



U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BYLAWS

Manufactured Housing Consensus Committee
a federal advisory committee

SECTION. 1. Purpose

These are the Bylaws of the Manufactured Housing Consensus Committee (Committee) established pursuant to the Manufactured Housing Improvement Act of 2000 (MHIA), and is a federal advisory committee subject to the Federal Advisory Committee Act (FACA).

SECTION. 2. Organization of the Committee

The Committee shall be composed of 21 voting members and 1 nonvoting member. The membership shall be sufficiently diverse to ensure reasonable balance without dominance by a single interest category in accordance with Clause 1.2.2, 1.2.3 and 1.2.4 of the American National Standards Institute (ANSI) Procedures for the Development and Coordination of American National Standards (approved September 2000).

- a. The Committee was established by a Charter filed with Congress on August 12, 2002, and continues under renewal filings in accordance with FACA.
- b. The Committee is subject to the authority of and reports to the U.S. Department of Housing and Urban Development, a federal agency.
- c. The Committee receives administrative support from an Administering Organization pursuant to 42 USC 5403(a)(2)(B).
- d. The Committee adheres to procedures established by the American National Standards Institute in the matter of A) Appointment of members, B) operation and C) reporting by the Secretary to the Committee on public comments, views, and objections to a proposed revised standard, as specifically mandated by the Act.
- e. The Committee adheres to Roberts Rules of Order with regard to parliamentary procedures
- f. The Committee is overseen by a Designated Federal Official in accordance with the requirements of FACA.
- g. The Committee is under the oversight of a Designated Federal Official (DFO), appointed by the Secretary, and having the powers and authority conferred by FACA and the Secretary.

SECTION. 3. Responsibilities

The Committee shall be responsible for providing proposals, recommendations, or comments to the Secretary to implement the Committee's responsibilities as set forth in the MHIA. Consistent with the Committee's responsibilities, the Committee shall:

- a. Propose changes to or provide comments on revisions or recommendations to manufactured housing construction standards.
- b. Maintain and manage the Committee actions in accordance with Clause 4.4 of the ANSI Procedures.
- c. Respond to requests for revisions or comments concerning the federal manufactured housing program.
- d. Carrying out all other directives emanating from but not exceeding the MHIA.

SECTION. 4. Administering organization

The Administering Organization shall provide staff and technical support in accordance with 42 USC 5403(a)(3)(i), the provisions of the Committee Charter and available federal resources, which may include:

- a. Overseeing the Committee's compliance with these Bylaws;
- b. Maintaining a roster of the Committee and a list of standards, criteria and requirements for which the Committee is responsible;
- c. Providing secretariat services in support of the Committee's operations;
- d. Submitting Committee reports, with supporting documentation, to the Secretary of HUD for review and consideration for publication in the Federal Register as a Notice of Proposed Rule Making (NPRM);
- e. Performing other administrative functions as required by these procedures and approved by HUD'

SECTION. 5. Observers and Individual Experts

Experts providing technical support may receive financial reimbursement of travel expenses to provide services related to Committee activities to the extent permitted by FACA and approved by HUD.

SECTION. 6. Officers

The Committee shall have as officers a Chairperson and a Vice Chairperson.

SECTION. 7. Membership

a. Application

Members shall be appointed on the basis of an application in a format issued by a Designated Federal Official, appointed by the Secretary. The AO will report membership applications received to the Secretary's reporting agent as described in the Committee Charter.

b. Review of membership

The AO shall review the Committee membership list annually by the MHIA criteria. Members are expected to fulfill obligations of active participation. Where a member is found in habitual default of these obligations, the AO shall direct the matter to the Secretary of HUD for appropriate action, which may include termination of membership.

c. Interest categories

The membership composition and interest categories shall explicitly reflect 42 USC 5403(a)(3)(B) as follows:

- i. twenty-one voting members appointed by the Secretary, after consideration of the recommendations of the administering organization, from among individuals who are qualified by background and experience to participate in the work of the consensus committee; and
- ii. one nonvoting member appointed by the Secretary to represent the Secretary further categorized as provided by 42 USC 5403(a)(3)(D) as follows:
 - iii. Producers. Seven producers or retailers of manufactured housing.
 - iv. Users. Seven persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.
 - v. General interest and public officials. Seven general interest and public official members three of whom must be a representative of the public official category.

SECTION. 8. Membership roster

The AO shall maintain a current and accurate Committee roster at the direction of the Secretary and shall distribute it to the members and the HUD Committee Management Officer (CMO) at least annually, and otherwise on request.

The roster shall include the following:

- a. Title of the Committee and its designation;
- b. Title of the Committee and its designation;
- c. Title of the Committee and its designation;
- d. Scope of the Committee;
- e. Administering organization: name of organization, name of secretary, and address(es);
- f. Officers: chair;
- g. Members: name, address, and business affiliation of individual member(s);
- h. Interest category of each member;
- i. Tally of interest categories: total of voting members and subtotals for each interest category;
- j. For each subcommittee (if authorized by the Secretary of HUD and utilized): title, chair, and names and addresses of all members.

SECTION. 9. Subcommittees

a. Subcommittees may be created to facilitate the Committee's work, subject to the following restrictions:

- i. Each subcommittee is created only upon authorization by the Secretary of HUD;
- ii. Whenever the Committee desires to create a subcommittee, it shall apply to the Secretary for permission; and
- iii. The Committee shall clearly state the size, scope, and duties of the subcommittee and whether the subcommittee is intended to constitute a FACA committee.
- iv. All subcommittees shall reflect the Committee's required balance of interests in accordance with Section A.2.

b. Chairperson and members of subcommittees

The chair of the Committee shall appoint the chair and members of a subcommittee in consultation and with agreement from the DFO. The DFO may authorize members of subcommittees who are not Committee members.

c. Annual review; continuation on the basis of need.

The Committee shall review the scope, duties, and membership of all subcommittees annually and recommend to the DFO with respect to continuing or discontinuing the a subcommittee. Continuation of a subcommittee shall be based on demonstrated need of the Committee for advice and guidance on its subject matter. The Secretary, through the DFO, shall dispose of the recommendation.

d. Approval of subcommittee recommendations

Draft recommendations for proposed amendments to the manufactured home construction and safety standards, installation standards, procedural or enforcement regulations, interpretative bulletins, requests for comments by the Secretary and any substantive change (see Clause 1.2.9 of the ANSI Procedures) in the content of a recommendation proposed by a subcommittee shall be referred to the Committee for approval.

SECTION. 10. Meetings

Meetings of the Committee and its subcommittees, if any, shall be held by call of the DFO. Said meetings shall be held to conduct business authorized by the MHIA. The Committee shall consider revisions to the Federal manufactured home construction and safety standards at least once every two years.

a. Open meetings

Meetings of the Committee and any subcommittee or groups formed by or under the supervision of a subcommittee shall be open to the public.

b. Notice of Meetings

At least 15 calendar days notice of regularly scheduled meetings of the Committee shall be given by HUD in the Federal Register, and, upon consent of the Secretary, in ANSI's Standards Action and in other media designed to reach directly and materially affected interests; or in both. The notice shall describe the purpose of the meeting and shall identify a readily available source for further information.

c. Quorum

A majority of the voting members of the Committee shall constitute a quorum for conducting business at a meeting. If a quorum is not present, actions shall only be taken subject to subsequent confirmation by letter ballot or recorded vote at a future meeting.

SECTION. 11. Voting

a. Single vote

Each member of the Committee shall have one vote. Members may not vote by proxy.

b. Actions requiring approval by a majority

The following actions require approval by a majority of the membership of the Committee either at a meeting or by letter ballot:

- i. Selection of the Committee chair and vice chair when delegated by the Secretary of HUD;
- ii. Recommending formation of a subcommittee, including its procedures, scope, and duties;
- iii. Recommending disbandment of subcommittees.

c. Actions requiring approval by a two-thirds margin

The following actions of the Committee require a letter ballot or an equivalent formal recorded vote at a meeting and approval of two-thirds of the Committee members eligible to vote:

- i. Adoption of Committee bylaws, or revisions thereof.
- ii. Approval of proposed, manufactured home model installation standards, new or revised procedural or enforcement regulations, or new or revised interpretative bulletins;
- iii. Elimination of procedural or enforcement regulations or interpretative bulletins.
- iv. Providing comments to the secretary.
- v. Approval of a proposed dispute resolution program.
- vi. Submission of proposed revised manufactured home construction and safety.

d. Voting at Meetings

The approval margin for actions other than approval of proposed revised manufactured home construction and safety standards shall be based on the number of voting Committee members present.

e. Letter Ballot Positions

For letter ballots, each voting member shall vote one of the following positions:

- i. Affirmative;
- ii. Affirmative, with comment;
- iii. Negative, with reasons (the reasons for a negative vote shall be given and if possible should include specific wording or actions that would resolve the objection);
- iv. Abstain, with reasons.

f. Voting period for Letter Ballots

The voting period for letter ballots shall end the earlier of five weeks from the date of issue or upon receipt of votes from all eligible voters. A single extension of time not to exceed ten (10) calendar days may be granted at the chair's option, when warranted. The following procedure shall be followed.

- i. Letter ballots shall be prepared and distributed to the Committee members not later than three (3) weeks from the date said ballot is authorized in accordance with these bylaws.
 - ii. Initial letter ballots shall be returned within two (2) weeks of distribution.
 - iii. Initial ballot results with comments and reasons for voting negative or abstaining shall be circulated to the Committee members for review within one week of the close of the initial two (2) week period. The members shall be given the opportunity to revise their initial vote(s) for a period of two (2) weeks. At the end of this period the vote(s) shall be considered final.
 - iv. Ballots shall be accepted up to the time votes are considered final.
- g. A follow-up letter requesting immediate return of the ballot shall be sent, as appropriate, to members whose votes have not been received within ten working days before the ballot closes.

h. Authorization of letter ballots

A letter ballot shall be authorized by any of the following:

- i. Majority vote of those present at a Committee meeting;
- ii. The chair;
- iii. The executive committee (if one exists).

i. Other review

Approved actions under A.8.3 shall be transmitted to the Secretary of HUD for review and action. The AO, subject to the direction of the Secretary, shall determine whether listing of proposed actions shall be concurrent with the final Committee letter ballot and whether announcement in other suitable media is appropriate. Views and objections resulting from the above shall be dealt with in accordance with

j. Disposition of views and objections

When the balloting has been closed, the AO shall forward the ballot tally to the chair of the Committee and the DFO or, if appropriate, the chair of the subcommittee; the chair shall determine whether the expressed views and objections need to be considered by correspondence or at a meeting. Prompt consideration shall

be given to the written views and objections of all participants, including those commenting on either the Federal Register announcement or public comment listing in Standards Action.

k. Public review and Committee comments

In connection with an objection articulated during a public comment period, or submitted in connection with a letter ballot, an effort to resolve all expressed objections shall be made, subject to the discretion of the Secretary. Each objector shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons therefore. When this process is completed in accordance with the written procedures of the Committee, the administering organization may submit to the Committee for its consideration any comments received subsequent to the closing of the public review and comment period.

l. Report of final result

The final result of the voting shall be reported, by interest categories, to the Committee.

SECTION. 12. Submittal of Proposal or Comments

Upon completion of the procedures for voting, and disposition of views and objections, the proposal(s) or comment(s) shall be submitted to the Secretary of HUD by the administering organization.

The information supplied to HUD by the administering organization shall include, for proposed revised standards, all relevant material required by the MHIA except as excluded by HUD, and, for other actions, all relevant material required by ANSI as outlined in clause 2.2 of the ANSI Procedures. If the administering organization does not submit the proposal(s) or comment(s) to HUD within a reasonable period of time, any member(s) of the Committee may refer the matter in writing to HUD or the DFO.

SECTION. 13. Communications

Formal correspondence of the Committee shall be on HUD stationery with the designation "Manufactured Housing Consensus Committee" affixed thereon. Requests for action by the Committee shall be directed to the administering organization and HUD.

SECTION. 14. Certification of Financial Independence

Committee members in the "User" category three designated members of the "General Interest/Public Official" category shall certify not less than annually and as a continuing prerequisite to membership on the Committee that there exists no significant financial interest between the certifier, or any member of the certifier's immediate family, in any segment of the manufactured housing industry, and, further, that there exists no material relationship between the certifier and any other person engaged in the manufactured housing industry. The certification shall be made in a form and content provided by the Secretary.

SECTION. 15. Conflict of Laws and Parliamentary procedures

a. Conflicts between laws; interpretations.

Issues arising from conflicts between various provisions in the authorities referred to in Section 2 or assertions of interpretations shall be resolved by the Designated Federal Official.

b. Application of Roberts Rules of Order.

In all matters of parliamentary procedure, the Committee shall be governed by Roberts Rules of Order, except where any such action shall be governed by law, regulation, the Committee Charter or these Bylaws.

SECTION. 16. Secretary

Wherever used in these Bylaws, the term Secretary shall mean the Secretary of the U.S. Department of Housing and Urban Development, or the Secretary's designee or delegatee, which may be the Designated Federal Official, in the Secretary's sole discretion