

Final Minutes  
HUD Manufactured Housing Consensus Committee  
Conference Call  
April 7, 2009

1. Chairwoman Brenton called the meeting to order at 11:00 a.m. She welcomed the attendees. Mr. Matchneer introduced the new members - Messrs. Jewell, Sheahan, Wade and Walter. Mr. Solomon called the roll; a quorum was present.

Mr. Ghorbani asked why the discussion of the bylaws had been moved to the end of the agenda. Mr. Matchneer stated that there are a lot of issues to be covered and the bylaw discussion could consume the call if it was first on the agenda. Mr. Berger asked if the call could be extended; it could not as the times had been published in the Federal Register. Mr. Ghorbani noted that this is a very important subject. Ms. Desfosses moved that the bylaws be handled on a separate call. Mr. Ghorbani seconded. Messrs. Berger and Lubliner recommended that the bylaw discussion be held to the end of the call, time permitting. The motion failed on a roll call vote, 9 in favor, 10 opposed.

Mr. Lubliner stated that the minutes of the June meeting did not reflect the extent of his comments regarding the HUD budget for enforcement of the quality systems requirements. He will submit a proposed change to the minutes. That being noted, the minutes of the June 17-19, 2008 meeting and the July 16, 2008 conference call were approved.

2. Mr. Roberts thanked those members that had alerted him about the background distributed to support the proposed ethics bylaws change. He read a prepared testimony stating the role he played in the Congressional roundtables. He noted that he had been invited as an expert on manufactured housing and not as Chairman of the MHCC. He did not represent his views as those of the MHCC.

Ms. Brenton thanked Mr. Roberts for his comments. A copy on Mr. Roberts' statement is attached to the minutes.

There was no other public testimony.

3. Mr. Matchneer presented a status report on the HUD programs and budget. He reported that the program has received a direct appropriation for \$5.6 million and anticipates label fees of approximately \$3 million.

He noted that publication of the 2<sup>nd</sup> set of standards is imminent. The 3<sup>rd</sup> set is being delayed for review by the new administration. He noted that the

reference standards should be looked at to see if they are out of date. Mr. Solomon noted that he had done an update of the standards, with availability, for Ms. Dickerson. Ms. Brenton requested that the update be shared with the Committee. Mr. Matchneer noted that it would be better to delay publication of the 3<sup>rd</sup> set until the reference standards are updated. Ms. Desfosses noted that the standards should not only be reviewed for feasibility but also affordability.

Mr. Matchneer reported that the draft PIA rule has been submitted to the MHCC. The Committee has 120 days to review and comment. Conference call(s) need to be scheduled to begin the process. Mr. Ghorbani asked whether it would go first to the Regulatory Enforcement Subcommittee for review or directly to the full Committee. Ms. Brenton stated that it will go to the Regulatory Enforcement Subcommittee. Mr. Lubliner asked how much focus was there on consumer protection activity. Mr. Matchneer indicated that last year the focus was on QC monitoring before the program ran out of money. The new budget directs about 1/3 of the activity for the rest of the year. Mr. Wade noted that he has invited HUD to monitor the QA process in his plant.

Mr. Lubliner asked about the SAA program. Mr. Matchneer noted that the SAA program is being held at 2000 levels. Mr. Ghorbani asked whether the contract would be dropped and brought in-house. Mr. Matchneer said not yet. To do monitoring and inspections with HUD personnel would require 100s of full-time-employees. He noted that the draft PIA rule shifts more of the responsibility to the states. Mr. Weinert indicated that was a good thing. Ms. Cocke noted that 32 states have their own program, regulating roughly 70-75% of installations.

Mr. Inks asked about the On-Site rule and Subpart I. Mr. Matchneer reported that they are being prepared for Departmental clearance and review by the new administration.

Ms. Brenton thanked Mr. Matchneer for his report.

4. Mr. Lagano reviewed the log of proposals reviewed by the Planning and Prioritization Subcommittee. Mr. Zieman asked if proposal logs 1-20 have been completed. Mr. Solomon indicated that he would look at them. Mr. Lagano noted that logs 68-86 were submitted without documentation.

There was a discussion of whether the energy proposals were within the Committee purview or should be left to the DOE energy program. Mr. Matchneer indicated that DOE is to consult with the HUD Secretary and the Secretary may refer the issue to the MHCC although it is not a requirement. Mr. Lubliner is keeping the DOE informed as to what the MHCC is doing. Mr. Ghorbani noted that Mr. Early, DOE had indicated at the June 2008 meeting

that HUD would share a draft of any proposal they were developing. Mr. Lubliner noted that the two could work in parallel. At the very least he does not believe that the MHCC should stop reviewing energy efficiency issues. Mr. Matchneer hopes there will not be a duplication of effort.

Mr. Ghorbani expressed a concern about HUD and the MHCC taking two different approaches. Mr. Zieman's opinion is that it is now DOE's job; he would expect DOE to process issues quicker. Mr. Weinert stated that DOE needs the MHCC as DOE is not expert in manufactured housing. DOE activity should be put on the MHCC schedule so that there is a free flow of information. Mr. Lubliner believes that it would be helpful if the MHCC does a review and then discusses the proposals with DOE. Mr. Farish reported that he had sat in on a conference call with the DOE and that the DOE is focusing on a very different approach – an energy budget. The MHCC will have to react to the DOE approach.

Mr. Lubliner stated that if the MHCC decided to avoid energy issues because DOE is handling energy, the MHCC should put it in writing to the DOE. Mr. Mendlen indicated that there are a number of energy related issues that he doesn't think DOE will deal with, e.g., whole house ventilation, lighting, air leakage, cooling load. Mr. Lubliner volunteered to act as liaison with DOE. Mr. Zieman suggested that it be put in writing what issues are to be addressed by the MHCC and what are not. Mr. Matchneer suggested that a Memorandum of Understanding be developed. Mr. Zieman moved, Walter seconded, that a meeting be held with DOE to establish the boundaries. Motion carried, Lubliner, Berger, Defosses opposed.

Mr. Lagano indicated that he and Ms. Dickerson would issue an updated Planning and Prioritization status report. He would not go back to fill in blanks but make sure going forward all the details and dates were complete,

5. Mr. Farish reported on the activity of the Technical Structure and Design Subcommittee. He noted that there are four Task Groups operating – CO, Formaldehyde, Reference Standards, and Wind. The Wind Task force has had 3 conference calls and expects to have wind zones for review at the next meeting. Mr. Berger will report on the CO Task Group later in the agenda. Mr. Weinert reported that he has not had time to convene a conference call of the Formaldehyde Task Force. Mr. Wade reported that he and Mr. Bower are about half-way through the review of the reference standards.
6. Mr. Zieman reported on the activity of the Technical Systems Subcommittee. He noted that the Indoor Air Quality Task Force has a conference call scheduled for April 23, 2009. A liaison has been established with the CO Task Group. He asked whether the Subcommittee or a Task Force should address the energy issues with DOE. Ms. Brenton recommended a Task Force. Mr. Lubliner volunteered to Chair the Task Force. Other volunteers

were Messrs. Walter, Weiss, Inks, Nelson, Farish, Wade, Zieman and Mendlen.

7. Mr. Gorman reported on the Regulatory Enforcement Subcommittee. He thanked HUD for circulating the draft PIA rule. He noted that the MHCC has 120 days to respond and therefore needs to set a Subcommittee conference call. Mr. Matchneer noted that it is important to allow enough time for full review. Mr. Ghorbani asked if the rule would follow the normal rulemaking process, i.e., MHCC comments to HUD then publishing a proposed rule for public comment, followed by a final rule. Mr. Matchneer stated that it would with all the MHCC comments included. The Subcommittee will be polled for a date for the first conference call.
8. Mr. Berger reported that the General Subcommittee had no activity since the June 2008 meeting. Mr. Matchneer noted that the recreational vehicle industry has been advertising units up to 430 square feet. Ms. Defosses noted that that has been a problem in Maine. Mr. Vogt noted it is a problem also in Minnesota. Mr. Matchneer indicated that there have been discussions regarding the issue. Mr. Lubliner noted that such vehicles have an “energy efficiency of zero”. Ms. Brenton suggested that the issues of structures between 300 sq.ft and 420 sq.ft. be considered in the next cycle. Mr. Inks noted that large 5<sup>th</sup> wheel park models escape the MHCC Construction and Safety Standards. Mr. Weinert suggested that a third category of structures is being established. Mr. Ghorbani asked the status of resale units. Mr. Matchneer indicated that FEMA does not want to take the labels off as they prefer to call them repairable. The units have a cloud over them because there is no indication of what might be wrong with them.
9. There was a discussion of the draft proposed changes to 3285 regarding weather deterioration and corrosion. It was noted that Mr. Crandall reported that the tests were inconclusive. He is preparing a draft report on the draft MHCC protocol. Mr. Inks noted that feedback from manufacturers has recommended that states be allowed to determine their own requirements. Mr. Jewell stated that HUD should be setting the standard not delegating requirements to “standard industry practice”. Messrs. Weinert and Gorman agreed. Mr. Matchneer noted that the rule had initially been voted on by the MHCC; it was only when the rule was published that people expressed concerns.

Mr. Zieman stated that the requirements were not needed country-wide. Mr. Larson stated that 95% of the anchors did not need to be galvanized. In Florida straps and anchors are galvanized. It was noted that it was not so much that the anchor rusted out, but that the straps rusted. Because of the variance in coating,                      (Merle) was in favor of galvanization. Mr. Porter said he conducted an informal survey of about 35 states and only New Mexico mentioned rust. He asked if rust is not an issue, why make it one.

Mr. Vogt moved, Zieman seconded, that “in accordance with standard industry practice” be removed from the proposal in 3285.308(b) and 3285.402(b)(1). Mr. Jewell expressed a concern about LAHJs going beyond the requirement. Mr. Zieman noted that without the specific requirement it was appropriate to leave it up to the LAHJ. Mr. Weinert indicated that he was not in favor of including piers. The question was called. The motion to delete “in accordance with standard industry practice” from 3285.308(b) and 3285.402(b)(1) carried; 12 in favor, 6 opposed, 2 abstaining.

10. Ms. Brenton stated that the Committee would be polled to set another conference call to discuss CO detectors, duct testing, and the bylaws.

**HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE  
ATTENDANCE SHEET  
TELECONFERENCE  
Wednesday, April 7, 2009**

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

NAME	STATUS	ORGANIZATION	Attendance	
			Yes	No
Berger, Jack	M	Berger Reconstruction	X	
Braun, Karl	M	NAMH – MHOAA	X	
Brenton, Susan	M	MHCA	X	
Denese, Martin	M	GHCM-CTED		X
Desfosses, Theresa	M	ME Manufactured Homes	X	
Farish, William	M	Fleetwood Homes	X	
Ghorbani, Danny	M	MHARR	X	
Gorman, Doug	M	Home – Mart, Inc.	X	
Inks, Jeffrey	M	MHI	X	
Jewell, Kevin	M	Consultant	X	
Lagano, William J.	M	Commonwealth Consulting	X	
Lubliner, Michael	M	WAU Energy Program	X	
Luttich, Mark	M	NB SAA	X	
Matchneer, William III	HUD	NVM/DFO	X	
Nelson, Terry	M	MHOA OF IL	X	
Sheahan, Timothy	M	GSMOL/MHOAA	X	
Solomon, Robert	AO	NFPA	X	
Stamer, William	M	Champion Homes	X	
Toner, Pat	AO/SEC	NFPA	X	
Vogt, Randy	M	State of MN, Dept. of Admin Building Codes	X	
Wade, Michael	M	Cavalier Home Builders, Inc.	X	
Walter, Frank	M	Consultant	X	
Weinert, Richard	M	State of CA	X	
Zieman, Mike	M	RADCO	X	

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**GUEST ATTENDANCE SHEET**

<b>NAME</b>	<b>ORGANIZATION</b>	<b>ATTENDANCE</b>
Aguolu, Uju	HUD	X
Brolin, John	HUD	X
Chauncey, Knute	Tie Down Engineering	X
Cocke, Liz	HUD	X
Colson, Kirstin-Ivey	HUD	X
Dickerson, Rhonda	HUD	X
Ferrante, Vic	HUD	X
Fogerty Glennon	Husch Blackwell Sanders	X
Larson, Lon	Oliver Tech Inc.	X
Lozier, Jim	Hurricane Harness Corp	X
Lozier, Pete	Hurricane Harness Corp	X
McJury, Jason	IBTS	X
Mendlen, Rick	HUD	X
Nebbia, Joe	Newport Partners	X
Pethel, Lane	HUD	X
Podzius, Casey	HUD	X
Postiglione, Amanda	HUD	X
Race, Peter	HUD	X
Reder, Alan	NTA, Inc.	X
Roberts, Dana	Self	X
Sutton, Merrill	Tie Down Engineering	X
Tompos, Dave	NTA, Inc.	X
Valanzano, Tony	Bracy Tucker Brown & Valanzano	X
Waechter, George	Minuteman	X
Weiss, Mark	MHARR	X
Weldy, John	CMH Manufacturing, Inc	X