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**COMPLIANCE DIVISION – INDUSTRIALIZED HOUSING AND BUILDINGS**

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**INDUSTRIALIZED HOUSING AND BUILDINGS – BULLETIN #00-001**

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**Areas of Authority Belonging to a Municipality – Industrialized Housing**

The Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings, outlines the areas of authority belonging to a municipality. Department rules 70.62 and 70.73 further define the areas of authority pertaining to site inspections.

Any disputes that cannot be resolved between the local officials and the industrialized builder (retailer/installer) shall be referred to the Department. Disputes that cannot be resolved by the Department shall be referred to the Texas Industrialized Building Code Council. The decisions, actions, and interpretations of the Council are binding on the Department, third-party inspectors, design review agencies, manufacturers, and municipalities and other local political subdivisions.

**§1202.151(b) of the Texas Occupations Code** requires that industrialized housing installed within the jurisdiction of a municipality is constructed to meet the applicable code group for that municipality. With the merger of the International Conference of Building Officials (ICBO) and the Southern Building Code Congress (SBCCI) into the International Code Council (ICC) and the adoption of the International Codes by the Texas Industrialized Building Code Council (Council), this means that the construction of new industrialized housing must be in compliance with the International Codes. The International Codes are the latest editions of the Uniform Codes (published by ICBO) and the Standard Codes (published by SBCCI). Effective July 1, 2004, the applicable mandatory building codes for new construction as adopted by the Council (reference §1202.152 of the Texas Occupations Code) are the 2003 International Building Code, the 2003 International Mechanical Code, the 2003 International Plumbing Code, the 2003 International Fuel Gas Code, the 2003 International Energy Conservation Code, the 2003 International Residential Code, and the 2002 National Electrical Code. Amendments adopted by the Council to these codes are outlined in Department rule 70.101.

**§1202.252(a)(1) of the Texas Occupations Code** grants the municipality the authority to require and review, for compliance with the mandatory state codes, a complete set of design plans, specifications, and calculations bearing the stamp of the council for each installation within its corporate limits. The municipality may refuse to issue a permit if a review of the plans and specifications indicates any violations of the mandatory building codes in effect at the time of construction of the industrialized house. The municipality may require correction of these violations, and inspection of the corrections made, as a condition for granting a permit. The municipality is not required to accept an industrialized house that has been found to be in violation of the mandatory building codes in effect at the time of construction.

**§1202.153 of the Texas Occupations Code** does not permit a municipality to require or enforce any local amendments to the mandatory codes adopted by the Council. However, the municipality may assure that the load conditions described in the plans and specifications meet the load requirements for the area in which the unit is installed. For example, a municipality is not required to accept a unit that was designed to meet a 90 mph wind speed if the basic wind speed map in the code indicates that the municipality is located in an area where the basic wind speed is 100 mph.

**§§1202.252(a)(2) and 1202.253(a)** of the Texas Occupations Code grants the municipality the authority to require that all applicable local permits and licenses are obtained before any construction begins on a building site. Contractors, electricians, and other workmen on the

construction site must be licensed in accordance with the requirements of the municipality in which the module is sited and with applicable state requirements. Department rules require that the person responsible for retailing and installing the industrialized house be registered with the Department as an industrialized builder. Industrialized builders are not required to be registered as a builder under the Texas Residential Construction Commission Act.

**1202.252(a)(3) of the Texas Occupations Code** grants the municipality the authority to require that all modules or modular components bear an approved decal or insignia. IHB Bulletin #97-001 provides a description of the decals and insignia used to certify compliance with the Texas IHB statute. Each separate module or modular component must bear a decal or insignia. The location of the decal or insignia on the module or modular component must be indicated on the floor plan or cover page of the approved plans. Only manufacturers that have met the requirements of the State are eligible to purchase decals or insignia (Department rule 70.77). By affixing the decal or insignia, the manufacturer certifies that the module or modular component was constructed and inspected in accordance with the law and rules governing industrialized housing and buildings. The control of the decals and insignia remains with the Department.

**§§1202.251(a), 1202.251(b), and 1202.253(c)(3) of the Texas Occupations Code** grants the municipality the authority to enforce local land use and zoning requirements, building setback requirements, side and rear yard requirements, site planning and development and property line requirements, subdivision control, and landscape architectural requirements. These local requirements and regulations and others not in conflict with the Act or other State law relating to transportation, erection, installation, or use, shall be reasonably and uniformly applied and enforced without distinction as to whether the housing is manufactured or constructed on site. A municipality cannot restrict an industrialized house to an area zoned for manufactured housing or prohibit an industrialized house constructed under Chapter 1202 from being placed inside city limits. A municipality can prohibit an industrialized house from being placed in an area zoned for business, but cannot prohibit an industrialized house from being placed in an area zoned residential except as provided in §1202.253(c) of the Texas Occupations Code.

**§1202.253(c)** permits a municipality to adopt regulations that require single-family or duplex industrialized housing to:

- have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located. Value means the taxable value of the industrialized housing and the lot after installation of the home;
- have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is to be located; and
- comply with municipal aesthetic standards, square footage, and other site requirements applicable to single-family dwellings;

**§1202.252(a)(4) of the Texas Occupations Code** grants the municipality the authority to establish procedures for inspection of the erection and installation of any industrialized house located within their jurisdiction to assure compliance with the mandatory building codes and the approved plans and specifications. These procedures may require final inspections and tests before occupancy and may require correction of deficiencies identified by the tests or discovered during inspections.

**§1202.203 of the Texas Occupations Code** grants the municipality the authority to inspect the foundation system and erection and installation of the modules or modular components on the foundation system to assure compliance with the mandatory building codes adopted by the

Council and approved plans and specifications. All construction performed on site shall be inspected by the municipal inspectors in accordance with their inspection procedures. The municipality may require repair of any items damaged in transit on the module or modular components to be installed. The municipality may require correction of code (mandatory codes identified in Department rules 70.100 and 70.101) violations identified on the module or modular component during the site inspections. The municipality may require correction of items that are not in conformance with the approved plans and specifications. Construction uncovered during repairs of violations may be inspected for conformance to the mandatory state codes and approved plans. However, destructive disassembly (Department rule 70.73) of a module or modular component is not permitted. Inspection of anything visible on a module or modular component is permitted. Nondestructive disassembly (opening access panels, cover plates, etc) is permitted during inspection.

**Department rule 70.70(d)** requires a manufacturer to provide on-site construction documentation that includes the critical load points for attachment of the house or building to the foundation. **Department rules 70.70(e) and 70.70(f)** require a licensed engineer (or architect for one or two family dwellings having one story and total floor area of 5,000 square feet or less) to design and seal the foundation system and unique on-site construction details for each industrialized house or building. The foundation is required to be suitable for the location where the house or building will be installed. The foundation design and unique on-site details shall be reviewed by the municipality for conformance to the mandatory building codes – review by a Texas approved design review agency is not required.

**§1202.002 of the Texas Occupations Code** defines an industrialized house as one that is erected or installed on a permanent foundation. **Department rule 70.10(a)** defines a “permanent foundation system” as one that is designed to meet the applicable mandatory building code adopted under the Texas IHB program. A municipality shall require that an industrialized house be installed on a permanent foundation system. The use of ground anchors is not approved for permanent foundations. Components of a foundation system allowed for use in site built construction must also be allowed for IHB housing. Typically, a “permanent” foundation is one with the following characteristics.

- The foundation and all related construction complies with the requirements of the mandatory building code
- The foundation system is capable of transmitting all design loads imposed by or upon the foundation and the attached building into soil or bedrock without failure
- The structure is attached without the towing hitch, axles, brakes, wheels and other parts of the chassis that only operate during transportation.
- Ventilation and decay details are provided in accordance with code requirements.