



**Final Minutes
HUD Manufactured Housing Consensus Committee
Conference Call
January 27, 2011
11:00 a.m. – 1:00 p.m.**

Opening of the Meeting

DFO Cocke opened the meeting by thanking the members for participating in the call. HUD Associate Deputy Assistant Secretary for Regulatory Affairs Payne did also. Ms. Cocke introduced the new members of the MHCC. She also noted that Mr. Weinert had been appointed by the Secretary as Chairman for one year. She 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.

Mr. Solomon called the roll; a quorum was present. Mr. Solomon checked for guests. Ms. Cocke introduced HUD staff on the call. See **Attachment A** for attendance.

Minutes Approval

Ms. Cocke noted that public notice had not been published in the Federal Register in time to meet the FACA 15-day notice requirement so no formal action can be taken in this call, including approval of the minutes of the October 27-28, 2010 meeting. Chairman Weinert indicated, however, that comments could still be made on the draft minutes.

Mr. Walter noted the following:

- p4 – Mr. Walter indicated that “the opinion was *issued* not written – he has never seen a written opinion;”
- p8 – “Ward” should be “Wade”;
- p10 – Section Heading should be Plenary Session – Subcommittee Recommendations to MHCC;
- p11 – “Mr. Walter moved that the proposal be tabled” strike the rest of the clause; he did not say that;
- p11 – Mr. Walter counted 14 in favor, 2 opposed on the motion to table.

p12 - The description of the concurrent subcommittee meeting statement should be made clearer – Mr. Walter ... suggested that “two subcommittees meet concurrently, followed by the other two subcommittees meeting concurrently”.

p12 – Strike last sentence of paragraph on the MHCC code cycle. Enclosure B was not distributed at the meeting.

Attachment A – add Teresa Payne to the guest attendance list

Mr. Lubliner noted

p6 - “and ventilation system performance” should be added after “energy efficiency”.

p10 - During the discussion on Tankless Water Heaters, insert “He noted that electric units draw considerable amps and require larger breakers” after “... present some issues”.

Mr. Solomon noted that early in the Committee’s history “minutes” were discussed and it had been noted that minutes were to reflect the Committee discussion and not a “transcript”. He expressed a concern that some of the comments were more the latter. However, errors in the minutes are to be corrected.

Mr. Stamer noted that:

p5 - his comment about NFPA having a conflict of interest regarding sprinklers was not in the minutes; it should be included.

p5 – insert “sprinklers need pressure and flow rates and” before “parks do not...”

p6 – his recollection of Mr. Tompos’ comment about the results he has seen in testing of formaldehyde emissions of finishes was that the finishes did have an effect. Ms. Cocke stated that Mr. Tompos will be asked to clarify his comment.

p8 - he was not the commenter that “NFPA 13D required specialized knowledge and training”.

Public Comments

Mr. Weiss introduced himself for the benefit of the new members, noting he represented the Manufactured Housing Association for Regulatory Reform (MHARR), an association of mostly small and mid-sized manufacturers. He noted that he would like to see the AO have a mechanism to alert regularly participating non-MHCC members of Subcommittee and Task Force meetings without having to check the MHCC website daily. He expressed MHARR’s disappointment in HUD appointing a Chairman rather than having the MHCC members select one. He did note that this in no way reflects on Mr. Weinert and MHARR will be pleased to work with him. He said MHARR would like an answer as to why the Committee was not allowed to make the selection.

Ms. Starkey introduced herself for the benefit of the new members, noting that the Manufactured Housing Institute (MHI) is the national trade organization representing all segments of the manufactured housing industry. Its manufacturer member's account for 75% of all manufactured home shipments each year. She welcomed the new members. She noted that MHI, too, is disappointed that the MHCC did not have the opportunity to select its Chair.

Ms. Starkey noted two issues the Committee will be addressing are of great interest to MHI – sprinklers and ground anchor testing. Regarding sprinklers, MHI looks forward to a response from HUD as to whether it will change its position that fire sprinklers are not preempted by the HUD code. MHI has submitted a proposed standard to use where sprinklers are required.

Regarding ground anchors, Ms. Starkey urged the MHCC to reject the HUD proposal as unnecessary and unworkable. MHI has submitted a testing protocol developed by the MHI Ground Anchor Task Force to the MHCC Technical Structure and Design Subcommittee.

Ms. Starkey's comments are attached. See **Attachment B**.

Report on Two Year Cycle Plan

Mr. Solomon reviewed the Code Cycle Model for the MHCC. He noted that the code cycle had been discussed at the October meeting and he had presented the model using the projector. He noted that there is a backlog of submitted proposals, some as far back as 2003 – 2004. It became difficult to follow them as newer proposals were addressed. The two year cycle model puts the process more like the typical code development cycle used by ICC, NFPA and other standards organizations. He noted that there had been a false start to establish a cycle in 2008.

Mr. Solomon noted that unfortunately the closing date for consideration in the current cycle cannot be enforced because public notice has not been given; new proposals will still be accepted. He noted that the process not only has to accommodate public proposals but also HUD proposals. The backlog will be reviewed and will be caught up. He also noted that the MHCC Meeting 1 will be in March rather than April-May as in the model and Meeting 2 will be in October. If action on some proposals is not taken by the end of the year, those proposals will be carried over into 2012.

Mr. Jewell asked if notice needs to be given that proposals are not being accepted after a date certain or that no action will be taken at this time. Mr. Walter noted that this model is based on a 24 month cycle. It does not describe what the MHCC will be doing during that time period. The model needs to be fleshed out. Mr. Anderson stated that he would like to see the process charted, perhaps in Microsoft Project. He suggested there could be

simultaneous tracks rather than holding proposals for the next cycle. Mr. Weinert noted that the two year cycle is mandated in the MHIA 2000 and Mr. Solomon has tried to work the typical code cycle process into that two year restriction.

Ms. Cocke asked how many proposals are backlogged. Mr. Solomon indicated there are 35-40, more than half of which Subcommittees are working on. There are only about 10-12 where no action at all has been taken or considered.

Mr. Weinert noted that the MHCC has to handle other issues besides standards. He noted that such new issues are put on the following MHCC meeting agenda. Mr. Solomon noted that the Code Cycle only applies to changes to 3280 and 3285. Mr. Lubliner asked how the DOE proposed rule making on energy efficiency would be handled. Ms. Cocke noted that it is a different issue from HUD standards. Mr. Freeborne asked when the model will be published. Mr. Weiss asked whether the model would supplant a letter ballot. Mr. Solomon stated that it would not. Mr. Walter recommended that the letter ballot be later in 2012 to give the MHCC more time for analysis and discussion; that would give the MHCC the full 24 month period rather than 16 months. Mr. Solomon was concerned that it would bump into the confirmation ballot and handling of new proposals.

Mr. Solomon stated that this has been a good discussion and he will present another iteration at the March meeting.

Subcommittee Organization

Ms. Cocke stated that the same four Subcommittees would be kept. Subcommittee appointments have not been finalized. The appointments will be sent to the AO and posted on the website within the next two weeks.

Tracking Log

Mr. Solomon reported that he is still working with HUD as to what elements are to be tracked in the log. He noted that a log had been developed about three years ago but it proved too unwieldy and not user friendly. He noted that the log will be driven off the proposal log number and include when received at NFPA. How HUD proposals are handled is still being discussed because they have a 120-day response requirement. Mr. Solomon noted that the format is an Excel spreadsheet. It is about 90% finalized with HUD; open topics are "assignment to subcommittee date", "subject matter" and other tweaks. Mr. Solomon expects to finalize it in the next couple of weeks. Mr. Weinert asked whether it would include regulatory proposals. Mr. Solomon stated it only is proposed for standard issues; i.e., changes to 3280 and 3285.

Topics for Consideration/Proposals

Ms. Cocke indicated that this agenda item is a placeholder to encourage the MHCC to establish priorities and clear up the backlog on the aforementioned 35-40 proposals.

Mr. Poggione stated that the log should be cleared of the most important issues. Mr. Weinert stated that the log will have to be reviewed and priorities set but all items have to have action taken. Mr. Everett noted when the log is reviewed items can be combined and put into priority order.

Subcommittee Reports

Technical Structure and Design Subcommittee

Mr. King reported that the Subcommittee is considering two issues –sprinklers and ground anchors.

Sprinklers

Mr. King noted that HUD withdrew its sprinkler proposal so there is no longer a 120-day deadline to respond. The Subcommittee is now waiting for HUD's response on preemption. Mr. Czauski, HUD Counsel, reported that the issue is under review at HUD and that the response should be available soon.

Mr. King noted that there is a desire by some to have a standard available for use by manufacturers as required. He noted cost-to-the-consumer data is needed. He has been given estimates of \$0.50/sq. ft. - \$ 1.50/sqft but data is needed before any recommendation can be made. He asked how such data could be obtained. Ms. Cocke suggested members might be able to supply data. Mr. Weinert noted that the California proposal has a section on costs for a single-story 1600 sq. ft. home. He will send Mr. King a link to the proposal. Mr. Walter suggested that MHI and MHARR poll their members for cost data. Ms. Starkey noted that the MHI April proposal has some cost data. Mr. Poggione asked if it included on-site completion costs. Ms. Starkey indicated that a member poll would but they are not included in the April data. Mr. Weiss asked if there was a national study done by an authoritative body. Mr. Lubliner noted that the NFPA 501 Committee might have data. Mr. Weinert noted that some of the estimates are anecdotal, manufacturers do not have enough experience with installing systems and rely on contractors. He has heard estimates of \$ 1000, excluding site costs. Mr. Mazz said costs in the California proposal range from \$ 700- \$900. Mr. Weinert cautioned that installation of sprinklers currently is an option, hard cost data will only be developed if sprinklers are mandated.

Mr. King noted that even though there is not the 120-day deadline to respond to the HUD proposal, he asked members for their opinion as to whether there

should be a standard. Ms. Cocke noted that the HUD proposal was tabled at the October meeting. Mr. Anderson noted that cost is a concern but if there is a way to include sprinklers it should be done. Mr. Czauski noted that the preemption question does not preclude the MHCC from considering developing a standard. Mr. Walter said HUD should have provided cost data with its proposal.

Ground Anchors

Mr. King reported that there has been one Subcommittee conference call regarding ground anchors and another one is scheduled for the week of February 21. Proposals from HUD and MHI are being discussed and the Subcommittee is considering developing a consolidated proposal. He noted that the HUD proposal does have a 120-day response deadline.

Schedule for 2011

HUD noted that two face-to-face meetings have been scheduled for 2011 – March 8 and 9, and October 19 – 21. Subcommittees are encouraged to schedule conference calls between those dates and prior to the MHCC meetings. They may also schedule a meeting the day prior to the MHCC meetings. Mr. Weinert said that Subcommittee chairs should work with the AO to schedule the conference calls. Time is going to be blocked for subcommittees to meet before the full MHCC meeting. In order to avoid a Sunday travel day, the Subcommittee meeting day will be March 8 and the full MHCC meeting will be March 9-10.

Mr. Weinert asked if conference calls would be noted on the Tracking Log. Mr. Solomon indicated that they would be posted on the website; he is also working with the NFPA IT staff to look at other possibilities. Mr. Weiss reiterated his request that regularly participating non-MHCC members be notified of conference calls. Ms. Nelson asked that MHCC members also be informed of Subcommittee conference calls.

Ms. Starkey asked if there is a schedule for HUD rulemaking in 2011. Ms. Cocke stated that it would be discussed internally.

Mr. Walter noted that the 120-day clock for response on the HUD ground anchor proposal expires on March 1. He expressed a concern about the MHCC's ability to meet that deadline; the Committee has a new chair, new members, proposals from both HUD and MHI, and the issue is very technical. Extending the deadline was suggested. Ms. Cocke indicated that those factors would be taken into consideration.

New Business

Mr. Lubliner gave the Committee a “heads-up” that the 2008 ASHRAE 62-2 proposal is coming up for adoption. He is a member of the ASHRAE committee and will be asking the MHCC for feedback.

A question was asked if there is any follow-up on homes as they age. Mr. Weinert noted that SAA states receive complaints, however, there is no formal data collection. Ms. Cocke stated there would be no data “pre-HUD Code”. Requests to SAAs generally are met with “show me the law”. Mr. Weinert expressed the concern that complaints are not always substantiated. Mr. Lubliner asked what level of detail was in a complaint.

Mr. Lubliner asked how many plants have been visited by IBTS as part of HUD oversight. Ms. Cocke stated that is not within the purview of the MHCC. Mr. Lubliner disagreed and suggested that the data might be available under FOIA.

Adjournment

Mr. Anderson moved that the meeting be adjourned. Motion seconded. Ms. Cocke thanked all for their participation.

The call adjourned at 1:00 pm.

ATTACHMENT A

**ATTENDANCE SHEETS –
MEMBERS AND GUESTS**

**HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE
ATTENDANCE SHEET
FULL COMMITTEE MEETING CONFERENCE CALL
JANUARY 27, 2011**

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

NAME	STATUS	ORGANIZATION	Thursday January 27th
Weinert, Richard	M	State of California	X
Anderson, Steven	M	Salt Lake County Assessor	X
Freeborne, William	M	Self-employed	X
Jewell, Kevin	M	TX Low-Income Housing Info Service	X
King, Timothy	M	NY State Department	X
Legault, Jeffrey	M	Skyline Corporation	X
Lubliner, Michael	M	Washington State University - Extension Energy Program	X
Mazz, Mark	M	Architect	X
Nelson, Terry	M	MHOA OF Illinois	X
Poggione, Leo	M	Craftsman Homes	X
Rust, Adam	M	Community Reinvestment Assoc. of No. Carolina	X
Santana, Manuel	M	Cavco Industries	X
Scott, Gregory	M	Scotbilt Homes	X
Sheahan, Timothy	M	GSMOL/V.P. MHOAA	X
Stamer, William	M	Champion Homes Builders Inc.	X
Wade, Michael	M	Cavalier Home Builders, Inc.	X
Walter, Frank	M	Consultant	X
Cocke, Elizabeth	NVM	US Department of Housing & Urban Development	X
Everett, James	NVM	US Department of Housing & Urban Development	X
Payne, Teresa	NVM	US Department of Housing & Urban Development	X
Solomon, Robert	AO	National Fire Protection Association	X
Toner, H. Patrick	SEC/AO	Administering Organization	X

HUD MANUFACTURED CONCENSUS COMMITTEE
MEMBERS NOT IN ATTENDANCE
FULL COMMITTEE MEETING CONFERENCE CALL
JANUARY 27, 2011

NAME	ORGANIZATION
Desfosses, Theresa	State Manufactured Homes, Inc.
Dickens, Ishbel	MHOAA
Luttich, Mark	Nebraska Public Service Commission
Tompos, David	NTA, Inc.

HUD MANUFACTURED CONSENSUS COMMITTEE
GUEST ATTENDANCE SHEET
FULL COMMITTEE MEETING CONFERENCE CALL
JANUARY 27, 2011

NAME	ORGANIZATION	ATTENDANCE
Czauski, Henry	HUD	X
Farish, William	Clayton Homes	X
Giannavola, Theresa	HUD OGC	X
Long, Thayer	MHI	X
Nebbia, Joe	Newport Partners	X
Oglesby, Sean	Scotbilt Homes, Inc.	X
Olithant, Andy	Home Pride	X
Pethel, Lane	HUD	X
Starkey, Lois	MHI	X
Wachter, George	Minuteman	X
Weiss, Mark	MHARR	X
Weldy, John	CMH Manufacturing	X
Zieman, Mike	RADCO	X

**ATTACHMENT B –
LOIS STARKEY TESTIMONY**

Testimony before the MHCC Committee—Lois Starkey - MHI
January 27, 2011 Teleconference

My name is Lois Starkey. I am pleased to serve as the Vice President for Regulatory Affairs for the Manufactured Housing Institute (MHI). MHI represents all sectors of the manufactured housing industry, and its manufacturer member's account for 75% of all manufactured home shipments each year.

Thanks for the opportunity to briefly address you all, to first, welcome the new members of the Committee and offer MHI's assistance to any and all of you, as you take up your responsibilities on this committee. I look forward to meeting you and thank you for your time and interest.

I am sure you all will find that your Chairman, Richard Weinert, will provide the leadership and guidance to achieve positive outcomes. His experience both on this committee and in the industry will serve you well. However, for the record I want to voice MHI's is disappointed that HUD did not take MHI's advice and allow the Committee to select its own leader.

MHI recognizes the statutory obligations to balance an advisory committee process with a consensus process and we believe that the responsibilities of this committee must include, as stated in the President's January 18, Executive Order 13563 to improve regulations and regulatory review, a responsibility to promote open exchange and provide the public with an opportunity to participate in a meaningful and transparent way in the regulatory process.

You will be deliberating two proposed regulation changes of great interest to MHI One, is the issue of fire sprinklers., we look forward to receiving more information from HUD as to whether it will changes its position, that fire sprinklers are not preempted by the HUD code. In the meantime, MHI has submitted to the MHCC a proposal that would provide manufacturers with a uniform, preemptive, standard compatible with the factory building process, to use in those communities that currently require sprinklers in single family homes, including HUD code homes.

Further HUD has proposed a complete rewrite to a long standing ground anchor test protocol recommended by a MHCC task force in 2005. The

MHCC is under a 120 day deadline to approve HUD's proposal which is under consideration by the MHCC Technical Structure and Design Subcommittee. MHI strongly urges the MHCC to reject HUD's proposal, which is based on flawed testing by HUD's contractor, is completely unnecessary, unworkable, and will result in unnecessary costs to consumers.

The Technical Structure and Design subcommittee, has before it a proposal developed by the MHI Ground Anchor Task force, comprised of the entire manufactured housing ground anchor industry. This protocol builds on ground anchor testing that has been used for over 35 years, has been tested in the courts, and has served consumers well, with little or no evidence of failure.

We look forward to working with the committee as it deliberates these issues, and thank your Mr. Chairman for the opportunity to testify.