

**Final Minutes**  
HUD Manufactured Housing Consensus Committee  
Holiday Inn  
Arlington, VA  
May 22-24, 2007

**Tuesday, May 22, 2007**

1. Chairman Roberts called the meeting to order at 8:00 a.m. He introduced Mr. Mark Luttich, whose approval as a General Interest/Public Official member is pending. Mr. Solomon called the roll; a quorum was present. Guests introduced themselves. See **Enclosure A** for attendance.

Mr. Roberts reviewed the agenda. He indicated that approval of the minutes of past meetings/conference calls would be held until the Thursday morning session. The agenda was approved.

Mr. Roberts stated that the Committee should begin thinking about a new Chairman as he would be stepping down in August. The original member appointment letters were for five years. He indicated that members should consider whether they wish to re-up. Mr. Matchneer noted that three major rules have been developed and the Committee should be looking forward to its ongoing role. He noted that the Dispute Resolution rule has recently been published and we now have a federal consumer assistance program in place that he is proud to have had a hand in. Mr. Ghorbani noted that the Committee still has a major responsibility to update standards. He suggested staggered terms for Committee members to ensure continuity. Ms. Downs noted that the CPSC had consumer advisory Committees that died because of lack of continuing consumer interest and urged caution.

Mr. Roberts suggested that Committee members serve four-year terms, with five positions expiring over four years with six expiring in the fifth year. Members would be eligible to serve two consecutive terms. However, members would serve until their replacement was in place. Ms. Downs questioned term limits; Mr. Roberts indicated that the process would benefit from new views. Mr. Vogt noted that members could suffer from burn-out over time. Open-ended terms could make it more difficult to involve SAAs. Mr. Solomon stated that whatever was eventually agreed upon would require changes to the by-laws. Mr. Roberts suggested that the Committee consider concepts this week and that a by-law change drafting Task Group be appointed to develop the changes.

2. Mr. Matchneer reported that the Dispute Resolution rule was published in the Federal Register May 14<sup>th</sup>, with an effective date of February 8, 2008. Initially, contract resources will be used. He noted that this has been a major project and now we see the fruits of the effort. On behalf of HUD, Mr. Matchneer thanked all who worked on the rule.

Mr. Matchneer reported that the Installation Standard is at OMB for the required 90 day review. He expects that the rule will be published in the September-October time frame. The Installation Program will be a couple of months later. He noted that he expects the MHCC will be pleased with the changes that were made as a result of the conference call with the MHCC. The On-Site Completion rule is way behind the Installation Program rule. The 2<sup>nd</sup> and 3<sup>rd</sup> group of Construction and Safety Standards are being developed into proposed rules. The Subpart I rule will also be published as a proposed rule. The truss testing rule is close to being ready for publication. The Alternate Construction (AC) rule is also being worked on.

Mr. Matchneer reported that only one full MHCC face-to-face meeting is in the budget for the initial contract period that runs through January 31<sup>st</sup>, 2008. MHCC conference calls and Subcommittee conference calls would be held as usual. Mr. Solomon noted that in its first year the MHCC met frequently, in the second and third years, there was more activity by the Subcommittees and Task Groups. He noted that HUD has asked for more staff coverage from the AO for the later. To that end, NFPA looked at its internal resources and decided to outsource additional staff support with a subcontract with Newport Partners. He introduced Jamie Lyons from Newport Partners. This staff support would encompass Subcommittee and Task Group conference call minutes and related work products. Mr. Roberts noted that the Subcommittee Chairs would now have additional AO support available.

Mr. Matchneer reported that an invitation to submit recommendations for proposed changes to the Construction and Safety Standards and the Procedural and Enforcement Regulations was published in the May 4, 2007 Federal Register. It was noted that the invitation was open ended so as not to cut off submissions. Mr. Solomon indicated that NFPA would publish an invitation as well. Mr. Vogt stated that the MHCC website should have the MHCC submission form and complete instructions on how to submit proposals. Mr. Weinert recommended that future groupings of proposals be "dated" rather than numbered as 1<sup>st</sup> group, 2<sup>nd</sup> group, 3<sup>rd</sup> group. Ms. Downs recommended that each constituency represented on the MHCC be informed of the opportunity to submit recommendations. Mr. Lubliner noted that other Federal agencies should also be informed of the opportunity.

It was recommended that dates be established for considering proposals for each biennial standard updating cycle, e.g., December 1, 2007 for the 2008 update. The Administering Organization (AO) would forward the submissions to the Planning and Prioritization Subcommittee for assignment to the appropriate Subcommittee for review in 2008. The Subcommittee in turn would review the submission and prepare a recommendation for action by the MHCC during a scheduled conference call or in person meeting the goal being to have an eventual submission to HUD by the end of 2008. Mr. Weinert stated that the "justification" and economic impact statements to

accompany proposals might be a barrier to proposals from some “lay” people. Mr. Solomon indicated that proposals would not be arbitrarily rejected if the economic impact was missing. The MHCC could consider how to handle such proposals. It was moved, seconded and carried that the above schedule be implemented.

Mr. Roberts asked whether the reference standards in the proposed Manufactured Home Construction and Safety Standards (MHCSS) have been updated and, if so, have they been reviewed for potential impacts on the MHCSS. He asked the Standard Subcommittee to work with HUD staff on a review. Mr. Zieman recommended that if the 2<sup>nd</sup> group of proposed standards is ready to go, publish them. Problems can be addressed in the public comment period.

Mr. Matchneer noted that two industry member positions are vacant. There are a number of good applicants who are being considered. He noted that the appointment of Mr. Luttich is in the works.

Mr. Matchneer indicated that HUD anticipates a 30% reduction in manufactured housing production volume and a corresponding decrease in program revenue. Mr. Nunn stated that MHI production estimates are similar. It was noted that the Dispute Resolution Program will not be funded by label fees but rather by user fees. Authority to do so will be in the next Appropriation bill. Mr. Cunningham noted that MHI and MHARR have been working hard on the user fee bill along with Mr. Matchneer and Ms. Cocke. Mr. Matchneer noted that the Department is losing its capacity to conduct monitoring.

Mr. Solomon reported that NFPA has reconstituted the NFPA Manufactured Housing Technical Committee. The six technical Committees and the correlating Committee have been consolidated into one Committee. NFPA 501, 501A, 225 are in the Fall 2008 revision cycle. The new standards will be published in 2009. The MHCC should consider reviewing and when appropriate, incorporating the changes from the NFPA documents in the Construction and Safety Standards. Some electrical, plumbing and sprinkler issues will be addressed at the upcoming Technical Committee meeting in Orlando. He is disappointed that manufacturers withdrew from the NFPA Committee. He stated that manufacturers are always welcome participants in the NFPA process.

Mr. Matchneer distributed two reports on HUD enforcement actions – one on significant enforcement actions resolved since June 2006 and the other a sample of enforcement actions initiated between June 2006 and May 2007. He commended Skyline for voluntarily reporting corrective actions taken on roof leaks on 76 homes. He stated that is how the program should work. Mr. Matchneer noted that HUD program staff, General Counsel and he meet once a month to review consumer complaints and potential enforcement actions. A

letter of inquiry is sent to the manufacturer. Some manufacturers respond that the matter has been handled. He briefly reviewed several of the incidents in the reports. Ms. Downs asked if HUD had recall authority. Mr. Matchneer stated that unlike DOT and CPSC, HUD did not have recall authority. Mr. Roberts stated that he was interested in seeing how issues like these are handled in the Dispute Resolution Program. Mr. Vogt indicated that when an SAA is notified of a problem, it usually attempts to find the cause of the problem in addition to seeing that it is corrected.

3. Mr. Matchneer initiated a discussion on Alternative Construction (AC) letters. He noted that originally such letters were intended to permit the use of new technology not in compliance with the standards. It also was used for work completed on-site. He distributed a model letter on roof jack/vent assemblies for purposes of the discussion. He stated that last year HUD undertook a review of the AC program. Manufacturers' compliance with the requirements in the letters was found to be poor. Mr. Matchneer noted that the heart of the program is the IPIA on-site inspection. The audit found that less than 45% of the AC letter homes had on-site inspections.

On January 30, 2007 HUD issued a memorandum to the Primary Inspection Agencies (to be shared with manufacturers) stating that HUD has implemented a process whereby AC letters are not renewed unless the manufacturer provides evidence of the required inspections. Since the January 30 letter was issued compliance has risen to 85%. In addition, AC agreements will state that the home(s) must be inspected prior to occupancy rather than the prior provision of "timely" inspection. Mr. Ghorbani stated that the prior to occupancy requirement might make sense but that the requirement should have been brought to the MHCC prior to its implementation. He stated that this requirement would increase costs to low and middle income consumers. He distributed an MHARR Fact Sheet on this issue and the roof ridge interconnection requirement. Ms. Downs asked if these were safety issues. Mr. Ghorbani stated that they were but they should have been brought to the MHCC for review.

Mr. Roberts requested that the Committee focus on the policy issue. He noted that the January 30, 2007 AC agreements letter and the April 6, 2007 roof ridge memoranda had two new interpretations of the construction standards and, therefore, should have been brought to the MHCC for advice. Mr. Cunningham indicated that the inspection prior to occupancy requirement may be over reaching, the enforcement of agreements in place is not. He is open to a discussion of inspection prior to occupancy. Mr. Weinert stated he believes the AC letter should be used for in-plant work, not on-site work. The latter is a state issue.

Mr. Farish stated that MHCC review and input on these items prior to issuance would have been very helpful to the Department. Mr. Vogt agreed but noted that there should be a mechanism to get them done without waiting

for a meeting. He noted that Minnesota requires a Certificate of Occupancy (CO). Mr. Ghorbani recommended the establishment of a procedure to "fast track" the resolution of an issue. Mr. Matchneer stated that there is a difference between an issue where HUD "has to" consult the MHCC and an issue where HUD "should have" consulted the MHCC. Mr. Roberts stated that inspection prior to occupancy is a "have to" issue. Mr. Matchneer noted that the AC letter program is work-in-progress and the MHIA 2000 did not change that. AC letters are not rulemaking. He noted that the "timely" question has been a policy topic of discussion over the years.

Mr. Farish asked what activities HUD does think fall under Section 604(b)(3). Mr. Matchneer stated that new regulations, new standards and new interpretative bulletins fall under 604(b)(3). Ms. Downs stated that in her opinion the letter regarding the prior to occupancy requirement was "back door rulemaking". Mr. Cunningham noted that it is difficult to define a line between what is covered by 604(b)(3) or 604(b)(5) and what is not. The 120-day MHCC review period is a complicating factor.

Mr. Roberts stated that inspection prior to occupancy does not work in rural areas. Mr. Weinert stated inspection prior to occupancy is necessary to assure a home is in compliance. Mr. Vogt noted that he sees both sides of the issue. Mr. Zieman noted that certificates of occupancy are required on site-built homes. He also stated that whether the letter is equivalent to an interpretative bulletin or not, the MHCC would like to have been consulted. Mr. Lubliner noted HUD should be given credit for the increase from 45% compliance to 85% compliance in five months. He suggested that a "fast track" process could start with a discussion between HUD and the MHCC chair as to whether the MHCC should be involved or not. He stated that inspection prior to occupancy is an important issue. Mr. Solomon stated that the inspection prior to occupancy should be incorporated into 3282.14. Mr. Matchneer stated that when the on-site completion rule is finished this issue goes away. Mr. Ghorbani agreed.

Mr. Matchneer indicated that the Department would look at the question of using AC letters only for new in-plant technology. Ms. Cocke stated that in review of the AC agreements not one manufacturer was in full compliance with the provisions of the agreement. She stated that the Department was not going to compromise on compliance with the agreements. She noted that the major requests for an AC agreement are on roof jack vents and on dormers. Mr. Farish stated that the AC process is flawed and too lengthy.

Mr. Cunningham asked whether requiring the IPIA to sign-on was appropriate. Mr. Roberts indicated that he thought so. Mr. Weinert stated the IPIAs did in-plant inspections, not on-site inspections. Mr. Mendlen stated that when a state IPIA is involved HUD will check with them. Mr. Zieman noted that he has received requests to approve independent inspectors to do

inspections and has done so. Mr. Roberts noted that the on-site completion rule puts this issue under the control of the IPIA.

Mr. Cunningham noted that roof ridge interconnections are not addressed in the Installation Standard. It was the consensus that it was structural issue and therefore subject to the AC process. Mr. Matchneer noted that initially all close-up activity was considered part of construction.

Mr. Ghorbani moved that these "two letters constitute new interpretations and should have been brought to the MHCC". Weinert seconded; motion carried.

Mr. Ghorbani moved that "in the future, directives or instructions that could be perceived as Interpretative Bulletins should be brought to the MHCC according to sections 604(b)(3) or 604(b)(5). Mr. Lagano seconded; motion carried.

Mr. Zieman moved that "the MHCC supports the requirement for inspections prior to occupancy as part of the AC process". Mr. McHale seconded. In the discussion Mr. Farish noted that the manufacturer is not in control, the retailer and the installer have some responsibility. He is not sure how manufacturers can push responsibility down to achieve compliance. Mr. Lubliner noted that bankers and insurers should be made aware of this requirement. Mr. McHale noted that Florida and Delaware prohibit move in until a CO is issued. Mr. Stammer suggested a "time certain" could be stated rather than prior to occupancy. The motion carried with one opposed (Farish).

Regarding the roof ridge issue, it was noted that it is not a life-safety question and can be inspected after-the-fact. Mr. Weinert asked how the site inspector knows whether the installation has been done. Mr. Farish indicated that the installation is exposed and one can see whether the roof ridge box is on or off. Mr. Vogt noted that the on-site completion rule will make this requirement obsolete. Mr. Roberts stated that the MHCC should address whether this is construction or close-up. Mr. Pethel noted that it is currently considered part of construction. Mr. Farish stated he does not see any difference from connecting floors together. Mr. Matchneer stated that it has been a policy call. Mr. Zieman stated that it should be part of the installation program, not part of the AC program. Mr. Gorman moved, Mr. Braun seconded, that "roof ridge interconnections be considered close-up under the installation program. Motion carried. Ms. Downs asked where all these "historical policies" are kept. Mr. Matchneer noted that the AC program is a work-in-process.

It was moved and seconded that "when the Department has an issue that could be considered either close-up or for regulation under the construction standards, it should be brought to the MHCC for consideration". Motion failed – 9 in favor, 5 opposed. A member of the prevailing side asked for re-vote. Motion passed 11-4.

4. Mr. Pethel reviewed three proposed emergency rules – basement smoke alarms, receptacle outlet placement, and, changes in the wind zone classification of six southern Mississippi counties.

The revised smoke alarm rule (section 3280.208(b)(2)) was prompted by several instances where a smoke alarm was not installed in a basement. Mr. Farish questioned why it is the manufacturer's responsibility when the manufacturer includes instructions for installation with a loose-shipped alarm. Mr. Luttich questioned why the alarm must be near the stairwell. Mr. Weinert questioned whether this issue required an emergency rule. Ms. Downs stated that at the CPSC any failure of smoke detectors was treated as a very serious problem. Mr. Matchneer stated that it was, it involved 498 homes.

After discussion it was moved and seconded that the proposed rule be approved with the following change in language " ... an electrical junction box, clearly labeled 'For smoke alarm', in the floor near the stairwell opening, ~~for the installation of this smoke alarm~~ and for its interconnection...".

A question was raised as to whether this is a construction standard issue or an installation issue. It was moved, seconded and carried that it is an installation issue.

Mr. Zieman moved that the following specific language for the label be provided – "This outlet is provided for the required installation of a smoke alarm. Local codes may require the installation of additional smoke alarms." Motion seconded and carried.

Mr. Pethel reviewed the proposed change in the wind zone classification of the six Mississippi counties. Mr. Matchneer noted that this change would make the classification equivalent to that for site built homes. Mr. Ghorbani stated that the industry agreed with the change. Ms. Downs asked whether this change would apply to existing homes. Mr. Matchneer indicated that it only applied to homes manufactured after the effective date. Unsold new homes would not be affected. Mr. Farish expressed a concern that the change was being made without scientific data to support it. Mr. Braun asked where is the data for the current wind zone classifications. Mr. Solomon indicated that wind zone design classifications are in ASCE 7. Mr. Ghorbani moved that the HUD proposed rule be accepted and that it be considered an emergency rule. Motion seconded and carried – 2 opposed.

Mr. Pethel reviewed the proposed emergency rule on receptacle outlets. Mr. Solomon stated that the NEC prohibits receptacle outlets within or directly over a bathtub or shower stall. Mr. Ghorbani moved that the NEC language be used. Motion seconded. After discussion motion was withdrawn. Mr. Vogt moved that 3280.806(e) be deleted so that the NEC applies. Motion seconded. After further discussion motion withdrawn. Mr. Luttich noted that the NEC does not have the 30-inch prohibition. It was moved and seconded

that the proposed change be added to the current 3280.806(e). Motion carried – Weinert opposed.

Chairman Roberts changed the next day's schedule so that organizational issues would be discussed Wednesday morning after the Standards Subcommittee meeting. The Committee recessed for the day at 5:00 p.m.

### **Wednesday, May 23, 2007**

The Committee reconvened at 9:15 a.m. A quorum was present.

5. Mr. Roberts recommended that member terms on the MHCC be staggered. He proposed 4-year terms whereby 5 members' terms would expire every four years, except for one year when six members' term would expire. Members would be eligible to serve two consecutive terms. Members filling a vacant position would be eligible for two full terms. Members would serve until the Secretary appointed a replacement. Ms. Downs asked how easy is it to find qualified applicants. Mr. Solomon indicated that the producer category was the easiest category to fill, followed by General Interest/Public Officials. The User/Consumer category was the most difficult. He stated that there is a pool of 50 – 55 applicants. Mr. Matchneer stated that Ms. Dickerson is working on building the User/Consumer applicant pool. Mr. Farish noted that finding applicants for open-ended terms could be difficult; having a limit on terms might make it easier. Further discussion was tabled until Mr. Cunningham was available.

The process to be used for the 2008 standards update was discussed. The schedule adopted the previous day was noted. Mr. Solomon described the options used on proposals in the NFPA standards development process. The actions on proposals can be: Accept; Accept in Part; Accept in Principle; Accept in Principle in Part; or, Reject. He noted that proposals should come to NFPA as the AO. The AO would forward the submissions to the Planning and Prioritization Subcommittee for assignment to the appropriate Subcommittee for review. The Subcommittee would forward a recommended action to the MHCC for review and action.

Mr. Ghorbani expressed a concern with the NFPA process in that rejected proposals keep coming back. Mr. Roberts recommended that the NFPA process be used by the Subcommittees but the full MHCC only vote to accept or reject the Subcommittees' recommendations. Mr. Ghorbani also expressed a concern about costs. Mr. Weinert noted that the MHIA 2000 lists five considerations the MHCC must take into account when proposing standards or regulations or interpretations, one of which is cost. Mr. Zieman noted that not all changes have a cost impact.

Mr. Weinert moved that the Subcommittees use the NFPA process taking into account the five considerations in the MHIA 2000. Motion seconded.

Mr. Nunn asked whether there is the opportunity to challenge an MHCC decision. Mr. Solomon indicated that occurs when HUD publishes its actions on the MHCC recommendation in the Federal Register for public comment. Mr. Stammer echoed Mr. Ghorbani's concern about costs. Mr. Ghorbani noted that the cost issue is why good user participation is needed. Mr. Lagano noted that consistency among the Subcommittees in handling proposals is important. He also noted that the public needs to know when proposals are to be submitted, when they will be discussed, and, where they are in the process. A tracking form is needed.

Motion carried.

The discussion of MHCC organization resumed. Mr. Roberts appointed Messrs. Major and Gorman, and Ms. Brenton to a Task Group to work with HUD and Mr. Solomon to draft revised by-laws based on the outcome of the organization discussion.

Mr. Roberts reviewed the recommended reorganization of Subcommittees he outlined in his May 16, 2007 email, i.e., an Administrative Subcommittee, a Technical Subcommittee, a Regulatory Enforcement Subcommittee and the Planning and Prioritization Subcommittee. Mr. Zieman recommended that the Technical Subcommittee be split into two - one dealing with electrical, mechanical, thermal and plumbing issues, the other with fire, structural, planning and testing issues. Mr. Mendlen recommended that the split be according to Subparts of 3280 – one Subcommittee to handle Subparts B-E and J, one to handle Subparts F-I plus 3280.103. Mr. Mendlen asked about installation issues. Mr. Roberts recommended that the same split be used. Mr. Ghorbani noted that installation is not part of 3280. Mr. Roberts stated that installation issues can be sorted into the above subject areas. Mr. Lagano asked whether there would be one Technical Subcommittee chair or two. It was agreed that there should be one for each Subcommittee.

It was moved and seconded that the five Subcommittee structure be adopted.

Mr. Weinert recommended that testing and transportation issues be moved out of the Administrative Subcommittee into the Technical Subcommittees. It was recommended that the Subcommittees be titled General (subpart A and other administrative issues) Technical Systems (Subparts F-I and 3280.103), Technical Structure and Design (subparts B-E and J), Regulatory Enforcement (3282, other enforcement issues and special projects) and Planning and Prioritization.

The recommendation was moved, seconded and carried.

Mr. Roberts recommended that members consider how they might participate in the new structure.

The Committee recessed at 11:30 a.m. for Subcommittee meetings.

The Committee reconvened at 1:00 p.m.

Mr. Roberts recapped the actions taken on MHCC reorganization:

Five Subcommittees – General, Planning and Prioritization, Regulatory Enforcement, Technical Systems, and Technical Structure and Design;

Subcommittees would use the NFPA process and the five MHIA 2000 604(e) considerations for handling proposals;

Members would serve four year terms, be eligible for two consecutive terms, serve until a replacement appointed, filling a vacant seat won't count against consecutive terms;

Terms would be staggered, 5 terms expire each year except six in one year.

Mr. Cunningham expressed concern about the length of the terms suggesting three years would be better. Mr. Lagano asked whether the process would start now or be retroactive. Mr. Cunningham suggested starting now with all "charter" members having served one term. Messrs. Ghorbani and Farish agreed with that suggestion. Mr. Vogt noted that 3 years is in the middle of the building code cycle.

Mr. Farish moved that terms be three years, limited to two consecutive terms, serve until replaced, filling an unexpired term doesn't limit eligibility for consecutive terms. Motion seconded. Ms. Nelson asked whether the Secretary had the discretion to extend terms. Mr. Cunningham indicated the Secretary could but would work with the Committee. It was noted that HUD must work on making appointments quicker.

Motion carried.

The 14 "charter" Committee members apportioned themselves into groups that had one year, two years, or three years left on their second term. Recent appointees would be in their first term. New appointees would be considered filling vacant terms.

## MHCC Membership Terms Table

	<b>Producer</b>	<b>General Interest/ Public Official</b>	<b>Consumer</b>
3 Years Remaining (as of 1/1/08)	Bill Farrish*** Doug Gorman***	Richard Weinert*** Bill Lagano*** Susan Brenton***	Karl Braun*** Jack Berger***
2 Years Remaining (as of 1/1/08)	Danny Ghorbani*** Ronald Lamont***	Randy Vogt*** Mike Zieman***	Mike Lubliner* Terry Nelson* Archie Major*
1 Year Remaining (as of 1/1/08)	Nader Tomasbi*** Producer #1** Producer #2**	Mike Luttich** Catherine Downs*	Jerry McHale*** Dana Roberts***

\* these individuals are now in their first term

\*\* these individuals to be considered to be filling an unexpired term, and will be eligible for 2 terms to follow

\*\*\* these individuals are now in their second term

Members also apportioned themselves on the proposed new Subcommittees.

It was moved and seconded that the Subcommittee Chair must be a member of the MHCC. The Subcommittee Chair can appoint the Chair and members of working groups or task groups; they do not have to be members of the MHCC. Motion carried – Ghorbani opposed.

The new organization, member terms, and Subcommittees will be forwarded to the Secretary.

Mr. Roberts asked members to look at the standards, familiarize themselves with the weaknesses and generally get up to speed on the issues of their respective Subcommittee between now and January. The AO and HUD will arrange a teleconference for training in the Subcommittee/NFPA process. Mr. Lagano stated that any orientation given to non-technical members would be very helpful. Mr. Farish recommended that background materials should be distributed prior to the conference call. Mr. Farish asked whether the MHCC would have the opportunity to see what is transmitted to HUD. Mr. Solomon stated that the new Subcommittees would have to have scopes drawn up.

Per an earlier discussion, Mr. Zieman indicated that he and the AO would review the reference standards. Mr. Lubliner recommended that a copy of HUD's 2006 Report to Congress on Energy Efficiency be distributed to the Committee because it commits HUD to do certain things.

The Committee recessed at 3:00 p.m.

**Thursday, May 24, 2007**

The Committee reconvened at 8:00 a.m. Mr. Toner called the roll. A quorum was present.

6. Mr. Henry DeLima made a presentation on an integrated space heating/cooling and water system. Mr. Farish noted that the MHCC cannot change the UL standards, however it can add to the HUD standards. Mr. DeLima stated that he has not approached UL yet. Mr. Mendlen suggested that the AC letter program is an approach. Mr. Lubliner noted that it is difficult to generate equipment manufacturer's interest for a small market. Mr. Roberts thanked Mr. DeLima for the presentation.
7. Mr. Zieman reported that the Standards Subcommittee met and considered four proposals. It recommends approval of an MHI proposal to amend section 403(d)(2) to use the new ASTM Standard E 2190 for insulated sealed glass units. It recommends adoption of a proposed change to 3280.504(b)(2) on condensation in exterior walls in the 2008 cycle. It recommends rejection of a proposal on unvented gas appliances. The Subcommittee recommends for adoption in the 2008 cycle a proposal on changes to 3280.715(a)(4) – Air Duct Tightness of Supply Duct Systems. The MHCC moved, seconded and carried the recommendations on the first, second and fourth items.

Mr. Lubliner moved that the duct proposal be considered for emergency status noting that up to 3000 homes could have problems from leaky air ducts and the normal process for implementation could take up to three years. Motion seconded. Mr. Ghorbani expressed concern about designating changes as emergency. Mr. Matchneer cautioned against abusing the emergency route. Mr. Farish agreed with Mr. Lubliner about the urgency but noted that when manufacturers learn about the problem they will correct it. Mr. Zieman recommended that the proposal be moved into the third set of changes now being processed by HUD. Mr. McKee stated that it could be pushed into the third set. The motion was amended to put the change in the third set of standards. Amended motion carried, Ghorbani abstaining.

Ms. Downs asked why the proposal on unvented gas appliances was recommended for rejection. Mr. Zieman stated that the reasons will be documented in the Subcommittee minutes. Mr. Roberts noted that the concerns will be forwarded to the proponent for consideration for resubmittal.

Mr. Lagano reported that the Installation Subcommittee considered two items.

Regarding the alternate foundation protocol, he reported that Mr. George Porter agreed to head a Task Group on the issue to move the project forward as quickly as possible. A straw proposal will be circulated and then a

conference call will be held. The second issue is the Ground Anchor protocol. The Subcommittee deferred any action until the results of the HUD/Winters testing are known. The Subcommittee reviewed the proposed test apparatus. Preliminary testing will be conducted at three sites in MD in July, testing in GA will be coordinated with manufacturer. The report is expected in September.

Mr. McHale reported that it received an update from the US Access Board on its project. It is holding any action until HUD develops draft guidelines based on the US Access Board report.

8. Mr. Roberts called for review and approval of past minutes: February 24-26, 2004 – approved; May 24, 2006 – approved; June 14-16, 2006 – Mr. Zieman noted that he did not attend the meeting, minutes corrected and approved; April 10, 2007 – approved.

A full MHCC conference call was scheduled for Wednesday, July 25, 2007 to review the proposed revised by-laws and to hear recommendations for a new Chair of the MHCC.

Mr. Roberts reminded chairs that Subcommittee and task group conference calls are to be scheduled through the AO.

Mr. Lagano asked whether the currently assigned activities should be worked on by the existing Subcommittees or be redistributed to the new Subcommittees. Mr. Roberts asked the new chairs of the new Subcommittees to review the activity list and reassign the activities to the appropriate Subcommittee.

Mr. Roberts stated that it has been a pleasure to serve as Chair of the MHCC these several years. Mr. Matchneer stated that Mr. Roberts has done a spectacular job in shepherding the Committee in its formation and the development of three major rules.

Mr. Lubliner moved that the MHCC recommend that the Secretary recognize Mr. Roberts for his leadership of the MHCC. Motion seconded and approved unanimously.

Mr. Roberts recapped the actions taken. The Committee:

- Developed a five Subcommittee reorganization plan for the MHCC;

- Developed a rotation plan for MHCC membership; apportioned the 14 charter members in the rotation;

- Established a code change cycle schedule for proposed code changes;

- Adopted the NFPA process for handling proposals by the Subcommittees;

Developed recommendations on the HUD emergency rules; supported the inspection prior to occupancy provision; recommended that the roof ridge rule be part of close-up in the Installation Program; supported the basement smoke alarm rule and the wind zone change rule;

Adopted a statement that if there is a possibility of the perception that a HUD action is a change in policy, the action should be brought to the MHCC for review.

Mr. Lagano asked whether there should be a limit on the terms of the Subcommittee chairs. Mr. Solomon recommended against limiting the terms of Subcommittee chairs because the activity is so focused and continuity of expertise is necessary. It was moved and seconded that the term of the MHCC Chair be limited to three years. Motion failed. It was moved and seconded that the terms of the Subcommittee Chairs not be limited. Mr. Cunningham indicated that if operations are reviewed annually HUD is comfortable with that. Motion carried. It was moved, seconded and carried that the by-laws be changed to reflect that the MHCC Chair and Subcommittee Chair positions be reviewed annually.

Mr. Lagano stated that he presumed the plan is for only one face-to-face meeting of the MHCC per year. Mr. Matchneer confirmed that but indicated that could change if conditions warrant.

Mr. Braun moved that the Planning and Prioritization Subcommittee be charged with developing and maintaining an MHCC activity tracking system. Motion seconded and carried.

Mr. Ghorbani stated that the Committee is turning a corner with the development of the three major rules and the establishment of a plan forward to handle proposals. He commended Messrs, Matchneer, Cunningham and the HUD staff for the way they had worked with the Committee. Mr. Cunningham stated that HUD is committed to the MHCC process. He stated that Mr. Roberts has done an outstanding job leading the Committee to this point. He feels the reorganization has been well done.

Mr. Cunningham reported that next week is National Homeowners Week and that financing will be the focus in an attempt to encourage FHA to be more flexible. This is a high priority for Commissioner Montgomery. He noted that Commissioner Montgomery will be visiting two manufacturers in Texas next week.

Mr. Cunningham thanked the Committee for the tone of the meeting; he feels the process is in place to keep moving forward.

Mr. Solomon recommended that members think about the timing of next face-to-face meeting and suggested May 2008. Mr. Ghorbani stated that this has been a good meeting place.

The meeting adjourned at 9:44 a.m.

## *Enclosure A*

### **HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE**

**May 22-24, 2007  
Holiday Inn Arlington  
Arlington, VA**

**STATUS: M=MEMBER; NVM=NON VOTING MEMBER;  
AO= Administering Organization; SEC=SECRETARY**

<b>NAME</b>	<b>STATUS</b>	<b>ORGANIZATION</b>	<b>Tuesday May 22<sup>nd</sup></b>	<b>Wednesday May 23<sup>rd</sup></b>	<b>Thursday May 24<sup>th</sup></b>
Dana Roberts	M	Oregon Manufactured Homeowners Assoc.	X	X	X
Pat Toner	Sec	NFPA	X	X	X
Jack D. Berger	M	Consultant			
Karl Braun	M	NAMH – MHOAA	X	X	X
Susan Brenton	M	MHCA			
Catherine Downs	M	NHTSA	X	X	X
William Farish	M	Fleetwood Homes	X	X	X
Danny Ghorbani	M	MHARR	X	X	X
Doug Gorman	M	Home – Mart, Inc.	X	X	X
William J. Lagano	M	Commonwealth Consulting Corp.	X	X	X
Ronald V. LaMont	M	Alpine Engineering Products	X	X	X
Michael Lubliner	M	Building Science Specialist WSU Energy Program	X	X	X
Archie Major	M	Consultant	X	X	X
Jerome L. McHale	M	FMHO of Florida	X	X	X
Terry Nelson	M	MHOA OF IL	X	X	X
Nader Tomasbi	M	Liberty Homes, Inc.	X		
Randy E. Vogt	M	State of MN – Dept. of Administration	X	X	X
Richard Weinert	M	State of CA	X	X	X
Mike Zieman	M	RADCO	X	X	X
William W. Matchneer	DFO	HUD	X	X	X
Robert Solomon	AO	NFPA	X	X	X

**HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE**

**GUEST ATTENDANCE**

May 22-24, 2007

Holiday Inn

Arlington, VA

<b>NAME</b>	<b>COMPANY</b>
Aguolu, Ujo	HUD
Asebe, Tewabe	HUD
Carpio, Daniel	HUD
Cocke, Elizabeth	HUD
Cunningham, Gary	HUD
Danner, Pamela	Danner & Associates
Dickerson, Rhonda	HUD
Chris Early	DOE
Ferrante, Vic	HUD
Garrison, Veronica	HUD
Gearan, Timothy J.	AARP
Hamilton, Rod	NTA Inc.
Ingargiola, John	FEMA Mitigation Directorate
Kochera, Andy	AARP
Kuchnicki, Richard	International Code Council
Luttich, Mark	Nebraska Public Service Commission
Lyons, James	Newport Partners
McKee, Shawn	HUD
Mendlen, Rick	HUD
Nunn, Mark	MHI
Pethel, Lane	HUD
Porter, George	Manufactured Housing Resources
Race, Peter	HUD
Stamer, Bill	Champion Enterprises
Wallace, Angelo	HUD
Walter, Frank	Consultant
Weiss, Mark	MHARR
Weldy, John W.	Clayton Homes Inc.