

## Final Minutes

HUD Manufactured Housing Consensus Committee  
Wyndham Hotel, Phoenix, AZ  
December 9 – 11, 2003

1. Chairman Roberts called the meeting to order at 8:00 a.m. Mr. Solomon called the roll; a quorum was present. Mr. Roberts noted that Ms. Cocke was acting DFO for this meeting. Ms. Cocke expressed best wishes from Mr. Matchneer.

Mr. Roberts reviewed the agenda. He noted that he anticipated that there would be comments on a draft interpretive bulletin and a by-law change to be voted on by the end of the meeting. The agenda was approved.

Mr. Christopher Boesen, Advisor to the FHA Commissioner, expressed the apologies of Commissioner Weicher for not being able to attend. Mr. Boesen noted that he had been on Capitol Hill when the MHIA 2000 was being developed and was pleased to see the implementation of the act. He thanked the Mr. Roberts for the opportunity to participate in the meeting.

Mr. Roberts indicated that this meeting would be his last as Chair as his employment status would change at the end of the year. He indicated that he hoped to have two recommendations to make to the Secretary by the end of the meeting and invited members to suggest candidates to him during the next days. Mr. Portz asked that the minutes note the Committee's appreciation for the outstanding leadership Mr. Roberts has provided the Committee.

Mr. Roberts noted that the current priorities for discussion by the Committee are:

- 1) HUD discussion of the MHCC role;
- 2) Installation inspection program;
- 3) Installation licensing and training program;
- 4) Dispute resolution;
- 5) Future standards (Process)
  - a) Transportation related problems,
- 6) Related Enforcement regulation changes;
- 7) On-site completion;
- 8) Preemption;
- 9) Communications;
- 10) MHCC role-work plan for the year with timelines;
- 11) Subpart I
- 12) 56 Item letter ballot

Ms. Cocke noted that regarding the first item above, HUD staff can identify and discuss potential issues but those comments are only informal and not the Department's view.

Mr. Ghorbani indicated that he had corrections to the minutes from the August 20-22, 2003 meeting regarding his concerns about HUD PD&R research (p2). The minutes should reflect that those concerns relate only to research on manufactured housing standards and regulations

funded by general funds. The attendance lists were corrected to indicate Mr. Gorman was present on August 20 and that Mr. Zieman was present on August 21. The minutes were approved as amended.

The Committee recessed at 8:50 a.m. for Subcommittee meetings.

The Committee reconvened at 1:00 p.m.

2. Mr. Vogt distributed information on an upcoming workshop sponsored by the Minnesota Building Codes and Standards Division and information on Minnesota websites regarding manufactured housing.

Ms. Cocke distributed a copy of the results of an MHI survey on state implementation. Mr. Nunn noted that the survey form did not ask for any specifics regarding implementation. The survey will be conducted again in January. Ms. Cocke noted that HUD staff has also been contacting states to get a feel for the future workload.

3. Mr. Roberts discussed a proposed change to section A.8.3 of the MHCC by-laws, noting that under the current procedures it takes at least a month following a meeting for an action approved at a meeting to become effective. He proposed that an formal vote at a meeting by the MHCC members eligible to vote be considered equivalent to a letter ballot. He distributed a proposed amendment to the by-laws. After discussion it was moved, seconded and approved that that the proposed amendment be subjected to a written ballot. Mr. Solomon noted that there was a quorum of the MHCC members present and that the members could indicate their approval of the proposed change on the proposed change, sign and date the proposal and return it to him.

Mr. Solomon reported that Ms. Rogers had resigned from the Committee and Mr. Lagano would need to consider resigning. He noted that recommendations to fill any vacancy would be welcome. He also noted that there is a pool of applicants from the initial solicitation for participation. Ms. Cocke noted that the application is posted on the AO's website. Mr. Solomon noted that the AO is to send recommendations to the Secretary for approval.

Messrs. Braun and Walter asked to be added to the Planning and Prioritization Subcommittee. Messrs. Vogt and Zieman asked to be added to the Regulatory Enforcement Subcommittee. It was noted that the approval of Mr. Gorman as Chair of the Subcommittee is still pending. It was recommended that Mr. Kessler be added to the Installation Subcommittee.

4. Mr. Roberts distributed copies of a proposed change to 24 CFR 3280.710 as an example of the type of information that proponents of a change should submit to substantiate the proposed change. Mr. Ghorbani noted that proposed changes should include a section on findings and benefits. It was noted that the instructions for the MHCC proposal form does ask for cost benefit information as part of the substantiation.

Ms. Brenton noted that the Planning and Prioritization Subcommittee has a process for reviewing proposals, assigning priorities and assigning proposals to a Subcommittee. Mr. Tomasbi asked how decisions are made regarding the quality of proposals and the number of proposals to be

processed. Mr. Roberts noted that the Planning and Prioritization Subcommittee has a 1 – 5 rating system, 5 being the highest. Ms. Brenton noted that proposals addressing a safety concern would be given the highest rating. No proposal would be rejected but the Planning and Prioritization Subcommittee would give the designated Subcommittee some guidance as to the quality and priority of the proposal. Ms. Cocke noted that the handling of the initial proposals to update Part 3280 with the NFPA 501 revisions was an abbreviated process, future proposals would be processed [like the above proposal] as outlined here.

It was moved, seconded and carried that the form used by Mr. Roberts be adopted for all proposals.

5. Ms. Cocke noted that HUD would appreciate a sense of the MHCC's priorities vis-a-vis HUD's priorities. She noted that HUD is committed to supporting the MHCC in activities that are mandated by MHIA 2000, such as the installation standard, training and certification/licensing, and recommendations on standards and procedural enforcement issues. She noted that HUD is committed to participation in the discussions of the MHCC and its subcommittees and to identifying HUD's concerns and range of acceptable solutions. Given HUD's resources, she is not sure what additional support for the MHCC would be available from HUD

Mr. Walter noted that Section 604 of MHIA 2000 does not limit the activities of the MHCC to those mentioned by Ms. Cocke. Mr. Ghorbani noted that in the development of MHIA 2000, it was anticipated that the MHCC would provide guidance to HUD on issues relating to manufactured housing. He noted that there seems to be a difference of interpretation of the Act between HUD and some of those that participated in the development of the Act. Ms. Cocke indicated that it might be in the interest of the MHCC to submit these concerns to the Department in writing. Messrs. Berger and Portz indicated that there should continue to be open dialogue between the MHCC and HUD. Mr. Portz expressed his appreciation for the openness of HUD in prior discussions and hoped it would continue.

6. Mr. Walter noted that items 2 and 3 on the priority list above have been assigned to the Installation Subcommittee. He suggested that the submittal to HUD be in outline form rather than in formal regulatory language. It was agreed that would be preferable.

Mr. Bryant inquired of the status of the proposed rule on dispute resolution. Ms. Cocke noted that the MHCC comments on the advanced notice of the proposed rulemaking were being considered by the Department. She will provide a briefing on the status at the next meeting. She noted that proposed rule will be subject to review for economic impact and environmental impact. It will also be subject to OMB review. Mr. Farish noted that it would be helpful to hear what HUD is thinking about dispute resolution.

7. There was a discussion as to whether a letter should be written to HUD regarding MHCC pre-publication review of HUD proposals. It was noted that a letter would be written if the MHCC was not afforded pre-publication review. A task group was appointed to draft a letter. The draft letter would be held until warranted. The MHCC would have to vote on sending the letter. Ms. Brenton was appointed chair of the Task Group with Messrs. Walter, Berger and Ghorbani as members.

8. Regarding future standards relating to transportation (5a in the above priority list) Mr. Walter noted that changes made in 3280 might also require changes be made in 3282. He noted that regulations on recycled axles have been talked about since 1990.

Regarding on-site completion (7 above) it was noted that the next step is for HUD to draft a proposed rule. Ms Cocke noted that HUD's highest priorities are the installation standard and dispute resolution so she can not project when a draft proposed on-site completion rule would be available.

Preemption (8 above) has been assigned to the Regulatory Enforcement Subcommittee.

Regarding the proposed standards changes, Mr. Solomon indicated that the first 20 have been drafted. The process is time-consuming because the NFPA ROP and ROC have to be reviewed and the substantiation text and graphics have to be put into Federal Register format. Since this is the first set to be processed a draft has been sent to HUD for review. He noted that the A.O's subcontractor, Danner and Associates, has completed about 95% of the work on the 120 additional standards.

Ms. Cocke noted that HUD has begun the regulatory analyses the DFO agreed to complete on behalf of the MHCC and AO. She indicated that there are a number of reviews needed – environmental, cost, regulatory flexibility and OMB. Since the AO is to provide these analyses along with the proposed standards in regulatory language, they will be forwarded to the AO to include with the submittal. She indicated that the MHCC would have to vote on submitting the completed package to HUD. She also noted that it is not clear whether HUD will be able to provide these regulatory analyses in the future. Mr. Ghorbani suggested that such support by HUD was a requirement of section 620 of MHIA 2000.

Mr. Zieman questioned whether the MHCC should be voting on the regulatory analyses. He also noted that the first set of proposed standard revisions were voted on in December 2002, with the second set approved in March 2003. He suggested that it was a disservice not to move the process along more quickly.

Mr. Race noted that HUD has only 30 days to act after receipt of the proposed standards changes. To facilitate such a short time line, HUD has been moving the draft along so that when it does go to OMB it will have already been looked at. Ms. Cocke noted that HUD is working on parallel tracks to get the regulatory analyses done. She noted that the MHCC can elect to submit the proposed standards changes to HUD without reviewing the regulatory analyses. Messrs. Ghorbani and Farish suggested that for this first set it would be good to see the analyses.

Subpart I (11 above) is being worked on by the Regulatory Enforcement Subcommittee.

The 56-item letter ballot is out for ballot.

9. Mr. Roberts introduced Mr. Bill Hug the host for the tour of the Cavco plant. Mr. Hug briefly described the tour.

10. Mr. Solomon distributed a draft letter to HUD regarding the Model Installation Standards.

The Committee recessed at 4:50 p.m.

Wednesday, December 10, 2003

The Committee reconvened at 11:00 a.m.

11. Ms. Brenton submitted proposals that had been reviewed by the Planning and Prioritization Subcommittee to the Standards Subcommittee for processing.

12. Mr. Gilson addressed the Committee regarding the housing needs of the elderly. He noted that 24" doorways and narrow hallways do not allow wheelchair access. He noted that a lot more could be done to make newer homes accessible. He encouraged the committee, especially manufacturers, to look seriously at changes to make homes more accessible for the elderly. He concluded his remarks by noting the aging of the population. Mr. Berger concurred with Mr. Gilson's remarks. He asked to be added to the Standards Subcommittee.

Mr. Gorman noted that some accessories, such as lever door handles and faucet handles, are available. He noted that as cost is added to a manufactured home, a home becomes less affordable. Mr. Gilson noted that many buyers don't consider what their needs may be ten years down the road. Mr. Vogt suggested that many consumers are not aware that accessibility packages are available. He noted that 36" front doors are important as a means of exit. He also noted that the same issues exist with site built homes. Mr. Kessler noted that exits should be based on fire safety considerations. Mr. Roberts noted that Mr. Gilson's proposals were submitted to the Standards Subcommittee.

13. Mr. Walter reported that MHI believed that more time should be allotted for the Standards Subcommittee at meetings of the MHCC.

Mr. Nunn reported that MHI believes that the Subpart I proposal needs more work. MHI would like the Regulatory Enforcement Subcommittee to have a dialogue with HUD in which HUD provides feedback regarding specifics so that the resulting document would be generally acceptable and complete. Mr. Ghorbani noted the importance of Subpart I to manufacturers. He noted that discussions with HUD on revisions of Subpart I began three years ago and it is time to move forward.

The Committee recessed at 11:45 a.m. for Subcommittee meetings.

Thursday, December 11, 2003

The Committee reconvened at 8:00 a.m.

14. Mr. Roberts opened the floor for public comments. There were none.

15. Mr. Zieman reported that the Standards Subcommittee had received a number of proposals from

the Planning and Prioritization Subcommittee for consideration. The proposals will be distributed to the Standards Subcommittee for discussion at the next meeting. Mr. Walter recommended that some time be spent by the full MHCC discussing standards issues. Mr. Roberts asked MHI to suggest topics for discussion. Ms. Morris asked to be added to the Standards Subcommittee.

The Committee recessed for Subcommittee meetings.

The Committee reconvened briefly to hear a report from the Installation Subcommittee.

16. Mr. Portz reported that the Installation Subcommittee had made a change to the Model Installation Standard that required a ballot of the MHCC. It was moved, seconded and carried that a ballot on the proposed change be conducted.

The Committee recessed again for Subcommittee meetings.

The Committee reconvened again at 10:00 a.m.

17. Mr. Roberts noted that the full MHCC would hold a conference call on February 13 at 11:00 a.m. The next meeting of the MHCC will be in the Washington DC area February 24 –26, 2004 with the meeting on the 26<sup>th</sup> being a half day. Mr. Portz reported that the Installation Subcommittee would be having conference calls on January 8, 2004 and January 20, 2004 to complete an outline of a draft installation program. Mr. Gorman reported that the Regulatory Subcommittee will have a conference call on January 27, 2004.

18. Mr. Zieman distributed a proposed change to section A.8.6.1 of the MHCC by-laws regarding distribution of ballots. Ms. Cocke noted that the proposal would have to be reviewed by HUD as, by contract, only HUD can establish performance requirements of the AO. Mr. Solomon noted that it is not always possible for NFPA staff to meet the timelines in the proposal. Mr. Zieman's proposal was amended to delete (a), (b) and (d). The amended proposal was moved seconded and carried.

Mr. Zieman distributed a proposed statement to be sent to the Secretary regarding MHCC review of environmental impact, economic analysis or other regulatory analyses which accompany proposed standards approved by the MHCC. Ms Cocke noted that HUD does not consider a proposal complete without the regulatory analyses. Mr. Ghorbani indicated that once a proposal is submitted to HUD the MHCC is no longer involved. He noted that MHIA 2000 is intended to speed up the process for updating standards. The proposed statement was moved, seconded and carried.

19. Mr. Roberts reported that there is a possibility that he might become a user representative.

Mr. Roberts recommended that each interest group caucus among themselves and submit candidates for chair of the Committee. Mr. Solomon noted that the ANSI essential requirements do not permit a consensus committee to be chaired by a producer representative. A motion was made that HUD should consider any member of the MHCC to be chair. After discussion the motion was withdrawn.

20. Mr. Roberts thanked the members for their support during his tenure as chairman. Mr. Portz thanked Mr. Roberts for his leadership. The Committee gave Mr. Roberts a standing round of applause.

The meeting adjourned at 11:00 a.m.

# **HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE ATTENDANCE SHEET**

Wyndham Hotel, Phoenix, AZ  
December 9 – 11, 2003

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

NAME	STATUS	ORGANIZATION	12/09/03	12/10/03	12/11/03
Dana Roberts	M	Oregon Bldg. Codes	X	X	X
Charles Leven	M	AARP	X	X	X
Pat Toner	Sec	NFPA	X	X	X
Jack Berger	M	Berger Reconstruction	X	X	X
Karl Braun	M	NAMH – MHOAA	X	X	X
Susan Brenton	M	AZ Association of Manufactured Home Owners	X	X	X
Ed Bryant	M	Champion Enterprises	X	X	X
William Farish	M	Fleetwood Homes	X	X	X
Danny Ghorbani	M	MHARR	X	X	X
Earl Gilson	M	Olympic Area 03-A Agency on Aging	X	X	X
Doug Gorman	M	Home – Mart, Inc.	X		X
Ronald V. LaMont	M	Alpine Engineering Products	X	X	X
Jerome L. McHale	M	Federation of Manufactured Home Owners of Florida	X	X	X
Bryan R. Portz	M	Chase Manhattan Mortgage Corp.	X	X	X
Robert Solomon	AO	NFPA	X	X	X
Nader Tomasbi	M	Liberty Homes, Inc.	X	X	X
Randy E. Vogt	M	State of MN – Dept. of Administration	X	X	X
Frank Walter	M	MHI	X	X	X
Richard Weinert	M	State of CA	X	X	X
Alan J. Youse	M	AARP	X	X	X
Mike Zieman	M	RADCO	X	X	

FINAL MINUTES

***HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE***  
**GUEST ATTENDANCE SHEET**  
**December 9-11, 2003**  
**Phoenix, AZ**

<b><u>NAME</u></b>	<b><u>ORGANIZATION</u></b>
Christopher Boesen	HUD
Liz Cocke	HUD
Timothy Gearan	AARP
William Hug	CARCO Industries
Bert Kessler	Palm Harbor Homes
Jason C. McJury	HUD
Mark A. Nunn	MHI
Peter Race	HUD
Boone Smith Morris	TieDown Engineering
Mark Weiss	Weiss & Wilson P.C. Counsel to MHARR