

INDUSTRIALIZED HOUSING AND BUILDINGS
Administrative Rules of the Texas Department of Licensing and Regulation
16 Texas Administrative Code, Chapter 70
(Effective October 1, 2016)

TABLE OF CONTENTS

70.1.	Authority	1
70.10.	Definitions	1
70.20.	Registration of Manufacturers, REF Builders, and Industrialized Builders	4
70.21.	Registration of Design Review Agencies, Third Party Inspection Agencies and Inspectors, and Third Party Site Inspectors	6
70.22.	Criteria for Approval of Design Review Agencies.....	7
70.23.	Criteria for Approval of Third Party Inspection Agencies and Inspectors.....	9
70.24.	Criteria for Approval of Third Party Site Inspectors	11
70.25.	Permits.....	12
70.30.	Exemptions.....	13
70.50.	Reporting Requirements for IHB Registrants	14
70.51.	Third Party Inspection Reports	16
70.60.	Responsibilities of the Department--Plant Certification	17
70.61.	Responsibilities of the Department--Monitoring Inspections	19
70.62.	Responsibilities of the Local Building Official--Inspections	20
70.63.	Council's Responsibilities--Compliance Disputes	20
70.64.	Responsibilities of the Department--Proprietary Information Protected.....	21
70.65.	Responsibilities of the Commission--Reciprocity.....	21
70.70.	Responsibilities of the Registrants--Manufacturer's Design Package and REF Builder's Construction Documents.....	22
70.71.	Responsibilities of the Registrants--Data Plates	28
70.72.	Responsibilities of the Registrants--In-Plant Inspection	29
70.73.	Responsibilities of the Registrants--Building Site Construction and Inspections	29
70.74.	Responsibilities of the Registrants--Alterations.....	33
70.75.	Responsibilities of the Registrants--Permit/Owner Information.....	39
70.76.	Responsibilities of the Registrants--Proprietary Information Protected.....	40
70.77.	Responsibilities of the Registrants--Decals and Insignia for New Construction.....	40
70.78.	Responsibilities of the Registrants--General	42
70.79.	Responsibilities of the Registrants--Site-built REF Construction and Inspection	43
70.80.	Commission Fees.....	44
70.81.	Late Renewal Fees	45
70.90.	Sanctions--Administrative Sanctions/Penalties.....	45
70.92.	Sanctions for Failure to Comply by Design Review Agencies, Third Party Inspection Agencies, and Third Party Inspectors.....	46
70.100.	Mandatory Building Codes.....	46
70.101.	Amendments to Mandatory Building Codes	48
70.102.	Use and Construction of Codes	56
70.103.	Alternate Materials and Methods.....	56
70.120.	Intent	57

70.1. Authority. (Amended effective November 16, 1993, 18 TexReg 7925; amended effective August 14, 2002, 27 TexReg 7103; amended effective December 1, 2003, 28 TexReg 10458)

These rules are promulgated under the authority of the Texas Occupations Code, Chapters 1202 and 51.

70.10. Definitions. (Amended effective November 16, 1993, 18 TexReg 7925; amended effective December 6, 1994, 19 TexReg 9295; amended effective December 20, 2000, 25 TexReg 12385; amended effective May 17, 2004, 29 TexReg 4867; amended effective October 3, 2004, 29 TexReg 9182; amended effective May 1, 2005, 30 TexReg 2504; amended effective June 1, 2006, 31 TexReg 4420; amended effective May 1, 2008, 33 TexReg 3409; amended effective January 1, 2010, 34 TexReg 9409; amended effective May 1, 2014, 39 TexReg 3412; amended effective November 1, 2015, 40 TexReg 5146)

(a) The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) **100% inspection**--Inspection of each module or modular component at each and every stage of construction including, but not limited to, framing, mechanical, plumbing, electrical, energy compliance systems, and system testing.
- (2) **Alteration**--Any construction, other than ordinary repairs of the house or building, to an existing industrialized house or building after affixing of the decal by the manufacturer or REF builder. Industrialized housing or buildings that have not been maintained shall be considered altered.
- (3) **Alteration decal**--The approved form of certification issued by the department to an industrialized builder to be permanently affixed to an industrialized building module indicating that alterations have been constructed to meet or exceed the code requirements and in compliance with this chapter.
- (4) **Building site**--A lot, the entire tract, subdivision, or parcel of land on which industrialized housing or buildings are sited.
- (5) **Building system**--The design and/or method of assembly of modules or modular components represented in the plans, specifications, and other documentation which may include structural, electrical, mechanical, plumbing, fire protection, and other systems affecting health and safety.
- (6) **Chapter 1202**--Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings.
- (7) **Closed construction**--That condition where any industrialized housing or building, modular component, or portion thereof is manufactured in such a manner that all portions cannot be readily inspected at the site without disassembly or destruction thereof.
- (8) **Commercial structure**--An industrialized building classified by the mandatory building codes for occupancy and use groups other than residential for one or more families.
- (9) **Compliance Control Program**--The manufacturer's system, documentation, and methods of assuring that industrialized housing, buildings, and modular components, including their manufacture, storage, handling, and transportation conform with Chapter 1202 and this chapter.
- (10) **Construction Documents**--The aggregate of all plans, specifications, calculations, and other documentation required to be submitted to the design review agency for compliance review to the mandatory building code.
- (11) **Component**--A sub-assembly, subsystem, or combination of elements for use as a part of a building system or part of a modular component that is not structurally independent, but may be part of structural, plumbing, mechanical, electrical, fire protection, or other systems affecting life safety.
- (12) **Decal**--The approved form of certification issued by the department to the manufacturer or REF builder to be permanently affixed to the module or to a site-built REF indicating that it has been constructed to meet or exceed the code requirements and in compliance with this chapter.

- (13) **Design package**--The aggregate of all plans, designs, specifications, and documentation required by these sections to be submitted by the manufacturer to the design review agency, or required by the design review agency for compliance review, including the compliance control manual and the on-site construction documentation. Unique or site specific foundation drawings and special on-site construction details prepared for specific projects are not a part of the design package.
- (14) **Design review agency**--An approved organization, private or public, determined by the council to be qualified by reason of facilities, personnel, experience, demonstrated reliability to review designs, plans, specifications, and building systems documentation, and to certify compliance to these sections evidenced by affixing the council's stamp.
- (15) **Final on-site inspection report**--A report issued by a council-approved inspector, or a record of final inspection issued by a municipal building inspection department, indicating that the inspection of the on-site construction was successful in accordance with §70.73.
- (16) **IAS**--International Accreditation Service.
- (17) **ICC**--International Code Council, Inc.
- (18) **ICC ES**--International Code Council Evaluation Services.
- (19) **Industrialized builder**--A person who is engaged in the assembly, connection, and on-site construction and erection of modules or modular components at the building site or who is engaged in the purchase of industrialized housing or buildings modules or modular components for sale or lease to the public. An industrialized builder also includes a person who assembles and installs site-built REFs that are moved from the initial construction site.
- (20) **Insignia**--The approved form of certification issued by the department to the manufacturer to be permanently affixed to the modular component indicating that it has been constructed to meet or exceed the code requirements and in compliance with the sections in this chapter.
- (21) **Installation**--On-site construction of industrialized housing or buildings. (see definition of on-site construction).
- (22) **Lease, or offer to lease**--A contract or other instrument by which a person grants to another the right to possess and use industrialized housing or buildings for a specified period of time in exchange for payment of a stipulated price.
- (23) **Local building official**--The agency or department of a municipality or other local political subdivision with authority to make inspections and to enforce the laws, ordinances, and regulations applicable to the construction, alteration, or repair of residential and commercial structures.
- (24) **Manufacturer**--A person who constructs or assembles modules or modular components at a manufacturing facility which are offered for sale or lease, sold or leased, or otherwise used.
- (25) **Manufacturing facility**--The place other than the building site, at which machinery, equipment, and other capital goods are assembled and operated for the purpose of making, fabricating, constructing, forming, or assembly of industrialized housing, buildings, modules, or modular components.
- (26) **Model**--A specific design of an industrialized house, building, or modular component which is based on size, room arrangement, method of construction, location, arrangement, or size of plumbing, mechanical, or electrical equipment and systems therein in accordance with an approved design package.
- (27) **Module**--A three dimensional section of industrialized housing or buildings, designed and approved to be transported as a single section independent of other sections, to a site for on-site construction with or without other modules or modular components.

- (28) **Modular building**--Industrialized housing and buildings as defined in Texas Occupations Code §1202.002 and §1202.003, and any relocatable, educational facility as defined in §1202.004, regardless of the location of construction of the facility.
- (29) **NFPA**--National Fire Protection Association.
- (30) **Non site-specific building**--An industrialized house or building for which the permanent site location is unknown at the time of construction.
- (31) **On-site construction**--Preparation of the site, foundation construction, assembly and connection of the modules or modular components, affixing the structure to the permanent foundation, connecting the structures together, completing all site-related construction in accordance with designs, plans, specifications, and on-site construction documentation.
- (32) **Open construction**--That condition where any house, building, or portion thereof is constructed in such a manner that all parts or processes of manufacture can be readily inspected at the building site without disassembly, damage to, or destruction thereof.
- (33) **Permanent foundation system**--A foundation system for industrialized housing or buildings designed to meet the applicable building code as set forth in §§70.100, 70.101, and 70.102.
- (34) **Permanent industrialized building**--An industrialized building that is not designed to be transported from one commercial site to another commercial site.
- (35) **Permit, Alteration**--A registration issued by the department to a person who is responsible for the alteration construction of industrialized housing, buildings or site-built REF's and who is not also registered as an industrialized builder.
- (36) **Permit, Commercial Installation**--A registration issued by the department to a person who purchases an industrialized building for the person's own use and who assumes responsibility for the installation of the industrialized building.
- (37) **Permit, Residential Installation**--A registration issued by the department to a person who purchases an industrialized house for the person's own use and who assumes responsibility for all or part of the construction relating to the installation of the industrialized house.
- (38) **Person**--An individual, partnership, company, corporation, association, or any other legal entity, however organized.
- (39) **Public**--The people of the state as a whole to include individuals, companies, corporations, associations or other groups, however organized, and governmental agencies.
- (40) **REF, Site-built**--A relocatable educational facility (REF) as defined by Texas Occupations Code §1202.004 that is constructed at the first installation site by an REF builder.
- (41) **REF Builder**--A person who constructs REF's at the first installation site. A person who assembles REFs constructed in a manufacturing facility is not an REF builder.
- (42) **Registrant**--A person who, or which, is registered with the department pursuant to the rules of this chapter as a manufacturer, a REF builder, an industrialized builder, a design review agency, a third party inspection agency, a third party inspector, a third party site inspector, or a permit holder.
- (43) **Residential structure**--Industrialized housing designed for occupancy and use as a residence by one or more families.
- (44) **Sale, sell, offer to sell, or offer for sale**--Includes any contract of sale or other instrument of transfer of ownership of property, or solicitation to offer to sell or otherwise transfer ownership of property.

- (45) **Site or building site**--A lot, the entire tract, subdivision, or parcel of land on which industrialized housing or buildings are sited.
 - (46) **Special conditions and/or limitations**--On-site construction documentation which alerts the local building official of items, such as placement of the building on the property or the requirements for roof ventilation, which may need to be verified by the local building official for conformance to the mandatory building codes.
 - (47) **Structure**--An industrialized house or building that results from the complete assemblage of the modules or modular components designed to be used together to form a completed unit.
 - (48) **Third party inspection agency (TPIA)**--An approved person or entity determined by the council to be qualified by reason of facilities, personnel, experience, demonstrated reliability, and independence of judgment to inspect industrialized housing, building, site-built REFs, and portions thereof for compliance with the approved plans, documentation, compliance control program, and applicable codes.
 - (49) **Third party inspector (TPI)**--An approved person determined by the council to be qualified by reason of experience, demonstrated reliability, and independence of judgment to inspect industrialized housing, buildings, site-built REFs, and portions thereof for compliance with the approved plans, documentation, compliance control program, and applicable code. A third party inspector works under the direction of a third party inspection agency or TPIA.
 - (50) **Third party site inspector (TPSI)**--An approved person determined by the council to be qualified by reason of experience, demonstrated reliability, and independence of judgment to inspect construction of REF's or the foundation and installation of industrialized housing, buildings, and portions thereof for compliance with the approved plans or engineered plans and the applicable code.
 - (51) **Unique on-site construction details**--Construction details that are not part of, or that differ from, the manufacturer's approved on-site construction details or REF builder's approved construction plans. Unique on-site construction details include additions that may affect the code compliance of the house or building such as car ports, garages, porches, decks, and stairs.
- (b) Other definitions may be set forth in the text of the sections in this chapter. For purposes of these sections, the singular means the plural, and the plural means the singular.
 - (c) Where terms are not defined in this section or in other sections in this chapter and are defined in the mandatory building codes as referenced in §70.100, such terms shall have the meanings ascribed to them in these codes unless the context as the term is used clearly indicates otherwise. Where terms are not defined in this section or other sections in this title or in the mandatory building codes, such terms shall have ordinarily accepted meanings such as the context implies.

70.20. Registration of Manufacturers, REF Builders, and Industrialized Builders. *(Amended effective November 16, 1993, 18 TexReg 7925; amended effective March 16, 1998, 23 TexReg 1305; amended effective June 13, 2001, 26 TexReg 4092; amended effective December 1, 2003, 28 TexReg 10458; amended effective May 17, 2004, 29 TexReg 4867; amended effective June 1, 2006, 31 TexReg 4420; amended effective January 1, 2010, 34 TexReg 9409)*

Manufacturers, REF builders, and industrialized builders shall not engage in any business activity relating to the construction or location of industrialized housing or buildings without being registered with the department.

- (1) An application for registration shall be submitted on a form supplied by the department, and shall contain such information as may be required by the department. The application shall be signed by the owner of a sole proprietorship, the managing partner of a partnership, or an officer of a corporation. The application must be accompanied by the fee set forth in §70.80.
- (2) A manufacturer may not construct for Texas until the facility has been certified in accordance with §70.60.
- (3) Application requirements for REF builders are as follows.

- (A) An REF builder shall certify at the time of registration that the construction and foundation of all REF's built under this registration shall be constructed in accordance with the approved construction documents, the mandatory building codes, the engineered plans, and department rules and shall be inspected in accordance with §70.79 and the inspection procedures established by the council.
 - (B) Subcontractors or persons responsible for the electrical, plumbing, and HVAC construction required to complete the construction shall be licensed as required by the applicable state statutes and are not required to be registered as REF builders.
- (4) Application requirements for industrialized builders are as follows.
- (A) The industrialized builder shall certify at the time of registration that the alteration, foundation and installation of all units installed under this registration shall be constructed in accordance with the mandatory building codes, the engineered plans, and department rules, and shall be inspected in accordance with §70.73, §70.74, and the inspection procedures established by the council.
 - (B) Subcontractors or persons responsible for the electrical, plumbing, and HVAC construction required to complete the installation or alteration shall be licensed as required by the applicable state statutes and are not required to be registered as industrialized builders.
- (5) A person who purchases an industrialized house or building, or modular component, for his/her own use and who assumes responsibility for all or part of the construction relating to the installation or alteration of the industrialized house or building may file for a permit in lieu of registering as an industrialized builder in accordance with §70.25.
- (6) The registration of a manufacturer a REF builder or industrialized builder shall be valid for 12 months and must be renewed annually.
- (A) Each separate manufacturing facility must be registered; a manufacturing facility is separate if it is not on property that is contiguous to a registered manufacturing facility.
 - (B) A REF builder must register their main office location but is not required to register each job location.
 - (C) An industrialized builder must register each separate sales office but is not required to register each job location.
- (7) A registered manufacturer, a REF builder, or an industrialized builder shall notify the department in writing within 10 days if:
- (A) the corporate or firm name is changed;
 - (B) the main address of the registrant is changed;
 - (C) there is a change in 25% or more of the ownership interest of the company within a 12-month period. A change in ownership will require a new registration if the new owners do not accept responsibility for units constructed under the previous owners;
 - (D) the location of any manufacturing facility is changed;
 - (E) a new manufacturing facility is established;
 - (F) there are changes in principal officers of the firm;
 - (G) an industrialized builder transfers or sells a module or modular component to another industrialized builder; or

- (H) an industrialized manufacturer takes possession of units previously reported as shipped to an industrialized builder.
- (8) An application for original registration or renewal may be rejected if any information contained on, or submitted with, the application is incorrect or incomplete. The certificate of registration may be revoked or suspended or a penalty or fine may be imposed for any violation of Chapter 1202, the rules and regulations in this chapter or administrative orders of the department, or the instructions and determinations of the council in accordance with §70.90.

70.21. Registration of Design Review Agencies, Third Party Inspection Agencies and Inspectors, and Third Party Site Inspectors. *(Amended effective November 16, 1993, 18 TexReg 7925; amended effective December 1, 2003, 28 TexReg 10458; amended effective January 1, 2010, 34 TexReg 9409)*

- (a) Pursuant to the criteria established by the council as set forth in §§70.22, 70.23, and 70.24 the executive director will recommend qualified design review agencies, third party inspection agencies, third party inspectors, and third party site inspectors to the council for approval. An application for approval shall be submitted in writing to the executive director for consideration and recommendation to the council.
 - (1) The application shall be on the form, and contain such information, as may be required by the department and the council.
 - (2) The application shall be accompanied by the fee set forth in §70.80.
 - (3) The application will be reviewed by department staff for compliance to the criteria for approval outlined in this section. Applicants that meet the criteria for approval will be recommended to the council for approval at the next meeting. The department may issue interim approval to applicants found to comply with the criteria for approval.
- (b) If the application is approved by the council, it shall be filed with the department as the registration of the applicant as a design review agency, a third party inspection agency, a third party inspector, or a third party site inspector to perform specific functions. The department shall issue a certificate of registration that shall state the specific functions that the registrant is approved to perform. The certificate of registration shall be valid for a 12-month period. This registration shall be a continuous registration so long as:
 - (1) the information required by this section is updated in accordance with subsection (c);
 - (2) the registration is renewed annually and the annual fee is paid;
 - (3) the applicant continues to comply with the criteria for approval established by the council as set forth in §§70.22, 70.23, and 70.24;
 - (4) the applicant certifies at the time of renewal of his registration that the code certifications required by §§70.22, 70.23, or 70.24 are current with the International Code Council (ICC). Participation in the ICC Renewal Program or Certification Maintenance Program is required to keep an ICC code certification current. The applicant will be required to submit evidence of current certification at the request of the department; and
 - (5) the applicant submits an up-to-date organization chart in accordance with §70.22 and §70.23 at the time of renewal.
- (c) Design review agencies, third party inspection agencies, third party inspectors, and third party site inspectors shall notify the department in writing within 10 days if:
 - (1) the name of the registrant is changed;
 - (2) the address of the registrant is changed;
 - (3) a partnership or corporation is created or exists or there is a change in 25% or more of the ownership

of the business entity within a 12-month period;

- (4) there are changes in principal officers or key supervisory personnel of the business entity; or
 - (5) there are changes in the key technical personnel of the agency or changes in the certifications of the technical personnel. Changes in the technical personnel of an agency or changes in the certifications may require review by the department to assure that the person still meets the criteria for approval as outlined in §§70.22, 70.23, and 70.24.
- (d) An application for original registration or renewal may be rejected if any information contained on, or submitted with, the application is incorrect or incomplete. The certificate of registration may be revoked or suspended or a penalty or fine may be imposed for any violation of Chapter 1202, the rules and regulations in this chapter or administrative orders of the department, or the instructions and determinations of the council in accordance with §70.90 and §70.92.
- (e) If a third party site inspector, third party inspector, third party inspection agency, or design review agency is not approved, the department shall forward a written explanation to the applicant setting forth the council's reasons for the disapproval and that the applicant may request an administrative hearing to determine if the application should be denied.

70.22. Criteria for Approval of Design Review Agencies. *(Amended effective March 16, 1998, 23 TexReg 1305; amended effective June 13, 2001, 26 TexReg 4092; amended effective December 1, 2003, 28 TexReg 10458; amended effective January 1, 2010, 34 TexReg 9409)*

- (a) An agency seeking council approval as a design review agency (DRA) shall submit a written application to the executive director. The application will indicate the agency's name, address, and the telephone number of each office in which design review services are to be performed.
- (b) The application will include the following information.
 - (1) An organizational chart indicating the names of the managerial and technical personnel responsible for design review functions within the agency. The chart must indicate the area or areas of review for which the technical personnel are responsible.
 - (2) A resume for each person listed in the organizational chart indicating academic and professional qualifications, experience in related areas, and specific duties within the agency. All certifications shall be current with ICC.
 - (3) Complete documentation, including, but not limited to:
 - (A) examples of data sheets or other forms used to analyze construction and equipment;
 - (B) preliminary and final reports; and
 - (C) an agency compliance assurance manual to substantiate the agency's ability to evaluate building systems and compliance control manuals for compliance with standards. Evidence must be presented in the areas of structural, mechanical, electrical, plumbing, building planning, and fire safety. The documentation should include an example of a building system or compliance control manual which the agency has evaluated for compliance with a code or set of standards.
 - (4) A statement of certification signed by the agency manager or chief executive officer that:
 - (A) its board of directors, as a body, and its managerial and technical personnel, as individuals, are free to exercise independence of judgment in the performance of their duties within the agency;
 - (B) its activities pursuant to the discharge of responsibility as a design review agency will not result in financial benefit to the agency via stock ownership or other financial interest in any

- producer, supplier, or vendor of products involved, other than through standard fees for services rendered;
- (C) the agency will consistently and uniformly implement the policies and determinations of the council with regard to interpretations of the standards and rules;
 - (D) the agency will not provide design services or prepare compliance control manuals for manufacturers for whom it acts as a design review agency;
 - (E) all information contained in the application for approval as a design review agency is true, timely, and correct; and
 - (F) all future changes will be immediately communicated to the department.
- (5) A list of states in which the agency is currently approved to provide similar services.
- (c) The minimum personnel requirements and qualifications shall be as follows.
- (1) The manager or chief executive officer shall have:
 - (A) a minimum of four years of plans examination, design, construction, or manufacturing experience in the building industry, or any combination thereof; and
 - (B) licensure as a professional engineer or architect in the State of Texas. The applicant's license number must be included on the resume.
 - (2) Technical staff members may qualify for more than one discipline. The agency does not need to have an individual staff member for each discipline. The technical staff shall consist of the following positions.
 - (A) The structural reviewer shall have:
 - (i) a bachelor's degree with specialized course work in structures in civil, structural, or architectural engineering or service equivalent in accordance with subsection (c)(3);
 - (ii) a minimum of one year structural engineering experience related to buildings; and
 - (iii) certification as a building plans examiner as granted by ICC.
 - (B) The mechanical reviewer shall have:
 - (i) a bachelor's degree in engineering with specialized course work in HVAC Systems or service equivalent in accordance with subsection (c)(3);
 - (ii) a minimum of one year mechanical engineering experience related to buildings; and
 - (iii) certification as a commercial mechanical inspector as granted by ICC.
 - (C) The electrical reviewer shall have:
 - (i) a bachelor's degree in engineering with specialized course work in electrical engineering or service equivalent in accordance with subsection (c)(3);
 - (ii) a minimum of one year electrical engineering experience related to buildings; and
 - (iii) certification as a commercial electrical inspector as granted by ICC.
 - (D) The plumbing reviewer shall have:

- (i) a bachelor's degree in engineering with specialized course work in hydraulics or service equivalent in accordance with subsection (c)(3);
 - (ii) a minimum of one year plumbing experience related to buildings; and
 - (iii) certification as a plumbing inspector as granted by ICC.
- (E) The building planning reviewer shall have:
- (i) a bachelor's degree in engineering or architecture or service equivalent in accordance with subsection (c)(3);
 - (ii) a minimum of one year experience related to building planning; and
 - (iii) certification as a building plans examiner as granted by ICC.
- (F) The fire safety reviewer shall have:
- (i) a bachelor's degree in engineering or architecture or service equivalent in accordance with subsection (c)(3);
 - (ii) a minimum of one year experience in fire protection engineering related to buildings; and
 - (iii) certification as a building plans examiner as granted by ICC.
- (G) The accessibility reviewer shall have:
- (i) a bachelor's degree in engineering or architecture or service equivalent in accordance with subsection (c)(3);
 - (ii) a minimum of one year experience in accessibility reviews related to buildings;
 - (iii) completed the Texas Accessibility Academy and passed an examination approved by the department.
- (3) A minimum of eight years of creditable experience in engineering or architectural practice indicative of growth in engineering or architectural competency and responsibility is an acceptable service equivalent for academic requirements. This experience may be counted concurrently for those wishing to show service equivalency in more than one field. To be considered creditable, experience must satisfy the requirements outlined in the Texas Board of Professional Engineers Board Rules concerning the Practice of Engineering and Professional Engineering Licensure, or the Texas Board of Architectural Examiner Rules and Regulations of the Board Regulating the Practice of Architecture.

70.23. Criteria for Approval of Third Party Inspection Agencies and Inspectors. *(Amended effective March 16, 1998, 23 TexReg 1305; amended effective December 20, 2000, 25 TexReg 12385; amended effective March 28, 2002, 27 TexReg 2223; amended effective December 1, 2003, 28 TexReg 10458; amended effective January 1, 2010, 34 TexReg 9409)*

- (a) An agency seeking council approval as a third party inspection agency shall submit a written application to the executive director. The application will indicate the agency name, address, and telephone number of each office through which third party inspections will be coordinated.
- (b) The application will include the following information.
 - (1) An organizational chart shall be submitted showing the names of managerial and technical personnel responsible for in-plant and on-site construction inspections.
 - (2) A resume for each person listed in the organizational chart shall be submitted indicating academic and professional qualifications, experience in related areas, and specific duties within the agency. All

certifications must be current with ICC.

- (3) Complete documentation to substantiate the agency's ability to perform in-plant and on-site construction inspections and follow-up inspections to determine the compliance of a building manufacturer with the standards and rules shall be submitted. The application will include a formal description of the agency's supervision and training program for inspectors, performance records of manufacturers, examples of inspection reports, agreements or contracts with manufacturers, and any other pertinent information;
 - (4) A statement of certification shall be submitted, signed by the agency manager or chief executive officer, that:
 - (A) its board of directors, as a body, and its managerial and inspection personnel, as individuals, are free to exercise independence of judgment in the performance of their duties within the agency;
 - (B) its activities pursuant to the discharge of responsibilities as a third party inspection agency will not result in financial benefit to the agency via stock ownership or other financial interests in any producer, supplier, or vendor of products involved, other than through standard fees for services rendered;
 - (C) the agency will consistently and uniformly implement the policies and determinations of the council with regard to interpretations of the standards and rules;
 - (D) the agency will not provide design services or prepare compliance control manuals for manufacturers for whom it acts as a third party inspection agency;
 - (E) all information contained in the application for approval as a third party inspection agency is true, timely, and correct; and
 - (F) all future changes will be immediately communicated to the department;
 - (5) A list of states in which the agency is currently approved to provide product certification or validation or third party inspection services and a complete description of each system and program involved shall be submitted.
- (c) The minimum personnel requirements and qualifications are as follows.
- (1) The manager or chief executive officer shall have:
 - (A) a minimum of five years experience in building code enforcement or compliance control of building systems;
 - (B) a minimum of one year experience in responsible technical project planning and management; and
 - (C) licensure as a professional engineer or architect in the State of Texas. The applicant's license number must be included on the resume.
 - (2) The supervisor of inspections shall have:
 - (A) a high school diploma or equivalent;
 - (B) a minimum of five years experience as an inspector in manufactured buildings or related compliance control or equivalent;
 - (C) certification as a residential energy inspector/plans examiner as granted by ICC, as a commercial energy inspector as granted by ICC, and as:

- (i) a residential combination inspector as granted by ICC; or
 - (ii) a commercial combination inspector as granted by ICC; or
 - (iii) a combination inspector as granted by ICC.
- (3) Each inspector shall submit a written application to the executive director. The application shall include the following.
 - (A) A resume that includes the inspector's academic and professional qualifications, experience in related areas, and relevant ICC certifications. Each inspector shall have:
 - (i) a high school diploma or equivalent;
 - (ii) a minimum of one year experience in building code enforcement, compliance control inspection, or building experience.
 - (B) Evidence of certification as a residential energy inspector as granted by ICC or as a commercial energy inspector as granted by ICC or both. The inspector must have a residential energy certification to inspect housing and a commercial energy certification to inspect buildings.
 - (C) Evidence of certification as:
 - (i) a residential combination inspector as granted by ICC; or
 - (ii) a commercial combination inspector as granted by ICC; or
 - (iii) a combination inspector as granted by ICC; or
 - (iv) one of each of the individual certifications from ICC that comprise the combination certifications referenced in clauses (i), (ii), and (iii) provided that the inspector has one in each area: building, mechanical, plumbing, and electrical.

70.24. Criteria for Approval of Third Party Site Inspectors. *(Effective January 1, 2010, 34 TexReg 9409)*

- (a) A person seeking approval as a third party site inspector shall submit a written application to the executive director. The application will include the following information.
 - (1) A resume that includes the inspector's academic and professional qualifications, experience in related areas, and relevant ICC certifications.
 - (2) Evidence of current ICC certifications required for approval by the council.
 - (3) A statement signed by the inspector certifying that:
 - (A) the inspector's activities pursuant to the discharge of responsibilities as a third party site inspector will not result in financial benefit to the inspector via stock ownership or other financial interests in any producer, supplier, or vendor of products involved other than through standard fees for services rendered;
 - (B) the inspector will consistently and uniformly implement the policies and determinations of the council with regard to interpretations of the mandatory building codes and rules;
 - (C) the inspector will enforce the mandatory building codes adopted by the council;
 - (D) all information contained in the application for approval as a third party site inspector is true, timely, and correct; and

- (E) all future changes will be immediately communicated to the department.
- (b) The minimum qualifications for a third party site inspector are as follows:
 - (1) a high school diploma or equivalent;
 - (2) a minimum of three years experience in building code enforcement, building inspections, or building experience. At least one year of experience shall be in the performance of building inspections; and
 - (3) one of the following energy code certifications: certification as a residential energy inspector/plans examiner, as a commercial energy inspector, or both. The inspector must have a residential energy certification to inspect housing and a commercial energy certification to inspect buildings.
 - (4) one of the following code certification combinations:
 - (A) a residential combination inspector as granted by ICC. In lieu of a residential combination inspector the inspector may have one of each of the individual certifications that are needed for certification as a residential combination inspector, commercial combination inspector, or combination inspector. Inspectors with residential inspector certifications may only perform site inspections for industrialized housing complying with the International Residential Code; or
 - (B) a commercial combination inspector as granted by ICC. In lieu of a commercial combination inspector the inspector may have one of each of the individual certifications that are needed for certification as a commercial combination inspector or a combination inspector. Inspectors with a commercial inspector certification may only perform site inspections for industrialized buildings or site-built REFs; or
 - (C) a combination inspector as granted by ICC. In lieu of a combination inspector the inspector may have one of each of the individual certifications that are needed for certification as a combination inspector. Inspectors with this certification may perform site inspections for any industrialized housing, buildings, or site-built REFs.

70.25. Permits. *(Effective January 1, 2010, 34 TexReg 9409; amended effective May 1, 2014, 39 TexReg 3412)*

- (a) General.
 - (1) A person who engages in the assembly, connection, and on-site construction and erection of modules or modular components at the building site for persons other than themselves, or who purchases industrialized housing or buildings, or modular components, for sale or lease to the public, may not file for a permit.
 - (2) The application shall be submitted on a form supplied by the department and shall contain such information as may be required by the department. A person who applies for a permit certifies at the time of application that all construction shall be in compliance with the mandatory building codes, the approved and/or engineered plans and department rules, and shall be inspected in accordance with the inspection procedures established by the council.
 - (3) Subcontractors of a person holding a permit are not required to be registered as industrialized builders. Subcontractors or persons responsible for the electrical, plumbing, and HVAC construction shall be licensed as required by the applicable state statutes.
 - (4) The application shall be accompanied by the fee set forth in §70.80.
- (b) Installation Permit--Residential.
 - (1) A person who purchases an industrialized house or residential modular component from an industrialized builder for the person's own use and who is responsible for some aspect of the

construction related to the installation of the house may file for a residential installation permit in lieu of registering as an industrialized builder.

- (2) A person who purchases an industrialized house or residential modular component from a manufacturer for the person's own use and who is responsible for all of the construction related to the installation of the house may file for a residential installation permit in lieu of registering as an industrialized builder.
 - (3) A separate application shall be submitted for each building that contains industrialized housing or residential modular components.
 - (4) The installation permit application shall identify all construction to be completed by the permit holder. Any construction completed by the permit holder on the installation site that affects the code compliance of the industrialized house shall be identified on the installation permit application. Construction may include, but is not limited to, grading of the property to assure code compliant drainage, completion of the plumbing systems, completion of the electrical systems, completion of the HVAC system, addition of porches, steps, decks, and railings, and addition of an attached garage or carport.
 - (5) The installation permit shall be posted at the installation site.
- (c) Installation Permit--Commercial.
- (1) A person who purchases an industrialized building or modular component for the person's own use and who is responsible for construction related to the installation of the building may file for a commercial installation permit in lieu of registering as an industrialized builder.
 - (2) A separate application shall be submitted for each building that contains industrialized building modules or modular components.
 - (3) The installation permit shall be posted at the installation site for all buildings that are required to have site inspections in accordance with §70.73.
- (d) Alteration Permit.
- (1) A person who is not registered as an industrialized builder, who will alter the construction of industrialized housing or buildings for the person's own use, and who is responsible for the alteration construction of the house or building may file for an alteration permit in lieu of registering as an industrialized builder.
 - (A) Alteration permits are required for alterations of portable industrialized buildings.
 - (B) Alteration permits are required for alterations of industrialized housing or permanent industrialized buildings during installation outside the jurisdiction of a municipality. Alterations of industrialized housing or permanent industrialized buildings after installation do not fall under the jurisdiction of the department.
 - (C) Alteration permits are not required for alterations of industrialized housing or permanent industrialized buildings during installation inside the jurisdiction of a municipality.
 - (2) A separate application shall be submitted for each project address.
 - (3) The alteration permit shall be posted at the site where the construction will be performed.

70.30. Exemptions. *(Amended effective May 17, 2004, 29 TexReg 4867; amended effective June 1, 2006, 31 TexReg 4420; amended effective January 1, 2010, 34 TexReg 9409; amended effective October 1, 2016, 41 TexReg 7529)*

- (a) The scope of this chapter is limited by Chapter 1202; accordingly, it does not apply to:

- (1) mobile homes or HUD-code manufactured homes as defined in Texas Occupations Code, Chapter 1201;
 - (2) housing or buildings:
 - (A) of open construction;
 - (B) that are constructed of sectional or panelized systems not utilizing modular components; or
 - (C) that are built of modules or modular components that are constructed at the installation site.
 - (D) Exception: Relocatable educational facilities purchased or leased on or after January 1, 2010 are required to be certified regardless of where the facility is built.
 - (3) ready-built homes which are constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location, provided that modular components are not used in the construction of the ready-built home. A temporary location would include a lumber yard, a vacant lot, or other similar area that is not used exclusively for the construction of buildings;
 - (4) any residential or commercial structure which is in excess of four stories or 60 feet in height;
 - (5) a commercial building or structure that is:
 - (A) installed in a manner other than on a permanent foundation; and
 - (B) either:
 - (i) is not open to the public; or
 - (ii) is less than 1,500 square feet in total area and used other than as a school or a place of religious worship;
 - (6) buildings that are specifically referenced in the mandatory building codes as exempt from permits; or
 - (7) construction site buildings.
- (b) The installation of an industrialized house or a permanent industrialized building that is moved from the first installation site to a new installation site is subject to the permitting and approval requirements of the local authorities.

70.50. Reporting Requirements for IHB Registrants. *(Amended effective August 1, 1996, 21 TexReg 6619; amended effective March 16, 1998, 23 TexReg 1305; amended effective September 13, 1999, 24 TexReg 7224; amended effective June 13, 2001, 26 TexReg 4092; amended effective August 14, 2002, 27 TexReg 7103; amended effective May 17, 2004, 29 TexReg 4867; amended effective October 3, 2004, 29 TexReg 9182; amended effective June 1, 2006, 31 TexReg 4420; amended effective January 1, 2010, 34 TexReg 9409; amended effective May 1, 2014, 39 TexReg 3412; amended effective November 1, 2015, 40 TexReg 5146)*

- (a) The manufacturer shall submit a monthly report to the department, of all industrialized housing, buildings, modules, and modular components that were constructed and to which decals and insignia were attached during the month.
 - (1) The report shall be filed in a format required by the department by no later than the 10th day of the following month.
 - (2) The manufacturer shall keep a copy of the monthly report on file for a minimum of five years.
 - (3) Any corrections to reports previously filed shall clearly indicate the corrections to be made and the month and date of the report that is being corrected.

- (4) The report shall contain:
 - (A) the serial or identification number of the units;
 - (B) the decal or insignia number attached to each identified unit;
 - (C) the name and registration number of the industrialized builder (as assigned by the department), or the installation permit number (as assigned by the department) of the person, to whom the units were sold, consigned, and shipped. The requirements contained in §70.20(3) shall apply when an installation permit is reported in lieu of the registration number of an industrialized builder;
 - (D) the date the decal or insignia was attached to the unit;
 - (E) an identification of the use of the structure for which the units are designed. For example, will the complete structure be used as a single family residence, a classroom or school, a duplex, a church, a restaurant, an equipment shelter, a bank building, a hazardous storage building, etc. Modular building, kiosk and similar terms are not to be used to describe the use of the completed building;
 - (F) any other information the department may require; and
 - (G) an indication of zero units if there was no activity for the reporting month.
- (5) A manufacturer that takes possession of units that have not been installed, but that were previously reported as shipped, shall report the disposition of those units on the manufacturer's monthly report.
- (b) Each industrialized builder responsible for any portion of the on-site construction in accordance with §70.73 shall keep records of all industrialized housing, buildings, modules, and modular components that were sold, leased, or installed. The records shall be kept for a minimum of 10 years from the date of the final on-site inspection report and made available to the department upon request. These records shall include the following:
 - (1) Decal or insignia number and corresponding serial number from the manufacturer of each module or modular component installed;
 - (2) Documents showing compliance with §70.75;
 - (3) The address where each module or modular component was installed;
 - (4) Date the on-site construction began at the installation site;
 - (5) The occupancy use of each building containing modules or modular components. Examples of the occupancy use of each building include, but are not limited to, the following: portable classroom buildings; school buildings; restaurants; bank buildings; equipment shelters; single-family residences; duplexes; apartment buildings; dormitories; and hazardous storage buildings;
 - (6) A copy of the site-specific foundation drawings;
 - (7) A copy of any unique on-site construction detail drawings;
 - (8) A copy of the on-site inspection reports.
 - (9) The date of the successful on-site inspection in accordance with §70.73(d);
 - (10) The name and registration number of the industrialized builder responsible for any on-site construction not completed by the first industrialized builder.
 - (11) A copy of the installation permit of the permit holder responsible for any on-site construction not completed by the industrialized builder; and

- (12) Records as necessary to demonstrate compliance with requirements of the mandatory building codes and the rules governing the installation of industrialized housing and buildings. These records may include the following:
 - (A) material documentation reports;
 - (B) test Reports;
 - (C) documents showing the use of licensed sub-contractors in accordance with applicable state laws; or
 - (D) other records that demonstrate mandatory building code compliance.
- (c) Each industrialized builder who is not responsible for any portion of the on-site construction in accordance with §70.73 shall keep records of all industrialized housing, buildings, modules, and modular components that were sold or leased and make a copy of the records available to the department upon request. The records shall be kept for a minimum of 5 years from the date of sale or lease of each industrialized house, building, module, or modular component. These records shall include the following.
 - (1) Decal or insignia number and the corresponding serial number from the manufacturer of each module or modular component sold or leased;
 - (2) Documents showing compliance with §70.75.
 - (3) The address where the modules or modular components were shipped.
 - (4) Either of the following:
 - (A) the name and registration number of the industrialized builder who received the modules or modular components; or
 - (B) a copy of the installation permit of the permit holder who received the modules or modular components.
 - (5) Documentation showing the sale, lease or transfer of the industrialized housing, buildings, modules or modular components to another industrialized builder or to an installation permit holder.
- (d) The department may conduct an audit of any of the records identified in subsections (b) and (c) to verify compliance with this chapter and Texas Occupations Code, Chapter 1202. The industrialized builder shall provide the information and records requested by the audit within the time frame set by the audit.
- (e) Each REF builder shall keep records of all REFs constructed for a minimum of 10 years and provide a copy of these records to the department upon request. At a minimum the records shall include copies of the approved construction documents, inspection reports, and construction address for each REF.
- (f) An installation permit holder shall keep a copy of the foundation plans and other construction plans and, for units installed outside the jurisdiction of a municipality, the site inspection report in accordance with §70.73 for a period of ten years from the date of successful completion of the final inspection of the industrialized house or building. A copy of these records shall be provided to the department upon request.

70.51. Third Party Inspection Reports. *(Amended effective August 1, 1996, 21 TexReg 6619; amended effective January 1, 2010, 34 TexReg 9409; amended effective May 1, 2014, 39 TexReg 3412)*

- (a) In-plant inspections. A third party inspector or third party inspection agency shall file inspection reports on the forms and in the format required by the department (in accordance with any requirements set by the council).

- (1) The TPIA must keep on file, for a minimum of 5 years, a copy of all inspection reports for inspections performed by the TPIA/TPI.
 - (2) Reports shall be filed with the department each week or at such other intervals as the department may require pursuant to council instructions.
- (b) On-site inspections--construction of site-built REF's. A council-approved inspector shall file inspection reports on the forms and in the format required by the department (in accordance with any requirements set by the council).
- (1) The council-approved inspector shall keep a copy of all inspection reports for a minimum of 5 years from the date each unit covered by the inspection report receives a Texas decal.
 - (2) Reports shall be filed with the department each week or at such intervals as the department may require pursuant to council instructions.
- (c) On-site inspections--installation of industrialized housing and buildings. A council-approved inspector shall document inspections on the forms and in the format required by the department (in accordance with any requirements set by the council).
- (1) The council-approved inspector shall keep a copy of all inspection reports for a minimum of 5 years from the date of inspection.
 - (2) The council-approved inspector shall make a copy of the on-site inspection reports for industrialized housing and buildings, including the final on-site inspection report and the date of the final inspection, available to the department upon request.
 - (3) The council-approved inspector shall notify the department if the industrialized builder or installation permit holder fails to call for final inspection within 180 days of the start of construction as required by §70.73.
 - (4) The council-approved inspector shall notify the department whenever the industrialized builder or installation permit holder fails to correct deviations prior to occupation of the industrialized house or building.

70.60. Responsibilities of the Department--Plant Certification. *(Effective November 16, 1993, 18 TexReg 7925; Amended effective August 1, 1996, 21 TexReg 6619; Amended effective March 16, 1998, 23 TexReg 1305; amended effective June 1, 2006, 31 TexReg 4420; amended effective May 1, 2007, 32 TexReg 2359; amended effective May 1, 2008, 33 TexReg 3409; amended effective January 1, 2010, 34 TexReg 9409; amended effective November 1, 2015, 40 TexReg 5146)*

- (a) Each separate manufacturing facility will go through a certification inspection before decals or insignia will be released to the manufacturer.
- (b) A change in address of a certified manufacturer will require review and possible recertification or partial certification inspection of the plant at the new location.
- (c) The executive director may authorize 100% inspection of industrialized housing or buildings constructed by an uncertified manufacturer in lieu of certification and a compliance control program as required by §70.70(c) in accordance with the following.
 - (1) The 100% inspection may be approved only in the following circumstances:
 - (A) the house or building is required to aid in a disaster that has been officially declared by the United States government, a state government, or a political subdivision of either;
 - (B) the US State Department has issued travel warnings for travel outside the United States relating to or affecting the location of the plant to be certified;
 - (C) the industrialized house or building is a one-time project and the manufacturer certifies to the

department that it will not construct additional industrialized housing or buildings for placement in this state without going through the certification inspection process; and

- (D) other extenuating circumstances if approved by the executive director. If the executive director does not approve a request under this subsection, the manufacturer may ask the council to approve the 100% inspection.
- (2) The manufacturer must still register as a manufacturer in accordance with §70.20.
- (3) Plan review and approval will still be required in accordance with §70.70.
- (4) The manufacturer will purchase decals for the unit or units in accordance with §70.77 with the following exceptions.
 - (A) the decals will not be released until the manufacturer has provided the industrialized builder registration number or installation permit number of the person who purchased the unit and who will be responsible for the on-site construction;
 - (B) the decal will not be released until all inspection fees have been paid; and
 - (C) the decals will be released only to the inspector for attachment to the units upon completion of a successful final inspection.
- (5) The 100% inspection will be conducted by inspectors designated by the department and may include department personnel or approved third-party inspectors. Inspections will be completed in accordance with procedures approved by the council.
- (6) Inspections performed by third party inspectors shall be audited by department staff.
- (d) The plant certification inspection will be conducted by a certification team designated by the department. The team shall consist of:
 - (1) a team leader, who is either a department employee, an engineer, or other qualified person as determined by procedures established by the council; and
 - (2) one or more department inspectors or third party inspectors.
- (e) The team leader may not be an employee of the third party inspection agency (TPIA) responsible for regular in-plant inspections of the manufacturer or the design review agency (DRA) responsible for review of the manufacturer's design package. The following persons may not solicit, offer, or agree to provide future design review or in-plant inspection services for the manufacturer prior to the manufacturer completing all certification requirements:
 - (1) an agency other than the manufacturer's current TPIA or DRA that provides a certification team member; and
 - (2) any team member that is not employed by the manufacturer's current TPIA or DRA.
- (f) The inspection shall be conducted in accordance with the procedures established by the council. A certification inspection has two primary purposes:
 - (1) to verify that the manufacturer is capable of producing modules or modular components that comply with the law and the rules, mandatory building codes, and approved design package; and
 - (2) to verify that the manufacturer's approved compliance control program will ensure compliance now and in the future.
- (g) The team will become familiar with all aspects of the manufacturer's approved design package. Structures on the production line will be checked to assure that failures to conform located by the certification team are being

located by the plant compliance control program and are being corrected by the plant personnel. The certification team will work closely with the plant compliance control personnel to assure that the approved design package and compliance control manuals for the facility are clearly understood and followed. If deemed necessary by the certification team, a representative of the design review agency must be present during the inspection. At least one module or modular component containing all systems, or a combination of modules or modular components containing all systems, shall be observed during all phases of construction. The team must inspect all modules or modular components in the production line for Texas during the certification. The plant certification inspection will terminate when the certification team has fully evaluated all aspects of the manufacturing facility.

- (h) The certification team will issue a plant certification, or facility evaluation, report to the manufacturer when the department has determined that the manufacturer has met the requirements for certification. A copy of the plant certification report will also be forwarded to the third party inspection agency responsible for in-plant inspections. The manufacturer and third party inspection agency will be responsible for ensuring that all conditions of certification as outlined in the certification report are met. The manufacturer must keep a copy of this report in their permanent records. The report will contain, at a minimum, the following information:
- (1) the name and address of the manufacturer;
 - (2) the names and titles of personnel performing the certification inspection;
 - (3) the serial or identification numbers of the modules or modular components inspected;
 - (4) a list of nonconformances observed on the modules or modular components inspected (with appropriate design package references) and corrective action taken in each case;
 - (5) a list of deviations from the approved compliance control procedures (with section or manual references) observed during the certification inspection with the corrective action taken in each case;
 - (6) a list of conditions of certification with which the manufacturer must comply to maintain the certification;
 - (7) the date of certification;
 - (8) the following statement: "This report concludes that (name of agency), after evaluating the facility, certifies that (name of factory) of (city) is capable of producing (industrialized housing and buildings or modular components) in accordance with the approved building system and compliance control manuals on file in the manufacturing facility and in compliance with the requirements of the Texas Industrialized Building Code Council"; and
 - (9) the signature of an authorized department employee.
- (i) If the department determines that the manufacturer is not capable of meeting the certification requirements or that the manufacturer is unable to complete the certification inspection requirements, then the certification team will issue a non-compliance report. The non-compliance report will detail the specific areas in which the manufacturer was found to be deficient and may make recommendations for improvement.
- (j) If any personnel of a design review agency or third party inspection agency participate as members of a certification team, the agency is considered a participant in the certification team and is responsible for compliance with Texas Occupations Code, Chapter 1202, rules adopted by the commission, and decision, actions, and interpretations of the council in performing the certification, inspection and related activities.

70.61. Responsibilities of the Department--Monitoring Inspections. *(Effective January 1, 2010, 34 TexReg 9409)*

- (a) The department shall monitor and evaluate the performance of third party inspection agencies, third party inspectors, third party site inspectors, and design review agencies in accordance with procedures set by the council, and make performance reports and recommendations to the council as may be necessary.

- (b) The manufacturer shall reimburse the department an hourly monitoring fee for expenses incurred outside headquarters in monitoring the performance of the third party inspection agency or third party inspector.
- (c) The industrialized builder or the REF builder shall reimburse the department an hourly monitoring fee for expenses incurred outside headquarters in monitoring the performance of the third party inspection agency, third party inspector, or third party site inspector.
- (d) The design review agency shall reimburse the department an hourly monitoring fee for expenses incurred outside headquarters in monitoring the performance of the agency.

70.62. Responsibilities of the Local Building Official--Inspections *(Effective November 16, 1993, 18 TexReg 7925; amended effective December 1, 2003, 28 TexReg 10458; amended effective January 1, 2010, 34 TexReg 9409; amended effective May 1, 2014, 39 TexReg 3412)*

- (a) Installation inspections. When the installation site is within a municipality that has a building inspection agency or department, the local building official will inspect all on-site construction and the attachment of the structure to the foundation to assure completion and attachment in accordance with the approved design package, the engineered foundation system, any unique on-site details, and the mandatory building codes. As a minimum the local building official shall:
 - (1) perform an overall visual inspection for obvious nonconformity to the approved design manual, the engineered foundation system, any unique on-site details, and the mandatory building code;
 - (2) require final inspections along with any tests that are required by the approved installation instructions, on-site construction documentation, and/or the mandatory building code;
 - (3) require the correction of deficiencies identified by the tests or discovered in inspections;
 - (4) issue a certificate of occupancy in accordance with locally adopted rules and regulations;
 - (5) provide the industrialized builder with a record of a successful final inspection of on-site construction as defined in §70.73(d); and
 - (6) provide the date of the final inspection.
- (b) Site-built REFs. When an REF is constructed within a municipality that has a building inspection agency or department, the local building official will inspect all construction to assure completion in accordance with the approved construction documents in accordance with §70.70(b) and other construction documentation in accordance with §70.70(e).

70.63. Council's Responsibilities--Compliance Disputes. *(Effective November 16, 1993, 18 TexReg 7925; amended effective December 1, 2003, 28 TexReg 10458; amended effective January 1, 2010, 34 TexReg 9409)*

- (a) The council shall resolve any dispute, disagreement, or difference of opinion between the design review agency (or department when acting as a design review agency) and a local building official as to whether the approved design package meets or exceeds the requirements of the mandatory building codes set forth in this chapter. The council's decision shall be binding on all parties.
- (b) Questions concerning the code compliance of an approved design package shall be raised prior to issuance of a building permit. The local building official shall forward in writing to the executive director any instances where it is found that the approved design package for a building to be located within his municipality does not meet the mandatory building codes adopted in this chapter. The documentation shall specify the code sections and the reasons why the design package fails to meet the mandatory building codes.
 - (1) If the approved design package is found to be in compliance, then the executive director shall notify all concerned parties and the local building official shall issue a building permit.

- (2) If the approved design package is not in compliance, then the executive director shall notify all concerned parties and the industrialized builder or manufacturer shall bring the building into compliance with the mandatory building codes.
- (3) If the building official, industrialized builder, or manufacturer disagrees with the decision of the executive director, then the council shall determine at the next scheduled meeting if the approved design package complies with the mandatory building codes. The decision of the council shall be binding on all parties.
- (c) The executive director shall attempt to resolve a dispute or difference of opinion concerning the code compliance of an approved design package or a unit under construction between a manufacturer and the third party inspector during an in-plant inspection. Disputes or differences of opinion that cannot be resolved by the executive director shall be forwarded to the council for resolution at their next scheduled meeting. The decision of the council shall be binding on all parties.
- (d) The executive director shall attempt to resolve a dispute or difference of opinion between an industrialized builder or installation permit holder and a local building official or third party inspector or third party site inspector concerning the code compliance of the construction of the foundation or installation of an industrialized house or building. Disputes or differences of opinion that cannot be resolved shall be forwarded to the council at their next scheduled meeting. The decision of the council shall be binding on all parties.

70.64. Responsibilities of the Department--Proprietary Information Protected. *(Effective November 16, 1993, 18 TexReg 7925; amended effective December 1, 2003, 28 TexReg 10458; amended effective January 1, 2010, 34 TexReg 9409)*

- (a) All designs, plans, specifications, compliance control programs, manuals, on-site construction instructions and documentation, information relating to alternate methods or materials, or any other documents submitted by a manufacturer, industrialized builder, or REF builder to the council, the department, or local building official are proprietary information and shall only be used for purposes of assuring compliance with the provisions of the Industrialized Housing and Buildings statute and this chapter.
- (b) The items and information set forth in subsection (a) furnished by the manufacturer, industrialized builder or REF builder to the council, the department, or local building official, shall not be copied or distributed to any other person except with the manufacturer's, industrialized builder's or REF builder's written permission except as needed to assure compliance with the provisions of the Act, or under the direction of the Texas attorney general pursuant to the Texas Public Information Act, Texas Government Code, Chapter 552.

70.65. Responsibilities of the Commission--Reciprocity. *(Amended effective November 16, 1993, 18 TexReg 7925; amended effective December 1, 2003, 28 TexReg 10458; amended effective January 1, 2010, 34 TexReg 9409)*

- (a) Industrialized housing and buildings designed and constructed by a manufacturer in this state for delivery and placement on a building site in another state are not subject to this chapter unless the units are constructed under the terms of a reciprocity agreement with the other state.
- (b) The commission may enter a reciprocal agreement with another state to authorize building inspections of industrialized housing or buildings constructed in that state to be performed by an inspector of the equivalent regulatory agency of that state provided that:
 - (1) the commission finds that the standards prescribed by the statute or rules of the other state meet the objectives of Texas Occupations Code, Chapter 1202;
 - (2) the commission finds that the standards are satisfactorily enforced by the other state or its agents; and
 - (3) the standards of the other state shall not be deemed to be adequately enforced unless the other state provides for immediate written notification to the executive director of suspensions or revocations of approvals of manufacturers by the other state.
- (c) If the commission enters a reciprocity agreement with another state, then the commission will accept industrialized housing and buildings which have been inspected by the reciprocal state and which have the appropriate decal, label, or insignia of the reciprocal state. Manufacturers in the reciprocal state who construct

industrialized housing and buildings for Texas will be subject to the following.

- (1) Manufacturers must be registered in Texas in accordance with §70.20. The manufacturer must submit evidence that its building system and compliance control program have been approved by the reciprocal state. The executive director shall verify the approval and maintain a list of manufacturers approved under the terms of the reciprocity agreement.
 - (2) Industrialized housing, buildings, modules, and modular components will be constructed in accordance with the codes referenced in §70.100 and any amendments to those codes in accordance with §70.101. The code used will be determined in accordance with §70.102.
 - (3) Review and approval of the manufacturer's design package will be in accordance with §70.70 except that the reciprocity agreement with the reciprocal state will accept the compliance control program approved by the reciprocal state for that manufacturer. All inspections performed by the reciprocal state must be in accordance with documents reviewed and approved by a council-approved design review agency or the department when acting as a design review agency.
 - (4) The manufacturer will assign a Texas decal or insignia to each module or modular component for Texas in accordance with §70.77. The Texas decal or insignia will be placed in the vicinity of the decal, label, or insignia of the reciprocal state.
 - (5) The manufacturer will permanently attach a data plate to each industrialized house or building in accordance with §70.71.
 - (6) The manufacturer will submit a monthly report to the executive director in accordance with §70.50.
- (d) If the commission determines that the standards for the manufacture and inspection of industrialized housing and buildings in a reciprocal state, with which the commission has entered a reciprocal agreement, do not meet the objectives of Chapter 1202 or are not being enforced by the reciprocal state, then the commission shall suspend or revoke the reciprocal agreement. The reciprocal state and affected manufacturers will receive written notification of the reasons for the suspension or revocation of the agreement.

70.70. Responsibilities of the Registrants--Manufacturer's Design Package and REF Builder's Construction Documents. *(Amended effective November 16, 1993, 18 TexReg 7925; Amended effective August 1, 1996, 21 TexReg 6619); Amended effective March 16, 1998, 23 TexReg 1305; amended effective December 20, 2000, 25 TexReg 12385; amended effective March 28, 2002, 27 TexReg 2223; amended effective August 14, 2002, 27 TexReg 7103; amended effective December 1, 2003, 28 TexReg 10458; amended effective October 3, 2004, 29 TexReg 9182; amended effective May 1, 2005, 30 TexReg 2504; amended effective June 1, 2004, 31 TexReg 4420; amended effective January 1, 2010, 34 TexReg 9409; amended effective May 1, 2014, 39 TexReg 3412; amended effective November 1, 2015, 40 TexReg 5146)*

- (a) Review and approval. The manufacturer's design package and the REF builder's construction documents must be reviewed and approved in accordance with the following.
- (1) The manufacturer or REF builder shall select a council-approved design review agency (DRA) to perform all required review and evaluation of plans, designs, specifications, compliance control, and on-site construction documentation, etc. This selection shall be made in writing to the executive director and will state the name, address, and registration number of the design review agency selected.
 - (2) An approved DRA shall review all designs, plans, specifications, calculations, compliance control programs, on-site construction documentation or specifications, and other documents as necessary to assure compliance with the mandatory building codes in accordance with the interpretations, instructions, and determinations of the council.
 - (A) The reviews are to be performed or directly supervised by the DRA's certified plans reviewers for the discipline (electrical, plumbing, mechanical, structural, building planning, or fire safety) as listed and approved in the agency's organizational chart. A DRA's plans reviewers must be certified pursuant to the criteria established by the council as set forth in §70.22.
 - (B) The DRA will obtain from the manufacturer or REF builder all information necessary to

assure that the manufacturer's designs and procedures are in compliance with the mandatory building codes and the sections in this chapter.

- (3) All documents shall have pages numbered and arranged in accordance with a table of contents. The floor plans shall have no scale smaller than 1/8th inch equals one foot. All documents shall be identified to indicate the manufacturer's or REF builder's name and registered physical address.
- (4) The DRA will signify approval of a drawing, specification, calculation, or any other document, including revisions and additions, in the manufacturer's design package and in the REF builder's construction documents by applying the council's stamp to each page.
 - (A) An alternate council stamp as approved by the council may be used on all designs, plans, specifications, calculations, and other documentation with the exception of the first or cover page and the table of contents or index pages of the design package.
 - (B) The original council stamp with original signature will be required on the first or cover page and the table of contents or index pages of the design package.
 - (C) The signature on the original council stamp must be the signature of the manager or chief executive officer of the DRA. The manager or chief executive officer of the DRA must be licensed in the State of Texas as a professional engineer or architect in accordance with the criteria for approval of DRA's established by the council.
 - (D) The stamp shall not be placed on any designs, plans, or specifications that do not meet the requirements of the applicable mandatory building codes or the requirements of these sections.
 - (E) The DRA shall forward a copy of all approved documents to the department within 5 days of approval and shall forward one approved copy to the manufacturer or the REF builder.
 - (F) The DRA shall keep copies of all approved documents for a minimum of 5 years from the date that these documents are superseded by adoption of later editions of the mandatory building codes and make a copy of these documents available to the department upon request.
 - (G) The manufacturer shall keep a copy of all approved documents for a minimum of ten years from the date the last unit constructed from the documents is shipped and make a copy of these documents available to the department upon request.
 - (H) The REF builder shall keep a copy of all approved construction documents for a minimum of 10 years from the date of completion of the units covered by the documents and make a copy of these documents available to the department upon request.
 - (I) The manufacturer or the REF builder shall make a copy of all approved documents available to the person performing inspections.
- (5) Manufacturers and REF builders will be notified of the change in code editions 180 days before the effective date of the change. Manufacturers or REF builders who wish to continue building to previously approved documents must resubmit these documents to their DRA for review and approval to the new code editions. Only documents that meet the new code editions may be approved. Approval of these documents will be evidenced by application of a new approval date and the council's stamp of approval to each document.
 - (A) All construction begun on or after effective date of adoption of the new code editions must comply with the new code editions and be constructed in accordance with design packages approved to the new code editions.
 - (B) Construction to plans approved to the old code editions begun prior to effective date of adoption of the new code editions, or prior to the manufacturer's effective transition date,

must be completed, inspected by a Texas approved inspector, and labeled (TX decal must be attached to the unit) within 180 days of the adoption of the new code editions, or the unit shall not be eligible for a Texas decal.

- (C) A manufacturer may transition from the current code edition to the new code edition as follows.
 - (i) The approval date on all documents in the manufacturer's design package will be on or after the effective date of adoption of the new edition of the codes in §70.100. Approvals dated before the effective date of adoption of the codes in §70.100 will no longer be valid for new construction by the manufacturer.
 - (ii) The manufacturer may transition approval of documents in his design package any time within the 180 days prior to the effective date of the adoption of the new editions of the codes. The manufacturer must notify the department in writing of the effective date of transition. All documents approved on or after that date shall be to the new editions of the codes. All previously approved supporting documentation, such as compliance control manuals, system calculations, etc., must be resubmitted to the DRA for review and approval to the new code editions and must be approved as of the effective date of transition specified by the manufacturer. Approvals dated before the transition date of adoption of the codes in §70.100 will no longer be valid for new construction by the manufacturer.
- (6) A DRA may withdraw the approval of any document whenever the approval is later found to be in violation of code requirements or the rules and regulations in this chapter. Notice of the withdrawal of the approval shall be in writing and shall set forth the reasons for the withdrawal. Any withdrawal of approval shall have prospective effect only, except for life safety items.
- (7) A DRA may not revise or correct documents submitted for review and approval by the manufacturer or REF builder except as provided in this subsection. DRAs may make red ink corrections to documents provided the corrections meet all of the following criteria:
 - (A) limited to corrections of minor deviations;
 - (B) the corrected items can be verified by reference to prescriptive code requirements;
 - (C) the change does not involve any change of design or require design;
 - (D) the red ink correction is valid for 10 working days and may not be extended; and
 - (E) the corrections must be numbered and initialed by the DRA and the statement, "As noted with (number) corrections" shall appear near the stamp of the council with the number of corrections entered.
- (b) In-plant documentation for manufacturers and construction documents for REF builders. The manufacturer and REF builder shall provide the DRA the documentation necessary to demonstrate compliance with the mandatory building codes in §70.100 and §70.101. At a minimum the documentation shall include the following:
 - (1) specifications or detail drawings for all materials, devices, appliances, equipment, and fasteners used in construction, including listings and evaluation reports for materials or methods of construction where required by the mandatory building code or to demonstrate compliance of an approved alternate material or method of construction in accordance with §70.103;
 - (2) detailed drawings of all assemblies and components (with cross-sections as necessary to identify major building components);
 - (3) floor plans for all models and options;
 - (4) electrical schematics for all models and options;

- (5) water system and drain-waste-vent system drawings for all models and options;
 - (6) gas piping system drawings for all models and options;
 - (7) mechanical system drawings for all models and options;
 - (8) fire protection, fire safety, and exit details;
 - (9) energy compliance details;
 - (10) heating, ventilation, and air conditioning details;
 - (11) structural, thermal, and electrical load calculations;
 - (12) weather resistance details;
 - (13) condensation protection details;
 - (14) decay protection details;
 - (15) insect and vermin protection details;
 - (16) fastening schedule;
 - (17) assembly and connection instructions for all components, materials, devices, equipment, and appliances;
 - (18) together on either the floor plan or the cover or title sheet for each model or project in a title block format:
 - (A) name and date of applicable codes;
 - (B) identification of permissible type of gas for appliances;
 - (C) maximum snow load (roof)(psf);
 - (D) maximum wind speed (mph) and exposure;
 - (E) seismic design criteria;
 - (F) occupancy/use group type;
 - (G) construction type;
 - (H) special conditions and/or limitations;
 - (I) the location of the data plate on the building or dwelling unit; and
 - (J) the location of the decal or insignia on each module or modular component, or for REF builders, the location of the decal on the building;
 - (19) compliance control manual (reference subsection (c)); and
 - (20) on-site construction documentation (reference subsection (d)).
- (c) Compliance control program for manufacturers. The utilization of mass production techniques and assembly line methods in the construction of industrialized housing, buildings, modules, and modular components along with the fact that a large part of such construction cannot be inspected at the ultimate building site, requires

manufacturers to develop an adequate compliance control program to assure that these structures meet or exceed mandatory code requirements and are in compliance with the rules and regulations of this chapter. The compliance control program shall be documented in the form of a manual that must be approved by the design review agency. A 100% inspection of the construction of industrialized housing or buildings may be authorized in lieu of a compliance control program and certification of the manufacturer in accordance with §70.60. The manufacturer shall provide the design review agency a compliance control manual that must, at the minimum, contain the following:

- (1) a table of contents;
- (2) a chart indicating the manufacturer's organizational structure to assure compliance and to assure that the compliance control staff shall maintain independence from the production personnel;
- (3) a statement that defines the obligation, responsibility, and authority for the manufacturer's compliance control program;
- (4) identification of compliance control personnel, their accountability by position, responsibility for inspections, method of marking nonconformances observed, and system for assuring corrections are made;
- (5) materials handling methods, including inspection checklists, for receiving materials and methods for marking and removing rejected materials both upon receipt and from the production line. The area for rejected materials must be clearly indicated to assure that such material is not used;
- (6) a description of an identification system to mark each individual module, or modular component, at the first stage of production to assure appropriate inspection and rechecking of any deviation corrections;
- (7) a diagram of the manufacturing sequence with the plant layout, including a description of the activities to be performed along with a listing of those that may be performed at one or more stations;
- (8) an inspection checklist including:
 - (A) a list of inspections to be made at each production station; and
 - (B) accept/reject criteria (each significant dimension and component should be given tolerances);
 - (C) an energy compliance checklist that enumerates the energy code-compliance features of the module or modules and includes a signature space for the compliance control inspector or manager. A copy of this checklist shall be shipped with the module or modules.
- (9) step-by-step test procedures, a description of the station at which each production test is performed, a description of required testing equipment, and procedures for periodic checking, recalibration, and readjustment of test equipment. Procedures shall be included for, but not limited to, electrical tests as specified in the National Electrical Code, Article 550-17, gas supply pressure tests, water supply pressure tests, drain-waste-vent system tests, concrete slump tests, and concrete strength tests;
- (10) storage procedures for completed structures at the plant and for any other locations prior to installation;
- (11) a statement indicating the person who is responsible for compliance control at each manufacturing facility and who will assume responsibility for decals and insignia, application of the decals and insignia, and the reporting procedure;
- (12) a procedure for maintaining reliable, retrievable records of the inspections performed, decal and insignia numbers assigned, the deficiencies and how they were corrected, and the site to which the modules or modular components were transported;
- (13) procedures and information to demonstrate how the modules and modular components are to be transported to the building site so that damage will not occur or that compliance deviations will not

result (actual transportation without damage or deviation is evidence sufficient to justify the method);
and

- (14) procedures that assure that the compliance control procedures are complied with on all regulated structures. As a minimum, regulated structures must be identified prior to commencing construction.
- (d) On-site construction specifications or documentation for manufacturers. All work to be performed on the building site shall be specifically identified and distinguished from construction to be performed in the manufacturing facility, e.g., assembly and connection of all modules, modular components, systems, equipment, and appliances and attachment to the foundation system. The work to be performed on-site shall be described in detail in documents (architectural sheets, specifications, instructions, etc.) which shall be made available to the builder for use at the site and provided as required for review and inspection to the agency having local authority. The manufacturer shall provide the design review agency on-site construction documentation which must, at the minimum, contain the following:
- (1) critical load points for attachment of the house or building or component to the foundation;
 - (2) details for module to module or modular component assembly and connection;
 - (3) minimum requirements for connection and attachment of all modules and modular components to the foundation system;
 - (4) firestopping and draftstopping details;
 - (5) details for fire exits, balconies, walkways, and other site-built attachments;
 - (6) exterior weatherproofing details;
 - (7) details for thermal, condensation, decay, corrosion, and insect protection;
 - (8) electrical, mechanical, heating, cooling, and plumbing system completion details;
 - (9) electrical, mechanical, heating, cooling, and plumbing system test procedures;
 - (10) fire safety provisions; and
 - (11) specifications and instructions for cooling equipment, and complete information necessary to calculate sensible heat gain along with information on the sizing of the air distribution system, if applicable, and the R values of insulation in the ceiling, walls, and floors.
- (e) Other construction documentation for REF builders. Construction documentation for the foundation and site specific elements, such as ramps and stairs, of the site-built REF's shall be reviewed and approved by the DRA, the local building official, or, in areas where the building site is outside a municipality or within a municipality with no building department or agency, by the school district. At a minimum the documentation shall include all construction documentation necessary to complete the building at the first commercial site including a foundation system design meeting the requirements of §70.73(h). The use of ground anchors shall comply with §70.73(i).
- (f) Non-site specific buildings. Whenever the manufacturer does not know, at the time of construction, where the building is to be placed, in lieu of providing the site specific construction details or typical site construction details as required in subsection (d), the manufacturer may provide special conditions and/or limitations on the placement of the building. These special conditions and/or limitations will serve to alert the local building official of items, such as handicapped accessibility and placement of the building on the property, which the local building official may need to verify for conformance to the mandatory building codes. Certain site-related details, such as module to module connections, must still be provided by the manufacturer. It is the responsibility of the DRA to verify that such site-related details are included in the manufacturer's approved design package.

70.71. Responsibilities of the Registrants--Data Plates. *(Amended effective March 16, 1998, 23 TexReg 1305; amended effective December 20, 2000, 25 TexReg 12385; amended effective March 28, 2002, 27 TexReg 2223; amended effective May 17, 2004, 29 TexReg 4867; amended effective January 1, 2010, 34 TexReg 9409)*

- (a) The manufacturer shall attach a data plate to each dwelling unit of a residential structure containing industrialized housing and buildings modules and to each appropriate unit of a commercial structure containing industrialized housing and buildings modules.
- (b) The REF builder shall attach a data plate to each site-built REF.
- (c) The data plate shall be made of a material that will not deteriorate over time and be permanently placed so that it cannot be removed without destruction. The data plate shall be placed in an easily accessible location as designated on the floor plan or on the cover or title sheet for each model or project. The data plate shall not be located on any readily removable item such as a cabinet door or similar component. Location of the data plate on the cover of the electrical distribution panel is acceptable.
- (d) The data plate must contain, as a minimum, the following information:
 - (1) the manufacturer's or REF builder's name, registration number, and address;
 - (2) for manufacturers, the serial or identification number of the unit; for REF builders an identification or project number for the building;
 - (3) the State decal numbers;
 - (4) the name and date of applicable codes;
 - (5) an identification of permissible type of gas for appliances;
 - (6) the maximum snow load (roof) (psf);
 - (7) the maximum wind speed (mph) and exposure;
 - (8) the seismic design criteria;
 - (9) the occupancy/use group type;
 - (10) the construction type; and
 - (11) special conditions and/or limitations.
- (e) All modular components shall be marked with, or otherwise have permanently affixed, a data plate containing the following information:
 - (1) the manufacturer's name, registration number, and address;
 - (2) the serial or identification number of the component or components;
 - (3) the State insignia number or numbers;
 - (4) the name and date of applicable codes;
 - (5) the design loads for the component; and
 - (6) any special conditions of use for the component.
- (f) The information required in subsection (c) may be placed in the crate in which the component or components are shipped or on a tag attached to the crate or to the component if the component is such that the information may not be marked or permanently affixed to the component.

70.72. Responsibilities of the Registrants--In-Plant Inspection. *(Effective January 1, 2010, 34 TexReg 9409)*

- (a) The manufacturer shall designate in writing to the department the third party inspection agency that will be performing in-plant inspections. A manufacturer may designate more than one third party inspection agency to perform in-plant inspections. However, once an agency has begun the in-plant inspection on the modules for a project or building, the manufacturer may not change inspection agencies for that project or building.
- (b) The TPIA/TPI shall conduct announced or unannounced inspections at the manufacturing facility at reasonable, but varying, intervals to review any and all aspects of the manufacturer's production and compliance control program. It is the manufacturer's responsibility to assure that the inspections are accomplished as outlined in this subsection. The department will determine the frequency of modular component inspections.
 - (1) The TPIA/TPI shall conduct inspections in accordance with procedures established by the council.
 - (2) Inspection of every visible aspect of every module shall normally be made at least at one point prior to completion of the structural, plumbing, mechanical, or electrical phases. The department will determine the frequency of modular component inspections.
 - (3) Inspection of system testing shall be made at least once every third inspection. Inspection of the energy compliance design shall be made at every inspection. Exception: For buildings that are not required to meet the envelope requirements of the mandatory energy code, inspection of the energy compliance design shall be made at least once every 3rd inspection.
- (c) Inspections at the manufacturing facility shall be increased in frequency as required by procedures established by the council or as necessary to assure that the manufacturer is performing in accordance with the approved compliance control manual.
- (d) Third party inspection agencies shall provide the department a written schedule of inspections a minimum of seven days prior to the inspection. If the inspection must be rescheduled for any reason, the TPIA must immediately inform the department of the schedule change.
- (e) The TPI/TPIA shall notify the manufacturer when an inspection shows that the manufacturer is not constructing structures or portions of structures in accordance with the approved design package or conducting compliance control inspections in accordance with the procedures in the approved design package. All deviations shall be documented by the TPI on the in-plant inspection report in accordance with the procedures approved by the council.
- (f) The TPIA shall furnish the manufacturer a copy of the inspection report upon completion of the in-plant inspection. The report must be kept in the manufacturer's file at least five years and a copy shall be provided to the department upon request.

70.73. Responsibilities of the Registrants--Building Site Construction and Inspections. *(Amended effective November 16, 1993, 18 TexReg 7925; amended effective August 1, 1996, 21 TexReg 6619; amended effective June 13, 2001, 26 TexReg 4092; amended effective May 17, 2004, 29 TexReg 4867; amended effective October 3, 2004, 29 TexReg 9182; amended effective June 1, 2006, 31 TexReg 4420; amended effective January 1, 2010, 34 TexReg 9409; amended effective May 1, 2014, 39 TexReg 3412; amended effective November 1, 2015, 40 TexReg 5146)*

- (a) Industrialized housing shall be installed on a permanent foundation system.
- (b) The initial construction and inspection of a site-built REF at the 1st commercial site falls under the provisions of §70.79. Subsequent installation of REFs shall comply with this section.
- (c) Responsibility for on-site construction. The industrialized builder or installation permit holder shall be responsible for assuring that the foundation and the installation of an industrialized house, building, or site-built REF complies with the manufacturer's or REF builder's on-site construction specifications or documentation that have been approved in accordance with §70.70 of this chapter, any unique on-site construction details, the engineered foundation design, and the mandatory building codes.

- (1) The industrialized builder or installation permit holder is responsible for assuring that all sub-contractors are licensed as required by applicable state law.
 - (2) The industrialized builder is not responsible for construction performed by the installation permit holder as specified on the installation permit application submitted to the department. Construction not covered by the installation permit is the responsibility of the industrialized builder.
 - (3) The installation permit holder is responsible only for the construction specified on the installation permit application submitted to the department.
- (d) For purposes of this chapter and Texas Occupations Code, Chapter 1202, a final inspection of on-site construction of industrialized housing and buildings is successful if it meets one of the following.
- (1) Inside a municipality: All on-site construction has been completed to the satisfaction of the municipality's building inspection department and a record of final inspection was issued authorizing the release of the house or building for occupancy.
 - (2) Outside the jurisdiction of a municipality or within a municipality without a building inspection department: All inspections required in accordance with subsection (f) have been completed and a final on-site inspection report has been issued with no outstanding violations from any of these inspections. For purposes of this section, a violation is any of the following:
 - (A) on-site construction that does not meet the mandatory building codes;
 - (B) failure to correct damage to the factory-built portion of the house or building that was caused by on-site construction;
 - (C) on-site construction that does not follow the documents approved in accordance with §70.70, the engineered foundation system drawings, or unique on-site construction detail drawings; or
 - (D) on-site construction that is incomplete.
- (e) Responsibility for inspections within jurisdiction of a municipality. When the building site is within a municipality that has a building inspection agency or department, the local building official will inspect all on-site construction done at the site and the attachment of the structure to the foundation to assure completion and attachment in accordance with the documents approved in accordance with §70.70, the foundation system drawings, any unique on-site construction detail drawings, and the mandatory building codes.
- (1) A municipality that regulates the on-site construction or installation of industrialized housing or buildings may require and review, for compliance with the mandatory building codes, a complete set of plans and specifications, including the foundation system design and any unique on-site construction details.
 - (2) The industrialized builder or installation permit holder shall not permit occupation of, or release for occupation, the industrialized house or building unless approved by the municipality.
 - (3) The industrialized builder or installation permit holder is responsible for ensuring that all inspections are completed in accordance with procedures established by the municipality's building inspection department.
- (f) Responsibility for inspections outside the jurisdiction of a municipality or within a municipality without a building inspection agency or department. When the building site is outside a municipality, or within a municipality that has no building department or agency, a council-approved inspector will perform the required inspections in accordance with this section and the inspection procedures established by the council to assure completion and attachment in accordance with the documents approved in accordance with §70.70, the mandatory building codes, the foundation system drawings, and any unique on-site construction detail drawings.
- (1) The on-site inspection is normally accomplished in three phases: foundation inspection, set inspection, and final inspection. The foundation inspection shall be performed before the concrete is poured.

- (2) The final inspection shall be completed within 180 days of the start of construction. The department may grant an extension upon receipt of a written request that demonstrates a justifiable cause.
- (3) Site inspections are required for the first installation of all industrialized housing and permanent industrialized buildings. Exception: Site inspections are not required for the installation of unoccupied industrialized buildings not open to the public, such as communication equipment shelters, that are not also classified as a hazardous occupancy by the mandatory building code.
- (4) Site inspections are required for industrialized buildings that are designed to be moved from one commercial site to another commercial site if the buildings are used as a school or place of religious worship.
- (5) The industrialized builder, or installation permit holder, is responsible for scheduling each phase of the inspection with the inspector and for ensuring that all inspections have been completed. Additional inspections will be scheduled as required for larger structures and to correct violations. The industrialized builder, or installation permit holder, may utilize a different inspector for different projects, but may not change the inspector for a project once started without the written approval of the department.
- (6) The inspector shall give the industrialized builder or installation permit holder a copy of the site inspection report upon completion of each inspection including re-inspections. Violations shall be documented on the Violations Report form. The industrialized builder or installation permit holder is responsible for assuring that all violations are corrected.
- (7) The industrialized builder, or installation permit holder, shall not permit occupancy, or release the house or building for occupation, until a successful final inspection has been completed. A final on-site inspection report shall be issued showing no outstanding violations prior to occupation, or release for occupation, of the house or building. Exception: Occupancy of the house or building may be permitted and approved with outstanding items provided that the items are not in violation of the mandatory building codes.
 - (A) The industrialized builder or installation permit holder shall maintain a copy of the on-site inspection reports in accordance with the requirements of §70.50 and make a copy of all on-site inspection reports available to the department upon request. The reports shall include a list of all violations and corrective action documented on the Violations Report form.
 - (B) The industrialized builder shall give a copy of the on-site inspection reports to the owner of the building upon request.
 - (C) The industrialized builder shall give a copy of the department's final on-site inspection report to the owner of the industrialized house at one of the following events:
 - (i) the closing of the purchase of the house; or
 - (ii) no later than 15 days after the successful final inspection of on-site construction is complete. A copy of the other on-site inspection reports shall be given to the owner if requested.
- (g) Destructive disassembly shall not be performed at the site in order to conduct tests or inspections, nor shall there be imposed standards or test criteria different from those required by the approved installation instructions, on-site construction documentation, and the applicable mandatory building code. Nondestructive disassembly may be performed only to the extent of opening access panels and cover plates.
- (h) Foundation system designs. A licensed professional engineer (or architect for one and two family dwellings or buildings having one story and total floor area of 5,000 square feet or less) shall design and seal the foundation systems for each industrialized house or building. Review by a DRA is not needed or required. A municipality that regulates the on-site construction or installation of industrialized housing or buildings may review the

foundation system design for compliance with the mandatory building code. Foundation system designs shall comply with the mandatory building code referenced in §70.100 and §70.101 and shall contain complete details for the construction and attachment of the house or building on the foundation, including, but not limited to the following:

- (1) address or area for which the foundation is suitable;
 - (2) minimum load specifications, including wind loads, seismic design loads, soil bearing capacity, and if the foundation is designed for expansive soils;
 - (3) site preparation details;
 - (4) material specifications;
 - (5) requirements for corrosion resistance, protection against decay, and termite resistance;
 - (6) size, configuration, and depth below grade of all footings, piers, and slabs including, but not limited to, details of concrete reinforcement, spacing of footings and piers, capping of piers, and mortar or concrete fill requirements for piers;
 - (7) fastening requirements, including, but not limited to, size, spacing, and corrosion resistance;
 - (8) requirements for surface drainage; and
 - (9) details for enclosure of the crawl space, including details for ventilation and access.
- (i) Ground anchors. The use of ground anchors in the installation of industrialized housing is not permitted. The use of ground anchors in the installation of industrialized buildings is allowed if deemed appropriate by a municipality or other political subdivision. The foundation design shall be prepared by a licensed professional engineer and shall contain complete details for the construction and attachment of the building on the foundation, including, but not limited to the following:
- (1) address or area for which the foundation is suitable, including a soil investigative report prepared by a qualified engineer or a description of the soil type for which the anchoring system is suitable;
 - (2) minimum load specifications, including wind loads, seismic design loads, soil bearing capacity, and if the foundation is designed for expansive soils;
 - (3) site preparation details;
 - (4) material specifications;
 - (5) requirements for corrosion resistance, protection against decay, and termite resistance;
 - (6) size, configuration, and depth below grade of all footings and piers including spacing of footings and piers;
 - (7) specification and installation requirements for the tie-down anchoring system, including specifications for corrosion resistance for the ground anchors and associated tie-down system;
 - (8) requirements for surface drainage; and
 - (9) details for enclosure of the crawl space, including details for ventilation and access.
- (j) Unique on-site construction details. Unique on-site construction details as defined by §70.10(a) shall be designed and sealed by a licensed Texas professional engineer (or architect for one and two family dwellings or buildings having one story and total floor area of 5,000 square feet or less) and review by a DRA is not needed or required. The unique on-site construction details shall comply with the mandatory building codes referenced in §70.100 and §70.101. A municipality that regulates the on-site construction or installation of industrialized

housing or buildings may require and review the unique on-site details for compliance with the mandatory building code.

70.74. Responsibilities of the Registrants--Alterations. *(Amended effective May 17, 2004, 29 TexReg 4867; amended effective May 1, 2005, 30 TexReg 2504; amended effective January 1, 2010, 34 TexReg 9409; amended effective May 1, 2014, 39 TexReg 3412)*

- (a) The manufacturer shall not alter construction of the industrialized house or building from the approved design package. Industrialized builders or installation permit holders shall not alter construction performed at the installation from the approved on-site construction documentation except in accordance with this section or §70.73(j). Alterations of industrialized housing or buildings shall be as specified in this section.
- (b) An alteration of an industrialized house or building prior to, or during installation, that results in a structure that does not comply with the mandatory building codes is prohibited. An alteration after installation of an industrialized building that is designed to be moved from one commercial site to another commercial site that does not comply with the mandatory building codes is prohibited. Alterations after installation of industrialized housing or permanent industrialized buildings shall be in accordance with the requirements of the local building code authorities.
- (c) Ordinary repairs and work exempt from permit requirements as specified in the mandatory building codes referenced in §70.100 and §70.101 shall not be considered alterations. Ordinary repairs shall include the removal and replacement of the covering of existing materials, elements, equipment, or fixtures using like or the same new materials, elements, equipment, or fixtures that serve the same purpose.
- (d) Alteration decals are used to recertify industrialized buildings designed to be moved from one commercial site to another commercial site. Each decal is assigned to a specific module or modular component. The control of the decals shall remain with the department. The department will issue alteration decals to the third party inspection agency responsible for the inspections of the alterations upon application and payment of the fee for the decal by the industrialized builder or alteration permit holder. By affixing the decal the industrialized builder or alteration permit holder and third party inspection agency certify that the module has been altered and inspected in accordance with the mandatory building codes and this section. The third party inspector shall not affix the decal to any module where inspection reveals that the building does not comply with the approved recertification or alteration construction documents or the mandatory building codes.
- (e) Alterations of industrialized housing and permanent industrialized buildings.
 - (1) Prior to, or during, installation outside the jurisdiction of a municipality. The industrialized builder, or installation permit holder, shall submit the original approved construction documents for the house or building, as reference, along with a complete set of construction documents describing a proposed alteration to a design review agency for approval prior to construction in accordance with the procedures established by the council. The design review agency responsible for review and approval of alteration construction documents for a project, industrialized house, or permanent industrialized building may not be changed without the written approval of the department. Alterations on the house or building shall not begin prior to approval of the construction documents and shall be performed only by persons licensed to perform this work. Inspections of alterations shall be performed by a third party inspector in accordance with procedures established by the council. The third party inspection agency responsible for inspections for a project may not be changed without the written approval of the department.
 - (A) An alteration data plate shall be affixed to any house or building where the alteration results in a reclassification of the occupancy group or construction type, a change in the permissible type of gas required for appliances, or a change in the wind speed and exposure, maximum snow (roof) load, seismic design criteria, or special conditions or limitations. The data plate shall contain such information as specified in subsection (g).
 - (B) All records pertinent to the alteration, including a copy of the alteration data plate, shall be retained by the industrialized builder or installation permit holder for a minimum of 10 years from the date of successful completion of the final inspection and be made available to the department upon request.

- (C) All records pertinent to the review and approval of the alteration construction documents shall be retained by the DRA for a minimum of 5 years from the date of approval and shall be made available to the department upon request.
 - (D) All records pertinent to the alteration inspections shall be retained by the TPIA for a minimum of 5 years from the completion of the alteration construction and inspections and shall be made available to the department upon request.
 - (2) *Prior to installation within the jurisdiction of a municipality.* Alterations prior to installation within a jurisdiction shall be in accordance with paragraph (1).
 - (3) *During, or after, installation within the jurisdiction of a municipality.* Approval of plans and inspection of alterations shall be in accordance with the permitting and inspection procedures of the municipality.
- (f) Recertification of industrialized buildings designed to be moved from one commercial site to another commercial site. An industrialized building that has been certified by application of a Texas decal in accordance with §70.77 and that is designed to be moved from one commercial site to another commercial site may be recertified in accordance with this section. A copy of the data plate on each building to be recertified shall be submitted to the DRA responsible for the plan review and approval of recertification and alteration documents. Repairs, other than ordinary repairs as defined by the mandatory building codes, shall be considered alterations. The industrialized builder or alteration permit holder shall purchase an alteration decal from the department to affix to each module that is recertified or altered. The alteration decal shall be released only to the third party inspection agency responsible for the alteration inspections.
- (1) Recertification class 1: original approved construction documents exist and the building has not been previously altered. The industrialized builder or alteration permit holder shall:
 - (A) submit a copy of the original approved construction documents for the building to the design review agency for reference purposes;
 - (B) submit a copy of the construction documents for alteration of the building to the design review agency for review and approval in accordance with the requirements established by the council and subsection (f)(6). The construction documents shall include the serial number assigned by the manufacturer and the Texas decal number or insignia number of each module or modular component;
 - (C) not begin construction of the alteration of the building prior to the approval of the construction documents by the design review agency. Construction shall be performed only by persons licensed to perform this work; and
 - (D) have the construction inspected by a third-party inspector in accordance with the procedures established by the council and subsection (f)(7). A minimum of one rough in inspection and a final inspection of the alteration construction shall be required.
 - (2) Recertification class 2: original approved construction documents do not exist. The industrialized builder or alteration permit holder shall:
 - (A) have a structural analysis of the existing building made by an engineer licensed to practice in Texas to determine the adequacy of the structural systems in accordance with Chapter 16 of the current edition of the International Building Code adopted in §70.100. The industrialized builder or alteration permit holder shall submit a copy of this analysis and a set of plans depicting the as built construction of the building to the design review agency for review and approval in accordance with the requirements established by the council and with subsection (f)(6). These documents shall include the serial number assigned by the manufacturer and the Texas decal or insignia number of each module or modular component contained in the building;

- (B) bring into compliance those areas of the building identified by the structural analysis and the design review agency as not in compliance with the mandatory building code. The industrialized builder or alteration permit holder shall submit construction documents to bring the building into compliance to the design review agency for review and approval in accordance with the requirements established by the council and with subsection (f)(6);
 - (C) have the building inspected by a third party inspector in accordance with the procedures established by the council and subsection (f)(7) to verify that the building complies with the approved as built construction documents;
 - (D) not begin construction to bring the building into compliance, or to alter the building, prior to approval of the construction documents. The construction shall be performed only by persons licensed to perform this work; and
 - (E) have the construction to bring the building into compliance, and to alter the building, inspected by a third-party inspector in accordance with the procedures established by the council and subsection (f)(7). A minimum of one rough in inspection and a final inspection of the construction shall be required.
- (3) Recertification class 3: original approved construction documents exist, but the building has been altered from those plans and the building has not been recertified in accordance with other paragraphs in this section. The industrialized builder or alteration permit holder shall:
- (A) submit a copy of the original approved construction documents for the building to the design review agency for reference;
 - (B) submit a copy of construction documents that depict the alterations or repairs to the building to the DRA for review and approval in accordance with the requirements established by the council and with subsection (f)(6). Where structural elements have been altered, a structural analysis of the existing building made by an engineer licensed to practice in Texas to determine the adequacy of the structural systems in accordance with Chapter 16 of the current edition of the International Building Code adopted in §70.100 shall also be submitted. The construction documents shall include the serial number assigned by the manufacturer and the Texas decal or insignia number of each module or modular component contained in the building;
 - (C) bring into compliance those areas of the building identified by the structural analysis or the design review agency as not in compliance with the mandatory building codes. The industrialized builder or alteration permit holder shall submit construction documents to bring the building into compliance to the design review agency for review and approval in accordance with the requirements established by the council and with subsection (f)(6);
 - (D) have the building inspected by a third party inspector in accordance with the procedures established by the council and subsection (f)(7) to verify that the building complies with the approved as built construction documents;
 - (E) not begin construction to bring the building into compliance, or to alter the building, prior to approval of the construction documents. The construction shall be performed only by persons licensed to perform this work; and
 - (F) have the construction to bring the building into compliance, and to alter the building, inspected by a third-party inspector in accordance with the procedures established by the council and subsection (f)(7). A minimum of one rough in inspection and a final inspection of the construction shall be required.
- (4) Recertification class 4: buildings that are to be altered again after recertification. The industrialized builder or alteration permit holder shall:

- (A) submit a copy of all previous recertification construction documents, including original and as built construction documents where applicable, to the design review agency in accordance with the requirements established by the council and subsection (f)(6);
 - (B) include the alteration decal numbers from previous recertifications on the construction documents for altering the building; and
 - (C) comply with subsections (f)(1)(B)-(D).
- (5) Emergency repairs. Equipment replacement and repairs, which do not qualify as ordinary repairs in accordance with the mandatory building codes, that must be performed in an emergency situation may be performed prior to recertification of the building. The industrialized builder or alteration permit holder shall submit documents as necessary to recertify the building in accordance with the requirements of subsections (f)(1) -(3) within the next working business day with the following exceptions.
- (A) The industrialized builder or alteration permit holder shall have 10 working days to submit as built construction documents for the entire building where required by the recertification requirements of subsections (f)(1) - (4).
 - (B) The industrialized builder or alteration permit holder shall have 10 working days to submit a structural analysis performed by an engineer licensed to work in Texas where required by the recertification requirements of subsection (f)(1) - (4).
- (6) The industrialized builder or alteration permit holder shall choose an approved DRA to perform the review and evaluation of all construction documents for the recertification of an industrialized building. The industrialized builder or alteration permit holder may choose a different DRA for different projects or buildings, but may not change DRA's for a project or building once the plan review has begun without prior written approval from the department.
- (A) Construction documents submitted to the DRA shall include all information pertinent to assuring compliance with the mandatory building code and shall include structural, thermal, and electrical load calculations.
 - (B) As built construction documents shall be reviewed to determine the existence of any potential nonconformance with the provisions of the mandatory building codes. The review and approval of construction documents to recertify a building shall comply with the requirements of §§70.70(a)(2) - (4) and (6) -(8) with the following exceptions.
 - (i) Based on the engineering analysis and the DRA's review of the as built construction documents, the DRA will prepare a report to the industrialized builder or alteration permit holder that describes the nonconformances of the building to be recertified.
 - (ii) The DRA will signify approval of a drawing, specification, calculation, or any other document submitted for review and approval by the application of the council's stamp of approval for altered or recertified buildings.
 - (iii) The design review agency shall complete a recertification transmittal form in accordance with the requirements of the council and forward a completed copy of the form to the department. A copy of all documents pertinent to the recertification of the building shall be supplied to the department upon request.
 - (iv) The design review agency shall forward a completed copy of the recertification transmittal form and one approved copy of the construction documents to the industrialized builder.
 - (v) The design review agency shall keep a copy on file of the original approved documents, the engineering analysis, and approved construction documents for

recertification of the building for 5 years from the latest date of approval of the recertification or alteration construction documents.

- (7) The third party inspector shall affix the alteration decal to each industrialized building module or modular component upon completion of the construction and successful completion of all required inspections in accordance with this section and the requirements of the council. Successful completion of all required inspections means that all construction has been completed, that all violations have been corrected, and that the construction has been found to be in compliance of the applicable mandatory building codes and the approved construction documents.
- (A) The decal shall be affixed in the vicinity of the original decal or insignia on the module or modular component as depicted on the approved construction documents.
 - (B) The industrialized builder or alteration permit holder may not change the third party inspection agency for a project or building once started without prior written approval of the department.
 - (C) All plans pertinent to the alteration or recertification shall be available for use by the third party inspector during the inspection. A copy of the mandatory building codes shall be available for the inspector's use during the inspection.
 - (D) A rough-in inspection shall be scheduled by the industrialized builder or alteration permit holder while construction is still open to inspection. The inspector shall begin the inspection by verifying that the units to be inspected are those depicted in the original approved, the approved as built, or the previously approved recertification construction documents and shall verify the original decal and serial number of each unit to be inspected. The third party inspector may require the industrialized builder to uncover portions of the building as necessary to verify compliance.
 - (i) The inspection shall be terminated and the alteration decals returned to the department if inspection reveals that the units have been altered from the original approved, the approved as built, or the previously approved recertification construction documents.
 - (ii) The inspection shall be terminated and the alteration decals returned to the department if inspection reveals that the units are not those identified by serial number and decal number in the approved construction documents.
 - (E) A final inspection shall be scheduled by the industrialized builder or alteration permit holder after construction is completed.
 - (F) Inspection of system testing shall be scheduled by the industrialized builder or alteration permit holder as necessary to assure that tests required by the mandatory building code are witnessed by the third party inspector.
 - (G) The industrialized builder or alteration permit holder shall schedule a reinspection with the third party inspector wherever a deviation from the approved plans is identified that cannot be corrected and inspected during the rough-in or final inspection.
 - (H) The inspector shall complete a recertification inspection report on the forms and in the format required by the department and the council. A copy of the inspection report shall be provided to the industrialized builder or alteration permit holder for his records and submitted to the department upon request. The third party inspection agency shall maintain records of all recertification inspection reports for five years from the date of successful completion of inspections for a building or project.
 - (I) Only one inspection shall be required where a building is recertified in accordance with subsection (f)(2) or (f)(3) and no construction is required to bring the building into compliance or to complete alterations on the building.

- (i) The third party inspector shall verify that the units to be inspected are those depicted in the approved construction documents and shall verify the original decal and serial number of each unit to be inspected.
 - (ii) The third party inspector may require the industrialized builder or alteration permit holder to uncover portions of the building as necessary to verify compliance.
 - (iii) The inspection shall be terminated, and the alteration decals returned to the department, if inspection reveals that the units have been altered from the approved construction documents.
- (J) Only one inspection shall be required where emergency repairs are performed in accordance with subsection (f)(5) and where further construction is not required to bring the building into compliance with the mandatory building code.
 - (i) The inspector shall verify that the units to be inspected are those depicted in the approved construction documents and shall verify the original decal and serial number of each unit to be inspected.
 - (ii) The third party inspector may require the industrialized builder or alteration permit holder to uncover portions of the building as necessary to verify compliance.
 - (iii) The inspection shall be terminated, and the alteration decals returned to the department, if inspection reveals that the units have been altered from the approved construction documents.
 - (iv) The inspection shall be terminated and the alteration decals returned to the department if inspection reveals that the units are not those identified by serial number and decal number in the approved construction documents.
- (8) An alteration data plate shall be attached to the altered building as required by subsection (g).
- (9) The industrialized builder or alteration permit holder shall maintain all records pertinent to the recertification and make these records available to the department upon request. Records shall be maintained for as long as the building remains a part of the inventory for that industrialized builder or alteration permit holder.
- (10) Buildings constructed on or after October 31, 2006 may not be recertified in accordance with subsections (f)(1) or (4) without prior written authorization from the department.
- (g) A recertification or alteration data plate shall be placed by the third party inspector on each altered or recertified house or building as required by this section. The data plate shall be supplied by the industrialized builder or alteration permit holder.
 - (1) An alteration data plate shall be affixed to any building where the alteration or recertification results in a reclassification of the occupancy group or construction type, a change in the type of gas required for appliances, or a change in the wind speed and exposure, maximum snow (roof) load, seismic design criteria, or special conditions or limitations.
 - (2) A copy of the data plate shall be retained by the industrialized builder and be made available to the department upon request.
 - (3) An alteration data plate shall be made of a material that will not deteriorate over time and shall be permanently placed so that it cannot be removed without destruction.
 - (4) The data plate shall be placed adjacent to the original data plate in an easily accessible location as designated in the alteration plans, but shall not be located on any readily removable item such as a

cabinet door or similar component. Location of the data plate on the cover of the electrical distribution panel is acceptable.

- (5) An alteration data plate shall contain, as a minimum, the information required on a manufacturer's data plate as required by §70.71(d)(2)-(11) plus the following information:
 - (A) the name, address, and registration number assigned by the department of the industrialized builder, or the name, address, and alteration permit number assigned by the department of the owner of the building; and
 - (B) the Texas alteration decal numbers.

70.75. Responsibilities of the Registrants--Permit/Owner Information. *(Amended effective August 1, 1996, 21 TexReg 6619; amended effective March 16, 1998, 23 TexReg 1305; amended effective August 14, 2002, 27 TexReg 7103; amended effective May 17, 2004, 20 TexReg 4867; amended effective June 1, 2006, 31 TexReg 4420; amended effective January 1, 2010, 34 TexReg 9409; amended effective May 1, 2014, 39 TexReg 3412)*

- (a) The manufacturer shall provide the industrialized builder, or a person who has obtained an installation permit in accordance with §70.20, the following information:
 - (1) the name, Texas registration number, and address of the manufacturer of the building;
 - (2) the location of the decal(s) or insignia on the modules or modular components;
 - (3) the location of the data plate and explanation of the information thereon;
 - (4) a set of approved plans, in accordance with §70.70, as necessary to obtain a building permit and as necessary to complete construction of the house or building at the installation site. The documents shall include critical load points for attachment of the house or building to the foundation, the floor plan of the building, and drawings of the plumbing, electrical, and heating/ventilation systems;
 - (5) a completed signed copy of the energy compliance checklist (referenced in §70.70 (c)(8)(C)); and
 - (6) the information required by §70.78(b).
- (b) The REF builder shall provide the owner of the REF the following information:
 - (1) the name, Texas registration number, and address of the REF builder;
 - (2) the location of the decal(s) on the REF;
 - (3) the location of the data plate;
 - (4) a set of approved plans, in accordance with §70.70;
 - (5) other construction documentation in accordance with §70.70(e); and
 - (6) the information required by §70.78(b).
- (c) The industrialized builder shall provide the purchaser (owner) or installation permit holder of any industrialized house or building the following information:
 - (1) the name, Texas registration number, and address of the manufacturer or REF builder and industrialized builder;
 - (2) the location of the data plate and explanation of the information thereon;
 - (3) a copy of the on-site inspection reports in accordance with §70.73;

- (4) a complete set of approved plans and specifications in accordance with §70.70, including all records pertinent to alterations of the house or building in accordance with §70.74;
 - (5) a copy of the foundation system design and any unique on-site details in accordance with §70.73;
 - (6) the location of the decal(s) or insignia on the module, modular components, or site-built REF;
 - (7) a site plan showing the on-site location of all utilities and utility taps;
 - (8) a completed signed copy of the energy compliance checklist (reference subsection (a)(5)); and
 - (9) for all industrialized housing and buildings, the information required by §70.78(b); and
 - (10) for industrialized housing, the information required by §70.78(c).
- (d) The manufacturer shall maintain evidence for a minimum of 5 years that the information in subsection (a) was delivered to the industrialized builder or installation permit holder and provide a copy of the evidence to the department upon request.
 - (e) The REF builder shall maintain evidence for a minimum of 5 years that the information in subsection (b) was delivered to the owner or lessee of the REF and provide a copy of the evidence to the department upon request.
 - (f) The industrialized builder shall maintain evidence for a minimum of 5 years that the information in subsection (c) was delivered to the purchaser (owner) or installation permit holder and provide a copy of the evidence to the department upon request.

70.76. Responsibilities of the Registrants--Proprietary Information Protected. *(Amended effective December 1, 2003, 28 TexReg 10458)*

- (a) All designs, plans, specifications, compliance control programs, on-site construction instructions and documentation, information relating to alternate methods or materials, or any other documents submitted by a manufacturer to a design review agency or third party inspector are proprietary information and shall only be used for purposes of assuring compliance with the provisions of Occupations Code, Chapter 1202 and this chapter.
- (b) The items and information furnished by the manufacturer to a design review agency or third party inspector as set forth in subsection (a) of this section shall not be copied or distributed to any other person except with the manufacturer's written permission.

70.77. Responsibilities of the Registrants--Decals and Insignia for New Construction. *(Amended effective November 16, 1993, 18 TexReg 7925; amended effective August 1, 1996, 21 TexReg 6619; amended effective December 20, 2000, 25 TexReg 12385; amended effective December 1, 2003, 28 TexReg 10458; amended effective January 1, 2010, 34 TexReg 9409)*

- (a) Decals are used for module and site-built REF certification and insignia are used for modular component certification.
 - (1) Decals and insignia shall be ordered on a form supplied by the department and shall contain such information as may be required by the department.
 - (2) The department will issue decals and insignia to a manufacturer on application and payment of the fee following certification of the manufacturing facility in accordance with §70.60.
 - (3) The department will issue decals to a REF builder on application and payment of the fee following successful completion of all construction in accordance with §70.78.
- (b) By attaching the decal or insignia the manufacturer or REF builder certifies that:
 - (1) the module, modular component, or site-built REF is constructed in accordance with the approved

- design package or construction documents and the mandatory building codes; and
- (2) the module, modular component, or site-built REF has been inspected in accordance with §70.72 or §70.79.
- (c) The control of the decals and insignia shall remain with the department.
- (1) Decals shall be confiscated by the department or the third party inspector or inspection agency if a manufacturer fails to correct violations identified during an inspection or for failure to abide by the approved compliance control procedures.
 - (A) Decals or insignia that are confiscated for construction violations shall not be returned to the manufacturer until the violations have been corrected.
 - (B) Decals or insignia that are confiscated for compliance control violations shall be released for each building in accordance with the inspection procedures approved by the council. Control of the decals or insignia shall not be returned to the manufacturer until the TPI/TPIA determines that the problems have been corrected.
 - (C) New decals or insignia shall not be issued until the manufacturer has shown evidence of compliance.
 - (2) Decals shall not be released to a REF builder or attached to a REF until all construction is complete and all violations identified during an inspection have been corrected.
- (d) Responsibilities of the manufacturer. It is the manufacturer's responsibility to assure that the certification inspection has been accomplished as outlined in §70.60 prior to attaching the decal or insignia. It is the manufacturer's responsibility to assure that the in-plant inspection has been performed as outlined in §70.72 prior to attaching the decal or insignia. Each decal or insignia shall be attached to a specific module or modular component before leaving the manufacturing facility.
- (1) The manufacturer shall assure that the house or building is released only to an industrialized builder registered with this department or to a person who has obtained an installation permit from this department.
 - (2) The decal or insignia shall be placed in a visible location as designated on the floor plan or on the title or cover sheet for each model or project in the approved design package. The decal or insignia shall be permanently attached so that it cannot be removed without destruction and shall not be placed on any readily removable item such as a cabinet door or other similar component. Location of the decal on the cover of the electrical distribution panel is acceptable.
 - (3) The manufacturer shall keep records as necessary to show, by decal or insignia number, the module or modular component (by identification number) to which the decal or insignia was attached. The manufacturer shall keep complete records of all decals and insignia received, decals and insignia used, and those which are on-hand. The manufacturer shall maintain these records for a minimum of 5 years from the date the building is reported shipped in accordance with §70.50 and the records shall be made available to the department or in-plant inspector on request.
 - (4) Decals or insignia may not be transferred from one manufacturing facility to another without prior written approval from the department. Decals or insignia that are transferred without department approval are void and shall be returned to, or shall be confiscated by, the department.
 - (5) Decals or insignia that have been attached to a module or modular component may not be transferred to another module or modular component. Decals or insignia that are removed from the module or modular component to which they were attached are void and shall be returned to, or shall be confiscated by, the department.
 - (6) Decals or insignia that have not been attached to a module or modular component shall be returned to the department if the manufacturer does not renew the registration in accordance with §70.20.

- (7) Decals or insignia that have been reported in accordance with §70.50(a) shall be returned to the department if the module or modular component is damaged or destroyed.
 - (8) Decals or insignia that have been attached to a module or modular component prior to inspection in accordance with §70.72 are void and shall be returned to the department, or shall be confiscated by the department or third party inspection agency.
 - (9) Decals or insignia that are attached to a module or modular component before all construction is complete and before all inspections by the facility's compliance control personnel have been completed are void and shall be returned to the department, or shall be confiscated by the department or third party inspection agency.
- (e) Responsibilities of the REF builder. A REF builder shall assure that all construction documents are approved as required by §70.70 and that all required inspections have been performed in accordance with §70.79 before the decal or decals are attached to the site-built REF.
- (1) A site-built REF becomes an industrialized building upon attachment of the decal or decals.
 - (2) Decals shall be purchased for each separate REF building. Each separate REF building shall be assigned a unique identification or project number. The name of the school district, the project address, and the unique identification number for each separate REF will be reported to the department on the decal order form.
 - (3) Decals may not be transferred to another REF project without prior written consent of the department. Decals that are transferred to another site-built REF project without written consent are void and shall be returned to, or confiscated by, the department.
 - (4) Decals that have been attached to a site-built REF may not be transferred to another site-built REF. Decals that are removed from the site-built REFs to which they were attached are void and shall be returned to, or confiscated by, the department.
 - (5) Decals shall or be returned to the department if the site-built REF is damaged or destroyed.

70.78. Responsibilities of the Registrants--General. *(Amended effective December 1, 2003, 28 TexReg 10458; amended effective May 1, 2014, 39 TexReg 3412)*

- (a) Each registrant must notify the department of any changes in information regarding the location, organization, staff, or ownership of the organization as required in the sections in this chapter. The notification must be received by the department no later than 10 days after the change occurs.
- (b) Each registrant shall provide customers with access to the name, mailing address, and telephone number of the department for purposes of directing complaints to the department. A rubber stamp or sticker may be used to convey the information. The notification shall be included on:
 - (1) a sign prominently displayed in the place of business;
 - (2) any written contract for services; or
 - (3) any bill for services.
- (c) Each industrialized builder responsible for any portion of the installation of industrialized housing shall present the following to the purchaser:
 - (1) Upon execution of a contract to purchase industrialized housing, a written notice that states, in minimum 12-point bold print: "The Texas Department of Licensing and Regulation may not open or investigate a consumer complaint or perform an inspection related to industrialized housing more than two years after a successful final on-site inspection of the installation of the housing." The written notice shall also include the following information:

- (A) the Registration number and registered name and address of the industrialized builder;
 - (B) the registration number and registered name and address of the manufacturer of the industrialized housing; and
 - (C) the name, mailing address, telephone number, and web address of the department.
- (2) At closing or within 15 days after a successful final on-site inspection of construction of industrialized housing, within the jurisdiction of a municipal inspection department:
- (A) a copy of the record of final inspection from the municipality; and
 - (B) the decal or insignia number for each modular section of the house and the manufacturer's serial number for each modular section of the house.
- (3) At closing or within 15 days after a successful final on-site inspection of construction of industrialized housing outside the jurisdiction of a municipal inspection department, or within a municipal jurisdiction without an inspection department, a copy of the final on-site inspection report in accordance with §70.73.
- (d) The registrant must allow the department, as part of an inspection or investigation, to enter his business premises during regular business hours and examine and copy any records that relate directly or indirectly to the inspection or investigation being conducted. The department may inspect all records, books and documents, whether paper or electronic, pertaining to the agency's operation.

70.79. Responsibilities of the Registrants--Site-built REF Construction and Inspection. *(Effective January 1, 2010, 34 TexReg 9409)*

- (a) Responsibility for construction. The REF builder shall be responsible for assuring that the foundation and all construction pertaining to the REF complies with the approved construction documentation required by §70.70(b) and 70.70(e) and the mandatory building codes. The REF builder is responsible for assuring that all sub-contractors are licensed as required by applicable state law.
- (b) Responsibility for inspections within jurisdiction of a municipality. When the building site is within a municipality that has a building inspection agency or department, the local building official will inspect all construction to assure that it complies with the approved construction documents and the mandatory building codes.
- (1) The municipality may require and review, for compliance with the mandatory building codes, a complete set of construction documents, and any other construction documents necessary to complete construction of the REF in accordance with §70.70(e).
 - (2) The REF builder shall not permit occupation of the building until a certificate of occupancy has been issued.
- (c) Responsibility for inspections outside the jurisdiction of a municipality. When the building site is outside a municipality, or within a municipality that has no building inspection department, a council-approved inspector shall perform the required inspections in accordance with this section and the inspection procedures of the council to assure completion in accordance with the approved construction documents, other construction documentation approved in accordance with §70.70(c), and the mandatory building codes.
- (1) The REF builder is responsible for scheduling inspections and assuring that the inspector is given a minimum of 48 hours notice before each inspection. The REF builder may utilize a different inspector for different projects, but may not change the inspector for a project once started without prior written approval of the department.
 - (2) The REF builder shall assure that the following inspections are completed in accordance with the inspection procedures of the council. Inspections may be combined where appropriate and the

inspector determines that the completion of one stage does not does not interfere with the inspection of another stage. These inspections are minimum requirements and shall not limit the scope of the inspections that may be necessary to adequately inspect the building. Additional inspections may also be required to assure compliance of actions taken to correct violations.

- (A) First inspection--Temporary or construction power.
 - (B) Second Inspection--Plumbing rough/Water and sewer.
 - (C) Third inspection--Foundation and reinforcement/Water supply lines/Building drain lines.
 - (D) Fourth inspection--Frame and exterior sheathing/Plumbing top-out/Mechanical rough/Electrical rough/Lead test.
 - (E) Fifth inspection--Frame re-inspection and or insulation/Energy compliance.
 - (F) Sixth inspection--Wallboard.
 - (G) Seventh inspection--Gas lines/Electrical meter loop.
 - (H) Eighth inspection--Building final/Mechanical final/Plumbing final/Electrical final/Attachment of decal.
- (3) The inspector shall provide the REF builder a copy of the inspection reports upon completion of each phase of the inspection. If the inspection finds that the construction does not meet the mandatory building codes, the approved construction documents, or other construction documents in accordance with §70.70(c), then the inspection report shall include a list of violations. The REF builder is responsible for assuring that all violations are corrected and inspected prior to occupation of the building or attachment of the decal or decals.
- (4) The REF builder shall not permit occupancy, or release the building for occupation, until a successful final inspection has been completed. A final inspection report shall be issued showing no outstanding violations prior to occupation or release of the building for occupation. Exception: Occupancy of the building may be permitted and approved with outstanding items provided that these items are not in violation of the mandatory building codes.
- (A) A successful final inspection means that all construction has been completed, that all violations have been corrected, and that the construction has been found to comply with the mandatory building codes and all construction documents.
 - (B) The REF builder shall maintain a copy of each inspection report for a minimum of 10 years from the date of successful final inspection and make a copy of the report available to the department upon request.
 - (C) The REF builder shall not attach the decal or decals until a successful final inspection has been completed.

70.80. Commission Fees. *(Amended effective November 16, 1993, 18 TexReg 7925; amended effective October 1, 1995, 20 TexReg 7279; amended effective March 16, 1998, 23 TexReg 1305; amended effective February 25, 1999, 23 TexReg 13059; amended effective May 17, 2004, 29 TexReg 4867; amended effective December 1, 2004, 29 TexReg 11028; amended effective January 1, 2010, 34 TexReg 9409)*

- (a) The manufacturer's registration fee is \$750 annually.
- (b) The REF builder's registration fee is \$750 annually.
- (c) The industrialized builder's registration fee is \$325 annually.
- (d) The design review agency's registration fee is \$300 annually.

- (e) The third party inspection agency's registration fee is \$150 per firm and \$100 per inspector annually.
- (f) The third party site inspector registration fee is \$100 annually.
- (g) The registration fee shall be paid before the certificate of registration is issued and annually thereafter.
- (h) The fee for department personnel for certification inspections at a manufacturing facility shall be \$40 per hour. Travel and per diem costs shall be reimbursed by the manufacturer in accordance with the current rate as established in the current Appropriations Act. The department shall present a billing statement to the manufacturer at the completion of the inspection that is payable upon receipt.
- (i) When the department acts as a design review agency, the fee for such serviced is \$40 per hour. The manufacturer for whom the services are performed shall pay the fee before the approval of the designs, plans, specifications, compliance control documents, and installation manuals and before the release of the documents to the manufacturer. Travel and per diem costs shall be reimbursed by the manufacturer in accordance with the current rate as established in the current Appropriations Act.
- (j) The fees for issuing decals and insignia are:
 - (1) modules and site-built REFs (decals): \$0.07 per square foot of gross floor area, with a minimum of \$25 for each decal; and
 - (2) modular component (insignia): \$0.02 per square foot of gross surface area with a minimum of \$0.60 for each insignia or \$0.07 per square foot of gross floor area with a minimum of \$15 for each insignia.
- (k) The fee for department personnel for special inspections shall be \$40 per hour. A special inspection is any inspection for industrialized housing and buildings that is not covered by other fees. The department will present a billing statement at the conclusion of the inspection that is payable upon receipt. Travel and per diem costs shall be reimbursed in accordance with the current rate as established in the current Appropriations Act.
- (l) The fee for department monitoring of design review agencies and third party inspection agencies outside headquarters shall be \$40.00 per monitor hour. Travel and per diem costs shall be reimbursed in accordance with the current rate as established in the current Appropriations Act. The department will present the agency or manufacturer a statement at the conclusion of the monitoring trip, and it is payable upon receipt.
- (m) Thee fee for an installment permit shall be \$75 for each building containing industrialized housing and buildings modules or modular components. A separate application must be submitted for each building containing industrialized housing and buildings modules or modular components.
- (n) The fee for issuing an alteration decal is \$50 for each decal.
- (o) Revised or duplicate certificate fee: \$25 for manufacturers, industrialized builders, and REF builders registration types.

70.81. Late Renewal Fees. *(Amended effective December 1, 2003, 28 TexReg 10458)*

Late renewal fees for registrations issued under this chapter are provided for under §60.83 of this title (relating to Late Renewal Fees).

70.90. Sanctions--Administrative Sanctions/Penalties. *(Effective November 16, 1993, 18 TexReg 7925; amended effective August 14, 2002, 27 TexReg 7103; amended effective December 1, 2003, 28 TexReg 10458)*

If a person violates Texas Occupations Code, Chapter 1202, a rule adopted by the commission or order adopted or issued by the commission or executive director relating to Chapter 1202, the executive director may institute proceedings to impose administrative sanctions and/or recommend administrative penalties in accordance with Texas Occupations Code, Chapter 51, and Chapter 60 of this title (relating to Texas Commission of Licensing and Regulation).

70.92. Sanctions for Failure to Comply by Design Review Agencies, Third Party Inspection Agencies, and Third Party Inspectors. *(Effective November 16, 1993, 18 TexReg 7925; amended effective December 1, 2003, 28 TexReg 10458)*

The department shall monitor the performance of design review agencies (DRA), third party inspection agencies (TPIA), and third party inspectors (TPI) and may recommend disapproval of any agency or inspector that violates provisions of Chapter 1202, rules and regulations of the commission, or administrative orders issued by the commission or the executive director in, or pursuant to, this chapter, or any decisions, actions, or interpretations of the council. If the council feels that a failure to comply has been shown, then the council will recommend that the executive director take appropriate action. Sanctions shall be administered pursuant to the provisions of Texas Occupations Code, §1202.302.

70.100. Mandatory Building Codes. *(Amended effective December 6, 1994, 19 TexReg 9295; amended effective December 7, 1996, 21 TexReg 6620; amended effective February 8, 2000, 24 TexReg 7225; amended effective October 28, 2001, 26 TexReg 8508; amended effective December 1, 2003, 28 TexReg 10458; amended effective July 1, 2008, 33 TexReg 5000; amended effective January 1, 2010, 34 TexReg 9409; amended effective July 1, 2012, 37 TexReg 2076)*

- (a) Effective July 1, 2012 all industrialized housing and buildings, modules, and modular components, shall be constructed in accordance with the following codes as amended by §70.101;
 - (1) National Fire Protection Association--National Electrical Code, 2011 Edition.
 - (2) the International Building Code, 2009 edition, including appendices C, F, and K, published by the International Code Council;
 - (3) the International Fuel Gas Code, 2009 edition, published by the International Code Council;
 - (4) the International Plumbing Code, 2009 edition, including appendices C, E, F, and G, published by the International Code Council;
 - (5) the International Mechanical Code, 2009 edition, published by the International Code Council;
 - (6) the International Residential Code, 2009 edition, including appendices K, O, and P, published by the International Code Council; and
 - (7) the International Energy Conservation Code, 2009 edition, published by the International Code Council.
- (b) Effective July 1, 2012, all industrialized buildings that are altered in accordance with §70.74(f) shall comply with the International Existing Building Code, 2009 Edition, published by the International Code Council.
- (c) Other codes referenced in any of the mandatory building codes adopted in subsection (a) shall be considered part of the requirements of these codes to the prescribed extent of each such reference.
- (d) The effective dates of adoption of past editions of the mandatory building codes are as follows:

Code Name and Edition	Effective Date of Adoption
2006 Edition of the International Building Code	10/31/2008
2006 Edition of the International Residential Building Code	10/31/2008
2006 Edition of the International Plumbing Code	10/31/2008
2006 Edition of the International Mechanical Code	10/31/2008
2006 Edition of the International Fuel Gas Code	10/31/2008
2006 Edition of the International Energy Conservation Code	10/31/2008
2006 Edition of the International Existing Building Code	10/31/2008
2008 Edition of the National Electrical Code	10/31/2008
2003 Edition of the International Building Code	7/1/2004
2003 Edition of the International Residential Building Code	7/1/2004
2003 Edition of the International Plumbing Code	7/1/2004
2003 Edition of the International Mechanical Code	7/1/2004

Code Name and Edition	Effective Date of Adoption
2003 Edition of the International Fuel Gas Code	7/1/2004
2003 Edition of the International Energy Conservation Code	7/1/2004
2003 Edition of the International Existing Building Code	7/1/2004
2002 Edition of the National Electrical Code	7/1/2004
2000 Edition of the International Building Code	2/20/2002
2000 Edition of the International Residential Code with 2001 Supplement	2/20/2002
2000 Edition of the International Plumbing Code	2/20/2002
2000 Edition of the International Mechanical Code	2/20/2002
2000 Edition of the International Fuel Gas Code	2/20/2002
2000 Edition of the International Energy Conservation Code with 2001 Supplement	2/20/2002
1997 Edition of the Uniform Building Code	2/8/2000
1997 Edition of the Standard Building Code	2/8/2000
1997 Edition of the International Fuel Gas Code	2/8/2000
1997 Edition of the International Plumbing Code	2/8/2000
1998 Edition of the International Mechanical Code	2/8/2000
1998 Edition of the International One and Two Family Dwelling Code	2/8/2000
1998 Edition of the International Energy Conservation Code	2/8/2000
1999 Edition of the National Electrical Code	2/8/2000
1994 Edition of the Uniform Building Code	12/7/1996
1994 Edition of the Standard Building Code	12/7/1996
1996 Edition of the National Electrical Code	12/7/1996
1994 Edition of the Uniform Mechanical Code as published by the International Conference of Building Officials	12/7/1996
1994 Edition of the Standard Mechanical Code	12/7/1996
1995 Edition of the International Plumbing Code	12/7/1996
1994 Edition of the Standard Plumbing Code	12/7/1996
1994 Edition of the Standard Gas Code	12/7/1996
1995 Edition of the CABO One and Two Family Dwelling Code	12/7/1996
1993 Edition of the CABO Model Energy Code	12/6/1994
ASHRAE/IES 90.1-89	12/6/1994
1991 Edition of the Uniform Building Code	5/19/1992
1991 Edition of the Standard Building Code	5/19/1992
1991 Edition of the Uniform Mechanical Code	5/19/1992
1991 Edition of the Standard Mechanical Code	5/19/1992
1991 Edition of the Uniform Plumbing Code	5/19/1992
1991 Edition of the Standard Plumbing Code	5/19/1992
1991 Edition of the Standard Gas Code	5/19/1992
1989 Edition of the CABO One and Two Family Dwelling Code	5/19/1992
1990 Edition of the National Electrical Code	5/13/1991
1988 Edition of the Uniform Building Code	12/27/1988
1988 Edition of the Standard Building Code	12/27/1988
1988 Edition of the Uniform Mechanical Code	12/27/1988
1988 Edition of the Standard Mechanical Code	12/27/1988
1988 Edition of the Uniform Plumbing Code	12/27/1988
1988 Edition of the Standard Plumbing Code	12/27/1988
1988 Edition of the Standard Gas Code	12/27/1988
1986 Edition of the CABO One and Two Family Dwelling Code	12/27/1988
1987 Edition of the National Electrical Code	2/1/1988
1985 Edition of the Uniform Building Code with 1986 amendments	2/27/1987
1985 Edition of the Standard Building Code with 1986 amendments	2/27/1987
1985 Edition of the Uniform Mechanical Code with 1986 amendments	2/27/1987
1985 Edition of the Standard Mechanical Code with 1986 amendments	2/27/1987
1985 Edition of the Uniform Plumbing Code with 1986 amendments	2/27/1987
1985 Edition of the Standard Plumbing Code with 1986 amendments	2/27/1987

Code Name and Edition	Effective Date of Adoption
1985 Edition of the Standard Gas Code with 1986 amendments	2/27/1987
1985 Edition of the Uniform Building Code	7/15/1986
1985 Edition of the Standard Building Code	7/15/1986
1985 Edition of the Uniform Mechanical Code	7/15/1986
1985 Edition of the Standard Mechanical Code	7/15/1986
1985 Edition of the Uniform Plumbing Code	7/15/1986
1985 Edition of the Standard Plumbing Code	7/15/1986
1985 Edition of the Standard Gas Code	7/15/1986
1983 Edition of the CABO One and Two Family Dwelling Code	7/15/1986
1984 Edition of the National Electrical Code	1/1/1986
1982 Edition of the Uniform Building Code	1/1/1986
1982 Edition of the Standard Building Code	1/1/1986
1982 Edition of the Uniform Mechanical Code	1/1/1986
1982 Edition of the Standard Mechanical Code	1/1/1986
1982 Edition of the Uniform Plumbing Code	1/1/1986
1982 Edition of the Standard Plumbing Code	1/1/1986
1982 Edition of the Standard Gas Code	1/1/1986

70.101. Amendments to Mandatory Building Codes. (Amended effective December 7, 1996, 21 TexReg 6620; amended effective February 8, 2000, 24 TexReg 7225; amended effective October 28, 2001, 26 TexReg 8508; amended effective December 1, 2003, 28 TexReg 10458; amended effective May 1, 2005, 30 TexReg 2504; amended effective July 1, 2008, 33 TexReg 5000; amended effective July 1, 2012, 37 TexReg 2076)

- (a) The council shall consider and review all amendments to these codes which are approved and recommended by ICC, and if they are determined to be in the public interest, the amendments shall be effective 180 days following the date of the council's determination or at a later date as set by the council.
- (b) Any amendment proposed by a local building official, and determined by the council following a public hearing to be essential to the health and safety of the public on a statewide basis, shall become effective 180 days following the date of the council's determination or at such a later date as set by the council.
- (c) The National Electrical Code shall be amended as follows.
 - (1) Add to Article 310.1 the following statement: "Aluminum and copper-clad aluminum shall not be used for branch circuits in buildings classified as a residential occupancy; aluminum and copper-clad aluminum conductors, of size number 4 AWG or larger, may be used in branch circuits in buildings classified as occupancies other than residential."
 - (2) Add to Article 110.14 the following statement: "Aluminum and copper-clad aluminum conductors shall be terminated using approved compression-type crimp lugs with approved inhibitors."
- (d) The International Building Code shall be amended as follows.
 - (1) Amend "Section 101.1 Title" to read as follows: "These regulations shall be known as the Building Code of the Texas Industrialized Housing and Buildings program, hereinafter referred to as 'this code.'"
 - (2) Amend "Section 101.3 Intent" by adding the following: "Where conflicts occur between the provisions of this code and the provisions of Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings, or the provisions of 16 Texas Administrative Code, Chapter 70, rules governing the Texas Industrialized Housing and Buildings program, the provisions of Texas Occupations Code, Chapter 1202 and 16 Texas Administrative Code, Chapter 70, shall control."
 - (3) Amend "Section 101.4 Referenced codes" to read as follows. "The other codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have

been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendment as well. Any reference to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.”

- (4) Add “*Section 101.4.7 Electrical*” to read as follows: “The provisions of NFPA 70, The National Electrical Code, and Appendix K shall apply to the installation of electrical systems, including repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.”
- (5) Add “*Section 101.4.8 Alterations*” to read as follows: “The provisions of the *International Existing Building Code* shall apply to all matters governing the repair, alterations or additions, and changes of occupancy of existing previously occupied industrialized buildings that are designed to be transported from one commercial site to another commercial site.”
- (6) Add “*Section 101.4.9 Accessibility*” to read as follows: “Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and the *Texas Accessibility Standards (TAS)*. Wherever reference elsewhere in this code is made to ICC A117.1, ICC/ANSI A117.1, or ANSI A117.1, the TAS of Texas Government Code, Chapter 469, Elimination of Architectural Barriers shall be substituted. Buildings subject to the requirements of the Texas Accessibility Standards are described in Administrative Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code, Chapter 68.
- (7) Amend “*Section 102.6 Existing Structures*” by adding the following: “Existing industrialized buildings that bear an approved certification decal or insignia in accordance with the requirements of Texas Occupations Code, Chapter 1202, and 16 Texas Administrative Code, Chapter 70, and that have not been altered or modified, shall be considered to be in compliance with the current mandatory building code adopted by the Texas Industrialized Building Code Council.”
- (8) Amend “*Section 104.1 General*” by adding the following: “The term building official as used in this code, or as used in the codes and standards referenced in this code, shall mean the Texas Commission of Licensing and Regulation, the executive director of the Texas Department of Licensing and Regulation, the Texas Industrialized Building Code Council, or the local building official in accordance with the powers and duties assigned to each in Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings.”
- (9) Amend “*Section 107.1 General*” by adding the following: “Construction documents depicting the structural design of buildings to be located in hurricane prone regions shall be prepared and sealed by a Texas licensed professional engineer.”
- (10) Amend “*Section 111.1 Use and occupancy*” by revising the first sentence to read as follows: “No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof, shall be made until the local building official has issued a certificate of occupancy in accordance with the locally adopted rules and regulations.”
- (11) Amend “*Section 111.2 Certificate issued*” as follows.
 - (A) Amend the first paragraph to read as follows: “The local building official shall issue a certificate of occupancy in accordance with the locally adopted rules and regulations.”
 - (B) Delete item numbers 1 through 12.
- (12) Amend “*Section 111.3 Temporary occupancy*” to read as follows: “The local building official shall issue a temporary certificate of occupancy in accordance with locally adopted rules and regulations.”
- (13) Amend “*Section 111.4 Revocation*” to read as follows: “The local building official may suspend or revoke a certificate of occupancy or completion issued under the provisions of this code in accordance with locally adopted rules and regulations.”
- (14) Amend “*Section 311.3 Low-hazard storage, Group S-2*” to add equipment shelters as an example of the type of building that falls under this occupancy group.

- (15) Amend “*Section 508.2.5 Separation of incidental accessory occupancies*” by adding the following: “An incidental accessory occupancy shall be classified in accordance with the occupancy of that portion of the building in which it is located.”
 - (16) Amend “*Section 1101.2 Design*” to read as follows: “Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and the Texas Accessibility Standards (TAS).”
 - (17) Delete Sections 1102 through 1110.
 - (18) Amend “*Section 3401.1 Scope*” to read as follows: “The provisions of the *International Existing Building Code* shall control the alteration, repair, addition, and change of occupancy of industrialized buildings designed to be moved.”
 - (19) Amend “*Chapter 35, Referenced Standards*” as follows.
 - (A) Delete ICC/ANSI A117.1-03, Accessible and Usable Buildings and Facilities.
 - (B) Add TDLR, PO Box 12157, Austin, TX 78711 as a promulgating agency and add 2012 TAS Effective March, 2012, Texas Accessibility Standards as adopted under 16 Texas Administrative Code, Chapter 68, as the referenced standard, referenced in code sections 101.4.9, 409.6.2.2, 907.5.2.3.4, 1007.9, 1010.1, 1010.6.5, 1010.9, 1011.3, 1022.8, 1101.2, 2902.4, 3001.3, 3008.13.1, 3008.13.2, 3411.6, 3411.8.2, and 3411.8.3.
 - (C) Delete NFPA Standard 70-08, add NFPA Standard 70-11, and add referenced section 101.4.7
- (e) The *International Fuel Gas Code* shall be amended as follows.
- (1) Amend “*Section 101.1 Title*” to read as follows: “These regulations shall be known as the Fuel Gas Code of the Texas Industrialized Housing and Building program, hereinafter referred to as ‘this code.’”
 - (2) Amend “*Section 101.4 Intent*” to add the following: “Where conflicts occur between the provisions of this code and the provisions of Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings, or the provisions of 16 Texas Administrative Code, Chapter 70, rules governing the Texas Industrialized Housing and Buildings program, the provisions of Texas Occupations Code, Chapter 1202 and 16 Texas Administrative Code, Chapter 70 shall control.”
 - (3) Amend “*Section 102.4 Additions, alterations or repairs*” by deleting the first sentence and adding the following: “The provisions of the *International Existing Building Code* shall apply to all matters governing the repair, alterations, or additions, and changes of existing previously occupied industrialized buildings that are designed to be transported from one commercial site to another commercial site.”
 - (4) Amend “*Section 102.7 Moved buildings*” to read as follows: “Existing industrialized buildings that bear approved certification decals, or insignia, or that bear an alteration decal, in accordance with the requirements of Chapter 1202 of the Texas Occupations Code and 16 Texas Administrative Code, Chapter 70, and that have not been altered or modified since the decal, insignia, or alteration decal was attached, shall be considered to be in compliance with the current mandatory building code adopted by the Texas Industrialized Building Code Council.”
 - (5) Amend “*Section 102.8 Referenced codes and standards*” by adding the following. “Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to the NFPA 70 or the *ICC Electrical Code* shall mean the Electrical Code as adopted.”
 - (6) Amend “*Chapter 8, Referenced Standards*” as follows:

- (A) Add ICC Standard IEBC-09, *International Existing Building Code*, referenced in code section 102.4; and
 - (B) Delete NFPA Standard 70-08, add NFPA Standard 70-11, and add referenced section 102.8.
- (f) The *International Plumbing Code* shall be amended as follows.
- (1) Amend “*Section 101.1 Title*” to read as follows: “These regulations shall be known as the Plumbing Code of the Texas Industrialized Housing and Buildings program, hereinafter referred to as ‘this code.’”
 - (2) Amend “*Section 101.3 Intent*” by adding the following: “Where conflicts occur between the provisions of this code and the provisions of Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings, or the provisions of 16 Texas Administrative Code, Chapter 70, rules governing the Texas Industrialized Housing and Buildings program, the provisions of Texas Occupations Code, Chapter 1202 and 16 Texas Administrative Code, Chapter 70 shall control.”
 - (3) Amend “*Section 102.4 Additions, Alterations or repairs*” to delete the first sentence and by adding the following: “The provisions of the *International Existing Building Code* shall apply to all matters governing the repair, alterations or addition, and changes of existing previously occupied industrialized buildings that are designed to be transported from one commercial site to another commercial site.”
 - (4) Amend “*Section 102.7 Moved buildings*” to read as follows: “Existing industrialized buildings that bear approved certification decals, or insignia, or that bear an alteration decal, in accordance with the requirements of Chapter 1202 of the Texas Occupations Code and 16 Texas Administrative Code, Chapter 70, and that have not been altered or modified since the decal, insignia, or alteration decal was attached, shall be considered to be in compliance with the current mandatory building code adopted by the Texas Industrialized Building Code Council.”
 - (5) Amend “*Section 102.8 Referenced codes and standards*” to add the following: “Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the *ICC Electrical Code* shall mean the Electrical Code as adopted.”
 - (6) Add “*Section 403.1.3 Industrialized housing and buildings exemptions*” to read as follows:
 - (A) “403.1.3.1 Unoccupied buildings. Unoccupied buildings, such as equipment shelters, that are not normally occupied or that are only occupied to service equipment, shall not be required to provide plumbing facilities. EXCEPTION: Unoccupied buildings that are also classified as a Group H occupancy must be provided with plumbing facilities required for this type of occupancy such as requirements for emergency shelters and eyewash stations.”
 - (B) “403.1.3.2 Other buildings. All other industrialized buildings shall contain the minimum plumbing fixtures required in accordance with Table 401.4 unless the building is a non-site specific building and the plans and the data plate contain a special condition/limitation note that the minimum number of required fixtures shall be provided in another building located on the installation site with a path of travel that does not exceed a distance of 500 feet. The plumbing facilities must be accessible to the occupants of the industrialized building. Non-site specific buildings and special condition/limitation notes shall be as defined in the 16 Texas Administrative Code, Chapter 70 rules governing the Texas Industrialized Housing and Buildings program.”
 - (C) “403.1.3.3 Requirements for service sinks. Commercial industrialized buildings with areas of less than or equal to 1,800 square feet shall not be required to contain a service sink provided that the building contains a lavatory and water closet that can be substituted for the service sink. EXCEPTION: A building of less than 1,800 square feet in area without any plumbing facilities shall comply with 403.1.3.2.”

- (7) Amend “*Chapter 13, Referenced Standards*” as follows.
- (A) Delete NFPA Standard 70-08, add NFPA Standard 70-11, and add referenced section 102.
 - (B) Add code section 102.4 as a code referenced section for ICC Standard IEBC-06, *International Existing Building Code*.
- (g) The *International Mechanical Code* shall be amended as follows.
- (1) Amend “*Section 101.1 Title*” to read as follows: “These regulations shall be known as the Mechanical Code of Texas Industrialized Housing and Buildings program, hereinafter referred to as ‘this code.’”
 - (2) Amend “*Section 101.3 Intent*” by adding the following: “Where conflicts occur between the provisions of this code and the provisions of Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings, or the provisions of 16 Texas Administrative Code, Chapter 70, rules governing the Texas Industrialized Housing and Buildings program, the provisions of Texas Occupations Code, Chapter 1202 and 16 Texas Administrative Code, Chapter 70 shall control.”
 - (3) Amend “*Section 102.4 Additions, alterations or repairs*” by deleting the first sentence and by adding the following: “The provisions of the *International Existing Building Code* shall apply to all matters governing the repair, alterations or addition, and changes of existing previously occupied industrialized buildings that are designed to be transported from one commercial site to another commercial site.”
 - (4) Amend “*Section 102.7 Moved buildings*” to read as follows: “Existing industrialized buildings that bear approved certification decals, or insignia, or that bear an alteration decal, in accordance with the requirements of Chapter 1202 of the Texas Occupations Code and 16 Texas Administrative Code, Chapter 70, and that have not been altered or modified since the decal, insignia, or alteration decal was attached, shall be considered to be in compliance with the current mandatory building code adopted by the Texas Industrialized Building Code Council.”
 - (5) Amend “*Section 102.8 Referenced codes and standards*” by adding the following: “Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the *ICC Electrical Code* shall mean the Electrical Code as adopted.”
 - (6) Amend “*Chapter 15 Referenced Standards*” as follows.
 - (A) Delete NFPA Standard 70-08, add NFPA Standard 70-11 and add referenced section 102.8.
 - (B) Add code section 102.4 as a code referenced section for ICC Standard IEBC-06, *International Existing Building Code*.
- (h) The *International Residential Code* shall be amended as follows.
- (1) Amend “*Section R101.1 Title*” to read as follows: “These provisions shall be known as the Residential Code for One- and Two-family Dwellings of the Texas Industrialized Housing and Buildings Program and shall be cited as such and will be referred to herein as ‘this code.’”
 - (2) Amend “*Section R101.3 Intent*” by adding the following: “Where conflicts occur between the provisions of this code and the provisions of Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings, or the provisions of 16 Texas Administrative Code, Chapter 70, rules governing the Texas Industrialized Housing and Buildings program, the provisions of Texas Occupations Code, Chapter 1202 and 16 Texas Administrative Code, Chapter 70 shall control.”
 - (3) Amend “*Section R102.4 Referenced codes and standards*” by adding the following: “The provisions of the National Electrical Code, NFPA 70, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Any reference to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.

Any reference to Chapters 34 through 43 of this code shall mean the Electrical Code as adopted. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendment as well.”

- (4) Add “*Section R102.4.1 Buildings designed for the 14 first tier counties along the Texas Gulf Coast and for designated catastrophe areas in Texas as defined by Texas Department of Insurance.*” Buildings designed to be placed in the first tier counties along the Texas coast and designated catastrophe areas as defined by the Texas Department of Insurance (TDI) shall also comply with the current effective code and amendments adopted by the TDI, hereafter referred to as the TDI Code. Where conflicts occur between the provisions of this code and the TDI Code as they relate to the requirements for hurricane prone regions, the more stringent requirements shall apply. Where conflicts occur between the provisions of this code and the TDI Code as they relate to other code aspects, this code shall apply.”
- (5) Amend “*Section 104.1 General*” by adding the following: “The term ‘building official’ as used in this code, or as used in the codes and standards referenced in this code, shall mean the Texas Commission of Licensing and Regulation, the executive director of the Texas Department of Licensing and Regulation, the Texas Industrialized Building Code Council, or the local building official in accordance with the powers and duties assigned to each in Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings.”
- (6) Amend “*Section 110.1 Use and occupancy*” by revising the first sentence to read as follows: “No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the local building official has issued a certificate of occupancy in accordance with locally adopted rules and regulations.”
- (7) Amend “*Section R110.3 Certificate issued*” as follows.
 - (A) Amend the first paragraph to read as follows: “The local building official shall issue a certificate of occupancy in accordance with the locally adopted rules and regulations.”
 - (B) Delete item numbers 1 through 9.
- (8) Amend “*Section R110.4 Temporary occupancy*” to read as follows: “The local building official may issue a temporary certificate of occupancy in accordance with locally adopted rules and regulations.”
- (9) Amend “*Section R110.5 Revocation*” to read as follows: “The local building official shall, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or any of the provisions of this code.”
- (10) Amend “*Section R301.1.3 Engineered design*” by adding the following: “Construction documents depicting the structural design of industrialized housing to be located in hurricane prone regions shall be prepared and sealed by a Texas licensed professional engineer.”
- (11) Amend “*Section R301.2 Climatic and geographic design criteria*” to add the following: “If no criteria has been established, or if there is no local jurisdiction to set the criteria, then the criteria shall be in accordance with the requirements set in the footnotes of Table R301.2(1).”
- (12) Amend “*Section R302 Townhouses*” by adding Exception 2 to read as follows: “When structurally independent, and divided by two separate one-hour fire-resistance-rated wall assemblies, then the individual townhouse units are considered single family dwellings and a sprinkler system is not required. The walls separating the dwellings shall comply with Section R302.2.1.”
- (13) Amend “*Section R302.5.2 Duct penetration*” to read as follows: “Ducts in the garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gauge (0.48 mm) sheet steel or other approved material, shall be protected as required by Section R302.11, Item 4, and shall have no openings into the garage.”

- (14) Amend “*Section R303.8 Required heating*” to read as follows: “Every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20°C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.”
 - (15) Delete “*Section R313.2 One-and two-family dwellings automatic fire sprinkler systems.*”
 - (16) Amend “*Section R902.1 Roofing covering materials*” to read as follows: “Roofs shall be covered with materials as set forth in Sections R904 and R905. Class A, B or C roofing shall be installed. Classes A, B and C roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.”
 - (17) Delete “*Part VIII-Electrical, Chapters 34 through 43.*”
 - (18) Amend *Chapter 44 Referenced Standards*” by deleting NFPA Standard 70-08, adding 70-11 and adding referenced section 102.4.
- (i) The *International Existing Building Code* shall be amended as follows.
- (1) Amend “*Section 101.1 Title*” to read as follows: “These regulations shall be known as the Existing Building Code of the Texas Industrialized Housing and Buildings Program, hereinafter referred to as ‘this code.’”
 - (2) Amend “*Section 101.3 Intent*” by adding the following: “Where conflicts occur between the provisions of this code and the provisions of Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings, or the provisions of 16 Texas Administrative Code, Chapter 70, rules governing the Texas Industrialized Housing and Buildings program, the provisions of Texas Occupations Code, Chapter 1202 and 16 Texas Administrative Code, Chapter 70 shall control.”
 - (3) Amend “*Section 101.4.1 Buildings not previously occupied*” to read as follows: “A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the International Building Code or International Residential Code, as applicable, as required by the provisions of Chapter 1202 of the Texas Occupations Code and 16 Texas Administrative Code, Chapter 70.”
 - (4) Amend “*Section 102.4 Referenced Codes and Standards*” by adding the following: “Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendment as well. Any reference to NFPA 70 or the *ICC Electrical Code* shall mean the Electrical Code as adopted.”
 - (5) Add new “*Section 102.4.1 TAS*” to read as follows: “Wherever reference elsewhere in this code is made to ICC A117.1, ICC/ANSI A117.1, or ANSI A117.1, the TAS of Texas Government Code, Chapter 469, Elimination of Architectural Barriers shall be substituted.”
 - (6) Amend “*Section 1301.2 Applicability*” to read as follows: “Structures existing prior to July 1, 2012, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 12. The provisions of Sections 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.”
 - (7) Amend “*Chapter 15 Referenced Standards*” as follows.
 - (A) Delete ICC/ANSI A117.1-03, *Accessible and Usable Buildings and Facilities*.
 - (B) Add TDLR, PO Box 12157, Austin, TX 78711 as a promulgating agency and add 2012 TAS

– Effective March, 2012, *Texas Accessibility Standards* as adopted under 16 Texas Administrative Code, Chapter 68, as the referenced standard, referenced in code sections 102.4.1, 310.6, 310.8.2, 605.1, 605.1.2, 605.1.3.

(C) Delete NFPA Standard 70-08 and replace with NFPA Standard 70-11, and add referenced section 102.4.

(j) The *International Energy Conservation Code* shall be amended as follows.

(1) Amend “*Section 101.1 Title*” to read as follows: “This code shall be known as the International Energy Conservation Code of the Texas Industrialized Housing and Buildings Program, and shall be cited as such. It is referred to herein as ‘this code.’”

(2) Amend “*Section 101.4.1 Existing buildings*” by adding the following: “Existing industrialized buildings that bear approved certification decals, or insignia, or that bear an alteration decal, in accordance with the requirements of Chapter 1202 of the Texas Occupations Code and 16 Texas Administrative Code, Chapter 70, and that have not been altered or modified since the decal, insignia, or alteration decal was attached, shall be considered to be in compliance with the current mandatory building code adopted by the Texas Industrialized Building Code Council.”

(3) Amend “*Section 101.4.3 Additions, alterations, renovations or repairs*” by adding the following: “The provisions of the *International Existing Building Code* shall apply to all matters governing the repair, alterations or additions, and changes of existing previously occupied industrialized buildings that are designed to be transported from one commercial site to another commercial site.”

(4) Amend “*Section 101.5.1 Compliance materials*” by adding new “*Subsection 101.5.1.1 Compliance Tools*” to read as follows:

(A) “*Section 101.5.1.1.1 Residential buildings.*” The PNNL/DOE software program REScheck and the International Code Compliance Calculator (ICCC or I3C) from the Texas Energy Systems Laboratory may be used to demonstrate energy compliance for residential buildings. REScheck may be used only to verify compliance for the U-factor alternative and for the Total UA alternative of this code. The mandatory requirements of this code apply regardless of which software program is used to demonstrate compliance.

(B) “*Section 101.5.1.1.2 Commercial buildings.*” The PNNL/DOE software program COMcheck may be used to demonstrate energy code compliance for commercial buildings. The mandatory requirements of this code apply regardless of the software program that is used to demonstrate compliance.

(5) Add “*Section 501.2.1 Design standards for buildings for state agencies and institutions of higher education*” to read as follows: “Building designs for state agencies and institutions of higher education shall comply with the energy standard adopted pursuant to Texas Government Code, §447.004 by the State Energy Conservation Office (SECO), and implemented through 34 Texas Administrative Code, Chapter 19, Subchapter C, Energy Conservation Design Standards, effective September 1, 2011.”

(6) Amend “*Chapter 6 Referenced Standards*” as follows.

(A) Add PNNL/DOE, Pacific Northwest National Laboratory/Department of Energy, <http://www.energycodes.gov/> as a promulgating agency and add the following as referenced standards.

(i) REScheck Version 4.4.1 or later, Residential Energy Compliance Software, referenced in code section 101.5.1.1.1.

(ii) COMcheck, Version 3.8.2 or later, Commercial Energy Compliance Software, referenced in code section 101.5.1.1.2.

(B) Add Texas Energy System Laboratory, 302 Harvey Mitchell Parkway South, College Station,

TX 77845-3581 as a promulgating agency and add ICC, v.310 or later, International Code Compliance Calculator, referenced in code section number 101.5.1.1.1 as the referenced standard.

- (C) Add ICC Standard IEBC-09, *International Existing Building Code*, referenced in code section 101.4.3.

70.102. Use and Construction of Codes. (Amended effective May 17, 2004, 29 TexReg 4867; amended effective May 1, 2005, 30 TexReg 2504; amended effective January 1, 2010, 34 TexReg 9409)

- (a) Industrialized housing, buildings, and site-built REFs shall be constructed to meet or exceed the mandatory building code standards and requirements referenced in §70.100 and §70.101 in effect at the time of construction. A building that has not been previously occupied or used for its intended purpose shall comply with the provisions of the mandatory building codes referenced in §70.100 and §70.101 for new construction in effect at the time of construction. Industrialized housing and buildings shall be installed in accordance with the mandatory building code standards and requirements referenced in §70.100 and §70.101.
- (b) Alterations of industrialized housing and permanent industrialized buildings shall be in accordance with §70.74 and shall comply with the provisions of the codes referenced in §70.100 and §70.101 for new structures.
- (c) Industrialized buildings designed to be moved from one commercial site to another commercial site shall be recertified or altered in accordance with the mandatory building code standards and requirements referenced in §70.100 and §70.101 and in accordance with §70.74. Alterations of buildings shall comply with the standards and requirements of the following codes for each type of recertification class.
- (1) Recertification class 1 and class 4: Alterations shall comply with the International Existing Building Code as referenced in §70.101. Alterations of buildings that have not been previously occupied or used for their intended purpose shall comply with the provisions of the codes referenced in §70.100 and §70.101 for new construction.
- (2) Recertification class 2 and class 3: The existing building as altered, and additional alterations to the building, shall comply with the provisions of the International Existing Building Code as referenced in §70.101.
- (d) The codes adopted in §70.100 and §70.101 shall be construed to conform to the intent of Chapter 1202 and these rules and regulations. For example, where reference is made in any of the codes to the building official, the plumbing or mechanical official, or the administrative authority or enforcement official, such reference shall be construed pursuant to Chapter 1202 and the sections in this chapter to mean, where applicable, the council, the local building official, or the department.

70.103. Alternate Materials and Methods. (Amended effective December 1, 2003, 28 TexReg 10458; amended effective May 1, 2008, 33 TexReg 3409; amended effective January 1, 2010, 34 TexReg 9409)

- (a) Alternate materials or methods of construction other than as authorized by the mandatory codes set forth in §70.100 must be approved by the council.
- (b) Manufacturers, REF builders, or industrialized builders shall submit descriptions of alternate methods or materials required to be approved by the council to the executive director for consideration by the council. The submittal shall include either 15 legible hard copies of drawings, specifications, and substantiating evidence for each such alternate method or material or all supporting documentation shall be submitted electronically and be in a format that will allow for electronic disbursement of these materials to the council.
- (c) The following types of alternate materials or methods of construction have been approved by the council and do not require the manufacturer, REF builder, or industrialized builder to submit descriptions to the council for approval. Materials or methods of construction shall be used and identified in accordance with the applicable code or product evaluation report or listing.
- (1) Alternate materials or methods with a current code evaluation report from ICC ES. An industrialized house or building or site-built REF with a code evaluation report is not exempt from the requirements

of Texas Occupations Code, Chapter 1202.

- (2) Alternate materials or methods of construction with a current product evaluation report or listing from a product certification agency accredited by the IAS that shows compliance with the applicable mandatory building codes. An industrialized house or building or site-built REF with a product evaluation report or listing is not exempt from the requirements of Texas Occupations Code, Chapter 1202.

70.120. Intent.

The 69th Legislature has found and determined that there is great need to provide safe, durable code-constructed housing and buildings and to encourage the economics realized through mass production and assembly line building techniques in order to produce and provide more affordable dwellings and buildings. The 69th legislature, 1985, has also found and determined that existing statutes and regulations prior to September 1, 1985, are not adequate to coordinate properly the interests of both the state and local political subdivisions including home rule cities. In recognition of its findings, and in order to promote the public health, safety, and welfare, the 69th Legislature, 1985, enacted House Bill 1213 mandating the regulation of industrialized housing and buildings and provided that such Act shall be liberally construed and applied to encourage innovative building and construction techniques (Chapter 84, 69th Legislature, 1985, Vernon's Law Service, 1985, page 332).