



Final minutes
HUD Manufactured Housing Consensus Committee
Conference Call
March 23, 2010

1. Chairwoman Brenton called the meeting to order at 11:00 a.m. Mr. Solomon called the roll; a quorum was present. Mr. Solomon checked for guests. Mr. Matchneer introduced HUD staff on the call. He welcomed the new members on the Committee.

Mr. Matchneer noted that he was pleased that the next meeting would be held in Tulsa in conjunction with The Great Southwest Home Show. He had the opportunity to visit the show last year with Mr. Gorman and found it a great experience. He hopes members will find it so too.

2. Mr. Matchneer noted that the purpose of this call is to obtain MHCC feedback on the draft Enforcement Regulation concerning the scope and applicability of HUD's regulations for Recreational Vehicles (RVs) and Recreational Park Trailers. He noted that the Recreational Vehicle Industry Association (RVIA) and the Recreational Park Trailer Industry Association, Inc. (RPTIA) had come to HUD to discuss the exemption for recreational vehicles in 24CFR3282.8(g) and to consider a re-write. HUD has done that with the intent not to change it but to clarify it based on information now available, particular regarding park trailers. Mr. Matchneer noted that this is an enforcement issue for HUD.

Mr. Weinert asked whether the Committee should develop an overall comment on the draft or line-by-line comments.

3. Chairwoman Brenton asked if there were any public comments. Mr. Weiss stated that he had an overall comment and then specific comments on the draft. He asked if he could provide his specific comments during discussion of the draft. Ms. Brenton indicated that he could.

Mr. Weiss stated that, overall, MHARR was not in favor of the draft. It could present a consumer protection issue by creating a loophole, particularly for larger RVs and park trailers. He noted that Congress created a partial definition and the issue should be resolved by Congress. Mr. Weinert indicated that it creates a statutory issue for states. When a unit is resold a consumer can have a problem with registration. Messrs. Lagano and

Gorman concurred. Ms. Brenton noted that, in Arizona, people have changed the title for the unit to indicate that it is a manufactured home.

4. Mr. Weinert noted that there is also a safety issue when there is a loft area which has been designated for storage. It can be used as a habitable space that does not meet the requirements for egress, light, smoke detectors and other fire safety provisions.

Mr. Luttich noted that there are two sections in the draft, recreational vehicles and recreational park trailers, and they should be discussed separately. Mr. Santana concurred. Mr. Weiss noted that the draft section on recreational park trailers is a totally new section.

Mr. Weinert stated that the loft issue only pertains to park trailers. Mr. Garpow stated that the ANSI standard includes loft floor space with a ceiling height greater than 5 feet in the square foot calculation for the unit. RPTIA does not want to change it. The loft should have all the requisite safety provisions as the main floor if it exceeds 60" in height at any point. He stated that 400 square feet is a good limitation. Mr. Weiss expressed a concern that consumers might be encouraged to use the units as residences.

5. Mr. Weinert moved that section (g)(1)(i) and (ii)(A)-(D) be rejected, Mr. Lagano seconded. He stated that the provisions are not in the best interests of the states that regulate RVs. Mr. Matchneer noted that the Committee is being asked to provide comments on the draft. Mr. Berger noted that the comment would be that the section not be adopted.

Mr. Lagano asked why do a line-by-line if in the end the Committee concludes the draft should be rejected. Mr. Farish noted in that case the Committee comment would be to reject the draft. Mr. Walter moved, Mr. Stammer seconding, that Mr. Weinert's motion be tabled until a line-by-line review was done. Motion to table carried.

6. Mr. Santana asked what was the rationale for the 400 square feet threshold on RVs. Mr. Matchneer indicated that Congress established the limitation and if it were to be changed Congress should make the change. Mr. Weiss expressed a concern about cluttering up a regulation with a bunch of exemptions. He noted that the RV exemption has long been established, the park trailer exemption is new. Adding an additional exemption could lead to an endless process of considering exemptions.
7. Mr. Walter recommended that the first sentence in (g)(1) be changed back to the current language in (g)(1), e.g., delete "the Act" and replace with "this part, part 3280, or part 3283". Mr. Weiss stated that the Act specifically excludes self-propelled units and does not address non-self-propelled RVs. By not addressing non-self-propelled units the implication is that they are

covered. He noted the issue is complicated because there is no definition of permanent dwelling.

Mr. Luttich noted that 3280 defines a manufactured home as greater than 320 square foot and the exemption for recreational vehicles is 400 square feet or less. It was noted that (g)(2)(ii) pertains to the gap between those two criteria.

Mr. Lubliner recommended that “built on a single chassis” be inserted in (g)(1)(ii)(D).

It was recommended that the latest date of the ANSI standards be used.

Mr. Weinert expressed a concern over conflicts with DOT regulations regarding size.

Mr. Walter recommended that both the existing single chassis requirement and the 400 square feet limitation be retained.

8. Mr. Santana noted that if we were going to recommend that several of the existing (g) be retained why not reject the draft. He noted that paragraph (1) pertains to RVs, paragraph (2), which is new, provides an exemption for recreational park trailers that meet the criteria of (2). He moved that the Committee discuss the overall concepts in each section. Mr. Jewell noted that it is helpful to have a line-by-line discussion. Ms. Nelson noted that it is helpful to have a discussion of the big picture before doing the line-by-line.

Motion seconded and carried.

9. Ms Brenton asked whether the 400 square feet limitation should be retained. Mr. Luttich asked why there should be a 400 square feet limit if the unit was on a single chassis. He indicated that he was not in favor of the limitation. Mr. Matchneer indicated HUD did not want to encourage units greater than 400 square feet as they could be used as a dwelling.

Mr. Berger expressed a concern that the Committee was just rearranging the draft. Mr. Weiss noted that the draft is attempting to define an RV as “not a dwelling” without defining “dwelling”

Mr. Walter moved, Ms. Nelson seconding, that “built on a single chassis” be inserted in (g)(1)(ii)(A) and “less than 400 square feet” be inserted in (g)(1)(ii)(B). He noted that Congress had already dealt with self-propelled units. HUD has to deal with non-self-propelled units. Mr. Farish stated that this is making a bad proposal worse. Mr. Berger noted that reasons must be given for negative comments. Ms. Brenton suggested that current (g) could be left as-is and a new (h) be added for park trailers. Mr. Luttich

recommended deleting the 400 square feet limitation. Mr. Tampos questioned deletion of the 400 square feet limit as not having any benefit to manufactured housing. Mr. Lubliner stated that he had talked to his state IPIA who didn't want units greater than 400 square feet exempt. He noted that as the units get larger people are more likely to live in them. Mr. King noted that there currently is a problem with slideouts. He stated that since Congress created the size limitation, it should make any change. Mr. Walter reiterated his motion.

After further discussion the motion was voted on and carried.

10. Mr. King asked why (g)(1)(ii)(C) is needed if the vehicles are regulated by the National Highway Traffic Safety Administration. Mr. Walter moved, Mr. King seconding, that (g)(1)(ii)(C) be deleted. Motion carried.
11. Mr. Santana stated that (g)(2) was good as drafted. Mr. Weinert questioned the need for the "between 320 and 400 square feet" qualifier, and whether the ceiling height restriction applies if there is a second and third level. Mr. Garbow stated that RPTIA requires all space, including any space that is added-on, be included in the 400 square feet calculation.
12. Mr. Walter moved that (g)(2)(v) be deleted as units built prior to the ANSI standard might not comply and therefore be subject to HUD construction and safety standards. Mr. Garbow indicated that he was in favor of retaining the requirement. He did note that RPTIA membership requires manufacturers to certify that they comply with the ANSI standard. He noted that the requirement is monitored by third-party inspections. RPTIA members build 90% of the park trailers in the U.S.

Motion seconded and carried (2 negatives).

13. Mr. Walter moved that "Between 320 and" be deleted from (g)(2)(ii) to simplify the statement. Mr. Matchneer noted that HUD has a 320 square feet statutory floor. A unit less than 320 square feet is not subject to HUD regulation. Mr. King noted that in NY people are asking for approval of units that are 400 square feet with an 8' – 10' porch. Mr. Matchneer stated that porches are not included. Mr. Weinert noted that eventually people would enclose the porch. Ms. Brenton and Mr. Lubliner noted that they have seen this. Mr. Santana noted that HUD is defining a unit between 320 and 400 square feet as a park trailer.

Motion seconded and carried.

14. Mr. Weinert again expressed a concern the with the 5 feet ceiling height threshold; all habitable space should be counted. Mr. Luttich noted that many building codes have such a threshold. Mr. Garbow noted that RPTIA counts

all space with a ceiling height greater than 5 ft. Mr. King noted that Mennonite storage sheds are beginning to be expanded.

15. Ms. Brenton asked whether there are any additional or overall comments that should be made. The earlier tabled motion was taken off the table. Mr. Weinert withdrew the motion; Mr. Lagano concurred.

Ms. Brenton summarized the comments thus far:

- the 400 square ft or less threshold for exempt RVs should be retained as a new (g)(1)(ii)(A);
- non-self-propelled RVs should be built on a single chassis; (g)(1)(ii)(C) should be deleted;
- "Between 320 and" in (g)(2)(ii) should be deleted;
- the references to the ANSI standards should be reconsidered and perhaps deleted. Regarding the latter if the standard are retained the latest edition should be referenced; if the reference in (g)(2)(v) is deleted, (g)(2)(iv) should also be deleted as there would be not reference standard to certify to.

16. Mr. Solomon was directed to put the recommendations in writing and submit them to HUD on behalf of the MHCC.

17. The call concluded at 1:35 pm

**HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE
ATTENDANCE SHEET
CONFERENCE CALL
Tuesday, March 23, 2010**

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	
Desfosses, Theresa	M	ME Manufactured Homes		X
Farish, William	M	Fleetwood Homes	X	
Gorman, Doug	M	Home-Mart, Inc.	X	
Jewell, Kevin	M	TX Low-Income Housing Info Service	X	
King, Timothy	M	NY State Department	X	
Lagano, William J.	M	Commonwealth Consulting	X	
Lubliner, Michael	M	WAU Energy Program	X	
Luttich, Mark	M	NB SAA	X	
Matchneer, William	NVM	HUD	X	
Mazz, Mark	M	Architect		X
Nelson, Terry	M	MHOA OF IL	X	
Santana, Manuel	M	GSMOL/MHOAA	X	
Scott, Gregory	M	Scotbilt Homes		X
Solomon, Robert	AO	NFPA	X	
Stamer, William	M	Champion Homes	X	
Toner, Pat	AO/SEC	NFPA	X	
Wade, Michael	M	Cavalier Home Builders, Inc.	X	
Walter, Frank	M	Consultant	X	
Weinert, Richard	M	State of CA	X	

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GUEST ATTENDANCE SHEET

NAME	ORGANIZATION	ATTENDANCE
Everett, James	HUD	X
Mendlen, Rick	HUD	X
Pethel, Lane	HUD	X
Podzius, Casey	HUD	X
Race, Peter	HUD	X
Ziegler, Cheryl	HUD	X
Folk, Jim	Forest River	X
Garpow, Bill	RPTIA	X
Grissom, John	Grissom Report	X
Long, Thayer	MHI	X
Neiblinger, Mike	Skyline	X
Starkey, Lois	MHI	X
Weiss, Mark	MHARR	X