

**Effective: [See Text Amendments]**

West's Annotated California Codes Currentness

Health and Safety Code ([Refs & Annos](#))

Division 13. Housing ([Refs & Annos](#))

→ Part 6. Factory-Built Housing ([Refs & Annos](#))

Chapter 1. General Provisions and Definitions ([Refs & Annos](#))

### **§ 19960. Short title**

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

**Effective: [See Text Amendments]**

### **§ 19961. Legislative findings**

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.

**Effective: [See Text Amendments]**

### **Chapter 2. Definitions ([Refs & Annos](#))**

### **§ 19965. Construction of part**

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

**Effective: [See Text Amendments]**

### **§ 19966. Approved**

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

**Effective: [See Text Amendments]**

### **§ 19967. Building component**

"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.

**Effective: [See Text Amendments]**

#### **§ 19967.1. Building system**

"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.

**Effective: [See Text Amendments]**

#### **§ 19967.2. Building standard**

"Building standard" means building standard as defined in [Section 18909](#).

**Effective: [See Text Amendments]**

#### **§ 19968. Repealed by Stats.1987, c. 891, § 12**

**Effective: [See Text Amendments]**

#### **§ 19969. Department**

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

**Effective: [See Text Amendments]**

#### **§ 19969.3. Design approval agency**

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

**Effective: [See Text Amendments]**

#### **§ 19970. Dwelling unit**

"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.

**Effective: January 01, 2004**

#### **§ 19971. Factory-built housing**

"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 18010.5](#), or a commercial modular, as defined in [Section 18012.5](#).

**Effective: [See Text Amendments]**

#### **§ 19972. First user**

"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.

**Effective: [See Text Amendments]**

#### **§ 19973. Repealed by Stats.1970, c. 774, p. 1461, § 2**

**Effective: [See Text Amendments]**

#### **§ 19974. Installation**

"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.

**Effective: [See Text Amendments]**

#### **§ 19975. Local enforcement agency**

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

**Effective: [See Text Amendments]**

#### **§ 19975.1. Local inspection agency**

"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](#).

**Effective: [See Text Amendments]**

#### **§ 19976. Manufacture**

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

**Effective: [See Text Amendments]**

#### **§ 19976.05. Quality assurance agency**

"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.

**Effective: [See Text Amendments]**

#### **§ 19976.1. Residential building**

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

**Effective: [See Text Amendments]**

#### **§ 19977. Site**

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

**Effective: [See Text Amendments]**

### **Chapter 3. Regulation (Refs & Annos)**

#### **§ 19980. Factory-built housing; insignia of approval**

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.

**Effective: [See Text Amendments]**

#### **§ 19981. Presumption of compliance of approved factory-built housing with local ordinances and regulations; prohibition against modification without approval**

(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.

**Effective: January 01, 2007**

**§ 19982. Schedule of fees; disposition and appropriation of fees; reductions in schedule**

(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.

**Effective: [See Text Amendments]**

**§ 19983. Delegating enforcement authority to local government agencies; approving design approval agencies**

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](#).

**Effective: [See Text Amendments]**

**§ 19984. Law governing adoption of building standards and rules and regulations**

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](#).

**Effective: [See Text Amendments]**

**§ 19985. Approval of factory-built housing manufactured in accordance with standards of another state**

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.

**Effective: [See Text Amendments]**

#### **Chapter 4. Application and Scope (Refs & Annos)**

##### **§ 19990. Adoption of rules and regulations and building standards**

(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.

**Effective: [See Text Amendments]**

##### **§ 19990.5. Renumbered § 19990.6 and amended by Stats.1983, c. 101, § 135**

**Effective: [See Text Amendments]**

### **§ 1990.6. Foam building systems; laws, standards and regulations**

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.

**Effective: [See Text Amendments]**

### **§ 1991. Enforcement by department**

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 1991.1, 1991.3, 1991.4, and 1992](#).

**Effective: [See Text Amendments]**

#### **§ 1991.1. In-plant inspections by local agencies; certification; fees**

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.

**Effective: [See Text Amendments]**

#### **§ 1991.2. In-plant inspections by department**

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.

**Effective: [See Text Amendments]**

#### **§ 1991.3. Design approval agencies; regulations for qualification and disqualification**

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.

**Effective: [See Text Amendments]**

#### **§ 19991.4. Qualification and disqualification of quality assurance agencies to perform inspections**

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.

**Effective: [See Text Amendments]**

#### **§ 19992. Installation of factory-built housing; enforcement and inspection by local agencies; fees**

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.

**Effective: [See Text Amendments]**

#### **§ 19993. Zoning, load and pressure requirements reserved to local jurisdictions; factory-built housing**

(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.

**Effective: [See Text Amendments]**

#### **§ 19994. Repealed by Stats.1974, c. 129, p. 265, § 16, eff. April 2, 1974**

**Effective: [See Text Amendments]**

### **Chapter 5. Appeals (Refs & Annos)**

#### **§ 19995. Hearing by department**

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.

**Effective: [See Text Amendments]**

**§ 19996. Rules and regulations**

The commission may promulgate rules pertaining to the hearing of appeals under the provisions of this chapter.

**Effective: January 01, 2009**

**Chapter 6. Penalties (Refs & Annos)**

**§ 19997. Violation; misdemeanor; civil penalty**

(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 thirty (30) days, or by both such 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) 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.

Current with urgency legislation through Ch. 156 of the 2009 Reg.Sess., Ch. 12 of the 2009-2010 2nd Ex.Sess., Ch. 26 of the 2009-2010 3rd Ex.Sess., and Ch. 24 of the 2009-2010 4th Ex.Sess., Governor's Reorganization Plan No. 1 of 2009, Prop. 1F, approved at the 5/19/2009 election, and propositions on the 6/8/2010 ballot received as of 8/1/2009  
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