



Design Review Agency Guide

Industrialized Housing and Buildings (IHB) Program

Email: IHBTech@tdlr.texas.gov

Design Review Agency Guide
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This document is intended as a guide to the procedures for approving design packages and construction documents for the Texas Industrialized Housing and Buildings (IHB) program and to the interpretations and decisions of the Texas Industrialized Building Code Council as they affect plan review and approval. This guide is not intended as a replacement for the statute and rules governing the Texas IHB program. It is the responsibility of each registrant to review the actual statute and rules to assure a complete understanding of the requirements of the Texas IHB program as they relate to design review agencies (DRA's).

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Part I – General

What is a Design Review Agency (DRA)?

Department rule 70.10 defines a Design Review Agency (DRA) as an approved organization, private or public, determined by the council to be qualified by reason of facilities, personnel, experience, demonstrated reliability to review designs, plans, specifications, and building systems documentation, and to certify compliance to these sections (e.g.: IHB statute, applicable rules, and mandatory building codes) evidenced by affixing the council's stamp.

Who is the Council?

Chapter 1202 of the Occupations Code has defined the Council as the Texas Industrialized Building Code Council. Regarding the Design Review Agency (DRA), the council has the following authority:

- To establish criteria for approval, and approve accordingly, all third-party inspections and design review agencies - Sec. 1202.105(a).
- To amend the building code in the public interest and consistent with the purposes of the statute – Sec. 1202.152.
- To require a reasonable amendment to the building code that the Council determines to be essential for public health and safety which shall be applied uniformly on a statewide basis – Sec. 1202.153(b).
- To adopt the energy code in accordance with the energy efficiency performance standards – Sec. 1202.1536(a)
- To determine all questions raised by a municipality in connection to the review of designs, plans, and specifications of industrialized housing and buildings – Sec. 1202.156(a)
- To determine all questions concerning alternative materials or methods of construction and code equivalency – Sec. 1202.156(b)
- To issue instructions to establish procedures for inspecting the construction and installation of industrialized housing and buildings to ensure compliance with approved designs, plans, and specifications – Sec. 1202.201
- To recommend that the Executive Director take appropriate action if the Council feels that a failure to comply has been shown by Design Review Agencies (DRA), Third-Party Inspection Agencies (TPIA) and Third-Party Inspectors (TPI) that violate provisions of Chapter 1202, rules and regulations of the Commission or administrative orders issued by the Commission or the Executive Director - §70.92

The decisions, actions, and interpretations of the Council are binding on the Department, third-party inspectors, design review agencies, and municipalities and other political subdivisions as indicated in Sec. 1202.157.

Department/ Executive Director Responsibilities

If a person violates Texas Occupations Code, Chapter 1202, a rule adopted by the Commission or order adopted or issued by the Commission or Executive Director relating to Chapter 1202, the Executive Director may institute proceedings to impose administrative sanctions and/or recommend administrative penalties in accordance with Texas Occupations Code, Chapter 51 – The TDLR Enabling Law, and Chapter 60 – Procedural Rules of the Commission and the Department.

Registration Requirements and Criteria for Approval of DRA's

Reference Department Administrative Rules 70.21 and 70.22 for the registration requirements and criteria for approval of DRA's. An application for approval shall be submitted in writing to the executive director for consideration and recommendation to the council.

- (1) The application shall be on a form supplied by the department and contain such information as may be required by the department and the council.
- (2) The application shall be signed by the owner of a sole proprietorship, the managing partner of a partnership, or an officer of a corporation. The application must be accompanied by the fee set forth in §70.80.
- (3) The application will be reviewed by department staff for compliance to the criteria for approval outlined in section §70.22. Applicants that meet the criteria for approval will be recommended to the council for approval at the next meeting. The department may issue interim approval to applicants found to comply with the criteria for approval. The Department will recommend approval of applications that comply with the criteria for approval to the Council at their next scheduled meeting after granting interim approval. A certificate of registration will not be released until the Council has granted approval.

If the application is approved by the council, it shall be filed with the department as the registration of the applicant as a Design Review Agency do perform specific functions. The department shall issue a certificate of registration that shall state the specific functions that the registrant is approved to perform. The certificate of registration shall be valid for a 12-month period.

Registration Renewal

A DRA's registration shall be continuous provided the applicant complies with the following.

1. The information required by §70.21 is updated in writing within 10 days if:
 - The name of the agency has changed;
 - The address of the agency has changed;
 - A partnership or corporation is created or exists or there is a change in 25% or more of the ownership of the business entity within a 12-month period;
 - There are changes in principle officers or key supervisory personnel of the DRA; or
 - There are changes in the key technical personnel or changes in the certifications of the technical personnel of the DRA. Changes in technical personnel or changes in the certifications may require review by the department to assure that the person still meets the criteria for approval as outlined in §70.22.
2. The annual registration fee is paid. Reference §70.80 for registration fees and §70.81 for late renewal fees.
3. The applicant continues to comply with the criteria for approval established by the Council as set forth in §70.22.
4. The applicant presents evidence, at the time of renewal of the DRA's registration, that the code certifications required by §70.22 are current with the International Code Council (ICC). Participation in the ICC Renewal Program or Certification Maintenance Program is required to keep an ICC code certification current. DRA's will be required to present evidence of compliance for each plan reviewer identified in the DRA's organization chart at the request of the department.
5. The applicant submits an up-to-date organization chart in accordance with §70.22 at the time of renewal.

Choosing a DRA

Manufacturers

The manufacturer or REF builder shall select a council-approved DRA to perform all required review and evaluation of plans, designs, specifications, compliance control, and on-site construction documentation, etc. This selection shall be made in writing to the executive director and will state the name, address, and registration number of the selected DRA.

A manufacturer may elect to use more than one approved DRA for review and approval of his Texas design package. However, the manufacturer cannot have one DRA do the initial review and approval on a project or model and another DRA review and approve revisions, or additions, to that project or model without written approval from the Department. In addition, the manufacturer cannot have one DRA begin the review and approval process for a project or model and switch DRA's before the project or model has been approved without prior written approval from the Department.

Industrialized Builder and Installation Permit Holders

The industrialized builder or installation permit holder shall select a DRA from the list of Council approved DRA's to review alteration or recertification construction documents [reference Department rule 70.74]. A different DRA may be chosen for different projects. The industrialized builder or installation permit holder may not change DRA's for a project once the plan review has begun without prior written approval from the Department.

Requirements for Engineer's Seals

Reference Chapter 1001 of the Occupations Code, Texas Engineering Practice Act and the Rules Concerning the Practice of Engineering (can be found at the Texas Board of Professional Engineers web site at <https://pels.texas.gov/downloads.htm#general>)

Responsibilities of the DRA

Public officials of this State may accept a plan, specification, or other related document only if it was prepared by an engineer, as evidenced by the engineer's seal. This is crucial for ensuring the integrity and quality of engineering work in Texas [reference section 1001.402 of the Occupations Code]. DRA's act on behalf of the Department and the Council when approving design packages and construction documents for the IHB program and are responsible for ensuring that all documents accepted for review comply with Chapter 1001 of the Occupations Code.

In addition to the requirements of the Texas Engineering Practice Act, the mandatory building codes also contain requirements for certain types of documents or certain types of designs to be prepared by a design professional. It is the responsibility of the DRA to assure that documents are sealed by the responsible design professional where required by the mandatory building code prior to approval of these documents.

Engineer's Seals

Reference section 137.33, *Sealing Procedures*, of the Rules Concerning the Practice of Engineering – This is to ensure that the work of professional engineers is properly marked and that

the engineers themselves are held accountable for work done by them, performed under their direct supervision, or standards or general guideline specification they have reviewed and selected.

Requirements for Architect's Seals

Reference Chapter 1051 of the Occupations Code, Regulation of Architecture and the Rules Regulating the Practice of Architecture which can be found at the Texas Board of Architectural Examiners web site at <https://statutes.capitol.texas.gov/docs/OC/pdf/OC.1051>

Responsibilities of the DRA

Public officials of this State who is responsible for enforcing laws that affect the practice of architecture may accept an architectural plan, specification, or other related document only if the plan, specification or other document was prepared by an architect, or a person acting under the supervision of an architect, licensed to practice in Texas, as evidenced by the architect's seal [reference section 1051.551 of the Occupations Code]. DRA's act on the behalf of the Department and the Council when approving design packages and construction documents for the IHB program and are responsible for ensuring that all documents accepted for review comply with Chapter 1051 of the Occupations Code.

In addition to the requirements of the Chapter 1051 of the Occupations Code, the mandatory building codes also contain requirements for certain types of documents to be prepared by a design professional. It is the responsibility of the DRA to assure that documents are sealed by the responsible design professional where required by the mandatory building code prior to approval of these documents.

Part II – Document Review and Approval

What is a Plan Review?

A plan review consists of a review of the design package and the construction documents. A design package is the aggregate of all plans, designs, specifications, and documentation required by the Department rules to be submitted by the manufacturer to the DRA, or required by the DRA for compliance review, including the compliance control manual and the on-site construction documentation [reference Department rule 70.10]. Construction documents are the aggregate of all plans, specifications, calculations, and other documentation required to be submitted to the DRA for compliance review to the mandatory building code [reference Department rule 70.10].

Manufacturer's Design Package

The manufacturer's design package and the REF builder's construction documents must be reviewed and approved in accordance with §70.70 and §70.71. However, the DRA shall obtain from the manufacturer all information as necessary to assure that the manufacturer's design package is in compliance with the mandatory building codes. All reviews shall be performed or directly supervised by the DRA's certified plan reviewers for the discipline (electrical, plumbing, mechanical, structural, building planning, or fire safety) as listed and approved in the agency's organization chart. All documents shall have pages numbered and arranged in accordance with a table of contents. All documents shall be identified to indicate the manufacturer's or REF builder's name and registered physical address. If the documents have been approved for more than one facility, then the address of each facility must be identified on each document.

The DRA shall complete the "*Data Plate and Compliance Control Manual Checklist*," form TDLR IHB016, for each review of a new or revised data plate and for each review of a new compliance control manual or of a significant revision to a previously approved compliance control manual. Significant revisions to a compliance control manual shall include, but not limited to, changes in inspection procedures, changes in the inspection checklists, changes in testing procedures, or changes in the construction process and plant layout. When completing the "*Data Plate and Compliance Control Manual Checklist*", the DRA should indicate the page number(s) where the information is provided in the compliance control manual in the notes section.

The DRA will signify approval of a drawing, specification, calculation, or any other document, including revisions and additions, in the manufacturer's design package and in the REF builder's construction documents by applying the council's stamp to each page.

1. An alternate council stamp as approved by the council may be used on all designs, plans, specifications, calculations, and other documentation with the exception of the first or cover page and the table of contents or index pages or the design package.
2. The original council stamp with original signature will be required on the first or cover page and the table of contents or index pages of the design package.
3. The signature on the original council stamp must be the signature of the manager or chief executive officer of the DRA. The manager or chief executive officer of the DRA must be licensed in the State of Texas as a professional engineer or architect in accordance with the criteria for approval of DRA's established by the council.
4. The stamp shall not be placed on any designs, plans, or specifications that do not meet the requirements of the applicable mandatory building codes or the requirements of §70.70.
5. The DRA shall forward a copy of all approved documents to the department within 5 days of approval and shall forward one approved copy to the manufacturer or the REF builder.

6. The DRA shall keep copies of all approved documents for a minimum of 5 years from the date that these documents are superseded by adoption of later editions of the mandatory building codes and make a copy of these documents available to the department upon request.

A DRA may withdraw the approval of any document whenever the approval is later found to be in violation of code requirements or the rules and regulations in this chapter. Notice of the withdrawal of the approval shall be in writing and shall set forth the reasons for the withdrawal. Any withdrawal of approval shall have prospective effect only, except for life safety items.

A DRA may not revise, or correct documents submitted for review and approval by the manufacturer or REF builder except as provided in this subsection. DRAs may make red ink corrections to documents provided the corrections meet all of the following criteria:

1. limited to corrections of minor deviations;
2. the corrected items can be verified by reference to prescriptive code requirements;
3. the change does not involve any change of design or require design;
4. the red ink correction is valid for 10 working days and may not be extended; and
5. the corrections must be numbered and initialed by the DRA and the statement, "**As noted with (number) corrections**" shall appear near the stamp of the council with the number of corrections entered.

The floor plan or cover or title sheet for each model or project contains the following information in a title block format.

- Name and date of applicable codes
- Identification of permissible type of gas for appliances
- Maximum snow load (roof)(psf)
- Maximum wind speed in mph and exposure
- Seismic design criteria
- Occupancy/use group type
- Construction type
- Special conditions and/or limitations
- The location of the data plate on the building or dwelling unit
- The location of the decal or insignia on each module or modular component

The DRA's registration number, the code to which the documents have been reviewed and approved, and the date of approval are entered on every Council stamp of approval on each page of the documents.

Non-site Specific Buildings

Whenever the manufacturer does not know, at the time of construction, where the building is to be placed, in lieu of providing the site specific construction details or typical site construction details as required in subsection (d), the manufacturer may provide special conditions and/or limitations on the placement of the building. These special conditions and/or limitations will serve to alert the local building official of items, such as handicapped accessibility and placement of the building on the property, which the local building official may need to verify for conformance to the mandatory building codes. Certain site-related details, such as module to module connections, must still be provided by the manufacturer. It is the responsibility of the DRA to verify that such site-related details are included in the manufacturer's approved design package.

Council Stamp of Approval

The following information shall be completed on each Council stamp of approval:

1. DRA's registration number.
2. Code or codes to which the document has been reviewed and approved.
3. The date of approval.

In addition to the above, the original Council stamp of approval shall bear an original signature of the manager or CEO of the DRA as indicated in the DRA's application for approval. The manager or CEO must be a Texas licensed engineer or architect.

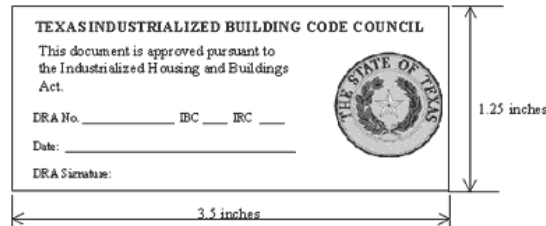
Original Council Stamp of Approval

At their meeting on August 23, 2001, the Council approved changes to the design of the stamp. The design of the Council Stamp of Approval depicted below became effective February 20, 2002.

IBC = International Building Code

IRC = International Residential Code

Original Council Stamp of Approval *Effective February 20, 2002*

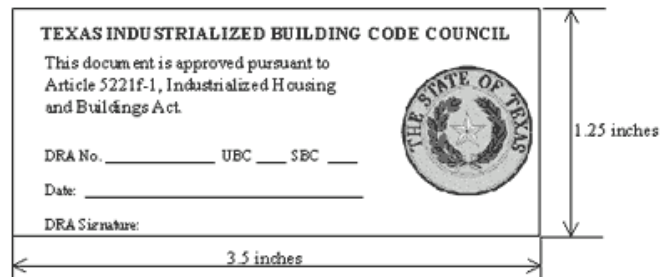


The original Council stamp as it existed prior to February 20, 2002, is pictured below.

UBC = Uniform Building Code Group

SBC = Standard Building Code Group

Original Council Stamp of Approval *Prior to February 20, 2002*

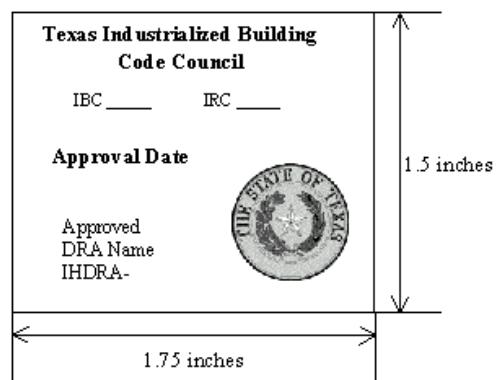


Alternate Council Stamp of Approval

At their meeting on August 23, 2001, the Council approved changes to the design of the stamp. The design of the Council Stamp of Approval depicted below became effective February 20, 2002.

IBC = International Building Code
IRC = International Residential Code

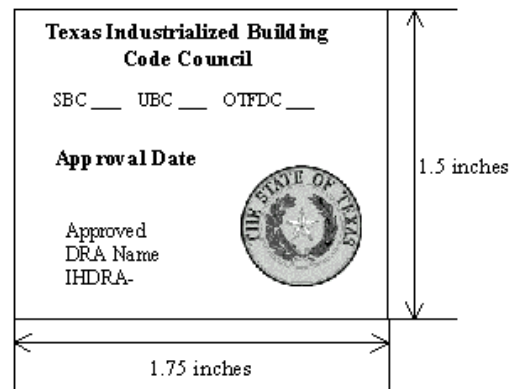
Alternate Council Stamp of Approval *Effective February 20, 2002*



The alternate Council stamp of approval as it existed prior to February 20, 2002, is pictured below.

SBC = Standard Building Code Group
UBC = Uniform Building Code Group
OTFDC = One and Two Family Dwelling Code

Alternate Council Stamp of Approval *Prior to February 20, 2002*



Alteration Construction Documents for Industrialized Housing and Permanent Industrialized Buildings

Reference Department rule 70.74 and the Council approved "Alteration Procedures" for complete requirements for the review and approval of construction documents for alterations to industrialized housing and permanent industrialized buildings – these procedures will not be duplicated in this document. A copy of the alteration procedures may be found on the Department's website.

An approved DRA shall review and approve the construction documents for the alteration of industrialized housing and permanent industrialized buildings to assure compliance with the mandatory building codes in accordance with the interpretations, instructions, and determinations of the Council. The reviews shall be performed or directly supervised by the DRA's certified plan reviewers for the discipline as listed and approved in the agency's organization chart.

The original Council stamp of approval and the alternate Council stamp of approval will be used to signify approval of alteration construction documents for industrialized housing and permanent industrialized buildings. The construction documents shall be clearly marked to indicate that the documents are for an alteration and are not the original construction documents from the manufacturer's design package.

Recertification Construction Documents for Industrialized Buildings Designed to be Moved

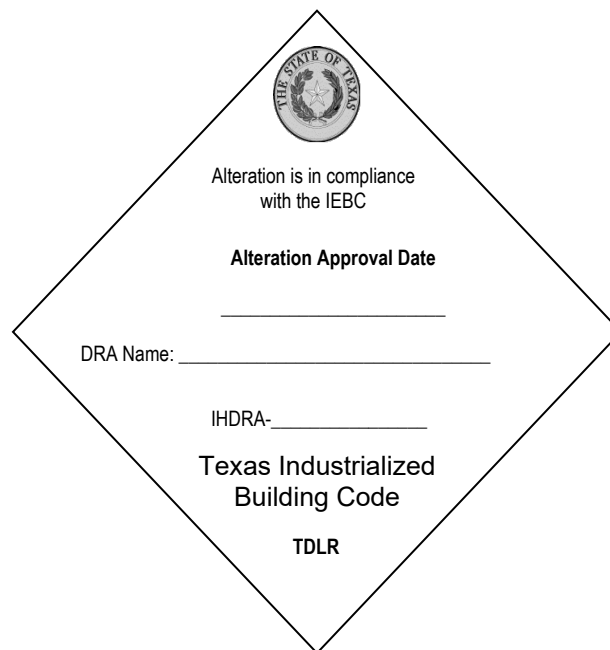
Reference Department rule 70.74 and the Council approved "Recertification Procedures" for complete requirements for the review and approval of construction documents for the alteration/recertification of industrialized buildings designed to be moved – these procedures will not be duplicated in this document. A copy of the alteration procedures may be found on the Department's website.

An approved DRA shall review and approve the construction documents for the alteration/recertification of industrialized buildings designed to be moved to assure compliance with the mandatory building codes in accordance with the interpretations, instructions, and determinations of the Council. The reviews shall be performed or directly supervised by the DRA's certified plan reviewers for the discipline as listed and approved in the agency's organization chart.

The DRA will signify approval of a document by the application of the council's stamp of approval for altered or recertified buildings [reference Department rule 70.74(f)(6)]. At their meeting of **March 31**,

2005, the Council approved a design for this stamp. The Council stamp of approval for altered or recertified buildings is pictured below.

Council Stamp of Approval for Altered or Recertified Buildings
Effective May 1, 2005



Disbursement of Approved Documents

The DRA shall forward one copy of all approved documents, including additions and revisions, to the manufacturer and shall forward one copy of all approved documents, including additions and revisions, with a copy of the appropriate transmittal sheet to the Department within 5 days of approval [reference Department rule 70.70(a)(4)].

- IHB500 – Transmittal Sheet for New Construction
- IHB057 – Alteration Transmittal Form (upon request)
- IHB069 – Recertification Transmittal Form (upon request)

A completed “*Data Plate and Compliance Control Manual Checklist*,” form TDLR IHB016, shall be enclosed with the approved documents for each new or revised data plate, for each new compliance control manual, and for each significant revision to a previously approved compliance control manual.

Transmittal Sheet for Texas Approved Documents

All documents shall be accompanied by a transmittal sheet named in accordance with the naming convention provided by the department. Documents will not be accepted without a transmittal sheet or without it being properly named. The DRA shall complete the following information on the transmittal sheet:

1. The DRA’s name and Texas registration number.
2. The manufacturer’s name, plant location, and Texas registration number.
3. A DRA contact name, phone number and/or email address.
4. Indicate if the documents are new or a modification to a project, model, compliance control manual, or other previously approved document. Do not check modification if submittal is due to the adoption of later editions of the mandatory building codes. If a modification, enter the original approval date of the document being modified – the original approval date cannot be prior to the adoption of the latest editions of the mandatory building codes.
5. The approval date of the documents submitted – do not submit documents with different approval dates with the same transmittal sheet.
6. The codes to which approved, either the International Building Code or the International Residential Code.
7. Indicate if the submittal is in response to a DRA Monitoring Review [see Part III of this document] and provide the file number of the review, as assigned by the Department.
8. A description of the documents submitted. The description should include all information necessary to fully identify the documents, such as model #, project name, project number, compliance control manual revisions, etc.
9. A legible signature of each plan reviewer and the discipline area of review for which they are responsible. Approvals forwarded to the Department without a legible signature of the plan reviewers shall not be considered valid.

DRA Records

Manufacturer’s Design Package

The DRA shall keep a copy on file of all approved documents for a minimum of five years from the date that these documents are superseded by adoption of later editions of the mandatory building codes and make a copy of these documents available to the Department upon request [reference Department rule 70.70(a)(4)].

Alteration Construction Documents for Industrialized Housing and Permanent Industrialized Buildings

The DRA shall maintain a copy of the “*Alteration Transmittal Form*” and of all construction documents pertinent to the alteration review and approval for a minimum of five years from the date of approval of these documents.

Recertification Construction Documents for Industrialized Buildings Designed to be Moved

The DRA shall maintain a copy of the “*Recertification Transmittal Form*” and of all construction documents pertinent to the recertification review and approval for a minimum of five years from the date of approval of these documents. These records shall include, where applicable, documents demonstrating compliance with the requirements of Chapter 12 of the International Existing Building Code.

Withdrawal of Approval

A DRA shall withdraw approval of any document whenever the approval is later found to be in violation of the mandatory building codes or the Department rules [reference Department rule 70.70(a)(6)]. Notice of withdrawal shall be made in writing to the Department and the manufacturer, industrialized builder, or installation permit holder. The notice shall state the reasons for withdrawing approval. Any withdrawal of approval will have prospective effect only, except for life safety items.

Part III – DRA Monitoring

Objectives

The department shall monitor and evaluate the performance of DRA's in accordance with procedures set by the council and make performance reports and recommendations to the council as may be necessary. The DRA shall reimburse the department an hourly monitoring fee for expenses incurred outside headquarters in monitoring the performance of the agency.

Monitoring reviews are technical reviews, performed by the Department, of DRA approved documents. The objective of these reviews is to ensure the following:

1. That design packages for Industrialized Housing and Buildings modules and modular components conform to the mandatory building codes, the Industrialized Housing and Buildings statute, and the rules governing the IHB program.
2. That the DRA consistently and uniformly implements the policies and procedures of the Council with regard to interpretations of the mandatory building codes, the Industrialized Housing and Buildings statute, and the rules governing the IHB program.
3. That the compliance control manuals and associated revisions are compatible with the designs to be constructed in each manufacturing facility and commit the manufacturer to make adequate inspections and tests of every part of every module and modular component.
4. That the DRA does not provide design services or prepare compliance control manuals for manufacturers for whom it acts as a design review agency.

Documents Subject to Monitoring

DRA Subject to Monitoring

Each DRA will be monitored not less than two times during each license cycle (annually). The department may select DRA approved documents for monitoring from all of the approved documents received from the DRA since the last monitoring review.

Random Selection to Monitoring

Each DRA submitting documents during the month may be randomly selected for monitoring. Using a random number generator (RNG) tool, documents may be selected from the pool of submissions received from each DRA during the previous 30 days.

Risk Indicators

The department may monitor documents based on risk indicators, including documents:

- Submitted by a DRA who has or previously has had outstanding and/or unaddressed deviations from a previous monitoring report;
- Identified by in-plant inspectors or manufacturers as containing possible DRA errors;
- For manufacturers whose Third-Party Inspection Agency and/or Third-Party Inspector is being audited and/or monitored in accordance with rule 70.60 and/or 70.61;
- Associated with an IHM registered Builder who is being audited and/or monitored in accordance with rule 70.50;
- Associated with consumer complaints; or
- Submitted by a newly approved DRA within their 1st renewal period.

When the department identifies documents from a DRA that contain deviations, additional documents submitted by the DRA may also be monitored.

Contents of Monitoring Reports

Each report shall be assigned a file number for tracking purposes. The report shall contain the following information:

1. The name and registration number of the manufacturer whose documents were reviewed.
2. The name and registration number of the DRA responsible for review and approval of the documents.
3. The name, phone number and email address of the Department reviewer responsible for the report.
4. A description of the documents reviewed, including the approval date of each document.
5. The code section or other reference which the Department reviewer believes has not been met.
6. A description of the deviation or nonconformance.

A copy of the cover letter and report will be sent to the DRA and will also be forwarded to the manufacturer.

Responses to Monitoring Reports

The DRA shall respond to the report within the time frame provided by the Department which will be listed on the cover letter. Approved documents submitted in response to the report shall be transmitted to the Department with the appropriate transmittal sheet in accordance with Part II – Plan Review and Approval. The file number of the report as assigned by the Department will be included on all correspondence from the DRA and on the appropriate transmittal sheet submitted to the Department in response to the monitoring report.

The response shall address each deviation in the report in accordance with one of the following options:

1. Provide evidence that the deviation conforms to the mandatory building codes, Department rules, the IHB statute, or Council interpretations or directives.
2. Provide approved revised documents that conform to the mandatory building codes, Department rules, the IHB statute, or Council interpretations or directives.
3. Indicate that the manufacturer has been required to revise the document or documents in questions to conform to the mandatory building codes, Department rules, the IHB statute, or Council interpretations or directives. Revisions shall be made in a timely manner, and the response must specify the anticipated completion date for all revisions as well as the measure that will be implemented to ensure compliance in the interim.
4. Rescind approval of the documents if the manufacturer refuses to bring them into compliance.

Failure to Respond to a Monitoring Report

A complaint case shall be opened with the Department's Enforcement Division on any DRA who fails to respond to a DRA Monitoring Report.

Unsatisfactory Response

If the Department and the DRA cannot reach a consensus on an item questioned on a DRA monitoring report, then the report shall be forwarded to the Council for disposition. A complaint case shall be opened with the Department's Enforcement Division if the Council finds in favor of the Department and the DRA fails to comply with the Council's decision within the time frame set by the Council.

Failure to Comply with Council Interpretations, Decisions, or Directives

Upon identification of approved documents that indicates that a DRA has failed to enforce interpretations, decisions, or directives of the Council, the DRA shall be given 20 days to show how the questioned documents comply or to have the manufacturer bring the documents into compliance prior to opening a complaint case with the Department's Enforcement Division.

If the council feels that a failure to comply has been shown, then the council will recommend that the executive director take appropriate action. Sanctions shall be administered pursuant to the provisions of Texas Occupations Code §1202.302.

Part IV – Council Decisions and Interpretations

This section outlines the decisions and interpretations of the Council as they relate to the services provided by DRA's. The date of the Council decision or interpretation and the editions of the mandatory building codes in effect at the time of the decision or interpretation are indicated at the beginning of each section. Adoption of later code editions may affect these decisions.

Legend to codes referenced

IBC = International Building Code	IRC = International Residential Code
IPC = International Plumbing Code	IFGC = International Fuel Gas Code
IMC = International Mechanical Code	NEC = National Electrical Code
IECC = International Energy Conservation Code	IEBC = International Existing Building Code
IOTF = International One and Two Family Dwelling Code	COTF = CABO One & Two Family Dwelling Code
UBC = Uniform Building Code	SBC = Standard Building Code
UPC = Uniform Plumbing Code	SPC = Standard Plumbing Code
UMC = Uniform Mechanical Code	SMC = Standard Mechanical Code

Fire Sprinklers

Texas Commission on Jail Standards

June 30, 1988

1985 UBC with 1986 amendments, 1985 SBC with 1986 amendments

The Council granted a permanent variance to the Texas Commission on Jail Standards in regards to sprinkler systems in jails. This variance applies only to jails built to the Minimum Jail Standards. This variance does not apply to prisons. A sprinkler system will not be required in modular jail facilities if the jail meets the requirements of the Minimum Jail Standards established by the Texas Commission on Jail Standards. The jail must be in conformance with the jail standards requirements for smoke and fume evacuation as well as other requirements concerning smoke detection, flame retardant equipment, furnishings, bedding, etc. The Texas Commission on Jail Standards will be responsible

for ascertaining that a proposed facility meets their requirements. DRA's will be responsible for reviewing the construction documents for proposed modular jail facilities to the mandatory codes governing the IHB program.

Anchoring Systems

July 27, 1989
1988 UBC, 1988 SBC

The Council approved the use of ground anchors as an alternate method of construction subject to the acceptance of the approving agency. The Council determined that ground anchors may be acceptable where a building is placed at a temporary location. It is the intent of the Council to allow the approving agency to decide if the use of ground anchors is appropriate in each case. Industrialized housing cannot be located at a temporary location – the use of ground anchors in the installation of industrialized housing is not permitted.

The following information shall be included in the construction documents for a foundation anchoring system before acceptance and approval.

1. A soil investigation report prepared by a qualified engineer, or if the exact site location is unknown, then a description of the soil type for which the anchoring system is suitable
2. Structural calculations and related plans prepared by a qualified engineer
3. Specifications for adequate corrosion protection for the anchors and associated tie-down system

Water Heaters

Termination of Drain from Pressure Relief Valves

October 18, 1988
1985 UPC with 1986 amendments, 1985 SPC with 1986 amendments

The Council interpreted the “outside of the building” as it pertains to the termination of the drain from a pressure relief valve to mean through an exterior wall to the outside of the building, not under the building.

Shear Walls

Hardwood Plywood

February 22, 1990
1988 UBC and SBC

The Council denied a request for approval to use hardwood plywood as a structural material for shear wall design and construction. The codes do not recognize the use of hardwood plywood as a structural member in shear walls. The Council suggested that anyone wishing to use this product either attempt to change the code through the code change process or obtain a code evaluation report from the evaluation services provided through the code groups or from the National Evaluation Service.

Exits

Intersecting Corridors

August 8, 1991
1988 UBC and SBC

The Council interpreted the code to require that intersecting corridors constitute a single corridor system and must be considered accessible to all tenant spaces with doors exiting into the corridor. Where required by code these corridors must be of fire-resistive construction.

Electrical

Dielectric Test Equipment

August 23, 2001
1999 NEC

The Council approved the use of a DC dielectric tester as an alternate to the use of an AC dielectric tester. The applied test voltage for testing with a DC tester shall be 1.414 times the value of the equivalent AC test voltage.

Exterior Wall Coverings

Veneers Not Recognized by the Mandatory Codes

January 4, 1993
1991 UBC, SBC

The Council approved a motion to allow the use of veneers not otherwise recognized by the codes in accordance with one of the following:

1. An evaluation report exists for the product, and the product is used in accordance with that report.
2. The building design is totally independent of the material on the outside, i.e., the building will meet all the building code requirements without the veneer.
3. The material has been tested by an independent recognized laboratory and/or meets the standards of a legitimate trade association and that these test or standards prove that this product is capable of carrying certain loads, either laterally or vertically, when attached in a certain fashion. Alternately, a structural engineer may design and certify, through calculations and valid test reports, a material's ability to perform in accordance with the code criteria.

The veneer shall be used in accordance with the conditions of use for that product as set out by the evaluation report, testing agency, legitimate trade association

standard or listing, or structural engineer. Acceptance by the DRA of a product based on a report from a recognized testing laboratory or on standards of a trade association may require the DRA to evaluate the tests and the product to assure compliance with the code criteria.

Roofs

Ventilation Requirements

February 2, 2000

1997 UBC, SBC

The Council was asked to determine when ventilation of rafter or attic spaces was required in accordance with section 2309.7 of the 1997 SBC and section 1505.3 of the 1997 UBC. The Council determined that the DRA's should interpret when this section applies on a case by case basis. DRA's shall check local requirements for site specific buildings and document those requirements for their files. For plans on non-site specific buildings approved without ventilation of the rafter or attic spaces, the manufacturer shall include a note under special conditions or limitations that the ventilation of the rafter or attic space shall be in accordance with the requirements of the local building official.

Membrane Roof Coverings

Guidelines

August 23, 2001

1997 UBC and SBC, 2000 IBC

The Council set guidelines for plan reviews and inspections of buildings utilizing membrane roofing systems. The guidelines are as follows:

1. DRA's shall review calculations and construction documents and specifications of buildings utilizing membrane roofing systems for conformance to the listing on the roofing system and the applicable code sections in chapter 15 of the IBC. Calculations are required for all wind speeds, not just those that may be considered high wind areas. Acceptable listings include code evaluation reports, UL listings, FM listings, or listings from other recognized agencies approved to evaluate and list such systems. Listing reports or information shall include documentation indicating compliance with the requirements of section 1504.1 (wind uplift), section 1505 (fir classification) and section 1507 (material specifications and weather resistance) of the 2000 IBC for membrane roofing systems. The listing reports or information shall be a part of the approved documents.
2. Third party inspectors (TPI's) shall inspect the approved documents in accordance with Texas in plant inspection procedures. The listing report information is a part of the approved documents. The requirements of the listing report or information govern what may be required by the manufacturer's installation instructions for the membrane roofing system. TPI's shall assure that the component parts of the roofing system are identified in accordance with the listing on the system. TPI's shall assure that the installer of the roofing membrane is licensed or approved in

accordance with the requirements of the listing on that product or the manufacturer's installation instructions for the roofing system.

3. Membrane roofing systems used on buildings that meet all code requirements without the roofing system will only have to meet the fire classification requirements of the code. The membrane roofing system must be listed for installation in the way that it will be used. For example, the fire classification listing for a membrane roofing system to be used on a concrete equipment shelter must be listed for installation directly to the concrete roof.

Load Bearing

Compression Strips

September 21, 2000
1998 IOTF

The Council was asked if gypsum board is an acceptable compression strip in accordance with section 802.5 of the IOTF. This code section permits a compression strip to be installed between the top plate of the load bearing walls and the roof trusses or ceiling joists provided the compression strength of the material is adequate to withstand the loads transferred through it. The Council approved the use of gypsum as a compression strip in accordance with this section as long as substantiating calculations are provided and these calculations take into account the effects of the temperature and humidity conditions where the buildings are to be located.

This decision applies only to one- and two-family residential structures. There is no similar allowance for the use of a compressions strip in the UBC or SBC. The compression values from Gypsum Association GA-235-98 may be used for these calculations. However, the calculations must take into account the temperature and humidity conditions where the building will be located. The values reported in GA-235-98 are based on tests performed at 70 degrees F and 50% humidity. The Gypsum Association was unable to supply any data on the effects of temperature and humidity on these compression values. Without further information, the use of gypsum as a compression strip in the State of Texas is limited to areas where the average temperature is 70 degrees F and the average humidity is 50%. Use of data from other sources will not be permitted without a code evaluation report or approval of the Council.

Any manufacturer that uses gypsum as a compression strip per the above guidelines must include a note on the data plate and plan cover page or floor plan that the dwelling may only be sited in areas where the average temperature is 70 degrees F and the average humidity is 50%.

Plumbing Fixtures

Unoccupied Buildings

**February 2, 2000
1997 IPC**

The Council determined that unoccupied buildings such as equipment shelters do not need to meet the requirements of the IPC concerning the minimum number of plumbing fixtures. This determination applies only to buildings that are normally not occupied. Please note that equipment shelters classified as a Group H occupancy would still need to comply with any requirements for emergency showers and eyewash stations.

Occupied Buildings

**February 2, 2000
1997 IPC**

All occupied buildings must comply with the requirements of the IPC for minimum plumbing fixtures. However, manufacturers may continue to specify on the plans and data plate of non-site specific buildings without the minimum number of required fixtures that the minimum plumbing fixtures in accordance with the code requirements are required to be located in another building on the installation site.

Service Sinks

**June 30, 2003
2000 IPC**

Table 704.1 of the IPC requires a service sink in most building occupancies. The Council does not feel that a kitchen sink would be an appropriate substitute for a service sink. It is the Council's interpretation, however, that in commercial industrialized buildings with areas of 1,800 square feet or less, a lavatory and water closed would be an acceptable substitution.

The design for commercial modular buildings with areas less than 1,800 square feet that contain plumbing shall comply with one of the following:

1. Have a service sink as required by code.
2. Have a lavatory and water closet, thus eliminating the need for a designated service sink.
3. Contain a note in the special conditions/limitations section of the plans and data plate that a service sink must be available in another building on the installation site or that it will be added as required by local officials.

The design for commercial modular buildings with areas greater than 1,800 square feet shall either have a service sink as required by code or contain a note in accordance with the subparagraph on **Plumbing Fixtures, Occupied Buildings** in Part IV of this guide.

Interior Finishes

Surfaces in public restrooms

February 2, 2000
1997 UBC and SBC

The Council was asked to determine the definition of public as it regards the code requirements for hard nonabsorbent surfaces in public restroom. The Council decided that a small office building with a single restroom containing a single water closet and lavatory could be considered private. The number of plumbing fixtures in the building must be in compliance with the requirements of the IPC. This does not negate the requirements of the code sections requiring the use of water-resistant gypsum backing board in wet areas, such as water closet compartment walls.

Surfaces around bathtubs in one and two family dwellings

September 20, 2000
1998 IOTF

The Council approved the use of the specifications found in appendix A.1 of GA-216-96 as a suitable alternate to the requirements of the International One- and Two-Family Dwelling Code. Section 702.4 requires bathtub walls to be finished with a smooth, hard and nonabsorbent surface, a minimum of 6 feet above the floor. Appendix A.1 of GA-216-96 only requires the smooth, hard and nonabsorbent surface to extend 6 inches above the rim of the bathtub for bathtubs without shower heads. Gypsum board behind the surface is still required to be a water resistant gypsum backing board conforming to ASTM C630.

Gypsum Board

Adhesives

Request for approval of FoamNail adhesive as an alternate to FoamSeal adhesive
September 21, 2000 (revised October 3, 2001)
1997 UBC, SBC

The Council did not approve the use of FoamNail adhesive as an alternate to FoamSeal F2100 adhesive (reference old ICBO ER #4874, now ICC ES Report #ESR-1028) for the attachment of gypsum board to roof framing members. The Council indicated that FoamNail adhesive needed to be evaluated and approved through the code evaluation service to be accepted under the Texas IHB program.

Update October 3, 2001

A code evaluation report on FoamNail adhesive was issued by ICBO on May 1, 2001. The evaluation report limits the use of the adhesive to nonbearing interior or partition walls and ceilings (reference ICC ES Legacy Report #ER-5904).

Horizontal applications

September 21, 2000
1997 UBC, SBC

The Council was asked to determine if it was acceptable to attach ½" high strength ceiling board manufactured by National Gypsum parallel to framing members with mechanical fasteners when a water based texture finish is to be applied. Evaluation report #NER-496 lists the ½" high strength gypsum board as a suitable alternative to 5/8" regular gypsum board finished with water-based texture materials. The evaluation report requires the ceiling board to be applied perpendicular to the framing members when fastened mechanically, but permits it to be applied parallel to the framing members when fastened with FoamSeal F2100 adhesive. In modular plants the finished ceiling material is usually installed on the roof trusses prior to the installation of the ceiling assembly on the walls. Installing the gypsum board perpendicular to the trusses in this situation leads to a problem with cracking of the ceiling assembly when lifting it for installation on the module. The Council approved the application of the ½" high strength gypsum board parallel to the framing members attached with mechanical fasteners provided written authorization is obtained from the National Gypsum Company. Until such authorization is received, manufacturers may install the ½" high strength gypsum by National Gypsum Company parallel to framing members only when attached with FoamSeal F2100 adhesive.

Update October 3, 2001

As of this date no written authorization has been received from National Gypsum indicating that it is acceptable to attach its ½" high strength gypsum board parallel to the ceiling framing members with mechanical fasteners. Nor has evaluation report #NER-496 been updated to permit mechanical fastening when the material is applied parallel to the framing members or been updated to recognize the use of FoamNail adhesive as an alternate fastening method.

HVAC

Sizing of HVAC equipment

August 15, 2002

2000 IECC with 2001 Supplement and 2000 IRC with 2001 Supplement

The IECC and IRC require mechanical equipment to be sized no larger than what was calculated. DRA's are directed to assure that the manufacturer's assumptions in sizing the mechanical equipment are clear so that the local officials can determine if it is in compliance with the IECC for their area. DRA's and manufacturers are also reminded that the heat loss calculations can not be in conflict with the energy design features of the house or building. Manufacturers are required to clearly state the assumptions made as to orientation, occupancy load, and any other pertinent information that may affect the calculations use to size the equipment.

Appendices

The Alteration Procedures and Recertification Procedures are included as appendices to this guide.

Appendix A – Alteration Procedures

Appendix B – Recertification Procedures