

Regulatory Bulletin

Manufactured Homes: Does the Homeowner Protection Act Apply?

Overview

Since July 1, 1999, all new homes in British Columbia must be built by a Licensed Residential Builder. They also need to be covered by a policy of home warranty insurance unless they have an applicable exemption approved by BC Housing, such as an Owner Builder Authorization or rental exemption. This requirement applies to all areas within the Province, including geographic areas where building permits are not required.

BC Housing frequently receives calls from builders, developers and building officials seeking clarification on whether manufactured homes are exempt from the licensing and home warranty insurance requirements under the Homeowner Protection Act (Act). The [Canadian Standards Association \(CSA\)](#) certifies producers of manufactured homes. All manufactured homes in British Columbia are also subject to the conditions of the Manufactured Homes Act, which governs applicable CSA certification.

This bulletin explores scenarios where manufactured homes may be subject to the requirements under the Act.

Legal Requirements under the Act

Section 1 of the Act defines a “**new home**” as a building, or portion of a building, that is newly constructed or being constructed and is intended for residential occupancy, and includes:

- (a) a self-contained dwelling unit that is:
 - (i) detached, or
 - (ii) attached to one or more other self-contained dwelling units,
- (b) a building having two or more self-contained dwelling units under one ownership,
- (c) common property, common facilities and other assets of a strata corporation,
- (d) any building or portion of a building of a class prescribed by the regulations as a new home to which this Act applies, and
- (e) a home that is or is being substantially reconstructed,

but does not include a manufactured home unless otherwise prescribed.



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Regulatory Bulletins are a series of publications developed by BC Housing to provide information on the Homeowner Protection Act. All Regulatory Bulletins can be viewed at www.bchousing.org.

This bulletin and the website are for convenience only and do not constitute legal advice. For complete details consult the Act and its regulations, and obtain independent legal advice. For more information contact:

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The CSA certifications are key in determining if the Act applies. A manufactured home may only be precluded from the definition of a “new home” as defined under the Act, and precluded from the requirements of the Act if:

- 1) it is a “factory-built home” governed by or required to be certified under CSA standard **CAN/CSA-A277**, or
- 2) a “mobile home” governed by or required to be certified under CSA standard **CAN/CSA-Z240**.

What are the key differences between a mobile home and a factory-built home?

A CSA-Z240 certified mobile home is constructed in a factory and is complete when it leaves the factory except for incidental assembly on-site. It is generally easier to move to another site than a factory-built home certified under CSA-A277. To prepare the home for occupancy, a factory-built home requires site development, preparation of the foundation, connections to services, connecting modules and additional on-site work.

Does the Act apply when doing on-site preparation, such as foundation and placement of a CSA-A277 certified factory-built home?

No, for a CSA-A277 certified factory-built home, the Act does not apply. Therefore, you do not need to show proof of home warranty insurance or an approved exemption before obtaining a building permit or commencing construction on the foundation in geographic areas where building permits are not required¹.

Does the Act apply if I plan to build a full basement below a CSA-A277 certified factory-built home?

Basements may be included in the building without triggering the requirements of the Act, providing the basement does not require the factory-built home to be modified to the extent that it no longer complies with the applicable CSA standard.

What if the basement contains a secondary suite?

As long as the secondary suite is permitted by local bylaws, and the factory-built home is not modified to the extent that it no longer complies with the applicable CSA standard, the Act does not apply.

Does the Act apply if I build a self-contained dwelling unit attached to a CSA-A277 certified factory-built home, and make it into a duplex?

Yes, if the self-contained dwelling unit attached to a CSA-A277 certified factory-built home is built on-site and forms part of the duplex, the Act will apply. However, the Act will only apply to the site-built dwelling unit. This means that the dwelling unit must be built by a Licensed Residential Builder, and enrolled in a policy of home warranty insurance or have an approved exemption, such as an Owner Builder Authorization. It is important to keep in mind that if the CSA-A277 certified factory-built home is modified to the extent that it no longer complies with the applicable CSA standard, then it will trigger the requirements under the Act.

¹ Please consult with your local building department if you have any zoning, bylaws or building code related questions regarding manufactured homes in your area.

Does the Act apply if I modify or make an addition to a CSA-A277 certified factory-built home or a CSA-Z240 certified mobile home?

The Act does not apply as long as the home remains a single family dwelling and it is not substantially reconstructed (see [Regulatory Bulletin No. 6 – Substantially Reconstructed Homes and the Homeowner Protection Act](#)).

However, if such modification or addition renders the CSA certification void, the home is captured by the definition of a “new home” under the Act. In this case, the home requires a licensed builder and home warranty insurance coverage like any other new home, unless an Owner Builder Authorization has been approved, or a rental exemption has been granted by BC Housing.

Does the Act apply to pre-fabricated or packaged homes?

Manufactured homes that are exempt from the requirement of mandatory home warranty insurance by virtue of their CSA certification are often confused with other types of pre-fabricated homes, such as panelized and pre-engineered homes.

Panelized homes may use pre-fabricated wall sections, either fully or partially complete with windows, siding and doors.

Pre-engineered homes are “packaged” homes where many of the components, such as lumber, doors, windows, flooring, etc., are prepared off-site. These materials are then sent to the building site for relatively fast assembly.

The difference with panelized and pre-engineered homes is that they are not prepared as complete modules in a certified factory setting and do not have a CSA certificate. Therefore, the Act does apply. These types of new homes require proof of mandatory home warranty insurance or an applicable exemption.

What if I want to build a manufactured home on my property for personal use, but the unit is not certified under a CSA-A277 or CSA-Z240 standard?

In order to construct such a home, an owner must:

- › Qualify as an owner-builder and be issued an Owner Builder Authorization (See [Regulatory Bulletin No. 4 – Information for Owner Builders](#)), or
- › Hire a Licensed Residential Builder to perform the work and arrange for mandatory home warranty insurance coverage.

If the manufacturer of the pre-engineered home provides on-site services to construct the components, they must be licensed as a residential builder with BC Housing. It is important to remember that the home also needs to be registered for mandatory home warranty insurance coverage.

If you require assistance to determine if your project is captured under the requirements of the Act, please contact the Compliance Department at 604-646-7050 (select Option 4) to speak with one of our team members. You can also email compliance@bchousing.org.

