

Minutes  
HUD Manufactured Housing Consensus Committee  
Capitol Hilton, Washington, D.C.  
December 4-5, 2002

1. Chairman Roberts called the meeting to order at 8:30 a.m. He welcomed the attendees and introduced Federal Housing Commissioner John Weicher.

Commissioner Weicher noted that the MHCC was off to a good start by developing Subcommittees, nominating Chairs and Vice Chairs, conducting telephone conference calls between the first meeting and today's meeting to begin the work and develop the agenda for this meeting. He noted that the Subcommittees, Chairs and Vice Chairs have all been appointed by HUD Secretary Martinez. He thanked the Chairs and Vice Chairs for agreeing to serve, noting the importance of those positions because the Subcommittees will do most of the work. He also noted that the minutes for the first meeting have been posted on the MHCC website.

Commissioner Weicher reported that he has asked Designated Federal Official (DFO) Matchneer to arrange for the Committee to meet several times in the next twelve months noting that there is a short timeline for proposing Installation Standards. He noted that Mr. Matchneer has asked the Administering Organization (AO) to obtain the capacity to draft proposals in federal regulatory language. He also noted that he has asked Mr. Matchneer to work with HUD Policy Development and Research (PD&R) to conduct research on installation and dispute resolution programs around the country to assist the MHCC in developing its proposal(s). Lastly, he again thanked the MHCC members for their participation and hard work.

2. Chairman Roberts asked for additions or corrections to the minutes of the August 13-15, 2002 meeting. Mr. Ghorbani asked whether items could be added to the record. Mr. McHale noted that minutes should only reflect the discussions at a meeting, supplemental information could be introduced at the next (this) meeting. Mr. Portz noted the necessity to progress work quickly and requested that minutes be issued sooner than they were following the August meeting. Mr. Youse asked whether the minutes met the FACA requirements. Mr. Matchneer indicated that summary minutes did meet the FACA requirements. Mr. Zieman noted that the reference to the NFPA ROC should be corrected to Report on Comments. Mr. Farish noted several typos in the minutes.

The minutes were approved as corrected.

3. Mr. Solomon reviewed the arrangements for the Subcommittee breakout meetings, the afternoon meeting, lunch and dinner. Chairman Roberts noted that the Regulatory Enforcement and Installation Subcommittees would meet

jointly for an hour and then break into separate groups. Mr. Portz expressed a concern that the Installation Subcommittee might need more time than that allotted.

The meeting recessed at 9:00 a.m. so that the Subcommittees could meet.

4. The MHCC meeting resumed at 11:15 a.m. To give the MHCC some background on the development of MHIA 2000, Chairman Roberts introduced Messrs. Jonathan Miller and Scott Olson, Senate and House staff that were involved in the drafting of MHIA 2000. Mr. Olson gave the apologies of another Senate staff, Lendl Porterfield, who was also very instrumental in drafting the legislation but could not attend today's meeting.

Mr. Olson thanked Mr. Roberts for the opportunity to see how the legislation was being implemented. He indicated that his comments were solely his own perspective and others might have different perspectives. He noted the bipartisan nature of the drafting of this particular legislation. He noted that the driving motive was to establish a private sector consensus committee to develop technical recommendations on manufactured housing construction and safety standards that HUD could implement. That being said, he noted that the legislation maintained HUD as the ultimate authority. He also noted the legislation addresses the federal and state roles regarding installation standards and dispute resolution, the states having primary responsibility with the Federal regulations providing a floor.

Mr. Miller echoed Mr. Olson's comment regarding the bipartisan nature of the drafting of this legislation, noting in particular the support of Sen. Shelby and Rep. Lazio. He too indicated that his comments were solely his own perspective and others would likely be different. He noted that the MHCC was given a significant role in recommending rules to the HUD Secretary as to how the manufactured housing industry should be regulated. He noted the prescriptive requirements for balance on the MHCC to ensure that all viewpoints were represented. He also noted that the legislation mandated that HUD move aggressively, but also carefully.

Mr. Youse asked what appropriations had been set aside for management of the HUD manufactured housing program. Mr. Matchneer noted that the program is self-funded through fees collected in a trust fund dedicated to program management. It was noted that a freeze on personnel had been placed on the program as part of an overall HUD personnel freeze. Mr. Miller indicated that the legislation expressly exempted the program from any limitations on Department full-time equivalent positions. Mr. Walter asked what is the relationship between HUD's authority and the MHCC recommendations. Mr. Miller noted that the legislation established a process to ensure that the Secretary addressed the MHCC recommendations or the Secretary would have to appear before the relevant Congressional

Committees to explain why no action was taken. This provision of the MHIA 2000 is an incentive for the Secretary to act. He noted that the drafters of the legislation were sympathetic to addressing the previous lack of action on manufactured housing standards.

Mr. Ghorbani noted that kudos were due to Messrs. Olson and Miller *et.al.* for drafting the legislation. Mr. McHale asked that the minutes reflect the appreciation of the MHCC to Messrs. Olson and Miller for their reflections and perspectives.

Mr. Roberts reminded the members that both guests indicated that their comments were strictly their own individual opinions.

5. Mr. Matchneer reported that a one-year renewal contract had been signed with NFPA to be the Administering Organization. He also reported that a principal monitoring contract had been signed. There are also contracts for electronic data management, training, and HUD programs in states where there are no SAAs. He noted that the budget was a moving target; the budget contains \$1.2 million for salaries and expenses, \$0.1 million for travel, \$5.8 million estimated transfer to states and \$6.3 million for all manufactured housing contracts. \$13 million has been requested. Four hundred thousand dollars will need to be trimmed from the budget. The fee rate is \$39 per floor.

Mr. Ghorbani asked about the monitoring contract. Mr. Matchneer indicated that it was for a one-year base with three annual renewals. Mr. Ghorbani asked about the role of the MHCC regarding HUD contracts. Mr. Matchneer indicated that procurement decisions are prerogative of the Secretary. He noted that the MHCC is free to make recommendations on such matters to the Secretary. Mr. Ghorbani asked whether HUD would provide the MHCC an opportunity to review an RFP before it is published. Mr. Weinert suggested that such a review was beyond the scope of the MHCC. Mr. Walter suggested that, in the long term, the Regulatory Enforcement Subcommittee would likely address this particular matter. Mr. Matchneer indicated that once contracts are let they become public domain; he indicated that he would provide the two contracts which have been let. Mr. Portz shared Mr. Ghorbani's interest in reviewing RFPs before they are published. He also recommended that the current contracts be posted on the MHCC website.

Mr. Ghorbani asked whether the MHCC could make recommendations on budgets before submission to Congress. Mr. Matchneer indicated that the MHCC could do so if it wishes.

Mr. Walter requested that, in the future, statements of work for the PD&R research involving manufactured housing be provided to the MHCC.

Mr. William Freeborne, HUD PD&R, reported that, while the research contract on installation and dispute resolution programs with DNR/Steven Winter Associates/Gordon Tully mentioned by Commissioner Weicher is not part of the manufactured housing budget, it is intended to support the MHCC activity. He will be providing reports to the MHCC. Mr. Matchneer noted that the research would broaden the MHCC's view beyond NFPA 225. Mr. Berger noted that when he first became aware of the project, he wondered what HUD's philosophy was in letting such a contract when the MHCC was addressing the same issue. Mr. Roberts noted that he had let a contract in Oregon to Portland State University to do an independent analysis on an issue at the same time there was an advisory committee looking at the same issue. He noted that if additional information is provided to the Installation Subcommittee then the research will have been of value. Mr. Walter indicated a concern that the contractor might be making recommendations for installation standards. Mr. Bryant didn't see the Tully work as being supportive. Mr. Freeborne indicated that he looked forward to having continuing dialogue with the Subcommittee.

Mr. Youse asked if the MHCC could be provided with a statement of how much manufactured housing program fees are collected, where the dollars go, how the program is projected to be sustained, and what plans there are to develop new markets. Mr. Lagano asked about the program surplus. It was noted that the surplus has been depleted.

6. Mr. Matchneer explained that in some regulatory areas it is permissible for industry to comply with the provisions of a proposed standard while the standard is still in the process of being finalized. Anyone complying with the proposed rule would not be penalized if the final rule differed from the proposal. He noted that this concept might provide an opportunity for the MHCC to propose waivers to existing standards to relieve some of the "pent-up" proposed changes to MHCSS 3280. Mr. Zieman gave kudos to Mr. Matchneer for the creative idea.

Mr. Tomasbi expressed concern about creating an "uneven playing field". Mr. Zieman noted that using the waiver was optional. Mr. Ghorbani indicated that the concept was appealing but that the details would have to be evaluated. Mr. Vogt expressed a concern that the consumer's right to have non-compliance issues addressed might be abridged. Mr. Walter expressed a concern that such a process might slow up HUD adoption of all the changes to NFPA 501 that have occurred over the last several years. He would not favor a 20-change-at-a-time approach. Mr. Roberts gave several examples of possible items for a waiver.

Mr. Youse suggested that each subcommittee bring forward possible items that would move the process forward.

7. Mr. Roberts asked Mr. Youse to develop a proposed meeting schedule for the MHCC for consideration by the DFO. He noted that the DFO must call the meeting and approve the agenda. Mr. Lagano noted the pressure on the Subcommittees to progress work in a timely manner. He suggested meetings every 60 days with six hours devoted to Subcommittee meetings and two hours for the full MHCC. Mr. Walter recommended that Subcommittees work "two moths ahead" so that proposals could be circulated to the MHCC in advance of the meetings. Mr. Matchneer indicated that the current MHCC budget could only handle about four meetings per year. Mr. Zieman suggested that Subcommittees might meet separately. Mr. Farish suggested that a three day meeting each quarter would provide ample time for Subcommittees to meet. Mr. Tomasbi supported that idea. Ms. Rogers also agreed. Mr. Berger suggested that Subcommittees meet four times a year, with the full MHCC meeting twice a year.

Mr. Portz stated that he had a concern that his Subcommittee could become unwieldy because of an increasing number of participants. Mr. Weinert indicated that he had no concerns regarding size as long as the Subcommittee maintained balance. Mr. Roberts suggested that it should be up to the Subcommittee Chair to determine how many members a Subcommittee can handle and still function effectively. Mr. Vogt noted that the MHCC bylaws state that the MHCC determines the size and scope of the Subcommittees. Mr. Bryant asked if there was a limit to the number of observers. There is no limit on the number of observers but the Chair can limit their participation. Mr. Berger suggested that the size of the Subcommittees be limited. Mr. Weinert suggested that if a Subcommittee Chair felt a Subcommittee was getting too large the Chair should bring the matter to the MHCC for resolution. Mr. Roberts asked the Subcommittee Chairs to review their membership.

8. Mr. Roberts noted that he felt it would be helpful to the Committee to have an explanation of the steps that HUD goes through to publish a new rule. To that end he introduced Aaron Santa Anna and Nick Hluchyj, HUD Office of General Counsel (OGC), and Lauren Wittenberg, HUD Desk Officer at the Office of Management and Budget (OMB), to explain the process.

Mr. Santa Anna distributed a Quick Overview of the steps HUD goes through in the rulemaking process. He noted that trying to fit together the requirements of MHIA 2000, FACA and federal rulemaking procedures is like trying to fit a square peg in a round hole. He indicated that he expected it would take at least a year to go from proposal to a final rule. Mr. Lagano asked whether it would be better to propose entire model standards or propose components. Mr. Roberts suggested an omnibus approach might bog the process down, components would have a better chance for expeditious processing.

Mr. Walter asked what the requirements are for an economic analysis for updating standards. Mr. Hluchyj indicated that processing standards usually does not involve a lot of legal issues so the process might go more smoothly. Mr. Roberts noted that Oregon generally looks at the economic impact on a typical 1500 square foot house. Ms. Wittenberg noted that if the total impact were less than \$100,000,000 annually a rigorous economic impact analysis would not be necessary. Mr. Vogt indicated that Minnesota has a standard form that it uses for economic analyses. Mr. Bryant estimated that the impacts would be between \$20,000,000 and \$50,000,000 annually. Mr. Santa Anna indicated that generally PD&R is relied on for economic analysis. Ms. Wittenberg said she would be happy to provide an informal review of any economic analysis the MHCC might develop.

Mr. Ghorbani asked whether the AO could submit proposals directly to the HUD Secretary. Mr. Santa Anna replied that his office, the DFO and the MHCC should work together early in the process of developing proposals. Mr. Braun asked whether there was a tracking system to follow the progress of proposals. Mr. Santa Anna replied that there are two systems; he indicated that at the moment there are about 80 open items in the systems.

Mr. Weinert asked whether the process would be different if the MHCC and HUD agreed that HUD should drop 3280 and adopt NFPA 501 by reference. Mr. Santa Anna indicated that the same rulemaking procedures for public notice and comment would apply.

Mr. Matchneer asked how to meet the 30 day window for the Secretary to publish proposals submitted by the MHCC. Mr. Santa Anna indicated that prior to submission to the Secretary the proposal would need clearance by HUD General Counsel and OMB so it is important to have the involvement of both early on. Ms. Wittenberg also suggested that there be early informal involvement by HUD OGC and OMB. Mr. Vogt noted that many on the Committee were familiar with writing standards in "codese" and he asked whether proposals would have to be rewritten in "legalese". Mr. Ghorbani asked if having proposals drafted in regulatory language would help the process. Mr. Santa Anna indicated it would help but the same process had to be followed. Mr. Roberts noted that the AO was in the process of obtaining the resources to draft proposals in regulatory language. Mr. Santa Anna recommended that, as early in the development process as possible, the MHCC ask the DFO to submit draft proposals to OGC for review to get as much done as possible prior to formal submission.

9. Mr. Ghorbani raised the question of the lack of involvement of the MHCC before PD&R let the research contract on installation standards. Mr. Walter asked that the statement of work for the contract be revised to reflect the comments made by Mr. Freeborne earlier in the meeting. Mr. Berger noted that he would like to see the milestones and deliverables in the contract. Mr.

Matchneer reiterated that the research would not develop recommendations for an installation standard.

Mr. Youse suggested that there be parallel research by PD&R to assist the industry in moving forward.

10. Mr. Roberts noted that the subcommittees would meet again the following morning. The MHCC meeting would reconvene at 10:30 a.m. with public comments. He adjourned the meeting for the day at 4:40 p.m.
11. Chairman Roberts reconvened the MHCC meeting at 10:30 a.m. and opened the floor for public comments.

Mr. Jake Pauls, American Public Health Association, expressed several concerns regarding the MHCC process. He noted that members of the Committee are selected as individuals, not necessarily representing an organization. He is concerned that, while the draft bylaws state that all appropriate interests shall have the opportunity for fair and equitable participation without dominance by any single interest, the manufacturers dominate the Committee deliberations, at least vocally. He suggested that the MHCC look at the FACA process used by the Access Board, which is trying to balance Department of Justice criteria with technical criteria. Subcommittees do not limit participation which promotes open discussion. The consumer interests are very active and vocal. Mr. Pauls objects to Subcommittee Chairs being able to determine who can participate. He believes that meetings should be open to all. Lastly, Mr. Pauls expressed a concern that Commissioner Weicher has a conflict of interest regarding stairs and railings because of prior public positions he has taken.

Mr. Kevin Jewell, Consumers Union (CU), distributed a CU Southwestern Regional office case study. He noted that dispute resolution is discussed in the last third of the report. He encouraged HUD to make available the complaint information collected by states. He referred to the complaint ratio chart in the report. Lastly, he indicated that it is CU's position that a family's home is their main investment and therefore every manufactured home should be inspected rather than the approximately one in four now inspected.

Mr. Ghorbani asked whether CU is involved in legislation at the state level. Mr. Jewell indicated that they could be.

Mr. Roberts closed the public comment period and thanked Messrs. Pauls and Jewell for their comments.

12. Mr. Gorman moved, Mr. McHale seconded, that the draft bylaws dated 12/3/02 be approved, including both the mandatory changes and the suggested changes from HUD OGC.

Mr. Weinert moved to amend Section A.6.b to require that all Subcommittees be balanced. The amendment was modified to create a new A.6.d requiring Subcommittees be balanced in accordance with A.2. The amendment was approved unanimously.

Mr. Weinert asked how the issue of the size of the Subcommittee would be addressed. Messrs. Vogt and Walter indicated that the bylaws state that the size, scope and duties of a Subcommittee are determined by the MHCC. Mr. Zieman asked whether Subcommittees were considered FACA committees. Mr. Matchneer indicated that they are not unless designated as such by the HUD Secretary. Although they are not FACA committees he indicated that members are to be appointed by the HUD Secretary.

Mr. Ghorbani moved that a new g) be inserted in A.3 to indicate that reviewing the scope of regulations concerning program monitoring was a responsibility of the MHCC. The motion was passed, 14 affirmative, 5 opposed (Roberts, Vogt, Weinert, Lagano and Braun).

The motion to approve the bylaws as amended (new A.3.g and new A.6.d) was approved unanimously.

Mr. Weinert moved that Subcommittee Chairs submit proposed additions to their respective Subcommittees to the MHCC for approval for nomination to the HUD Secretary. Approved unanimously.

Mr. Roberts proposed the addition of Messrs. Walter and Nunn to the Regulatory Enforcement Subcommittee. Mr. Nunn withdrew because he was on other Subcommittees. Mr. Walter recommended Mr. Bryant be added. Mr. Walter noted that he and Mr. Stinebert represented the same organization. Mr. Solomon noted that membership on the Subcommittees is not limited because membership is by individual, not organization, and all proposals must be approved by the full MHCC. The addition of Messrs. Walter and Bryant was approved unanimously.

Mr. Zieman proposed the addition of Messrs. Vogt and Weinert to the Standards Subcommittee bringing the total to 15, with balance being maintained. The additions were approved unanimously.

Ms. Brenton indicated she had no proposed changes to the Planning and Prioritization Subcommittee. Mr. McHale reported that he had no changes for the Standards and Regulatory Processing Subcommittee.

Mr. Portz proposed that George Porter, Randy Vogt, Boone Morris and Mark Nunn be added to the Installation Subcommittee. Balance would be

maintained. Motion to nominate the recommendations to the HUD Secretary was seconded and approved unanimously.

13. Mr. Roberts called for Subcommittee proposals for MHCC action.

Mr. Zieman reported that the Standards Subcommittee had two proposals to consider. Proposal 1 recommended to HUD that the changes in the 1997, 1999 and 2000 editions of NFPA 501 be adopted as a block as updates to MHCSS 3280. He moved that the proposal be accepted. Motion seconded. Mr. Walter asked whether that included all 158 changes to NFPA 501 over that time period. Mr. Zieman indicated that it did. Mr. Ghorbani noted that all these changes have been through a consensus process. Mr. Tomasbi asked whether there was an estimate of the costs to implement the changes. Mr. Roberts indicated that once the proposal is approved it will be forwarded to the Standards and Regulatory Processing Subcommittee for proper formatting including an estimate of the costs.

Mr. Roberts indicated that the proposal will be submitted to letter ballot so that each committee member can evaluate the proposed changes. Mr. Solomon indicated that there would be a 30 day review period. He explained the options on the ballot would be affirmative, affirmative with comment, opposed (reason required), or abstain. Ms. Brenton moved that the motion be amended so that items could be voted on individually rather than as a block (segmented ballot). The amendment was approved unanimously. Mr. Bryant moved that the motion be further amended to indicate that whichever items were approved by the MHCC letter ballot be submitted to HUD with a recommendation that they be adopted as a block. The amendment was approved unanimously.

The motion to approve the Standards Subcommittee Proposal 1 as amended (segmented MHCC ballot, HUD to consider as a block) was approved unanimously.

Mr. Zieman moved that the Standards Subcommittee Proposal 2 for HUD to incorporate certain changes to NFPA 501 in a waiver. The Subcommittee identified 20 changes as candidates for a waiver. Motion seconded. Mr. Tomasbi expressed a concern that waivers would create an uneven playing field for manufacturers. Mr. Farish suggested that this should not be a concern for the MHCC since compliance is optional. Mr. Ghorbani expressed a concern about enforcement. Mr. Berger asked how the 20 items for waivers were chosen. Mr. Zieman said the Subcommittee surveyed its membership on the priority that should be given to each of the 158 changes to NFPA 501. The Subcommittee then reviewed the top rated items for consideration for a waiver. Mr. Gorman moved that the motion be amended to have a segmented letter ballot. Motion approved.

Mr. Walter suggested that Proposal 2 be balloted after the ballot on Proposal 1 in case some of the 20 were not approved on the Proposal 1 ballot. Mr. Roberts indicated the issue was not whether 20 should be forwarded for a waiver but rather do the items improve manufactured housing and therefore should be implemented as soon as possible.

The motion to approve the Standards Subcommittee Proposal 2 as amended (segmented ballot) was approved unanimously.

Ms. Brenton reported that the Planning and Prioritization Subcommittee had one proposal to establish a process, using strikeout, underline format, for submitting proposals to the MHCC. She moved that the Planning and Prioritization Subcommittee proposal be accepted. Motion seconded. Mr. Gorman asked whether this would apply to Subcommittee proposals. Ms. Brenton replied that it would not. Mr. Weinert offered a friendly amendment to insert "on forms provided by the AO". Amendment accepted. Mr. Matchneer noted that availability of the forms might have to be published in the Federal Register.

The motion to accept the Planning and Prioritization Subcommittee proposal was approved unanimously.

Mr. Portz made a motion that the minutes of meetings be drafted, approved and posted on the MHCC website no later than 20 days after the adjournment of each meeting. Motion seconded. Mr. Solomon suggested that the draft minutes could be posted on the website while HUD reviewed the minutes. Mr. Matchneer agreed. "Approved" was deleted from the motion. Motion approved unanimously.

Mr. Ghorbani moved that the Committee direct the AO to submit documentation of the Committee's organization and procedures to ANSI for accreditation of the Committee and that ANSI's response be distributed to the MHCC and the HUD Secretary. A friendly amendment to insert "potential" before accreditation was accepted. The motion, as amended, was approved unanimously.

Mr. Walter moved that HUD hire sufficient staff to effectively manage the manufactured housing program. Motion seconded. Mr. Ghorbani suggested that language "to reduce reliance on outside contractors" be added. A friendly amendment was accepted to revise the motion to indicate that in hiring such staff HUD is complying with section 620(a)(2) of the MHIA. Motion, as amended, approved unanimously.

Mr. Youse presented a motion to set locations and dates for quarterly meeting of the MHCC, providing for one day for Subcommittee meetings and two days for a full MHCC meeting. Subject to the approval of the DFO and the Chair,

he proposed dates and locations as follows – February 4-6, 2002, Tulsa, OK; May 15-16, 2003, Auburn Hills, MI; August 12-15, 2003, St. Paul, MN; November 4-6, 2003 in the Pacific Northwest. He noted that the dates were chosen to be in the middle of each quarter and in locations sensitive to member locations and to encourage public participation. Mr. Lagano asked what impact the locations would have on HUD staff attendance. He noted that having HUD staff listen to the MHCC deliberations was a benefit. Mr. Portz suggested that having two meetings in the Washington area might permit Commissioner Weicher to attend which was also beneficial. Mr. Roberts reminded the Committee that the motion is not binding on the DFO.

After further discussion, Mr. Youse amended the motion to state that the MHCC would meet quarterly. Motion approved unanimously. Mr. Berger moved that two meetings be held in the Washington area. Approved unanimously. Motion to hold the next meeting March 4-6, 2003, in Tulsa. Motion carried. It was noted that meetings in the Washington area should include northern Virginia.

Mr. Roberts, as Chair of the Regulatory Enforcement Subcommittee, presented two proposals. The first proposal would prohibit a landowner from placing restrictions on his/her land prohibiting homes built to federal manufactured home construction and safety standards when the landowner allows other forms of residential construction. Mr. Berger asked whether this would apply to multi-family construction. The proposal was amended to insert “single family” before residential so that the provision would only apply to landowners that permit single family residential construction. Motion made, seconded and approved unanimously to submit the recommendation to HUD.

Mr. Ghorbani moved to table the MHARR proposal to amend subpart I submitted at the August 2002 MHCC meeting until HUD responds to the consumer protection proposal being developed by the Regulatory Enforcement Subcommittee. Motion seconded. MHARR proposal to amend Subpart I tabled.

Mr. Roberts, as Chair of the Regulatory Enforcement Subcommittee, reported that the Regulatory Enforcement Subcommittee has developed a proposal for a national consumer assistance program. He indicated that the key elements of the proposal are: all issues effecting performance of the home would have to be addressed; all nine links in the manufactured housing chain would be identified; timeframes would be set for response to issues; both the state where the home is located and where the home was produced would be involved; and, the proposal focuses on getting the problem fixed. The proposal would replace 3282 Subpart I. He stated that a letter ballot would be conducted on the Regulatory Enforcement Subcommittee proposal. He moved that the proposal be submitted to a letter ballot. Motion seconded.

Mr. Ghorbani indicated that currently there are five major problems with Subpart I - too much paperwork, too much recordkeeping, too much focus on manufacturers, too costly, and it doesn't really help the consumer.

Mr. Weinert expressed a concern that the proposal would be unenforceable by the SAA. Mr. Walter noted that at some point there would be new sections 3282.405 and 3282.406 for dispute resolution. He noted that the MHIA mandates the a dispute resolution plan be developed and in place within five years after passage of the Act. Mr. Matchneer indicated that development of a federal dispute resolution plan was the prerogative of HUD.

Messrs. Ghorbani and Roberts noted that the current HUD approach focuses on the manufacturer. Mr. Weinert noted that the SAAs are stuck with "finger pointing". He estimated that workload on the SAA for this issue would increase from about the current 10% to 40% - 50%. Mr. Berger suggested that, if the problem was with someone other than the manufacturer, the other party should be held responsible. Mr. Youse indicated that from a consumer point of view he liked the proposal.

Mr. Matchneer reported that HUD expected to publish an advanced notice of proposed rulemaking (ANPR) on the subject in about 3 weeks. Mr. Berger requested that the MHCC be notified when the ANPR is published.

Mr. Roberts reiterated that the motion is for the proposal to be submitted for a letter ballot. It was decided that a segmented ballot was not necessary. The motion to submit the proposal to a letter ballot was approved unanimously.

Mr. Portz reported that the Installation Subcommittee is hard at work. It has examined state models and NFPA 225. It will be developing a base model. Thus far six chapters have been reviewed. The Subcommittee has a conference call scheduled for December 16 during which it expects to finish the chapter review. Then it will work on the base model. Mr. Roberts thanked Mr. Portz for the hard work of the subcommittee. Mr. Portz noted that the good work has been facilitated by active, balanced participants. Mr. Matchneer reported that HUD is also developing an ANPR on this subject.

Mr. Youse presented a motion that HUD submit to the MHCC all manufactured housing program budgets and appropriation requests prior to adoption by HUD or submission to Congress. Motion seconded. Mr. Youse indicated that this information would be useful as background for future planning by the MHCC. Mr. Matchneer noted that budget matters are the prerogative of the Secretary. The motion was approved.

Mr. Walter presented a motion that HUD submit to the MHCC, for its review and recommendation, the statement of work for all proposed manufactured housing program contract solicitations prior to issuance or publication. Mr.

Matchneer again noted that these activities were the prerogative of the Secretary. Mr. Roberts noted that this motion and prior motions address how much information HUD will share with the MHCC prior to making a decision rather than announcing it after the fact. He suggested that these were growing pains under the MHIA 2000. The motion failed with 13 opposed.

Mr. Berger requested that the decision on the location of next meeting be reexamined. It was moved, seconded and carried that the meeting location be changed to Dallas.

14. Chairman Roberts thanked the members for their hard work during the past two days. He adjourned the meeting at 4:00 p.m.

**HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE  
ATTENDANCE  
December 4-5, 2002  
Washington, DC**

**STATUS: P=PRINCIPAL; S=STAFF**

NAME	STATUS	ORGANIZATION	WEDNESDAY 12/4/02	THURSDAY 12/5/02
Jack Berger	P	Berger Reconstruction	X	X
Karl Braun	P	NAMH – MHOAA	X	X
Susan Brenton	P	AZ Association of Manufactured Home Owners	X	X
Ed Bryant	P	Champion Enterprises	X	X
Bill Farish	P	Fleetwood Homes	X	X
Danny Ghorbani	P	MHARR	X	X
Earl Gilson	P	Olympic Area 03-A Agency on Aging	X	X
Doug Gorman	P	Home – Mart, Inc.	X	X
Bill Lagano	P	American Modern Insurance Group	X	X
Ronald V. LaMont	P	Alpine Engineering Products	X	X
William Matchneer	P	HUD	X	X
Jerome L. McHale	P	Federation of Manufactured Home Owners of Florida	X	X
Bryan R. Portz	P	Chase Manhattan Mortgage Corp.	X	X
Dana Roberts	P	Oregon Bldg. Codes	X	X
Robert Solomon	AO	NFPA	X	X
Nader Tomasbi	P	Liberty Homes, Inc.	X	X
Pat Toner	AO	NFPA	X	X
Randy E. Vogt	P	State of MN – Dept. of Administration	X	X
Christine Walsh Rogers	P	Washington Mutual	X	
Frank Walter	P	MHI	X	X
Richard Weinhert	P	State of CA	X	X
Alan J. Youse	P	AARP	X	X
Mike Zieman	P	RADCO	X	X

***HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE***  
**GUEST ATTENDANCE**  
**December 4 – 5, 2002**  
**Washington, DC**

<b><u>NAME</u></b>	<b><u>ORGANIZATION</u></b>
Mark Calabria	HUD
Kara Davis	HUD
Henry DeLima	DeLima Associates
Elsie Draughn	HUD
Chris Early	Department of Energy
William Freeborne	HUD
John Ingargiola	FEMA
Mike Mafi	IBTS (Institute for Building Technology and Safety)
Jason C. McJury	HUD
Richard Mendlen	HUD/Manufactured Housing Program
Mark A. Nunn	MHI
Jake Pauls	Jake Pauls Consulting Services in Bldg Use & Safety
Frank Quigley	HUD
Peter Race	HUD
Boone Smith Morris	TieDown Engineering
Kelley Spearman	HUD
John Stevens	HUD/Manufactured Housing and Standards Div.
Chris Stienbert	MHI
Megan Valentine Maso	Danner & Associates
Mark S. Weiss	Weiss & Wilson, P.C./MHARR Counsel