

Adopted July 9, 1993

## **MODEL RULES AND REGULATIONS FOR INDUSTRIALIZED/MODULAR BUILDINGS**

**"Model Rules and Regulations for Industrialized/Modular Buildings"** means the construction standards adopted by the Commission (after consideration of any recommendations from the rules development committee) which govern the design, manufacture, handling, storage, delivery, and installation of industrialized/modular buildings and building components. The construction standards and any amendments thereof shall conform insofar as practicable to model building codes and referenced standards generally accepted and in use throughout the United States.

Current through 5/30/00

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## PART I: PURPOSE, OBJECTIVE, AND SCOPE

### Section 1. Purpose

(A) The purpose of this document is to provide model rules and regulations for a *participating state* to adopt to effectively implement the Interstate Compact on Industrialized/Modular Buildings. The adoption of these Model Rules and Regulations by the *participating state* will create uniformity in the compliance requirements of individual states; promote the use of new technologies, techniques, and materials; and increase the availability of safe, decent, and affordable housing and other building occupancies.

(B) No approval, ruling, action, order, or notice issued in accordance with rules in effect prior to the effective date of the adoption to these Model Rules and Regulations shall be rendered invalid or unenforceable by reason of the adoption of these rules or the appeal of rules superseded by these Model Rules and Regulations. Any approval issued in accordance with rules in effect prior to the effective date of the adoption of these Model Rules and Regulations shall continue in effect for the period for which it was granted, but any subsequent approval shall be in accordance with these Model Rules and Regulations.

### Section 2. Objective

To provide model rules and regulations pursuant to the findings and declarations of the Interstate Compact on Industrialized/Modular Buildings, as stated below.

(A) The state finds that:

(1) *Industrialized/modular buildings* are constructed in factories in the various states and are a growing segment of the nation's affordable housing and commercial building stock.

(2) The regulation of industrialized/modular buildings varies from state to state and locality to locality, which creates confusion and burdens state and local building officials and the *industrialized/modular buildings* industry.

(3) Regulation by multiple jurisdictions imposes additional costs, which are ultimately borne by the owners and users of *industrialized/modular buildings*; restricts

market access; and discourages the development and incorporation of new technologies.

(B) It is the policy of the *Commission* to:

(1) Provide the states which regulate the design and construction of *industrialized/modular buildings* and *building components* with a system to coordinate and uniformly administer their rules and regulations for such buildings, all in a manner to assure mutual acceptance of *industrialized/modular buildings* and *building components*.

(2) Provide to Congress assurances that would preclude the need for a voluntary preemptive federal regulatory system for industrialized/modular housing, as outlined in Section 572 of the Housing and Community Development Act of 1987, including development of model standards for industrialized/modular housing construction, such that design and performance will insure quality, durability, and safety; will be in accordance with cost-effective energy conservation standards; all to promote the lowest total construction and operating costs over the life of such housing.

### Section 3. Scope

#### (A) Applicability

These Model Rules and Regulations govern the design, manufacture, handling, storage, delivery, and *installation of industrialized/modular buildings* and *building components* intended for *installation in a participating state*. *Industrialized/modular buildings* or *building components* certified pursuant to these Model Rules and Regulations may be sold for, delivered to, or installed on building sites located in any such *participating state*. *Industrialized/modular buildings* that are not required to be labeled or comply with *code* approval under state law, are exempt from these Model Rules and Regulations.

**(B) Preemption**

When a *participating state* adopts these Model Rules and Regulations and the Uniform Administrative Procedures, *industrialized/modular buildings* or *building components* certified pursuant to the Uniform Administrative Procedures shall be deemed to comply with the requirements of the *participating state's* laws, ordinances, rules, and regulations which govern the matters within the scope of the approval and *certification* of *industrialized/modular buildings* and *building components*, regardless of the provisions of any other such law, ordinance, rule, or regulation.

**(C) Applicability of Local Law**

- (1) Land use and zoning requirements; building set-back requirements; side and rear yard requirements; property line requirements; and on-site development, on-site construction, and on-site inspection requirements are specifically and entirely reserved to the local government, except as provided by or pursuant to these model rules and regulations, provided that such standards are not more stringent than those imposed on other types of buildings in the area.
- (2) In areas of the state where special environmental conditions exist which require special or different building standards pursuant to Part III, Section 1 hereof, local government may prescribe such standards for those parts of the site development, foundation, and other site work for which responsibility is vested in local government pursuant to Subsection C(1) of this Section, provided that such standards are not more stringent than those imposed on other types of buildings in the area.

## PART II: DEFINITIONS

Wherever used or referred to in these Model Rules and Regulations, the terms below shall have the meanings assigned to them unless a different meaning is clearly indicated by the context.

"**ACT**" means the laws of the *participating state* governing industrialized/modular construction as amended and supplemented by the enabling legislation of the Interstate Compact on Industrialized/Modular Buildings.

"**APPROVED**" means approved by the Industrialized Buildings Commission, *aparticipating state*, or a *designated evaluation/inspection agency*.

"**BUILDING COMPONENT**" means any subsystem, subassembly, or other system of *closed construction* 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.

"**BUILDING SYSTEM**" means the method of constructing a type of *industrialized/modular building* or *building component* described by plans, specifications, and other documentation which together establish a set of limits meeting the building codes, standards, and other requirements of these regulations for that type of *industrialized/modular building* or *building component*, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety.

"**CERTIFICATION**" means the process by which *participating states* and local building inspection agencies are assured that elements of *closed construction*, not practical to inspect at the building site, conform to the building codes.

"**CERTIFICATION LABEL**" means an *approved* insignia or seal evidencing *certification* in accordance with the Uniform Administrative Procedures.

"**CLOSED CONSTRUCTION**" means any building, *building component*, assembly, or system manufactured in such a manner that concealed parts or processes of manufacture cannot be inspected at the building site without disassembly, damage, or destruction. The definition shall not include products, such as structural, electrical, and plumbing fixtures and equipment which are tested, listed, labeled, and certified by a nationally recognized testing laboratory.

"**CODE**" means the codes, standards, specifications, and requirements adopted pursuant to PART III, Section 1 of these Model Rules and Regulations.

"**COMMISSION**" means the Industrialized Buildings Commission.

"**COMPLIANCE ASSURANCE DOCUMENTS**" means *approved building system* documents, an *approved* compliance assurance manual, and *approved* on-site *installation* instructions.

"**COMPLIANCE ASSURANCE PROGRAM**" means the policies and procedures which assure that *industrialized/modular buildings* and *building components*, including their manufacture, storage, delivery, assembly, handling, and *installation*, conform with these Model Rules and Regulations and the Uniform Administrative Procedures.

"**DESIGNATED**" means selected by the *Commission* to perform one (1) or more of the inspection and/or evaluation functions described under the Uniform Administrative Procedures.

"**EVALUATION AGENCY**" means a *designated* person or organization, private or public, determined by the *Commission* to be qualified by reason of facilities, personnel, experience, and demonstrated reliability and *independence of judgment*, to investigate and evaluate *industrialized/modular buildings*, *building*

*components, building systems, or compliance assurance programs.*

**"INDEPENDENCE OF JUDGMENT"** means not being affiliated with or influenced or controlled by building manufacturers or by producers, suppliers, or vendors of products or equipment used in *industrialized/modular buildings* and *building components*, in any manner which is likely to affect capacity to render reports and findings objectively and without bias.

**"INDUSTRIALIZED/MODULAR BUILDING"** means any building of *closed construction*; i.e., constructed in such a manner that concealed parts or processes of manufacture cannot be inspected at the site, without disassembly, damage, or destruction, and which is made or assembled in manufacturing facilities, off the building site, for *installation*, or assembly and *installation*, on the building site. "Industrialized/modular building" includes, but is not limited to, modular housing which is factory-built single-family and multi-family housing (including closed wall panelized housing) and other modular, nonresidential buildings. "*Industrialized/modular building*" does not include any structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974.

**"INSPECTION AGENCY"** means a *designated* person or organization, private or public, who is determined by the *Commission* to be qualified by reason of facilities, personnel, experience, and demonstrated reliability and *independence of judgment*, to monitor *compliance assurance programs*.

**"INSTALLATION"** means the process of affixing, or assembling and affixing, *industrialized/modular buildings* or *building components* on the building site.

**"INTERIM RECIPROCAL AGREEMENT"** means a formal reciprocity agreement as defined in the enabling legislation of the Interstate Compact on Industrialized/Modular Buildings.

**"LOCAL ENFORCEMENT AGENCY"** means the agency or agencies of the *participating states* or local government with authority to inspect buildings and enforce the law, ordinances, and regulations which establish standards and requirements applicable to the construction, *installation*, alteration, repair, or relocation of buildings.

**"MODULE"** means a closed wall structure or substantial part of a closed wall structure incorporating one or more rooms used as habitable, occupiable, or mechanical/equipment space.

**"NONCONFORMANCE"** means the failure to adhere to the requirements of an *approved building system*, or where the *building system* is not specific, to the *code*.

**"PARTICIPATING STATE"** means any compacting state or any non-compacting state acting under the purview of an *interim reciprocal agreement*.

## PART III: STANDARDS

### Section 1. Standards, Specifications, and Requirements Adopted

*Building systems* shall comply with:

**Comment:** The actual standards to be used are to be inserted here. To the extent practicable, the standards and requirements established shall allow designs in terms of performance objectives, so as to facilitate the use of new technologies, techniques, and materials. In establishing such standards, specifications, and requirements, the following nationally recognized codes and standards, for example, shall be considered and may be adopted:

**Uniform Building Code**, ICBO, Whittier, California

**Uniform Mechanical Code**, ICBO

**Uniform Plumbing Code**, IAPMO, Los Angeles, California

**National Building Code**, BOCA, Country Club Hills, Illinois

**National Plumbing Code**, BOCA

**National Mechanical Code**, BOCA

**Standard Building Code**, SBCCI, Birmingham, Alabama

**Standard Plumbing Code**, SBCCI

**Standard Gas Code**, SBCCI

**National Electrical Code**, NFPA, Quincy, Massachusetts

**One and Two Family Dwelling Code**, CABO, Falls Church, Virginia

**Model Energy Code**, CABO

**ANSI A117.1, "Standard for Buildings and Facilities--Providing Accessibility and Usability for Physically Handicapped People,"** ANSI, New York

Such codes and standards should be adopted without amendments. Any amendments in the adopted codes and standards shall be submitted, with the reasons therefor, for consideration by the appropriate organization for amendment of the code or standard.

#### (A) Alternates

The provisions of these Model Rules and Regulations are not intended to prevent the use of any technologies, techniques, or materials not specifically prescribed by the codes, standards, specifications, and requirements, provided any such alternate has been *approved*.

In order to obtain approval for such alternate, an application shall be filed in writing with the *evaluation agency*. The application shall contain the current requirements of the codes, standards, or specifications from which an alternate is sought and a statement of how the alternate to these requirements would adequately protect the health,

safety, and welfare of the occupants and the general public.

The *evaluation agency* may approve any such alternate provided it determines that the proposed design is satisfactory, and that the material, method, or work offered is, for the purpose intended, consistent with the adopted codes and standards, including quality, strength, effectiveness, fire resistance, durability, and safety. The *evaluation agency* shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding the use of any such alternate. The *evaluation agency* shall notify the applicant of the determination. If the application is

denied, the notification shall state the reasons therefor.

**(B) Special Environmental Conditions**

The *participating state* shall maintain appropriate information indicating those areas of the *participating state* which it has established as having special environmental conditions such as snow, wind loads, seismic conditions, temperature, humidity, and soil conditions requiring special or different building standards. Such information shall be available for public inspection.

## PART IV: PRODUCT CONTROL AND IDENTIFICATION

### Section 1. Manufacturer's Data Plate

The following information shall be typewritten on a smudge proof, permanent manufacturer's data plate located in the vicinity of the *certification label*:

- (1) Name and address of manufacturer;
- (2) Serial number(s) (Manufacturer's identification number(s))
- (3) Manufacturer's plan approval designation (model number/name);
- (4) *Certification label* number(s);
- (5) Construction classification;
- (6) Occupancy classification (use group);
- (7) Seismic zone;
- (8) Wind velocity load;
- (9) Roof and floor live load;
- (10) Fire rating for exterior walls;
- (11) Thermal transmittance values;
- (12) Date of manufacture; and
- (13) The name and date of the building code(s) complied with.

### Section 2. Serial Number

The manufacturer shall apply a serial number to each unit at the beginning of the production process. The serial number shall not be applied to a feature of the industrialized building or *building component* that is readily removable. The location of the serial number(s) shall be identified in the manufacturer's *compliance assurance program*.

## PART V: REQUIREMENTS FOR SUBMISSION OF COMPLIANCE ASSURANCE DOCUMENTS

No person/agency shall be allowed to deliver, sell, lease, or install any *industrialized/modular building* or *building component* in the *participating state* unless such *industrialized/modular building* or *building component* is certified in accordance with the requirements of these Model Rules and Regulations.

### **Section 1. Building Systems Documents**

The *building systems* documents consist of plans, specifications, calculations, test results, and/or other documents which describe in detail the product and manufacturing processes employed to produce *industrialized/modular buildings* or *building components*. The documents need only show details for equipment provided by the manufacturer. The documents shall be comprehensively indexed and shall treat the material listed here in detail. For the *building systems* to be evaluated, the following shall be provided:

#### **(A) General Requirements**

- (1) All plans, specifications, and other documentation shall be submitted in three (3) copies.
- (2) All documents submitted with the application shall be identified to indicate the manufacturer's name.
- (3) A clear space must be provided on all sheets of plans near the title box for the stamp(s) of approval.
- (4) Manufacturers shall submit plans showing all elements relating to specific systems on properly identifiable sheets.
- (5) Structural connections and connection of systems, equipment, and appliances to be performed on site shall be identified, detailed, and distinguished from work to be performed in the manufacturing facility.
- (6) Method of interconnection between *industrialized/modular buildings* or *building components*, and location of connections.
- (7) Design calculations and/or test reports shall be submitted when required by the *evaluation agency*. The manufacturer shall cross-reference all designs to appropriate calculations and/or test reports.

(8) Documents shall indicate the location of the *certification label*.

(9) Drawings shall be dated and identified, and include an index which can be used to determine that the package is complete.

(10) Documents shall provide or show, as appropriate, occupancy or use; area, height, and number of stories; type of construction; and loads (wind, floor, snow, and seismic).

#### **(B) Required Construction Details**

Documents for *industrialized/modular buildings* or *building components* shall provide or show, as appropriate, the details listed below. Only the minimum documentation necessary to demonstrate each alternative possible within the system shall be required.

##### **(1) General**

- (a) Details and methods of *installation* of *industrialized/modular buildings* or *building components* on foundations and/or to each other.
- (b) Floor plan(s) and typical elevation(s).
- (c) Cross sections necessary to identify major *building components*.
- (d) Details of flashing, such as at openings and at penetrations through roofs and subcomponent connections. Indicate flashing material and gauge to be used.
- (e) Attic access and attic ventilation, when required by the code.
- (f) Exterior wall, roof, and soffit material.
- (g) Interior wall and ceiling material.
- (h) Barrier free provisions, if applicable.
- (i) Sizes, locations, and types of doors and windows.
- (j) Suggested foundation plans, vents, and underfloor access.
- (k) Details of any elevator or escalator system, including method of emergency operation, when provided.

**(2) Fire Safety**

- (a) Details of fire rated assemblies, including reference listing or test report for all stairway enclosures, doors, walls, floors, ceiling, partitions, columns, roof, and other enclosures.
- (b) Means of egress, including details of aisles, exits, corridors, passageways, and stairway enclosures.
- (c) Flame spread and smoke developed classification of interior materials.
- (d) Location of required draftstops and firestops.
- (e) Opening protectives in fire resistance rated systems and assemblies.
- (f) Drawings of fire suppression systems, standpipes, fire alarms, and detection systems, when required.

**(3) Structural Detail Requirements**

- (a) Calculations of structural members and/or test results, where appropriate, except where compliance can be demonstrated through code tables, accepted handbooks, and listing documents.
- (b) Details of structural elements, including framing details, spacing, size, and connections.
- (c) Grade, species, and specifications of materials.
- (d) Typical foundation plans, details, and assumed design soil bearing value.
- (e) Schedule of roof, floor, wind, and seismic loads upon which design is based.
- (f) Column loads and column schedule.

**(4) Mechanical Detail Requirements**

- (a) Location of all equipment, appliances, and baseboard radiation units.
- (b) Energy conservation calculations.
- (c) Indicate input/output rating of all equipment and appliances, as appropriate.
- (d) Duct and register locations, sizes, and materials, as appropriate.

- (e) Method of providing combustion air, if required.
- (f) Method of providing ventilation air, if required.
- (g) Method of providing make-up air, if required.
- (h) Location of flues, vents, and chimneys; and clearances from air intakes, combustible materials, and other vents and flues.

**(5) Plumbing Detail Requirements**

- (a) Schematic drawing of the plumbing layout, including, but not limited to, size of piping; fittings; traps and vents; cleanouts and valves; and gas, water, and drainage systems.
- (b) Plumbing materials and location of all equipment, appliances, and safety controls to be used. Indicate the rating and capacity of equipment and appliances.

**(6) Electrical Detail Requirements**

- (a) Details of any service equipment provided by the manufacturer.
- (b) Method of grounding service equipment.
- (c) Load calculations for service and feeders.
- (d) Sizes of branch circuit conductors.
- (e) Size, rating, and location of main disconnect and overcurrent protective devices.
- (f) Location of outlets, junction boxes, fixtures, and appliances.
- (g) A single line diagram of the entire electrical installation, with the exception of one and two family dwellings.

**Section 2. Compliance Assurance Program**

The *compliance assurance program* is a system employed by the manufacturer to assure conformance with the *approved building systems* documents. The compliance assurance manual shall be comprehensively indexed and shall treat the material listed here in detail. The program shall consist of the following:

**(A) Organizational Requirements**

- (1) Manufacturer's name, corporate office address, and the address of each manufacturing facility shall be indicated in the compliance assurance manual.
- (2) The compliance assurance manual shall have a table of contents with the *evaluation agency's* dated stamp of approval on the cover sheet and any revised pages.
- (3) An organizational mechanism for implementing and maintaining the *compliance assurance program* and its functional relationship to other elements of the organizational structure of the manufacturer, which mechanism shall not be a part of the production department. Employees in charge of the *compliance assurance program* must be identified, and their training and qualifications specified.
- (4) A uniform system of monitoring and evaluation to insure program effectiveness.
- (5) A serial numbering system for *industrialized/modular buildings* or *building components*.
- (6) Requirements for issuance, possession of, attachment of, and accounting for all *certification labels* to assure that *certification labels* are attached only to buildings or *building components* manufactured pursuant to an *approved building system* and inspected pursuant to an *approved compliance assurance program*.
- (7) A system to document production changes in accordance with other provisions of these Model Rules and Regulations.

**(B) Materials Control**

- (1) Procedures for inspection of materials, supplies, and other items at the point of receipt.
- (2) Method of protection of materials, supplies, and other items at the point of receipt.
- (3) Provision for disposal of rejected materials, supplies, and other items.

**(C) Production Control**

- (1) Procedures for timely remedial and preventive measures to assure product quality.

- (2) Provision, maintenance, and use of testing and inspection equipment to assure compliance with the *approved building system*.
- (3) Provision for frequency of sampling inspections.
- (4) Provision of necessary authority to reject defective work and carry out compliance assurance functions, notwithstanding any conflict with production department goals and needs.
- (5) A description of the manufacturing process showing the inspection and check points for mandatory inspection characteristics.
- (6) Inspection and test procedures, including accept and reject criteria and mandatory inspection characteristics.
- (7) Provision for disposition of rejects.

**(D) Finished Product Control**

- (1) Procedures for handling and storing all finished *industrialized/modular buildings* or *building components* at the manufacturing plant or other storage point.
- (2) Procedures for packing, packaging, and shipping operations and related inspections.

**Section 3. On-Site Installation Instructions**

The on-site *installation* instructions consist of specific *installation* procedures provided by the manufacturer which specify the materials and procedures required to install the building in conformance with the code and standards. Specific *installation* procedures provided by the manufacturer shall include:

- (1) Connection details of *industrialized/modular buildings* or *building components* to the foundation.
- (2) Structural connections between the *industrialized/modular building* or *building component*.
- (3) Connections required to complete the mechanical and/or utility systems.
- (4) Any special conditions affecting other structural elements.

## **PART VI: STATE RESPONSIBILITIES RELATIVE TO THE UNIFORM ADMINISTRATIVE PROCEDURES**

### **Section 1. Uniform Administrative Procedures**

The Uniform Administrative Procedures, hereby incorporated by reference, shall constitute the procedures by which the *participating state* will assure itself and the *Commission* of the substantial compliance of *industrialized/modular building* construction with the codes of the *participating state*; to assess the adequacy of the *building systems*; and to verify and assure the competency and performance of evaluation and inspection agencies.

### **Section 2. Approval of Evaluation and Inspection Agencies**

The *participating state* shall approve those evaluation or inspection agencies which the *Commission* *designated* as meeting the requirements of Part VI, Section 1, of the Uniform Administrative Procedures and which the *Commission* finds otherwise qualified to perform the functions proposed to be delegated to the agencies by the state.

### **Section 3. Enforcement Action**

If, pursuant to the Uniform Administrative Procedures, the *Commission* determines that a manufacturer, *inspection agency*, or *evaluation agency* has failed to fulfill its responsibilities under the Uniform Administrative Procedures, the *Commission* shall forward such determination to the *participating state(s)* with the *Commission's* recommendation as to the enforcement action to be taken against such manufacturer, *inspection agency*, or *evaluation agency*.

### **Section 4. Notification**

Any action taken pursuant to this Part shall be in writing and served on any affected party by certified mail return receipt.

## PART VII: APPEALS

### Section 1. Application for Appeal

#### (A) Who May File

Any person, firm, or corporation aggrieved by any decision of, or action undertaken pursuant to Sections 2 or 3 of Part VI of these Model Rules and Regulations may file an application for appeal.

#### (B) Time of Filing

A notice of appeal shall be filed within thirty (30) calendar days after the date of receipt of notice on the decision or action from which the appeal is being taken.

#### (C) Filing

The notice of appeal may be filed either in person or by certified mail at the principal office of the [insert name of state agency].

#### (D) Form of Application

The application shall be in writing and shall contain sufficient information, as set forth in Subsection (E) hereof, to apprise the [insert name of state agency] of the decision or action being appealed, and the facts and circumstances surrounding the decision or action being appealed.

#### (E) Contents of Application

The application shall include, where applicable, the following documentation:

- (1) A copy of the decision, direction, or order which is the subject of the appeal.
- (2) A copy of the *building system, compliance assurance program*, or other document involved, if any.
- (3) A statement of the relief sought by the appellant.
- (4) The application shall contain a copy of any prior decision or other action of the *Commission* on such appeal, where a hearing has already been conducted pursuant to the Uniform Administrative Procedures.

### Section 2. Hearings and Hearing Notices

A hearing on an appeal shall be held no sooner than ten (10) calendar days nor later than thirty (30) calendar days after receipt of application for appeal

by [insert name of state agency]. The [insert name of state agency] shall notify the appellant in writing and provide public notice of such hearing. Such notice shall state the legal authority for, the nature of the hearing, and the time, date, and place thereof.

### Section 3. Conduct of Hearings

All hearings shall be conducted by [insert name of state appeals tribunal] and comply with this Section.

#### (A) Appearances

Any *designated* person may appear and represent the appellant where such representation is in accordance with the law.

#### (B) Adjournment

The [insert name of state agency] or hearing officer may, on its own motion, or on the motion of any person, adjourn a hearing to such time and place as it may determine.

#### (C) Witnesses

A person may present such witnesses as deemed appropriate and cross-examine witnesses presented to other persons.

#### (D) Evidence

The [insert name of state agency] or hearing officer shall consider in evidence any testimony, documents, or other materials submitted by the appellant or the appellee, including the results of formal or informal appeals before national codes and standards organizations or national codes and standards appeals organizations. Where the appellant has already been heard, on the matter being appealed, by the *Commission* pursuant to Part XI of the Uniform Administrative Procedures, then any findings of fact made by the *Commission* shall be accorded a rebuttable presumption of validity.

#### (E) Applicability

These procedures shall be in addition to, rather than in place of, any due process rights conferred by state law of general applicability.

**(F) Decision**

The decision shall be in writing and served on all affected parties by certified mail return receipt. The decision shall be final upon receipt or five (5) calendar days after mailing, whichever occurs first.