

Readopt with amendment Saf-C 3300, effective July 9, 2010 (Doc. #9752), to read as follows:

## CHAPTER Saf-C 3300 RULES FOR MODULAR BUILDINGS AND BUILDING COMPONENTS

Statutory Authority: RSA 205-C:4.

### PART Saf-C 3301 PURPOSE AND SCOPE

Saf-C 3301.01 Purpose. The purpose of these rules is to implement the objectives of RSA 205-C:4 pertaining to modular buildings and building components.

Saf-C 3301.02 Applicability. These rules shall apply to modular buildings as set forth in RSA 205-C:1, XI which are designed for installation on permanent foundations.

Saf-C 3301.03 Effect of These Rules. Nothing contained herein shall be construed to relieve a person from abiding by statutory law.

### PART Saf-C 3302 DEFINITIONS

Saf-C 3302.01 "American Society for Testing and Materials (ASTM) E 541-08" means the standard criteria for agencies engaged in system analysis and compliance assurance for manufactured building, including any documents referenced therein.

Saf-C 3302.02 "Approved third party inspection agency" means "approved third party inspection agency" as defined in RSA 205-C:1, I. The term includes "third party agency" and "agency".

Saf-C 3302.03 "Building component" means "building component" as defined in RSA 205-C:1, III.

Saf-C 3302.04 "Building system" means the method of constructing modular buildings or building components including the design, materials, and fabrication process described by drawings, specifications, and other documentation that establishes a set of limits which meet building codes, standards, and the requirements of these rules for the type of modular building or building component, which might include structural, electrical, mechanical, plumbing, fire protection systems, and other systems affecting health and safety.

Saf-C 3302.05 "Builder/dealer" means any person who sells, leases, or erects modular buildings that have been certified pursuant to these rules and is required, by and through contractual obligation to the end purchaser, to be responsible for the site installation of the modular unit upon the foundation and the completion of said modular unit in accordance with corresponding plans, specifications, and the manufacturer's site reference manual.

Saf-C 3302.06 "Certification" means "certification" as defined in RSA 205-C:1, IV.

Saf-C 3302.07 "Closed construction" means "closed construction" as defined in RSA 205-C:1, V.

Saf-C 3302.08 "Defect" means non-compliance that renders the modular building or building component not for the ordinary use for which it was intended, but does not result in an unreasonable risk of injury or death to occupants of the affected modular building or building component.

Saf-C 3302.09 "Department" means "department" as defined in RSA 205-C:1, VI.

Saf-C 3302.10 "Imminent safety hazard" means non-compliance that presents an immediate and unreasonable risk of death or severe personal injury.

Saf-C 3302.11 "Installation" means "installation" as defined in RSA 205-C:1, VII.

Saf-C 3302.12 "Label" means "label" as defined in RSA 205-C:1, VIII.

Saf-C 3302.13 "Local enforcement agency" means "local enforcement agency" as defined in RSA 205-C:1, IX.

Saf-C 3302.14 "Manufacturing facilities" means "manufacturing facilities" as defined in RSA 205-C:1, X.

Saf-C 3302.15 "Modular building" means "modular building" as defined in RSA 205-C:1, XI.

Saf-C 3302.16 "Modular building code" means "modular building code" as defined in RSA 205-C:1, II.

Saf-C 3302.17 "Module" means a 3 dimensional volumetric building element which makes up a major portion of a manufactured building. It is closed construction and generally contains finished or nearly finished habitable or non-habitable space.

Saf-C 3302.18 "National electrical code" means "national electrical code" as defined in RSA 155-A:1, IV.

Saf-C 3302.19 "Non-compliance" means the failure to comply with an applicable law, rule, or code, as defined by Saf-C 3303.01, pertaining to modular buildings.

Saf-C 3302.20 "Person" means "person" as defined in RSA 205-C:1, XIII.

Saf-C 3302.21 "Quality assurance" means the process of ensuring that modular buildings or building components are constructed in compliance with applicable codes, rules, and laws.

Saf-C 3302.22 "Quality assurance manual" means the document prepared by the manufacturer detailing the methods, procedures, and systems employed in the quality assurance program.

Saf-C 3302.23 "Quality assurance program" means the manufacturer's building system, including directly-related quality and process controls, for assuring compliance with applicable codes, standards, rules, and laws.

Saf-C 3302.24 “Rescheck” means computer software published by the United States Department of Energy that allows builders to determine a residential structure’s overall compliance with a selected energy conservation code by “trading off” insulation levels in the ceiling, wall, floor, basement wall, slab-edge and crawl-space, glazing and door areas, glazing and door U-factors, and certain equipment efficiency.

Saf-C 3302.25 "Serious defect" means non-compliance that renders the modular building or building component unfit for occupancy.

Saf-C 3302.26 “State label” means the New Hampshire seal or insignia issued by the department and attached to an approved modular building.

## PART Saf-C 3303 APPLICABLE CODES AND LOCAL BUILDING REQUIREMENTS

### Saf-C 3303.01 Applicable Codes.

(a) All modular buildings and building components installed in New Hampshire shall conform to the state building code, as adopted, amended, and defined in RSA 155-A:1, IV, which shall consist of the following, as applicable:

- (1) The modular building code;
- (2) The National Electrical Code;
- (3) The International Building Code;
- (4) The International Residential Code;
- (5) The International Plumbing Code;
- (6) The International Mechanical Code;
- (7) The International Energy Conservation Code; and
- (8) The International Existing Building Code.

(b) In addition to (a) above, all modular buildings and building components installed in New Hampshire shall conform to the state fire code, Saf-C 6000, as adopted and amended.

(c) In the event of a conflict between the applicable codes set forth in (a) above, the provisions of the particular code that are the most stringent shall prevail, unless specifically set forth otherwise in the codes or these rules.

(d) Notwithstanding (a) above, interior stairs, including contiguous stair configurations that serve a basement, for one and 2 family dwellings shall comply with the following:

- (1) The international residential code, as adopted and amended pursuant to RSA 155-A; or
- (2) The following configuration:
  - a. The maximum riser height shall be 8 1/4 inches and the minimum tread depth shall be 9 inches;

- b. The riser height shall be measured vertically between leading edges of the adjacent treads;
- c. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge;
- d. The walking surface of treads and landings of a stairway shall be sloped no steeper than one vertical unit in 48 units horizontal or a 2% slope;
- e. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch or 9.5 mm; and
- f. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inches or 9.5 mm.

Saf-C 3303.02 Amendments. If the applicable codes set forth in Saf-C 3303.01(a) are updated or these rules are amended, each manufacturer shall have 180 days following the date of adoption or amendment to modify building systems, as necessary to achieve compliance.

Saf-C 3303.03 Local Building Requirements.

(a) The local building official shall notify the department in writing of the adoption of any additional provisions of the state building code or relevant ordinances that are more restrictive than the code and rules set forth in Saf-C 3303.01 and Saf-C 3303.02. In the event that notification is not forthcoming, the applicable state building code shall apply.

(b) Any notification made pursuant to (a) above shall include the following:

- (1) A certified copy of the relevant ordinance or section of the state building code; and
- (2) A statement as to how the ordinance or section of the state building code is more restrictive than the requirements set forth in Saf-C 3303.01.

(c) Upon receipt of notification pursuant to (a) above, the department shall notify third party agencies in writing of the adoption of any additional provisions to the state building code or relevant ordinances that are more restrictive than the code and rules set forth in Saf-C 3303.01. The inspection agencies shall be responsible for ensuring that modular buildings and building components conform to the more restrictive local requirements. Each manufacturer shall have 180 days following the date of adoption of such local requirements to modify building systems, as necessary to achieve compliance.

(d) The adoption of any additional provisions of the state building code or relevant ordinances authorized pursuant to (b) above shall remain in effect until the code or rules set forth in Saf-C 3303.01 are changed to a new edition, at which time the notification procedure set forth in (a) above shall be repeated, if applicable.

PART Saf-C 3304 APPROVAL OF THIRD PARTY INSPECTION AGENCIES

Saf-C 3304.01 Authority Delegated. The department shall delegate the authority to evaluate plans, inspect, and certify modular buildings and building components to third party agencies.

Saf-C 3304.02 Application Requirements.

(a) An agency seeking approval to evaluate plans, inspect and certify modular buildings and building components shall complete and submit a “Modular Building Program Application for Third Party Agency Certification” for, DSFM 114, revised 8/2010, including the following to the department:

- (1) The articles of incorporation of the agency and any amendments thereto, as filed in the state of incorporation;
- (2) The bylaws of the organization, if any;
- (3) The names, addresses, and occupation of all members of the board of directors and officers;
- (4) Certification by the agency that:
  - a. Its board of directors, as a body, and its technical personnel, as individuals, shall exercise independent judgment; and
  - b. Its activities shall not result in financial benefit to the agency through stock ownership, or other financial interests in any producer, supplier, or vendor of products involved, other than through standard published fees for services rendered;
- (5) The names, education, years of experience, and the states in which professionally registered, of the administrator(s) of third party programs. Registration in more than one state shall not be required;
- (6) The names and years of experience of employees conducting review of drawings, specifications, and quality assurance programs;
- (7) A list of the relevant technical services offered;
- (8) An organizational chart for the services listed in (7) above, including operational and support departments;
- (9) A chart showing management and supervisory personnel, including the number of professional engineers and architects, and the names of all consulting engineers or architects, designating which are full-time and which are part-time engineers;
- (10) The number and location of factory inspectors, supervisors, and other technicians, including evaluators of factory inspectors and the qualifications of each specialized group, including:
  - a. Records of work experience;
  - b. Licenses held;
  - c. Descriptions of the type of work each group and each technician is expected to perform; and
  - d. The qualifications of each group and each technician assigned to perform the work;
- (11) A statement from the agency that all inspectors, evaluators, and other technicians are trained to perform the work assigned;
- (12) An outline of the general procedures for supervision of inspectors and evaluators, including checking and evaluating their work;

- (13) A list of all engineers, architects, technicians, and other personnel who perform services yet are not employees of the agency, and the relationship each has with the agency;
- (14) The type of products, components, structures, and other items the agency has evaluated, tested, or inspected and the number of years of experience with each;
- (15) The type of codes, standards, specifications, and requirements the agency has in providing evaluations, inspections, or testing services, and the number of years of experience with each;
- (16) A description of the proposed record-keeping system the agency will use pertaining to the availability of records to the department and the capacity to provide reports to the department;
- (17) A description of the frequency with which the agency performs inspections or evaluations;
- (18) A list of the states in which the agency is currently approved to inspect and evaluate modular buildings or building components; and
- (19) A statement attesting that the agency is able to evaluate modular buildings and building components for compliance with the codes, standards, laws, and rules.

(b) Pursuant to RSA 205-C:6, a non-refundable fee of \$300.00 shall be submitted along with the application.

#### Saf-C 3304.03 Review of Application.

(a) Prior to conducting an on-site evaluation of an agency's request for approval, the department shall determine whether the application is complete.

(b) If an application is incomplete, the applicant shall be notified in writing by the department within 30 calendar days of the date of receipt of the application of any apparent errors or omissions. The applicant shall be allowed to resubmit the application to the department, within 30 calendar days of receipt of notification.

(c) If the application is complete, the applicant shall be notified in writing by the department within 30 calendar days of the date of receipt of the application that an on-site evaluation shall be conducted by the department.

#### Saf-C 3304.04 On-site Evaluation.

(a) Within 30 calendar days of the date of receipt of a completed application, the department shall schedule an on-site evaluation of the agency's place of business and testing facilities.

(b) The department shall approve an agency that has submitted the information set forth in Saf-C 3304.02 and meets the requirements of the on-site evaluation pursuant to ASTM E 541-08, available as noted in Appendix B, including the payment of all expenses incurred by the department, pursuant to (d) below.

(c) Pursuant to RSA 205-C:6, on-site evaluations conducted by the department shall be at the expense of the agency.

(d) Reimbursement rates shall be at the rate of \$75.00 per hour plus the actual expenses incurred by the department while conducting each application on-site evaluation.

Saf-C 3304.05 Disapproval. After the on-site evaluation, if an agency is not approved, the department shall return the application to the agency along with a written explanation of the reasons for the disapproval.

Saf-C 3304.06 Approval. If an agency is approved, the department shall notify the agency in writing of its approval along with the specific functions the agency shall perform pursuant to Saf-C 3304.07. An agency's approval shall expire one year from the date the agency is notified by the department of its approval.

Saf-C 3304.07 Third Party Agency Functions.

- (a) An approved third party agency shall be authorized to perform the following specific functions:
- (1) The analysis and approval of a manufacturer's building system in accordance with RSA 205-C and these rules;
  - (2) The evaluation and approval of a manufacturer's quality assurance program in accordance with RSA 205-C and these rules;
  - (3) The inspection of the construction of a manufacturer's modular building and building components to determine compliance with the manufacturer's quality assurance program;
  - (4) The attachment of state labels to modular buildings and building components manufactured in accordance with an approved building system;
  - (5) The security and control of state labels; and
  - (6) The proper submission of required reports to the department in accordance with the requirements of RSA 205-C and these rules.

Saf-C 3304.08 Fee. Upon initial approval, a third party agency shall submit a fee of \$700.00 to the department, pursuant to RSA 205-C:6.

Saf-C 3304.09 Renewal of Third Party Agency. On an annual basis, no later than 45 days prior to the expiration of agency approval pursuant to Saf-C 3304.06, the third party shall submit the following to the department:

- (a) A completed application and supporting documentation, pursuant to Saf-C 3304.02; and
- (b) A renewal fee of \$1,000.00 to the department, pursuant to RSA 205-C:6.

Saf-C 3304.10 Monitoring of Third Party Agency.

(a) The department shall, with or without prior notice, visit each agency during its business hours, in order to monitor and evaluate the agency.

(b) Each examination of an agency shall consist of a review of the adequacy of all evaluation procedures including engineering evaluation of drawings, specifications and test results, and the testing and analysis of compliance assurance programs.

(c) All data and reports concerning the examination of an agency shall be kept on file at the department.

(d) Copies of the examination reports shall be provided to the agency. Agencies shall be specifically notified of failures to comply with the standards set by ASTM E-541-08, available as noted in Appendix B, and the deadline for eliminating the deficiencies.

(e) The department shall issue an agency a notice of violation and order to correct that sets forth, with specificity, area(s) that are in non-compliance, as defined in Saf-C 3302.19, along with a deadline to correct the specified area(s) of non-compliance.

(f) Upon receipt of the notification pursuant to (e) above, an agency shall have no more than 30 days to correct the area(s) of non-compliance. Upon verification by the department that the area(s) of non-compliance are corrected, the agency shall receive a written statement from the department indicating acceptance of the corrective action.

(g) If an agency does not comply with a notice of violation and order to correct pursuant to (e) above, the department shall schedule a hearing to determine if the agency's authority shall be revoked or suspended in accordance with the requirements of Saf-C 3305.

#### PART Saf-C 3305 REVOCATION OR SUSPENSION OF THIRD PARTY AGENCY'S APPROVAL

Saf-C 3305.01 Hearing. After investigation, if the department determines that an agency does not comply with RSA 205-C or these rules, the department shall notify the agency and a hearing shall be scheduled with the bureau of hearings of the department of safety.

Saf-C 3305.02 Grounds for Revocation or Suspension. After a hearing, an agency's approval shall be revoked or suspended for the following:

- (a) The approval was issued on the basis of incorrect information;
- (b) The approval was issued in violation of these rules;
- (c) The agency refuses to comply with applicable statutes or rules; or
- (d) The agency has failed to comply with a notice of violation and order to correct.

Saf-C 3305.03 Notice of Revocation or Suspension. The agency and the manufacturer inspected by that agency shall be given notice of a suspension or revocation with the reasons set forth therein.

Saf-C 3305.04 Return of State Labels and Documentation. An agency shall deliver to the department all state labels and other materials issued by the department, within 14 calendar days of the receipt of the date of the suspension or revocation.

Saf-C 3305.05 Temporary Arrangement to Continue Manufacturing.

(a) Upon the written request of any manufacturer affected by the suspension or revocation of an agency's approval, the department shall allow a temporary arrangement by which the manufacturer may temporarily continue to manufacture, sell, lease, deliver, and install modular buildings or building components until arrangements are completed to utilize another approved agency, for a mutually agreed upon time frame.



(b) The initial written request pursuant to (a) above shall be followed up with a detailed plan as to how the manufacturer intends to temporarily continue operations during the event where its third party agency is suspended or revoked.

Saf-C 3305.06 Administrative Hearings. All administrative hearings shall be conducted in accordance with the requirements set forth in Saf-C 200.

PART Saf-C 3306 MANUFACTURER BUILDING SYSTEMS FOR AGENCY REVIEW AND APPROVAL

Saf-C 3306.01 General Requirements.

(a) A manufacturer shall submit drawings, specifications, and documents of a building system, to an agency for review and approval.

(b) All submittals to the department shall be on compact disk (CD), digital video disk (DVD) or other electronic media approved by the department. The department shall require validation of the original stamp or seal, if there is any question as to the document's authenticity.

Saf-C 3306.02 Required Documents.

(a) All documents submitted with the application shall be identified to indicate the manufacturer's name, location of the approved state label(s), and the location of the manufacturer's data plate.

(b) Structural connections and connection of systems, equipment and appliances to be performed on-site shall be identified, detailed, and distinguished from work to be performed in the manufacturing facility.

(c) The method of interconnection between modular buildings and building components and location of connections shall be identified.

(d) Design calculations and test reports shall be submitted with the application.

(e) Drawings shall be dated and identified. An index shall be included which shall be used to determine that the package is complete.

(f) Documents shall include the following:

- (1) Use and occupancy;
- (2) Area;
- (3) Height and number of stories;
- (4) Type of construction;
- (5) Floor, wind, snow, and seismic loads;
- (6) Year and type of code references; and

(7) Any state code amendments.

(g) All documents shall have a seal from a New Hampshire licensed architect when required by RSA 310-A:52, and a seal from a New Hampshire licensed professional engineer when an architect's seal is required.

Saf-C 3306.03 Construction Details. Documents for modular buildings and building components shall include the following:

(a) Typical details, including:

- (1) Methods of installation of modular buildings or building components on foundations or to each other;
- (2) Floor plan(s) and elevation(s);
- (3) Cross sections specific to the building system necessary to identify major building components;
- (4) Details of flashing including material or gauge at openings and penetrations through roofs and subcomponent connections, including weather barriers and roof system underlayment;
- (5) Attic access and attic ventilation, if required by code;
- (6) Exterior wall, roof, and soffit material;
- (7) Interior wall and ceiling material;
- (8) Barrier free provisions, if applicable;
- (9) Sizes, locations, and types of doors and windows;
- (10) Foundation dimensional plans; and
- (11) Insulation values and materials;

(b) Fire safety details, including:

- (1) Details and locations of fire rated assemblies, including reference listing or test report for all:
  - a. Stairway enclosures;
  - b. Doors;
  - c. Walls;
  - d. Floors;
  - e. Ceilings;
  - f. Partitions;
  - g. Columns;

- h. Roof; and
  - i. Other enclosures;
- (2) Details of means of egress, including:
- a. Aisles;
  - b. Exits;
  - c. Corridors;
  - d. Passageways;
  - e. Stairway enclosures; and
  - f. Handrails and guardrails;
- (3) Flame spread and smoke development classification of interior finish materials;
- (4) Location of required draftstops, fireblocking, and through-penetration fire-rated assemblies;
- (5) Opening protectives in fire resistance rated systems and assemblies; and
- (6) Drawings and calculations of fire suppression systems, standpipes, fire alarms, and detection systems, if required;
- (c) Structural details, including:
- (1) Calculations of structural members and test results, except when compliance can be demonstrated through code tables, product manufacturer handbooks, and listing document;
  - (2) Details of structural elements, including framing, spacing, size, and connections;
  - (3) Grade, type, and specifications of materials;
  - (4) Schedule of roof, floor, wind, and seismic loads on which design is based;
  - (5) Column loads and column schedule; and
  - (6) Design and calculations of high-wind connections, including required foundation load, as applicable;
- (d) Mechanical details, including:
- (1) Location of all equipment, appliances, and baseboard radiation units;
  - (2) Equipment and appliance listing and labeling agencies;
  - (3) Energy conservation calculations, using rescheck, as defined in Saf-C 3302.24;
  - (4) Make, model number, and input/output rating of all equipment and appliances;
  - (5) Duct and register locations, sizes, and materials;
  - (6) Method of providing combustion air, if required; and

- (7) Location of flues, vents, and chimneys, clearances from air intakes, combustible materials, and other vents and flues;
- (e) Plumbing details, including:
  - (1) Schematic drawing of the:
    - a. Plumbing layout, including the size of piping, fittings, traps, and vents;
    - b. Cleanouts and valves; and
    - c. Gas, water, and drainage systems; and
  - (2) Plumbing materials, including:
    - a. Location of all equipment, appliances, and safety controls to be used;
    - b. Make, model, rating, and capacity of equipment and appliances; and
    - c. Equipment and appliance listing or labeling agencies; and
- (f) Electrical details, including:
  - (1) Service equipment;
  - (2) Method of grounding service equipment;
  - (3) Load calculations for service and feeders;
  - (4) Sizes of branch circuit conductors;
  - (5) Size, rating and location of main disconnect and over current protective devices; and
  - (6) Location of outlets, junction boxes, fixtures and appliances.

PART Saf-C 3307 MANUFACTURER QUALITY ASSURANCE PROGRAM FOR AGENCY REVIEW AND APPROVAL

Saf-C 3307.01 Submission of Program for Approval. The manufacturer's quality assurance program shall be evaluated and approved by an agency.

Saf-C 3307.02 Required Program Coverage.

- (a) The quality assurance program shall cover the following areas:
  - (1) Materials control;
  - (2) Production control;
  - (3) Finished product control;
  - (4) Installation instructions; and
  - (5) State label control.

(b) All submittals to the department shall be on compact disk (CD), digital video disk (DVD), or other electronic media approved by the department. The department shall require validation of the original stamp or seal, if there is any question as to the document's authenticity.

PART Saf-C 3308 APPROVAL OF MODULAR BUILDING AND BUILDING COMPONENT MANUFACTURERS

Saf-C 3308.01 Manufacturer Approval.

(a) A manufacturer of modular buildings and building components shall be certified as follows:

(1) The manufacturer shall submit a building system as set forth in Saf-C 3306 and quality assurance program as set forth in Saf-C 3307 for its modular building(s) and building components, to an agency, for evaluation and approval;

(2) The agency shall inform the department, in writing, by completing and submitting "Modular Building Manufacturers Approval by Third Party Agency" on form DSFM-62, revised 9/11/2015, that it has evaluated and approved the manufacturer's building system and quality assurance program, including a statement that the building system has been evaluated and reviewed for compliance with the required codes, standards, rules, and laws; and

(3) If a determination cannot be made from the drawings, specifications, and documentation prepared in accordance with applicable codes, standards, laws, and rules, the approved third party agency shall accept tests that utilize the test standards of the state building code to evaluate the building system.

(b) Pursuant to RSA 205-C:6, a non-refundable fee of \$300.00 shall be submitted along with the application.

(c) If a manufacturer is not approved, the department shall notify both the manufacturer and the third party inspection agency, in writing, of the reason(s) for disapproval.

(d) If a manufacturer is approved, the department shall assign a manufacturer's code number and notify the manufacturer and approved third party agency of the manufacturer's code number.

(e) If a manufacturer is approved, the department shall notify the manufacturer and the third party in writing of its approval. A manufacturer's approval shall expire one year from the date of notification of approval.

(f) Upon initial approval, the manufacturer shall submit a fee of \$700.00 to the department, pursuant to RSA 205-C:6.

(g) The manufacturer and the agency shall maintain a copy of the approved building system, the quality assurance program, and any amendments.

(h) Vocational institutes with department of education accredited building programs shall be exempt from (a) above, if:

(1) No more than 2 complete modular buildings are produced per year; and

(2) Plans are submitted to the department for review and approval prior to construction.

(i) Upon receipt of plans pursuant to (h)(2) above, for review and approval, the department shall:

- (1) Conduct a minimum of 2 in-process inspections, one of which shall occur prior to the application of the wall finish, including the inspection of all rough framing, electrical and plumbing work, and insulation;
- (2) Require the buildings to meet the applicable codes set forth in Saf-C 3303.01; and
- (3) Label the completed product as set forth in Saf-C 3309.04 and Saf-C 3309.07, if the applicable codes in Saf-C 3303.01 are met.

Saf-C 3308.02 Renewal of Manufacturer. On an annual basis, no later than 45 days prior to the expiration of manufacturer approval pursuant to Saf-C 3308.01(d), the manufacturer shall submit the following to the department:

- (a) A completed application, pursuant to Saf-C 3308.01, clearly reflecting any changes, amendments, or revisions to its building system or quality assurance program; and
- (b) A renewal fee of \$1000.00 to the department, pursuant to RSA 205-C:6.

Saf-C 3308.03 Monitoring of Manufacturer's Place of Business.

(a) The department shall, with or without prior notice, visit a manufacturer's place of business during its business hours, in order to examine the performance of each agency and the manufacturer's compliance with its quality assurance program.

(b) Each examination shall consist of a review of the procedures used by the agency to monitor the activities conducted at the manufacturer's place of business, in reference to compliance with the approved quality assurance manual. At the conclusion of any examination, an exit interview shall be held to provide and discuss the preliminary findings.

(c) All data and reports concerning the examination at the manufacturer's place of business shall be kept on file at the department.

(d) Copies of the examination reports shall be provided to the manufacturer and the agency within 30 business days.

(e) The department shall issue a manufacturer a notice of violation and order to correct that sets forth, with specificity, area(s) that are in non-compliance, as defined in Saf-C 3302.19, along with a deadline to correct the specified area(s) of non-compliance.

(f) Upon receipt of the notification pursuant to (e) above, the manufacturer shall have no more than 30 days, or additional time as the department approves as necessary, to correct the area(s) of non-compliance. Upon verification by the department that the area(s) of non-compliance are corrected, the manufacturer shall receive a written statement from the department indicating acceptance of the corrective action.

(g) If a manufacturer does not comply with a notice of violation and order to correct pursuant to (e) above, the department shall schedule a hearing, to determine if the manufacturer's authority shall be revoked or suspended in accordance with the requirements of Saf-C 3312. The manufacturer shall be allowed to continue to operate during the hearing and appeal process.

## PART Saf-C 3309 CERTIFICATION OF MODULAR BUILDINGS AND BUILDING COMPONENTS

Saf-C 3309.01 Manufacturer's Data Plate.

(a) The permanent manufacturer's data plate located in the vicinity of the state label shall include the following information:

- (1) Name and address of manufacturer;
- (2) Manufacturer's serial number;
- (3) Manufacturer's plan approval designation-model number and name;
- (4) Construction classification;
- (5) Use and occupancy;
- (6) Seismic zone;
- (7) Wind velocity load;
- (8) Roof live load, including ground snow load;
- (9) Floor live load;
- (10) Fire rating for exterior walls, if applicable;
- (11) Thermal transmittance values;
- (12) Date of manufacture;
- (13) Destination;
- (14) State label numbers; and
- (15) Agency label numbers.

(b) If the shape or size of a modular building or building component is such that the data plate cannot be permanently attached, the information shall be placed in a manual crated with the component or on a tag attached to the crate in which the component is shipped. The manual or tag shall be presented to the owner upon transfer of possession.

Saf-C 3309.02 Manufacturer Variation of Approved Building System.

(a) An approved building system, and any approved amendment, shall not be varied in any manner that affects structural integrity or that does not conform to codes, standards, laws, and rules, without prior evaluation and approval as set forth in Saf-C 3308.

(b) Any structural or code compliance variation to modular buildings or building components identified during construction but prior to certification shall be submitted to the third party agency for review and approval.

(c) A manufacturer shall maintain a record of all structural or code compliance variations to an approved building system or any amendments that have been approved as set forth in Saf-C 3308.

(d) The records pursuant to (c) above, shall include at a minimum, the following:

- (1) A description of the variation;
- (2) Statement of compliance with the codes, standards, laws, and rules;

- (3) Date of approval; and
- (4) Identification of the location within the modular building or building component where the variation was incorporated.

Saf-C 3309.03 Certification.

(a) The manufacturer of modular buildings or building components shall certify that the building complies with the provisions of RSA 205-C and these rules.

(b) Manufacturer certification shall be evidenced by the attachment of a state label to each approved modular building, module, or building component, as required.

(c) The department or the agency shall certify existing modular buildings or building components that are relocated into the state, or within the state, pursuant to Saf-C 3310.05.

(d) Department or agency certification shall be evidenced by the attachment of a state label to each approved modular building, module, or building component.

Saf-C 3309.04 State Labels. Each modular building or building component that is approved pursuant to RSA 205-C and these rules shall have a state label permanently attached in a visible location that cannot be removed without destroying the label.

Saf-C 3309.05 State Label Information. State labels shall contain the following information:

- (a) The statement "This label certifies that this modular building or building component has been manufactured in accordance with an approved building system and quality assurance program and is approved by the State of New Hampshire";
- (b) Serial number of the label;
- (c) The words "See Data Plate"; and
- (d) The words "This label was issued by the New Hampshire Department of Safety".

Saf-C 3309.06 Issuance of State Labels.

- (a) Labels shall be issued by the department.
- (b) Agencies shall order labels from the department by completing, signing, and submitting the "Request & Payment for New Hampshire Labels" form DSFM-115, revised 12/17.
- (c) Labels shall be sent to the agency, return receipt requested.
- (d) Upon issuing a label, the agency shall forward the label fee, paid for by the manufacturer in accordance with Saf-C 3309.11, to the department.

Saf-C 3309.07 Required Number of State Labels.

- (a) Each module of a modular building shall have a separate label.



(b) Previously labeled modular buildings or building components that are relocated into the state, or within the state, shall be re-inspected and re-labeled by the department or agency pursuant to Saf-C 3310.05.

Saf-C 3309.08 Attachment of State Label.

(a) The agency shall assume responsibility for attaching state labels to modular buildings or building components manufactured in accordance with an approved building system.

(b) The agency may delegate the responsibility of attaching state labels to modular buildings or building components to the manufacturer.

Saf-C 3309.09 Records Pertaining to State Labels.

(a) Records shall be kept by the manufacturer and the agency for a minimum of 8 years.

(b) The records required in (a) above, shall include:

- (1) The number of state labels applied to modular buildings and building components;
- (2) Which labels, based upon serial number, have been applied to which modular buildings or building components and the destination;
- (3) Disposition of any damaged or rejected labels; and
- (4) The location and custody of all unused labels.

(c) The manufacturer shall complete and submit a state label report on form DSFM 119, “Manufacturer Monthly Label Report”, revised 3/18, to the department on a monthly basis.

(d) The third party agent shall complete and submit a state label report on form DSFM 118, “Third Party Inspection Agency Monthly Label Report”, revised 3/18, to the department on a monthly basis.

(e) In addition to (c) above, the manufacturer shall complete form DSFM 56, “Modular Building Label Record” revised 3/18, and submit it to the department within 5 business days of shipment of NH labeled modular units.

(f) DSFM 56, “Modular Building Label Record” revised 3/18, shall be submitted to the department at the following address:

Division of Fire Safety  
Office of the State Fire Marshal  
33 Hazen Drive  
Concord, NH 03305

Saf-C 3309.10 State Label Disposition.

(a) Following the suspension, revocation, or closure of a manufacturer, all state labels assigned for use in certifying modular buildings or building components shall be obtained by the agency within 5 business days of the date of revocation, suspension, or closure. The agency shall return the labels to the department within 5 business days of receiving the labels from the manufacturer.

(b) The agency shall immediately discontinue attaching state labels to any modular building or building component produced by the manufacturer until action has been taken to correct the deficiency that led to the revocation or suspension.

(c) The agency or the manufacturer shall notify the department, in writing, of lost or damaged state labels, explaining the location of the labels and an explanation of the circumstances within 2 business days of discovering the lost or damaged labels.

Saf-C 3309.11 State Label Fee.

(a) The department shall charge a fee of \$100.00 for each state label for the first 4 residential modules and \$50.00 for each additional module, up to a maximum of \$2,000.00 per residential structure.

(b) The department shall charge a fee of \$100.00 per module for each non-residential module.

(c) The department shall charge a fee of \$100.00 for each lost state label.

(d) The department shall issue a refund of the label fees for returned labels for the purchase price if the manufacturer requests a refund, in writing, along with a reason for the request.

PART Saf-C 3310 POST CERTIFICATION MODIFICATION AND RELOCATION

Saf-C 3310.01 Post Certification Modification.

(a) Prior to shipment from the manufacturer's facility, modular buildings and building components shall not be modified, with regard to structure or code compliance, without prior approval by the agency.

(b) After shipment and prior to any final building inspection or the issuance of a certificate of occupancy, a manufacturer who seeks to modify a modular building or building component shall resubmit building plans to the third party agency for review and approval.

(c) Upon approval by the agency of a modification to a modular building or building component pursuant to (b) above, the agency shall submit the approved modification to the department.

(d) The department or agency shall conduct an inspection of the approved modification to a modular building or building component, as necessary to insure compliance with the law and these rules.

(e) The records pursuant to (b) above shall include at a minimum, the following:

(1) A description of the modification;

(2) Statement of compliance with the applicable codes, laws, and rules;

(3) Date of approval; and

(4) Identification of the location of the modular building or building component where the modification was incorporated.

(f) The manufacturer shall maintain a record of all post-certification modifications pursuant to this section.

Saf-C 3310.02 Material Structural Damage to Certified Modular Buildings and Building Components.

(a) The manufacturer or builder/dealer shall immediately notify the agency, the department, and the local authority having jurisdiction of any material structural damage that has occurred to any modular building or building component while in transit.

(b) The manufacturer or builder/dealer shall immediately notify the agency, the department, and the local authority having jurisdiction of any material damage that has occurred during the installation of any modular building or building component.

(c) After the inspection and the examination pursuant to (a) and (b) above, the department or agency shall classify the damage to the modular building or building component as repairable or irreparable.

(d) A modular building or building component classified as repairable shall be repaired in accordance with approved agency plans or a plan approved by the department that provides equal or better structural integrity and safety.

(e) A modular building or building component classified as irreparable shall be disposed of by the manufacturer or the builder/dealer in a manner that ensures that the damaged building will not be sold, leased or installed in this state. The department or its designee shall remove the labels.

(f) The manufacturer shall notify the department within 72 hours after disposal of the damaged modular building or building component.

(g) When requested pursuant to (c) above, the manufacturer or other responsible party shall be charged \$75.00 per hour plus the actual expenses incurred by the department for any inspection of a damaged modular building or building component.

#### Saf-C 3310.03 Destructive Disassembly.

(a) Destructive disassembly of certified modular buildings and building components shall not be performed in order to conduct tests or inspections, with the exception of post certification modification as specified by Saf-C 3310.01(a).

(b) Standards or test criteria, different from those adopted by the department, shall not be imposed.

(c) The responsibility for destructive disassembly and repairs shall be determined by the department on a case-by-case basis and as deemed necessary to assure compliance with this chapter.

#### Saf-C 3310.04 Non-destructive Disassembly.

(a) Non-destructive disassembly shall be performed only to the extent of opening access panels and cover plates.

(b) Systems tested during the manufacturing process shall not be subjected to retesting at the building site.

(c) The responsibility for non-destructive disassembly and repairs shall be determined by the department on a case-by-case basis and as deemed necessary to assure compliance with this chapter.

#### Saf-C 3310.05 Relocation of Modular Buildings and Modular Building Components.

(a) Once permanently installed on an approved foundation, a modular building or building component shall not be relocated within this state without prior written authorization from the department.

(b) Any modular building or building component being relocated shall meet all current state codes prior to issuance of a final certificate of occupancy.

(c) A manufacturer, builder/dealer or property owner shall complete and submit a written request for relocation with the department on form DSFM 121 "Modular Relocation Form", revised 10/2010.

(d) A written request for relocation pursuant to (c) above shall include the following, as applicable:

- (1) All originally approved design documents and plans;
- (2) All originally approved truss assembly plans stamped by a NH professional engineer; and
- (3) All newly approved documents and plans, including truss assembly plans stamped by a NH professional engineer.

(e) If the request for relocation is approved, the department shall notify the requestor, in writing, within 10 business days, of its approval, with any compliance change noted.

(f) Upon notification by the responsible party, the department or the third party agency shall conduct a final certification of the modular building or building component and affix new state labels, in coordination with the authority having jurisdiction.

(g) The manufacturer, builder/dealer, or property owner shall submit a report to the department, within 5 business days of the date on which a relocated modular building or building component has been shipped into this state or relocated within this state, in accordance with the requirements of Saf-C 3309.09(c).

**Saf-C 3310.06 Relocation of Commercial Use-Only and Commercial Change of Use Modular Units.**

(a) Commercial use-only modular units shall be relocated within this state as follows:

- (1) The commercial modular units shall be certified to meet applicable codes at the time of construction;
- (2) The designated use and occupancy shall be either a business use (B) or a utility use (U) as defined in the international building code, pursuant to Saf-C 3303.01(a);
- (3) The commercial modular units shall be used only for an active or on-going construction project and no other use or occupancy shall be permitted; and
- (4) The commercial modular units shall not be permanently installed.

(b) Commercial modular units that are certified pursuant to (a) above shall be relocated within this state without being recertified as long as the units are relocated within 15 years of the original certification and at all times meet the environmental conditions of the relocation.

(c) Any commercial modular unit that is altered or undergoes building changes, including a change of use as defined by the state building code, shall be recertified pursuant to the requirements of Saf-C 3310.01.

(d) All building permits and site-installed work shall comply with adopted codes and regulations.

**Saf-C 3310.07 Fee for Reinspection of Relocated Modular Buildings or Building Components.** When requested pursuant to Saf-C 3310.05, a rate of \$75.00 per hour, plus actual expenses incurred by the department shall be assessed for the reinspection and relabeling of previously labeled modular buildings or building components that are relocated within the state.

## PART Saf-C 3311 BUILDING PERMIT AND NOTIFICATION REQUIREMENTS

Saf-C 3311.01 Building Permits for Certified Modular Buildings and Building Components. Applications for building permits for modular buildings and building components shall, in addition to any other requirements, include the following:

- (a) A statement that the work performed pursuant to the building permit shall include the installation of a certified modular building or building component that meets the requirement of these rules; and
- (b) The address and signature of the applicant or his or her agent.

Saf-C 3311.02 Notice to Local Enforcement Agency. The builder/dealer of the modular building or building component shall notify the local building official and the department at least 72 hours prior to the date of erection of the certified modular building or building component.

## PART Saf-C 3312 REVOCATION OR SUSPENSION OF MANUFACTURER'S APPROVAL

Saf-C 3312.01 Non-compliance of Manufacturer's Building System.

(a) The department or an agency shall notify a manufacturer with an approved building system of area(s) of non-compliance which, if not corrected, shall result in a denial of the approval of the building system.

(b) The notification pursuant to (a) above shall be in writing and shall set forth the areas of non-compliance to be corrected.

(c) Upon receipt of the notification, the manufacturer shall have no more than 30 days, or a mutually agreed upon time frame, to correct the area(s) of non-compliance. Upon verification by the department or the agency that the area(s) of non-compliance are corrected, the manufacturer shall receive a written statement from the department or an agency indicating acceptance of the corrective action.

(d) If a manufacturer has not corrected the area(s) of non-compliance described in the notification pursuant to (b) above after 30 days, or the mutually agreed upon time frame, the department shall schedule a hearing to determine whether the manufacturer's certification shall be revoked or suspended pursuant to the requirements of Saf-C 3312.03.

Saf-C 3312.02 Notice of Violation.

(a) The department or an agency shall issue a manufacturer a notice of violation and order to correct that sets forth, with specificity, areas of non-compliance, as defined in Saf-C 3302.19, that, if not corrected, shall result in the decertification of a modular building or building component.

(b) The notification pursuant to (a) above shall be in writing. In all cases, the notice shall be sent to the manufacturer, the agency of the modular building or building component involved and, if the notification was issued by the agency, to the department.

(c) Upon receipt of the notification, the manufacturer shall have no more than 30 days, or a mutually agreed upon time frame, to correct the area(s) of non-compliance. Upon verification by the department or the

agency that the area(s) of non-compliance are corrected, the manufacturer shall receive a written statement from the department or an agency indicating acceptance of the corrective action.

(d) If a manufacturer has not corrected the area(s) of non-compliance described in the notification pursuant to (b) above after 30 days, or the mutually agreed upon time frame, the department shall schedule a hearing to determine whether the manufacturer's certification shall be revoked or suspended pursuant to the requirements of Saf-C 3312.03.

Saf-C 3312.03 Suspension or Revocation of Manufacturer's Certification.

(a) After investigation, if the department determines that a manufacturer does not comply with RSA 205-C or these rules, the department shall notify the manufacturer and a hearing shall be scheduled with the bureau of hearings.

(b) After a hearing, a manufacturer's certification shall be revoked or suspended for the following:

- (1) The certification was issued on the basis of incorrect information;
- (2) The certification was issued in violation of these rules;
- (3) The manufacturer refuses to comply with applicable statutes or rules; or
- (4) The manufacturer failed to comply with a notice of violation and order to correct.

(c) After a hearing, and upon a finding that a manufacturer has violated the provisions of RSA 205-C or these rules, the hearings examiner shall determine the appropriate sanction based upon the following factors:

- (1) The severity of the violation, including the potential harm to public health and safety;
- (2) The number of violations committed;
- (3) The purpose of the statute(s) or rule(s) violated;
- (4) The manufacturer's willingness to cooperate with the department; and
- (5) The number and nature of any previous violations committed.

(d) Upon suspension or revocation of a manufacturer's certification, no state labels shall be attached to any modular building or building component constructed by that manufacturer. The agency shall comply with the requirements set forth in Saf-C 3309.10 pertaining to state label disposition.

(e) Upon reinstatement from a suspension, state labels may be attached to modular buildings or building components completed after the date the approval is reinstated.

(f) The manufacturer may, no later than 15 days prior to the scheduled hearing, produce records for any units scheduled to go into production prior to the date of the hearing. In the event a suspension or revocation is imposed, the hearings examiner shall determine the disposition of those units scheduled for production.

(g) All administrative hearings shall be conducted in accordance with the requirements of Saf-C 200.

PART Saf-C 3313 MISCELLANEOUS FEES

Saf-C 3313.01 Late Fees. Any agency or approved manufacturer that pays the renewal fee after the annual anniversary date of approval shall be charged as follows:

- (a) If 30-90 days after the annual anniversary date of approval, a \$100.00 fee in addition to the annual renewal fee; or
- (b) If 91-180 days after the annual anniversary date of approval, a \$500.00 fee in addition to the annual renewal fee.

Saf-C 3313.02 Suspension of Approval. Failure to complete the renewal process within 30 days of the annual anniversary date of approval, shall result in a suspension of the approval.

Saf-C 3313.03 Failure to Pay Renewal Fee. Any agency or approved manufacturer that fails to pay the renewal fee within 180 days of the annual anniversary date of approval shall reapply and be examined as an initial approval.

#### PART Saf-C 3314 RECORDKEEPING AND REPORTING REQUIREMENTS

##### Saf-C 3314.01 Cessation or Discontinuance of Business.

(a) Any business governed by these rules shall notify the department of its cessation or discontinuance as soon as practicable.

(b) Any business that will be closing or discontinued shall forward all records required to be maintained pursuant to these rules to the department on compact disk (CD), digital video disk (DVD) or other electronic media in a readable PDF format, and compatible with the department's computer equipment.

#### PART Saf-C 3315 COMPLAINTS

##### Saf-C 3315.01 Complaints.

(a) The department shall investigate all complaints concerning allegations of non-compliance, as defined in Saf-C 3302.19, of a modular building or building component that was sold, leased or installed in the state.

(b) An investigation shall be initiated within 30 days of receipt of the complaint by the department.

##### Saf-C 3315.02 Complaint Procedure.

(a) Anyone who wishes to file a complaint concerning a modular building or building component shall complete, sign, and submit form DSFM- 48, "Modular Building Complaint Form", revised 10/2010.

(b) By signing and dating DSFM-48, revised 10/2010, the complainant is representing that to the best of his or her knowledge, the facts of the complaint are factual and true.

(c) Upon receipt of a complaint indicating any allegation of non-compliance in a modular building or building component, the department shall review the complaint to determine:

- (1) Where and by whom the unit was manufactured;
- (2) Whether more than one modular building or building component is involved;

- (3) The third party agency responsible for the specific manufacturer in question; and
- (4) The local authority having jurisdiction.

Saf-C 3315.03 Complaint Validity Determination.

- (a) After an evaluation of the complaint by department investigators, an agency, or a local official, the department shall determine if the alleged complaint constitutes non-compliance.
- (b) The department shall forward a copy of the complaint(s) to the manufacturer, the agency, and the builder/dealer of the modular building or building component.

Saf-C 3315.04 Actions Following Complaint Validity Determination.

- (a) If the department determines that further investigation of a complaint is necessary, the department shall require all parties, as determined by the department, to attend a joint inspection of the modular building or building component. The department shall forward a copy of the complaint(s) to all parties.
- (b) If the department determines that the complaint constitutes a failure by the manufacturer, agency, or builder/dealer to comply with the applicable laws and rules, the department shall issue the responsible party or parties a notice of violation and order to correct along with a copy of the complaint.
- (c) Upon receipt of the complaint pursuant to (a) above, the agency, manufacturer, and the builder/dealer shall furnish the department, to the extent their records allow, the following, when relevant:
  - (1) All design plans, calculations, and installation set manuals;
  - (2) Quality control and assurance inspections;
  - (3) Copies of agency inspections and reports; and
  - (4) All other documentation pertaining to the complaint.
- (d) In the event that a violation proves a serious defect that affects other similar modular buildings or building components, the manufacturer shall submit information for the department to determine whether the violation was an isolated incident or constitutes systemic non-compliance.
- (e) The department or its agents shall investigate, subject to (d) above, similar modular buildings or building components to determine whether there is systemic non-compliance in other units.
- (f) The department shall require the responsible party to correct any non-compliance by the date specified in the notice of violation and order to correct. The department or its designee shall conduct reinspections as necessary to insure compliance.



## APPENDIX A

<b>RULE NUMBER</b>	<b>STATUTE IMPLEMENTED</b>
Saf-C 3301-3301.02	RSA 205-C:4
Saf-C 3301.03	RSA 541-A:7
Saf-C 3302.01	RSA 205-C: 1, I
Saf-C 3302.02	RSA 541-A:7
Saf-C 3302.03	RSA 205-C:1, III
Saf-C 3302.04	RSA 541-A:7
Saf-C 3302.05	RSA 541-A:7
Saf-C 3302.06	RSA 205-C:1, IV
Saf-C 3302.07	RSA 205-C:1, V
Saf-C 3302.08	RSA 541-A:7
Saf-C 3302.09	RSA 205-C:1, VI
Saf-C 3302.10	RSA 205-C;1, VII
Saf-C 3302.11	RSA 541-A:7
Saf-C 3302.12	RSA 205-C:1, VIII
Saf-C 3302.13	RSA 205-C:1, IX
Saf-C 3302.14	RSA 205-C:1, X
Saf-C 3302.15	RSA 205-C:1, XI
Saf-C 3302.16	RSA 205-C:1, II
Saf-C 3302.17	RSA 541-A:7
Saf-C 3302.18	RSA 155-A:1, IV
Saf-C 3302.19	RSA 541-A:7
Saf-C 3302.20	RSA 205-C:1, XIII
Saf-C 3302.21-3302.26	RSA 541-A:7
Saf-C 3303.01-3303.03	RSA 205-C:2; RSA 205-C:4
Saf-C 3304.01-3304.10	RSA 205-C:4, I-IV, V, VI; RSA 205-C:6
Saf-C 3305.01-3305.06	RSA 205-C:4, V; RSA 205-C:7, III
Saf-C 3306.01-3307.02	RSA 205-C:4, II, III
Saf-C 3308.01-3308.03	RSA 205-C:4, II, V, VI; RSA 205-C:6
Saf-C 3309.01-3311.02	RSA 205-C:3; RSA 205-C:4, III, VI; RSA 205-C:6
Saf-C 3311.03 (deleted)	RSA 155-A:7, I; RSA 205-C:3; RSA 205-C:4, III
Saf-C 3312.01-3312.03	RSA 205-C:4, V; RSA 205-C:7, III
Saf-C 3313.01-3313.03	RSA 205-C:4, VI; RSA 205-C:6
Saf-C 3314.01	RSA 205-C:4, III
Saf-C 3315.01-3315.04	RSA 205-C:4, IV; RSA 205-C:7, I

**APPENDIX B**

<b>Rule</b>	<b>Material Incorporated</b>	<b>How Material May be Obtained</b>
Saf-C 3304.04(b) Saf-C 3304.10 (d)	American Society for Testing and Materials (ASTM) E541-08, Standard Specification for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Building	American Society for Testing and Materials 100 Barr Harbor Drive West. Conshohocken, PA 19428-2959 Telephone: 877-909-2786 \$58.00