



**Final Minutes
HUD Manufactured Housing Consensus Committee
Holiday Inn
Arlington, VA
October 27-28, 2010**

Wednesday, October 27, 2010

Opening of the Meeting

DFO Cocke opened the meeting and announced that this is a meeting of the Manufactured Housing Consensus Committee, a Federal Advisory Committee. The Committee provides advice to the HUD manufactured housing program. Ms. Cocke noted that public notice had been published in the Federal Register on October 8, 2010 and that time has been allotted on the meeting agenda for public comments.

Chairwoman Brenton called the meeting to order. Mr. Solomon called the roll; a quorum was present. Ms. Brenton welcomed the members and called for self-introductions. She also asked the guests to introduce themselves. See **Attachment A** for a list of members and guests that were present.

The agenda was approved.

Approval of Minutes

Mr. Santana noted that the minutes of the discussion of Log 72 incorrectly indicated the 2009 NEC. It should be 2008. He also noted that the attendance incorrectly noted the name of his company. It should be Cavco Industries.

Those corrections being noted, the minutes were approved.

HUD Update/Status Report.

Ms. Cocke provided an update on the Department. She noted there have been personnel changes in the Department, and, while the new personnel are being brought up to speed the activity has been slowed. She did note that the Administration has a real focus and priority on affordable housing.

Ms. Cocke noted that there was a COSAA meeting in September, the first in about four years. She indicated it is up to the SAAs as to whether the meetings continue. Mr. Weinert stated that it was one of the best meetings with many new faces. Mr. Lubliner requested that the MHCC be notified of future COSAA meetings.

Ms. Cocke reported that the proposed rule on the third group of standards is moving along.

Mr. Wade asked whether the charter has been discussed. Mr. Everett explained that the Committee charter follows the Federal Advisory Committee Act (FACA) language developed by GSA, who is the overseer of all FACA Committees. He noted that while the MHCC was created by the MHIA 2000, it is also a Federal Advisory Committee and is also subject to FACA rules. Regarding paragraph XI, Termination, the MHIA 2000 is always in place, however, all FACA Committee charters have to be reapproved by GSA every two years. He noted that there currently is legislation in Congress that will change some of the rules.

Ms. Desfosses moved that the Committee express its disapproval with the new charter and Committee bylaws as inappropriate restrictions on the role and function of the Committee; Mr. Gorman seconded. Mr. Walter stated that there is a significant omission in the bylaws as there is no mention of role of the Committee regarding procedural and enforcement regulations as contained in Section 604 of the Act. He urged the Department to review Section 604 and compare it to the charter and the bylaws. Mr. Everett noted that the bylaws had been written prior to the charter and they will be rewritten to align them with the charter. Ms. Cocke stated that while comments are welcome, the Committee is under Federal direction and approval or disapproval of these matters are not the business of the Committee. Ms. Brenton stated that the Committee has the right to express its disapproval. Mr. Santana stated that if the Committee does comment it should provide specifics about what it does not like. Mr. Weinert concurred. The motion was called, seconded and approved. The Desfosses motion was approved 11 in favor, 5 opposed.

Standards

Mr. Mendlen reported that comments were received on three proposed rules – the on-site rule, the 2nd group of standards, and, the truss testing rule. Most of the comments were on the on-site rule. He highlighted the comments on the on-site rule. Comments on the 2nd group of standards noted that reference standards needed to be updated, and, comments on the truss testing rule stated that there was not sufficient evaluation of the costs.

Mr. Mendlen noted that issues remaining on the 3rd group of standards are stairways and handrails, carbon monoxide monitoring, and attached garages. Ms. Cocke stated that there is no prediction on when the proposed rules would be published. She did note however that the Subpart I rule is moving forward towards final rule publication.

Subcommittee Reorganization

Ms. Cocke noted that the Subcommittee assignments were previously distributed to the Committee. She noted that a Designated Federal Official (DFO) must be present for all meetings of the full MHCC as well as all Subcommittee meetings and conference calls. To that end, the Department is working on a procedure for appointing “acting DFOs” so that the Subcommittee activity would not be limited by her availability. She noted that a DFO is not required for Task Force conference calls. She noted that only MHCC members were appointed to Subcommittees. Non-MHCC members would be welcome at Subcommittee meetings but only MHCC members could vote on Subcommittee actions. Task Forces could have non-MHCC members and DFO participation would not be necessary. Mr. Walter noted that as long as non-MHCC representatives were recognized as advisors, voting rights were not necessary. Mr. Weiss asked what part of the GSA rules prohibited non-MHCC members from voting at the Subcommittee. He noted that this is of particular concern to MHARR and MHI since they no longer are members of the MHCC. A vote on a Subcommittee would give concrete weight to the MHARR and MHI view.

ADAS Comments

Ms. Cocke introduced Ms. Payne, HUD Associate Deputy Assistant Secretary for Regulatory Affairs, to make a few comments. Ms. Payne expressed DAS Bob Ryan’s appreciation for the work

of the Committee. She stated that she is here to listen and get input. She stated that manufactured housing is a priority for Commissioner Stevens and DAS Ryan. She noted that two MHCC meetings have been budgeted for this year and she expects the same for next year. She also noted the meeting in Elkhart, IN. (Ed. Note: This refers to a meeting held in mid-2010, with manufactured housing industry representatives, Assistant Secretary/FHA Commissioner Stevens and staff and congressional members.) She stated that there has been a strong focus on financing issues and that the Commissioner and DAS would be interested in any data on such issues that members could provide. Lastly she stated that she looked forward to hearing input on any issues the industry is facing.

Wind Task Group Update

Mr. Farish reported that the Task Group has had three conference calls since the Tulsa meeting. The Task Group has finalized its recommended revision of 3280 and has sent the revision to four manufacturers to cost the effect of the changes. A third party is being used to compile the responses. He indicated that one of the four manufacturers is a small manufacturer. He noted that the cost information will have to be evaluated on a county-by-county basis and then extrapolated nationally. The cost information being requested includes material costs, labor, markup, retailer markup, and, installation so that the impact can be seen at each step. The final Task Group recommendation with the cost information will be forwarded to the Subcommittee and then to the full MHCC for action.

Mr. Luttich asked how homes relocated from one wind zone to another should be handled. Mr. Mendlen stated that it is up to states to handle. Mr. Stamer asked what the time frame is for the final report. Mr. Farish indicated that there are many steps left and an MHCC recommendation would probably not go to HUD for at least a year. Mr. Walter noted that in two years there would be an energy standard with which manufacturers would have to comply. He asked how manufacturers that make both manufactured homes and modulares would implement the new wind requirements. Mr. Farish indicated that manufacturers would have the option of using ASCE 7. He noted the Task Group is using ASCE 7-2005 as its baseline. He also noted that compromises have been made so as not to lower some requirements.

Ms. Brenton thanked the Task Group for its hard work.

Public Comments

MHARR

Mr. Weiss presented comments on behalf of MHARR on three issues – the MHCC should oppose HUD actions that undermine its role, authority and independence as provided by law, the MHCC should assert its statutory right to review and comment on HUD's expansion of its regulations, and, the MHCC should reject the HUD and MHI proposed fire sprinkler standards for manufactured housing.

MHI

Mr. Long presented comments on behalf of MHI. He thanked the Committee members, especially those whose tenures are up, for their time and efforts. He expressed MHI's strong support for the MHCC. MHI appreciates HUD's effort to streamline the activity of the MHCC and keep it focused, MHI strongly believes HUD should also consider Committee priorities when developing the Committee agenda. HUD can benefit from the exchange of views and the opportunity these two days present might be lost if the activity is "too streamlined". He expressed MHI's concern about the backlog at HUD and offered MHI's assistance in making sure HUD has the resources to carry out the provisions of MHIA 2000.

MHI encourages the MHCC to defer any activity on energy until the DOE publishes its proposed

energy standards. He encouraged the MHCC to review and make recommendations to HUD on the DOE energy standards before the standards are finalized. Ms. Cocke noted that HUD is in regular communication with DOE.

MHI also recommends that the MHCC hold any action on formaldehyde until the EPA publishes its standards on composite wood products.

Lastly, MHI strongly recommends that the MHCC consider a “where required” fire sprinkler standard. Sprinklers should be a consumer choice rather than a mandatory requirement, especially where they are not required for site-built homes. Mr. Weinert noted that in California localities were imposing mandatory sprinkler requirements which eventually lead to a proposed statewide preemptive requirement.

Mr. Weinert recommended that Messrs. Weiss and Long be permitted to participate in the MHCC discussion of preemption. Ms. Cocke indicated that she would consider the request.

Additional comments - Sprinklers

Mr. Scott commented that the industry is going through a tough time. He noted that he builds both manufactured homes and modular homes. Adding cost to these homes may drive costs above those for site-built homes. He urged the Committee to keep affordable homes affordable.

Mr. King asked, as the Committee considers affordability, whether the MHCC is willing to take the position that single-story manufactured homes have a good track record regarding fire safety and wind damage with current standards and do not require additional measures.

Mr. Weinert moved, Mr. Gorman seconding, that the MHCC decide on a direction on mandatory sprinklers, “no sprinklers” or “where required”. DFO Cocke indicated that she would open the floor for discussion if the motion passed. Motion passed.

Public Comments - Sprinklers

Mr. Luttich asked whether the MHCC could request HUD to revisit its position on whether HUD can preempt local jurisdictions regarding sprinklers. Mr. Mendlen commented that there was an opinion from the HUD Office of General Counsel in the 90’s that stated that the HUD Construction and Safety Standards do not preempt local jurisdictions from imposing fire sprinkler requirements. Mr. Walter indicated that the opinion was issued in the 94/95 time frame. Mr. Weiss indicated that there was a HUD opinion in 1989, modeled after the NHTSA seat belt performance rule, that the standards did preempt local jurisdictions from imposing fire sprinkler requirements. He noted that preemption was broadly assumed in MHIA 2000, however, HUD has not changed its position.

Ms. Desfosses asked whether there is a chance that HUD would revisit the question. Ms. Payne indicated she would talk to Counsel. Mr. Tompos stated that the HUD Construction and Safety Standards are more restrictive regarding fire safety than building codes. Mr. Weiss stated that preemption is a general concept not tied to a performance aspect as was the NHTSA rule. Mr. Weinert noted that preemption was not just an issue for sprinklers, CO detectors, for example, present the same issue. Mr. Long stated that there are three questions – would HUD revisit its position on preemption; is a “where required” provision permissible; and, would it benefit industry to have a path to incorporate sprinklers as a consumer choice.

Mr. Luttich stated that if HUD does not preempt localities, fire marshals could pick the product apart. He questioned, absent a standard, how one would build a stock unit. He encouraged HUD to revisit preemption.

Mr. Stamer stated that he thought the HUD code was preemptive. He stated that states have either turned down sprinkler requirements or put them on hold and, therefore, it makes no sense to adopt a sprinkler standard. He also stated that sprinklers need pressure and flow rates and parks do not have the water pressure or storage capacity to support sprinklers. He urged that a sprinkler standard not be considered for at least a year while states determine what they will do. Mr. Weinert noted that California has already drafted design and installation sprinkler regulations. He noted that in a survey that measured parks water pressure, 99% had sufficient pressure. He noted that he would consider a threshold for sprinklers, perhaps based on square feet rather than number of stories. Mr. Stamer commented NFPA has a conflict of interest regarding sprinklers.

Mr. Walter encouraged the Committee to look at what is being presented in the expectation that HUD will not issue a positive preemption decision. Mr. Santana stated that the sprinkler proposals are a reaction to current local initiatives and over the next two years the initiatives will increase. Unless HUD states the HUD code is preemptive, the industry will continue to be reactive. The industry should determine how to comply "where required". Mr. Weiss expressed the opinion that if the Committee adopts a "where required" standard, HUD would never issue a preemptive opinion. He stated that the MHCC does have the authority to request HUD to revisit the issue. Mr. Farish expressed a concern about a "where required" standard; however, he also was concerned that local authorities did not know how to handle work done in the factory and there needs to be some mechanism to allay their concerns. Mr. Weinert agreed that HUD should look at preemption more broadly in light of MHIA 2000, however, for sprinklers the need is now. Mr. Santana noted that regulation of formaldehyde emissions from wood products started with CARB in California and now EPA is considering Federal regulation. He expressed a concern that the notion that the HUD code is preemptive is being lost and encouraged HUD to look at the issue again. Mr. Weiss reiterated his concern that a "where required" standard will diminish the urgency for a positive HUD preemption opinion.

Mr. King stated that he would discuss the proposed standards in his Subcommittee. He noted that there would be a stronger argument if the MHCC could offer facts that would support a "not necessary" position such as HUD code requirements that provide more fire safety than the IRC, e.g., more exit doors, faster exit paths, etc.

Ms. Desfosses moved that the MHCC request HUD to revisit its position on preemption in light of MHIA 2000. Mr. Walter seconded. Mr. Long noted that even if HUD issued a positive opinion, a standard is still necessary for manufacturers that wished to provide sprinklers as a consumer option. Mr. Stamer noted that residential fire sprinklers are not intended to extinguish a fire but rather to provide time for occupants to escape. Mr. Jewell noted that the NFPA and the USFA have fire death statistics that indicate percentage-wise more people die in fires in manufactured homes than in site-built homes. It was noted that the statistics should be examined more closely to separate pre- and post- HUD code homes. After further discussion, **motion carried unanimously.**

Mr. Santana stated that until an opinion was issued by HUD the Committee needs to consider the sprinkler proposals including whether they should apply for one- or multi-story homes.

Mr. Stamer moved that 3280 be amended to state that fire sprinklers are not required in HUD code homes; motion seconded. Mr. Tompos stated that the safety aspects should be researched to support such a position. Mr. King stated that he would have a hard time voting for such a statement without having data to support it. Mr. Weinert noted that the statistics used to support the IRC action were overwhelming and need to be countered to support a no sprinkler position for manufactured homes. Motion to call seconded and passed. Stamer **motion failed 7 in favor, 8 opposed.**

Mr. Santana moved that the MHI, HUD and similar proposals be referred to the Subcommittee for review, research and decision with one year. Mr. Gorman seconded. Motion passed unanimously.

Other Public Comments

Ms. Shimin Luo, American Hometec, requested that electric tankless water heaters be considered with the proposal on gas tankless water heaters, log 71. Ms. Cocke stated that there is a process for making proposals and that the AO or any member could explain the process.

NIST Presentation

Mr. Andrew Persily, NIST, made a presentation on the NIST project on energy efficiency and ventilation system performance in buildings. Mr. Persily thanked MHCC member Lubliner for his contributions to the project. Mr. Solomon asked how research projects could be initiated at NIST. Mr. Persily indicated that there are some funds available at NIST, however, large projects would need additional funding. Mr. Persily's presentation will be posted on the MHCC website.

Ms. Brenton thanked Mr. Persily for his presentation.

Long Term Issues

Ms. Cocke noted that she had asked the AO to pull together all the open issues that needed to be acted on. Mr. Solomon stated that he pulled all open proposals dating back to 2002 and put them on the agenda. He noted that EPA is considering the CARB regulation of formaldehyde emissions from composite wood products; DOE is working on energy efficiency; the Wind Task Group is addressing wind design; accessibility was originally proposed by Earl Gibson, an original member of the Committee, now deceased; and, sprinklers have been a long standing issue.

Formaldehyde - Logs 27, 31, 50, 67, and 68

Mr. Santana moved that logs 27, 31, 50, 67, and 68 on formaldehyde be rejected until EPA acts. Mr. Stamer seconded. Mr. Mendlen noted that formaldehyde is also addressed in the 2nd group of standards. Mr. Lubliner noted that emissions from finishes were raised as an issue at the Tulsa meeting. Mr. Tompos indicated that the testing of formaldehyde emissions from finished products referred to there being available alternative surface finishes which have a minimal impact. The CARB rule does not cover finishes, the HUD rule does. Mr. Long stated that enforcement should be given to HUD, and, the regulation should be changed from date of sale to date of manufacture. The effect of the motion would be to REJECT the proposals at this stage. Once the EPA rules are final, any additional changes to the MHCSS could be considered in the future.
Motion passed unanimously.

Energy Efficiency – Logs 28, 57, 58, 61, 64, and 65

Mr. Santana noted that a similar situation exists with DOE and logs 28, 57, 58, 61, 64, and 65 on energy. He **moved that logs 28, 57, 58, 61, 64, and 65 be deferred until DOE finalizes its standards. Mr. Weinert seconded; motion to defer action passed 10 in favor, 4 opposed.**

Accessibility - Logs 2, 3, and 11

Mr. Santana asked why logs 2, 3, and 11 on accessibility were not acted on in 2004. Mr. Gorman indicated that there was uncertainty about the cost impacts. Mr. Mazz pointed out that an AARP survey indicated that 65% of seniors will be "disabled" at some point in the next five years. **Mr. Mazz moved that the accessibility proposals be forwarded to a Subcommittee to examine**

cost and implementation issues and report back in 180 days. Mr. Jewell seconded. Mr. Mazz recommended that the Subcommittee conference calls be notified in the Federal Register so that public input could be obtained. It was noted that the issue is accessibility, not egress. **Motion passed unanimously.**

Technical Systems Subcommittee

Gas-fired heating appliances – Log 70

Log 70 was considered at the April meeting. The part amending 3280.703 was accepted; the part relating to 3280.707(a)(2) was not because the Committee did not believe it had sufficient information on “Annual Fuel Utilization Efficiency (AFUE)”. Mr. Emen, the proponent, presented the Committee with additional supporting information. Mr. Lubliner noted the ANSI standard ANSI/ASHRAE 103-2007 and stated that AFUE is commonly used; the requirement for “flue loss not more than 25%” is old technology and should be deleted. After some further discussion, **Mr. Weinert moved that the proposal be accepted in principle by changing “and” to “or” between “thermal efficiency” and “annual fuel utilization efficiency”; Mr. Santana seconded. Motion carried unanimously**

Tankless Water Heaters – Log 71

It was noted that tankless water heaters should be differentiated from storage tanks. Perhaps tankless water heaters should have a separate section. Electric tankless water heaters should also be considered. Log 71 was referred to the Subcommittee for further study.

Fireplace Venting/Crawl Space Ventilation

Mr. Santana submitted an alternative proposal to the HUD proposed revisions to 3280.709 and 3285.505. Mr. King stated that he would like to see the fireplace manufacturers’ installation instructions. Ms. Cocke stated that the manufacturers and/or product certifiers should be invited to participate in the discussion. The proposals were referred to the Subcommittee for further study. Ms. Cocke noted that the HUD proposal is subject to the 120 day response

Technical Structure and Design Subcommittee

Residential Sprinklers – HUD proposal, Log 76, and, Log 3

Ms. Starkey noted that the MHI proposal references NFPA 13D in accordance with the National Technology Transfer and Advancement Act which requires use of consensus standards when appropriate. The International Residential Code (IRC) design provisions could also be referenced and manufacturers could use either. It was noted the NFPA 13D requires manufacturers to have site-specific knowledge regarding water supply. Mr. Weinert stated that both HUD and MHI proposals have a weakness. He noted that the California draft regulation references only NFPA 13D and is clear where 13D does not apply. He distributed a copy of the California draft regulation. Mr. Weiss noted that a rural home with a well pump might not have sufficient flow and require a pressurized tank.

Mr. Santana suggested that text be added indicating this section preempts local regulation. Mr. King stated the approach is not whether sprinklers should be installed but how they should be installed if the consumer requests them or the Authority Having Jurisdiction requires them.

Mr. King asked whether the absence of a standard in the HUD code preempts a local requirement. Ms. Cocke noted that stairs are not addressed in the HUD code and the AHJ is not preempted from regulating them.

Mr. King suggested that a statement be made that fire sprinklers are not required because HUD code homes provide sufficient fire safety. Mr. Jewell noted that the USFA fire statistics indicate that there are more deaths in manufactured homes than other units; NFPA data indicate fewer fires but more deaths, however 40% of those incidents had problems with doors and windows. Mr. Gorman asked whether the statistics were pre- or post HUD code; Mr. Jewell said they were not specific. Mr. Weiss recalled a 2004 USFA report that indicated that the HUD code had made a positive impact. Mr. Farish stated that the data should be documented. He stated that the industry should have a standard for "as required" situations.

Mr. Wade suggested that the Preemption paragraph 3280.210(a) in Log 76 include a statement that "sprinklers are not required by this standard, however, when ...".

The Committee recessed at 4:50 pm.

Thursday, October 28, 2010

Call to Order

Chairwoman Brenton reconvened the Committee and called the meeting to order at 8:00 am, Mr. Solomon called the roll; a quorum was present.

Ms. Cocke reminded those present that this is a meeting of the Manufactured Housing Consensus Committee, a Federal Advisory Committee. She also expanded on her remarks yesterday regarding the reorganization of the Department, noting that the reorganization would not impact the MHCC.

Ms. Cocke also noted that Consumer Product Safety Commission has issued a large product recall of circuit breakers. This is a serious defect and imminent hazard, prompting a Subpart I investigation. The Department has been working with the manufacturers, Siemens and Square D, who are working on a plan for corrective action. Mr. Lubliner requested that the Committee receive information on the recall; Ms. Cocke indicated that she would send the Committee the same information sent to the PIAs, IPIAs, and, SAAs.

Public Comments

Mr. Weiss commented that the upcoming HUD auditors meeting should be open to the public and that the topics should be circulated to the MHCC first so the proceedings are open and transparent. Mr. King commented that state auditors should be involved as state auditors are used on joint monitoring teams.

Ms. Brenton commented that with the reorganization of the Committee, the Committee no longer has a Planning and Prioritization Subcommittee. She noted that the Subcommittee, which had one user member, one producer member and one general interest member, would look at every proposal, rate it according to an established scale, and then assign it to the appropriate Subcommittee. She noted that she had submitted a proposal last spring and has not heard anything since. The AO noted that the proposal was in the queue but has not yet been acted on.

Mr. Walter commented that the proposal logs should be dated. Mr. Solomon indicated that it has not been the practice but it can be done.

Ms. Cocke stated that proposals are collected and are bundled to roll forward; there is no intention

to hold proposals. She noted that proposals were grouped together at the last meeting. Mr. Weiss noted that the DFO approves the agenda but does not have to develop it. Mr. Solomon stated that HUD indicated what subjects are to be included in the meeting agenda preparation package.

Mr. Walter stated that there should be a master register of all submittals. Mr. Weinert noted that he has been requesting one since 2002. He noted that he and Mr. Lagano developed such a spreadsheet with the assistance of Ms. Dickerson, HUD. The register should include the date the proposal was received, where it was assigned, and, when action is expected. Mr. Walter noted that there are two steps in the process, the Committee process followed by the HUD process, both should be tracked. Mr. Mazz stated that the spreadsheet should be posted on the website. Mr. King stated that oversight of the process should be assigned to the General Subcommittee rather than creating another Committee. One member from each segment could be assigned oversight. Ms. Brenton stated that the priorities should be set by the MHCC. Mr. Walter stated that the AO should be responsible for the register. Mr. Long stated that transparency and accountability should be foremost. It was moved and seconded that the AO prepare, develop and maintain a list of all activities assigned to the MHCC on a spreadsheet. It should also include items that are packaged together by HUD for rulemaking purposes. The General Subcommittee will be responsible for maintaining this list and the list should be available within 30 days. The motion was withdrawn.

Public comments concluded at 9:05 am.

Technical Structures and Design Subcommittee continued

Vented Appliances

Mr. Santana reported that installation instructions from three manufacturers; all state that the appliance should be vented to the crawl space. The proposal needs further study.

Sprinklers

Mr. Wade submitted a revision to the preamble to log 76. A sentence reading: "Fire sprinkler systems are not required by this subpart." is intended to clarify that 3280 does not mandate the installation but allows for owners or local laws to mandate the systems.

Ms. Desfosses recommended that that the first sentence of 3280.210(a), Preemption, stand alone. Mr. Stamer so moved; motion seconded. Ms. Cocke expressed a concern that such a stand alone statement would make getting the proposal through the Department difficult as it could raise a policy issue. She offered to discuss it internally. After further discussion the question was called. Motion to accept the revision to 3280.210(a) and the rest of Log 76 passed 5 in favor, 2 opposed.

Accessibility.

Mr. Mazz presented proposed changes to 3280.105(b)(2) - exterior swinging doors, 3280.105 - exterior doors, 3280.108 - interior passages, and 3280.112 - hallways. There was a discussion of the dimensions cited in the various proposals. He noted that wider doorways installed during construction of site-built homes costs about \$10; to retrofit is approximately \$950. Mr. Santana noted that doors are not a significant problem, however, wider hallways would require redesign. Ms. Nelson noted many communities are 55+ communities and need to deal with wheelchairs and walkers. Ms. Desfosses noted that 36" hallways would eliminate most single-wide homes from the market. She stated 32" hallways should be the requirement for single-wide homes.

Mr. Mazz moved that his fourth proposal be substituted for log 2, his first and second proposals be substituted for log 3 and his third proposal be substituted for log 11. Mr. Walter seconded. Mr. Walter moved that the requirement for hallways in single-wide homes be 32" rather than 36"; Ms Desfosses seconded. These changes address exterior swinging

doors, interior passage and hallways. Ms. Brenton stated that she would like to see the costs of making the change. Mr. Lubliner concurred and added the cost of doing nothing should be considered also. Mr. Mazz indicated that the question of 32" vs. 36" needs more research. Mr. Walter noted that the proposals only involve new homes. Mr. Santana noted that 80%-90% of doorways might already comply. **The motion that single-wide hallways be 32" was called and passed; 4 in favor, 1 opposed.** Mr. Mazz recommended that the Subcommittee research all three proposals and present recommendations to the main Committee in six months.

Ground Anchor Test Protocol, HUD Proposal and Log 1

Ms. Starkey noted that ground anchor manufacturers had reviewed the April 2010 HUD proposed revision to the Ground Anchor Assembly Test Protocol Recommended by the MHCC Ground Anchor Task Force in August 2005. Their conclusion was that the test protocol was overkill and they were developing a voluntary test protocol to submit to the MHCC. It was noted that the HUD proposal will be on the 120-day clock beginning November 1, 2010 (see above comment by DFO Cocke). Mr. Solomon recommended the proposal be tabled until the ground anchor manufacturers submitted their proposal assuming there would still be enough time for the MHCC to meet the 120-day requirement. Mr. Mendlen highlighted the HUD revisions for the Ground Anchor Task Force protocol. Mr. King stated that the Subcommittee would discuss the proposals at a conference call within the next 30 days.

Technical Systems Subcommittee continued.

Tankless Water Heaters, Log 71

Mr. Lubliner stated that tankless water heaters are tested under the DOE standard 10 CFR Part 430; comply with ANSI Z21.10.3a and 3b; and, should be installed according to manufacturer's instructions. Mr. Walter recommended that the proposal be Accepted in Principle. It was noted that the proposal does not deal with electric tankless water heaters. Mr. Santana recommended that electric units be handled now. Mr. Lubliner noted that he had talked to electric manufacturers and such units present some issues. He noted that electric units draw considerable amps and require larger breakers. Mr. Weinert stated that electric tankless water heaters should be included and that UL Standard 499-2005 should be incorporated as a reference standard. **It was moved, seconded and carried that Log 71 be forwarded to the MHCC for acceptance in principle.**

Plenary Session - Subcommittee Recommendations to MHCC

Technical Systems Subcommittee

The Technical Systems Subcommittee recommended that Log 71 be Accepted in Principle. Approved unanimously.

Technical Structures and Design Subcommittee

The Technical Structures and Design Subcommittee moved that Log 76, as modified, be accepted. Motion to accept seconded. Mr. King stated that he would vote against the motion. He stated that sprinklers are not necessary in single story homes and multi-story homes only need a sprinkler at the top and bottom of each stairs. Mr. Weiss urged rejection because it diminished the chances for preemption and may ultimately be required in all homes. Mr. Weinert noted that California draft regulation makes sprinklers optional. Mr. Jewell concurred with Mr. Weiss noting that the language in (a) is misleading.

Mr. Walter moved to amend the motion by striking (a); Mr. Mazz seconded. Mr. Farish recommended sending the proposal to HUD to receive formal or informal feedback from HUD. Ms. Cocke indicated that HUD would be interested in a preemptive standard "when required". She noted that once the MHCC sends it to HUD, HUD must respond and, as a result, HUD could reject

the proposal and rewrite it. **Mr. Walter moved that the proposal be tabled; motion seconded.** Mr. King recommended that in the interim, the Subcommittee gather additional information.

Mr. Jewell reported that he found fire statistics for pre- and post- HUD code homes; pre 1976 there were 2.6 fire deaths per 100 fires; after 1976 there were 1.2 fire deaths per 100 fires. In site-built homes there were 0.8 fire deaths per 100 fires.

Motion to table approved; 14 in favor, 2 opposed. Mr. Santana moved that the issue be sent to the Subcommittee for further analyses; seconded and approved. Ms. Cocke indicated that HUD would defer its proposal until the next MHCC meeting.

Mr. Solomon stated that a different reason for the Committee action is necessary on Log 72, tamper-resistant outlets as the MHCC was unresponsive to the substance of the issue. The reason for rejection was revised.

Discussion of "Open Government" Regulations and Impact on MHCC

Ms. Cocke noted that the MHCC has put in 8-9 years of work. In the past 3-4 years there has begun to be rollover of the MHCC membership. Newer members have questioned the way things have been done. Things are changing at HUD, and at GSA concerning implementation of new FACA rules. The Administration wants open government. The Department has a smaller office with more responsibilities. There is a need for the Committee to be more organized, timely in its work product, and, better serve the Government. Mr. King noted that the MHCC should be able to complete more work with its subcommittee structure in lieu of the task group model. She shares Mr. King's dislike of Task Forces, preferring work to be done with 2-3 people. Subcommittee appointments will be moved from a calendar year appointments to fiscal year appointments for 2 years. She noted that the MHIA 2000 requires standards to be updated every two years. There is good news in that the manufactured housing program has a direct budget; bad news is that fees are flat and states take all the funds generated by fees. Because a DFO must participate in all Committee and Subcommittee meetings and conference calls those meetings and conference calls will have to be more organized and focused. The MHCC and the Subcommittees will have to be more strategic, with deadlines and schedules. Letters of appointment for new members will be issued shortly.

Ms. Payne thanked Mr. Gorman for hosting the Tulsa meeting, provided some feedback on the meeting, and, suggested some efficiencies going forward. She noted that at times it was confusing as to whether the discussion was by the MHCC or a Subcommittee; she suggested more concurrent Subcommittee meetings. Mr. Walter noted that some members wanted to participate on two Subcommittees and suggested that two Subcommittee meetings meet concurrently, following by the other two Subcommittees meeting concurrently. Mr. Mazz noted that the work progresses better with deadlines and recommended that schedules be established at this meeting. Mr. Santana agreed that smaller groups are more efficient. Mr. Jewell recommended that more narrative be put forth on Subcommittee actions. Mr. Farish noted that more front-end preparation is helpful. Mr. Weinert noted that to facilitate carryover from one member to another HUD should become a "repository of Committee information and history".

HUD Comments

ADAS Payne requested that Mr. Henry Czauski be given an opportunity to make some comments to the Committee; Ms. Cocke noted that Mr. Czauski is an attorney who had worked in the Office of General Counsel but is now in the Office of the ADAS. Mr. Czauski introduced himself as a Senior Advisor in the Office of Housing and made several observations to the Committee. He supported the comments of the ADAS that subcommittees

should play a key role in identifying and vetting matters for the full Committee. He used the discussion of "sprinkler systems" as an example where the subcommittee could have had a greater role. In particular, he cautioned the Committee to be careful what it asks for because HUD's response to a request for an interpretative opinion on the issue of pre-emption may be contrary to the Committee's proposal of a standard that "sprinklers" are or are not required; which is complicated by the fact that a consensus was never reached during the meeting. Since HUD's opinion would also be available to States, exigent action by the Committee may be needed if the Committee desired an alternative result - this type of strategy could best be addressed by the subcommittee, which is encouraged to continue its work in addressing the outstanding issues.

Open Government Discussion continued

Ms. Payne said that she looked forward to receiving ideas on improvements.

Ms. Cocke stated that the Committee is now moving into a cycle mode. HUD now collects proposals, groups them and the DFO assigns them to a Subcommittee. Mr. Solomon noted that the NFPA and ICC have strict timetables for handling proposals and he briefly described the processes. He noted that the MHCC has a two-year window to receive public proposals. Currently that window is open until December 31, 2010. He noted that it is important for members to submit proposals via the public proposal process to ensure the proposal gets on the MHCC agenda at some point.

Ms. Brenton asked if HUD will be prioritizing the proposals. Ms. Cocke indicated that it would. She will look at the rating scheme the former Planning and Prioritization Subcommittee used. Ms. Brenton stated that she thought that it was important the members do the prioritization. Mr. Walter recommended that November be avoided as a meeting month. Mr. Mazz asked what happens if consideration of a proposal is not concluded within the two year time frame. Mr. Solomon indicated that it continues into the next cycle. He noted that once a proposal or Committee recommendation goes to HUD it is out of the AO's control. Mr. Weinert asked whether the MHCC will see all the proposals. Mr. Malech, HUD OGC, noted that it may not be possible for the MHCC to see the proposals before HUD puts them into the docket. Ms. Cocke stated that she will discuss the process within the Department. The draft process timetable is shown in **Attachment B**.

Mr. Walter reiterated his earlier comment that the bylaws have a gross omission by not including procedural and enforcement regulations as noted in MHIA 2000. He hopes at the next meeting there will be a discussion of how such items will be handled. Mr. Lubliner expressed a concern that the HUD strategic plan did not have much attention on manufactured housing given the attention to affordable housing. Ms. Cocke noted that the attention was primarily on financing issues.

Ms. Cocke said she noted all the comments and, at the meeting in early 2011, will present a fuller picture of the direction of the Committee. It was noted that the 120-day clock will start November 1, 2010 on the HUD proposals on ground anchors and on fireplace/crawlspace venting. Mr. Solomon noted that those issues will have to be handled by full Committee conference calls early next year. Mr. Walter urged an early poll for future meeting and conference call dates. The AO will circulate a survey for possible meeting and conference call dates.

Ms. Cocke expressed the Department and Committee's appreciation for those members cycling off the Committee.

The meeting was adjourned at 3:40 pm.

HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE

**ATTENDANCE SHEET
FULL COMMITTEE MEETING
ARLINGTON, VA
OCTOBER 27-28, 2010**

STATUS: M=MEMBER; NVM=NON VOTING MEMBER; AO= ADMINISTERING ORGANIZATION
SEC=SECRETARY

NAME	STATUS	ORGANIZATION	Wednesday October 27th	Thursday October 28th
Brenton, Susan	M	Manufactured Housing Communities of Arizona	X	X
Cocke, Elizabeth	NVM	HUD	X	X
Desfosses, Theresa	M	State Manufactured Homes, Inc.	X	X
Farish, William	M	Clayton Homes	X	X
Gorman, Doug	M	Home-Mart, Inc.	X	X
Jewell, Kevin	M	TX Low-Income Housing Info Service	X	X
King, Timothy	M	NY State Department	X	X
Lubliner, Michael	M	Washington State University - Extension Energy Program	X	X
Luttich, Mark	M	Nebraska Public Service Comm. – Housing & Recreational Vehicle Dept.	X	X
Mazz, Mark	M	Architect	X	X
Nelson, Terry	M	MHOA OF Illinois	X	X
Santana, Manuel	M	Cavco Industries	X	X
Scott, Gregory	M	Scotbilt Homes	X	X
Sheahan, Timothy	M	GSMOL/V.P. MHOAA	X	X
Solomon, Robert	AO	NFPA	X	X
Stamer, William	M	Champion Homes Builders Inc.	X	X
Tompos, David	M	NTA, Inc.	X	X
Toner, Pat	AO/SEC	NFPA	X	X
Wade, Michael	M	Cavalier Home Builders, Inc.	X	X
Walter, Frank	M	Consultant	X	X
Weinert, Richard	M	State of California	X	X

HUD MANUFACTURED CONCENSUS COMMITTEE
MEMBERS NOT IN ATTENDANCE
FULL COMMITTEE MEETING
ARLINGTON, VA
OCTOBER 27-28, 2010

NAME	ORGANIZATION
Berger, Jack	Berger Reconstruction
Braun, Karl	Nevada Assn. of Manufactured Homes
Lagano, William	Commonwealth Consulting Corp.

HUD MANUFACTURED CONSENSUS COMMITTEE
GUEST ATTENDANCE SHEET
FULL COMMITTEE MEETING
ARLINGTON, VA
OCTOBER 27-28, 2010

NAME	ORGANIZATION	ATTENDANCE
Payne, Teresa	HUD	X
Everett, James	HUD	X
Czauski, Henry	HUD	X
Mendlen, Richard	HUD	X
Ferrante, Vic	HUD	X
Bers, Eric	HUD	X
Wallace, Angelo	HUD	X
Malech, Robert	HUD	X
Giannavola, Theresa	HUD	X
Blanford, Mike	HUD	X
Persily, Andrew	NIST	X
Oglesby, Sean	Scotbilt Homes, Inc.	X
Weiss, Mark	MHARR	X
Emen, Donald	RINNAI America Corp.	X
McJury, Jason	IBTS	X
Weldy, John	CMH Manufacturing	X
Starkey, Lois	Manufactured Housing Institute	X
Long, Thayer	MHI	X
Goswami, Ashok	IBTS	X

CODE CYCLE MODEL FOR MHCC

Background: MHIA-2000 requires the MHCC to review and recommend in a not less than two year period to consider changes to the federal standards. An excerpt from MHIA that outlines this provision is as follows:

“(4) REVISIONS OF STANDARDS.—
 “(A) IN GENERAL.—Beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the consensus committee shall, not less than once during each 2-year period—
 “(i) consider revisions to the Federal manufactured home construction and safety standards; and
 “(ii) submit proposed revised standards, if approved in a vote of the consensus committee by two-thirds of the members, to the Secretary in the form of a proposed rule, including an economic analysis.

Since 2003, the MHCC has made every effort to satisfy this part of the law and there have been many successful changes to the standards that have been reviewed, recommended and put forward to the Secretary. In fact, because of the MHCC efforts and dedication, more substantive changes have been made to the federal standards in the last six years since 2004 than were made in the previous 25 years.

While this record is commendable and is an acknowledgment of the tremendous effort put forth by the MHCC and the Department, the effectiveness of the MHCC has been somewhat hampered in the last two years. The MHCC has gotten off track somewhat by not following an established pattern and schedule that would truly streamline the processing of the proposals. The Department and the AO share responsibility for this as the two year process that was discussed in 2007 was never fully implemented.

The result of this has been a collection of proposals-some going as far back as 2003 that have never had a formal action taken on them; too many proposals that have been referred to a subcommittee or task group where in some cases the subject becomes mired in a never ending dialogue; and in other cases where proposals simply sit in an inactive mode. Another contributing factor to the backlog has been the allowance to accept proposed changes that were received beyond the once established December 31st deadline.

In order to streamline this process, clear out the backlog of aging proposals and to keep the momentum going forward with new proposals, the following plan is being presented for consideration.

MHCC Code Cycle

- ✓ After December 31, 2010, no additional public proposals will be accepted by the AO until the next code cycle period that will open in June of 2012. MHCC meetings held in October, 2010, 2011 and in the first half of 2012 will be focused on clearing the current backlog of public proposals, completing actions on existing proposals submitted by the Department and reviewing/ completing action on new subjects submitted by the Department. Time permitting, topics received directly from the MHCC will be discussed

and put forward. The proposal closing date for the next cycle will be December 31, 2010.

- ✓ The only new proposals that will be considered in between the established proposal closing dates will be those submitted by the Department. MHCC members will review and take an appropriate action on any such proposals.
- ✓ In general, the schedule will look like:
 - December 31st, 2010: Public Proposal Closing Date
 - January- February, 2011: Public proposals reviewed by HUD and prioritized.
 - April-May, 2011: MHCC In Person Meeting Number 1. Public Proposals plus HUD proposals reviewed during MHCC in person meeting Number 1. Appropriate action(s) as noted later on is taken.
 - September- November, 2011: MHCC In Person Meeting Number 2. Public Proposals plus HUD proposals reviewed during the MHCC in person meeting Number 1 are acted on with a final recommendation. HUD may also
 - January-February, 2012: Final recommendations from In Person Meeting Number 2 are sent out for letter ballot.
 - April-May, 2012: Results of MHCC letter ballot on changes are finalized and submitted to the Secretary.
 - June-July, 2012: FR Announcement made to Call For New Proposals
- ✓ The MHCC actions on proposals that are already logged into the system or that are brought forward by the Department for consideration will be deliberated by the MHCC with the eventual outcome to have an MHCC Final Action on each topic. This Final Action for each proposed change would be to:
 - ACCEPT
 - ACCEPT IN PRINCIPLE
 - ACCEPT IN PRINCIPLE IN PART
 - REJECT

Upon reaching agreement on one of these actions, the MHCC would be letter balloted on their action. The results of this ballot would then be submitted to the Department as the recommendation of the MHCC.
- ✓ This process will allow the use of subcommittees and task groups to have specific subjects referred to them to study any subject or to develop a draft response or draft position that can be considered by the MHCC for a Final Action as discussed above.