



CALIFORNIA LEGISLATURE
HEARING OF
THE SENATE SELECT COMMITTEE
ON
MANUFACTURED HOMES AND COMMUNITIES

SENATOR LOU CORREA
CHAIR

TRANSCRIPT AND REPORT:

MOBILEHOME PARK WILDFIRE SAFETY
AND EMERGENCY PREPAREDNESS
PART 1

DECEMBER 2, 2008
STATE CAPITOL • SACRAMENTO • CALIFORNIA

CALIFORNIA LEGISLATURE

Hearing of
THE SENATE SELECT COMMITTEE ON
MANUFACTURED HOMES
AND COMMUNITIES

Senator Lou Correa, Chair
Senator Elaine Alquist
Senator Ellen Corbett
Senator Tom Harman
Senator Alex Padilla
Senator Mark Wyland

TRANSCRIPT AND REPORT:
*Mobilehome Park Wildfire Safety and
Emergency Preparedness – Part 1*

December 2, 2008
State Capitol
Sacramento, California

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Senate Select Committee

on

Manufactured Homes and Communities

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CHAIR

Senate Select Committee on Manufactured Homes & Communities
December 2, 2008, 2 - 4 p.m. • Room 3191, State Capitol

Mobilehome Park Wildfire Safety & Emergency Preparedness
(Televised)

Information Hearing Agenda

2 p.m.	Call to Order Introductory Remarks	Senator Lou Correa, Chair Senator Lou Correa Other Members Present
2:20 p.m.	Panel Testimony	PUBLIC AGENCY & CODE ENFORCEMENT <i>Department of Housing & Community Development</i> Debra Spurgeon, Richard Weinert, Chris Anderson <i>Cal Fire (State Fire Marshal)</i> Kevin Reinertson, Tanya Hoover, Dean Cromwell INDUSTRY – PARKS & MANUFACTURERS <i>Western Manufactured Housing Communities Assn</i> Catherine Borg <i>California Mobilehome Park Alliance</i> Don Gilbert <i>California Manufactured Housing Industry Assn.</i> Gene Erbin – questions only

(over)

AGENDA (cont.)

Senate Select Committee on Manufactured Homes & Communities

December 2, 2008, 2 - 4 p.m.

Room 3191, State Capitol

MOBILEHOME OWNERS & ADVOCATES

Golden State Manufactured-home Owners League

Tim Sheahan, Brian Augusta

Unscheduled Witnesses – time allowing

3:55 p.m.

Chair's Concluding Remarks

4 p.m.

Adjournment

Senate Select Committee on Manufactured Homes & Communities
Hearing: Mobilehome Park Wildfire Safety and Emergency Preparedness
December 2, 2008: 2 – 4 p.m., Room 3191, State Capitol, Sacramento

HEARING INFORMATION PAPER

Purpose

The committee will hold two hearings on wildfire related issues affecting parks and homes, one in Sacramento and one in Southern California. The purpose of the hearings is to review fire safety in mobilehomes and parks that are located in areas vulnerable to wildfires by requesting input from interested parties, such as the Department of Housing and Community Development, fire agencies, mobilehome owners and mobilehome park owners, among others. The Sacramento hearing will be organized into panels representing the Department of Housing and other interest groups with emphasis on proposed emergency regulations to upgrade fire code requirements for mobilehomes in affected parks in early 2009. The Southern California hearing scheduled for January 2009 will be more open ended and delve into additional issues relating to emergency preparedness, training and evacuation, fire breaks or vegetation free “defensible space” around parks, and the like. For either hearing, written information or documentation is encouraged for the committee’s record. The Sacramento hearing is being televised and recorded, and the committee will publish a transcript and report of both hearings assessing the need for any legislative changes for fire safety.

Executive Summary

Increasing incidents of wildfires in Southern California in 2007 and 2008 in which mobilehomes in at least five mobilehome parks have been destroyed or damaged have brought to light questions about the need for the Legislature to look at fire safety in mobilehome parks subject to possible wildfires.

Building code standards for the construction of manufactured homes and mobilehomes in a factory are established by federal law and HUD regulations. The state Department of Housing and Community Development (HCD) – under the Manufactured Housing Act and the Mobilehome Parks Act (MPA) - regulates code requirements for the installation of these homes in mobilehome parks as well as code requirements for the park roadways, utilities, pads, and other park infrastructure. This is generally done by inspection at the time a park is built or when manufactured homes are installed on the pads or spaces in parks, or later upon a complaint or a full inspection of a park under the Mobilehome Park Maintenance (MPM) inspection program, where 5% of parks (as an annual goal) in the state are regularly inspected every year. Cities and counties may adopt more stringent fire protection standards for parks (not homes) than those of the Parks Act if they assume jurisdiction to enforce the entire MPA - fire and other code requirements - for their jurisdiction. However, under legislation adopted in 2000, a local fire agency may enforce

more stringent fire prevention codes without assuming full park inspection authority with respect to park fire hydrant systems, water supply, fire equipment access, posting of fire equipment access, parking lot identification, weed, debris and combustible storage abatement, and burglar bars by giving HCD a 30-day notice.

As a result of wildfires in San Diego County in 2007 in which a number of mobilehomes in three parks were destroyed in suburban and rural areas, HCD has promulgated emergency regulations requiring the upgrade of fire proofing for manufactured homes installed on private parcels in accordance with Title 24, the state building code applicable to conventional housing. HCD is now proposing to extend these regulations to newly installed homes in parks - and existing homes in parks upon replacement of windows, doors siding, decks, or roofing. Consideration of the emergency regulations is now in process and is proposed to be effective as early as mid-January 2009. The regulations are the primary focus of this Sacramento hearing.

In addition to upgraded building standards for homes, other issues relating to parks, including concerns about removal of brush to create fire safety zones around vulnerable parks to the possible need for better evacuation plans for parks, a more pro-active role for local fire marshals and agencies for parks, and other issues will be addressed at a subsequent Southern California hearing in January 2009.

Background

According to July 2008 figures available from the Department of Housing and Community Development (HCD), there are 4,707 mobilehome parks with a permit to operate (PTO) in California. These parks have a total of 365,382 spaces. Conservative estimates are that more than 700,000 residents live in these parks. Most of these are privately owned rental parks operated by corporations, partnerships, management companies, or single proprietorships, where the residents own their own homes but rent or lease the spaces on which their homes are installed from the park. About 200 of these parks are resident-owned subdivisions, condominiums, or cooperatives or are owned by non-profit organizations and in a few instances governmental entities. HCD figures also indicate there are 677 special occupancy and RV parks in California with approximately 90,000 spaces accommodating recreational vehicles or small trailers for recreational or temporary use. In reality an unknown number of spaces in special occupancy parks are actually occupied on a full-time year-around basis, but SOP parks may have one manufactured home located on the premises.

In three mobilehome parks in San Diego County – in Dulzura, Fallbrook, and Ramona - more than one-hundred mobilehomes and manufactured homes and a number of such homes located on individually owned private parcels were destroyed as a result of wildfires in the fall of 2007. In Los Angeles County, the October 2008 Marek wildfire destroyed 30 homes in one park and in the November the Sayre fire ravaged 487 homes in Sylmar.

Although the Legislature sets general guidelines for code enforcement for manufactured home installations in parks, it vests HCD with the power to carry out specific code requirements through the adoption of administrative regulations. Normally, the public is notified of a proposed new regulation or change in an existing regulation with a 90-day period of public comment. Changes or amendments may then be made and redistributed. Once amendments are completed, the proposed regulations go to the Office of Administrative Law (OAL) for further review before final approval and implementation. Emergency regulations are on a faster track and may be effective for three months until approved.

In response to the recent upsurge in wildfires affected parks and concerns by the public, fire agencies and others that homes and parks could be better protected from such destruction if building code requirements for manufactured housing installations were upgraded to require ignition resistant building components, HCD has promulgated new emergency regulations for manufactured homes outside of parks, which became effective in September 2008. These proposed regulations, known as Article 2.3 of Title 25 of the Code of Administrative Regulations basically would adopt the Title 24, Part 2, Chapter 7A regulations applicable to the exterior of stick built housing into Title 25 relating to manufactured housing installations and accessory structures. The proposed emergency regulations would be effective in Fire Hazard Severity Zones within State Responsibility Areas or in any Local Responsibility Area as defined in Title 24, Part 2, Chapter 7A.

Although manufactured housing is built in a factory pursuant to federal regulations, HCD has the authority to impose additional code requirements when a home is installed on a lot in a mobilehome park or special occupancy park, such as ignition resistant roofing and siding materials. These new regulations are now proposed for new manufactured housing and accessory structures, such as carports, cabanas, or garages, installed in mobilehome parks and SOPs in 2009 as well as older existing homes in those parks when certain components, such as roofs, siding, doors, and windows are replaced.

In a nutshell, the regulations would make the following changes in current code with regard to manufactured homes and mobilehomes in mobilehome parks. The specific proposed emergency regulations, Article 2.3, as well as the Title 24 (Chapter 7A) requirements are attached to this background paper or on the website by a link.

- Zones: applies to structures in Fire Hazard Severity Zones within State Responsibility Areas or in any Local Responsibility Area as defined in Title 24, Part 2, Chapter 7A.
- Homes: applies to new manufactured homes, mobilehomes, multi-family manufactured homes or commercial modular structures installed inside and outside of a mobilehome park. Applies to used or existing homes where ignition resistant component systems are replaced or modified, where the home undergoes conversion from one type of occupancy to another, and where the home is moved into an affected zone.

- Effective Date: applies to structures outside a park as of September 1, 2008. Applies to homes inside a park as of the effective date of the regulations, estimated to be sometime in mid to late January 2009.
- Building Components: exterior walls (siding), roofs, attic vents, materials and devices, doors, windows, and accessory structures such as decks, porches, outside stairs and risers, carports, etc.
- Process: application of ignition resistant components to a manufactured home or mobilehome will be subject to a plan review process, building permits, affixing a label to the home, and an inspection. The authorization for and maximum amounts of fees to cover the cost of permits, plan review, and inspection are currently authorized by administrative regulation.
- Enforcement: It shall be unlawful for any person to sell, offer to sell, rent or lease any home that is not constructed or modified with an ignition resistant system, or repair or modify such a system, as required by the proposed regulations.

Comments:

1) Pre-emption: The regulations provide that except as noted in Article 2.3, the Chapter 7A ignition resistant requirements for homes inside mobilehome and SOP parks shall be the standard and local agencies may not require a greater or lesser standard. Article 2.3 is pre-emptive in the State and Local Responsibility Areas.

2) Homes not Parks: The proposed emergency regulations do not deal with park code or fire requirements, only code requirements for the homes in the parks. Although a local government (LEA) that has taken over responsibility for park code enforcement by agreement for HCD has authority to impose greater fire code requirements on parks in their communities under current law, that is not the case with the homes themselves, and HCD does the inspections on home modifications even where an LEA has park inspection responsibility.

3) How many parks/homes affected? It is not clear how many parks and homes would be affected by the emergency regulations. The proposed emergency regulations would be effective in Fire Hazard Severity Zones within State Responsibility Areas or in any Local Responsibility Area as defined in Title 24, Part 2, Chapter 7A. The California Department of Forestry (Cal Fire) has mapped out these geographical areas of State Responsibility but committee staff understands that only some maps for Local Responsibility Areas enacted by local ordinance are available.

4) Application to Existing Mobilehomes: The emergency regulations apply to new manufactured housing installations in affected parks. The regulations also provide that they do not affect used or existing mobilehomes unless, among other things, an ignition resistant component system on the home undergoes exterior repair, replacement, or alteration, the home undergoes conversion from one use to another, or the home is moved from a non-affected area to a State or Local Responsibility Area. Presumably, if

staff interpretation is correct, where a roof is replaced, for example, that one component would have to be upgraded to meet the new standard, but not other components – such as doors, windows and siding. The meaning of “conversion from one use to another” is, however, not specific and should be clarified.

5) Cost: the committee has not been able to determine specific cost figures for ignition resistant component materials in time for this hearing. There are a number of variables, including labor, availability of materials at any given time, square footage and size of the housing unit. It appears that the retrofit of older homes will be considerably more expensive – perhaps \$5,000 to \$15,000 - than for new homes where the components can be “built into” the home at the factory. There may be an affordability problem for mobilehome owners living in parks, often lower income or fixed income seniors, and it is not clear to what extent, if any, these kinds of upgrades may qualify for low-income home rehabilitation assistance from local agencies that have CalHome funded programs.

6) Penalties: the emergency regulations provide that it is unlawful for any person to sell rent or lease a home that is not constructed or modified as required by the regulations where applicable, including affixing ignition resistant identifying labels to the home. If such a home is sold by a manufactured housing dealer or salesperson, presumably HCD’s Occupational Licensing arm would have authority to discipline or fine the dealer. If the home is rented by a park owner, or sold by a homeowner without an agent, it is not clear how these provisions would be enforced except perhaps with an inspector’s citation based on a complaint.

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Suggested or Possible Member Questions of Panel Witnesses*

1. The Numbers: It is our understanding we don’t really know how many parks – or more specifically how many homes in those parks – are in areas affected by the proposed regulations. A newspaper article quoted one official as saying it was thought to be a small number. Can HCD provide us with the numbers affected? Without basic stats, how do we know how many homeowners are potentially affected or how much additional manpower we are going to need to enforce these requirements?

2. Cost: Upgrading these homes to better withstand ignition from a wildfire is a worthy goal, but there are concerns about the cost for a homeowner group that is traditionally lower income and senior. Could Cal Home funds be used for qualified homeowners to provide rehabilitation of a manufactured home to upgrade components in accordance with the proposed new regulations? What other programs may be available to help homeowners with this cost?

3. Gearing Up: How long will it take the industry to gear up to manufacture new homes in the factory to meet these requirements as they kick in? For example, take the Oakridge Park, of the almost 500 homes destroyed, assuming they are all replaced in that park over the next year or so and the regulations kick in this January, setting cost

aside for the moment, will there even be homes available that meet the criteria within that short a timeframe?

4. Retroactivity: Since the density of manufactured homes and mobilehomes in parks is usually greater than stick-built housing, why shouldn't the upgraded ignition resistant code requirements apply to all manufactured homes – new or existing – not just those in wildfire prone areas?

5. Any Difference: Will these upgrades really make any difference in a fast-moving 70-mile an hour wildfire inferno anyway – particularly when only new homes or some older homes in a park are required to be upgraded and many homes are but 6 feet or so apart in most parks?

6. Park Requirements: Will these home upgrades really make any difference unless coupled with other requirements for parks, such as adequate water pressure to fight fires in parks and elimination of potentially hazardous debris and establishment of defensible zones (elimination of vegetation) inside and around the park?

7. Training and Enforcement: We understand that even where a local agency has taken on enforcement of park inspections, the locals would be pre-empted on plans, permits and inspection of homes that require these upgraded components. HCD's park inspection and enforcement program is already understaffed in the field. Is there adequate manpower to enforce these new provisions and how would they be enforced?

8. Meaning of Conversion: The proposed regulations provide that they will be applicable to existing or used manufactured homes upon "conversion from one use to another." What does this term mean? Does this mean conversion from a residential use to some other use or a different resale use – such as by a senior to a family of 4? Shouldn't this term be more specific?

* refer to information paper for background giving rise to some of these questions.

TRANSCRIPT

SENATE SELECT COMMITTEE
on
MANUFACTURED HOMES and COMMUNITIES

Informational Hearing:
Mobilehome Park Wildfire Safety & Emergency Preparedness

December 2, 2008
Sacramento, California

Senator Lou Correa, Chair

SENATOR ALEX PADILLA: Let me call this meeting to order. Good afternoon. My name is Senator Alex Padilla, chairing the opening session of the meeting today until the chair of the committee, Senator Correa, arrives. And this is the Senate Select Committee on Manufactured Homes and Communities. Welcome to the State Capitol.

Let me introduce John Tennyson, consultant to the committee; and Stephanie Reid, the committee assistant. I want to thank them for all the hard work it takes to put one of these sessions together.

As most of you know, the purpose of this hearing is to pay concern to the recent events here in the state, particularly in Southern California, with the increasing incidents of wildfires in the state, both this year and last year in which hundreds of mobilehomes in several mobilehome parks were destroyed.

We're here to review the fire safety in parks that are located in areas vulnerable to wildfires by identifying issues that we need to address, determine what is being done already at both the state and the local level, and lastly, to determine whether any further legislation is necessary to address them. That's the chair's desire of the focus of this committee.

But let me add a few words from my particular perspective as a member of this committee. Many of you know I represent the twentieth Senate District, which makes up most of the San Fernando Valley. My district is home to 60

percent of the mobilehome communities that exist in the city of Los Angeles, the largest city in our state.

In mid-October, the Merrick Fire near the Lake View Terrace community, tragically claimed the life of one man and his dog, burned 18,000 acres and destroyed 49 structures. Of those 49 structures that were lost, 38 were mobilehomes at the Sky Terrace Mobile Lodge.

In mid-November, just a month later, not too long ago, the Sayre Fire devastated the Oakridge Mobilehome Park in Sylmar, California, destroying more than 10,000 acres of local foothills and 500 homes, mobilehomes, in its path. During the fire at the Oakridge Mobilehome Park, police officers evacuated the mobilehome park, and they thought they had successfully and completely evacuated all the residents only to learn from a neighbor, from a resident, a health provider, that a number of seniors with significant health issues, were still in their mobilehomes. The seniors were ultimately saved in time as the fire overtook the park, much to the shock of the public safety personnel that were on the scene. And while we are always grateful for the hard work of our first responders, clearly, our job as elected officials and elected representatives is to learn what goes right and what goes well in situations like this and to learn from what doesn't go right or what doesn't go well and seek to improve upon it for the future. And so, we're here today, I'm here today, to explore what went well; what didn't go as well as it could have in these two mobilehome parks, and identify ways that we can better protect not just my constituents, but all Californians.

And while part of today's conversation will be about building standards and improving the construction of new manufactured homes, I also have serious questions about the evacuation planning that is critical to preventing the loss of life. As an opportunity, I want to just call attention to a bill that I introduced yesterday (which is now known as Senate Bill 23 for the new session), to ensure that the appropriate emergency planning is in place at mobilehome parks. The bill would require operators of mobilehome and manufactured home parks to develop and implement an emergency and fire

safety evacuation plan and to train managers and onsite staff on fire safety, including procedures for the evacuation of elderly residents or other residents with disabilities and specific health problems. In putting this legislation forward now I hope, and actually expect, that working with all stakeholders we can put forward the best bill as it moves through the legislative process.

Now coming back to today's hearing, just a couple of notes on organization: Today's information hearing will be organized in two panels representing the Department of Housing and Community Development, the park industry, and mobilehome owner groups with emphasis on reviewing proposed emergency regulations, now in the works, to upgrade fire code requirements in mobilehome and manufactured home parks that are in wildfire prone areas.

We will hold a second hearing, very likely to be in Southern California; very likely to be in or very near my district, some time in January, to address additional fire issues related to emergency preparedness, training, the clearing of vegetation, and the creation of defensible space around parks in these fire prone areas and the like and to hear from homeowners victimized by these fires. The location for the Southern California hearing has not yet been determined, but I'm sure you all will keep a close eye and will know when and where it will be scheduled.

Now the issue for the focus of today's hearing: As many of you know, HCD has emergency regulations in effect requiring that ignition resistant components be required on manufactured homes on private parcels in fire prone areas in accordance with the code applicable to conventional housing. HCD proposes to extend these regulations to mobilehomes and manufactured homes inside parks, both new home installations, as well as existing homes upon replacement of certain exterior components such as roofing, siding, windows, and doors. These emergency regulations are proposed to go into effect mid to late January.

This information hearing will focus on the specific requirements and their implications for mobilehome owners as well as fire safety.

I don't see any other members of the committee present at this time so let's move forward with the hearing.

First of all, a lot of you requested the background materials be made available; if you have not already picked them up, the agenda, information paper, and proposed regulations are just outside the door to the back. The information is also on the committee's website, which you can find at the Senate's home page (www.sen.ca.gov/mobilehome). And the hearing is being recorded for later transcription, in a published transcript and a report within 30 to 45 days, a copy that can be mailed to anybody who is interested. A DVD of the televised version will also be made available by calling the Senate TV and Video office. And in view of the short timeframe for this hearing, we've also encouraged written testimony or letters to be sent to the committee which may be part of the report of today's hearing.

Finally, if anybody is going to testify or wishes to testify, please make your intentions known to the sergeant; fill out the appropriate paperwork.

Let me begin with the first panel, then, by calling forward to testify, and please introduce yourself, from HCD, Deborah Spurgeon, Jim McGowan or Richard Weinert, or both if you're here, and Chris Anderson. And is there somebody here from the State Fire Marshal's Office? If you'd come forward at this time.

DEBORAH SPURGEON: Hi. I'm Deb Spurgeon from the Department of Housing and Community Development. And we'd like to thank the Chair and the committee for providing the opportunity to speak today. With me is Chris Anderson from the Department of Housing and Community Development. He can answer any specific questions the committee may have regarding the Sylmar incident. Also, there is Richard Weinert who has been working on HCD's proposed regulations, and he has a short presentation and then he can answer any specific questions.

RICHARD WEINERT: Mr. Chair, honorable members, the purpose of our testimony offered during this hearing is to provide the committee with an overview of the actions taken to date by the Department of Housing and

Community Development to address what the Department believes is a significant threat to persons and property in urban areas near wildland and rural areas. In the past several years department staff has provided on-site assistance in a number of mobilehome parks which suffered devastating damage from wildfires.

The Department of Housing and Community Development currently is in the process of promulgating two separate rulemakings to adopt regulations for manufactured homes, mobilehomes, multifamily manufactured homes, commercial modulars, and accessory structures. Information on both these rulemakings and the proposed regulations themselves, are available on the Department's website. These regulations will propose specific fire resistive construction requirements for manufactured homes, mobilehomes, multifamily manufactured homes, commercial modulars and accessory structures in order to provide a reasonable level of exterior wildfire exposure protection for these structures. These regulations, when fully in place, will apply to the construction and installation of these structures both within mobilehome and special occupancy parks and outside of these parks and specified wildfire hazard areas.

The proposed regulations adopt ignition resistant construction requirements into the California Code of Regulations, Title 25, Chapter 3, Subchapter 2, governing state and federal standards for manufactured homes, mobilehomes, multifamily manufactured homes and commercial modulars. They began this emergency rulemaking subject to the Administrative Procedures Act and contain some exceptions for new homes already constructed and in dealer or factory inventory.

The regulations will impose reasonable statewide standards which are based on, and reference, the Wildland/Urban Interface construction standards proposed by the State Fire Marshal (currently in Title 24, California Building Code, Part 2, Chapter 7(a) of the California Building and Standards Code). Chapter 7(a) of the California Building Code applies to building material systems and/or assemblies used in the exterior design and construction of new

conventional buildings located within Wildland/Urban Interface fire areas. These building standards, however, only apply to requirements for structures regulated by the Office of the State Fire Marshal and do not automatically apply to manufactured homes, mobilehomes, multifamily manufactured homes, and commercial modulars. It was, therefore, necessary for the Department to adopt by a reference, these standards in order to make them applicable to manufactured homes, mobilehomes, multifamily manufactured homes, and commercial modulars. This way the same protection from ignition resistant roof construction, exteriors, tempered glass, doors and windows, and safe attic venting will be required for both conventional housing and new, reinstalled, or altered manufactured structures.

The first set of these regulations covered manufactured homes, mobilehomes, multifamily manufactured homes, and commercial modulars outside of mobilehome parks became effective on September 1, 2008 through emergency adoption. They remain in effect for 180 days while the Department completes the rulemaking process required by the Administrative Procedures Act. The initial time period of 180 days for these emergency regulations may be extended up to two 90-day periods upon request by the Department and if approved by the Office of Administrative Law. These construction standards, when and in what areas, an ignition resistant construction system is required, adoption by reference of the Chapter 7(a) Building Standards, design review, and inspection requirements within an outside manufacturing facilities, labeling requirements, and the alteration of existing exterior or ignition resistant construction systems.

The second set of regulations will adopt similar ignition resistant building standard amendments into the regulations in the California Code of Regulations, Title 25, Chapters 2 and 2.2, governing the Mobilehome Parks Act and Special Occupancy Parks Act. They include new provisions requiring that manufactured homes, mobilehomes, multifamily manufactured homes, or commercial modulars installed in these parks located in fire hazard severity zones also comply with ignition resistant construction system, construction or

alteration requirements. In addition, requirements to comply with certain provisions of Chapter 7(a) will also extend to accessory buildings and structures and to building components.

The second set of regulations has completed the initial public review and comment process and is being prepared for final Department and agency review. Subsequent to that review and approval, the regulations will be submitted to the Office of Administrative Law which has 30 working days to review and approve or disapprove it. The Department anticipates that these regulations will be effective in the latter part of January 2009 if AOL approves an immediate effective date.

Thank you.

CHRIS ANDERSON: Senator, thank you. I'm here primarily as a resource person, so if there are any questions that any of you would have...

KEVIN REINERTSON: My name is Kevin Reinertson. I'm with Cal Fire Office of the State of California Fire Marshal and I'm here to support HCD in their endeavors, and to answer any questions you may have regarding our Chapter 7(a) regulations.

SENATOR PADILLA: Okay. Well, as we're going through the process of...I know we have existing augmented codes for the 180-day period, the two possible 90-day extensions as you've mentioned, my initial question, actually, is sort of more fundamental than that. Because having represented mobilehome owners at the local level and now at the state level, there's a constant question and concern I get from constituents about the regularity of code enforcement, the quality of code enforcement, and can you speak to the capacity, first, from HCD, on code enforcement; how regularly you get to each of the mobilehome parks throughout the state; what violation rates are; what the nature of the most frequent violations are? It seems to me that if we're not doing a good enough job on the front end of identifying problems, then we're just asking for trouble.

MR. ANDERSON: Currently, the Department of Housing has a goal of five percent of the parks throughout the state under our jurisdiction will be

inspected annually under the Maintenance/Inspection Program. Our staffing is limited. We have 44 inspectors statewide that cover the more than 4,000 mobilehome and special occupancy parks that we have direct enforcement over. Even given those overwhelming numbers, the staff does a very good job when they go into the parks for the maintenance inspections. And oftentimes the...

SENATOR PADILLA: Give me a good first number. We can get to five percent of these mobilehome parks in the state in a given year. Of the parks that are visited in a year, what percentage have some sort of violation?

MR. ANDERSON: Generally speaking, every park that we go into will have violations because we're taking the parks...

SENATOR PADILLA: So is that a 90 percent; a 99 percent; or 100 percent?

MR. ANDERSON: I am not aware of any park that we've inspected that has not had some violations written against it. The severity of those violations differ.

SENATOR PADILLA: Okay. I appreciate the answer. What are some of the most frequent or common violations you've come across?

MR. ANDERSON: The common violations are encroachment violations, where you have accessory structures that are built too close to the property lines. Others are dilapidated accessory structures; the porches, some of the stairways; the handrails are not sturdy. Those are cited.

The park infrastructure; occasionally the electrical in some of the older parks has not been updated to allow for the newer mobilehomes, and yet, we may have some newer homes that draw more power and we'll have to address the electrical infrastructure in some of these parks.

SENATOR PADILLA: You said a couple of things that if I were to add them up, also are recipes for disaster—close proximity to the property line, electrical problems. I mean, the two incidents that I mentioned in the opening statement happened to be wildfires that reached a mobilehome. But it's sounding like it wouldn't shock any of us here if, let's say, electrical wiring

problems at a mobilehome were the cause of a fire that could then lead to disaster in a mobilehome park and beyond. Is that correct?

MR. ANDERSON: Generally speaking, you're not going to have the type of results that we had in Sylmar or in San Fernando over the last two months. Those take the winds and advancing the fire through the embers that spot fire ahead of flames. Yes, we do have....occasionally we'll have fires as a result of improper wiring within some of the accessory units. Most of the park infrastructure wiring will not cause a fire; it will cause brownouts; it will cause appliances to be burnt out prematurely, things like that. But the issues of separation, we didn't really have violations of separation and setback in Sylmar. The structures that were in that park, they were subject to a three-foot setback from lot lines, 10-foot separation from combustible units from side to side. You find that quite often in site built—you'll have a 10-foot separation, especially the small lot construction or developments.

SENATOR PADILLA: I understand; the incidents in Lake View Terrace in Sylmar were slightly different, so why don't we come to those at this point. Oakridge, specifically, I'm familiar with. There's one way in/one way out of Oakridge Mobilehome Park. I've walked precincts there many times or knocked on plenty of doors there every campaign cycle for more than 10 years. But the nature, I think, of a lot of mobilehome parks is we have a disproportionate number of elderly folks, folks possibly with health conditions; do we currently require some sort of evacuation plan or procedure?

MR. ANDERSON: Currently we do not under the Mobilehome Parks Act. In 1994, I believe it was '97, under an Executive Order issued by the governor, Governor Wilson at the time, OES was asked to prepare guidelines for park evacuations for floods, fires and similar type disasters and those guidelines have been readily available, but there is no enforcement for that.

SENATOR PADILLA: Or no requirement, it sounds like.

MR. ANDERSON: No requirement that any of that be...

SENATOR PADILLA: Do you think there ought to be?

MR. ANDERSON: I believe that everyone needs to be able to get out of wherever they are in case of a disaster. So if we have to have specific requirements for parks, wouldn't we have to have those for any other type development? I know the fire departments evaluate the egress...

SENATOR PADILLA: I know we require them for schools, for example, because every student goes through a drill. I know we require them at larger buildings in our bigger cities, post 9/11. We've got to know how to evacuate a tall building on short notice. And again, given the unique nature of a good number of our mobilehome parks in this state, my question is, do you think it would be a good idea to require them to have these evacuation plans?

MR. ANDERSON: I personally believe that the parks should have an evacuation plan.

SENATOR PADILLA: Okay. That's all I'm asking. That's all I'm asking. And, you know, we've got the overview of the, sort of, interim code enhancements that are in place right now; are there any others that either of you would suggest ought to be considered that maybe weren't included in this initial 180-day period?

MR. ANDERSON: For the fire issue alone?

SENATOR PADILLA: Correct.

MR. ANDERSON: I'm not aware of any. Kevin, is the Fire Marshal's office?

KEVIN REINERTSON: Kevin Reinertson, State Fire Marshal's Office. We're beginning a new development cycle for revisions to our California Building Standards Code beginning of January '08, and we will be addressing provisions in Chapter 7(a) that either need to be updated or revised or added to. We had a tentative scheduled meeting for today to begin the kickoff of that for our internal works, but with the result of the fires down south, we had to postpone that. Our key chair for that was at those fires.

SENATOR PADILLA: So when are we getting back on that?

MR. REINERTSON: I would imagine within the next several weeks we'll put back out the notice to everybody. The revisions that will take place for

Chapter 7(a) of the Building Code, they won't go forward to the Building Standards Commission until June, and then we go through that formal rulemaking process there. And this will be part of our rulemaking that adopts the next edition of the codes for 2010.

SENATOR PADILLA: So can I ask each of you to share your thoughts on the difference....we can adopt new regulations all we want, but the big distinction is are we going to apply the new higher standards for new structures? That's one category. The other is all the existing structures and how do we improve safety there? Can each of you touch on that?

MR. ANDERSON: Kevin, would you like to go ahead and start with the 7(a) and then...

MR. REINERTSON: Right now, Chapter 7(a) is specifically written for new construction. During our pre-rulemaking activity (which I just discussed will begin), that is one of the topics we will be discussing; is how to go back and touch on existing structures, whether it be through remodels, repairs. They're on the table for discussion to move forward into a reg package.

JOHN TENNYSON: My understanding of these proposed new HCD regs is they would be applicable to existing units upon repair of the component that's affected; is that correct?

MR. ANDERSON: Yes, that is correct. Upon repair or alteration of the roof, you would have to comply with the new 7(a) requirements for a fire rated roof. The same thing with siding or if you're replacing windows; these elements would come into play. If you're taking an existing home and moving it from, let's say hypothetically, from Huntington Beach and you're going to put it, now, in Sylmar, once these regs go into place that home would have to be reconstructed to meet these new standards. The homes that exist in that park today would not have to be rebuilt unless they were going to alter it in some way.

SENATOR PADILLA: Something would trigger the requirement.

MR. TENNYSON: Now, if they repair a roof, does that trigger the replacement of the siding, the windows, the doors, and the other components?

MR. ANDERSON: No, just the component that they're actually dealing with, John.

SENATOR PADILLA: We're probably still flushing out, but how close to finalizing are we? What would trigger all the new regulations? Is it just a roof or what percentage of the kind of work being done to upgrade a structure would trigger the new requirement?

MR. WEINERT: It's limited only to what is being replaced or altered or converted on the existing home. So if somebody wanted to redo their windows and they're in a fire hazard area, they would have to use tempered glass windows.

SENATOR PADILLA: It's only the windows.

MR. WEINERT: It's only the windows.

SENATOR PADILLA: If it's the roof, it's only the roof. If it's the siding, it's only the siding.

MR. ANDERSON: Right.

SENATOR PADILLA: And if they're moving the structure from one park to another, or even within the park from one pad to another?

MR. WEINERT: Correct.

MR. ANDERSON: If they're reinstalling an existing home, then it would have to be brought into compliance if it were in one of these Wildland/Urban Interface areas.

SENATOR PADILLA: And I know some of these improvements aren't...well, they're not super expensive; they're not cheap either.

MR. ANDERSON: No, they are not. To take an existing home, we have estimates from industry that it would cost anywhere from \$10- to \$15,000 to bring the unit into compliance.

SENATOR PADILLA: So are we also looking at either financing assistance or other assistance to help folks with these upgrades?

MR. ANDERSON: The Division of Codes and Standards would not be. This could be something addressed by our Division of Financial Assistance, possibly. And we can get back to you on that, Senator.

SENATOR PADILLA: I think that would be important. One of the reasons I hear folks who choose live in these communities, choose to do so, is because of the relative affordability of the house.

MR. ANDERSON: True.

SENATOR PADILLA: Go ahead.

MR. TENNYSON: On how these regulations would kick in on existing homes: there's one provision in the proposed regulations in addition to what we've discussed about replacing a component and moving the home to a local or state responsibility area, it says something to the effect that "it's applicable on an existing home when the home is converted from one use to another" (quote/unquote). What does that specifically mean?

MR. ANDERSON: Occasionally you'll have someone that purchases a commercial modular and they want to convert it to a manufactured home or a mobilehome. There are steps that they can take that would convert that unit over into a manufactured home or mobilehome. And the same thing going back the other way; if it were a mobilehome, sometimes someone will gift their home to a school or something (private school) and the private school will want to use that as a commercial modular. Again, they could take the steps necessary and pull out the permits; make the reconstruction necessary. But that would be the change in use that that was speaking to.

MR. TENNYSON: It seems a little vague as it's currently worded; that's the only reason that issue came up.

MR. WEINERT: It's further explained in our regulations. Article 2.3 speaks to conversions, but there's other portions in Title 25 that address what an alteration conversion is. And a conversion doesn't happen very often.

SENATOR PADILLA: Any final comments before we call up the next panel? Alright, thank you very much for your testimony today.

GROUP: Thank you, Senator.

SENATOR PADILLA: Our next panel will be made up of representatives from industry, parks and manufacturers. And we call forward Catherine Borg, Don Gilbert, and Gene Erbin.

CATHERINE BORG: Good afternoon. My name is Catherine Borg. I'm with the Western Manufactured Housing Communities Association. And I'm here today to briefly speak regarding the new regulations.

Our trade association is very concerned about the residents in our parks, in our communities, and as much so, we had developed a foundation a few years back to help victims of fires. Little did we know that this year and last year we would be giving out nearly \$100,000 in direct assistance to residents of these devastating fires. We had set it up mainly for victims who have single home fires in mobilehome parks and helping them get on their feet, but the last two years we've had these devastating fires that I don't think anybody could have ever predicted.

You know, the Santa Ana winds are very devastating to mobilehomes, to conventional housing, to low-income housing, as well as people who have multimillion dollar homes. Even when these regulations go into effect for these mobilehomes for ignition resistant materials, if you have the same type of fire, nothing could be said that it wouldn't be more prevented; maybe you would have 450 instead of 474 homes. Those fires, you can't prevent those fires unless you live in a concrete bunker. But I think these regulations will help.

Our trade association has been very supportive of programs that help residents replace older homes, through the Cal Home Program, through Prop. 1C, if that money was available. We're supportive of residents replacing the older stock that's in communities today that we consider unsafe.

We have supported, we've sponsored legislation in the past that would have required, first of all, to have pre-'76 homes that were manufactured prior to HUD standards, to be removed upon resale. Not taking the home out from somebody's current living situation, but when a new person is proposed to live on that space, to move out that home and require a new safer home to be put in its place. Because regardless of income, it's not appropriate to allow someone to stay in an unsafe home and it's a very difficult situation for residents and for us. And we're not proposing to take away housing, but it seems unethical at times to allow somebody to sell a home to the next person

coming in who may be very unaware that a home built prior to 1976, that it would be more unsafe than a home that was manufactured in 1980. And I don't think a lot of people, especially poor people, maybe people who are still learning the English language, they have no idea that that may be going on. They're purchasing a home, but it's not fair to allow them to purchase a home that's unsafe that they're not aware of. So that's why we have proposed those standards in the past and those issues have not gone anywhere. But it's something that we've had out there.

We understand HCD's predicament with not having enough inspectors out there to do their basic function. We have wanted them to work on the law that says they have to inspect these substandard homes when we've requested them to do so, and they have been unable to do that because of how many inspectors they have. And that's something that we have wanted to happen. We've talked to them for many years and we have just not been able to figure out a way that they're able to get that done. So we've proposed a separate fee for that that we're willing to pay to get some of these older homes inspected, but they still don't have the manpower in which to do that.

In conclusion, as far as these standards are concerned for fire safety, more fire retardant homes, I think it's a laudable goal to have. I don't think you should have different standards from conventional built homes to manufactured homes in these fire prone areas. All these homes have to be as safe as they can be. But when the Santa Ana winds come up I don't think it's going to completely save everybody's homes.

SENATOR PADILLA: I appreciate what you're saying. And these were unique circumstances, we recognized that, but our job requires us to continue to press to do everything we possibly can to minimize risk and maximize potentially safe homes.

MS. BORG: And I just want to bring up that for many years our organization has been doing education throughout the state. And we have, for several years, been doing emergency disaster planning. I gave one of these to your staff, as well as to Mr. Tennyson. This has been on a voluntary basis, but

it's been very good training that we have done and, obviously, it's something that we can keep on doing and getting people knowledgeable on what they should be doing.

SENATOR PADILLA: Before we start with the next speaker let me recognize Senator Correa -- Chair of the committee -- has arrived, which means I get to give him the gavel.

SENATOR LOU CORREA: Thank you very much, Mr. Chair. First of all, I have to apologize to all of you. My deepest apology; due to a set of unfortunate circumstances I'm a tad late. But welcome, all of you, to the Senate Select Committee on Manufactured Homes and Communities. I'm not going to interrupt the flow. Just to say again, thank you, all of you, for your interest.

Ms. Borg, you're talking right now about the issue. And you know, as I read the newspaper accounts, I've got to say that we had some people who did some really good work on the Oakridge Fire, and I think to a certain extent we were lucky that not any lives were lost—500 units lost yet not one life was lost. And you're right; we can't predict the wildfires, so to speak. When the Santa Ana's come, they come and they come roaring. Yet, as Mr. Padilla would say, our job is to make sure we're doing everything we humanly can as legislators, to make sure that we don't rely totally on luck.

And I want to congratulate all the heroes out there that made sure that not one life was lost.

With that being said, I'll turn it over to this group and let your next speaker continue.

DON GILBERT: Thank you, Chairman Correa and Senator Padilla. Don Gilbert representing the California Mobilehome Park Owners Alliance. We, too, are quite concerned about these issues.

We are generally supportive of the Department's efforts to try to ensure fire resistant homes. We're as concerned as anybody about the safety of the communities that our members own and operate. And, of course, we want the residents to not only live good lives there, but certainly be safe there. This is

an appropriate effort, really, for all communities, not just manufactured housing communities.

We do have a couple of questions. I wouldn't call them concerns necessarily, but we're just not sure about an issue or two. They actually are raised in your background document that Mr. Tennyson prepared, so I'll just underscore one or two of them.

The first and foremost, I think, one of the challenges is exactly when these regulations go into effect; which parks do they apply to? We just want to make sure that our members who have parks in zones to which these regulations would apply, and their residents, that they know they apply and it's my understanding that there's a little bit of lack of clarity on that issue right now. So that's just one concern that we have.

We are also concerned, I guess more for the tenants, but we are also concerned about another issue alluded to earlier, the cost to retrofit. We understand that's an issue. I don't know that we know what the answer is, but certainly that's an issue.

We do, as a general principle and always have, and I think Ms. Borg referred to this; we're always looking to have better and safer structures in our parks. If you just want to be selfish about it, it's easier for us to manage them that way, and, of course, it's just safer for everybody. So, we're always looking for ways that are fair to accomplish that. To the extent that these regulations go in that direction, I think that's a good thing.

And, basically, we appreciate the Department's efforts.

I did want to just follow up on your comments, Mr. Chair, about all the people who did a great job. In one of our member's parks, the Hollydale Mobilehome Park, I read a letter from the owner extending a huge debt of gratitude to Gabriel Contreras with the Department, who, it's my understanding, went to great lengths to help folks deal with the fire near that park. And so, I just wanted to make sure...

SENATOR CORREA: With the aftermath of the fire?

MR. GILBERT: No. It's my understanding that this person was there at the time. I'm not sure how he arrived there and was helping firefighters and helping the management evacuate the park, which fortunately was not destroyed...

MR. TENNYSON: Just one home.

MR. GILBERT: Yeah, one home. But nevertheless, it was good work done, and we just wanted to follow up on the point that you made, Mr. Chair.

GENE ERBIN: Good afternoon. My name is Gene Erbin, representing the California Manufactured Housing Institute. Some of the members of the institute make manufactured homes here in California; others sell them.

I, at the outset, wish to apologize. I'm not as prepared as I should be. I've had only a very limited opportunity to consult with my client since after Thanksgiving. Yesterday I had a brief conversation.

We were familiar with the emergency regulations that became effective September 1, 2008. At the outset we had some concerns about those regulations, not the substantive contents relating to fire safety, but the implementation, specifically, existing inventory. We also had some concerns about supply. For example, I was told at one point, there wasn't enough tempered glass in all the world to meet the supply that would have to come through. But those are now effective September 1, 2008. We have no objection to it, and our concerns were alleviated.

Senator Padilla, you raised an interesting issue—the cost of retrofits, if there's a decision to extend it to more existing structures. Financing is a huge problem. Financing is a huge problem for new homes. This has been an extraordinarily bad year for the manufactured housing industry in the state of California, which has 12 factories employing thousands of people. They are probably going to manufacture and deliver half the number of units this year as they did in 2007. Financing is disappearing. Financing for the modification of an existing structure installed as personal property on land that you don't own, I doubt it exists. I don't think you can find anyone who would lend money under those circumstances.

As you may know, some homes are installed as personal property in parks. Some are installed on personal...it's personal property on your own land—private land. Some are installed on private land as real estate. Those are hard to finance under existing conditions. To finance the retrofit would be extraordinarily challenging given our existing credit difficulties.

And then I have one other, hopefully not gratuitous observation. You've talked about pre-'76 structures. I find it ironic that in the state of California we have a well articulated fleet modernization program where we encourage people to buy new automobiles because they're safer, cleaner and emit fewer pollutants, emit fewer greenhouse gases generally. I'm not aware of any equivalent for a fleet modernization program for the structures in which people live. Maybe it's time that some program could be adopted that would be similar to that concept. It would have to be accompanied by notions of financing. But you mentioned the pre-'76; that is the watershed historic moment in manufactured housing, but I'm not aware of any policy in the state of California comparable to that for which we have for automobiles.

SENATOR CORREA: If I can let me just ask you just -- the purpose of the hearing today is, of course, to review the proposed emergency regulations now in the works, specifically, for those affecting the manufactured homes in the wildfire prone areas. So to me, the clear and present danger, so to speak, is those areas where we have these challenges. I have a question for HCD; how many units do we believe that would affect? We're talking here about the challenge that we have and it boils down to economics and how do we address this? Yet, how many of our units are essentially in those fire prone areas?

MR. ANDERSON: Senator Correa, Chris Anderson with the Department of Housing. That's the \$100,000 question right now that we're all faced with. We don't know how many parks are in these areas because not all local governments report to the Fire Marshal's Office. We can tell which on the state responsible areas. And some of the local governments that have reported to the Fire Marshal's Office, we can get that information also from the fire marshal. But the best that I can offer you is just a guess from the seat of my

pants with 32 years with the Department, and I think it's probably going to be somewhere around one-third of our parks.

SENATOR CORREA: One-third. So, I've read that between 700- to 800,000 folks live in manufactured homes throughout the state of California.

MR. ANDERSON: That is the estimate, right.

SENATOR CORREA: And so, we take a third of that...

MR. ANDERSON: In parks.

SENATOR CORREA: So you would say about a third of those would live in these fire prone areas?

MR. ANDERSON: No, Senator. Most of the larger parks are in the cities that would not be included in these severe fire hazard zones. These are smaller parks primarily. Now, of course, we have the exceptions such as the one in Sylmar. But for the most part, we're probably looking at parks, 50 to 70 units in the park versus the 500 -- 600 space parks.

SENATOR CORREA: So, one-third of the parks and those would be the smaller, 50 to 70 units. So given the challenging data that you have, how many do you think (could we come up with a guesstimate here) of how many we're talking about here?

MR. ANDERSON: How many actual homes?

SENATOR CORREA: Yes. Let's flip it around; how many actual parks?

MR. ANDERSON: How many actual parks? We're probably looking somewhere in the neighborhood of 1,300 -- 1,400 parks.

SENATOR CORREA: Because I think that's where we really need to focus our efforts. I'm not saying we let off on the bigger picture, but I think if we really focus on, again, the clear and present danger given the last two years and the tragedies that we've had, I would propose that that's where we need to start looking at those and looking at the issues of financing. Is there any financing from the state; any other resources that could be had in other less, I should say, more practical solutions to anywhere from beginning to clear the brush around some of these parks, to what is it that we can do to really bring up our safety standards in these areas?

MR. ANDERSON: If we can look at the brush clearance from around the parks for a second, most of these parks are all private property and outside the periphery of this park is also private property not owned by the same person, normally. So, we're dealing with different people, different ownership structures and it makes it very difficult for us to...as an enforcement agency, we would have no way of forcing someone that we have no jurisdiction over to provide clearance of brush.

MR. TENNYSON: The local fire authority might have.

MR. ANDERSON: The local fire may, absolutely. And then as far as our financing, Senator, I had told Senator Padilla earlier that I will check with our Division of Financial Assistance to see if they have any information on what kind of financing the state might have, if any, and we will get that back to this committee.

SENATOR CORREA: Yes, Mr. Padilla.

SENATOR PADILLA: Not on this type of question, but other areas if you have follow up, I want to hear them.

SENATOR CORREA: Any comments from the panel on this?

MR. ERBIN: I just wanted noted, and correct me if I'm wrong, but the regs that became effective September 1st, apply to newly installed manufactured homes on private property in the interface zones, correct? So those have already been covered and it's a significant number; it's not immaterial. And they're taking the same concepts and extending them to the parks.

SENATOR PADILLA: How are they working through this issue of not knowing exactly which ones are/which ones aren't, depending on local government reporting?

MR. ANDERSON: We rely on local government. If someone comes in for an alteration permit and they happen to be....let's say it's somewhere in El Dorado County. Generally speaking, you're going to be in one of these areas. We will ask them to go back to the local government and provide a statement

from them that it is not in this area and these regulations would not apply, or the homeowner would have to...

SENATOR PADILLA: You're assuming it is unless they show otherwise.

MR. ANDERSON: In the area where we believe it would be; where it's very apparent up in the mountain areas, some of the rural foothill areas, things like that.

SENATOR PADILLA: It seems to me we can tighten that up a little bit. Mr. Chair, just a couple of questions before I have to excuse myself. My staff will be here to continue participating.

SENATOR CORREA: Please. Sure.

SENATOR PADILLA: Three quick ones. You mentioned there's a victims' assistance foundation or something that was setup to help victims.

MS. BORG: Our trade association, Western Manufactured Housing Communities Association, set up a nonprofit arm that we bring money in from our members and that we give out directly to residents of fires. We helped out the three main mobilehome park fires that we had last year. And this year we helped out the Sky Terrace folks. And right now we're trying to figure out how we help the Oakridge folks. But having had so many of them, the assistance that we can provide is not going to be as much as we have been able to do on an individual basis in the past. Sometimes it's been between \$500 and \$2,000 per person. And we've tried to get some information from the park manager to figure out who might be the most in need of assistance; sometimes people who don't have insurance on their homes who might need funding to live in a hotel for a while or things like that.

SENATOR PADILLA: As a follow up today let me request additional information from you, maybe a contact person as well, that my district office can work with or coordinate with, because we're seeing that to this day, we're working with victims, their insurance companies, homeowners who are underinsured; those sorts of situations. So I think that will be helpful.

MS. BORG: I'll work with your staff on that.

SENATOR PADILLA: Second, I didn't hear from the three of you, your thoughts or opinions, if you're authorized to do so by your clients, on the concept of mandating evacuation plans for mobilehome parks.

MS. BORG: WMA, we saw the legislation that was introduced yesterday. I just sent it out to my legislative committee. I don't have any official comments for you so far other than as I told you, we have been doing education in the past as far as emergency preparedness and evacuation. So we'll be looking at that piece of legislation.

MR. GILBERT: The same thing. I'm not trying to avoid your question at all. I have just sent it to the client a few hours ago. Generally speaking, I would think that an evacuation plan is a reasonable proposal. But I have not spoken to the client.

SENATOR CORREA: So you're not avoiding or evading the question?
(laughter)

MR. GILBERT: Maybe I'll evacuate myself out of the hearing. (laughter)

MR. ERBIN: I don't have any position. But I can say we also have a foundation which does philanthropic work and I will provide...

SENATOR PADILLA: Well, then ditto the request. And lastly before I do excuse myself, maybe if one of you can explain the relationship or separation between insurance that your clients would have as park owners versus insurance that the residents would have. I mean, given what I heard from the first panel about a 100 percent violation rate at inspections, the nature of those violations, the fact that they only get to five percent of the parks in any given year, so if you do the numbers you have a 1 in 20-year chance of being inspected. Either, a) how do you get insurance? or, b) what kind of premiums you are paying given these factors?

MR. GILBERT: Mr. Chair, as to the violation rate—and Mr. Anderson can correct me if I'm wrong—I think he was about to say at the time that they inspect...five percent of the parks that they inspect, it's my understanding, are the ones that have received the bulk that have received a lot of complaints, so they don't necessarily, and I would venture to argue, that in fact they don't at

all reflect the overall stock of parks in the state in terms of violations. And I'll be happy to look into your question regarding park owner insurance and homeowner insurance. I don't know the answer sitting here, but I'll be happy to find out for you and get back to you.

MS. BORG: I appreciate his comment that he made about the park inspections because that's true. The HCD conservatively looks at those parks that have the most problems and inspect them first. And the nicer parks, they don't get inspected. Even if they would like to, they don't get inspected.

As far as insurance, I, too, would need to look into that and get back to you.

MR. ERBIN: I can tell you; if a manufactured home is purchased as private property installation as real property that you would need...your lender would require you to have insurance. But if it's installed as personal property in a park, you know, you're simply leasing the space. I'm less familiar with the kind of insurance. I'm not sure that you're compelled to have any insurance under those circumstances. It may be wise to have insurance, but I don't think there's any compulsion that I can recall at the top of my head, for any resident to have insurance. But I'll check.

SENATOR PADILLA: Thank you.

SENATOR CORREA: Before you leave, I just wanted to say that we will have a second hearing, as you know, in January or February. And just hearing the discussion here on these very, very basic issues, I think there's a lot of work to be done. And the resources clearly are going to be challenging. So not only will we meet in January, but I think we're going to have to work with everybody, I believe, to come up with some real solutions—the residents, as well as the industry, as well as the state. Again, I do not want to see us get lucky again when the Santa Ana winds come. I don't want to rely on luck; we have to make sure we have some real concrete solutions here to these challenges.

MR. TENNYSON: Can I have a follow up question?

SENATOR CORREA: Go ahead. Follow up.

MR. TENNYSON: I had a question for Mr. Erbin. Do you feel that the industry is sufficiently geared up to meet the January mandate? I mean, you already have to meet...in terms of supplying the kinds of new manufactured homes that will be needed for replacement, for example, in the Oakridge Park, which is in a local responsibility area, assuming that all 484 are replaced and obviously they're not going to be replaced immediately, but are there any logistical problems in gearing up for this requirement with such a quick suspension date?

MR. ERBIN: I think the short answer is no, but I think it's in large part due to the housing crisis ironically. That because the demand is so little, there's a lot of capacity out there right now. I mean, as I tried to indicate, this has been a terrible year, so any increase in demand I think they'll be able to adjust pretty quickly. I can't assert that every supplier, but I'm pretty confident that the suppliers are just as hurting as the manufacturers and I don't think that supplying that additional quota of homes is going to be a severe challenge. It's an unfortunate irony, but that's the reality right now. The bigger problem, I think, is going to be financing. How do those people, homeless, afford...

MR. TENNYSON: You don't get equity loans on personal property.

MR. ERBIN: It's very hard. And I would urge you to look at that. The financing is going to be more challenging than the supply.

MR. TENNYSON: Do you have any suggestions on what the Legislature can do about that? Can you force...

MR. ERBIN: You can get people together and bust heads.

SENATOR CORREA: Whose head would you start with? (laughter)

MR. ERBIN: I just think we need to be very creative on the manner in which we can induce people to lend money on these structures.

SENATOR CORREA: Thank you. We'll move on to the next panel. The Mobilehome Owners and Advocates. Welcome.

TIM SHEAHAN: Thank you. Good afternoon, Chairman Correa and committee staff. My name is Tim Sheahan and I am president of Golden State

Manufactured Homeowners League, which has been serving as an advocacy group for homeowners in California since 1962. We do have a disaster relief fund that is being used to help the affected homeowners in some of these fire ravaged communities currently seen this fall.

I want to thank you for your interest and concern, and hope this hearing will prove to be a positive step in ensuring greater homeowner protections. Our concerns rest with the health, safety, and well-being of homeowners, and improved fire safety is clearly important to our members. But today's hearing really raises a lot of questions about just how best to achieve that, questions that need answers before we can arrive at any policy solutions.

First, let's talk about the fires which have prompted today's hearing. I am a resident of San Diego County, and just last year we faced significant firestorm damage in three of our manufactured home communities. The devastating fires were a reminder of how vulnerable our communities can be under extreme conditions, but that even million dollar homes share similar vulnerability.

I walked two of those communities following the fires and have viewed three of the communities damaged by this year's fires, including Oakridge. What I observed was either all or nothing devastation which appeared to occur irrespective of the type of home construction. That raises the question whether these rare and extraordinary wind driven firestorms are so powerful that practical steps to abate the threat of damage might prove ineffective. Stated another way, even if these proposed regulations were in place a year ago, could they have prevented these losses? The answer appears to be "no".

In addition, our understanding of the regulations is that they would require a homeowner making certain repairs or upgrades to meet the new code requirements. This raises a host of questions:

Would the cost of upgrades deter homeowners from making any home repairs?

How will lower income homeowners afford these costly repairs?

Is the state prepared to provide grants or low-cost loans to finance these upgrades? If not, we're very concerned that we will ultimately force homeowners out of their homes by imposing these new requirements retroactively on existing homes at some point.

Does that strike the right balance between fire safety and the homeowners' interest in staying in their home and protecting their investment?

Finally, we would urge the committee and the administration to exercise great caution and not be too overly reactionary in proposing any additional measures to address fire safety in parks beyond the proposed regulations.

Thank you.

BRIAN AUGUSTA: Good afternoon, Chairman. Brian Augusta on behalf of GSMOL. I think in, sort of, wrapping up the remarks from this panel and, perhaps, on this hearing, I would, kind of, try to touch on three summary points.

Clearly, the losses that were experienced as a result of this fire for homeowners were devastating and it was a true tragedy to see the loss of property that occurred. And I think we're very right to ask what could we do; what could we have done more to prevent that; and can we do more in the future to ensure that that does not happen the next time we experience a wildfire? But I also think it's important to make the point, which Mr. Sheahan has just done, that we need to be modest in our approach and ensure that the measures that we consider do not overreact.

We have a good safety record in our 4,700 parks in this state, and I think we need to keep focused on that. The *L.A. Times*, in an article recently on the fires and the devastation in the mobilehome parks, and it noted that based on fire department studies and insurance studies that per 1,000 dwellings, when you compare conventional housing and mobilehome structures, that the loss of from fire in conventional dwellings is twice that of what we experienced in mobilehomes. So I think all of that demonstrates that there is not necessarily any evidence so far that we have a higher risk of fire, necessarily, in a mobilehome park or destruction from mobilehomes. And so, when we hear

discussion about revisiting this issue once again of pre-1976 homes, I think that is instructive in maybe approaching that issue quite cautiously because we don't, in conventional housing, require by law, an inspection of a pre-1976 home. The lender or the buyer or the seller may require or offer an inspection, but it's not a mandate of the law. And so, I think, really, this issue of pre-1976 homes and regular inspections, since there's inspection on resale, is a bit of a red herring that's being brought up and it really has nothing to do with the issues we're addressing in this hearing.

Secondly, improving fire safety of new homes as the regulations propose is good. But as Mr. Sheahan and others have touched on, I think even our friends in the park ownership community have said, we've got to evaluate the impact of a client [inaudible] regulations essentially retroactively to existing homes and what is going to be the cost. And again, we're trying to strike a balance here.

We want to get as much fire safety as we can for our members to ensure that we protect their investment and their lives in a new fire, but we need to balance that also with protecting their investment and their home. And the cost of these retroactive upgrades could be as high as \$15,000, and for some of our members in looking at the value of their home, are we going to be cost prohibitive. So the question is, "is the state, if we go that far, are we going to be able to help homeowners make those upgrades; are we willing to commit the resources to help folks make that happen?"

And finally, suggestions are sort of floating around about additional regulations which might address spacing and density in existing mobilehome parks. And I think this is an example where quite plainly reducing the density or eliminating structures in a mobilehome park, quite frankly, goes too far. And although that has not been a proposal here today, I think that we have reason to believe that there may be proposals coming forward shortly that would do just that and we'd be very concerned about anything that would go that far.

So with that, I'll conclude my remarks and happily take any questions.

SENATOR CORREA: Actually, instead of handing you any questions what we'd like to do is get HCD and some fire folks up here to address some of the comments that were made. Are your regulations necessary, because I just heard from some of the GSMOL advocates that possibly some of these regulations are premature? I'm not putting any words in your mouth, but if I would paraphrase, that's what I'm hearing.

MR. SHEAHAN: Well, we would be curious to know if there really is solid empirical data and evidence from observation and analysis that these proposed regulations would have the desired effect. But as I said, the communities I walked through, it was all or nothing and it was irrespective of whether it was a brand new home. We have a GSMOL chapter at Oakridge; I spoke with the president. He said just down from him a brand new (roughly a year-old home) that had the cement siding, the Hardy Board siding, went down just like the other homes. And, you know, maybe if all the homes were made of that construction it might save a few homes, as Ms. Borg mentioned, but would it be the biggest bang for the buck and the right approach, or are some of the proposals over reactive?

SENATOR CORREA: Care to comment from HCD?

MR. ANDERSON: Senator, Chris Anderson again, with HCD. In working with the State Fire Marshal's Office over the last couple of years, I've come to really appreciate the science that they have put in to developing their regulations in Chapter 7(a). For years we would address the fire issue in the same manner. We'd put a fire out and rebuild and hope for a different outcome the next time the fire came. And yet, the next time the fire came we had the same outcome and what would we do? We'd put the fire out again and we'd have the same thing. And as you know, Einstein defined that as insanity.

These regulations were developed based on studies that were done throughout the world. And I'm sure that our representative here from the State Fire Marshal's Office can even explain it better than I. But in watching some of the films that the Fire Marshal's Office gave us showing us the advance of the fire and how it would happen, with the Santa Ana winds coming down these

canyons you'll have embers possibly a half a mile to a mile in advance of the flames creating spot fires in these areas. That's beginning to heat up the area. As these flames advance, this superheated area is already very dry, very hot, a lot of fuel, and the flame—you have a 50-foot wall of flame that comes in. That's what they experienced, according to Chief Bowen in L.A. That's what they experienced in Oakridge.

MR. TENNYSON: A question on that point if I might before we lose our train of thought. Under those circumstances, I'm just playing devil's advocate here, where you have this superheated fire, would these new standards, assuming that all or most of the homes on the frontline of that fire were upgraded to these standards, be able to resist that type of heat? What is the ignition point?

MR. ANDERSON: Okay. What you would have is less of the spot fires because as these embers would currently hit these roofs or they'll blow underneath the eaves and go into the attic spaces creating the fire in there, so now we've already got this heated up environment when that fire comes in. These standards would all but eliminate the possibility for embers to go into the attic and the basement areas underneath the homes because of the way the ventilation is designed and developed. With the ignition resistant siding materials and roofing materials, you would not have the spot fires on the structures that we currently experience. Yes, you may still have some shrubs that would burn. One of the ideas is to look at the landscaping within parks, within communities, not just parks, but within communities. When you have palm trees aflame with 70-mile an hour winds, you have palm fronds going sideways flaming and that advances that fire. It will not eliminate the fires for every home. It will reduce the damage.

SENATOR CORREA: When that's slowed down, the advancement of the fire, it's giving you precious time to evacuate.

MR. ANDERSON: I believe it would. In the communities, once the embers came into those communities there would be less for it to ignite. So you wouldn't have the spot fires, the amount of spot fires, that you currently

would have. That will give you additional time. And I'm sure the Fire Marshal's Office could do a better job than I.

TANYA HOOVER: Good afternoon. My name is Tanya Hoover. I'm the assistant state fire marshal. And I always like coming before folks and having another agency talk so eloquently about fire safety and about our regulations.

I'd like to speak to two items. Someone mentioned study, empirical data. Do these building construction criteria make a difference?

We have been doing studies on wildland fire for a very long time—30, 40, 50 years. And I'll go back to the comment, "for a while we built things the same way; we rebuilt them the same way." Well, over time, our studies have shown us that we need to change the way we build in the Wildland/Urban Interface so that we have a better chance of survivability, so structures have a better chance of survivability in a wildland fire, which that structure survivability in turn allows for better evacuation, more efficient evacuation, if we don't have the magnitude of fire.

In 2003, Southern California faced devastating fires. Shortly after that, a lot of jurisdictions in Southern California took it upon themselves to become more restrictive in building standards when they went through a rebuild. Those more restrictive criteria had success in the 2007 fires. We were able to go back and study areas. We were able to look at structures that survived, neighborhoods that did survive impending flame fronts, ember production that exceeded a mile. And our modeling shows ember production to a mile and a half into communities. So we do have data that shows that the new building standards do have an opportunity to provide structure survivability more readily than in the past.

Understanding that these building standards have been in effect for about a year and a half on new construction, it will take a little time; it will take some time to show the true impact of these building standards on construction and structure loss in California. It won't happen overnight. But again, the building standards, they are a key component to addressing structure survivability in the Wildland/Urban Interface. It is one component of

what I'll call the fire safety system. That also incorporates defensible space, water supply access, and our emergency responders.

SENATOR CORREA: Go ahead, Mr. Tennyson.

MR. TENNYSON: I also had a question; and it's related to something that came up earlier, for the Fire Marshal. And that is, with regard to the issue of mobilehome parks and the homes in those parks that are in these interface areas that would be affected and our inability at this point to get a grasp on a good figure. And I understand your office is working on these local responsibility area maps. Is that correct? And when is that process expected to be completed? When, so we can get a better handle on the number of parks within these local responsibility areas.

MS. HOOVER: I'd like to turn that over to my mapping expert with FRAP. He's got all those details.

DEAN CROMWELL: My name is Dean Cromwell. I'm the mapping person...

SENATOR CORREA: Welcome, Mr. Cromwell.

MR. CROMWELL: Thank you. We are in the process of about half over in numbers of counties for which we're doing very high fire hazard severity maps. We've done about 20 counties, and we have about 10 left to do. We're looking at finishing them, with one or two exceptions, by the early part of next year. The maps will then go out to local jurisdictions. The local jurisdictions need to adopt them by ordinance and then in their adoption at that time they become final. The director of Cal Fire makes the recommendations.

The big counties still to do, that are close to being finished, are Los Angeles, Riverside, San Diego. We finished San Bernardino. Orange is a little bit towards the end because of some ongoing discussions we have with the county. And also, Ventura. But very shortly will be Los Angeles, Riverside, and San Diego.

SENATOR CORREA: So again, the date that you expect this to be completed is?

MR. CROMWELL: Early next year, February, something like that, with the possible exception of Orange County.

MR. TENNYSON: Now, the process, I'm not sure I'm quite clear on how this works. You're coming up with a suggested mapping for these local responsibility areas and they need to incorporate this in an ordinance?

MR. CROMWELL: Under the government code sections, the old Bates bill sections of the Government Code, the director makes recommendations for very high fire hazard severity zones. Those are based on different modeling and factors specified in the law. When the director makes recommendations, local agencies have 120 days from there to adopt or respond, at least in some form, to the regulations. They can add to them such as the Wildland/Urban Interface areas that are allowed under the Chapter 7(a). And we don't have a...necessarily track all that they do, but they are required to respond within 120 days of receipt of the recommendation.

MR. TENNYSON: So to sum it up, we should have these maps in place and these ordinances in place within a matter of a few months so we can make a determination as to where all these parks are located?

MR. CROMWELL: We can do it at least based on the recommendations. We could have some notion about what the geographic information system layers look like. We'll work with HCD, certainly, to try to develop the information for the committee.

MR. TENNYSON: Thank you.

SENATOR CORREA: I have a follow up question for HCD. It's proposed, in the regulations -- on the meaning of conversion. The proposed regulations provide that they will be applicable to existing or used manufactured homes upon conversion from use to another. Any more clarification on that?

MR. ANDERSON: Absolutely, Senator.

SENATOR CORREA: Thank you.

MR. ANDERSON: We had already given it to the committee, but for your benefit, one more time.

You can change the use of a manufactured home from a manufactured home to, say, a commercial modular if you wanted to use it as a commercial structure for one reason or another. There are ways to do that. And at that point it's changing the occupancy. So you're converting it from the residential to the commercial or vice versa. It could be a commercial modular that you're converting back to a mobilehome. And this would all be done through the regulations in Title 25, Chapter 3, that already exists and explains the conversion issues in other areas rather than just the specific sections that we provided the committee with that we're proposing the amendments to.

SENATOR CORREA: Thank you.

MR. TENNYSON: One further follow-up question with regard to the process for the adoption. It's my understanding, and I don't know if you're the appropriate person to answer this question, that the public comment period for these emergency regs, in terms of they're being bootstrapped into parks, has expired as of November 30th; is that correct?

MR. ANDERSON: I believe that was the expiration of the 45-day public comment period.

MR. TENNYSON: Right. Are there any proposed amendments or changes as a result of those or is that still being...

MR. ANDERSON: I believe that is still being considered at this point. We should know very soon if we will do the final statement of reasons and not make any amendments or if we will have to make a few amendments. And non-substantive would require an additional 15-day comment period. If we had to make substantive changes, which I don't believe there are any proposals for substantive changes, those would take an additional 45-day comment period. And at this point, I'm not aware of any comments that we've received that would suggest that we would need a second 45-day comment period.

MR. TENNYSON: Okay. In that event, would you make sure that the committee is on your list of organizations or people that receive the changes?

MR. ANDERSON: Absolutely.

SENATOR CORREA: If I can, let's move onto any additional witnesses that may want to testify today. Going once. Twice. I'll open it up now for public comment. Any members of the public that wish to testify? Going twice.

Mr. Tennyson just advises me, in about 45 days we'll have a committee report. And, of course, what we had planned was another second hearing in Southern California sometime in mid to late January to address fire issues related to emergency preparedness, training, clearing vegetation, defensible space, so on and so forth, but I've got to tell you, after listening to the testimony today I walk away from this hearing with more questions than answers. It's interesting listening to the industry as well as the owners and advocates and their perspectives.

I may put together a study group, a kind of a working group, in the interim between now and the next hearing to address a lot of the questions that were brought up today and examples of prioritizing what works/what doesn't, because I do believe the issue of resources is a central one in this whole issue. Yet, the challenges of not having the resources is a challenge but should not be the controlling factor of moving ahead and implementing some of these regulations, or again, prioritizing the areas of danger. Does it make a difference? Would some of these parks have burned anyway, were these regulations be in place? A good question. Would they have saved lives? That's an even more important question.

So again, I will be in touch with some of the people who have testified today. And I would, at least, have one meeting with some of you as a working group to address what exactly is it that we can do to advance the public safety of the residents in these parks.

Again, the state is big. A lot of residents. But if we focus on those areas that are most prone to dangerous situations when the Santa Ana winds hit, I think we begin to manage this process and get a grasp on it.

So I want to thank everybody for showing up today. Thank you for your time and interest. And stay tuned. Let's continue to be busy. I think the residents, the public safety demands that we be on top of this one. So thank

you very much. And I look forward to hearing any comments from you later on, on these issues.

I call this hearing now adjourned.

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STAFF SUMMARY

&

COMMENTS

STAFF SUMMARY & COMMENTS

By the time this report is printed, the emergency regulations for ignition resistant exterior components on manufactured homes in Fire Hazard Severity Zones within State Responsibility Areas or in any Local Responsibility Area as defined in Title 24, Part 2, Chapter 7A, where mapped, should be in effect. HCD is also going through the process of finalizing permanent regulations, which presumably will be completed later this year.

Summary: In summary, the major points or issues that came out of the hearing regarding ignition resistant exterior components include the following:

- Immediacy: The new code requirements will become effective immediately, even though the mapping of local responsibility areas is not completed and it is not yet known specifically how many, or which, mobilehome parks (or homes in those parks) statewide will be affected. 1,300-1,400 parks was the estimated number given to the committee at this time.
- Maps: The mapping by Cal Fire (State Fire Marshal) is still in progress for about 10 counties, subject to adoption by those counties, so it is not clear when all mapping will be completed, although officials appear to be aiming for a mid-year completion. Presumably, the code will not be enforceable in areas not yet mapped until the maps are effective by virtue of local approval or law.
- Availability: The manufactured housing industry does not foresee a problem in meeting the demand for new roofing, siding, and other ignition resistant materials that will be required for manufactured homes in the months ahead.
- Cost: Estimates by the industry and HCD are that it will add about \$1,500 to the cost of a new manufactured home for the code upgrades to be built into homes in the factory, and up to \$15,000 for the upgrades to be retrofitted on existing manufactured homes or mobilehomes, depending upon size and circumstances, including fees to cover the cost of permits, plan review, and inspection.
- Trigger: The fire code exterior upgrades or retrofits for existing homes shall be required at the time a homeowner repairs or replaces a component system, such as a roof, siding, doors, windows, or an exterior accessory like a deck or stairs. According to HCD officials, the repair or replacement of one component, such as a roof, would not trigger a requirement that all other ignition resistant components (siding, doors, etc.) required be replaced or retrofitted at the same time.
- Affordability: Many lower income residents in older homes subject to the new code requirements may not be able to afford the cost of the retrofits. According to information garnered from HCD after the hearing, CalHome rehabilitation grants may be available if a local agency or non-profit organization dispensing the funds recognizes mobilehomes or manufactured homes located in parks as eligible for such grants and the retrofit is part of a more general rehabilitation of the home.
- Penalties: Failure of a homeowner to comply with the new requirements, if discovered, would subject a homeowner to a citation by HCD. HCD has no citation fine authority, so ultimately a violation could only be prosecuted as a misdemeanor by a city or district attorney, officials who historically have been reluctant to prosecute similar cases of “minor” park code violations.

Comments:

Affordability: Concerns were expressed at the hearing that the burden of retrofitting older mobilehomes will fall most heavily on those who cannot easily afford to install the upgrades - low-income and senior homeowners. The question about whether low-income mobilehome owners could qualify for CalHome rehabilitation grants to install the required ignition resistant components on their homes was not answered at the hearing. The committee later contacted HCD's Division of Financial Assistance and was told that a low-income mobilehome owner could qualify but a local agency or non-profit administering the fund might condition funding for the ignition resistant components on a rehabilitation of other non-fire related components, or require that it be made as part of a general rehabilitation of the mobilehome. Additionally, in administering CalHome funds for grants and loans at the local level, some local agencies and non-profits do not consider mobilehomes or manufactured homes located in parks to be eligible because they are not real property permanently "fixed" to the land. The Legislature may wish to consider whether it is appropriate for local agencies and non-profits that administer state CalHome funds to determine whether a low-income homeowner qualifies for a rehabilitation grant solely on the basis of whether he or she resides in a manufactured home versus a conventional stick-built home.

Penalties: It was brought out at the hearing that HCD, or a local agency which has taken on enforcement authority in parks for HCD by agreement, could cite a homeowner for failing to comply with the new ignition resistant requirements, where applicable. But there are no citation fines for compliance, and prosecution ultimately rests on the offices of local district attorneys, who often eschew such minor cases. However, what was not brought out at the hearing was that HCD can also notify the park manager of a homeowner's violation, after the second notice, and the park could commence eviction proceedings against the homeowner based on the unresolved citation as evidence of a violation of law. The Legislature may wish to consider whether it is more appropriate for HCD to be given the authority to assess citation fines against homeowners for these kinds of violations than to allow park owners to evict homeowners on such a basis, with the possibility that, on an eviction, a homeowner could lose his or her home altogether.

Disclosure: For State or Local Responsibility Areas (wildfire zones) that are mapped, it appears under Civil Code Section 1103.2 that a selling mobilehome owner or his or her agent would be responsible for specifically disclosing that the home is in such an area or fire zone. However, mobilehome parks under Civil Code Section 798.75.5 also have to disclose to prospective homeowners moving into the park, prior to execution of the rental agreement, specified conditions of the park, such as code violations, damage to the park, lawsuits involving common area facilities, etc., but not whether the park is in a State or Local Responsibility Area. The Legislature may wish to consider whether such an additional disclosure should be required.

Application: At least one caller has opined that the new fire code upgrades should apply to manufactured homes and mobilehomes in all parks, regardless of whether the park is in a wildfire zone or not because once a fire starts in a park, regardless of the source, it may spread faster than in a conventional subdivision due to a park's normally denser land use. Conceivably, the requirements could be phased in on resale of the home or upon a date certain, giving homeowners, for example, five years to comply. Although requiring that manufactured home and mobilehome installations be upgraded with ignition resistant components is a worthy goal, as several witnesses at the hearing pointed out there is no assurance with certain fires and wind conditions that all homes would be failsafe even if they were upgraded with the new standards. Moreover, as referenced above, the burden for retrofitting the older homes may often fall on low-income homeowners. As such, some groups representing homeowners feel that mandating the requirements "across the board," rather than in defined wildfire prone areas, would be too much of an "overkill" causing homeowners the loss of a sale of their home or, in the worst case scenario, displacement of the homeowner upon an eviction for not fixing this kind of violation.

Insurance: One concern voiced to the committee after the hearing is that in wildfire prone urban areas mapping may exacerbate a problem that already allegedly exists for some mobilehome owners, the affordability of homeowner fire insurance or the inability of mobilehome owners to even obtain such insurance. With specifically mapped areas recognized by law, insurance underwriters might have an even better or more reasonable basis for denying fire insurance, even perhaps in parks where some homes complied with the ignition resistant upgrades. This is an issue which the committee has not been able to evaluate and may be further discussed at the committee's February 6th hearing.

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APPENDIX

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

1800 Third Street, Room, 260, P.O. Box 1407
Sacramento, CA 95812-1407
From TDD Phones 1 (800) 735-2929
(916) 445-9471 FAX (916) 327-4712
www.hcd.ca.gov



January 28, 2008

NOTICE OF PROPOSED EMERGENCY ACTION

**SUBJECT: MANUFACTURED HOME, MOBILEHOME, MULTIFAMILY
MANUFACTURED HOME AND COMMERCIAL MODULAR IGNITION RESISTANT
CONSTRUCTION SYSTEM REGULATIONS**

**THIS NOTICE ANNOUNCES A PROPOSAL TO READOPT EXISTING
EMERGENCY REGULATIONS FOR AN ADDITIONAL 90-DAY PERIOD**

The Department of Housing and Community Development (HCD) is proposing to **READOPT** for an **additional 90-day period** the emergency regulations affecting the exterior design, construction, installation and alteration of any new or used manufactured home, mobilehome, multifamily manufactured home or commercial modular designated for installation in Wildland Urban Interface Fire Areas in California. The proposed emergency regulations are proposed to be re-adopted into the California Code of Regulations, Title 25, Chapter 3, Subchapter 2, and re-adopt by reference portions of the California Code of Regulations, Title 24, California Building Code, Part 2, Chapter 7A.

HCD anticipates the proposed **READOPT** of the regulations may become effective as early as **March 1, 2009**, upon approval by the Office of Administrative Law (OAL) emergency rule, and if approved will extend the effective date of the existing emergency regulations by 90 days. **No changes were made to the current emergency regulation language for the re-adoption process.**

HCD is already in the process of making these emergency regulations permanent. A notice to the public was issued January 9, 2009, which started the 45-day public comment period. A public hearing has been scheduled for Monday, February 23, 2009. During this comment period, the public is able to provide comments regarding the proposed regulations prior to their becoming final and permanent.

You may also review the proposed regulatory language and Finding of Emergency on HCD's website at the following address: <http://www.hcd.ca.gov/codes/mhp/>

If you have any questions regarding this proposed emergency action, please contact Richard Weinert at (916) 327-2838.

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6. Upon filing, OAL will have ten (10) calendar days within which to review and make a decision on readopting the proposed emergency rule. If approved, OAL will file the regulations with the Secretary of State, and the readopted emergency regulations will become effective for ninety (90) days. Within the 90-day effective period, HCD will proceed with the regular rulemaking action, including a public comment period. The emergency regulations will remain in effect during this rulemaking action. Attached to this Notice is the specific regulatory language of HCD's proposed emergency action and Finding of Emergency.

**FINDING OF EMERGENCY
FOR
PROPOSED BUILDING STANDARDS BY THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS (HCD)**

**REGARDING THE PROPOSED AMENDMENTS TO
TITLE 25, CALIFORNIA CODE OF REGULATIONS, CHAPTER 3, SUBCHAPTER 2
ARTICLE 2.3, SECTIONS 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214 AND 4216**

**ON THE SUBJECT OF IGNITION RESISTANT CONSTRUCTION SYSTEMS FOR
MANUFACTURED HOMES, MOBILEHOMES, MULTIFAMILY MANUFACTURED
HOMES AND COMMERCIAL MODULARS INSTALLED WITHIN WILDLAND-URBAN
INTERFACE AREAS**

HCD proposes to adopt the above-noted new article 2.3 and regulation sections into CCR Title 25, Chapter 3, Subchapter 2. Government Code 11346.1 requires that the finding of emergency include a written statement which contains the information required by paragraphs (2) through (6), inclusive, of subsection (a) of Section 11346.5 and a description of the specific facts showing the need for immediate action.

FINDING OF EMERGENCY

The following information is evidence that adoption by emergency of the new Article 2.3, as proposed by HCD, is necessary for the immediate preservation of the public peace, health and safety or general welfare of the public.

Chapter 688 of the Statutes of 2003 (Assembly Bill 1216 - Vargas) became effective January 1, 2004, amending Section 13108.5 of the Health and Safety Code relating to building construction in Wildland-Urban Interface Fire Areas. On September 20, 2005, the California Building Standards Commission approved the Office of the State Fire Marshal's emergency regulations (building standards) amending the California Code of Regulations (CCR), Title 24, Part 2, California Building Code (CBC), adding Chapter 7A - Materials and Construction Methods for Exterior Wildfire Exposure (Chapter 7A). These building standards were adopted in response to severe fire damage and loss of life sustained during wildfires in Southern California.

Between September, 2005, and January, 2008, there was neither need nor ability for HCD to impose special fire safety construction standards on manufactured homes, because the U.S. Department of Housing and Urban Development (HUD) generally preempts the area of manufactured home construction standards. As discussed below, HUD changed its position, in January, 2008, allowing HCD to develop and enact the same Chapter 7A standards adopted by the State Fire Marshal throughout the state. This serves the dual purposes of enhancing resident and home safety in fire hazard zones while maintaining a statewide standard to allow cost-effective factory construction processes statewide.

07/24/2008

The 2008 fire season has arrived with a significant threat to persons and property in urban areas near wildlands and in rural areas. In addition, State Fire Marshal mapping of specified fire hazard areas was finalized in July, 2008, allowing consumers, dealers, and manufacturers to determine what areas require enhanced Chapter 7A fire standards. Without clarity as to the existence and preemptive nature of the HCD standards (Chapter 7A), either local governments may prevent the installation of affordable and safe manufactured housing and commercial modulars in mobilehome parks and on private property due to a belief that they can impose their own local fire hazard rules and/or some homes and modulars will be installed without adequate fire protection.

Rationale for Emergency

- With the 2008 fire season here, it is a matter of emergency that construction standards be placed into effect to provide protection of manufactured homes, mobilehomes, multifamily manufactured homes and commercial modulars being installed in areas designated as Fire Hazard Severity Zones. Failure to implement these standards as an emergency will leave these types of structures and the occupants vulnerable to the hazard posed by wildfire. At the current time, 350 manufactured homes and 300 commercial modulars are sold and installed monthly in California, many of which are in high fire hazard zones.
- The installation of a manufactured home, mobilehome, multifamily manufactured home or commercial modular without fire hazard protection not only impacts the homes' and modulars' residents and property. In addition, it can act as a catalyst to spread a fire from an external source to other nearby homes and property, and requires fire fighters to dilute their fire fighting activity to unnecessarily protect property without adequate fire prevention standards.
- Without statewide regulations to preempt city, county, and city and county enforcement of locally-adopted Wildland-Urban Interface adopted ordinances, manufacturers of manufactured housing, multifamily manufactured homes, or commercial modulars could be required to construct structures to local requirements even though the authority to impose these local requirements on manufactured homes is questionable. There are 58 counties and nearly 600 cities with building departments, which would mean that manufacturers have been subject to manufacturing homes and modulars to any number of standards, instead of one state or federal standard. These businesses and associated enterprises would be severely impacted beginning July 1, 2008, by the inability to build, sell, and lease structures which could be located in one local jurisdiction but not another. These proposed regulations immediately would standardize the construction requirements.
- About 350 manufactured homes and about 300 commercial modulars are sold monthly in California, based on 2007 statistics, many of which are sited in high fire hazard areas. These are financed in advance of construction and since there are no clear regulatory requirements in place on July 1, when final State Fire Marshall

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maps were published, the attempted imposition of local requirements will delay installation and use, leaving consumers and small businesses making monthly payments for residential and commercial products they cannot use. This delay will spill over to additional consumers and businesses seeking these products on and after July 1, 2008.

Factors Preventing the Development of Non-emergency Regulations

- The U.S. Department of Housing and Urban Development's (HUD) historically has precluded state or local building standards from applying to manufactured homes. In approximately August, 2007, HUD formally communicated to HCD that California's adopted Wildland-Urban Interface standards could not be applied to manufactured homes since the field of "fire protection" was preempted by federally adopted standards; however, in January, 2008, HUD rescinded that decision and determined that standards could be developed by California and applied to manufactured homes.

HCD was not able to initiate rule-making for commercial modulars and multifamily manufactured homes until HUD agreed to state standards for manufactured homes. The same factories construct manufactured homes, multifamily manufactured homes and commercial modulars, and a series of conflicting building standards would have created confusion and probably construction errors in those factories.

- Fire Hazard Severity Zone maps for Local Responsibility areas were not available from the Office of the State Fire Marshal until early 2008, with final maps being approved and fully available in July, 2008. Without these maps, manufacturers of manufactured homes, multifamily manufactured homes, or commercial modulars could not properly build structures to comply since there was no viable means to determine whether compliance was mandated. Manufacturers would have to risk constructing structures at a manufacturing facility in advance of the map availability, and then be found in violation upon delivery to the site for installation if the standards were incorrect or were not required.

BACKGROUND

On September 2, 2003, the California Legislature approved Assembly Bill 1216, Fire Safety Regulations and the Governor signed it as Chapter 688, Statutes of 2003. The measure was supported by fire fighters, insurance advocates, and environmental groups. One month after the Governor signed AB 1216, California was under siege by the most devastating Wildland fire disaster in the state's history. The facts surrounding the disaster included 24 people, including one fire fighter dying, 750,043 acres burned, and 3,710 homes destroyed. More recently, the October, 2007 Southern California wildfires resulted in 94 casualties—including 9 who died—and destroyed over 1,500 homes, including almost 220 manufactured homes in parks in high fire hazard areas. In the aftermath of the fires, the loss of stabilizing vegetation and torrential rain storms created horrendous

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mudslides during flash floods in an area of San Bernardino County; sixteen people perished.

The number of homes destroyed and the frequency of these fires is increasing. Recent serious conflagrations include the following:

- 484 homes - Los Angeles 1961
- 325 homes – San Bernardino 1980
- 641 homes - Santa Barbara 1990
- 3,403 homes – Oakland 1991
- 400 homes – Laguna Beach 1993
- 2,232 homes – San Diego (Cedar Fire only) 2003
- 1,500 homes—Southern California 2007

“The Story,” California Fire Siege 2003 is part of the basis of the Finding of Emergency for the emergency regulations proposed by HCD. (This story is available upon request)

AUTHORITY AND REFERENCE

HCD proposes to adopt these regulations under the authority granted by Health and Safety Code (HSC) Sections 18015, 18020(a), 18028(a), 18029, and 18029.5.

The purpose of these regulations is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 13143, 13108.5(a), 18015, 18020(a), 18028(a), 18029, 18029.5, and 18030.5, and Government Code Section 51189 relating to building materials and construction methods used in Wildland-Urban Interface Fire Area, as well as California Code of Regulations (CCR), Title 24, Part 2, Chapter 7A..

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE

Pursuant to Chapter 668, Statutes of 2003 (AB 1216), the California Office of the State Fire Marshal (OSFM) amended the 2007 California Building Code (CBC), Title 24, Part 2, adding chapter 7A and providing new Wildland-Urban Interface (WUI) Fire Area building standards to establish minimum standards for exterior materials and material assemblies and provide a reasonable level of exterior wildfire exposure protection for new buildings constructed in such areas to mitigate losses resulting from California’s repeating cycle of wildland fire disasters.

The addition of the WUI standards into the 2007 CBC, however, did not, for several reasons, automatically require that manufactured homes, mobilehomes, multifamily manufactured homes, and commercial modular structures comply with the new WUI standards, should these structures be installed either on private property or in a mobilehome park residing within a WUI fire area.

* Construction standards for manufactured homes and mobilehomes (MH), multifamily manufactured homes (MFMH), and commercial modular (CM) structures are specifically exempted from the building standards requirements of the California Building Standards Code, pursuant to California Health and Safety Code section 18909(g).

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* Construction standards for most components of manufactured homes are established by HUD with a preemptive code applicable nationwide.

* Construction standards for mobilehomes, multifamily manufactured homes, and commercial modular structures are established by HCD and generally preempt local ordinances.

The specific purpose of this rulemaking by HCD is to comply with both the Legislature's intent and the OSFM's purpose to require adoption of ignition resistant regulations for all buildings or structures that are either site-constructed or installed in WUI fire areas as defined under those rules in order to foster fire safety and prevention of fire spreading to other structures. This rulemaking by HCD, in coordination with the OSFM, establishes a systematic approach to reducing structure loss in a large and destructive fire and to protect life and property in any Wildland-Urban Interface Area while not interfering with the preemptive HUD or statewide standards applicable to manufactured homes, mobilehomes, multifamily manufactured homes, or commercial modulars.

HCD proposes to adopt by reference in Title 25, CCR, the OSFM building standards adopted by the CBSC in Chapter 7A and apply them to MH, MFMH and CM construction. This will provide minimum standards for the design, materials and construction methods for roofs, roof coverings, roof assemblies, attic eave and cornice vents, and exterior wall coverings for MH, MFMH, and CM structures built or installed in a Wildland-Urban Interface Fire Area. These construction methods are proposed in order to resist the intrusion of flame or burning embers projected by a vegetation fire on or into MH, MFMH and CM structures in the same manner as conventionally constructed structures.

The proposed regulations adopt by reference the California Building Code, Part 2, (CBC) Chapter 7A. These ignition resistant construction requirements previously applied only to site-constructed buildings in a State Regulated Area (SRA) as of January 1, 2008. Effective July 1, 2008, in Local Regulated Areas (LRA), the provisions of Chapter 7A are effective and would, after local adoption by local ordinance, also include MH, MFMH and CM structures.

An ignition resistant construction system installed as required by Chapter 7A of the CBC is designed to resist ignition from flame or embers and affords occupants early evacuation of the home or structure. It also provides resistance to penetration of the structure by fire or embers. The adoption by reference of Chapter 7A of the CBC into Title 25 CCR regulations, as well as the requirements for Department approved third-party approval of plans and third-party inspections in the manufacturing facility, will provide HCD licensed manufacturers and dealers; owners of MH, MFMH and CM; and local jurisdictions with reasonable assurance that ignition resistant construction systems installed in these structures will meet the minimum requirements imposed on communities by Chapter 7A, CBC.

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Preemptive Standards

Health and Safety Code section 18015 provides that the Department's regulations supersede the provisions of any local ordinance, and section 18030.5 exempts a manufactured home, mobilehome, multifamily manufactured home and commercial modular structure from the requirements of any local ordinance that conflicts with standards adopted by the Department. In accordance with these laws, the ignition resistant construction standards proposed by the Department will have statewide application. The preemptive nature of the standards will provide all interested parties with construction standards that maintain the integrity of the structures and will provide a means of consistency throughout the state.

OTHER CONSIDERATIONS, BACKGROUND

Federal and State Preemptive Construction and Safety Standards

The preemption of state and local standards by the federal construction and safety standards¹ for manufactured homes effective June 15, 1976, resulted in the production of affordable, transportable structures that are installed as single-family dwelling units throughout the country. These construction requirements accommodate assembly-line manufacturing procedures, apply throughout the United States, and preempt any conflicting state or local requirements. The standards ensure an acceptable level of safety for the occupants and enable manufacturers to produce, in factories, homes for retail sale anywhere in the country. Department statutes, by reference, generally adopt the federal standards for construction of multifamily manufactured homes.

In approximately August, 2007, HUD communicated to the Office of the State Fire Marshal (OSFM) and the Department that California's adopted Wildland-Urban Interface standards could not be applied to manufactured homes since the field of "fire protection" was preempted by federally adopted standards. However, in January, 2008, HUD rescinded that decision and determined that standards could be developed by California and applied to manufactured homes.

The federal standards do not provide for the installation of an ignition resistant construction system on a manufactured home, nor do the existing Department regulations applicable to mobilehomes, multifamily manufactured housing, or commercial modulares. The lack of a construction standard applicable to these structures leaves the structures vulnerable without the installation of an ignition resistant construction system. Because there are no preemptive fire resistive standards, local building departments, fire departments, or fire districts in California believe that they can adopt local ordinances requiring additional or more restrictive ignition resistant construction systems in MH, MFMH and CM structures.

Transportable Nature

¹ Title 24, Code of Federal Regulations (CFR), Parts 3280 and 3282; H&SC §18007.

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The transportable nature of both the manufactured residential structures and the commercial modular structures contributes to the need for preemptive statewide standards for the installation of ignition resistant construction systems. Because a manufactured home is constructed in a manufacturing facility in California or another state under federal construction standards and moved to a distant installation site, the persons installing the home and the enforcement agency inspecting both the installation of the home and the on-site assembly of the ignition resistant construction system during the installation of the home cannot readily communicate directly with the manufacturer about the system's specifications. The same conundrum exists with regard to the other covered manufactured structures. Compliance with one clear set of standards, the proposed regulations, adopting Chapter 7A of the CBC, provides that consistency.

When an ignition resistant construction system is installed following the shipment of the MH, MFMH or CM from the manufacturing facility, rather than during construction, compliance with preemptive state standards provides assurances for the current and future owners. Since MH, MUMH and CM structures are transportable, standardized construction methods allow current or future owners to move the structure to a new location distant from the local agency that initially approved the installation of the ignition resistant construction system. A person inspecting the installation of these buildings at the new site can rely on compliance with a preemptive state standard to ensure that the system is adequate to meet local fire protection requirements.

Duplication of Oversight

The administration and inspection requirements imposed by local ordinances are not uniform and often would duplicate work performed by HCD approved third-party enforcement agencies. Examples of inconsistent, duplicative requirements that could be imposed by local jurisdictions in California upon owners of manufactured homes and multifamily manufactured homes if there were no state standards include the following:

- ← A local fire or inspection agency may require a homeowner to prove all exterior materials are suitable and properly installed, requiring partial destruction, disassembly of roof components or siding installed at the factory. The proposed regulations would require the manufacturer to post a certification label that not only certifies compliance with the proposed 25 CCR construction standards, but also lists the types of materials that were installed on the exterior of the structure. Additionally, for preexisting structures altered to meet the WUI requirements, the fire resistive material packaging and product installation instructions must be retained by the installer and provided to the inspector at the time of inspection.
- ← A local building department or fire agency could require plans and calculations and review of the ignition resistant system before the manufactured home is permitted to be delivered to the construction site. This type of local requirement would duplicate the efforts of HCD-approved third-party plan review agencies, needlessly increase costs to the home buyer, and cause needless reconstruction of structures.

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INFORMATIVE DIGEST

Summary of Existing Laws

Federal Provisions

24 Code of Federal Regulations (CFR) §3282.11, and 42 U.S.C. Section 5403(d) prohibits any state or political subdivision of a state from establishing a construction standard for manufactured homes that is not identical to the corresponding federal standard, if a federal standard exists. Since federal construction standards for manufactured homes in 24 CFR Part 3280 do not expressly provide standards for installation of an ignition resistant construction system for a manufactured home, California proposes to establish installation requirements for ignition resistant construction system in manufactured homes under authority provided by the Health and Safety Code.²

HSC Section 18015 – Existing law makes Part 2 (commencing with section 18000) of the Health and Safety Code applicable to all parts of the state and supersedes conflicting local ordinances. It authorizes HCD to promulgate regulations to interpret and make specific the provisions of this part relating to construction and other related or specifically enumerated activities. Under this authority, HCD proposes to adopt installation standards for ignition resistant construction system installed in new or existing manufactured homes, mobilehomes, multifamily manufactured homes, and commercial modular structures.

HSC Section 18020(a) – Existing law authorizes HCD to enforce the provisions of Part 2 (commencing with section 18000) of the Health and Safety Code and rules and regulations adopted pursuant to that part, except for recreational vehicle standards covered by HSC 18027.3 and manufactured home standards covered by 42 U.S.C. Section 5401 et seq. of the National Manufactured Housing Construction and Safety Standards Act (NMHCSSA) of 1974. Under this authority, HCD proposes to adopt installation standards for ignition resistant construction system installed in new or existing manufactured homes, mobilehomes, multifamily manufactured homes, and commercial modular structures.

HSC Section 18028(a) – Existing law authorizes HCD to adopt regulations regarding the construction of commercial modulars and special purpose commercial modulars, excepting mobile food facilities subject to Article 11, commencing with Section 114250 of Chapter 4 of Part 7 of Division 104, and multifamily manufactured homes, manufactured

² In a letter dated January 31, 2008, from William W. Matchneer III, Associate Deputy Assistant Secretary of the federal Regulatory Affairs and Manufactured Housing Mr. Matchneer states, “*Exterior fire resistance is an element of performance that is not addressed by the Federal Manufactured Home Construction and Safety Standards, 24 CFR 3280. Accordingly we would not consider the application of the WUI standards to manufactured housing to be a violation of the preemption provisions of the National Manufactured Housing Construction and Safety Standards Act, 42 USC 5403(d)*”

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homes, and mobilehomes not subject to the NMHCSSA. HCD is authorized to determine whether the proposed regulations are reasonably necessary to protect the health and safety of the occupants and the public. Under this authority, HCD proposes to adopt installation standards for ignition resistant construction system installed in new or existing manufactured homes, mobilehomes, multifamily manufactured homes and commercial modular structures.

HSC Section 18029 – Existing law authorizes HCD to adopt regulations governing the alteration or conversion of fire safety systems, installations, and equipment in manufactured homes, mobilehomes, multifamily manufactured homes, commercial modulars, and special purpose commercial modulars. Under this authority, HCD proposes to adopt installation standards for ignition resistant construction system installed in new or existing manufactured homes, mobilehomes, multifamily manufactured homes, and commercial modular structures.

HSC Section 18029.5 – Existing law authorizes HCD to adopt regulations that are reasonably consistent with generally recognized fire protection standards and that govern conditions relating to the protection of life against fire in a manufactured home, mobilehome, multifamily manufactured homes and commercial modular.³ Under this authority, HCD proposes to adopt the installation standards for ignition resistant construction system in newly built manufactured homes and multifamily manufactured homes and commercial modulars.⁴

HSC Section 18030.5 – Existing law exempts manufactured homes, mobilehomes, multifamily manufactured homes, commercial modulars, and special purpose commercial modulars from compliance with local ordinances prescribing requirements in conflict with the standards prescribed by Chapter 4 (commencing with section 18025), of Part 2 of Division 13 of the Health and Safety Code and adopted regulations.

Summary of Existing Regulations

Uniform statewide standards were developed to assure owners, occupants, and users of manufactured homes, mobilehomes, multifamily manufactured homes, commercial modulars, and special purpose commercial modulars protection from risks to their health and safety, and property. For manufactured homes subject to preemptive HUD standards, this generally includes just the HUD standards; however, HCD also has adopted preemptive fire sprinkler standards for HUD-code homes (article 2, commencing with section 4300) and various installation requirements. Current conditions now require

³ HSC §18029.5 states in-part: "The department may adopt rules and regulations... governing conditions relating to the prevention of fire or for the protection of life and property against fire in manufactured homes, mobilehomes, special purpose commercial coaches... commercial coaches..."

⁴ HSC §18008.7 defines "multifamily manufactured home" and requires that, "...all provision of law that apply to manufactured homes shall apply equally to multifamily manufactured homes..."

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additions to these regulations to address fire safety of residents and the general public in specified wildfire areas.

Summary of Sections Affected

- The specific sections of 25CCR, Division 1, Chapter 3, Subchapter 2, to be added by this proposed action are a new Article 2.3 new sections 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, and 4216.

Summary of Effect of Proposed Regulatory Action

The purpose of these proposed regulations is to establish requirements for the installation of ignition resistant construction system for manufactured homes, mobilehomes, multifamily manufactured homes and commercial modulars intended to be placed in areas designated as Fire Hazard Severity Zones, including both substantive and procedural requirements.

Those sections within Title 25, California Code of Regulations, affected by this emergency rulemaking (see “Summary of Sections Affected,” above), and the specific purpose for each requirement in these proposed regulations, is described in the Initial Statement of Reasons.

► **Article 2.3 Manufactured Home, Mobilehome, Multifamily Manufactured Home and Commercial Modular Ignition Resistant Construction System.** HCD is adding the ignition resistant construction standards in a new and separate article for the ease of the public and public agencies to find the requirements and so that all are together in one place.

Section 4200. Application of Design Requirements; Preemption of Local Requirements.

Subsection (a). By the addition of this subsection, a code user, and local enforcement agency will be notified that the Chapter 7A standards adopted on behalf of the State Fire Marshal in the California Building Standards Code for conventional construction also are the standards for the design, installation, and construction of the exterior of any mobilehome, manufactured home, multifamily manufactured home, or commercial modular intended to be installed in a specified Fire Hazard Severity Zone. This allows for statewide consistency as well as understanding by local inspectors and ensures that current and subsequent owners of the units understand the extent of protection.

Subsection (b). By the addition of this subsection, a code user will know that the design, construction, and installation standards in this article preempt any local ordinance or rule adopted by any other state or local agency for construction of buildings or structures in the fire hazard areas designated in subsection (a) with two specific conditions. This ensures that there will not be conflicting standards depending on where a unit is installed, and avoids an unnecessary burden on manufacturers. In addition, the state (OSFM) standards provide adequate protection anywhere in the state.

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Subsection (b)(1). This is the first exception to the rule that the HCD Article 2.3 standards for certain manufactured structures preempt in the state-established high fire hazard zones. By the addition of this subsection a code user and local enforcement agency will know that the regulations not only preempt any more restrictive rules being applied to the design, construction and installation of the specified manufactured structures proposed for installation in the fire hazard areas specified in subsection (a), but also preempt by precluding additional or more restrictive protection for other locally-established fire hazard areas. This amendment is necessary because local jurisdictions commonly seek to provide more restrictive rules for their specific areas of responsibility, and this amendment clarifies the preemptive nature of the state standards in order to avoid conflicts, inconsistencies, and unnecessary additional standards.

Subsection (b)(2). By the addition of this subsection, the code user will know that the other exception to the Article 2.3 standards being preemptive, as described in subsection (a), occurs for structures installed in certain locally established moderate or low fire severity areas. In those circumstances, where less restrictive standards are enacted by local governments, mobilehomes, manufactured homes, multifamily manufactured homes and commercial modular structures may be constructed to those lower or less restrictive standards established by the local enforcement agency. This is necessary to allow consumers and sellers to reduce costs where more stringent standards are not necessary.

Subsection (c). By the addition of this subsection, a code user will know that not all mobilehomes, manufactured homes, multifamily manufactured homes and commercial modular structures constructed in California require installation of an ignition resistant construction system. Instead, only those installed or intended to be installed in one of the listed fire areas on or after September 1, 2008, are subject to this article. This ensures that ignition resistant construction standards are not required for homes and modulares installed in areas without high fire hazards. September 1, 2008, was selected because HCD projects that this regulation package will become effective between August 15 and August 20. September 1 allows 10 days to two weeks for manufactured home and commercial modular dealers to incorporate costs and orders based on the new regulations, and for manufacturers to modify production lines to include Chapter 7A standards.

Subsection (c)(1). By the addition of this subsection, a code user will know that manufactured homes intended to be installed in a specified fire hazard area that were manufactured prior to the effective date of this article but after January 1, 2006, are exempt from the requirements of these regulations until September 1, 2009, but are subject to local ordinances and the State Fire Marshall regulations until the effective date of this article. This section was intended to give small businesses and persons that own existing manufactured homes time to either install the home as is, modify it to comply with this section, or sell it elsewhere. January 1, 2006, was selected because the manufactured housing industry has estimated that about 800-900 manufactured homes are current unsold inventory on dealer lots. Beginning in late 2006, manufactured housing sales began a precipitous decline due to general economic conditions, and many

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homes acquired by dealers after January 1, 2006, remain unsold but were acquired in good faith and with the intention of selling quickly. Adequate time has elapsed for the sale of homes manufactured before that date. However, even those homes must be sold as promptly as possible, either inside or outside of WUI areas. Thus, the dealers will have approximately one additional year, until September 9, 2009, to sell and install those units.

Subsection (c)(2). By the addition of this subsection, a code user will know that commercial modular structures intended to be installed in specified fire hazard areas for temporary commercial, professional or business use for less than one year are exempt from the requirements of this article, but are subject to local ordinances and the State Fire Marshal regulations until the effective date of this article. The one-year time period was established because most projects using transitory commercial modulars take one year or less (e.g., construction projects), and those commercial modulars are made available in any area in the state. The Department determined that it was not economically reasonable to require commercial modulars placed on a work site for less than one year to be fully ignition resistant since those units are moved from site to site so often. The one year exception is calculated to start on date of issuance of a permit to install the commercial modular structure in order to establish a uniform process, throughout the state.

Subsection (d)(1-4). By the addition of this subsection, the code user and local enforcement agency will know that existing manufactured homes, mobilehomes, multifamily manufactured homes, and commercial modular structures installed in a fire area are exempt from the ignition resistant construction, required by this article, unless they already have the system; they undergo exterior replacement or repairs which may be components that should be replaced by Ignition-resistant materials (e.g., older glass replaced with tempered pane glass, siding replaced by ignition-resistant siding, etc.); they involve a conversion from one type of occupancy to another (e.g., upgrade from commercial use as a commercial modular to residential use as a dormitory); or they are intended to be reinstalled at a different location within a specified fire hazard area. The code user will also learn that if exterior alterations, replacements or repairs are performed on existing structures in specified fire areas, only the exterior coverings being altered, replaced or repaired must comply with this article. This amendment mirrors the CBC, Chapter 7A standards for existing site-built structures, and is necessary to ensure that sellers, buyers, and manufacturers do not spend the costs unnecessarily

Subsection (e). By the addition of this subsection, a code user will know that alterations made to the exteriors coverings of new or existing manufactured structures located in fire hazard areas must be in accordance with this Article, if such alterations are intended to be or held out as an ignition resistant construction system. This direction is necessary so that consumers receive the benefits they bargain for and rely on, and to make misrepresentations subject to statutory penalties.

► **Section 4202. Definitions.** Within Article 2.3, HCD is proposing a definitions section to define commonly used terms relating to MH, CM, MFMH construction and

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installations within Wildland-Urban Interface (WUI) Areas. All of the terms cross-reference or incorporate identical terms in the State Fire Marshal's CBC Chapter 7A in order to maintain consistency statewide with regard to these standards and comply with the intent of both the Legislature and the State Fire Marshal to increase protection from wildland fires. If the State Fire Marshal believes that modifications are necessary in the future for every area of the state, the changes automatically will be applicable to the manufactured structures subject to this subchapter. This consistency also is necessary so that inspectors who inspect conventional construction can apply the same information to manufactured units.

Subsection (a). By the addition of this subsection, a code user will learn that a manufactured home, multifamily manufactured home and commercial modular structure each have a date of manufacture that is recorded by the manufacturer, and placed on the unit's data plate or unit identification label. The data of manufacture will be the control date utilized by local permitting agencies for the purpose of exceptions to the article.

Subsection (b). The term "Ignition resistant construction system", as used in this new article 2.3, is cross-referenced to the same term and standards in CBC Chapter 7A in order to enhance consistency and clarity.

Subsections (c-d). By the addition of these subsections, a code user and enforcement agency will know that the proposed definitions are terms used to describe different geographic WUI responsibility areas. These definitions will also inform the code user and local enforcement agency that the geographic areas are the same as those applicable to other parts of the state, as adopted by CBC, Chapter 7A, and therefore the same standards that apply to conventional homes in those areas also apply to manufactured units.

► **Section 4204. Adoption by Reference of the Provisions of the California Code of Regulations, Title 24, Part 2, Chapter 7A.** Within Article 2.3, HCD is proposing to adopt by reference the standards provided by Chapter 7A, for the specified manufactured structures installed or intended for installation in WUI areas. By addition of this subsection, a code user and enforcement agency will know that HCD is exempting certain sections that are not applicable to the manufactured structures subject to the provisions of this Article.

- CBC Chapter 7A, section 701A.3.1, is exempted from this new Article because existing HSC section 18016 already addresses alternate methods of construction for the manufactured structures subject to this Article.
- CBC Chapter 7A, section 701A.3.2.4, is exempted from this Article because vegetation clearance requirements are not a design, construction, or installation standard for the manufactured units subject to this Article and therefore section 701A.3.2.4 is not applicable to this Article..
- CBC Chapter 7A, section 702A, "Fire Protection Plan" definition is exempted from this new Article because it does not relate to a design, construction, or installation standard for the manufactured housing units subject to this Article nor may local ordinances impose those standards.

While the Office of Administrative Law generally questions the validity of prospective incorporations by reference (e.g., the proposed HCD regulations adopt a portion of CCR

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Title 24, the California Building Code, as currently in effect and as amended in the future), the situation with this incorporation by reference differs from those which are the basis of OAL's past rejections. Those are based on issues related to the limited opportunity for public participation in the decision by the promulgating agency (e.g., HCD) because another agency creates or adopts the standards being adopted by reference. The proposed HCD regulations, the regulated public affected by them, and the process for adoption of Chapter 7A clearly distinguish these regulations from those which are the basis for OAL's precedential decisions on prospective incorporation by reference.

OAL relies on decisions in *California Ass'n of Nursing Homes, Etc. v. Williams* (1970) 4 Cal.App.3d 800, 814, 84 Cal.Rptr. 590, and its internal citation, *Olive Proration etc. Com. v. Agric. etc. Com.*, 17 Cal.2d at p. 209, 109 P.2d 918. In the *Nursing Home* decision, as well as the *Olive Proration* decision, the problem was that the welfare agency was adopting regulations based on a "Schedule of Maximum Allowances" established by the Department of Finance without any hearings, any evidence, etc. and in fact were the result of "ex parte studies by staff personal" of the Department of Finance (referred to by the court as the state agency's adoption of "DOF's fiat". A similar circumstance existed in the *Olive Proration* decision, where the agency completed its hearings and then, without notice to parties, received and considered a field survey and report by the Department of Finance; the parties were not apprised that this survey was undertaken or the result of it until the commission ordered were promulgated, depriving them of opportunity to comment and rebut.

Headnote 10 in *Nursing Homes* summarizes that there is no procedural barrier prohibiting adoption by reference if supporting evidence is made available at a public hearing, an opportunity to refute is given, pro-and-con evidence is consider, etc. In the HCD/WUI regulations, proponents and opponents will have those opportunities. Already, HCD demonstrated that it has not fully "delegated" its authority to the State Fire Marshal, since it opted to not adopt certain parts of the WUI Chapter 7A regulations. Other parts might be considered for deletion as well, depending upon comments during the public input phase. However, HCD also has made full reference to the Fire Marshal's consideration and hearings on Chapter 7A: these were not adopted under the cover of darkness, as were the DOF "Schedule" and the DOF "Study" in the *Nursing Home* and *Olive Proration* decisions. If anything, builders participating in 90% of the residential construction in the state fully vetted those standards in public hearings!

Another example of the problem with prospective incorporation by reference cited by OAL involves the Regional Water Board and its attempted adoption of federal standards. Not only is there a question of illegal delegation to a federal agency—an issue not applicable in the HCD/WUI situation—but the ability to participate in and influence the development and adoption of federal regulations is far different than that accorded by OAL with respect to the development and promulgation of state regulations.

As to adoption by reference for future modifications, again the record here is totally different than that in *Nursing Homes*. In "Nursing Homes", the reference to "the incorporated material" refers to the DOF schedules created by faceless DOF staff personnel in ex parte proceedings, resulting in the nursing home industry having not

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opportunity to comment, refute, etc. In the instant situation, there are two striking differences:

1. Any changes in the OSFM Chapter 7A will occur with full public study, comment, and opportunity to rebut from residential builders throughout the state, as well as public agencies such as HCD. The adoption of building standards by the California Building Standards Commission is subject, in part, to the APA and is much like the process used with OAL-processed regulations, rather than the process used for federal regulation review and adoption.
2. Knowing that Chapter 7A will provide the template standards immediately upon adoption by HCD, the manufactured housing industry can register as “interested parties” and be provided direct notice and opportunity to participate in any further CBSC consideration of the OSFM Chapter 7A, if amended.

In conclusion, HCD greatly respects the OAL rules regarding prospective incorporation by reference and validity of future modifications in most circumstances. In the instant situation, however, the rationale does not apply. Not only have the standards been vetted by the construction industry, and not only may the commenters comment again regarding what HCD has chosen to incorporate or not incorporate in the MH/WUI regulations, but, in the future, the MH and CM industry has the right to, and may merely request to, participate in the development and adoption of future WUI regulations before they become effective for conventional as well as manufactured housing.

In addition, HCD does not believe that its adoption of Chapter 7A of the California Building Code, Title 24, Part 2, of CCR violations Sec. 20(c)(5) of Title 1, CCR. HCD does not believe that it is adopting a “document” (such as a form, study, etc.) but instead is adopting the standards in another California regulation. If this interpretation were carried to its full extent, every time an agency regulation cross-referenced even one of its own regulations such as an internal definition, (even in the same package being adopted), it would have to add a date of adoption to that internally cross-referenced regulation. (e.g., “This section is applicable to “mobilehome” as defined by section 1111 of this title, as *adopted July 1, 2006.*”) We believe that the term, “document”, as used in Sec. 20 can be distinguished from “regulation”.

► **Section 4206. Sale, Rent or Lease of a Manufactured Home, Mobilehome, Multifamily Manufactured Home, or Commercial Modular.** Within Article 2.3, HCD is proposing a section that makes it unlawful to sell a structure either intended to be installed in a WUI area that is not provided with ignition resistant construction or does not comply with this article, or modify a manufactured structure’s existing ignition resistant system unless that work is in compliance with provisions of the HCD WUI standards.

Subsection (a). By the addition of this subsection, a code user will know that it is unlawful to sell a structure intended to be installed in a WUI fire area unless the structure’s exterior complies with the requirements of this Article. This is necessary to ensure that these life- and property-saving provisions are properly implemented.

Subsection (b). By the addition of this subsection, a code user will know that any modifications, repairs or alterations to an existing ignition resistant system without

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complying with the requirements of this Article are unlawful acts. This is necessary to ensure that consumers who rely on the existence of a conforming exterior fire resistant covering can continue to rely on that when alterations are made.

► **Section 4208. Requirements for the Approval of the Plans for Ignition Resistant Construction System – Design Approval.** Within Article 2.3, HCD is proposing a section governing the approval of designs for the ignition resistant construction systems on certain structures in a factory setting, and intended for installation in WUI areas. This section describes how designs are approved, by both manufactured home manufacturers that principally operate under federal (U.S. Department of Housing and Urban Development, or HUD) authority and by multifamily manufactured home and commercial modular manufacturers that operate under HCD authority.

Subsection (a). By the addition of this subsection, a code user will know that manufactured home manufacturers must use existing HUD-certified design approval agencies and HUD procedures for the approval of ignition resistant construction system designs for manufactured homes intended to be installed in a WUI area in accordance with existing federal regulations. A Primary Inspection Agency (PIA) is a term used by HUD for HUD-certified design and inspection approval agencies that are employed by manufacturers of manufactured homes. Use of the PIA and the existing federal process for design review will reduce the burden on manufacturers, since they already are involved in design review of other components of the manufactured homes. Requiring the review to include in-factory and installation site specifications and procedures is necessary because site installation can create or preserve fire intrusion areas (e.g., at the base of the unit) or because many manufactured homes are delivered in multiple sections that are assembled on-site and must be properly sealed.

Subsection (b). By the addition of this subsection, a code user will know that manufacturers of new multifamily manufactured home and commercial modular structures are under ITCD authority, as opposed to the subsection (a) manufactured home that are under HUD authority, therefore they will be subject to the following subsections (b)(1), (2) and (3) for design approval of ignition resistant construction system designs for such structures intended to be installed within a WUI area. Different requirements are necessary for these types of newly-constructed structures because, by definition, they are not subject to the HUD code. “Mobilehome” structures are not included in this subsection because, by definition, they are structures built prior to June 15, 1976, (see H&SC Section 18008) and, therefore their ignition resistant construction system always is added outside a factory (see proposed Section 4212 below).

Subsection (b)(1). By the addition of this subsection, a code user will know that multifamily manufactured home and commercial modular manufacturers must utilize an HCD-certified design approval agency for design review and approval of ignition resistant construction system designs for such structures intended to be installed within a WUI area. This is the same design approval system currently used for these structures, and therefore reduces the burden on the manufacturer.

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Subsection (b)(2). By the addition of this subsection, a code user will know that the manufacturer's design approval agency must provide copies of the designs to the manufacturer for construction and installation of the construction system, clarifying procedures so that approved plans are provided to the manufacturer prior to construction. This section imposes requirements similar to those for design approval agencies provided in section 4876(c) of 25CCR, Division 1, Chapter 3, Subchapter 2, Article 5 for the balance of the design of these units. This increases efficiency, reduces manufacturers' costs, and ensures that the design of the ignition resistant construction system is compatible within the design of the unit itself.

Subsection (b)(3). By the addition of this subsection, a code user will know that only DAA approved plans may be used for ignition resistant construction system construction. This eliminates confusion and the possibility of a manufacturer using unapproved "in-house" or "shop" drawings for such construction, and enhances consumer safety.

► **Section 4210. Requirements for the Inspection Approval of an Ignition Resistant Construction System Within a Factory.** Within Article 2.3, HCD is proposing a section for inspection approval of the construction of ignition resistant construction on manufactured structures constructed within a factory and intended for installation in WUI areas. This section describes the different procedures for inspection approval for such construction of manufactured homes constructed under HUD authority and for inspection approval for construction of multifamily manufactured homes and commercial modular structures under HCD authority.

Subsection (a). This subsection makes clear that it applies only to manufactured homes.

Subsection (a)(1). By the addition of this subsection a code user will know that manufactured home manufacturers must inspect and obtain inspection approval of the construction of ignition resistant construction systems using their existing HUD inspection agencies and using procedures imposed by HUD in 24 CFR Part 3282, Subpart E, "Manufacturer Inspection and Certification Requirements." This is necessary to reduce the burden on manufacturers and to coordinate inspections of the fire resistive construction system within the balance of the structure.

Subsection (a)(2). By the addition of this subsection, a code user will know that manufacturers must certify that the installation of the ignition resistant construction system complies with the requirements of this article and its approved designs, pursuant to the certification label requirements of section 4214 of 25CCR, Article 2.3 (Proposed new section). This is necessary because the manufacturer has the ultimate responsibility to ensure that the system is installed correctly, either initially or in response to corrections identified by the inspector. This section fulfills the Chapter 7A, section 701A.3.2.2 intent to certify that such construction complies. Also, the manufacturer already has to certify to other compliance under the HUD standards.

Subsection (b). By the addition of this subsection, a code user will know how

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inspection approval is obtained for construction of multifamily manufactured homes and commercial modular structures, using HCD (not HUD) approved third-party agencies. These requirements are consistent with and enhance the existing inspection procedures established for these structures as provided in section 4878, and clarify that this new article also requires manufacturers to certify that the procedures are consistent with the certification label requirements of section 4214.

Subsection (b)(1). By the addition of this subsection, a code user will know that a manufacturer must use its existing HCD-certified quality assurance agency (QAA) to obtain inspection approval of the construction of ignition resistant construction systems. This amendment clarifies and enhances existing procedures for other parts of the units established in section 4878 of 25CCR.

Subsection (b)(2). By the addition of this subsection, a code user will know that manufacturers must certify compliance of the ignition resistant construction, and document that certification so HCD may monitor and enforce this article. Certification labels demonstrate to state and local enforcement agencies that, by placement of the label on complying fire resistive structures, the exterior materials comply with the provisions of this article. This is necessary because the manufacturer has the ultimate responsibility to ensure that the system is installed correctly, either initially or in response to corrections identified by the inspector. Also, the manufacturer already has to certify to other compliance under the HCD standards.

Subsection (c). By the addition of this subsection, a code user and enforcement agency will know that manufacturers demonstrate compliance with CBC Part 2, Chapter 7A, section 701A.3.2.2, by providing a signed copy of the ignition resistant construction system certification label to the local enforcement agency at the time a permit to install the structure occurs. Certification of this type provides assurances to the local enforcement agency of compliance with Chapter 7A construction design and materials which the local agency was not able to verify during the manufacturing process in a factory or at other off-site locations and which no longer can be verified because walls are closed up.

Subsection (d). By the addition of this subsection, the code user will know that all manufacturers must provide a copy of the certification label to HCD monthly, for all structures constructed with ignition resistant construction systems during the previous month. This amendment provides HCD with notification that such construction was provided and documentation of its location for HCD monitoring and follow up purposes. Requiring submittal by the fifteenth day of each month mirrors existing reporting requirements that are provided in section 4880 of 25CCR, and allows time to collect and send the information.

► **Section 4212. Requirements for the Installation of an Ignition Resistant Construction System to Structures not in a Factory.** Within Article 2.3 HCD is proposing a new section addressing the installation of an ignition resistant construction system on manufactured structures that no longer are in a factory. These procedures

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differ from the previous sections due to HCD's preemptive inspection authority provided by HSC 18029 for the approval of alterations to manufactured structures in the possession of owners, dealers, owner-builders, or contractors in any off-site, non-factory location if those structures will be installed or reinstalled in a WUI area.

Subsections (a-b-c). By the addition of these subsections, the code user will know that persons altering these structures must first obtain approval by submitting forms, fees and (2) sets of plans to HCD for HCD review of the design of the alteration or modification. The code user also learns that HCD personnel are required to approve designs and inspect the installation of ignition resistant construction system alterations or modifications to existing structures. The requests for design and inspection approval must be requested using an application form provided by HCD. These procedures are used because they ensure proper design and because they are the same as those currently used for other alterations of these structures, making the process easier for consumers, contractors, and department staff.

Subsection (d). By the addition of this subsection, a code user will know that HCD will provide a copy of the final inspection approval of the ignition resistant construction system to the applicant requesting inspection. This written inspection approval is necessary to demonstrate compliance to the local enforcement agency having jurisdiction in the fire hazard area, prior to installation of the structure and to satisfy the requirements of Chapter 7A, section 701A.3.2.2.

Subsection (e). By the addition of this subsection, a code user will know that in order to verify that the ignition resistant materials and products used during construction of an ignition resistant construction system meet the requirements of Chapter 7A, the packaging and installation instructions provided by the product manufacturer are maintained for review. This amendment mirrors similar requirements referenced in Chapter 7A, section 701A.1 and Chapter 15, section 1507.2 of 24CCR, Part 2, CBC. Packaging and installation instructions provide inspectors with essential information helping to identify product listing compliance and verification of product installation. Without this identification, inspectors may require removal of roofing, walls or other surfaces in order to verify product stamps, labels or certification markings adhered to the material underside or backside.

► **Section 4214.** Within Article 2.3, HCD is proposing a new section addressing contents, materials, and procedures for an ignition resistant certification label that is completed and affixed to the structure by the manufacturer or installer. A signed certification label demonstrates compliance by the manufacturer or installer that the ignition resistant construction system complies with Article 2.3. The label also provides information on the type of ignition resistant materials used by the installer or manufacturer, should these materials require verification, maintenance or replacement by the structure's owner.

Subsection (a). By the addition of this subsection, the code user will know that a certification label is required to be provided and affixed on each structure having an ignition resistant construction system installed. A certification label will provide valuable

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information for the owner or future owner should a need arise to repair or replace any of the special fire resistive materials installed on the exterior; to the enforcement agency as a verification that the materials are of the correct type and that they are installed and inspected as provided in this article; and for HCD complaint handling, monitoring, enforcement, and statistical use.

Subsections (a)(1-2-3-4-5-6). By the addition of these subsections, the code user will know that the certification label must be a certain format and size, and be permanently protected and secured within the structure. Information on the label provides information not only necessary during construction and installation, but for future use by the owner(s) should modifications or alterations be necessary. The information will be available for easy inspection for the life of the unit because of the prescribed materials and procedures.

Subsection (b). By the addition of this subsection, the code user will know that the certification label must closely follow the example provided by HCD following this subsection. Wording provided on the label restates requirements contained within Article 2.3 in a manner that the structure's owner, manufacturer, installer, and enforcing agency can understand.

The name, address of the installer/manufacturer, design and inspection approval agency; the structure's serial number, and the date of installation is information valuable to HCD should HCD monitor finished construction or receive complaint that the construction or materials used may not comply with the regulations.

The instructions provide critical material and information. The prohibition against removal or covering the certification ensure that it always can be found and used as a reference by a homeowner, enforcement agency, or future contractor. The reference to Article 2.3 and chapter 7A provide guidance for material, installation, and inspection requirements.

The prohibition related to alterations summarizes Article 2.3 requirements to ensure that alterations are properly performed, including proper materials, methods, permits and inspections. The limitation for those making alterations or repairs to B (general) or C-47 (manufactured housing) contractor licenses follows current standards for work on manufactured structures and promotes correct work.

The warning that additions of garages and other exterior features may adversely affect the ignition resistant system is a reminder that the system seals the home from embers and fires, and that altering or adding exterior features "breaks" the seal. A source of information is provided so that consumers, manufacturers and installers will not mistakenly seek assistance from local agencies whose work involves conventionally-constructed homes, rather than the preemptive state regulations.

The signature, name, date, and location of signature provide a resource for the consumer, a paper trail for HCD and local enforcement agencies, and a reminder to manufacturers and/or installers of their responsibility under this Article.

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The lower sections of the label that require installer to provide the type of exterior siding, doors, windows, and roofing materials used in the construction is necessary for HCD monitoring purposes and is also valuable to the structure's owner should any repairs or modifications be made to the exterior.

► **Section 4216. Maintenance, Repairs and Alterations, Material Identification.**
Within Article 2.3, HCD is proposing a new section addressing the requirements for alteration, repair or replacement of an existing ignition resistant construction system.

Subsection (a). By the addition of this subsection, a code user and enforcing agency will know the requirements for alteration, repair, or replacement in kind of the ignition resistant construction system must be in accordance with Article 2.3. This subsection reinforces the need for such construction to continue to be effective over the life of structures installed within a fire hazard severity zone, protecting property and providing life safety.

Subsections (b)(1-2-3). By the addition of this subsection, a code user and enforcing agency will know how HCD defines an alteration of an ignition resistant construction system requiring permit approval, as opposed to maintenance or repair. This is necessary to ensure that proper standards are applied and proper permits are obtained.

Subsection (c). This subsection requires that work on a manufactured unit's exterior fire resistant system be performed by a B (general) or C-47 (manufactured home specialty) licensee of CSLB. These licensees are expected by virtue of their license to have the unique knowledge of how to perform work on manufactured housing.

Subsection (d). By the addition of this subsection, a code user and enforcement agency will know that alterations to existing ignition resistant construction systems require HCD plan and inspection approval involving specific procedures.

Subsection (d)(1). By the addition of this subsection, the code user and enforcement agency will know that the plan review and inspection approval process of ignition resistant construction alterations include submission of a specified HCD form and payment of fees, which are procedures similar to electrical, mechanical, plumbing, or structural alterations of manufactured structures as required by HSC 18029. This is necessary to establish a specific permit review process.

Subsection (d)(2). By the addition of this subsection, the code user will know that the person(s) altering the ignition resistant construction system must obtain and pass inspection, which is the same as is required for fire safety, electrical, mechanical, plumbing, and structural alterations for other manufactured structures as required by HSC 18029. This is necessary to promote workmanlike repairs or alterations and health and safety.

Subsection (d)(3). By the addition of this subsection, a code user will know that in order to verify that the ignition resistant materials and products used during construction

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of an ignition resistant construction system meet the requirements of Chapter 7A, the original packaging and installation instructions provided by the product manufacturer must be maintained for review. This amendment mirrors similar requirements referenced in Chapter 7A, section 701A.1 and Chapter 15, section 1507.2 or 24CCR, Part 2, CBC. Original packaging and installation instructions provide inspectors with essential information helping to identify product listing compliance and verification of product installation. Without such identification, inspectors may require the removal of walls or materials in order to verify product stamps, labels or certification markings adhered to the material underside or backside.

POLICY STATEMENT OVERVIEW

The Manufactured Housing Programs within HCD is responsible for adopting and enforcing preemptive state regulations for the construction, alteration, conversion, sale, rent or lease of manufactured homes, mobilehomes, multifamily manufactured homes, commercial modulares and special purpose commercial modulares within California. HCD's mission includes promoting both safety and affordability of housing and related structures in California.

HCD is proposing to amend regulations relating to the Manufactured Housing Act of 1980, sections 18000 through 18153.

SMALL BUSINESS IMPACT STATEMENT

Small businesses will be affected by these regulations. (See "Cost Impact on Representative Private Person or Business" paragraph, below.)

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

HCD has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. However, there exists the need to adopt these regulations to alleviate a potential adverse economic impact on business, should businesses manufacture structures for use in California without a consistent set of requirements applicable statewide.

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COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

There will be some small cost impact to manufacturers of new manufactured homes, multifamily manufactured homes and commercial modular structures in the form of cost associated with specific materials and installations necessary to comply with ignition resistant construction. Since all structures are not required to comply with these proposed regulations, but only structures installed in locations subject to severe fire hazards associated costs are small. Owners of existing manufactured homes, mobilehomes, multifamily manufactured homes or commercial modular structures, also will have some minor cost impact when intending to install their structure in a Fire Hazard Severity Zone as the structure will be required to be constructed to resist fire and fire embers. Permit and inspection would be required. It should be noted that these costs are the same or slightly less than the costs attributable to new home construction or home alterations in the same fire hazard areas. Thus, it is the geographic location of the structure, not these regulations, which triggers the added costs.

The increased costs of the ignition resistant construction system are likely to be partially offset over time by reduced annual fire insurance costs as well as reduced likelihood of catastrophic damage, destruction, or personal injuries in the event of a wildland fire.

HCD is not aware of any other cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed amendments serve to improve fire resistive construction to help ensure the occupants and structures survive a wildfire.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

HCD has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

Throughout the development of this proposed emergency rulemaking, HCD must determine that no alternative will be more effective in carrying out the purpose for which the action is proposed or that no alternative will be as effective as and less burdensome to affected private persons than the proposed action.

During the development of this proposal, the following alternative was determined not to be acceptable and was rejected:

- Performance-Based Requirements for Ignition Resistant Construction Systems
Performance based standards, while worthy of consideration, were found not to be acceptable because they may not be equivalent to the prescriptive requirements provided in Chapter 7A, causing resistance from local building, planning and fire marshal offices, and, as such, do not meet the objective of providing uniform standards.
- Not Establishing Preemptive Statewide Standards

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Not establishing preemptive statewide standards and leaving standards to local jurisdictions, would have significant cost impacts on manufacturers and consumers because of the disruption of the factory-line production system and because unnecessarily rigorous standards could be imposed to provide extreme fire protection. This alternative did not meet the department standard of promoting both safe and affordable housing.

STUDIES, REPORTS, AND SIMILAR DOCUMENTS

HCD has relied upon the following sources of information when developing the proposed regulations:

- ▶ California Code of Regulations, Title 24, Part 2, Chapter 7A, Materials And Construction Methods for Exterior Wildlife Exposure.
- ▶ California Department of Forestry and Fire Protection web site <http://www.fire.ca.gov/fire>. Frequently Asked Questions
- ▶ California Department of Forestry and Fire Protection web site <http://www.fire.ca.gov/fire>. Wildland-Urban Interface Building Codes
- ▶ Letter from William W. Matchneer III, Associate Deputy Assistant Secretary, and Regulatory Affairs and Manufactured Housing, Department of Housing and Urban Development, to Richard Weinert, Codes and Standards Administrator II, Department of Housing and Community Development, Division of Codes and Standards, January 31, 2008.

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Article 2.3 Manufactured Home, Mobilehome, Multifamily Manufactured Home and Commercial Modular Ignition Resistant Construction System

§ 4200. Application of Design Requirements; Preemption of Local Design Requirements.

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

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

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

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

(c) This article requires installation of an ignition resistant construction system or any part thereof, only when a manufactured home, mobilehome, multifamily manufactured home, or commercial modular is installed, or intended to be installed, in a State Responsibility Area or a Local Responsibility Area, on or after September 1, 2008.

(1) Exception: Manufactured homes manufactured on or after January 1, 2006, and prior to September 1, 2008, for which an application for a permit to install has been submitted prior to September 1, 2009.

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

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

(1) it already has an ignition resistant construction system,

(2) it undergoes exterior repair, replacement, or alteration of a component which would be subject to this article, and only the portion undergoing the repair, replacement, or alteration must comply with the provisions of this article;

(3) it undergoes conversion from one type of occupancy to another;

(4) it is intended to be installed or re-installed in a different location, that is in a State Responsibility Area or a Local Responsibility Area.

(e) If a used mobilehome or a new or existing manufactured home, multifamily manufactured home, or commercial modular is altered to add any or all components of exterior fire protection, and the alteration is intended to create an "ignition resistant construction system", the alterations or additions must comply with the provisions of this article.

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

§ 4202. Definitions

The following definitions shall apply to this article:

(a) "Date of manufacture" means the date a manufacturer certifies compliance of the structure by affixing either a federal label or an insignia of approval. The date of manufacture of a manufactured home or multifamily manufactured home is recorded by the manufacturer on a data plate and affixed inside each manufactured home in accordance with federal regulations. The date of manufacture of a commercial modular structure is the date entered by the manufacturer on a unit identification label in accordance with the provisions of Article 1, section 4030 of this subchapter.

(b) "Ignition resistant construction system" is an exterior fire safety system consisting of ignition-resistant designs, construction and site installation methods and materials that comply with the applicable provisions of Title 24, Part 2, Chapter 7A.

(c) "Local Responsibility Area" is a Local Agency Very-High Fire Hazard Severity Zone established pursuant to Title 24, Part 2, Chapter 7A.

(d) "State Responsibility Area" is a Fire Hazard Severity Zone established pursuant to Title 24, Part 2, Chapter 7A.

(e) "Wildland-Urban Interface Fire Area" is a geographical area identified by the state as a "Fire Hazard Severity Zone", or other areas designated by the enforcing agency to be a significant risk from wildfires, established pursuant to Title 24, Part 2, Chapter 7A.

AUTHORITY: Sections 18015, 18020, 18029 and 18029.5, Health and Safety Code. Reference: Sections 18015, 18020, 18025, 18029.5 and 18030.5, Health and Safety Code., Chapter 7A, CCR, Title 24, Part 2

§ 4204. Adoption by Reference of the Provisions of the California Code of Regulations, Title 24, Part 2, Chapter 7A

For the purposes of this article, Title 24, Part 2, Chapter 7A, is hereby incorporated by reference and made applicable to mobilehomes, manufactured homes, multifamily manufactured homes, and commercial modulares except for the following provisions: Sections 701A.3.1, 701A.3.2.4, and 702A (Fire Protection Plan).

AUTHORITY: Sections 18015, 18020, 18029 and 18029.5, Health and Safety Code. Reference: Sections 18015, 18020, 18025, 18029.5 and 18030.5, Health and Safety Code; Chapter 7A, CCR, Title 24, Part 2

§4206. Sale, Rent or Lease of a Manufactured Home, Mobilehome, Multifamily Manufactured Home, or Commercial Modular

(a) It shall be unlawful for any person to sell, offer for sale, rent or lease within this state any mobilehome, manufactured home, multifamily manufactured home, or commercial modular that is not constructed or modified with an ignition resistant construction system consistent with and when required by this article.

(b) It shall be unlawful for any person to construct, repair, replace, or modify an ignition resistant construction system on a structure subject to this article unless that person performs the work in a manner consistent with this article.

AUTHORITY: Sections 18015, 18020, 18025, 18029 and 18029.5 Health and Safety Code. Reference: Sections 18015, 18020, 18025, 18026, 18029, 18029.5, 18035, 18035.2, 18046 18046.1 and 18060.5, Health and Safety Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 4212. Requirements for the Installation of an Ignition Resistant Construction System to Structures not in a Factory.

The following requirements apply to the design and construction approval of an ignition resistant construction system of a manufactured home, mobilehome, multifamily manufactured home, or commercial modular structure after the structure has left a manufacturing facility:

(a) The person proposing to install an ignition resistant construction system shall apply to the department for plan review and approval as required by section 4040 and submit the fees as required by section 4044.

(b) Before a system is installed, the department shall review the designs or plans for the ignition resistant construction system and approve them when determined to comply with the provisions of this article.

(c) An HCD 415 form (Rev 11/2004) application shall be submitted for department review and approval and shall include a minimum of two (2) sets of complete plans for the proposed ignition resistant construction system.

(d) The department shall provide written inspection approval once the exterior fire-resistive construction system is installed in accordance with the approved plans. When inspection determines the installation is in compliance, a copy of the inspection report shall be provided to the applicant and homeowner at time of inspection by the department in order that the requirements of Sections 701A.3.2.2 and 701A.3.2.3 of Title 24, Part 2, Chapter 7A, may be satisfied by the local building official or appropriate enforcement agency.

(e) Until inspection, the person responsible for the installation shall maintain the ignition resistant material packaging and installation instructions bearing the manufacturer's label or identifying mark of all materials used during the construction for review by the department representative.

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

§ 4214. Ignition Resistant Construction System Certification Label

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

- (1) It is either printed on paper or scribed, etched or engraved in metal, plastic or of an equivalent material, with lettering at least 10 point font size;
- (2) It is at least 8.5 inches by 11 inches in size;
- (3) It is affixed on a wall or door surface inside the water heater compartment or in the case of a commercial modular unit on an interior wall;
- (4) It is positioned in a manner that allows a person to easily read the label;
- (5) It is affixed with adhesive or fasteners that discourage the removal of the label;
- (6) It is covered or laminated in a permanent manner with a material that will protect the label from damage or deterioration without obscuring the information.

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

Ignition Resistant Construction System Information Certification
Attention: Do not remove or cover this label

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

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

 Signature of Manufacturer/Installer Date County State

Installation, Design Approval, and Inspection Agency Information

<u>Name and Address of Manufacturer/Installer:</u>
<u>Structure Serial Number(s):</u>
<u>Name and Address of Agency Approving Design of Ignition Resistant Construction:</u>
<u>Name and Address of Agency Inspecting Installation of Ignition Resistant Construction:</u>

<u>Roofing Material Listing- Type</u>	<u>Exterior Siding, Window, Door, Product Listing- Type</u>
---------------------------------------	---

<p><u>Roof Material Type & Product Manufacturer Name:</u></p> <p>Roofing Classification: <u>Class A</u> <u>Class B</u> <u>Class C</u></p> <p>Underlayment: _____</p> <p>Shingle Type: _____</p> <p>_____</p> <p>Attic Vent Type: _____</p> <p>_____</p> <p>_____</p>	<p><u>Exterior Wall Type and Product Manufacturer Name:</u></p> <p>Siding Type: _____</p> <p>_____</p> <p>_____</p> <p>Exterior door Type: _____</p> <p>_____</p> <p>_____</p> <p>Window Type: _____</p> <p>_____</p> <p>_____</p>
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AUTHORITY: Sections 18015, 18029 and 18029.5., Health and Safety Code. Reference: Sections 18015, 18025, 18029, 18029.5 and 18030.5, Health and Safety Code.

§ 4216. Maintenance and Repair or Alteration.

(a) Alterations, repairs or replacement in-kind of an existing ignition resistant construction system or its material shall be in accordance with the provisions of this article.

(b) An alteration of the ignition resistant construction system includes any of the following activities:

(1) Overlay or replacement of exterior materials;

(2) Replacement of the entire system with a completely new system;

(3) The removal of a portion or an addition to the covering materials of the ignition resistant construction system, such as a removal of portions of the exterior materials to construct a gable roof, garage, porch, or room addition(s).

(c) The person altering an ignition resistant construction system shall be either the homeowner or lessor functioning as an owner-builder pursuant to section 7026.12 of the Business and Professions Code or a contractor holding either a valid "B" or "C-47" license issued by the California Contractor's State Licensing Board.

(d) The alteration of an ignition resistant construction system installed on a manufactured home, mobilehome, multifamily manufactured home or commercial modular is subject to the approval of the plans for the alteration and to an inspection of the completed alteration by a representative of the department, as follows:

(1) Any person proposing to alter the ignition resistant construction system shall apply for department inspection approval by completion of form HCD MH 415 and submittal to either the department's Northern Area or Southern Area Offices, along with fees as required by section 4044.

(2) The person altering an ignition resistant construction system shall obtain and pass an inspection of the installation by a representative of the department.

(3) Until inspection, the homeowner or person responsible for the alterations shall maintain the original ignition resistant materials packaging and installation instructions bearing the manufacturer's label or identifying mark of all material used during the alteration for review by the department representative.

Authority: Sections 18015, 18016, 18025, 18029 and 18029.5, Health and Safety Code.

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

CHAPTER 7A [SFM]

MATERIALS AND CONSTRUCTION METHODS FOR EXTERIOR WILDFIRE EXPOSURE

SECTION 701A SCOPE, PURPOSE AND APPLICATION

701A.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings located within a Wildland-Urban Interface Fire Area as defined in Section 702A.

701A.2 Purpose. The purpose of this chapter is to establish minimum standards for the protection of life and property by increasing the ability of a building located in any Fire Hazard Severity Zone within State Responsibility Areas or any Wildland-Urban Interface Fire Area to resist the intrusion of flames or burning embers projected by a vegetation fire and contributes to a systematic reduction in conflagration losses.

701A.3 Application. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas or any Wildland-Urban Interface Fire Area designated by the enforcing agency for which an application for a building permit is submitted on or after December 1, 2005, shall comply with the following sections:

1. **704A.1—Roofing**
2. **704A.2—Attic Ventilation**

701A.3.1 Alternates for materials, design, tests, and methods of construction. The enforcing agency is permitted to modify the provisions of this chapter for site-specific conditions in accordance with Appendix Chapter 1, Section 104.10. When required by the enforcing agency for the purposes of granting modifications, a fire protection plan shall be submitted in accordance with the California Fire Code, Chapter 47.

701A.3.2 New buildings located in any fire hazard severity zone. New buildings located in any Fire Hazard Severity Zone shall comply with one of the following:

1. **State Responsibility Areas.** New building located in any Fire Hazard Severity Zone within State Responsibility Areas, for which an application for a building permit is submitted on or after January 1, 2008, shall comply with all sections of this chapter.
2. **Local Agency Very-High Fire Hazard Severity Zone.** New buildings located in any Local Agency Very-High Fire Hazard Severity Zone for which an application for a building permit is submitted on or after July 1, 2008, shall comply with all sections of this chapter.
3. **Wildland-Urban Interface Fire Area designated by the enforcing agency.** New buildings located in any Wildland-Urban Interface Fire Area designated by the enforcing agency for which an application for a building permit is submitted on or after January 1, 2008, shall comply with all sections of this chapter.

701A.3.2.1 Inspection and certification. Building permit applications and final completion approvals for buildings within the scope and application of this chapter shall comply with the following:

701A.3.2.2 The local building official shall, prior to construction, provide the owner or applicant a certification that the building as proposed to be built complies with all applicable state and local building standards, including those for materials and construction methods for wildfire exposure as described in this chapter.

701A.3.2.3 The local building official shall, upon completion of construction, provide the owner or applicant with a copy of the final inspection report that demonstrates the building was constructed in compliance with all applicable state and local building standards, including those for materials and construction methods for wildfire exposure as described in this chapter.

701A.3.2.4 Prior to building permit final approval the property shall be in compliance with the vegetation clearance requirements prescribed in California Public Resources Code 4291 California Government Code Section 51182.

SECTION 702A DEFINITIONS

For the purposes of this chapter, certain terms are defined below:

CDF DIRECTOR means the Director of the California Department of Forestry and Fire Protection.

FIRE PROTECTION PLAN is a document prepared for a specific project or development proposed for a Wildland Urban Interface Fire Area. It describes ways to minimize and mitigate potential for loss from wildfire exposure.

The Fire Protection Plan shall be in accordance with this chapter and the California Fire Code, Chapter 47. When required by the enforcing agency for the purposes of granting modifications, a fire protection plan shall be submitted. Only locally adopted ordinances that have been filed with the California Building Standards Commission or the Department of Housing and Community Development in accordance with Section 101.8 shall apply.

FIRE HAZARD SEVERITY ZONES are geographical areas designated pursuant to California Public Resources Codes Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Areas or as Local Agency Very High Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189. See California Fire Code Article 86.

The California Code of Regulations, Title 14, Section 1280, entitles the maps of these geographical areas as "Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California."

IGNITION-RESISTANT MATERIAL is any product which, when tested in accordance with ASTM E 84 for a period of 30 minutes, shall have a flame spread of not over 25 and show no evidence of progressive combustion. In addition, the flame front shall not progress more than 10½ feet (3200 mm) beyond the centerline of the burner at any time during the test.

Materials shall pass the accelerated weathering test and be identified as exterior type, in accordance with ASTM D 2898 and ASTM D 3201. All materials shall bear identification showing the fire performance rating thereof. That identification shall be issued by ICC-ES or a testing facility recognized by the State Fire Marshal having a service for inspection of materials at the factory.

Fire-Retardant-Treated Wood or noncombustible materials as defined in Section 202 shall satisfy the intent of this section.

The enforcing agency may use other definitions of ignition-resistant material that reflect wildfire exposure to building materials and/or their materials, performance in resisting ignition.

LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE means an area designated by a local agency upon the recommendation of the CDF Director pursuant to Government Code Sections 51177(c), 51178 and 5118 that is not a state responsibility area and where a local agency, city, county, city and county, or district is responsible for fire protection.

STATE RESPONSIBILITY AREA means lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the state.

WILDFIRE is any uncontrolled fire spreading through vegetative fuels that threatens to destroy life, property, or resources as defined in Public Resources Code Sections 4103 and 4104.

WILDFIRE EXPOSURE is one or a combination of radiant heat, convective heat, direct flame contact and burning embers being projected by vegetation fire to a structure and its immediate environment.

WILDLAND-URBAN INTERFACE FIRE AREA is a geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. See Section 706A for the applicable referenced sections of the Government Code and the Public Resources Code.

SECTION 703A STANDARDS OF QUALITY

703A.1 General. Material, systems, and methods of construction used shall be in accordance with this Chapter.

703A.2 Qualification by testing. Material and material assemblies tested in accordance with the requirements of Section 703A shall be accepted for use when the results and conditions of those tests are met. Testing shall be performed by a testing agency approved by the State Fire Marshal or identified by an ICC-ES report.

703A.3 Standards of quality. The State Fire Marshal standards listed below and as referenced in this chapter are located in the California Referenced Standards Code, Part 12 and Chapter 35 of this code.

SFM 12-7A-1, Exterior Wall Siding and Sheathing.

SFM 12-7A-2, Exterior Window.

SFM 12-7A-3, Under Eave.

SFM 12-7A-4, Decking.

SECTION 704A MATERIALS, SYSTEMS AND METHODS OF CONSTRUCTION

704A.1 Roofing.

704A.1.1 General. Roofs shall comply with the requirements of Chapter 7A and Chapter 15. Roofs shall have a roofing assembly installed in accordance with its listing and the manufacturer's installation instructions.

704A.1.2 Roof coverings. Where the roof profile allows a space between the roof covering and roof decking, the spaces shall be constructed to prevent the intrusion of flames and embers, be firestopped with approved materials or have one layer of No. 72 ASTM cap sheet installed over the combustible decking.

704A.1.3 Roof valleys. When provided, valley flashings shall be not less than 0.019-inch (0.48 mm) (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch-wide (914 mm) underlayment consisting of one layer of No. 72 ASTM cap sheet running the full length of the valley.

704A.1.4 Reserved.

704A.1.5 Roof gutters. Roof gutters shall be provided with the means to prevent the accumulation of leaves and debris in the gutter.

704A.2 Attic ventilation.

704A.2.1 General. When required by Chapter 15, roof and attic vents shall resist the intrusion of flame and embers into the attic area of the structure, or shall be protected by corrosion-resistant, noncombustible wire mesh with ¼-inch (6 mm) openings or its equivalent.

704A.2.2 Eave or cornice vents. Vents shall not be installed in eaves and cornices.

Exception: Eave and cornice vents may be used provided they resist the intrusion of flame and burning embers into the attic area of the structure.

704A.2.3 Eave protection. Eaves and soffits shall meet the requirements of SFM 12-7A-3 or shall be protected by igni-

tion-resistant materials or noncombustible construction on the exposed underside.

704A.3 Exterior walls.

704A.3.1 General. Exterior walls shall be approved noncombustible or ignition-resistant material, heavy timber, or log wall construction or shall provide protection from the intrusion of flames and embers in accordance with standard SFM 12-7A-1.

704A.3.1.1 Exterior wall coverings. Exterior wall coverings shall extend from the top of the foundation to the roof, and terminate at 2-inch (50.8 mm) nominal solid wood blocking between rafters at all roof overhangs, or in the case of enclosed eaves, terminate at the enclosure.

704A.3.2 Exterior wall openings. Exterior wall openings shall be in accordance with this section.

704A.3.2.1 Exterior wall vents. Unless otherwise prohibited by other provisions of this code, vent openings in exterior walls shall resist the intrusion of flame and embers into the structure or vents shall be screened with a corrosion-resistant, noncombustible wire mesh with 1/4-inch (6 mm) openings or its equivalent.

704A.3.2.2 Exterior glazing and window walls. Exterior windows, window walls, glazed doors, and glazed openings within exterior doors shall be insulating-glass units with a minimum of one tempered pane, or glass block units, or have a fire-resistance rating of not less than 20 minutes, when tested according to ASTM E 2010, or conform to the performance requirements of SFM 12-7A-2.

704A.3.2.3 Exterior door assemblies. Exterior door assemblies shall conform to the performance requirements of standard SFM 12-7A-1 or shall be of approved noncombustible construction, or solid core wood having stiles and rails not less than 1 3/8 inches thick with interior field panel thickness no less than 1 1/4 inches thick, or shall have a fire-resistance rating of not less than 20 minutes when tested according to ASTM E 2074.

Exception: Noncombustible or exterior fire-retardant treated wood vehicle access doors are not required to comply with this chapter.

704A.4 Decking, floors and underfloor protection.

704A.4.1 Decking.

704A.4.1.1 Decking surfaces. Decking, surfaces, stair treads, risers, and landings of decks, porches, and balconies where any portion of such surface is within 10 feet (3048 mm) of the primary structure shall comply with one of the following methods:

1. Shall be constructed of ignition-resistant materials and pass the performance requirements of SFM 12-7A-4, Parts A and B.
2. Shall be constructed with heavy timber, exterior fire-retardant-treated wood or approved noncombustible materials.
3. Shall pass the performance requirements of SFM 12-7A-4, Part A, 12-7A-4.7.5.1 only with a net

peak heat release rate of 25kW/sq-ft for a 40-minute observation period and:

- a. Decking surface material shall pass the accelerated weathering test and be identified as exterior type, in accordance with ASTM D 2898 and ASTM D 3201 and;
- b. The exterior wall covering to which the deck is attached and within 10 (3048 mm) feet of the deck shall be constructed of approved noncombustible or ignition resistant material.

Exception: Walls are not required to comply with this subsection if the decking surface material conforms to ASTM E-84 Class B flame spread.

The use of paints, coatings, stains, or other surface treatments are not an approved method of protection as required in this chapter.

704A.4.2 Underfloor and appendages protection.

704A.4.2.1 Underside of appendages and floor projections. The underside of cantilevered and overhanging appendages and floor projections shall maintain the ignition-resistant integrity of exterior walls, or the projection shall be enclosed to the grade.

704A.4.2.2 Unenclosed underfloor protection. Buildings shall have all underfloor areas enclosed to the grade with exterior walls in accordance with Section 704A.3.

Exception: The complete enclosure of under floor areas may be omitted where the underside of all exposed floors, exposed structural columns, beams and supporting walls are protected as required with exterior ignition-resistant material construction or be heavy timber.

704A.5 Ancillary buildings and structures.

704A.5.1 Ancillary buildings and structures. When required by the enforcing agency, ancillary buildings and structures and detached accessory structures shall comply with the provisions of this chapter.



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California wildfire lessons: Steps by homeowners cut damage

Fireproofing existing homes and enforcing limits on brush allowed some communities to survive.

By Daniel B. Wood | Staff writer of The Christian Science Monitor
from the November 19, 2008 edition

Los Angeles - The dramatic news footage depicting towering walls of flame, exhausted firefighters, and plumes of smoke don't tell the story. Tearful, day-after tours of the rubble do.

That's when local newsmen with video cameras walk house to house and ask the troubling question: Why was this structure spared when the homes on both sides were incinerated?

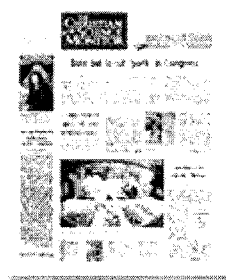
Sometimes, even bigger questions nag. Why was this neighborhood obliterated while that one was passed over unscathed?

The facts are slowly emerging. Aside from the heroic efforts of firefighters, improved logistical planning by local officials, increased funding for better trucks, planes, flame retardant and other tools, a key factor in fighting fires here is the proactive initiative of homeowners. Stricter enforcement of codes adopted by scores of communities in the past two decades has residents clearing out trees, brush, and shrubbery next to their homes. Also, homeowners and communities are taking voluntary preventive measures such as practicing fire-resistant construction.

New California building codes, which took effect in January, ban wood siding and wood-shake roofs from new construction in fire-prone areas. But residents in existing homes are also replacing wood shingles with cement tile and wood siding with stucco as well as rebuilding wood porches to be more fireproof. Entire developments have adopted so-called shelter-in-place construction.

The newer luxury development at Olinda Ranch, near Brea in Orange County, for instance – about 660 homes built with cement-tile roofs, stucco walls, and sprinkler systems – escaped with minimal charring, while the adjacent community of Oak Ridge lost nearly 500 homes. Many of those homes were in a mobile-home park, which prompted Gov. Arnold Schwarzenegger to call for a new review of state building codes.

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"As a whole, we are learning the lessons of these giant fires," says Ana Cave, emergency manager for the town of Brea. "The truth is that we are doing better because of the newer technology, which has been a great success in these high-hazard areas. Some of the homes that went up in flames did so because people had lived there 30 to 40 years and had begun to take it for granted that nothing would happen because nothing had happened so far."

Because of seasonal Santa Ana winds, which speed down out of the Great Basin and Mojave Desert and scorch the ever-drier chaparral, one of the biggest problems in fighting southern California wildfires is airborne embers. This past week, winds reached 80 miles per hour several times over four days of intense fire. Besides blowing ahead of firefighters into entirely new areas of dry tinder, the embers landed on the tops of houses that then smoulder and ignite. A major problem is that these embers get sucked into air ducts under eaves, a 2007 study by the Institute for Building and Home Safety (IBHS) showed. The findings have led to the construction of boxed eaves, which prevent such activity, and a new kind of mesh grate, which allows eaves to breathe but won't let ember-size sparks pass through.

"California codes are fine, but one of the necessary changes is in these vents," says Julie Rochman, president and CEO of IBHS. "Otherwise, residents think everything is fine, and then suddenly a new home is burning from the inside out."

By press time Tuesday, three major fires in southern California had destroyed nearly 1,000 homes and apartments and burned 42,000 acres, or 65 square miles, forcing mass evacuations. One had been contained and the remaining two were at least 70 percent surrounded, according to the California Department of Forestry and Fire Protection.

The first of the wildfires broke out in the Montecito area of Santa Barbara County, about 90 miles northwest of Sylmar. It destroyed 210 homes, many of them ocean-view mansions. It was fully contained Monday night.

Governor Schwarzenegger on Monday asked the Bush administration to declare southern California a federal disaster site. The governor also requested disaster loans for the counties of Los Angeles, Orange, Riverside, Santa Barbara, and San Bernardino. He said many of the residents affected by the fires – particularly mobile-home owners – lacked insurance or are underinsured.

The causes of all three fires were under investigation. Officials labeled the Santa Barbara-area fire "human-caused."

The problem of natural wildfires is not merely a California issue, Ms. Rochman says. As more and more residents have gotten tired of cities and moved to rural areas, many Americans now live in the wildland-urban interface in 38 states, including Michigan, South Carolina, and Colorado. Putting homes in such areas dramatically increases the risk of devastating forest fires because homes burn so much hotter than forests alone.

People who move to such areas are, by definition, trying to move away from others to obtain privacy and don't like being told what to do, says Rochman. The economic downturn makes them doubly reluctant to make costly improvements.

"We find that these types are less inclined to obey regulations about shrubbery and brush," says Rochman. Her strategy is to give residents economic incentive by informing them that fire-preventive measures, such as double-pane windows, are also energy savers. "We have to tell them that if they spend the extra money on these windows, they will at least be saving on their energy bills," she says.

Find this article at:

<http://www.csmonitor.com/2008/1119/p01s01-usgn.html>

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Mobile home park residents in state of limbo

By Justino Águila and Troy Anderson, Staff Writers

Updated: 11/20/2008 06:52:59 PM PST

PHOTOS:

Oakridge Mobile Home Park aftermath
Sayre Fire Aftermath
Sylmar Fire Oakridge Aftermath

SYLMAR - Friday night, Mary and Daniel Rios welcomed family members to their residence at Sylmar's Oakridge Mobile Home Park. The couple had lived in their three-bedroom home since 1995, and they enjoyed visits from their children and grandkids.

"We were having dinner, drinking margaritas," said Adrian Rios, 40. "And then something like this happens."

"This" was the fire that roared through the 200-acre park, destroying nearly 500 homes late Friday and early Saturday. The Rios family had just 30 minutes to evacuate - mere moments to grab clothing, IDs and some photos as they fled a scene described as a "war zone," with hurricane-strength winds pushing flames toward their home.

"We lost everything," said Mary Rios, 71, wiping away tears as she held her 9-year-old

granddaughter, Jacqueline, outside the park entrance Sunday afternoon. "Now we have to start all over."

Rios was joined by other Oakridge residents who were devastated, homeless and wondering what to do next. Many expressed frustration as they asked fire officials about their homes, hoping to survey the damage for themselves. They were scheduled to tour their residences today, escorted by officers from the Los Angeles Police Department.

No missing person reports have been filed, according to officials, which they hoped means that no one had died in the fire that reached the mobile home community quickly after residents were evacuated. However, rescue workers and "cadaver dogs" were dispatched Sunday as a precaution.

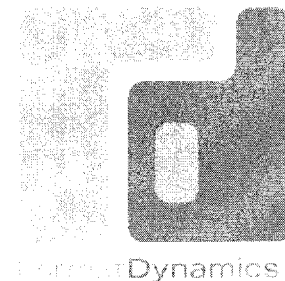
"No human remains have been found," said LAPD Deputy Chief Michel Moore, who added that the fire was not being treated as an arson investigation.

"There are 124 buildings still standing," he said. "Most of the damage (to those homes) is minor. We have a lot of work ahead of us."

Residents of the mobile home park were directed to the evacuation center at Sylmar High School, where they could get rest and food. They also heard from a stream of officials offering updates and services, especially to those with special needs. Many Oakridge residents are elderly.

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Oakridge property manager Jinny Harmon served as the park's main contact and was helping residents with their questions. At a briefing with police and fire officials, the longtime manager was given a flag that survived the fire.

"We will survive," Harmon said as she addressed the residents. "We will be back."

"We have every intent to rebuild the community as quickly as possible," Paul Reichert, a spokesman for the property owners, Fullerton-based Oakridge, Ltd. "We're already working with a lot of our contacts, as far as contractors, insurance companies, etc., to start the process. We're here to help people get into new homes as quickly as possible."

Reichert said the company's insurance covers the common areas of the park, such as the recreational facilities. Individual homeowners are responsible for insuring their residences.

Speaking at a briefing Sunday, Gov. Arnold Schwarzenegger recommended building mobile homes to the same fire-retardant standards as single-family homes.

"The fire has burned through that mobile home park so quickly, they were like matches," he said.

Saying Oakridge went up in flames like "kindling in a fireplace," county Supervisor Zev Yaroslavsky plans to introduce a motion Tuesday calling on the state to require that new mobile home parks be built with fire-retardant materials and not be so tightly packed together.

Yaroslavsky, who visited the site, said the homes were so close together that the fire set off a chain-reaction inferno that couldn't be stopped.

"There were signs that were melted, not burned by the fire but melted by the heat," he said. "Cars were melted by the heat. Fire hoses were melted into the asphalt."

Los Angeles Mayor Antonio Villaraigosa told of a visit he made to the park in 2001, during his first campaign for mayor.

"That was a beautiful neighborhood," he said. "All you see now is charred wood and bricks, destruction that we've never seen before. Our hearts go out to those residents, many who were disabled, or were on fixed incomes."

The mayor promised to find homes for the displaced, either with Section 8 vouchers or other means. He also promised to revive Oakridge from the ashes.

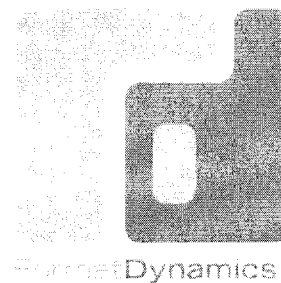
"We're going to rebuild," he said. "Make no mistake."

It can't happen soon enough for families like the Rioses. "This place looks like a war zone," Adrian Rios said. "I wish this had happened to me instead of my parents."

troy.anderson@dailynews.com

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Mobile home safety rules elusive

By Brandon Lowrey, Staff Writer

Updated: 12/13/2008 11:43:34 PM PST

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Mobile Home database

SYLMAR - The wind-driven Sayre Fire was so fierce that firefighters were pelted with softball-size chunks of burning debris as they struggled against the flames that eventually consumed nearly 500 homes at the Oakridge Mobile Home Park, officials recalled at a recent meeting.

The ferocity of this and other recent mobile home park blazes has drawn new attention to safety measures at parks across California and prompted lawmakers to propose stricter regulations.

But the battle could be slow-going because any significant changes to mobile home park rules would require action on the part of local, state and federal authorities who govern different aspects of the parks.

State Sen. Alex Padilla, D-Van Nuys, has introduced SB 23, which calls for mobile home parks to come up with evacuation plans and training for disasters like the recent wildfires that destroyed two San Fernando Valley mobile

home parks.

Stories surfaced about elderly or disabled people barely making it out of the Oakridge park before their homes burned.

"We shouldn't rely on luck to make sure people are evacuated from mobile home parks in instances like this," Padilla said.

The senator doesn't expect the bill to be controversial.

"I can't imagine there would be any opposition," he said. "We hear anecdotally that a lot of parks already have their plans in place."

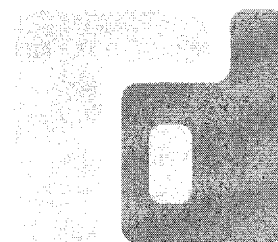
There are about 125 mobile home parks throughout the San Fernando, Santa Clarita and Antelope valleys, according to state records, ranging in size from 10 units to the 600 that Oakridge had before the fire.

Most of them are clustered in the northeast San Fernando Valley around hillsides and areas with heavy brush that are particularly vulnerable to wildfires.

The state housing department is also considering new fireproofing requirements for mobile homes, but officials worry residents of existing manufactured homes wouldn't be able to pay up to \$15,000 to have them retrofitted.

"Lots of people who live in mobile home parks are old and may not have funds for this," said John Tennyson, a consultant to the state Senate

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committee on manufactured housing. "In some cases you're going to force these people out of their homes if they can't afford it."

Glenn Bell, president of the Sylmar-based Neighborhood Friends advocacy group for mobile homeowners, said the state should require retrofitting at park owners' expense.

The state would be more aggressive to protect owners of manufactured homes "if these were million-dollar condos on the other side of the tracks, so to speak," he said.

Legislators also should address concerns that many mobile home parks don't have enough fire hydrants or exits, nor do they offer a way for emergency crews to find disabled or bedridden residents, he argued.

"How do you take a society's oldest and weakest and treat them like this?" Bell said.

One reform scenario envisions restrictions imposed on new homes as residents eventually give up their old ones, which could take decades.

Even if lawmakers were to enact immediate, sweeping mobile home reforms, enforcement could be difficult.

The California housing department employs 52 inspectors throughout the state who primarily focus on making sure most of California's 4,700 mobile home parks - with their 356,165 lots - are abiding by state laws, said Chris Anderson, chief of field operations.

Local government officials can take over enforcement of the state laws at the parks if they want, but only a handful do, Anderson said.

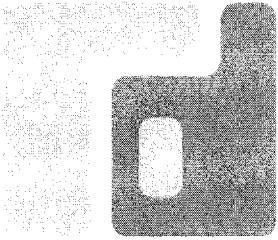
City and county governments have control over zoning and rent control. The state government must approve of any modifications or additions to a mobile home's structure. The federal government, meanwhile, has a say on the specifications to which mobile homes are manufactured.

Officials have scheduled a mobile home safety hearing for Jan. 6 in the San Fernando Valley, though the exact time and place have not yet been determined, Tennyson said.


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November 17, 2008

Senator Lou Correa, Chair - Senate Select Committee
on Mobile and Manufactured Housing Communities
Assembly Member Sally Lieber, Chair - Assembly Select Committee on
Mobile and Manufactured Housing Communities
Senator Alex Padilla, Senator Darryl Steinberg
Assembly Member Gene Mullin, Assembly Member Felipe Fuentes

Dear Members of the Senate and Assembly,

As you are aware, the manufactured home parks of Oakridge, Sky View Terrace, Blue Star, and Hollydale were casualties of the devastating firestorms that swept our state in the past thirty days. Homes were lost despite the best efforts of fire fighters and rescue personnel. Hundreds of millions of dollars in emergency funds are needed to rebuild these communities. Tragically, nothing will ever rebuild the emotional destruction of those affected.

As advocates for hundreds of thousands of families living in California manufactured home communities, Neighborhood Friends and Windsor Group request your immediate assistance in sponsoring urgently needed legislation to eliminate or drastically reduce such future events from occurring.

Amendments must be immediately incorporated into existing California Code applicable to multi-family complexes of more than ten (10) units (manufactured home communities, condominiums, townhomes, apartments, gated-communities):

**ANNUAL INSPECTION AND PRESSURE TESTING OF FIRE HYDRANTS
FIRE HYDRANTS REQUIRED IN ALL MANUFACTURED HOME PARKS**

OAKRIDGE MHP, SYLMAR: Fire officials said that by early Saturday, the winds had whipped to 50 mph and firefighters reported towering flames and zero visibility. Water mains had run dry or lacked adequate pressure. The conditions became so dangerous that crews, at least for a while, were ordered to evacuate.

L.A. Times 11.16.08

MANDATORY EMERGENCY PLANS FOR ALL MULTI-FAMILY COMPLEXES

SAYER FIRE, LA COUNTY- Blog: I heard on the news that destroyed so far are 9 single family homes, 10 commercial buildings, and 500 mobile homes in an upscale trailer park, which was 80% destroyed. An elderly couple who were residents of the trailer park had slept through the warnings and were serendipitously rescued and carried out on a fire truck at the last moment. No one yet knows if others may have missed out on the evacuation entirely, but Los Angeles Police Chief William Bratton says he's concerned that some people may have died there.

Web Blog 11.16.08

RFID TRANSPONDERS TO LOCATE DISABLED AND ELDERLY DWELLINGS

OAKRIDGE MHP, SYLMAR: The blaze tore through the mobile home park so fast that firefighters barely had time to rouse people from bed and urge them to safety. Several residents were put into fire engines and rushed out of the neighborhood, in some cases dropped off under freeway overpasses, the nearest safe location, before crews raced back to the battle.

L.A. Times 11.16.08

CAMP PENDLETON, SAN DIEGO: In San Diego County, a wildfire that began on an explosives training range at Camp Pendleton had grown to more than 1,500 acres by nightfall and forced the evacuation of 1,400 homes. San Diego County's reverse 911 telephone system notified some residents of the evacuation orders, while sheriff's deputies went door-to-door to warn residents, said Yvette Urrea Moe, a spokeswoman for San Diego County Office of Emergency Services.

Associated Press 10.29.08

INCREASED EXITS FOR MULTI-FAMILY COMPLEXES

BLUE STAR MHP, SYLMAR: Mobile home park resident Glenn Bell said he and another park resident broke a padlock on an emergency exit gate to escape at daybreak. "If we hadn't broke open that gate, there would be people dead up there," he said.

Associated Press 10.29.08

LINCOLN HEIGHTS, LOS ANGELES: City officials are attempting to resolve a neighborhood feud after a Lincoln Heights property owner blocked access with a steel gate. Residents won a temporary injunction Friday to reopen the gate on Forest Park Drive.... A civil court hearing was conducted Friday, ending with an order to reopen the gate. "This is a very fearsome situation to be pushed," said resident Meeno Peluce. "To know that we live on a tinderbox hill, and that we're cut off from these emergency services while these Santa Anas blow."

KNBC-TV 10.29.08

We believe these legislative proposals are self-funding and will not have a negative fiscal impact on California's budget. Legislation that will save lives and property is worth the investment and will ultimately pay for itself with a very short amount of time.

Kind regards –

Samii Taylor
Legislative Advocate
909-241-6089

Glenn Bell
Neighborhood Friends – President
818-890-1113

Introduced by Senator PadillaDecember 1, 2008

An act to add Section 18029.7 to the Health and Safety Code, relating to manufactured housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 23, as introduced, Padilla. Manufactured housing: emergency and fire safety plan.

(1) The Mobilehomes-Manufactured Housing Act of 1980 authorizes the Department of Housing and Community Development to adopt rules and regulations governing conditions relating to the prevention of fire or for the protection of life and property against fire in manufactured homes and mobilehomes. Under existing law, a knowing violation of the act is punishable as a misdemeanor offense.

This bill would require, on or after January 1, 2010, an operator of a mobilehome park or manufactured housing community to develop and implement an emergency and fire safety plan and appropriate emergency services training for park or community managers and onsite staff. The bill would require the operator to distribute and post the plan in a conspicuous area accessible to all residents. The bill would specify that these provisions do not prohibit a city, county, or city and county from enacting an ordinance or policy to adopt more stringent standards to ensure fire prevention and public safety.

By creating a new crime or expanding an existing crime, this bill would impose a state-mandated local program.

(2)The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18029.7 is added to the Health and Safety
2 Code, to read:

3 18029.7. (a) On or after January 1, 2010, an operator of a
4 mobilehome park or manufactured housing community shall
5 develop and implement an emergency and fire safety plan and
6 appropriate emergency services training for park or community
7 managers and onsite staff. The plan shall include procedures for
8 identifying and assisting residents with disabilities and other health
9 problems.

10 (b) The plan required by subdivision (a) shall be designed in
11 accordance with requirements determined by the State Fire Marshal
12 and the Office of Emergency Services.

13 (c) Each operator shall post the plan in a conspicuous area
14 accessible to all residents and distribute a copy of the plan to each
15 resident upon approval of tenancy and annually thereafter.

16 (d) Nothing in this section shall prohibit a city, county, or city
17 and county from enacting an ordinance, regulation, or policy to
18 adopt more stringent standards to ensure fire prevention and public
19 safety.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

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