

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

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August 20, 2009

Information Bulletin 2009-03 (MH)

**TO: MANUFACTURED HOME MANUFACTURERS AND DEALERS
COMMERCIAL MODULAR MANUFACTURERS
DIVISION STAFF
BUILDING OFFICIALS**

**SUBJECT: TITLE 25, CALIFORNIA CODE OF REGULATIONS, CHAPTER 3,
ARTICLE 2.3, IGNITION-RESISTANT CONSTRUCTION**

SUMMARY OF REGULATORY CHANGES:

This Information Bulletin summarizes the recently-approved requirements of Title 25, California Code of Regulations, Chapter 3, Subchapter 2, Article 2.3, "Manufactured Homes, Mobilehomes, Multifamily Manufactured Home and Commercial Modular Ignition-Resistant Construction System" (Article 2.3) for units installed in Wildland-Urban Interface fire hazard areas, both inside and outside of mobilehome parks.

On August 20, 2009, the Article 2.3 emergency regulations become permanent; including all acceptable revisions received from public comment and was made effective upon filing with the Secretary of State. The full text of the regulations and other helpful information is available online at www.hcd.ca.gov/code/mhp.

The following summarizes the significant changes made to the Article 2.3 regulations effective August 20, 2009, as compared to the emergency regulations that were effective until that date:

- New manufactured homes manufactured on or after January 1, 2006, and prior to September 1, 2008, are exempt from the requirements of Article 2.3 if an application for a permit to install the manufactured home is submitted prior to December 31, 2010. Reference sec. 4200(c)(1).
- Used mobilehomes, manufactured homes, multifamily manufactured homes or commercial modular units manufactured prior to September 1, 2008, are exempt from Article 2.3. section 4200, but must comply with Article 2.3 section 4205 (only). Reference sec. 4200(c)(2).

- Mobilehomes, manufactured homes, and multifamily manufactured homes reinstalled on the same mobilehome park lot or parcel are exempt from Article 2.3 in its entirety. Reference sec. 4200(c)(3).
- Commercial modular structures are exempt from Article 2.3 if installed for temporary use or occupancy for 3 years or less. Reference sec. 4200(c)(4).
- Definitions were added for "used" and "new" manufactured home, mobilehome, multifamily manufactured home or commercial modular units. Reference sections 4202 (d) and (f).
- Section 4205 was added to provide specific new requirements for the construction of commercial modular, manufactured home, mobilehome, and multifamily manufactured home roof systems on units intended for installation in wildland-urban interface fire hazard areas which are different than what is prescribed in Title 24, California Building Code, Part 2 Chapter 7A. In this new section, metal and asphalt roof coverings are allowed to exist as originally constructed; however under-eave attic ventilation must be as prescribed in Article 2.3. New and used manufactured home and multifamily manufactured home roof systems also must comply with the federal Manufactured Housing Construction and Safety Standards, as applicable. Reference sec. 4205.

Questions regarding the permanent regulations should be directed to Manufactured Housing Program staff at (916) 445-3338.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Strange", with a large, sweeping flourish at the end.

Kim Strange
Deputy Director

MODIFICATIONS TO ORIGINALLY-PROPOSED REGULATIONS

Legend:

- * Text in single underline includes originally proposed added text.
 - * Text in ~~single strikeout~~ is originally proposed deleted text.
 - * Text in double underline is amendments to the originally proposed text for review during this comment period.
 - * Text in ~~double strikeout~~ is deletions to the originally proposed text for review during this comment period.
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Notes to reader:

- * Comments on the amendments contained in this package are confined to the double underline and ~~double strikeout~~ amendments only.
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§ 4200. Application of Design Requirements; Preemption of Local Design and Construction Requirements.

(a) This article shall apply to the design, construction and installation of an ignition-resistant construction system, when a manufactured home, mobilehome, multifamily manufactured home, or commercial modular structure, is newly installed in any Fire Hazard Severity Zone within State Responsibility Areas or in any Local Responsibility Area, as defined herein, pursuant to Title 24, Part 2, Chapter 7A.

(b) Except as provided herein, this article preempts all other requirements in any law or ordinance establishing standards for the design and installation of ignition-resistant construction systems on the exterior of a manufactured home, mobilehome, multifamily manufactured home, or commercial modular structures, including but not limited to those requirements of any ordinance or rule adopted by any city, county, city and county, or special district or fire district, except for the following:

(1) Those structures not exempt pursuant to subsection (c) or (d) installed in locally established fire hazard areas other than in areas specified in subdivision (a) shall not be subject to any additional or more restrictive ignition-resistant protection than required by this article.

(2) Ignition-resistant construction standards enacted by local governments that are less restrictive than this article, shall apply only to those structures installed in locally established Wildland-Urban Interface Fire areas. The less restrictive ignition-resistant construction system standards shall be approved by the local enforcement agency and shall be applicable to those structures in the same manner as site constructed buildings or structures constructed in the same fire hazard area.

(c) This article requires installation of an ignition-resistant construction system or any part thereof, only when a manufactured home, mobilehome, multifamily manufactured home, or commercial modular not exempt pursuant to this subsection or subsection (d) is installed, or intended to be installed, in a State Responsibility Area or a Local Responsibility Area, on or after September 1, 2008.

(1) Exception: New m-~~Manufactured~~ homes manufactured on or after January 1, 2006, and prior to September 1, 2008, for which an application for a permit to install has been submitted prior to December 31, 2010.

(2) Exception: Used manufactured homes, mobilehomes, multifamily manufactured homes, commercial modular units manufactured before January 1, 1999, shall only comply with the requirements of section 4205.

(3) Exception: Mobilehomes, manufactured homes, multifamily manufactured homes reinstalled on the same mobilehome park lot or parcel.

(24) Exception: Any commercial modular structure installed in either a State Responsibility Area or Local Responsibility Area for temporary use or occupancy for ~~one~~ three years or less, as calculated based upon the date of permit issuance.

(d) This article does not require the installation of an ignition-resistant construction system or any part thereof, on a used manufactured home, mobilehome, multifamily manufactured home, or commercial modular structure currently located in a State Responsibility Area or a Local Responsibility Area, unless the structure meets one of the following criteria:

- (1) it already has an ignition-resistant construction system,
- (2) it undergoes exterior repair, replacement, or alteration of a component which would be subject to this article, and only the portion undergoing the repair, replacement, or alteration must comply with the provisions of this article;
- (3) it undergoes conversion from one type of occupancy to another;
- (4) it is intended to be installed or re-installed in a different location, that is in a State Responsibility Area or a Local Responsibility Area.
- (e) If a used mobilehome or a new or ~~existing used~~ manufactured home, multifamily manufactured home, or commercial modular is altered to add any or all components of exterior fire protection, and the alteration is intended to create an "ignition-resistant construction system", the alterations or additions must comply with the provisions of this article.
- (f) No municipality shall prohibit the use, occupancy or installation of a commercial modular, manufactured home, mobilehome, or multifamily manufactured home based upon the date the unit was previously certified as complying with the provisions of this article.

AUTHORITY: Sections 18613.4, 18015, 18020, 18028, 18029 and 18029.5., Health and Safety Code. Reference: Sections 18015, 18020, 18025, 18029.5 and 18030.5, Health and Safety Code.

§ 4202. Definitions

The following definitions shall apply to this article:

- (a) "Date of manufacture" means the date a manufacturer certifies compliance of the structure by affixing either a federal label or an insignia of approval. The date of manufacture of a manufactured home or multifamily manufactured home is recorded by the manufacturer on a data plate and affixed inside each manufactured home in accordance with federal regulations. The date of manufacture of a commercial modular structure is the date entered by the manufacturer on a unit identification label in accordance with the provisions of Article 1, section 4030 of this subchapter.
- (b) "Ignition-resistant construction system" is an exterior fire safety system consisting of ignition-resistant designs, construction and site installation methods and materials that comply with the applicable provisions of Title 24, Part 2, Chapter 7A.
- (c) "Local Responsibility Area" is a Local Agency Very-High Fire Hazard Severity Zone established pursuant to Title 24, Part 2, Chapter 7A.
- (d) "New manufactured home, mobilehome, multifamily manufactured home or commercial modular is one that is defined pursuant to California Health and Safety Code, Division 13, Chapter 1, Section 18009, and which has not been delivered to a first purchaser or lessor for purposes other than resale or reletting.
- ~~(d)~~(e) "State Responsibility Area" is a Fire Hazard Severity Zone established pursuant to Title 24, Part 2, Chapter 7A.
- (f) "Used" manufactured home, mobilehome, multifamily manufactured home or commercial modular is one that is defined pursuant to California Health and Safety Code, Division 13, Section 18014, and which has either been installed on a foundation system, delivered for installation on a foundation system, or registered and titled with the department, and has been sold or leased to a first purchaser for purposes other than resale or reletting.
- ~~(e)~~(g) "Wildland-Urban Interface Fire Area" is a geographical area identified by the state as a "Fire Hazard Severity Zone", or other areas designated by the enforcing agency to be a significant risk from wildfires, established pursuant to Title 24, Part 2, Chapter 7A.

AUTHORITY: Sections 18009, 18014, 18015, 18020, 18029 and 18029.5., 18551, 18613, Health and Safety Code. Reference: Sections 18015, 18020, 18025, 18029.5 and 18030.5, Health and Safety Code.

§4205. Manufactured Homes, Mobilehomes, Multifamily Manufactured Homes, Commercial Modular Roof Coverings

(a) New and used commercial modular roof systems originally constructed with metal roof coverings are deemed to comply with the provisions of section 4204, and Title 24, Part 2, Chapter 7A, section 704A.1

(b) Used manufactured homes, mobilehomes, multifamily manufactured homes manufactured on or before January 1, 1999, when installed or intended to be installed in a State Responsibility Area or a Local Responsibility Area shall be deemed to comply with the purposes of this Article if such units are originally constructed or altered in accordance with all of the following:

(1) The unit(s) have an existing asphalt composition roof, or metal roof covering and,

(2) The unit(s) shall comply with the provisions of section 4204 and Title 24, Part 2, Chapter 7A pertaining to attic ventilation, and if altered to eliminate existing under-eave ventilation, the roof shall be reconstructed or altered to maintain a minimum free ventilation area of not less than 1/300 of the attic or roof cavity floor area. At least 40 percent of the free ventilation area shall be provided by attic ventilation located on the lower area of the roof. The location and spacing of the vent openings and ventilators shall provide cross-ventilation to the entire attic or roof cavity space. Manufactured homes originally constructed with metal roofs without attic ventilation will not require reconstruction or alteration to comply with the purpose of this paragraph.

(c) Used manufactured homes, mobilehomes, multifamily manufactured homes meeting the requirements of this section shall not be required to bear a label in accordance with section 4214.

AUTHORITY: Sections 18015, 18020, Health and Safety Code; Reference Title 24, CFR Part 3280, Sections 18015, 18020, 18025, 18029.5 and 18030.5, Health and Safety Code.

§4208. Requirements for the Design Approval of the Plans for Ignition-Resistant Construction System.

~~(a) The design review of an ignition resistant construction system to be installed on a new manufactured home shall be in accordance with the provisions of this article and the Manufacturer Inspection and Certification Requirements as set forth in the federal regulations contained in Title 24 CFR Part 3282, Subpart E. The federally approved Primary Inspection Agency, prior to original construction, shall conduct the design approval of the ignition resistant construction system, including specifications and procedures for completion of the ignition-resistant construction system at the installation site.~~

(b) (a) The following requirements apply to the design review of the design of an ignition-resistant construction system prior to construction of a new manufactured home, multifamily manufactured home or commercial modular within a manufacturing facility:

(1) The A Department-approved Design Approval Agency, prior to installation of an ignition-resistant construction system shall review and approve the manufacturer's design for the system.

(2) The A Department-approved Design Approval Agency shall provide the manufacturer with a copy of the approved plans for the manufacturer's use prior to the construction of any ignition-resistant construction system, including specifications and procedures for completion of the ignition-resistant construction system at the installation site.

(3) The manufacturer shall use plans approved only by a Department-approved Design Approval Agency for the purpose of construction of any ignition-resistant construction system.

AUTHORITY: Sections 18015, 18029 and 18029.5, Health and Safety Code. Reference: Sections 18015, 18025, 18029, 18029.5 and 18030.5, Health and Safety Code, Title 24, CFR Part 2382, Subpart E

§ 4210. Requirements for the Inspection Approval of an Ignition-Resistant Construction System Within a Factory.

(a) The inspection of the installation of an ignition-resistant construction system on a manufactured home within a manufacturing facility shall be in accordance with the provisions of this subsection.

(1) The manufacturer of the manufactured home shall obtain inspection approval in accordance with this article and federal regulations contained in Title 24 CFR Part 3282, Subpart E, titled "Manufacturer Inspection and Certification Requirements", by a its federally approved Primary Inspection Agency.

(2) The manufacturer of the manufactured home shall certify that the ignition-resistant construction system is installed in accordance with the plans approved by the ~~Primary Inspection Agency~~ the Department-approved Design Approval Agency and document its certification in accordance with Title 25, CCR section 4214.

(b) The following requirements apply to the inspection of any ignition-resistant construction system constructed during the manufacture of a multifamily manufactured home or commercial modular structure:

(1) The manufacturer shall have a Quality Assurance Agency conduct the inspections of the ignition-resistant construction system in accordance with the Design Approval Agency approved plans and this subchapter.

(2) The manufacturer shall certify that the ignition-resistant construction system is installed in accordance with the plans approved by the Design Approval Agency and document its certification in accordance with section 4214.

(c) Following the certification of the ignition-resistant construction system, a copy of the completed certification label shall be provided to the enforcement agency when the manufacturer, licensed dealer, contractor, or owner-builder submits the application for the installation permit, to assist the local building official or appropriate enforcement agency to satisfy the requirements of Sections 701A.3.2.2 and 701A.3.2.3 of Title 24, CCR Part 2, Chapter 7A.

(d) All manufacturers shall provide to the department, by the fifteenth day of each month, one copy of each completed certification label required by section 4214 of this subchapter that was affixed to the structure(s) constructed with an ignition-resistant construction system in the previous month.

AUTHORITY: Sections 18015, 18020, 18029 and 18029.5., Health and Safety Code. Reference: Sections 18015, 18020, 18025, 18029, 18029.5 and 18030.5, Health and Safety Code

§ 4214. Ignition-Resistant Construction System Certification Label

(a) Either the manufacturer within the manufacturing facility or the person installing the ignition-resistant construction system on a structure not in a factory in accordance with section 4212 shall complete and affix a label that meets all of the following requirements:

(1) It is either printed on paper or scribed, etched or engraved in metal, plastic or of an equivalent material, with lettering at least 10 point font size;

(2) It is at least 8.5 inches by 11 inches in size;

(3) It is affixed on a wall or door surface inside the water heater compartment or in the case of a commercial modular unit on an interior wall; within the dropped ceiling cavity, or in another permanent and readily accessible location.

(4) It is positioned in a manner that allows a person to easily read the label;

(5) It is affixed with adhesive or fasteners that discourage the removal of the label;

(6) It is covered or laminated in a permanent manner with a material that will protect the label from damage or deterioration without obscuring the information.

(b) The label shall include all the statements and requested information arranged in substantially the same layout, as shown on the following example:

Ignition-Resistant Construction System Information Certification

Attention: Do not remove or cover this label

This structure contains an ignition-resistant construction system. The system installer certifies that the exterior complies with the requirements of Title 25, California Code of Regulations, Chapter 3, Article 2.3, and Title 24, California Code of Regulations, Part 2, Chapter 7A, *Materials and Construction Methods For Exterior Wildfire Exposure*.

Do not change (alter) the exterior wall, doors, windows, roof or attic vent materials or devices without written approval of the California Department of Housing and Community Development, Division of Codes and Standards. Only the owner or lessor may change (alter) or repair the ignition-resistant materials as an owner/builder without violating the State Contractors Licensing Board requirements. Any other person making changes (alterations) or repairs to the system must hold a valid C-47 or B contractor's license. Additions of garages, porches, decks, windows or doors may adversely affect the protection provided by the ignition-resistant construction system. You may obtain information about permit and inspection of the ignition-resistant construction system from the California Department of Housing & Community Development, Division of Codes and Standards.

Signature of Manufacturer/Installer _____ Date _____ County _____ State _____

Installation, Design Approval, and Inspection Agency Information

Name and Address of Manufacturer/Installer:

Structure Serial Number(s):

Name and Address of Agency Approving Design
of Ignition-Resistant Construction:

Name and Address of Agency Inspecting Installation
of Ignition-Resistant Construction:

Roof Material Type & Product Manufacturer Name:

Manufacturer: _____

Underlayment: _____

Shingle Type: Metal

 Asphalt Composition

Attic Vent Type: _____

Exterior Wall Type and Product Manufacturer Name:

Siding Type: _____

Exterior door
Type: _____

Window Type: _____

AUTHORITY: Sections 18015, 18029 and 18029.5., Health and Safety Code. Reference: Sections 18015, 18025, 18029, 18029.5 and 18030.5, Health and Safety Code.