



**Final Minutes  
HUD Manufactured Housing Consensus Committee  
March 9-10, 2011  
Sheraton Suites Alexandria  
Alexandria, Virginia**

**Wednesday, March 9, 2011**

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 February 22, 2011 and that time has been allotted on the meeting agenda for public comments.

Chairman Weinert called the meeting to order. Mr. Toner called the roll; a quorum was present. Mr. Weinert welcomed the members and called for self-introductions. He also asked the guests to introduce themselves.

Approval of Minutes

October 27-28, 2010

Mr. Tompos clarified that his comment regarding testing formaldehyde emissions from finished products referred to there being available alternative surface finishes which have a minimal impact. He also noted that the California Air Resources Board rule does not cover finishes; the HUD rule does. That clarification being made, the minutes were approved.

January 27, 2011

Ms. Dickens noted that she was not on the conference call. That correction being made, the minutes were approved.

HUD Office of Manufactured Housing Report

DFO Cocke reported that the MHCC bylaws have been updated, the MHCC Charter has been revised, and, Subcommittee assignments have been made although there are some corrections to be made.

DOE Energy Rule

Ms. Cocke reported that the Department has been in contact with DOE regarding the

opportunity for HUD to provide feedback on DOE's energy conservation regulation. DOE indicated feedback will be accepted. HUD reiterated its concern that DOE not infringe on HUD's role in regulating manufactured housing not covered by DOE's energy rule and that HUD maintain its inspection role in the factory. She noted both agencies wished to have a cooperative relationship.

Mr. Stamer asked when the energy rule is anticipated. Ms. Cocke indicated that DOE would not say when; it was noted that the 2007 legislation requires a final rule to be published by the end of 2011.

It was noted that the DOE rule covers the building envelope, not appliances. Mr. Legault noted that heating and cooling equipment is covered. (Note – Heating and cooling equipment is covered by DOE under separate legislative authority.) Mr. Weiss noted that the energy legislation gave DOE the authority to set energy standards and enforcement for manufactured homes.

DOE is reviewing the International Energy Conservation Code (IECC). It was noted that the IECC is not yet final. DOE is considering hiring a contractor to perform inspections similar to what HUD does.

Mr. Freeborne asked whether the MHCC would submit comments on the proposed rule. Ms. Cocke stated that the MHCC could not speak as a body but the individual members were free to do so. The MHCC can discuss the proposal. Ms. Starkey indicated the DOE draft proposal rule must go through internal clearance within DOE and then to OMB for a 90 day review. HUD will know when the proposal goes to OMB.

#### PIA Rule

Ms. Cocke reported that the Primary Inspection Agency rule is being drafted and final rules on truss testing, on-site completion, and the 2<sup>nd</sup> set of standards are moving forward. A proposed increase in fees is also being drafted and will be sent to the MHCC for comment. She noted that the Department is getting direction from the Secretary and OMB.

#### Proposal Tracking Log

Ms. Cocke noted that a tracking log for proposals to make changes to the Construction and Safety Standards has been developed. Mr. Solomon indicated that there are three ways proposals come to the Committee: HUD can bring a proposal to the Committee, the public can submit a proposal, including substantiation, using the proposal form on the MHCC website, preferably in legislative text format, and, a Subcommittee can develop a proposal to bring to the MHCC. The latter case has the same requirements as a public proposal. He noted early in the Committee life the NFPA provided the changes made in NFPA 501 to the Committee with the substantiation to jumpstart the updating of the Manufactured Housing Construction and Safety Standards and the drafting of an Installation standard. The public proposals are on the tracking log.

Ms. Dickens asked about the December 31, 2010 deadline for submitting proposals. Mr. Solomon noted that since there was not a Federal Register notice that the time period for submitting public proposals was closing, public proposals could still be received.

Mr. Santana asked how the proposal on combustion air intake ducts came to the Committee. It

was assigned to the Technical Systems Subcommittee but not on the tracking log. Mr. Solomon noted that the issue was brought to the Committee by HUD who had received an inquiry from a State. It was noted that because it was brought to the Committee by HUD it had a 120-day response time limit. It was also noted that proposals brought by HUD do not receive a log number and are not on the tracking log. The AO and HUD will explore how best to incorporate HUD proposals into the tracking log. Mr. Santana briefly reviewed the combustion air issue and noted that no new information has been received. Mr. Walter asked whether HUD could extend the time period for committee response. Ms. Cocke said she could consider an extension of the time.

### HUD Presentation on Federal Rule Making

Mr. Aaron Santa Anna presented an overview of the Federal Rule Making Process. He noted that there are multiple steps a rule must go through before it becomes final. The process is usually initiated by legislation passed by Congress. It then becomes the role of the responsible regulatory Agency to implement the law by developing a regulation or rule. The first step is signoff by the Agency Secretary for Agency staff to begin developing the rule. The staff drafts a proposed rule. (Here the MHCC provides its input.) The draft proposed rule then goes through internal Agency clearance. Rules which are deemed to be “significant” (impact greater than \$100 million or raise novel legal or policy issues) are subject to a 90-day review period by the Office of Management and Budget (OMB) and a 15-day review by Congress. Most HUD rules are “significant”.

The next step is to publish the proposed rule in the Federal Register for public comment – typically 60 days. All public comments are available online. Following the public comment period the staff drafts its response to the public comments and the final rule. The draft final rule again goes through internal Agency clearance, followed by another OMB review (up to 90-days). It then is published in the Federal Register as a final rule with an effective date.

Mr. Stamer asked why the draft proposed rule goes for Congressional review prior to its publication for public comments. Mr. Santa Anna responded that it is checked for the “tenor” of the proposal. Mr. Solomon asked why some rules begin with an Advanced Notice of Proposed Rulemaking (ANOPR) while others skip that step. Mr. Santa Anna stated that it gives the Agency a better sense of direction and identifies some issues it would like to have public comments on the proposed rule. He noted that an ANOPR is a useful tool for the Agency. The Dispute Resolution rule had an ANOPR. A question was asked about negotiated rulemaking. Mr. Santa Anna stated that is generally authorized by the enabling statute.

### Two Year Revision Cycle Plan

Mr. Solomon reviewed the draft two-year cycle for revisions to the Construction and Safety Standards. He noted that the two-year cycle was established in the Manufactured Housing Improvement Act of 2000 (MHIA) legislation. Mr. Solomon noted that there have been some false starts for establishing a more formalized process dating back to 2006. He noted that there had been a brief discussion on the draft plan at the October meeting and a fuller discussion on the January conference call provided good comments. He is working towards using Microsoft Project for proposal tracking. Ms. Cocke noted that the National code writing bodies such as the ICC and NFPA work on a three year cycle. This plan was developed to parallel those processes but shoehorned into two years. It is expected that this plan will lead to a more organized and efficient process.

There is a question as to what to do with proposals that are received after December 31, 2010. Ms. Cocke said a notice will be put in the Federal Register in June/July that proposals are requested for the next cycle. Mr. Anderson moved that the two-year cycle plan be accepted with the proviso that continuous improvement be made by starting a two-year cycle every year. Motion withdrawn as the Committee determined that it should minimize any overlap in consecutive cycles.

Mr. Walter noted that the request for proposals should explicitly state the changes are to 24 CFR 3280 and 3282.

It was recommended that the fall meeting period be September – October rather than September – November.

It was recommended that the MHCC recommendations be sent to the Secretary later in the second year to allow more time for the MHCC to develop them since the Committee will have a fall meeting in that year.

Ms. Cocke said she supports the plan in principle but that it can not lock the Agency into any specific times.

Mr. Anderson moved, Mr. Freeborne seconding, that the plan be accepted with the dates updated and that a cycle be started every year. It was noted that having two separate cycles overlap will be confusing. The motion was amended to drop starting a cycle every year. Mr. Freeborne noted that diligence will be needed to follow the timetable. Motion passed without objection.

Mr. Walter asked the status of the reference standard updates. It was noted that the reference standards are usually updated every three years. Mr. Mendlen indicated that the updating is still in process. Some of the reference standards are out of print.

### Public Comments

Mr. Zieman, on behalf of ground anchor manufacturers, urged the committee to approve the action taken by the Technical Structure and Design Subcommittee regarding ground anchor testing. It has been worked on for 8-10 years.

Mr. Zieman, for himself, expressed a concern that the idea that wind loads shouldn't be reduced, when the best science indicates they should be, is wrong. If the experts developing ASCE 7 agree the wind load requirements be reduced then they should be.

Mr. Zieman, having been on the MHCC, noted that it is a thankless job and he thanked the members for their participation in the very important work of the Committee.

Ms. Starkey encouraged the new MHCC members to actively participate in MHCC discussions. Industry gains when all views are expressed. She thanked the AO and HUD for improving the process.

Ms. Starkey stated that the MHI does not support mandating sprinklers. MHI believes HUD preemption should be preserved. However, MHI does support a standard that can be applied on a "where required" basis.

Mr. Weiss described MHARR for the new members. He expressed MHARR's concern that the role of the MHCC is being eroded over time. He distributed historical documents which show MHARR's concern and encouraged members to review them. He noted changes in Committee practices such as the elimination of the Planning and Priorities Subcommittee, agendas being set by HUD, etc.. He encouraged the MHCC not be emasculated, to be what it was meant to be.

Mr. Weiss also distributed documents regarding the Federal Advisory Committee Act (FACA). He noted that HUD refers to FACA to support its actions but he noted that the documents do not mention those actions. He did note that, in fairness to HUD, most of these actions are coming from GSA which administers FACA.

### Tracking Log

Mr. Solomon gave a brief history of the development of the tracking log. Following the October meeting, he worked with HUD develop the tracking log. Initial discussions (See OCT 2010 Minutes) suggested that this task be assigned to the General Subcommittee to maintain.

Ms. Dickens noted the duplication of log numbers. It was noted that some of the proposals were related to 24 CFR 3280, some to 24 CFR 3285, and some came from the Committee. Better identification of proposals is needed.

Mr. Stamer stated that maintenance of the log should be done by the Administering Organization (AO) rather the General Subcommittee. Mr. Solomon noted that previous minutes indicated that the MHCC assigned maintenance to the General Subcommittee. The General Subcommittee could help with the "short description" of the proposal. Ms. Cocke indicated that HUD and the AO will be responsible for the log and provide it to the MHCC and the SCs as a tool.

Mr. Santana expressed a concern about the lack of institutional memory of MHCC actions. Mr. Solomon indicated that reviewing past minutes will backfill some of the issues. He also noted that the tracking log would be put on the website. It was noted that there are no new proposals at the moment. Ms. Starkey asked if proposals would be put on the website. Ms. Cocke indicated that is a good idea. Mr. Solomon indicated that he is working on using MS Project for tracking proposals.

### Subcommittee Reports and Recommendations

#### Technical Structures and Design Subcommittee

Mr. Tompos reported that the Subcommittee reviewed the redlined MHI proposal on ground anchor testing. Mr. Mendlen gave a little background for the proposed test protocol. He noted that the Installation Standard refers to a standard for ground anchors. In response the MHCC created a Ground Anchor Task Force which developed a test protocol. HUD contracted a study to verify the protocol and revised the Task Group protocol. The MHI reviewed the study report, the HUD revision, worked with anchor manufacturers, and drafted the current proposed protocol. He noted that there is general agreement among the Subcommittee, HUD, and the anchor manufacturers. Anchors will be certified for the type of soil in which it will be used. It was noted that corrosion concerns are addressed in Part 3285.

Mr. Walter moved that the Subcommittee recommendation be accepted. Motion seconded and

passed without objection.

Mr. Tompos reported that the sprinkler proposal has been tabled while statistical data can be obtained. Also, a comparison of the International Residential Code and the HUD code will be made. The Subcommittee is awaiting the HUD review of the preemption issue.

Mr. Farish reported that the Wind Task Force has had its 14<sup>th</sup> conference call. It has revised the wind zone table. The Task Force has been reviewing the new ASCE 7 wind zone maps. A preliminary review of the cost survey for 22 states suggests the cost to the consumer will be up to \$1700 per home. He noted that the costs were not due to design changes but rather to the revised wind zones. The Task Force is now refining the cost data and developing a benefits analysis. He anticipates at least two more meetings.

Mr. Tompos reported that the Subcommittee will reconvene to address the rest of the log items assigned to it.

### Technical Systems Subcommittee

Mr. Santana reported that the Subcommittee worked on cleaning up those proposals assigned to it on the tracking log. The Subcommittee recommends:

Log 16 be removed from the log as the reference standard has already been updated. Mr. Solomon stated that the correct action is to reject the proposal or accept in principle. The MHCC moved, seconded and passed without objection that log 16 be accepted in principle.

Log 17 be removed from the log. It is redundant with the prior changes made with logs 4 and 5. Mr. Solomon stated that the correct action is to reject the proposal or to accept it in principle. The MHCC moved, seconded and passed without objection that log 17 be accepted in principle.

Log 18 is to be kept open;

Log 19 be removed from the log. It is redundant with the changes made on logs 4 and 5. The MHCC moved, seconded and passed without objection that log 17 be accepted in principle.

Log 20 be accepted. He noted that this log was the one that raised a concern about reviewing updated reference standards. Mr. Stamer noted that reviewing updated reference standards required a lot of time which members do not have. The Subcommittee vote on this log was 4 affirmative, 2 negative, 2 abstentions.

Mr. Anderson moved that the proposal be sent back to the Subcommittee to review the updated standard. It was noted that if the MHCC does this on every updated reference standard it will be a lot of work. Motion seconded and passed without objection. Mr. Tompos agreed to review the standard.

Log 25 be accepted in principle as a consumer option. A concern was expressed the ASHRAE (American Society of Heating, Refrigerating and Air-conditional Engineers) 62.2 conflicts with the current HUD code which has a whole house ventilation requirement and that this might not work for a HUD code house.

Motion to accept the Subcommittee recommendation seconded and failed - 8 in favor, 8 opposed. It was moved, seconded and carried with 2 opposed that the proposal be returned to the Subcommittee to resolve any conflicts.

Log 28 be accepted. Motion to accept the Subcommittee recommendation, seconded and passed - 12 in favor, 3 opposed, 4 abstaining.

Log 30 be rejected as it is similar to Log 25. Noting the earlier action on log 25, it was moved, seconded and passed that the proposal be returned to Subcommittee to be considered along with log 25.

Log 33 same action to reject as log 30.

Log 57 the submitter, Mr. Lubliner, wished to withdraw. Mr. Solomon noted the correct action is to reject the proposal. It was moved, seconded and passed to reject the proposal.

Log 58 – same action to withdraw as log 57.

Log 59 be rejected as it is the similar to log 25. It was moved, seconded and passed that the proposal be returned to Subcommittee to be considered along with log 25.

Log 61 be rejected as new energy standard will make unnecessary. It was moved, seconded and passed without objection.

Logs 63, 64 and 71 are to be kept open.

Log 65 the submitter, Mr. Lubliner, wished to withdraw as the issue is being addressed by DOE. Moved, seconded and passed to reject the proposal.

Mr. Santana reported that the combustion air intake issue is still open.

Ms. Cocke complimented and thanked the Subcommittee for its work.

### Recess

The Committee recessed at 4:45 pm.

### Thursday, March 10, 2011

DFO Cocke opened the meeting. Mr. Toner called the roll. A quorum was present.

### Subcommittee Reports and Recommendations

#### Regulatory Enforcement

Mr. Weinert reported that the Subcommittee had no specific items to address. The Subcommittee had a roundtable discussion of Subpart I.

Mr. Walter asked where new members could obtain hard copies of 3280, 3282, and 3285. Ms. Cocke said they were available from IBTS ([www.ibts.org](http://www.ibts.org)). It was noted that the standards are also available online at [access.gpo.gov](http://access.gpo.gov).

## General Subcommittee

Mr. Mazz reported that the Subcommittee addressed proposals related to accessibility and has the following recommendations:

Log 2 be rejected as not being necessary. The Subcommittee vote was 6 in favor of rejection, 3 opposed. It was noted that consumers can request wider hallways, but at the expense of reduced room size.

The MHCC discussed the issue. Mr. Stamer noted that the furnace room would present a challenge. Ms. Dickens noted that aging-in-place is receiving a lot of attention. She encouraged the industry to be forward-looking.

Mr. Santana noted that builders will build what the consumer asks for.

Mr. Poggione noted going from 28" to 30" does not accomplish anything, moving a wall would require a new approval, increasing costs, and, its is not "build it and they will come" but rather "when they come we will build it".

Mr. Scott noted the conflict between the desire for bigger rooms and wider hallways.

Mr. Anderson noted manufactured houses strive to have parity with stick built houses but that is probably not possible with single-wides, multi-sectionals have room for wider hallways. He suggested that the issue be sent back to the Subcommittee to work out.

Mr. Lubliner noted that more attention is being paid to the needs of wounded veterans. He suggested that the consumer be given notice if a home is not "accessible" so that a consumer has a choice.

It was moved, seconded and passed – 9 in favor, 7 opposed, that the proposal be returned to the Subcommittee to consider the Mazz alternative discussed at the October meeting.

Log 3 be held open for additional information with a follow-up conference call within 60 days. Mr. Legault noted that 36" wide exterior doors are provided regularly but he would not want to see them mandated. It was moved, seconded and passed that the issue be returned to the Subcommittee.

Log 9 be rejected as it is not a meaningful change. The MHCC voted unanimously to reject log 9.

Log 10 be rejected as not being understandable. The MHCC voted unanimously to send the proposal back to the Subcommittee to have the language cleared up.

Log 11 be rejected as an unnecessary restriction of consumer choice. Mr. Walter recommended that all accessibility proposals be sent back to the Subcommittee. MHCC moved seconded and passed rejection of log 11 - 1 opposed.

Log 12 be rejected as the consumer has the choice of handle designs. MHCC voted unanimously to reject log 12.

Log 51 be accepted as it is only a change in the name of the organization. MHCC voted unanimously to accept log 51.

### Public Comments

Mr. Weiss recommended that a lectern be provided for members of the public to make comments.

Mr. Lubliner introduced Dr. Theresa Westen, DuPont Building Innovation. Dr. Westen thanked Mr. Lubliner and the Committee for allowing her to talk about secondary weather barriers against moisture intrusion. Secondary weather barriers have been recognized by the National Association of Homebuilders, the American Plywood Association, the Vinyl Siding Institute and others. Secondary weather barriers are in the IRC and NFPA 501. She encouraged the Committee to adopt the provisions of NFPA 501 into the HUD code. Installation of secondary weather barriers is very cost effective. Dr. Westen was encouraged to submit a proposed code change for the Committee to consider. Mr. Weinert thanked Dr. Westen for her presentation.

### Brief Recess

The Committee recessed briefly for the Technical Systems Subcommittee to discuss the HUD fireplace venting/crawl space ventilation issue.

### Subcommittee Reports and Recommendations continued

#### Technical Systems Subcommittee

##### Fireplace Venting/Crawl Space Ventilation

Mr. Santana gave the background of the Fireplace Venting/Crawl Space Ventilation issue. He noted that the proposal had come from HUD. He noted that it had been discussed at the October 27-28, 2010 meeting. He noted that the issue is whether the manufacturer must ship an air intake duct extension with the fireplace or fireplace stove if the manufacturer's installation instructions do not require one. The Subcommittee recommended rejection of the HUD proposal.

The MHCC moved, seconded and passed without objection that the HUD proposal be rejected and sent back to HUD. Ms. Cocke stated that HUD will work with the Subcommittee to draft a new proposal.

### Closing Announcements

Ms. Cocke thanked all for their hard work. She stated that this was one of the most productive meetings the MHCC has had. Mr. Weinert echoed Ms. Cocke's comment and appreciation.

Mr. Walter recommended that proposals received from HUD be put on the tracking log.

It was noted that new proposals will still be accepted. A new call for proposals will be published in the Federal Register in July.

Ms. Cocke noted that there is an MHCC conference call tentatively scheduled for July and an in-person meeting tentatively scheduled for October.

Adjourn

The meeting adjourned at 11:50 a.m.

**HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE  
ATTENDANCE SHEET  
FULL COMMITTEE MEETING, ALEXANDRIA, VA  
MARCH 9-10, 2011**

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

NAME	STATUS	ORGANIZATION	Wednesday March 9th	Thursday March 10th
Weinert, Richard	M	State of California	X	X
Anderson, Steven	M	Salt Lake County Assessor	X	X
Desfosses, Theresa	M	State Manufactured Homes, Inc.	X	
Dickens, Ishbel	M	MHOAA	X	X
Freeborne, William	M	Self-employed	X	X
Jewell, Kevin	M	Texas Low Income Housing Information Service	X	X
King, Timothy	M	New York State Department	X	X
Legault, Jeffrey	M	Skyline Corporation	X	X
Lubliner, Michael	M	Washington State University	X	X
Mazz, Mark	M	Architect	X	X
Nelson, Terry	M	Manufactured Home Owners Assn. of Illinois	X	X
Poggione, Leo	M	Craftsman Homes	X	X
Rust, Adam	M	Community Reinvestment Assn. of North Carolina	X	X
Santana, Manuel	M	Cavco Industries	X	X
Scott, Gregory	M	ScotBilt Homes Inc.	X	X
Sheahan, Timothy	M	GSMOL/V.P. MHOAA	X	X
Stamer, William	M	Champion Home Builders, Inc.	X	X
Tompos, David	M	NTA, Inc.	X	X

NAME	STATUS	ORGANIZATION	Wednesday March 9th	Thursday March 10th
Walter, Frank	M	Consulting Civil Engineer	X	X
Solomon, Robert	AO	National Fire Protection Association	X	X
Toner, Hugh Patrick	AO/SEC	National Fire Protection Association	X	X

***HUD MANUFACTURED CONSENSUS COMMITTEE***  
**MEMBERS NOT PRESENT**  
**ARLINGTON, VA**  
**MARCH 9-10, 2011**

NAME	ORGANIZATION
Luttich, Mark	Nebraska Public Service Commission Housing and Recreational Vehicle Dept.
Wade, Michael	Cavalier Home Builders, Inc.

**HUD MANUFACTURED CONSENSUS COMMITTEE  
GUEST ATTENDANCE SHEET  
FULL COMMITTEE MEETING, ALEXANDRIA, VA  
MARCH 9-10, 2011**

NAME	ORGANIZATION	ATTENDANCE
Everett, James	HUD	X
Cocke, Elizabeth	HUD	X
Payne, Teresa	HUD	X
Czauski, Henry	HUD	X
Aguolu, Uju	HUD	X
Wallace, Angelo	HUD	X
Ferrante, Vic	HUD	X
Malech, Robert	HUD	X
Pethel, Lane	HUD	X
Mendlen, Rick	HUD	X
Farish, William	Clayton Homes	X
Oglesby, Sean	Scotbilt Homes, Inc.	X
Walker, Richard	AAMA	X
Weiss, Mark	MHARR	X
Zieman, Mike	RADCO	X
Starkey, Lois	Manufactured Housing Institute	X
Dyer, Lorenzo E.	DHCH - State of VA	X
Weston, Theresa Ph.D.	Dupont	X
Nebbia, Joe	Newport Partners	X