chart setting forth its organizational structure, including reference to any interlocking organizational relationships.

(3) Documented evidence substantiating that the agency is in the business of inspecting equipment and systems relating to the manufacture of factory-built housing.

(4) Documented evidence of capability to perform and carry out a quality assurance program.

(5) A statement under penalty of perjury that the agency is not under the control or jurisdiction of any manufacturer or supplier for any industry affected by the California Factory-Built Housing Law except by contract approved by the department.

(6) Documentation necessary to demonstrate the applicant's eligibility to receive public benefits pursuant to chapter 5.5 of this division, beginning with section 5802.

(b) Personnel assigned by the quality assurance agency to make in-plant inspections shall first be certified by the department as a quality assurance inspector.

(c) The department may revoke its certification of a quality assurance agency or its assigned quality assurance inspector for cause. For the purposes of this section, "cause" shall be acts or omissions during the certification process or subsequent to certification which would have resulted in a denial of certification if those acts or omissions occurred or existed prior to certification. A department revocation may be subject to appeal an informal administrative appeal before the director or his or her designee pursuant to Section 3056.

3034.1. (a) Quality Assurance Agencies shall prepare and maintain written reports of all inspection activities performed pursuant to this subchapter.

(b) Each Quality Assurance Agency shall submit a written report to the department, by the fifteenth day of each month. The report shall summarize the inspection activities conducted the previous month for each client manufacturer. The report shall be on form HCD 309(B), Factory-Built Housing Quality Assurance Agency Monthly Report, dated March, 1989, and provided by the department and shall contain the following information:

(1) The name, address and telephone number of the Quality Assurance Agency.

(2) The name, address, telephone number and identification number of the manufacturer.

- (3) The location and telephone number of the manufacturing plant.
 - (4) The date of the report.
 - (5) The month for which inspection activities are being summarized.
 - (6) The number and dates of inspection visits.
 - (7) A brief narrative assessing the adequacy of the manufacturer's quality control program..
 - (8) The signature and title of the officer reviewing the monthly report.
 - (9) The number of units approved for Factory-Built Housing insignia during the month for which inspection activities are being summarized, and the serial numbers of those units.
 - (10) A copy of each quality assurance inspection report prepared pursuant to Section 3035.1 of this subchapter.
- (c) The quality assurance agency shall retain all reports, or copies thereof, required by this subchapter, for a period of three (3) years.
- (d) The quality assurance agency shall notify the department of their discovery of units shipped from the location of manufacture without required inspection or insignia, or otherwise not in compliance with the Factory-Built Housing Law or this subchapter. The notification shall be provided in writing within 24 hours of the discovery.

3035. (a) A quality assurance inspector shall, prior to certification by the department, meet the following requirements:

- (1) An application for certification shall be made on forms obtainable from the department and accompanied by fees as specified in Section 3060. The application shall contain a resume of education and work experience.
 - (2) Inspection personnel designated to perform the in-plant inspections shall be certified by an examination conducted by the department. The examination will consist of a written test based on the Factory-Built Housing Law, the administrative regulations related thereto, and the building systems employed in the construction of factory-built housing. A minimum rating of 70% must be attained.
 - (3) Demonstration of the capability to note construction violations during actual in-plant inspections.
 - (4) Demonstration of eligibility to receive public benefits, pursuant to chapter 5.5 of this division, beginning with section 5802.
- (b) The certification of a quality assurance inspector shall expire 36 months from the date of initial certification. Application for recertification shall be as specified in subsection (a)(1).
- (c) The department may revoke its certification of a quality assurance inspector for cause. "Cause" shall be established upon the findings of acts or omissions subsequent to certification which result in the placing of insignia on units or modules which are not in compliance with this subchapter. A department revocation may be subject to an informal administrative appeal before the Director or his or her designee pursuant to Section 3056.

3035.1. (a) As the representative of the quality assurance agency, the quality assurance inspector shall prepare an inspection report at the end of each inspection visit before leaving the location of the inspection.

(b) A copy of the report shall be provided to the manufacturer before the inspector leaves the location of the inspection and shall include the following information:

(1) The name of the quality assurance agency, the Quality Assurance Inspector, and the manufacturer.

(2) The date of the inspection.

(3) A brief narrative describing the inspection activities, i.e., production, finished units, material storage, test, quality control inspection, etc.

(4) The model number, plan approval number, serial number and type of each unit inspected.

(5) The unit location in the production sequence when inspected, including any finished units bearing insignia.

(6) For each unit inspected or tested, a description of violations observed and action taken to correct the violations and eliminated recurrence.

(7) An order to hold any unit found to be in violation and which could not be brought into compliance during the inspection visit.

(8) A brief narrative summarizing the effectiveness of the manufacturer's quality control program and any requirements for needed improvements.

3036. (a) As set forth in Section 19991.1 of the Health and Safety Code, a city or county building department may assume responsibility for in-plant inspections of factory-built housing, when certified by the department.

(b) In the event the governing body cancels its assumption of responsibility, the department upon receipt of official notice shall assume such responsibility within 30 days.

(c) The local inspection agency shall authorize the manufacturer to affix the department's insignia of approval, when units have been subject to the quality control program and are in compliance with plans as approved by the department.

(d) The local inspection agency shall keep a record of what units have been authorized for the affixing of insignia and shall, each month, make a report of such units to the department.

3037. (a) The governing body electing by ordinance to have its building department assume responsibility for in-plant inspections of factory-built housing shall file a copy of such ordinance with the department.

(b) After 30 days' written notice to the department and when meeting the department's requirements for certification, the governing body and the local inspection agency shall be advised in writing that enforcement responsibility may be commenced.

(c) If the department's certification requirements have not been met by the local inspection agency, the governing body and the local inspection agency shall within a reasonable time be advised in writing by the department. Such notification shall set forth in detail the reasons why certification may not be granted.

(d) The local inspection agency shall designate the person(s) who are to perform the in-plant inspections at each place of manufacture within the political limits of the jurisdiction and provide the department with a resume of each persons education and work experience. If only one person is designated for a particular place of manufacture, the name of a back-up inspector shall be provided. These designations shall be kept current.

(e) Inspection personnel designated to perform the in-plant inspections shall be certified by an examination conducted by the department. The examination will consist of a written test based on the Factory-Built Housing Law, the administrative regulations related thereto, and the building systems employed in the construction of factory-built housing. A minimum rating of 70% must be attained. Inspection personnel shall also demonstrate capability to note construction violations during actual in-plant inspections.

(f) The certification of local inspection agency inspectors shall expire 36 months from the date of initial certification. Application for recertification shall be as specified in subsection (e).

(g) The department may revoke its certification of the local inspection agency or an in-plant inspector for cause. "Cause" shall be established upon the findings of acts or omissions subsequent to certification which result in the placing of insignia on units or modules which are not in compliance with this subchapter. A department revocation may be subject to an informal administrative appeal before the director or his or her designee pursuant to Section 3056.

3038. (a) Each factory-built dwelling, dwelling unit, individual dwelling room or combination thereof shall have attached thereto a permanent unit serial number. The unit serial number shall be visible throughout all phases of construction, including installation at the site.

Unit serial numbers shall consist of at least the following:

(1) Unit serial numbers for factory-built housing consisting of a single unit shall be a single serial number, i.e. 1000.

(2) Unit serial numbers for factory-built housing consisting of two or more units shall, for the purpose of identifying each unit as part of a specific group, conform to the format of:

x-y (z)

where:

x is a serial number common to each unit in the group,

y is a number or letter identifying a specific unit within the group, i.e. 1, 2, 3, or A, B, C, etc.,

z is an optional number denoting the total number of units in the group.

An example of unit serial numbers for factory-built housing consisting of two units would be 1000-1(2) and 1000-2(2).

(b) Building components shall be identified for the purpose of in-plant and on-site inspection.

(c) Units produced within California which are to be sold or offered for sale outside of California shall be identified.

(d) Units produced outside of California, which are to be sold or offered for sale in California by a manufacturer having plan approval issued by the department, shall be specifically identified.

3039. (a) Each factory-built dwelling, dwelling unit, individual dwelling room or combination of rooms thereof, manufactured and shipped or transported separately pursuant to these regulations, shall have an insignia of approval attached thereto prior to shipment from the factory or place of manufacture. The insignia shall be placed in a visible location as shown on the plans and shall contain the following information:

(1) Name of Manufacturer

- (2) Model Designation
- (3) Unit Serial Number
- (4) Plan Approval Number
- (5) Date of Manufacture
- (6) Insignia Serial Number
- (7) Design wind load and exposure, roof live load, and seismic zone.

The insignia shall be purchased from the department and shall be imprinted by the manufacturer with the information required by 2, 3, 4, 5 and 7 above prior to affixing the insignia to the unit.

(b) Each building component manufactured pursuant to this subchapter shall have an insignia of approval attached thereto prior to shipment from the factory or place of manufacture. The insignia shall be placed in a visible location as shown on the plans and shall contain the plan approval number. The insignia shall be purchased from the department and shall be imprinted by the manufacturer with the plan approval number.

(c) Insignia shall remain the property of the department and may be confiscated by the department or inspection agency in the event of violation of the conditions of approval. In such case, no refund of insignia fees shall be made.

3040. Following receipt of plan approval, the manufacturer shall make application for insignia for all factory-built housing manufactured pursuant to this subchapter. Application shall be made on forms provided by the department and shall be submitted in triplicate to the Sacramento Administrative Office accompanied by fees as specified in Section 3060.

3041. Each manufacturer shall maintain a record of the use of insignia and shall report monthly to the department regarding such use and the location of each unit produced pursuant to this subchapter.

3042. A manufacturer may request refund of the fees paid for unused insignia. Such request shall be in writing. The department shall, upon receipt of the insignia, refund the fees paid, less a twenty-five dollar (\$25) handling fee. Fees paid for insignia held longer than two years from date of issuance shall not be subject to refund.

3043. Should inspection reveal that a manufacturer is not manufacturing units according to plans approved by the department or design approval agency, and such manufacturer, after having been served with a notice setting forth in what respect the provisions of the plan approval have been violated, continues to manufacture units in violation of the plan approval, application for new insignia shall be denied by the department and the insignia previously issued for units in violation of the plan approval shall be confiscated by the department. Upon proof of compliance satisfactory to the department or design approval agency such manufacturer may resubmit an application for insignia.

3044. In the event that any unit bearing insignia is found to be in violation of the approved plans, the inspection agency may remove the insignia and shall furnish the manufacturer or first user or both with a written statement of such violations.

The manufacturer or first user or both shall request an inspection from the inspection agency after making corrections to bring the unit into compliance before the department shall issue a replacement insignia.

3045. (a) When an insignia becomes lost or damaged, the department shall be notified in writing by the manufacturer. The manufacturer shall also provide the unit's serial number and when possible the insignia number. All damaged insignia shall be promptly returned to the department. Damaged and lost insignia shall be replaced by the department with a replacement insignia on payment of the replacement insignia fees as specified in Section 3060.

(b) Insignia on which information has been incorrectly imprinted may be returned for replacement subject to the replacement insignia fees as specified in Section 3060.

3046. The quality control manual must be approved by the department or design approval agency prior to issuance of plan approval. The approval of the plans and quality control manual shall be evidenced by the stamp of approval of the department or the design approval agency. Approved copies of each shall be returned to the manufacturer and shall be kept at each place of manufacture and made available to department representatives, the design approval agency, the local inspection agency, or representatives of the quality assurance agency. No changes, additions, or deletions to the approved plans and quality control manual shall be acceptable without prior written approval of the department or the design approval agency.

3047. When the manufacturer proposes to change the approved plans or quality control manual, two sets of the revised plans or quality control manual shall be submitted to the department or design approval agency for approval.

The submission shall be accompanied by an application made in duplicate on forms prescribed by the department. Where the department is the enforcement agency fees shall be as specified in Section 3060. The application shall contain a narrative description of the proposed change.

3048. Plan approvals shall expire 36 months from the date of approval by the department or design approval agency. Application for plan approval renewal shall be made in duplicate on forms prescribed by the department together with two sets of plans, calculations, quality control manuals, and test data when required. Where the department is the enforcement agency fees shall be as set forth in Section 3060.

3049. When amendments to this subchapter require changes to an approved plan or quality control manual, the department or design approval agency shall notify the manufacturer of these amendments and shall allow the manufacturer 60 days from the date of such notification, or such additional time as the department or design approval agency deems reasonable, in which to submit revised plans or quality control manuals and obtain approval from the department or design approval agency. Submissions made pursuant to this section shall be processed as changes to approved plans or quality control manual. Submissions made after the time period provided shall be processed as a new plan approval.

3050. A plan approval shall remain in force and effect until revoked.

Automatic revocation of a plan approval shall occur upon expiration, or failure of the manufacturer to obtain approval of changes pursuant to Section 3049.

The department or design approval agency may revoke a plan approval upon finding definite evidence that said plans are inconsistent with these regulations or that the product is not being constructed in accordance with the approved plans and quality control manual. A revocation may be subject to an informal administrative appeal before the director or his or her designee pursuant to Section 3056.

This section shall not be construed to prohibit a manufacturer from submitting, for a new plan approval, a plan which has been revoked as provided in this section.

3051. When there is a change of ownership, name or address of a manufacturing business having department or design approval agency plan approval, the department and design approval agency shall be notified of such change within ten days. Where the department is the enforcement agency the notification shall be accompanied by fees as specified in Section 3060. Previously approved plans and quality control manuals containing the correct name and address of the manufacturer and his plant locations shall be submitted to the department or design approval agency if applicable. In the event of a change of ownership, application for changes to the approved plans or quality control manual shall not be required if the new owner submits a certification that he will continue to manufacture in accordance with previously approved plans and quality control manual, and if applicable, the contract with the existing quality assurance agency will be continued.

3052. When a manufacturer discontinues production of a model having department or design approval agency plan approval, the manufacturer shall advise the department and design approval agency of the date of such discontinuance and return all insignia allocated for such discontinued models. Refund of insignia fees shall be as specified in Section 3060.

3053. (a) Notwithstanding any other provisions of this subchapter, a manufacturer may build, prior to plan approval, one prototype of each model of a dwelling or individual dwelling room or combination thereof, he proposes to manufacture provided:

(1) The manufacturer informs the inspection agency in writing that he proposes to build a prototype, submitting the proposed unit serial number and a description of his proposal, and,

(2) If the description generally complies with the requirements of this subchapter and the inspection agency provides written approval to build said prototype, and,

(3) Requests for inspection are to be made to the inspection agency, and

(4) Where the department is the inspection agency, inspection fees as specified in Section 3061 are paid at time of inspection.

(b) The inspection agency, upon request, shall inspect prototypes based upon visual in-plant inspections to determine compliance with the requirements of these regulations.

(c) Upon completion of prototype construction and approval by the inspection agency, the manufacturer shall submit a complete plan of his prototype to the department or design approval agency for approval.

Prototype plans shall be subject to the requirements relating to installation plans.

(d) Insignia shall be purchased by the manufacturer and shall be affixed to the prototype by a representative of the inspection agency, after determination that the unit complies with the requirements of these regulations.

3054. (a) Except as otherwise specified in this section, the provisions contained in this subchapter shall apply to the manufacturing of factory-built housing designed, constructed, and intended to be shipped or transported to or from another state which has entered into a reciprocal agreement with the State of California, Department of Housing and Community Development.

(b) Any manufacturer who wishes to manufacture and ship factory-built housing in accordance with the provisions set forth in the reciprocal agreements between any state and the State of California must meet the qualifications established by statute or regulation in such states. Prior to approval to manufacture under reciprocal agreement, the manufacturer shall submit documented evidence that he, in fact, does meet such qualifications.

(c) Plan approval shall be obtained from the department or design approval agency for each model of factory-built housing which is to be manufactured under reciprocal agreement with another state. Where the department is the plan approval agency, fees shall be as specified in Section 3060.

(d) Factory-built housing manufactured in California under a reciprocal agreement shall be inspected during construction solely by the department. Inspection fees shall be as specified in Section 3060.

(e) Insignia shall be purchased by the manufacturer from each state and shall be affixed to each approved unit of factory-built housing. Application for California insignia shall be made on forms obtainable from the department. Fees for reciprocity insignia shall be as specified in Section 3060.

(f) Every manufacturer who wishes to ship units in reciprocity shall first agree in writing on a form acceptable to each state to correct any work not done in accordance with approved plans. He shall complete all corrections within a stipulated time period. A copy of the agreement shall be forwarded by the department to the reciprocating state. Every manufacturer when operating under this agreement shall post a bond of sufficient amount to fully cover all work necessary to bring the unit into conformance with the approved plans. The bonding company shall be operating under the laws of both states. The bonding company shall submit a copy of the bond to each state. The bond shall cover any costs incurred by each enforcing state. This shall include attorney's fees, court costs, and other costs necessary to secure the results intended.

(g) Approval to build prototypes for shipment under reciprocal agreement shall not be granted.

(h) Upon written notice, this state or any state having a reciprocal agreement with this State may terminate the agreement. Such termination shall not occur less than 90 days from the date of written notification nor more than 6 months following such notification. The exact date of termination is subject to negotiation between such states.

3055. Any owner of factory-built housing manufactured pursuant to the provisions of this subchapter may file a written complaint with the department setting forth the items which the owner believes do not comply with the provisions of this subchapter. The

department shall make an inspection of the unit indicated in the complaint to be in violation of this subchapter.

When an inspection reveals that such unit is in violation of any provision of this subchapter, the department shall serve the seller, person responsible for violation, or their agents, a notification setting forth in what respect the provisions of this subchapter have been violated. Violations shall be corrected within 10 days or such longer time as may be allowed by the department, and an inspection shall be requested by the person served with the notification. The request for inspection shall be accompanied by a minimum one hour inspection fee in addition to fees required for the initial inspection pursuant to the complaint. Inspection fees shall be as specified in this Section 3061. Should the violations not be corrected within the allotted time, the department may institute legal and/or administrative action as necessary to secure compliance.

3056. (a) Any person refused approval, receiving a notice of violation, or who feels aggrieved by application of this subchapter, may request and shall be granted an informal administrative hearing on the matter before the director of the department or his or her duly authorized representative. Such person shall file with the department a written petition requesting a hearing which sets forth a brief statement of the grounds therefor.

(b) Upon receipt of a petition, the department shall set a time and place for the hearing and shall give the petitioner at least 10 days written notice. The hearing shall commence no later than 30 days after the day on which the petition was filed except that, upon application or concurrence of the petitioner, the department may postpone the date of the hearing for a reasonable time beyond the 30-day period, if in its judgment the petitioner has submitted or the department has a good and sufficient reason for the postponement. Should petitioner fail to appear at the scheduled time and place of the hearing, the department may dismiss the petition without further action or take other action as may be appropriate.

(c) Upon conclusion of the hearing, the director of the department, or his or her duly authorized representative, shall notify the petitioner in writing of his or her decision in the matter and the reasons therefor, within 45 days.

Article 4. FEES

3060. (a) Plan Fees.

(1) Plan Filing Fees.

(A) Sixty dollars (\$60) for each new model.

(B) Twenty dollars (\$20) for each individually submitted change to an approved plan.

(2) Plan Checking Fee Deposit.

(A) Three hundred dollars (\$300) for each new model.

(B) One hundred fifty dollars (\$150) for each building component model.

(C) The department may require a plan checking fee deposit not exceeding three hundred dollars (\$300) for changes to approved plans. The plan checking fee deposit less actual costs as determined by the department shall be refundable.

(3) Plan Checking Fees. Two hundred three dollars (\$203) provided the plan check does not exceed one hour. When the plan check exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: ninety-two dollars (\$92).

(B) Each thirty (30) minutes, or fractional part thereof: forty-six dollars (\$46).

(4) Plan Renewal Fee. Sixty dollars (\$60) for plan renewal for each model.

(5) Plan Renewal Plan Checking Fees. Two hundred three dollars (\$203) provided the plan renewal plan check does not exceed one hour. When the plan renewal plan check exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: ninety-two dollars (\$92).

(B) Each thirty (30) minutes, or fractional part thereof: forty-six dollars (\$46).

(b) Quality Control Manual. Twenty dollars (\$20) for each individually submitted change to an approved quality control manual.

(c) Inspection and Technical Service Fees.

(1) One hundred ninety-six dollars (\$196) provided the inspection, or technical service does not exceed one hour. When the inspection, monitoring, or technical services exceeds one hour, the following fees shall apply:

(A) Second and subsequent whole hours: eighty-two dollars (\$82).

(B) Each thirty (30) minutes, or fractional part thereof: forty-one dollars (\$41).

(d) Out-of-State Inspection and Technical Service Fees. Fees shall be in accordance with subsection (c) plus total travel cost based on published air fare, or equivalent rate, between the point of departure in California and the point of inspection, plus necessary supplemental surface transportation, and reimbursement for food and lodging consistent with California State Department of Personnel Administration¹⁰.

(e) Periodic Monitoring Inspection Fees. Periodic monitoring inspection fees shall be paid for inspection time and required travel time from the point of departure in California, in accordance with subsection (c). If reinspections are necessary as a result of a periodic monitoring inspection, the reinspection and travel time from the point of departure in California shall be paid in accordance with subsection (c). Out-of-state travel costs for periodic monitoring inspections and reinspections shall be paid in accordance with subsection (d).

(f) Insignia Fees.

¹⁰ California State Department of Personnel Administration is now the California Department of Human Resources.

- (1) Sixty-two dollars (\$62) for each insignia, excepting building components.
- (2) Five dollars (\$5) for each individual building component.
- (3) Sixty-two dollars (\$62) for replacement insignia.
- (g) Reciprocal Insignia Fees.
 - (1) Insignia fees for units manufactured in California shall be as specified subsection (f).
 - (2) Two dollars (\$2) for each single family dwelling unit, dwelling unit, individual dwelling room or combination of rooms thereof, shipped from another state under reciprocal agreement.
 - (3) Ten cents (\$.10) for each individual building component.
- (h) Out-of-State Approval Fee. Initial plant inspection fee shall be in accordance with subsection (c) and travel cost based on published air fare, or equivalent rate, between the point of departure in California and the location of the factory plus necessary supplemental surface transportation, and reimbursement for food and lodging consistent with California State Department of Personnel Administration¹⁰.
- (i) Change in Manufacturer Name, Ownership, or Address Fee. Sixty-two dollars (\$62).
- (j) Certification Fee -Quality-Assurance Agency. Three hundred twenty-eight dollars (\$328) for each certification application.
- (k) Quality Approval Agency Renewal. Two hundred eighty-six dollars (\$286) for each renewal application.
- (l) Certification Fee -Quality Assurance Inspector. Eight hundred sixty-six dollars (\$866) for each person making request for certification.
- (m) Quality Assurance Inspector Renewal. Two hundred fifty-three (\$253) for each renewal application.
- (n) Certification Fee -Design Approval Agency. Three hundred twenty-eight dollars (\$328) for each certification application.
- (o) Design Approval Agency Renewal. Two hundred eighty-six dollars (\$286) for each renewal application.
- (p) Design Approval Agency Monitoring Fee.
 - (1) Forty-two dollars (\$42) for each approved plan or plan renewal.
 - (2) Nineteen dollars (\$19) for each amendment to previously approved plans or manuals.
 - (3) Twenty dollars (\$20) for each approved quality control manual.
- (q) Alternate Approval. Two hundred three dollars (\$203) provided the plan renewal plan check does not exceed one hour. When the plan renewal plan check exceeds one hour, the following fees shall apply:
 - (1) Second and subsequent whole hours: ninety-two dollars (\$92).
 - (2) Each thirty (30) minutes, or fractional part thereof: forty-six dollars (\$46).
- (r) Alternate Approval Plan Review. Two hundred three dollars (\$203) for each hour.

3061. (a) Each manufacturer of factory-built housing having the department as its inspection agency shall submit in-plant inspection fees to the department pursuant to Section 3060. In-plant inspection fees are payable to the department, at the option of the manufacturer and/or department, in the following manner:

- (1) Monthly, after billing by the department for in-plant inspection hours during the billing period, or,
- (2) Advance hours during a monthly period.

(b) The department may require one or more of the following actions for the cause noted:

(1) Require that payments be made in the form of cashier's check drawn upon a bank or savings or loan as a result of failure to pay previous fees with good and sufficient funds.

(2) Discontinue in-plant inspection for failure to pay in-plant inspection fees or for failure to pay such fees with good and sufficient funds.

(3) Discontinue the issuance of labels or insignia for failure to pay in-plant inspection fees or for failure to pay such fees with good and sufficient funds.

(4) Reappropriate labels or insignia previously issued for failure to pay in-plant inspection fees or for failure to pay such fees with good and sufficient funds.

(c) Where manufacturers are subject to monthly billing for in-plant inspection fees, the department shall mail a statement to the manufacturer on either the 1st, 10th, or 20th day of the month. The statement shall set forth the amount due the department for in-plant inspection services during the billing period. The amount set forth in the statement shall be due and payable upon receipt and shall be past due if not received by the department on the 10th day after the statement date.

(d) The department, upon written notice from the manufacturer indicating that in-plant inspection will no longer be necessary and explaining the reasons therefore, shall within 60 days from receipt of such notice refund any credits due the manufacturer from advance deposits made in accordance with subsection (a)(2) of this section.

Article 5. DESIGN AND FABRICATION

3070. The design and fabrication of factory–built housing shall be in accordance with the applicable building standards contained in Parts 2, 2.5, 3, 4, 5, 6, and 11, Title 24, California Code of Regulations.

3071. (a) The provisions of this subchapter are not intended to prevent the use of any new concept, material, appliance, system, device, arrangement, or method of construction not specifically prescribed by this subchapter, provided any such alternate or equivalent has been approved.

(b) The department or design approval agency shall approve any such new concept, alternate or equivalent if it finds that the proposed design is satisfactory and that the material, appliance, device, arrangement, method, system of work offered complies with the intent of this subchapter.

(c) Whenever there is definite evidence that any material, appliance, device, arrangement, system or method of construction does not conform to subdivision (b), or in order to substantiate claims for new concepts, alternates, or equivalents, the department or design approval agency may require tests or proof of compliance to be made at the expense of the manufacturer or his agent. Such action and requirements shall be subject to appeal an informal administrative appeal before the director or his or her designee pursuant to Section 3056.

3072. (a) The load-carrying capacity of elements or assemblies shall be established by calculations in accordance with generally established principles of engineering design. However, when the composition or configuration of elements, assemblies or details of structural members are such that calculations of their safe load-carrying capacity and

basic structural integrity cannot be accurately determined in accordance with generally established principles of engineering design, structural properties of such members or assemblies may be established by the results of tests acceptable to the department or design approval agency.

(b) When any structural design or method of construction is substantiated by calculations and supporting data, such calculations and supporting data shall be signed by a California licensed architect, or professional engineer and shall be submitted to the department or design approval agency as appropriate.

(c) When the design of factory-built housing is substantiated by calculations or tests, all structural plans shall be signed by the architect or engineer in responsible charge of the total design.

(d) When any design or method of construction is substantiated by tests, all such tests shall be performed by an approved testing agency acceptable to the department or design approval agency or shall be directed, witnessed and evaluated by an independent California licensed architect or professional engineer. All test procedures and results shall be reviewed, evaluated and signed by an independent California licensed architect or professional engineer. The approved testing agency, architect or professional engineer shall submit the evaluation of test results, calculations, and recommendations, accompanied by test reports from the laboratory, to the department or design approval agency. The department or design approval agency may require that its representative witness the test.

(e) The manufacturer shall indicate how the units are transported from the factory to the site and provide specific calculations and any other information necessary to substantiate the capability of the unit to resist transportation and installation stresses.

3073. (a) All equipment and systems shall be subject to the approval of the department or design approval agency and provisions of this subchapter. The department or design approval agency may accept for approval such equipment and systems which are listed or labeled by an approved testing or listing agency. Equipment and systems not listed or labeled may be accepted for approval by the department or design approval agency when it determines such equipment and systems are adequate for the protection of health, safety, and the general welfare and are consistent with the provisions of this subchapter.

(b) Equipment and systems may be disapproved when such equipment and systems, even though listed or labeled by an approved testing or listing agency, are not adequate for the protection of health, safety, and the general welfare and are not consistent with the provisions of this subchapter.

3074. [Renumbered] Note: Authority cited: Sections 17003.5 and 19990, Health and Safety Code. Reference: Section 19990, Health and Safety Code

Article 6. INSTALLATION

3080. As set forth in Section 19992 of the Health and Safety Code, local enforcement agencies shall enforce and inspect the installation of factory-built housing.

3081. (a) A manufacturer of factory-built housing having plan approval shall furnish a minimum of two complete sets of the approved factory-built housing plans to the installer, who shall submit at least one set to the local enforcement agency prior to installation. The approved plans will contain a resume of the installation work to be done on-site, and will indicate the location on the unit where the department insignia of approval can be found.

(b) Plans approved by the department or a design approval agency shall be accepted by the local enforcement agency as approved for the purpose of obtaining an installation permit when the design criteria are consistent with the requirements for the locality, as determined by the local enforcement agency.

3082. Pursuant to Section 19981(c) of the Health and Safety Code, no factory-built housing shall be in any way modified during installation unless approval for such modification is first obtained from the local enforcement agency.