



TEXAS DEPARTMENT OF LICENSING AND REGULATION COMPLIANCE DIVISION – INDUSTRIALIZED HOUSING AND BUILDINGS

P.O. Box 12157 • Austin, Texas 78711 • (512) 539-5735 • (800) 803-9202 • FAX (512) 539-5736
Email Address: industrialized.buildings@license.state.tx.us • Internet Address: www.license.state.tx.us

RESPONSIBILITIES OF THE INDUSTRIALIZED BUILDER

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REFERENCES:

- Reference § 70.73 of the rules for information concerning the foundation and installation requirements of industrialized housing and buildings.
- Reference § 70.74 of the rules for information concerning alterations of industrialized housing and buildings.

RESPONSIBILITIES OF THE INDUSTRIALIZED BUILDER: The *Building Site Inspection Program* outlines the responsibilities of the industrialized builder for the installation of industrialized housing and buildings (IHB). A copy of this document may be downloaded from the TDLR web site at <http://www.license.state.tx.us>. The industrialized builder is responsible for the following.

- To ensure that the installation complies with the mandatory building codes, the manufacturer's installation instructions, the engineered foundation design, and any unique on-site construction details.
- All construction related to the foundation and installation of the house or building at the installation site, including construction of porches, stairs, car ports, and garages that affect the code compliance of the construction.
- To ensure that all sub-contractors are licensed as required by Texas state law and that the inspector is provided with the license number and name of the license holder for each sub-contractor.
- To ensure that all inspections are performed as required by the *Building Site Inspection Program*.
- To ensure that all testing is completed as required by the mandatory building codes and the manufacturer's installation instructions.
- To ensure that concrete is not poured for the foundation prior to inspection.
- To ensure that the inspector is provided with the trip ticket from the concrete supplier or a copy of the concrete test results.
- To ensure that a final inspection has been completed and that all violations identified during the inspections are corrected prior to release of the house or building for occupancy.

FOUNDATIONS – Reference the Occupations Code, Chapter 1202, §§ 1202.002, 1202.003, and 1202.203; Department rule § 70.73, and the *Building Site Inspection Program*.

- Residential modular construction shall be installed on a **permanent foundation**.
- The manufacturer shall provide critical load points for attachment of the house or building or component to the foundation so that the industrialized builder may have a foundation designed for the installation site.
- The industrialized builder shall have a licensed Texas professional engineer or architect design and seal the foundation design and any unique on-site construction details. Unique on-site construction details may include, but are not limited to, porches, decks, car ports, and garages.
- The foundation and construction shown on drawings must meet or exceed the mandatory building codes adopted by the **Texas Industrialized Building Code Council**.

NOTE: Commercial modular construction may be installed on a temporary foundation system **subject to the acceptance of the local authority**.

INSPECTIONS – Reference the Occupations Code, Chapter 1202, § 1202.203, Department rule §§ 70.62 and 70.73, and the *Building Site Inspection Program*

Inside Jurisdiction of a Municipality: Falls under the jurisdiction of the local authorities for site inspections. Permits must be pulled in accordance with the requirements set by the municipality. Inspections shall be in accordance with the procedures of the municipality.

- The municipality may require and review a complete set of approved plans and specifications, the foundation system design, and any unique on-site construction details for compliance to the mandatory building codes.
- A licensed Texas engineer or architect shall design and seal the foundation design and any unique on-site construction details.

Outside Jurisdiction of a Municipality (or inside municipality with no inspection Department):

- Site inspections are required for the 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 codes.
- 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.
- Inspections shall be performed by Council approved inspectors in accordance with the *Building Site Inspection Program*. Lists of Council approved inspectors may be found on our web site at <http://www.license.state.tx.us/ihb/ihblists.htm>.
- Inspections shall be performed in accordance with the *Building Site Inspection Program*. The industrialized builder shall give the inspector a minimum of 48 hours notice of the need for an inspection.
- The industrialized builder may not change inspectors in the middle of a project without prior approval from this Department.
- The Industrialized Builder shall ensure that construction is inspected in at least the following phases (these inspections are minimum requirements and do not limit the scope of inspections that may be necessary to adequately inspect and to inspect corrective actions taken to clear violations):
 1. **FOUNDATION INSPECTION** – After forms are constructed, steel reinforcement is installed, but before concrete is poured. The inspector shall document the inspection on form # TDLR 078ihb.
 2. **SET INSPECTION** - When the modules or modular components are connected and fastened to the foundation. The inspector shall document the inspection on form # TDLR 079ihb.
 3. **FINAL INSPECTION**. When utility services are connected and tests are performed. The inspector shall document the inspection on form # TDLR 080ihb.

INSPECTOR PERSONNEL – Reference Department rule § 70.73 and the *Building Site Inspection Program*

The site inspections shall be performed by a **COUNCIL APPROVED INSPECTOR. HUD, FHA, OR LICENSED REAL ESTATE INSPECTORS ARE NOT COUNCIL APPROVED INSPECTORS FOR THE PERFORMANCE OF A SITE INSPECTION FOR THE TEXAS IHB PROGRAM.**

Council Approved Inspectors include any of the following:

- A third party inspection agency (TPIA) or third party inspector (TPI) registered and approved by the Council for the IHB program.
- A third party site inspector (TPSI) registered and approved by the Council for the IHB program.
- An engineer or architect licensed to practice in the State of Texas.

An engineer or architect licensed to practice in the State of Texas may be added to the list of Council Approved Inspectors by completing an application certifying that they have the requisite experience, education, or training necessary to ensure compliance of the construction in accordance with the mandatory building codes.

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Lists of **Council approved inspectors** are available from the Department and may be downloaded from the agency's web site at <http://www.license.state.tx.us/databases.htm#ihblists>.

RECORDS AUDIT – Reference Department rule § 70.50(b) and the *Building Site Inspection Program*

An annual audit of units sold, leased, or installed by the builder shall be conducted by the Department. As an industrialized builder you are required to keep records of all modular units installed for a minimum of ten years. For modular units sold or leased but not installed by the industrialized builder you are required to keep records of all units for a minimum of five years. Records are required to be maintained even if you do not renew the license.

The Department shall identify each unit in the audit by the manufacturer's name and registration number, manufacturer's serial number, and Texas decal or insignia number.

The industrialized builder shall provide the following information to the Department for each unit identified in the audit, within the timeframe set by the audit.

- Evidence of compliance with Department rule § 70.75. A checklist signed by the owner is considered evidence.
- The address where each unit was installed. If the industrialized builder is not responsible for the installation, then the address to where each unit was delivered. If the unit has not been installed, then the address where the unit is stored.
- Date construction began at the installation site.
- Date of occupation by owners or leasers or date released for occupation.
- The occupancy use of each building containing modules or modular components, i.e., classroom, restaurant, bank, equipment shelter, etc.
- Identification of the type of foundation system, either permanent or temporary, on which each unit was installed. NOTE: Residential units must be installed on a permanent foundation.
- If the industrialized builder is responsible for the installation and site work, then the builder shall:
 - Keep a copy of the foundation plans.
 - Keep a copy of any unique on-site construction details.
 - Keep a copy of the site inspection report in accordance with Department § 70.73 or evidence of the city responsible for the inspections.
 - Provide a copy of these documents to the Department upon request.
- If the industrialized builder is not responsible for all of the construction related to the installation and site work, then the industrialized builder shall:
 - Keep a copy of the engineered construction plans for that portion for which he is responsible.
 - Keep a copy of the site inspection report in accordance with Department rule §70.73 for that portion of the work for which he is responsible or evidence of the city responsible for the inspections.
 - Provide a copy of these documents to the Department upon request.
- If the builder is not responsible for the installation and site work, then the builder shall provide identification of the installation permit number assigned by the Department, or builder registration number assigned by the Department, of the person responsible.

INSTALLATION PERMITS – Reference Department rule § 70.25 and the *Building Site Inspection Program*

- A residential installation permit is 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 home. (Form # TDLR 081ihb)
 - The residential installation permit holder is responsible only for the construction specified on the permit.
 - The industrialized builder is not responsible for construction performed by the residential installation permit holder as specified on the installation permit application submitted to the Department.
 - Construction not covered by the residential installation permit is the responsibility of the industrialized builder.

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- A commercial installation permit is issued by the Department to a person who purchases an industrialized building for the person's own use and who assumes responsibility for all of the construction relating to the installation of the industrialized building. (Form # TDLR 035ihb)

Copies of all documents referenced in this bulletin may be downloaded from our web site at <http://www.license.state.tx.us/ihb/ihb.htm>. Please contact us at (512) 539-5731 or industrialized.buildings@license.state.tx.us to receive hard copies of any document referenced in this bulletin, if you have questions, or if you require additional information.