

**PUBLIC SAFETY DEPARTMENT[661]**

**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 103A.7, the Building Code Commissioner, with the approval of the Building Code Advisory Council, hereby amends Chapter 322, “State Building Code—Manufactured Housing Support and Anchorage Systems,” and adopts new Chapter 323, “Temporary Emergency Use of Factory-Built Structures—Commercial Use,” Iowa Administrative Code.

Responsibility for establishing standards for the installation of factory-built structures is assigned to the Building Code Commissioner. These standards are adopted as part of the State Building Code, with the approval of the Building Code Advisory Council. Rules establishing standards for installation of manufactured housing were recently reorganized, effective July 1, 2008, into new Chapter 322 of the rules of the Department of Public Safety, and then amended, also effective July 1, 2008, by an emergency rule making which allows for temporary emergency use of manufactured housing which does not meet all of the installation requirements that would normally apply. The amendments adopted herein further facilitate temporary emergency use of manufactured homes to alleviate critical housing needs of persons displaced by recent flooding or tornadoes and also facilitate provision of temporary emergency locations for businesses displaced by flooding or tornadoes.

In order to facilitate rapid availability of housing, an amendment adopted herein allows for temporary occupancy of manufactured housing without compliance with the usual requirements for support systems for installed units. The units installed under the provision adopted herein would be for use for up to 18 months only, unless reinstalled in compliance with all of the standards that normally apply to such installations. Emergency relocation of businesses whose usual place of business has been rendered unusable by flooding, storm damage or any other condition which is a basis for a disaster emergency proclamation is facilitated by an amendment allowing for the use for up to 18 months of factory-built structures which are not intended to be placed on permanent foundations, provided that manufacturers’ specifications for installation and maintenance of the units are met.

Pursuant to Iowa Code section 17A.4(2), the Building Code Commissioner finds that notice and public participation prior to the adoption of these amendments are impracticable. There is an immediate need for additional manufactured housing and temporary business locations to be available in Iowa in order to address damage to structures stemming from widespread disasters, and these amendments will allow for these to be available in a timely fashion.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Department further finds that the normal effective date of these amendments, 35 days after publication, should be waived and these amendments be made effective July 10, 2008, after filing with the Administrative Rules Coordinator. These amendments confer a benefit upon the public by enabling additional manufactured housing and temporary structures for business operations to be installed in Iowa to address needs stemming from widespread disasters.

These amendment are also being proposed in a Notice of Intended Action in order to allow for public comment. The Notice is published herein as **ARC 7008B**.

These amendments became effective July 10, 2008.

These amendments are intended to implement Iowa Code section 103A.9.

The following amendments are adopted.

ITEM 1. Adopt the following **new** paragraph **322.11(1)“e”**:

*e.* Only in areas subject to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6, in compliance with subrule 322.11(4).

ITEM 2. Adopt the following **new** subrule 322.11(4):

**322.11(4)** In an area subject to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6, a manufactured home may be installed without a permanent support system provided that all of the following apply:

a. The installation complies with anchorage requirements and aboveground support requirements specified by the manufacturer or specified in subrule 322.11(3) as applicable;

b. A government agency or a third-party contractor is contractually obligated to regularly inspect the home while it is occupied and to loosen the ties or straps used in the anchoring system as needed between November 15 of each year and April 15 of the following year, in order to prevent frost heave from affecting the home, and to retighten the ties or straps on or after April 15 and prior to May 15 of the following year; and

c. The home shall be vacated within 18 months after installation without a support system which is fully compliant with subrules 322.11(1), 322.11(2), and 322.11(3). A home installed in compliance with this subrule may continue to be occupied if it has been reinstalled in compliance with the provisions of this rule that would apply in the absence of a proclaimed disaster emergency.

ITEM 3. Adopt the following **new** 661—Chapter 323:

#### CHAPTER 323

#### TEMPORARY EMERGENCY USE OF FACTORY-BUILT STRUCTURES—COMMERCIAL USE

**661—323.1(103A) Temporary factory-built structures for commercial use.** A factory-built structure, as defined in Iowa Code section 103A.3, may be installed and used as a temporary location for a business or commercial operation, provided that all of the following apply:

**323.1(1)** The installation is in an area currently subject to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6.

EXCEPTION: If outside any area covered by a current disaster emergency proclamation, the installation is approved in writing by the building code commissioner provided that all of the other requirements of this rule are met.

**323.1(2)** The structure was manufactured to be installed without a permanent foundation.

**323.1(3)** The installation fully complies with all applicable installation requirements established by the manufacturer.

EXCEPTION: If specifications provided by the manufacturer provide for the use of both a support system and an anchoring system, a structure may be installed without a permanent support system, provided that an anchoring system is installed in compliance with specifications provided by the manufacturer and the owner or occupant ensures that straps or ties are loosened to prevent the structure from suffering damage from frost heave as needed between November 15 of any year during which it is in use and April 15 of the following year. The straps or ties must be retightened on or after April 15 and no later than May 15 of the following year.

**323.1(4)** The owner ensures full compliance with all maintenance requirements established by the manufacturer.

**323.1(5)** The structure meets all requirements of other applicable codes for the use of the structure, except that a structure installed in compliance with this rule is not required to display an Iowa seal as otherwise required by 661—subrules 16.610(21), 16.610(22), and 16.610(24).

**323.1(6)** The structure is not used as a private residence.

**323.1(7)** The structure is vacated within 18 months of installation.

**323.1(8)** No portion of the structure is used as an educational occupancy, unless written permission for such use has been issued by the state fire marshal and the state building code commissioner.

**323.1(9)** No portion of the structure is used as a health care facility or portion of a health care facility unless written permission for such use has been issued by the state fire marshal and the state building code commissioner.

This rule is intended to implement Iowa Code section 103A.9.

[Filed Emergency 7/8/08, effective 7/10/08]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/30/08.