

Final Minutes  
HUD Manufactured Housing Consensus Committee  
Conference Call  
January 27, 2005

1. Chairman Roberts called the meeting to order at 11:00 a.m. Mr. Solomon called the roll. Mr. Walter indicated that he has requested that the AO change his classification from manufacturer to general interest, as he is no longer under contract to MHI. Mr. Cunningham noted only the Secretary can make appointments. Mr. Walter indicated that he had requested the reassignment in December. After discussion, Mr. Cunningham indicated the Mr. Walter would be allowed to vote for this conference call; his vote would be noted and a decision would be made later as to whether the vote could be counted. Mr. Gearan indicated that AARP did not concede that Mr. Walter could vote. A quorum was present. Mr. Roberts asked the guests to introduce themselves. (See the attached attendance list for participants.)

Mr. Roberts reviewed the agenda; the agenda was approved. Mr. Matchneer had no opening remarks.

2. Mr. Roberts called for public comments.

Mr. Hug noted that the draft Subpart I indicates that certain items are to be included in 3285. He stated that everything should be in 3280 or 3282, rather than in a third part.

Mr. Kessler noted that he had written to HUD in 2000 regarding gypsum in the air gaps of overhead ovens. He noted that at the time HUD had agreed it was not necessary but an interpretive bulletin has not been issued. He noted that SAAs are looking for such. Mr. Ghorbani noted that other manufacturers had the same problem. Mr. Roberts stated that the subject would be added to the end of the agenda.

Mr. Drew Clark, North American Forest Products, addressed the committee regarding the differing results from testing and from engineering calculations for wood trusses. The new requirements would add 25%-50% to the cost of wood trusses. He noted that he had submitted comments regarding this issue to the HUD Docket office and to the AO. Mr. Freeman, Universal Forest products, stated that he also had submitted comments on the issue to the Docket office. Mr. Tomasbi recommended that truss manufacturers be asked to make a presentation on this issue at the next meeting of the MHCC.

The MHCC recessed briefly for a meeting of the Regulatory Enforcement subcommittee.

3. Mr. Gorham reported that the Regulatory Enforcement Subcommittee recommends that the MHCC approve the HUD draft of Subpart I. HUD's concerns on the draft will be discussed after the full MHCC reviews draft. The redline version of the working draft maintained by HUD was used as the base document for the MHCC review. Mr. Matchneer noted that FACA required the MHCC to review the draft in its entirety, as well as HUD and all other comments. To initiate the discussion, it was moved and seconded that the MHCC accept the recommendation of the Regulatory Enforcement Subcommittee. Mr. Roberts asked Mr. Weiss to review the draft document.

Mr. Weiss reviewed each section of the draft, beginning with the changes to definitions in 3282.7 and the change to 3282.362. He then reviewed each section of the draft Subpart I. After Mr. Weiss's review, Mr. Roberts asked if the members had a clear understanding of each provision. No one indicated a need for further discussion.

Mr. Roberts indicated that the benefits of the changes are: clearly laid out time limits for determinations; adherence to the statutory language; a more logical layout; a clear standard for manufacturers to follow and HUD to administer; clarification of the roles and authorities of HUD, SAAs, and IPIAs; provides for notification and correction; improves consumer protection; clarifies the relationship between manufacturers and those that perform work for them; clarifies that normal wear and tear is not the manufacturer's responsibility ; requires HUD to explain why it does not accept the manufacturers determination or plan; requires all information regarding a home to be in the service record.

Mr. Roberts reviewed the draft vis-à-vis the principles for amending Subpart I that the Committee had developed. The draft addressed the principles.

Mr. Matchneer reviewed HUD's concerns as noted in his January 24, 2005 memo to the Committee. Regarding the definition of "defect" it was decided that the definition should begin "For the purposes of this section ...". "Failure to conform" was reinstated. HUD's definition for "Manufactured home construction" was accepted, with the deletion of last phrase "except to the extent ... standards", in place of the definition in the draft.

Mr. Matchneer noted that HUD is recommending a definition for "service records" and for "records of class determination", and that separate files be kept for each type of record. Mr. Weinert agreed that a definition of "service records" is needed. Mr. Hug stated that manufacturers might have other ways to accomplish the tracking of class determinations. Mr. Cunningham indicated that HUD does not want class determinations buried in many individual files. Mr. Kessler indicated he liked the HUD approach but expressed a concern that there would be nothing in a service record to indicate that a home was part of a class determination.

Regarding HUD's concern about requirements that are not consistent with statutory authority, Mr. Ghorbani stated that this is not the forum for these concerns. Mr. Cunningham noted that these are issues that HUD has to resolve. Mr. Ghorbani agreed that the issues must be resolved but it should be done in the rulemaking.

Regarding the "trigger" for HUD to investigate possible violations, Mr. Weiss noted that sections 411 states "the possible existence" and both sections 411 and 412 contain the permissive "may" and, therefore, that HUD's concern is addressed.

Mr. Matchneer noted that HUD has no enforcement authority over retailers and therefore has a concern about limiting the manufacturer's responsibility. Mr. Bryant stated that the MHIA did not intend to put all responsibility on the manufacturer. Ms. Kayagil indicated that Section 613 of the Act put the responsibility on the manufacturer. Mr. Roberts suggested that there is a dichotomy in HUD's approach, in some instance allowing others to act like manufacturers, in other instances not. Mr. Gorman indicated opposition to any suggestion that retailers be considered manufacturers.

In order to review the Standards Subcommittee recommendations on the proposed standards in time for the public comment period, further discussion of Subpart I was held for a conference call on Tuesday, February 22, 2005.

4. Mr. Zieman reported that the Standards Subcommittee had reviewed the proposed Construction and Safety standards changes. The Subcommittee recommends that the MHCC submit comments where HUD had expressly asked for comments and where HUD had rejected an MHCC recommendation. He noted that he has submitted a written report with the recommended comments. He noted that he also sent a copy of the report to HUD although HUD staff was not included in the review of the HUD proposal.

Mr. Roberts read the introductory paragraphs of the Standards Subcommittee report. Mr. Ghorbani recommended that the introduction include an acknowledgement of HUD's efforts and cooperation in the expedited development of the standards changes.

Regarding the HUD rejection of the MHCC recommendation to eliminate posting of the formaldehyde health notice, it was moved seconded and carried that the MHCC submit a comment that the health notice be included in the home owner's packet and not posted in the home.

Regarding fireblocking, Mr. Zieman moved that the MHCC reaffirm its original proposal with the requirement that materials be "tested in the manner intended for use". Motion seconded and carried.

Regarding HUD's specific request for comments on the delegation of approval of alternate test method to DAPIAs, it was moved, seconded and carried that the MHCC respond supporting the proposal.

Regarding one-piece metal roofing, Mr. Roberts reviewed the Subcommittee recommendation and suggested that it had too much detail. Mr. Cunningham indicated that more detail is helpful in responding to the public comment. Mr. Ziemann moved that the Subcommittee language be submitted to support the original MHCC recommendation for footnote 9.

Regarding ventilated walls, it was moved, seconded and carried to reaffirm the original MHCC proposal with the exceptions that were subsequently approved by the MHCC.

It was moved seconded and carried to submit the Subcommittee recommendation on metric units. Ms. Cocke noted that at some point, HUD will have to address metric units and HUD will be looking for help on the issue.

Regarding roof trusses, Mr. Tomasbi recommended that in light of the public comments heard earlier, the MHCC request that this provision be withdrawn and referred back to the MHCC for further consideration. Mr. McHale noted that there have been a number of failures of wood truss roofs in Florida. Mr. Ghorbani indicated that mention should be made that MHCC did not fully explore the cost implication of its original recommendation. Mr. Tomasbi's recommendation was moved, seconded and carried (1 opposed).

It was moved seconded and carried (1 opposed) that the above comments be submitted to the HUD docket on behalf of the MHCC. Mr. Roberts and Mr. Solomon would work to finalize the letter and the comments to ensure the information arrived by the comments deadline.

5. Discussion of an interpretative bulletin on air gaps and overhead ovens was deferred to the next call. The next call was scheduled for Tuesday, February 22, 2005 at 12:00 noon, EST. The meeting was recessed until this time.

**HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE**  
**ATTENDANCE SHEET**  
**TELECONFERENCE**  
 January 27, 2005

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

NAME	STATUS	ORGANIZATION
Roberts, Dana	M	Oregon Manufactured Homeowners Assoc.
Berger, Jack	M	Berger Reconstruction
Braun, Karl	M	NAMH – MHOAA
Bryant, Ed	M	Champion Enterprises
Farish, William	M	Fleetwood Homes
Ghorbani, Danny	M	MHARR
Gorman, Doug	M	Home – Mart, Inc.
Lagano, William J.	M	Commonwealth Consulting Corp.
LaMont, Ronald V.	M	Alpine Engineering Products
McHale, Jerome L.	M	Federation of Manufactured Home Owners of Florida
Tomasbi, Nadar	M	Liberty Homes
Vogt, Randy	M	State of MN, Dept. of Adminis. Building Codes
Walter, Frank	M	Consultant-MHI
Weinert, Richard	M.	State of CA
Zieman, Mike	M	RADCO
Matchneer, William III	NVM/DFO	HUD
Toner, Pat	AO/SEC	NFPA
Solomon, Robert	AO	NFPA

***HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE***

**TELECONFERENCE**

**January 27, 2005**

**GUEST ATTENDANCE SHEET**

<b>NAME</b>	<b>ORGANIZATION</b>
Gary Cunningham	HUD
Rick Mendlen	HUD
Elsie Draughn	HUD
Peter Race	HUD
Joan Kayagil	HUD
Liz Cocke	HUD
Lane Pethel	HUD
Timothy Gearan	AARP
Bill Hug	CAVCO
Drew Clark	North American Forest Products
John Kleen	Universal Forest Products
Kevin Freeman	Universal Forest Products
Terry Ramsauer	Washington State SAA
Mike Muglia	State of Pennsylvania
Jim Bauer	Southern Energy Homes
Greg Spear	Southern Energy Homes
Gary Pritchard	Fleetwood
Bert Kessler	Palm Harbor Homes
Tom Brandt	Fairmont Homes
Brian Cooney	MHI
Mark Nunn	MHI
Chris Steinbert	MHI
Mark Weiss	MHARR, Counsel

