MANUFACTURED HOUSING A Member's Guide to Preemption



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CONTENTS

The Basicspg.1
Certificationpg.1
Preemption – Construction & Safety Standards pg.2
Supremacy of Federal Standardspg.2
Federal Preemption & Reciprocity
State Preemptionpg.4
Title 24 and 25 Applicabilitypg.4
Zoning Paritypg.4
Installation & Foundation Regulationspg.5
Fire Sprinkler Preemptive Regulationspg.5
California Energy Codepg.6
Attachments ng 7

CALIFORNIA MANUFACTURED HOUSING INSTITUTE MANUFACTURED HOUSING PREEMPTION

THE BASICS

Manufactured homes are constructed, inspected, and certified pursuant to the preemptive Manufactured Home Construction and Safety standards in 24 Code of Federal Regulations, part 3282 (the HUD code) and section 18025 (b) of the California Health and Safety Code (HSC). The HUD label on each home certifies conformance to the HUD code. Pursuant to the CFR Section 3282.11 (b) local building inspection authorities are preempted concerning the home design and construction specifications.

Manufacturers obtain approval for plans, specifications, and a quality assurance program from a design approval agency (DAPIA) approved by HUD. Manufacturers obtain the services of an in-plant inspection agency (IPIA) approved by HUD. All homes must be constructed to an approved plan, inspected, and tested by the manufacturer's personnel and monitored by the IPIA.

The California Department of Housing and Community Development (HCD) functions as the State Administrative agency (SAA) under the HUD procedural and enforcement regulations in the Code of Regulations, Title 24 part 3282, section 3282.1.

HCD, functioning as the SAA, does not have responsibility for, or jurisdiction, over the floor plan design or construction specifications for manufactured homes.

CERTIFICATION

Certification that a home has been manufactured in compliance with the HUD Code is required as follows:

A. 24 CFR 3280.5: Data Plate

- "Each manufactured home shall bear a data plate, etc."
- "Each data plate shall contain not less than the following information."
 "(c) The statement: This manufactured home is designed to comply with the Federal Manufactured Home Construction and Safety Standards in force at the time of manufacture."

B. 24 CFR 3280.11: Certification Label

- "(a) A permanent label shall be affixed to each transportable section of each manufactured home for sale or lease in the United States. This label shall be separate and distinct from the data plate which the manufacturer is required to provide under 3280.5 of the standards."
- "(c) The label shall read as follows: As evidenced by this label No. ABC 000001, the manufacturer
 certifies to the best of the manufacturer's knowledge and belief that this manufactured home has
 been inspected in accordance with requirements of the Department of Housing and Urban
 Development and is constructed in conformance with the Federal manufactured home construction
 and safety standards in effect on the date manufacture.

PREEMPTION

The following synopsis is intended to clarify manufactured housing preemption in California:

I. Federal Construction and Safety Standards Supremacy

Pursuant to US Code, Title 42, Chapter 70, section 5403:

(a) Establishment

(1) Authority

The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards, each of which—

(A) shall—

- (i) be reasonable and practical;
- (ii) meet high standards of protection consistent with the purposes of this chapter; and
- (iii) be performance-based and objectively stated, unless clearly inappropriate;
- (B) except as provided in subsection (b), shall be established in accordance with the consensus standards development process.

(d) Supremacy of Federal Standards

Whenever a Federal manufactured home construction and safety standard established under this chapter is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any manufactured home covered, any standard regarding the construction or safety applicable to the same aspect of performance of such manufactured home which is not identical to the Federal manufactured home construction and safety standard. Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated under this section nor the Federal superintendence of the manufactured housing industry as established by this chapter. Subject to section 5404 of this title, there is reserved to each State the right to establish standards for the stabilizing and support systems of manufactured homes sited within that State, and for the foundations on which manufactured homes sited within that State are installed, and the right to enforce compliance with such standards, except that such standards shall be consistent with the purposes of this chapter and shall be consistent with the design of the manufacturer.

II. Federal Preemption

A. Federal CFR Title 24

§ 3282.11 Preemption and reciprocity.

- (a) No State manufactured home standard regarding manufactured home construction and safety which covers aspects of the manufactured home governed by the Federal standards shall be established or continue in effect with respect to manufactured homes subject to the Federal standards and these regulations unless it is identical to the Federal standards.
- (b) No State may require, as a condition of entry into or sale in the State, a manufactured home certified (by the application of the label_required by § 3282.362(c)(2)(i)) as in conformance with the Federal standards to be subject to State inspection to determine compliance with any standard covering any aspect of the manufactured home covered by the Federal standards. Nor may any State require that a State label be placed on the manufactured home certifying conformance to the Federal standard or an identical standard. Certain actions that States are permitted to take are set out in § 3282.303.
- (c) States may participate in the enforcement of the Federal standards enforcement program under these regulations either as SAAs or PIAs or both. These regulations establish the exclusive system for enforcement of the Federal standards. No State may establish or keep in effect through a building code enforcement system or otherwise, procedures or requirements which constitute systems for enforcement of the Federal standards or of identical State standards which are outside the system established in these regulations or which go beyond this system to require remedial actions which are not required by the Act_and these regulations. A State may establish or continue in force consumer protections, such as warranty or warranty performance requirements, which respond to individual consumer complaints and so do not constitute systems of enforcement of the Federal standards, regardless of whether the State qualifies as an SAA or PIA.
- (d) No State or locality may establish or enforce any rule or regulation or take any action that stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress. The test of whether a state rule or action is valid or must give way is whether the State rule can be enforced, or the action taken without impairing the Federal superintendence of the manufactured home industry as established by the Act.

B. State Preemption

Pursuant to California Health and Safety Code (HSC):

Section 18025

(b) All manufactured homes and mobilehomes manufactured on or after June 15, 1976, shall comply with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 et seq.).

Section 18030.5

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

III. Title 24 and Title 25 Applicability

The California Building Code and The California Residential Code are codified in Title 24, California Code of Regulations and are applicable to site-built and factory-built (modulars) residential dwellings/buildings. They are not applicable to manufactured homes.

Pursuant to section 202(RB) of the California Building Code manufactured homes are not "buildings" subject to that code nor, pursuant to section R202(A) of the California Residential Code, are they subject to that code. Additionally, HSC Section 18909 (g) states that "building standards" does not include standards that pertain to a manufactured home.

The Manufactured Home Construction and Safety Standards (The HUD Code) are codified in Title 25, California Code of Regulations and are preemptive. While, pursuant to HSC 65852.4, local jurisdictions may require the permit application to comply with the architectural requirements permitted by section 65852.3 they do not have authority concerning the construction of manufactured homes. Consequently, requests for construction and material specifications, designs, floorplan, electrical and plumbing drawings, fenestration and door requirements, appliance specifications, etc., are preempted.

IV. Zoning

California Government Code Sections (GCS):

<u>GCS 65852.3:</u> Establishes the right to install manufactured homes on lots zoned for conventional single-family residential dwellings. Specifies limits on development and architectural standards for manufactured homes.

<u>GCS 65852.4:</u> Specifies the local jurisdictions "Shall not subject an application to locate or install" a manufactured home pursuant to section 18551 of the Health and Safety Code, on a lot for a single-family residential dwelling, to "any administrative, permit, planning, or development process or requirement which is not identical" to that for conventional home on the same lot.

<u>GCS 65852.2:</u> Establishes the basic ordinance for the creation of ADU's in areas and includes manufactured homes in the definition of an Accessory Dwelling Unit.

<u>CCC 714.5:</u> Prohibits covenants, conditions and restrictions (CC&R) adopted after 1986 from prohibiting homes built in an off-site facility.

V. Installation / Foundation Systems

Requirements for installation and foundation systems are fully covered in the California Code of Regulations Title 25 chapter 2, article 7, section 1320 which states "the requirements of this article shall apply to installation of mh-units and shall apply to all parts of the state within and outside of parks."

Section 18551 of the California Health and Safety Code establishes regulations for manufactured housing foundation systems that are applicable throughout the state and preemptive. Enforcement agencies are required by CCR to accept the plans approved the Department for the issuance of a permit. 25 CCR section 1020.9 states in part: "(r) Plans with standard plan approval from the department shall be accepted by the enforcement agency as approved for the purpose of obtaining a construction permit when the design loads and allowable soil conditions specified in the plans are consistent with the requirements for the locality. Local enforcement agencies shall not require the original signature of the architect or engineer on the standard plan approval."

VI. Fire Sprinkler Installation Preemption

The installation of fire sprinklers systems in manufactured housing is detailed in CCR Title 25, Article 2.5, section 4300(b): "The requirements of this article preempt all other requirements, including those of any ordinance or rule adopted by any city, county, city and county, or special district, as well as a fire district, that establish standards and requirements for the design and installation of a fire sprinkler system including, but not limited to those ordinances or rules adopted pursuant to section 18691 of the Health and Safety Code in the Mobilehome Parks Act."

VII. California Energy Code - Solar Mandate

The energy Code Mandate in Title 24, California Code of regulations which mandates solar requirements for newly constructed residential buildings are not applicable to manufactured housing (see III).

Manufactured Housing is exempt from Title 24 building standards including the Energy Code Solar Mandate (HCD Information Bulletin 2020-01).

Attachments:

- *A. US Code, Title 42 Section 5403 Supremacy of Federal Standards
 - * B. CFR Title 24, Section 3282.11 Preemption and Reciprocity
 - *C. HSC Section 18025 State Preemption
 - *D. HSC Section 18030.5 State Preemption
 - *E. CBC Section 202 (A) Manufactured Home Exemption
 - *F. CRC Section R202 Manufactured Home Exemption
 - *G. HSC Section 18909 Manufactured Home Exemption
 - *H. GCS Section 65852.3 Zoning Parity
 - *I. GCS Section 65852.4 Zoning Parity
 - *J. HSC Section 18551 Installation Preemption
 - *K. HCD Information Bulletin 2020-01 Solar Exemption
 - *L. The Resource Special Edition August 2024

Attachment A



1996 US Code
Title 42 - THE PUBLIC HEALTH AND
WELFARE
CHAPTER 70 - MANUFACTURED
HOME CONSTRUCTION AND SAFETY
STANDARDS
Sec. 5403 - Construction and safety
standards

§5403. Construction and safety standards

(a) Establishment pursuant to orders of Secretary; consultation with Consumer Product Safety Commission; reasonableness; consideration of State and local laws

The Secretary, after consultation with the Consumer Product Safety Commission, shall establish by order appropriate Federal manufactured home construction and safety standards. Each such Federal manufactured home standard shall be reasonable and shall meet the highest standards of protection, taking into account existing State and local laws relating to manufactured home safety and construction.

(b) Notice and hearing

All orders issued under this section shall be issued after notice and an opportunity for interested persons to participate are provided in accordance with the provisions of section 553 of title 5.

(c) Effective date of orders establishing standards

Each order establishing a Federal manufactured home construction and safety standard shall specify the date such standard is to take effect, which shall not be sooner than one hundred and eighty days or later than one year after the date such order is issued, unless the Secretary finds, for good cause shown, that an earlier or later effective date is in the public interest, and publishes his reasons for such finding.

(d) Supremacy of Federal standards

Whenever a Federal manufactured home construction and safety standard established under this chapter is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any manufactured home covered, any standard regarding the construction or safety applicable to the same aspect of performance of such manufactured home which is not identical to the Federal manufactured home construction and safety standard.

(e) Amendment or revocation by Secretary; effective date

The Secretary may by order amend or revoke any Federal manufactured home construction or safety standard established under this section. Such order shall specify the date on which such amendment or revocation is to take effect, which shall not be sooner than one hundred and eighty days or later than one year from the date the order is issued, unless the Secretary finds, for good cause shown, that an earlier or later date is in the public interest, and publishes his reasons for such finding.

(f) Criteria

In establishing standards under this section, the Secretary shall—

(1) consider relevant available manufactured home construction and safety data, including the results of the research, development, testing, and evaluation activities conducted pursuant to this chapter, and those activities conducted by private organizations and other governmental agencies to determine how to best protect the public;

Attachment B

- LII > Electronic Code of Federal Regulations (e-CFR)
- > Title 24—Housing and Urban Development
- > Subtitle B—Regulations Relating to Housing and Urban Development
- > CHAPTER XX—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
- > PART 3282—MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS
- > Subpart A—General > § 3282.11 Preemption and reciprocity.

24 CFR § 3282.11 - Preemption and reciprocity.

CFR

§ 3282.11 Preemption and reciprocity.

- (a) No State manufactured home standard regarding manufactured home construction and safety which covers aspects of the manufactured home governed by the Federal standards shall be established or continue in effect with respect to manufactured homes subject to the Federal standards and these regulations unless it is identical to the Federal standards.
- (b) No <u>State</u> may require, as a condition of entry into or sale in the <u>State</u>, a <u>manufactured home</u> certified (by the application of the <u>label</u> required by <u>§ 3282.362(c)</u> (2)(i)) as in conformance with the Federal <u>standards</u> to be subject to <u>State inspection</u> to determine compliance with any standard covering any aspect of the <u>manufactured</u> home covered by the Federal <u>standards</u>. Nor may any <u>State</u> require that a <u>State label</u>

be placed on the <u>manufactured home</u> certifying conformance to the Federal standard or an identical standard. Certain actions that <u>States</u> are permitted to take are set out in § 3282.303.

- (c) States may participate in the enforcement of the Federal standards enforcement program under these regulations either as SAAs or PIAs or both. These regulations establish the exclusive system for enforcement of the Federal standards. No State may establish or keep in effect through a building code enforcement system or otherwise, procedures or requirements which constitute systems for enforcement of the Federal standards or of identical State standards which are outside the system established in these regulations or which go beyond this system to require remedial actions which are not required by the Act and these regulations. A State may establish or continue in force consumer protections, such as warranty or warranty performance requirements, which respond to individual consumer complaints and so do not constitute systems of enforcement of the Federal standards, regardless of whether the State qualifies as an SAA or PIA.
- (d) No State or locality may establish or enforce any rule or regulation or take any action that stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress. The test of whether a State rule or action is valid or must give way is whether the State rule can be enforced or the action taken without impairing the Federal superintendence of the manufactured home industry as established by the Act.

[42 FR 2580, Jan. 12, 1977, as amended at <u>56 FR 65186</u>, Dec. 16, 1991; <u>61 FR 10859</u>, Mar. 15, 1996]

Attachment C

CA Health & Safety Code Section 18025

(a)

Except as provided in subdivisions (b) and (c), it is unlawful for any person to sell, offer for sale, rent, or lease within this state, any manufactured home or any mobilehome, commercial coach, or special purpose commercial coach manufactured after September 1, 1958, containing structural, fire safety, plumbing, heat-producing, or electrical systems and equipment unless the systems and equipment meet the requirements of the department for those systems and that equipment and the installation of those systems and that equipment. The department may adopt rules and regulations that are reasonably consistent with recognized and accepted principles for structural, fire safety, plumbing, heat-producing, and electrical systems and equipment and installations, respectively, to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe structural, fire safety, plumbing, heat-producing, and electrical systems, equipment and installations.

(b)

All manufactured homes and mobilehomes manufactured on or after June 15, 1976, shall comply with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 et seq.).

(c)

The sale of used manufactured homes and mobilehomes by an agent licensed pursuant to this part shall be subject to Section 18046.

Attachment D

CA Health & Safety Code Section 18030.5

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

Attachment E



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total amount of bracing required along its braced wall line.

BREAKOUT. For revolving doors, a process whereby wings or door panels can be pushed open manually for means of egress travel.

[BS] BRICK.

Calcium silicate (sand lime brick). A pressed and subsequently autoclaved unit that consists of sand and lime, with or without the inclusion of other materials.

Clay or shale. A solid or hollow masonry unit of clay or shale, usually formed into a rectangular prism, then burned or fired in a kiln; brick is a ceramic product.

Concrete. A concrete masonry unit made from Portland cement, water, and suitable aggregates, with or without the inclusion of other materials.

[A] BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

Exception: [HCD 1, HCD 2 & HCD 1-AC] For applications listed in Section 1.8.2 regulated by the Department of Housing and Community Development, "Building" shall not include the following:

- 1. Any mobilehome as defined in Health and Safety Code Section 18008.
- 2. Any manufactured home as defined in Health and Safety Code Section 18007.
- 3. Any commercial modular as defined in Health and Safety Code Section 18001.8 or any special purpose commercial modular as defined in Section 18012.5.
- 4. Any recreational vehicle as defined in Section Health and Safety Code 18010.
- 5. Any multifamily manufactured home as defined in Health and Safety Code Section 18008.7.

For additional information, see Health and Safety Code Section 18908.

Note: Building shall have the same meaning as defined in Health and Safety Code Section 17920 and 18908 for the applications specified in Section 1.11.

BUILDING AREA. See "Area, building."

BUILDING ELEMENT. A fundamental component of building construction, listed in Table 601, which may or may not be of fire-resistance-rated construction and is constructed of materials based on the building type of construction.

BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE. [HCD 1-AC] An accessible entrance to a building that is connected by an accessible route to public transportation stops, to parking or passenger loading zones, or to public streets or sidewalks, if available.

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Attachment F



Title 22 regulations, by the Director of Social Services or his or her designated representative. Persons who are unable to independently transfer to and from bed, but who do not need assistance to turn or reposition in bed, shall be considered nonambulatory.

The Director of Social Services or his or her designated representative shall make the determination of the bedridden status of persons with developmental disabilities, in consultation with the Director of Developmental Services or his or her designated representative.

The Director of Social Services or his or her designated representative shall make the determination of the bedridden status of all other persons with disabilities who are not developmentally disabled.

> [RB] BOND BEAM. A horizontal grouted element within masonry in which reinforcement is embedded.

[RB] BRACED WALL LINE. A straight line through the building plan that represents the location of the lateral resistance provided by the wall bracing.

[RB] BRACED WALL LINE, CONTINUOUSLY SHEATHED. A braced wall line with structural sheathing applied to all sheathable surfaces including the areas above and below openings.

[RB] BRACED WALL PANEL. A full-height section of wall constructed to resist in-plane shear loads through interaction of framing members, sheathing material and anchors. The panel's length meets the requirements of its particular bracing method, and contributes toward the total amount of bracing required along its braced wall line in accordance with Section R602 10.1.

- > [RB] BUILDING. Any one- or two-family dwelling or portion thereof, including townhouses, used or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, or any accessory structure.
- > **Exceptions:** For applications listed in Section 1.8.2 regulated by the Department of Housing and Community Development, "Building" shall not include the following:
 - Any mobilehome as defined in Health and Safety Code Section 18008.
 - 2. Any manufactured home as defined in Health and Safety Code Section 18007.
 - 3. Any commercial modular as defined in Health and Safety Code Section 18001.8 or any special purpose commercial modular as defined in Section 18012.5.
 - 4. Any recreational vehicle as defined in Health and Safety Code Section 18010.
 - 5. Any multifamily manufactured home as defined in Health and Safety Code Section 18008.7.

For additional information, see Health and Safety Code Section 18908.



code, or one for which a legal building permit has been issued.

[RB] BUILDING LINE. The line established by law, beyond which a building shall not extend, except as specifically provided by law.

[RB] BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

> [RB] BUILDING-INTEGRATED PHOTOVOLTAIC PRODUCT. A building product that incorporates photovoltaic modules and functions as a component of the building envelope.

[RB] BUILDING-INTEGRATED PHOTOVOLTAIC ROOF PANEL (BIPV Roof Panel). A photovoltaic panel that functions as a component of the building envelope.

[RB] BUILT-UP ROOF COVERING. Two or more layers of felt cemented together and surfaced with a cap sheet, mineral aggregate, smooth coating or similar surfacing material.

[RB] CAP PLATE. The top plate of the double top plates used in structural insulated panel (SIP) construction. The cap plate is cut to match the panel thickness such that it overlaps the wood structural panel facing on both sides.

[RB] CARBON MONOXIDE ALARM. A single- or multiple-station alarm intended to detect carbon monoxide gas and alert occupants by a distinct audible signal. It incorporates a sensor, control components and an alarm notification appliance in a single unit.

[RB] CARBON MONOXIDE DETECTOR. A device with an integral sensor to detect carbon monoxide gas and transmit an alarm signal to a connected alarm control unit.

CARE AND SUPERVISION. Any one or more of the following activities provided by a person or facility to meet the needs of the clients:

Assistance in dressing, grooming, bathing and other personal hygiene

Assistance with taking medication

Central storing and/or distribution of medications

Arrangement of and assistance with medical and dental care

Maintenance of house rules for the protection of clients

Supervision of client schedules and activities

Maintenance and/or supervision of client cash resources or property

Monitoring food intake or special diets

Providing basic services required by applicable law and regulation to be provided by the licensee in order to obtain and maintain a community-care facility license

CATASTROPHICALLY INJURED. A person whose origin of disability was acquired through trauma or nondegenerative neurologic illness, for whom it has been determined by the

Attachment G

CA Health & Safety Code Section 18909

(a)

"Building standard" means any rule, regulation, order, or other requirement, including any amendment or repeal of that requirement, that specifically regulates, requires, or forbids the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building, structure, factory-built housing, or other improvement to real property, including fixtures therein, and as determined by the commission.

(b)

Except as provided in subdivision (d), "building standard" includes architectural and design functions of a building or structure, including, but not limited to, number and location of doors, windows, and other openings, stress or loading characteristics of materials, and methods of fabrication, clearances, and other functions.

(c)

"Building standard" includes a regulation or rule relating to the implementation or enforcement of a building standard not otherwise governed by statute, but does not include the adoption of procedural ordinances by a city or other public agency relating to civil, administrative, or criminal procedures and remedies available for enforcing code violations.

(d)

"Building standard" does not include any safety regulations that any state agency is authorized to adopt relating to the operation of machinery and equipment used in manufacturing, processing, or fabricating, including, but not limited to, warehousing and food processing operations, but not including safety regulations relating to permanent appendages, accessories, apparatus, appliances, and equipment attached to the building as a part thereof, as determined by the commission.

(e)

"Building standard" does not include temporary scaffoldings and similar temporary safety devices and procedures that are used in the erection, demolition, moving, or alteration of buildings.

"Building standard" does not include any regulation relating to the internal management of a state agency.



"Building standard" does not include any regulation, rule, order, or standard that pertains to mobilehomes, manufactured homes, commercial coaches, special purpose commercial coaches, or recreational vehicles.



"Building standard" does not include any regulation, rule, or order or standard that pertains to a mobilehome park, as defined by Section 18214, or special occupancy park, as defined by Section 18862.43, except that "building standard" includes the construction of permanent buildings and plumbing, electrical, and fuel gas equipment and installations within permanent buildings in a mobilehome park or special occupancy park. For purposes of this subdivision, "permanent building" means any permanent structure constructed in the mobilehome park or special occupancy park that is a permanent facility under the control and ownership of the park operator.



"Building standard" does not include any regulation, rule, order, or standard that pertains to mausoleums regulated under Part 5 (commencing with Section 9501) of Division 8.



"Building standard" does not include any regulation adopted by the California Integrated Waste Management Board, the Department of Toxic Substances Control, the Occupational Safety and Health Standards Board, or the State Water Resources Control Board concerning the discharge of waste to land or the treatment, transfer, storage, resource recovery, disposal, or recycling of the waste.

Attachment H

CA Gov't Code Section 65852.3

(a)

A city, including a charter city, county, or city and county, shall allow the installation of manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et seq.) on a foundation system, pursuant to Section 18551 of the Health and Safety Code, on lots zoned for conventional single-family residential dwellings. Except with respect to architectural requirements, a city, including a charter city, county, or city and county, shall only subject the manufactured home and the lot on which it is placed to the same development standards to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to, building setback standards, side and rear yard requirements, standards for enclosures, access, and vehicle parking, aesthetic requirements, and minimum square footage requirements. Any architectural requirements imposed on the manufactured home structure itself, exclusive of any requirement for any and all additional enclosures, shall be limited to its roof overhang, roofing material, and siding material. These architectural requirements may be imposed on manufactured homes even if similar requirements are not imposed on conventional single-family residential dwellings. However, any architectural requirements for roofing and siding material shall not exceed those which would be required of conventional single-family dwellings constructed on the same lot. At the discretion of the local legislative body, the city or county may preclude installation of a manufactured home in zones specified in this section if more than 10 years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home in the affected zone. In no case may a city, including a charter city, county, or city and county, apply any development standards that will have the effect of precluding manufactured homes from being installed as permanent residences.

(b)

At the discretion of the local legislative body, any place, building, structure, or other object having a special character or special historical interest or value, and which is regulated by a legislative body pursuant to Section 37361, may be exempted from this section, provided the place, building, structure, or other object is listed on the National Register of Historic Places.

Attachment

CA Gov't Code Section 65852.4

A city, including a charter city, a county, or a city and county, shall not subject an application to locate or install a manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 et seq.) on a foundation system, pursuant to Section 18551 of the Health and Safety Code, on a lot zoned for a single-family residential dwelling, to any administrative permit, planning, or development process or requirement, which is not identical to the administrative permit, planning, or development process or requirement which would be imposed on a conventional single-family residential dwelling on the same lot. However, a city, including a charter city, county, or city and county, may require the application to comply with the city's, county's, or city and county's architectural requirements permitted by Section 65852.3 even if the architectural requirements are not required of conventional single-family residential dwellings.

Attachment



2023 California Code
Health and Safety Code - HSC
DIVISION 13 - HOUSING
PART 2.1 - MOBILEHOME PARKS ACT
CHAPTER 5 - Regulations
ARTICLE 1 - General Provisions
Section 18551.

Universal Citation:

CA Health & Safety Code § 18551 (2023)

18551. The department shall establish regulations for manufactured home, mobilehome, and commercial modular foundation systems that shall be applicable throughout the state. When established, these regulations supersede any ordinance enacted by any city, county, or city and county applicable to manufactured home, mobilehome, and commercial modular foundation systems. The department may approve alternate foundation systems to those provided by regulation if the department is satisfied of equivalent performance. The department shall document approval of alternate systems by its stamp of approval on the plans and specifications for the alternate foundation system. A manufactured home, mobilehome, or commercial modular may be installed on a foundation system as either a fixture or improvement to the real property, in accordance with subdivision (a), or a

manufactured home or mobilehome may be installed on a foundation system as a chattel, in accordance with subdivision (b).

- (a) Notwithstanding any other law, prior to a manufactured home, mobilehome, or commercial modular being deemed a fixture or improvement to the real property, the installation shall comply with all of the following:
- (1) Prior to installation of a manufactured home, mobilehome, or commercial modular on a foundation system, the manufactured home, mobilehome, or commercial modular owner or a licensed contractor shall obtain a building permit from the appropriate enforcement agency. To obtain a permit, the owner or contractor shall provide the following:
- (A) Written evidence acceptable to the enforcement agency that the manufactured home, mobilehome, or commercial modular owner owns, holds title to, or is purchasing the real property where the mobilehome is to be installed on a foundation system. A lease held by the manufactured home, mobilehome, or commercial modular owner, that is transferable, for the exclusive use of the real property where the manufactured home, mobilehome, or commercial modular is to be installed, shall be deemed to comply with this paragraph if the lease is for a term of 35 years or more, or if less than 35 years, for a term mutually agreed upon by the lessor and lessee, and the term of the lease is not revocable at the discretion of the lessor except for cause, as described in subdivisions 2 to 5, inclusive, of Section 1161 of the Code of Civil Procedure. Notwithstanding Section 18555, a registered owner of a manufactured home or mobilehome in a mobilehome park that is converted or proposed to be converted to a resident-owned subdivision formed pursuant to Section 11010.8 of the Business and Professions Code, stock cooperative, as defined in Section 4190 of the Civil Code, or condominium project, as defined in Section 4125 of the Civil Code, may submit written evidence of that owner's resident ownership in the mobilehome park in order to comply with this paragraph.
- (B) Written evidence acceptable to the enforcement agency that the registered owner owns the manufactured home, mobilehome, or commercial modular free of any liens or encumbrances or, in the event that the legal owner is not the registered owner, or liens and encumbrances exist on the manufactured home, mobilehome, or commercial modular, written evidence provided by the legal owner and any lienors or encumbrancers that the legal owner, lienor, or encumbrancer consents to the attachment of the manufactured home, mobilehome, or commercial modular upon the discharge of any personal lien, that may be conditioned upon the satisfaction by the registered owner of the obligation secured by the lien.

- (C) Plans and specifications required by department regulations or a department-approved alternate for the manufactured home, mobilehome, or commercial modular foundation system.
- (D) The manufactured home, mobilehome, or commercial modular manufacturer's installation instructions, or plans and specifications signed by a California-licensed architect or engineer covering the installation of an individual manufactured home, mobilehome, or commercial modular in the absence of the manufactured home, mobilehome, or commercial modular manufacturer's instructions.
- (E) Building permit fees established by ordinance or regulation of the appropriate enforcement agency.
- (F) A fee payable to the department in the amount of eleven dollars (\$11) for each transportable section of the manufactured home, mobilehome, or commercial modular, that shall be transmitted to the department at the time the certificate of occupancy is issued with a copy of the building permit and any other information concerning the manufactured home, mobilehome, or commercial modular that the department may prescribe on forms provided by the department.
- (2) (A) Within five business days of the issuance of the certificate of occupancy for the manufactured home, mobilehome, or commercial modular by the appropriate enforcement agency, the enforcement agency shall record a document naming the owner of the real property, describing the real property with certainty, and stating that a manufactured home, mobilehome, or commercial modular has been affixed to that real property by installation on a foundation system pursuant to this subdivision. The document shall be recorded with the county recorder of the county where the real property, upon which the manufactured home, mobilehome, or commercial modular that has been installed, is situated.
- (B) When recorded, the document referred to in subparagraph (A) shall be indexed by the county recorder to the named owner and shall be deemed to give constructive notice as to its contents to all persons thereafter dealing with the real property.
- (C) Fees received by the department pursuant to subparagraph (F) of paragraph (1) shall be deposited in the Mobilehome-Manufactured Home Revolving Fund established under subdivision (a) of Section 18016.5.
- (3) The certification of title and other indicia of registration shall be surrendered to the department pursuant to regulations adopted by the department providing for the

cancellation of registration of a manufactured home, mobilehome, or commercial modular that is permanently attached to the ground on a foundation system pursuant to this subdivision. For the purposes of this subdivision, permanent affixation to a foundation system shall be deemed to have occurred on the day a certificate of occupancy is issued to the manufactured home, mobilehome, or commercial modular owner and the document referred to in subparagraph (A) of paragraph (2) is recorded. Cancellation shall be effective as of that date and the department shall enter the cancellation on its records upon receipt of a copy of the certificate of occupancy. This subdivision shall not be construed to affect the application of existing laws, or the department's regulations or procedures with regard to the cancellation of registration, except as to the requirement therefor and the effective date thereof.

- (4) Once installed on a foundation system in compliance with this subdivision, a manufactured home, mobilehome, or commercial modular shall be deemed a fixture and a real property improvement to the real property to which it is affixed. Physical removal of the manufactured home, mobilehome, or commercial modular shall thereafter be prohibited without the consent of all persons or entities who, at the time of removal, have title to any estate or interest in the real property to which the manufactured home, mobilehome, or commercial modular is affixed.
- (5) For the purposes of this subdivision:
- (A) "Physical removal" shall include, without limitation, the unattaching of the manufactured home, mobilehome, or commercial modular from the foundation system, except for temporary purposes of repair or improvement thereto.
- (B) Consent to removal shall not be required from the owners of rights-of-way or easements or the owners of subsurface rights or interests in or to minerals, including, but not limited to, oil, gas, or other hydrocarbon substances.
- (6) At least 30 days prior to a legal removal of the manufactured home, mobilehome, or commercial modular from the foundation system and transportation away from the real property to which it was formerly affixed, the manufactured home, mobilehome, or commercial modular owner shall notify the department and the county assessor of the intended removal of the manufactured home, mobilehome, or commercial modular. The department shall require written evidence that the necessary consents have been obtained pursuant to this section and shall require application for either a transportation permit or manufactured home, mobilehome, or commercial modular registration, as the department may decide is appropriate to the circumstances. Immediately upon removal, as defined

this section, the manufactured home, mobilehome, or commercial modular shall be deemed to have become personal property and subject to all laws governing the same as applicable to a manufactured home, mobilehome, or commercial modular.

- (b) The installation of a manufactured home or a mobilehome on a foundation system as chattel shall be in accordance with Section 18613 and shall be deemed to meet or exceed the requirements of Section 18613.4. This subdivision shall not be construed to affect the application of sales and use or property taxes. No provisions of this subdivision are intended, nor shall they be construed, to affect the ownership interest of any owner of a manufactured home or mobilehome.
- (c) Once installed on a foundation system, a manufactured home, mobilehome, or commercial modular shall be subject to state-enforced health and safety standards for manufactured homes, mobilehomes, or commercial modulars enforced pursuant to Section 18020.
- (d) No local agency shall require that any manufactured home, mobilehome, or commercial modular currently on private property be placed on a foundation system.
- (e) No local agency shall require that any manufactured home or mobilehome located in a mobilehome park be placed on a foundation system.
- (f) No local agency shall require, as a condition for the approval of the conversion of a rental mobilehome park to a resident-owned park, including, but not limited to, a subdivision, stock cooperative, or condominium project for mobilehomes, that any manufactured home or mobilehome located there be placed on a foundation system. This subdivision shall only apply to the conversion of a rental mobilehome park that has been operated as a rental mobilehome park for a minimum period of five years.

(Amended by Stats. 2018, Ch. 254, Sec. 1. (AB 1943) Effective September 5, 2018.)

Disclaimer: These codes may not be the most recent version. California may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained on this site or the information linked to on the state site. Please check official sources.

Attachment K

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT DIVISION OF CODES AND STANDARDS

9342 Tech Center Drive, Suite 500, Sacramento, CA 95826 P.O. Box 277820, Sacramento, CA 95827-7820 1-800-952-8356 / FAX (916) 263-3383 From TDD Phones 1-800-735-2929 www.hcd.ca.gov



January 02, 2020

INFORMATION BULLETIN 2020-01 (MH, MP, SOP)

TO:

City and County Building Officials Local Enforcement Agencies

Mobilehome Park Operators and Residents

Manufactured Home Manufacturers

Manufactured Home Dealers

Interested Parties Division Staff

FROM:

Richard Weinert, Deputy Director Division of Codes and Standards

SUBJECT:

California Energy Code Photovoltaic (Solar) Requirements and

Manufactured Housing/Mobilehomes

This Information Bulletin is issued to clarify the impact of California photovoltaic (solar or PV) system requirements, effective January 1, 2020, on manufactured homes 1, constructed to the Manufactured Home and Construction Safety Standards 2, and mobilehomes 3.

Beginning January 1, 2020, the 2019 California Energy Code contains mandatory requirements for solar ready buildings, including newly constructed residential buildings⁴. Manufactured homes, approved by the U.S. Department of Housing and Urban Development, and mobilehomes are exempt from California building standards⁵, including the California Energy Code solar mandate⁶.

Please contact Mitchel Baker, Codes and Standards Administrator III, at (916) 263-3221 or Mitchel.Baker@hcd.ca.gov with any questions.

¹See California Health and Safety Code section 18007

²See Title 24 Code of Federal Regulations, Subtitle B, Chapter XX, Part 3280

³See California Health and Safety Code section 18008

⁴Title 24California Code of Regulations, Part 6, sections 110.10 and 150.1(c)(14)—The code provides exceptions for compliance.

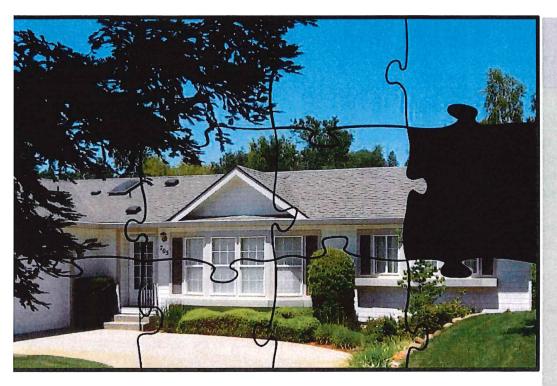
⁵See California Health and Safety Code section 18909(g)—Exception applies if technical requirements are incorporated by reference in the Department's regulations, Title 25 of the California Code of Regulations.

⁶A homeowner may voluntarily elect to install solar on manufactured homes/mobilehomes which triggers applicable Department laws and regulations.

Attachment L

THE RESOURCE

California Manufactured Housing Institute



Puzzled About Manufactured Housing...? An Overview For Local Governments

By Jess Maxcy*

A High Value Housing Option Comes of Age in California

Even though California manufacturers and regulatory agencies have led the way in the development of factory constructed housing many are still puzzled by the term "manufactured housing." Just what is a manufactured home and how does it differ from other forms of housing built in a factory?

From yesterday's mobile home to today's manufactured home, we have witnessed the evolution of a product designed for temporary shelter to one engineered to provide permanent housing. Serving as a catalyst for this evolution was a joint commitment on the part of industry and California regulators to ensure a high quality, high value product.

In 1958, California adopted the nation's first statewide health and safety standards for mobile homes. In response to design and engineering advances in the product, California in 1969, adopted the nation's first factory-built housing law combining the benefits of factory production and transportability with construction compatible with conventional housing standards. In 1971, these regulations were expanded to cover structural designs and fire safety.

Using the California code as a model, the federal government developed the nation's first preemptive building code. Adoption of the National Manufactured Home Construction and Safety Standards (the HUD Code) in 1976 accelerated a trend that has brought the modern manufactured home into the main-stream of the California housing industry.

Special Edition

AUGUST 2024

An Affordable and High
Value Home Ownership
Opportunity For Families
Seeking Affordable Home
Ownership

Inside This Issue:

- **♦** Definitions
- **♦ The HUD Code**
- ◊ Zoning A Home for Every Neighborhood



Permanent Housing Choice

The HUD Code, combined with growing consumer acceptance and industry improvements, has transformed the mobile home of yesteryear into a permanent housing choice for over 875,000 Californians, living in nearly 350,000 HUD Code manufactured homes.

Preemptive Code Benefits

First, a national preemptive code allows manufacturers to build to one code, rather than a patchwork of local codes. The HUD Code allows production processes to be standardized, materials to be ordered in advance and in great volume, and manufacturers to be freed from unnecessary, parochial building standards that increase costs without corresponding improvements to the health, safety and durability.

Second, a national preemptive code facilitates interstate shipping. The HUD Code ensures consumers and local governments that a manufactured home, even if constructed in a plant hundreds of miles away or in a different state, meets uniform standards.

Third, a national preemptive code fosters innovation in construction processes. In many instances, the HUD Code has been a testing ground for innovation in local and state building codes. For example, in the past many building code officials scorned the idea of using PVC plumbing in residential construction. Today, this material is recognized and used in all forms of residential construction.

Fosters Competition

Today's manufactured home sets the standard for value at an affordable price. Manufactured homes compete in appearance and performance with many typical site-built, homes in many architectural designs. This competition provides more opportunities for home ownership among moderate-income Californians. The California manufactured housing industry believes that whatever technology exists for getting more homes to more people should be encouraged, so long as those technologies meet publicly adopted standards relating to health, safety and durability. Further, we believe that today's manufactured homes blend the best in style



and amenities at a price that the average wage earner can afford.

Definitions of Factory Constructed Housing

The federal government began regulating manufactured housing in 1976 in response to the enactment of the National Mobile Housing Construction and Safety Standards Act. In 1980, in recognition of the more durable and less mobile nature of these modern factory-constructed homes, Congress changed all reference in federal law and regulations from the term "mobile" to the term "manufactured." This was not just a simple name change rather, the new designation was a result of increased construction and safety standards.

A key to understanding the modern manufactured home is distinguishing it from other homes that are constructed in a factory.

The California Manufactured Housing Institute (CMHI) believes that the basis for distinguishing among homes constructed in a factory should be the code to which they are built. CMHI offers the following guidelines:

Manufactured Home

A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the federal Manufactured Home Construction and Safety Standards (see Code of Federal Regulations 3280 for legal definition).

Factory-Built Home

A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the California Administrative Code applicable to industrialized housing (see California Administrative Code, Title 25, Chapter 3, Subchapter 1, for legal definition). Factory-built housing is sometimes referred to as modular housing.

Mobile Home

A transportable, factory-constructed home, designed to be used as a year-round residential dwelling and built prior to enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

The HUD Code

Since June 15, 1976, all manufactured homes in the United States have been built to the National Manufactured Home Construction and Safety Standards (the HUD Code). Since adoption of the Code, which under federal law preempts all local building codes for these single-family dwellings, their quality has risen dramatically. The HUD label certifies that the home has been factory constructed, tested and inspected to comply with stringent, uniform federal standards.

The HUD Code, administered by the Department of Housing and Urban Development, is the counterpart to national model codes for site-built housing.



Why

Manufactured Housing ???

Because

Home Ownership
Doesn't have To be
a Just a Dream

Designed For Factory Building

The HUD Code is designed for compatibility with the factory production process. The code sets performance standards for heating, plumbing, air conditioning, thermal and electrical systems. Additionally, it sets performance requirements for structural design, construction, fire resistance, energy efficiency and transportation to the home site. Constructed with virtually identical materials to those used in site construction but, unlike traditional site-building techniques manufactured homes have the advantage of using engineered design and cost-effective assembly line techniques that result in quality construction.

To ensure quality, design and construction are monitored by both HUD and The Institute For Building Technology and Safety (IBTS).

The Inspection System

Generally, a building code is only as good as its enforcement system. The manufactured home enforcement program required by HUD is a thorough and efficient inspection system designed for the factory production environment.

Unlike many site-built codes which lack uniform and consistent enforcement, the HUD system relies on a cooperative federal/state program for ensuring compliance with the National Manufactured Home Construction and Safety Standards.

HUD enforces the Code through IBTS. In California, IBTS and the California Department of Housing and Community Development (HCD) monitor the performance of third-party HUD-certified agencies, which inspect the design of a manufactured home for its compliance with engineering standards and checks the inplant construction process as the home moves through the factory. HUD also administers a consumer warranty program for HUD-Code homes.

In California additional consumer warranty protection for purchases of new manufactured homes are provided in the California Civil Code (Divisions 3, Part A, Title 1.7, Chapter 3, Sections 1797-1797-.7).

Quality Assurance and Design Approval

Each manufacturer must prepare a quality assurance manual, which includes test and inspections required at each assembly station in a factory. This manual commits the manufacturer to adequate inspections and tests of every part of each manufactured home produced. This manual must be approved by a HUD-certified agency.

Additionally, all manufactured home designs must be reviewed by a HUD independent design agent who must certify that the engineering plan meets performance requirements of the HUD Code.

In Plant Inspections

The frequency of inspections is timed so that every manufactured home is inspected, by HUD certified inspectors in at least one stage of production. The inspector makes a complete inspection of each phase of production and of all visible parts of every manufactured home.

The quality assurance manual is the basis for performing comprehensive inspections as the home is being constructed.

HUD-certified agents conduct inspections to assure that the manufacturer is performing its operations in a manner consistent with its approved quality assurance manual and internal inspection system. Additionally, IBTS inspection teams conduct independent inspections as a check on the performance of the inspection agents and the manufacturer.

Iome Certification

Only when homes are certified by the manufacturer to have been inspected in accordance with he HUD enforcement procedures and to have been constructed in accordance with the HUD Code, s a HUD certification label affixed to the home.



LandLand Use, Zoning and Financing

By expanding siting opportunities for manufactured housing, consumers have increased ownership opportunity for high value housing with architectural versatility for placement in traditional land-lease communities as well as planned unit developments, subdivisions and scattered lot installations.

Single-Site Occupancy

Many manufactured homes are indistinguishable from their site-built counterparts in construction and appearance. In California, many new manufactured homes sold each year are sited on lots nurban, suburban or rural neighborhoods. Facilitating this opportunity are state laws (Government Code Sections 65852.3 and 65852.4) which allow manufactured homes to be sited on any residential ot. Section 18551 of the California Health and Safety Code governs the installation and conversion of manufactured homes to real property.

Manufactured Housing Communities

About 70 percent of new manufactured homes sold each year in California are sited in planned developments where the consumer typically owns the home as personal property and leases a home site. These communities typically offer residents security, club-houses, pools, spas, and maintenance of common areas. There are more that nearly 4,500 manufactured housing communities in California offering a wide variety of lifestyles. These communities contain more than 388,000 home sites. These homes are generally Financed with Chattel (personal property) Loans

A growing number of manufactured homes in California are being sold in conventional subdivisions, planned unit developments and condominiums where the land and home are owned and financed as real estate.

Parity in Taxes

Essential to laying the foundation for land use reform is ensuring equivalency in taxation. In recognition of the transition of manufactured homes from temporary shelter to permanent housing, the State of California on July 1, 1980, enacted legislation permitting local taxation of manufactured housing.

Manufactured homes are now taxed as real property by local governments rather than as personal property by the State Department of Motor Vehicle's This reform has eliminated the argument that manufactured home owners "don't pay their fair share." Additionally, the California Legislature, believing that "prospective homeowners should have an opportunity to apply for programs that facilitate home ownership regardless of the type of home which will be purchased," added Government Code Section G5852.35a to wit "Notwithstanding any other law, all state and local programs designed to facilitate home ownership residence, including loan origination and repayment programs, down payment assistance, and tax credits, shall include manufactured housing, to the extent feasible."

The Resource is published by the California Manufactured Housing Institute (CMHI), a non-profit trade association representing builders of factoryconstructed homes, retailers, supplier companies, financial institutions, community owners and land developers. CMHI was founded on the belief that by combining the efforts and common interest of all sectors of the manufactured housing industry, the best interest of consumers, local communities and the industry will be served.

CMHI President/CEO

Jess Maxcy



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