



Manufactured Housing Consensus Committee

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TO: MHCC Committee Members

FROM: Robert E. Solomon

DATE: January 22, 2013

SUBJECT: **CORRECTED** Final Results for the Ballot on Parts 3280, 3282 and 3285

Below are the “corrected” Final Results for the Ballot on Parts 3280, 3282, 3285.

20 Members Eligible to Vote

19 Ballots Received

1 Ballot was Not Received Theresa Desfosses

All votes were affirmative on all ballot items with the exception of those noted below and in the attached report.

Since there are 20 vote eligible committee members, the number of votes required to pass an item with the 2/3^{ds} majority is based on the total number eligible-ballots not returned-abstentions. In this case that equates to: $20 - 1 - 1 = 18$. $18 \times .66 = 12$ votes needed for an item to pass. ALL items received at least 12 affirmatives votes thus all items did pass.

Six items received negative votes as follows:

LOG	Total members	Not received	Abstention	Total Eligible	Negative	Affirmative
#1	20	1	1	18	1	17
#3	20	1	1	18	1	17
#14	20	1	1	18	4	14
#20	20	1	1	18	3	15
#36	20	1	1	18	4	14
#37	20	1	1	18	4	14

Affirmative with Comments

<u>Proposal No.</u>	<u>Log No.</u>	<u>Section</u>	<u>Name</u>
3280HUD	14	3280.403(b), 404(b) and	Timothy King

1/22/2013

		405(b)	
3282HUD	1	(20)	James Demitrus

Negatives

<u>Proposal No.</u>	<u>Log No.</u>	<u>Section</u>	<u>Name</u>
3280HUD	14	3280.403(b), 404(b) and 405(b)	Steven Anderson, Michael Lubliner, Mark Mazz, Tim Sheahan
3280HUD	20	3280.403, 3280.404, 3280.405 and 3280.508(e)	Michael Lubliner, Mark Mazz, Tim Sheahan
3280HUD	36	3280.305	Steven Anderson, Michael Lubliner, Mark Mazz, Tim Sheahan
3280HUD	37	3280.306	Steven Anderson, Michael Lubliner, Mark Mazz, Tim Sheahan
3282HUD	1	(20)	Steven Anderson
3285HUD	3	3285.4 and 3285.603(f) (New)	Mark Mazz

Abstentions

<u>Proposal No.</u>	<u>Log No.</u>	<u>Section</u>	<u>Name</u>
3280HUD	14	3280.403(b), 404(b) and 405(b)	Ishbel Dickens
3280HUD	20	3280.403, 3280.404 3280.405 and 3280.508(e)	Ishbel Dickens
3280HUD	25	3280.103	Ishbel Dickens
3280HUD	30	3280.103	Ishbel Dickens
3280HUD	33	3280.103	Ishbel Dickens
3280HUD	36	3280.305	Ishbel Dickens
3280HUD	37	3280.306	Ishbel Dickens
3280HUD	56	3280.304(b)(1))	Ishbel Dickens
3280HUD	59	3280.103	Ishbel Dickens
3280HUD	73	3280.304(b)(1))	Ishbel Dickens
3280HUD	77	3280.303(b))	Ishbel Dickens
3280HUD	79	3280.304	Ishbel Dickens
3280HUD	CP4	3280.304	Ishbel Dickens
3280HUD	CP5	3280.103(b)	Ishbel Dickens
3280HUD	1	(20)	Ishbel Dickens
3280HUD	3	3285.4 and 3285.603(f) (New)	Ishbel Dickens
3280HUD	4	3285.203(C) Site Drainage	Ishbel Dickens

Copies of the Affirmative with Comments, Negative and Abstentions are on the following pages. The MHCC requires a letter ballot or an equivalent formal recorded vote with approval of two-thirds of the *MHCC*.

RES/lm

MHCC 2012 LETTER BALLOT ON PART 3280, 3282 and 3285

AFFIRMATIVE WITH COMMENT

TIMOTHY KING:

AFFIRMATIVE COMMENT - 3280HUD- Log #14

One of the largest number of complaints New York receives in its Dispute Resolution Program is the movement of air around windows and that water is entering the home around windows and doors. The cost to add one more level of protection is well worth the time and expense. Even windows and doors that are sealed with caulk continue to be complained about. It is nearly impossible to check compliance when caulk is used before the window is installed.

JAMES DEMITRUS:

AFFIRMATIVE COMMENT - 3282HUD- Log #1

I vote to affirm the proposal for manufactured housing infrastructure be constructed and maintained to public works standard design specification and maintenance standards. My experience as a manufactured homeowner in a community and a member of the Ohio Manufactured Homes Commission has provided ample opportunity to be involved with housing problems. Any discussion of problems with homeowners always includes infrastructure. There are comparatively few problems with the manufactured home compared to the inadequate and hazardous infrastructure problems that persist in too many manufactured home parks. These are a constant problem and the most costly to resolve. A parks poor infrastructure affects the daily lives of those residents; inadequate electrical systems, under sized water and sewer pipes in poor condition, water contaminated with rust and methane gas, badly rutted streets that direct rain water onto lots flooding under and around the homes are the most common complaints.

Yes, the worst problems are associated with older parks, but new homes are being placed in parks of all ages. Manufactured homes are being installed on lots where the utilities cannot support them. Our installation and flood plain standards take into account local conditions when placing a manufactured house on a lot. Why can't infrastructure be a consideration when installing a manufactured home? A homeowner with substandard utilities cannot fully utilize their home. A house exposed to flooding, backed up sewers or contaminated water is unsafe. For most of us the house is the biggest investment we make. Everything we do must be directed to protecting the homeowner and their investment in affordable housing.

The Ohio legislators this year voted to transfer the inspections and licensing of manufactured home communities/parks to the Ohio Manufactured Home Commission. Guidance from HUD on infrastructure would be valuable toward upgrading our 1770 communities/parks.

NEGATIVE WITH COMMENT

STEVEN ANDERSON:

NEGATIVE COMMENT - 3280HUD- Log #14

When I was a junior enlisted man in the Army I had a First Sergeant who had several sayings. One of his favorite was "give me the maximum effective range of an excuse." Ever since I've been a member of this committee I've heard nothing but excuses from the industry, HUD or other regulators as to why things can't be done that will create a better product for the consumer or will benefit the consumer in the long run.

What I do see and hear are self-serving excuses and proposals that inflate the industry's hold on this committee and further reduce the ability of the consumer to get anything done that will be to their benefit – particularly things that will enhance the standards of their homes and help take away the stigma of “trailer trash” that prevails outside the committee room.

There is a reason that stigma exists. It is because of a perception of the quality of the homes and the communities in which many of them reside. When reports such as the recent GAO report about ventilation systems came out that was critical of HUD; which should also have pointed some blame at this committee because the ASHRAE 62 standard should be the minimum standard and we should be looking at a higher standard if we are truly concerned about the health and safety of those who live in manufactured homes, we should be ashamed.

We are part of the problem, not part of the solution when we turn a blind eye to the communities that are in severe states of disrepair throughout the country, whose infrastructure is below local community standards; however, they are allowed to continue to go forward because nobody will take jurisdiction to fix the problem.

The same goes for refusing to modernize standards because of an excuse that somebody hasn't updated their standards. That sounds like an excuse to me! Is the cart leading the horse? Shame on us again! We know better and should be doing better. When it comes to the stigma of “trailer trash,” we are amongst the perpetrators of continuing the tradition if we keep our heads in the sand and drag our feet by refusing to do what's right for the consumer in the end.

MICHAEL LUBLINER:

NEGATIVE COMMENT - 3280HUD- Log #14

Why does the MHCC not want to add \$0.80 and \$1.11 per window for window flashing? It was noted that this moisture durability code improvement is already adopted in site built codes, because HUD, DOE, ASHRAE, EPA, IECC found, requiring window flashing (and a WRB system) reduces wall moisture problems (e.g. mold, rot, insects). It should be noted that these types of moisture problems damage consumer, lenders, and insurance company property and degrade the durability, longevity and quality of our national “federally preempted” housing stock.

During the MHCC meeting discussion, I noted that HUD requires windows be installed per the window manufacturer installation manual, and the reason window manufacturers selling HUD-code “approved” windows, have excluding a requirement for window flashings in their installation manuals is that they do not want to upset their customers (e.g. large HUD-code corporations), in fear that they will lose their business.” Adoption of this proposal “levels the playing field” so that window manufactures can't be manipulated to recommend sub-standard installation practices, in their HUD code “approved” installation manuals. In my opinion, MHCC rejection of window flashings will increase moisture and mold problems in future HUD code housing, resulting in significant mold litigation. At least the proposal discussion makes it clear that MHCC and HUD staff are aware of the installation manual “double standard” and importance of window flashings.

MARK MAZZ

NEGATIVE COMMENT – 3280HUD – Log#14

Moisture penetration is an important issue. AAMA is a private, industry-led organization dedicated to the professionalism and quality of their industry. The updated Standard reduces moisture issues in the building envelope, thereby increasing the long-term value of manufactured homes.

At a cost of \$0.80 to \$1.11 per window, the cost is so incidental that it makes sense to update the Standard. Manufactured Housing has a reputation for being an inferior product with a limited lifespan. A well-maintained manufactured home does not appreciate in value like a site-built

home. It depreciates in value, like a car. We can only change that image of inferiority by systematically improving the quality and longevity of the product.

TIM SHEAHAN

NEGATIVE COMMENT – 3280HUD – Log#14

Consumers could benefit by higher standards of production and thereby potentially avoid expensive repairs needed if window/door flashing was not installed during home construction. Consumers should have an option to “opt out” of the standard, such as when certain windows and doors will be protected from weather by a protective awning.

MICHAEL LUBLINER:

NEGATIVE COMMENT - 3280HUD- Log #20

The Manufactured Housing Consensus Committee (MHCC) should only use NFRC U-values or ASHRAE defaults. AAMA does not have the code recognition for U-values and SHGC, whereas NFRC does. NFRC requires and AAMA doesn't require/have labels on all windows providing the U-factor and SHGC. This results in lack of important information available to QA process and to consumer. The MHCC incorrectly notes that the newer editions of the AAMA Standards would basically require a recertification of the existing stock of acceptable windows but with no recognized benefit. No information was provided at the MHCC to support such a statement. HUD should adopt the following with regards to window testing as DOE is likely to do in rulemaking:

U-values for any glazing (e.g., windows, skylights, and the glazed portions of any door) shall be based on Tests, using the most current version of the National Fenestration Rating Council (NFRC). In the absence of tests, manufacturers shall use the residential window U-values contained in Chapter 29, Table 5 of the 1997 ASHRAE Handbook of Fundamentals. In the event that the classification of the window type is indeterminate, the manufacturer shall use the classification that gives the higher U-value. Where a composite of materials from two different product types are used, the product shall be assigned the higher U-value. For the purposes of calculating Uo values, storm windows shall be treated as an additional pane

MARK MAZZ

NEGATIVE COMMENT – 3280HUD – Log#20

Manufactured Housing has a reputation for being an inferior product with a limited lifespan. This will change only when purchasers, who can afford site-built homes, can easily compare manufactured homes to site-built homes. When you cannot compete head-to-head, you obfuscate. The MHCC should push the industry to compete head-to-head with site-built homes by using the most widely used standards and conventions. Because of its single national code and its efficient manufacturing process, manufactured homes will always beat site-built homes on price. Log #20 “accept in principle” explanation complicates the comparison needlessly.

TIM SHEAHAN

NEGATIVE COMMENT – 3280HUD – Log#20

Adopting NFRC U-values or ASHRAE defaults would potentially help provide consumers with valuable information.

STEVEN ANDERSON:

NEGATIVE COMMENT - 3280HUD- Log #36

When I was a junior enlisted man in the Army I had a First Sergeant who had several sayings. One of his favorite was “give me the maximum effective range of an excuse.” Ever since I've been a member of this committee I've heard nothing but excuses from the industry, HUD or other regulators as to why things can't be done that will create a better product for the consumer or will benefit the consumer in the long run.

What I do see and hear are self-serving excuses and proposals that inflate the industry's hold on this committee and further reduce the ability of the consumer to get anything done that will be to their benefit – particularly things that will enhance the standards of their homes and help take away the stigma of “trailer trash” that prevails outside the committee room.

There is a reason that stigma exists. It is because of a perception of the quality of the homes and the communities in which many of them reside. When reports such as the recent GAO report about ventilation systems came out that was critical of HUD; which should also have pointed some blame at this committee because the ASHRAE 62 standard should be the minimum standard and we should be looking at a higher standard if we are truly concerned about the health and safety of those who live in manufactured homes, we should be ashamed.

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The same goes for refusing to modernize standards because of an excuse that somebody hasn't updated their standards. That sounds like an excuse to me! Is the cart leading the horse? Shame on us again! We know better and should be doing better. When it comes to the stigma of “trailer trash,” we are amongst the perpetrators of continuing the tradition if we keep our heads in the sand and drag our feet by refusing to do what's right for the consumer in the end.

MICHAEL LUBLINER:

NEGATIVE COMMENT - 3280HUD- Log #36

I agree that this proposal will correct the wind design deficiencies that exist in 24 CFR3280 Sections 305 by requiring HUD homes to be constructed to resist wind loads determined by a contemporary wind standard and will update the wind zone county lists to reflect the higher wind speeds that exist inland. The proposal establishes four wind zones with design 3 second gust wind speeds of 90 mph, 110 mph, 130 mph and 150 mph respectively. The wind zones are identical to those adopted in the 2005 version of NFPA 501. Why should HUD preemptive code have less stringent structural wind standards, than the ANSI consensus NFPA-501 Manufactured Housing Standard based on ASCE/SEI 7-02?

As a member of MHCC and NFPA501 I support this proposal and feel that the industry is again looking to reduce code progress that improve the structural integrity of a HUD-code home. I recall industry rejected HUD proposed improved wind standards arising from Hurricane Andrew, only later to “praise it” after Hurricane Charlie showed that these structural MHCC code improvements worked to save property and lives.

Some members of MHCC claim not to be convinced that the benefit derived from adopting these changes is worth the additional costs that would be imposed. Yet those members failed to provide any documentation to support their position. In addition there was no dispute by MHCC members of the engineering facts presented by the proposer who I understand is an expert in the field of structurally engineering of HUD-code manufactured homes.

MHCC stated “the committee does not believe that the case has been made showing where the design values being recommended are addressing any known problems with the wind design criteria.” This is the same in my opinion flawed logic used by my industry after Hurricane Andrew to retain the “structural status quo”.

MARK MAZZ

NEGATIVE COMMENT – 3280HUD – Log#36

Current wind provisions are based on standard that predates Hurricane Andrew, a catastrophic event that changed all national building codes and standards. The site-built housing industry absorbed the more stringent requirements. I am convinced that MHCC cannot refuse to address significant safety issues because it may increase costs. It must worry more about the growing perceived quality gap between manufactured housing and site-built housing, which is killing the manufactured housing industry. It was shortsighted of the Committee to reject this proposal.

TIM SHEAHAN

NEGATIVE COMMENT – 3280HUD – Log#36

Adopting newer/higher NFPA 501 standards would likely create a higher margin of safety for home occupants.

STEVEN ANDERSON:

NEGATIVE COMMENT - 3280HUD- Log #37

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MICHAEL LUBLINER:

NEGATIVE COMMENT - 3280HUD- Log #37

If the MHCC ignore ASCE/SEI 7-05 Minimum Design Loads for Buildings and Other Structures indicates that high winds then damage will extend much further inland in future weather events in the high wind regions places HUD homes in areas where design level winds are greater than what the homes were designed to resist. See comments on Log 36. Someone should advise Warren Buffet of his HUD-code industry opinion on this important health and safety issue before more lives and property are lost in future weather events in those counties.

MARK MAZZ

NEGATIVE COMMENT – 3280HUD – Log#37

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TIM SHEAHAN

NEGATIVE COMMENT – 3280HUD – Log#37

(Similar reason as for negative vote on Log#36)

STEVEN ANDERSON

NEGATIVE COMMENT - 3282HUD- Log #1

When I was a junior enlisted man in the Army I had a First Sergeant who had several sayings. One of his favorite was “give me the maximum effective range of an excuse.” Ever since I’ve been a member of this committee I’ve heard nothing but excuses from the industry, HUD or other regulators as to why things can’t be done that will create a better product for the consumer or will benefit the consumer in the long run.

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MARK MAZZ

NEGATIVE COMMENT – 3285HUD – Log#3

While there are many technicalities to work out, the MHCSS should incorporate a preemptive standard.

ABSTENTIONS WITH COMMENT

ISHBEL DICKENS

ABSTAINING COMMENT – 3280HUD – Log#14

Abstaining due to not being in attendance at the meeting.

ISHBEL DICKENS

ABSTAINING COMMENT – 3280HUD – Log#20

Abstaining due to not being in attendance at the meeting.

ISHBEL DICKENS

ABSTAINING COMMENT – 3280HUD – Log#25

Abstaining due to not being in attendance at the meeting.

ISHBEL DICKENS

ABSTAINING COMMENT – 3280HUD – Log#30

Abstaining due to not being in attendance at the meeting.

ISHBEL DICKENS

ABSTAINING COMMENT – 3280HUD – Log#33

Abstaining due to not being in attendance at the meeting.

ISHBEL DICKENS

ABSTAINING COMMENT – 3280HUD – Log#36

Abstaining due to not being in attendance at the meeting.

ISHBEL DICKENS

ABSTAINING COMMENT – 3280HUD – Log#37

Abstaining due to not being in attendance at the meeting.

ISHBEL DICKENS

ABSTAINING COMMENT – 3280HUD – Log#56

Abstaining due to not being in attendance at the meeting.

ISHBEL DICKENS

ABSTAINING COMMENT – 3280HUD – Log#59

Abstaining due to not being in attendance at the meeting.

ISHBEL DICKENS

ABSTAINING COMMENT – 3280HUD – Log#73

Abstaining due to not being in attendance at the meeting.

ISHBEL DICKENS

ABSTAINING COMMENT – 3280HUD – Log#77

Abstaining due to not being in attendance at the meeting.

ISHBEL DICKENS

ABSTAINING COMMENT – 3280HUD – Log#79

Abstaining due to not being in attendance at the meeting.

ISHBEL DICKENS

ABSTAINING COMMENT – 3280HUD – Log#CP4

Abstaining due to not being in attendance at the meeting.

ISHBEL DICKENS

ABSTAINING COMMENT – 3280HUD – Log#CP5

Abstaining due to not being in attendance at the meeting.

ISHBEL DICKENS

ABSTAINING COMMENT – 3282HUD – Log#1

Abstaining due to not being in attendance at the meeting.

ISHBEL DICKENS

ABSTAINING COMMENT – 3285HUD – Log#3

Abstaining due to not being in attendance at the meeting.

ISHBEL DICKENS

ABSTAINING COMMENT – 3285HUD – Log#4

Abstaining due to not being in attendance at the meeting.