



## State of Idaho

### Division of Occupational and Professional Licenses Factory Built Structures Advisory Board

**BRAD LITTLE**  
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#### Draft Minutes of 04/19/2023

**Division Staff:** Michael Hyde, Executive Officer  
Sam Zahorka, Building Program Manager  
Renee Bryant, Board Support Supervisor  
Carlotta Zito, Board Support Specialist  
Miah Ellett, Board Support Specialist

The Factory Built Structures Listening Session was called to order at 9:00 AM MT by Michael Hyde.

Executive Officer Hyde explained the objective of the ZBR (Zero Based Regulation), as well as addressed IDAPA 24.39.31 - *Rules for Factory Built Structures*. This session was held to gather comments and feedback from state, city, county and building department inspectors.

Executive Officer Hyde conducted an overview of the following sections of the rule chapter:

- 000 - 001 - These are general sections of rule chapters identifying legal authority to promulgate rules.
- 010. Definitions - No comments.

#### Subchapter A- Modular Buildings

- 100. Permits and 101. Plan Review - No comments.
- 102. Fees - No comments.
- 103.03 Modular Buildings: Installation Inspection Once the modular unit is constructed and shipped to a job site the inspection authority shifts from the state to the local authority. No comments.
- 103.04. Modular Buildings: Rights and Limitations of Local Enforcement Agencies - No comments.
- 103.05. Modular Buildings: Insignia and Serial Number - No comments.
- 104. Civil Penalties - No comments.

#### Subchapter B - Manufactured/Mobile Home Industry Licensing

- 200. License Required - Outlines licensing requirements for manufactured home manufacturers, retailers, and installers. No comments.

- 201. Proof of Education Required - Outlines continuing education requirements for certain license types. No comments.
- 202. Examination of Applicant for Licensure - Outlines the examination requirements. No comments.
- 203. Disciplinary Action Against Licensees - Outlines the actions by a licensee that would prevent issuance or renewal of a license or revocation of a license. No comments.
- 204. Procedures for Licensing Suspension, Revocation or Nonrenewal - Outlines the procedures that will be followed when proceeding with a suspension, nonrenewal or revocation of a license. No comments.
- 205. Application for a New License - A licensee may not apply for a new license until one (1) year from the date of the revocation of a license. No comments.
- 206. Fees - Outlines the fee schedule for issuance and renewal of a license. No comments.
- 207. Manufactured Homes Construction and Safety Standards - This section is duplicative of statute language stating all manufactured home standards will comply with Housing and Urban Development (HUD) standards and the Idaho Code. No comments.
- 208. Civil Penalties - Outlines civil penalties for manufactured home licensees. No comments.

**Subchapter C - Manufactured Homes - Consumer Complaints - Dispute Resolution** - This section does not pertain to local inspectors or any agency outside of DOPL (Division of Occupational and Professional Licenses). No comments.

**Subchapter D - Manufactured or Mobile Home Installations** - This section outlines the inspection processes between the state and local jurisdictions that do inspections on DOPL's behalf.

- 400. Adoption and Incorporation by Reference - The Idaho Manufactured Home (IMH) Installation Standard, (January 1, 2018 edition), is adopted and incorporated by reference into these rules. No comments.
- 401.01. Application - State Preemption - Local jurisdiction enforcement must be consistent with state requirements. No comments.
- 401.02 - Compliance - Disciplinary Action Against Licensees - Any licensee failing to comply with the standards may be subject to discipline as referenced in Subchapter B. No comments.
- 402. Use of Manufacturer's Installation Instructions - This section offers guidance to inspectors when there is a conflict between the Design Approval Primary Inspection Agency (DAPIA) installation instructions and IMH installation instructions. No comments.
- 403. Installation Permits and Inspections Required - Installation permits must be obtained through DOPL for installations in areas where there is no approved program or from a city or county that has adopted codes and has been approved by DOPL. No comments.
- 404. Installation Permit Fees - Outlines the permit fees for single, double, and more than two section units. No comments.
- 404.04. Trade Permits - Electrical, Plumbing and HVAC permit fees are separate from the fees identified in Section 404 of these rules. No comments.

- 405. Installation Tags Required - Tags provide the State with the installation checklist and information to report to HUD. Bobbi Kaufman, representative of the Idaho Association of Building Officials, asked if tags are required for new homes leaving the manufacturing facility the first time or if tags are required each time the unit is sold or moved. Mr. Hyde stated tags are only required once. This section on tag language is in process. A question was asked about how to look up whether a tag has been pulled prior to inspection. Mr. Hyde, Mr. Zahorka or a member of DOPL's permit tech team can assist with looking up tags. Ms. Kaufman asked if this tag is required for homes that come into Idaho from other states. Mr. Hyde responded yes. A question was asked whether a local jurisdiction should be requiring this tag before approving a permit to set the home. Mr. Hyde stated the tag should be required before performing an inspection.
- 406. Approval of Local Manufactured Home Installation Inspection Programs - This section outlines DOPL's process for approving a local city or county building department inspection program to provide inspections on behalf of DOPL. Mike Jordan, city of Boise Building Code-Inspections, asked how often DOPL would like to collect data. Mr. Hyde stated the time period has not been determined yet. Mr. Jordan stated annually would be sufficient.
- 407. Minimum Training Requirements for Inspectors - Inspectors must complete eight (8) hours of DOPL approved training or instruction every three (3) years. Mr. Jordan stated he likes the current system of four (4) hours every other year to complete the eight (8) hours of required continuing education.
- 408. Quality Assurance - Inspection installations are subject to quality assurance reviews by DOPL. No comments.
- 409. Minimum Scope of Installation Inspection - This section outlines the scope and minimum inspection requirements. No comments.

Comments from this listening session will be presented to the Factory Built Structures Advisory Board at the May 3, 2023 meeting. After the May 3rd Board meeting, a redline draft of this rule chapter will be placed on the DOPL website and will be distributed to associations and licensees. Mr. Hyde explained the ZBR process that will occur prior to the final board vote on these rules at the September 2023 Board meeting.

#### **ADJOURNMENT**

With no further comments, Executive Officer Hyde adjourned the listening session at 10:58 AM.