

AMHI

Alabama Manufactured Housing Institute

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June 24, 2005

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Regulations Division
Office of General Counsel
Room 10276
Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410-0500

Re: Docket No. FR-4928-P-01; HUD-2005-0006
RIN Number 2502-AI25
Model Manufactured Home Installation Standards

OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

2005 JUN 24 A 11: 50

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Introduction

The Alabama Manufactured Housing Institute (AMHI) respectfully submits comments in response to the proposed rulemaking notice in the *Federal Register* of April 26, 2005, (70 FR 21497 – 21559).

AMHI is a non-profit state trade association representing all segments of the manufactured housing industry in Alabama. This includes the following member segments: manufactured home producers, material and service suppliers, retailers, community developers and owners, insurance companies, installers, financial service providers and associates. AMHI is a member of the national industry associations, MHI and MHARR. AMHI manufacturer members produce HUD-Code manufactured homes for Alabama and the nation. Alabama plants are second in the nation in total production of HUD-Code homes. Alabama has more manufactured housing plants (15) located in the state than any other state in the country. Alabama exports 75% HUD Code homes produced to other states in the nation. This confirms that Alabama is a major state producer of manufactured housing.

Alabama has had a state installation law since January 1, 1976 and it was amended in 1990, 1993, and 2000. This law requires installers to be certified by the SAA which includes training and continuing education every two years. It also provides for the Alabama Manufactured Housing Commission (SAA) state inspectors to inspect every HUD Code manufactured home installed in the state. This law requires the home to be installed according to the manufacturer's installation instructions that are approved and certified by the DAPIA, or the minimum state installation law. The regulations also cover in detail site preparation, soil classification,

minimum blocking standards and anchoring standards, installation of ground anchors and tie-down devices, standards for the manufacture of ground anchors and tie-down devices, wind zone standards, inspections and penalties. This Alabama installation law was the first in the nation. Since 1976, it has worked and been updated and amended as needed. It works well for Alabama consumers and the industry.

Alabama's manufactured housing industry supports the inclusion of the Model Installation Standards in the 2000 Manufactured Housing Improvement Act. This support is due to the fact that the Alabama installation law has been beneficial for the manufactured housing industry and the homeowners of HUD Code homes in the State of Alabama. However, AMHI sees some major problems with some of the proposed model installation standards and would like to make the following comments on these items proposed in the Federal Model Installation Standards:

Page 21499 - Column 3 - Paragraph 2

How can the manufacturer be responsible for close-up work when the person installing the home may not be under contract with that particular manufacturer. Manufacturers can only control the close-up activity when they use their own set-up crews to install homes (as some often do). However, to make the manufacturer responsible for every one of their home's installations is not practical or possible without an extraordinary expense to hire third-party agencies to perform the inspections. It is too difficult for manufacturers to control the activities of installers not under their contract or supervision. Close-up should be a part of the installation of the home and the responsibility of the installer.

Section 3285.1(c) (2) – Page 21518 – Column 2

This section would permit "local jurisdictions" to enforce more stringent requirements for home installation over and above what HUD would enforce as the minimum. This could possibly be a way for local jurisdictions to "zone out" HUD Code homes in certain areas under their realm if they make installation requirements unreasonable for the community owner or individual tenant/homeowner to bear the initial cost.

Section 3285.204 (c) (3) - Page 21523 – Column 1

This section was not from any of MHCC recommendations. This is open to differing interpretations no matter who is overseeing the installation program (HUD or SAA). What would be considered a minor tear (2", 6" or 12") considering the overall area of the vapor retarder underneath the home?

Section 3285.314(a) - Page 21538 - Column 1

The first two sentences of this section are mainly commentary and provide no information on how or what to use when designing permanent foundation support systems for HUD Code homes. They should be deleted in their entirety. The model standard should make no mention of anything concerning how mortgage lenders or others can establish financing eligibility requirements for permanent foundations. This is for the financial institutions to decide. This standard needs to stay focused on the Act's premise of providing a model installation standard. Financing options for the model standard are outside the scope of the Act and should be deleted.

General Comments

The Manufactured Housing Consensus Committee (MHCC) was the organization that provided the department with a draft model installation standard on December 18, 2003. The MHCC was directed by the Manufactured Housing Improvement Act of 2000 [MHIA, section 605(b)(1)] to perform this activity as part of the department's development of a comprehensive installation program for the entire country.

Under the MHIA, there are three basic components for the comprehensive installation program. These are: 1) development of a model installation standard [MHIA, sections 605(a) and 605(c)(3)(A)]; 2) training and licensing/certification of manufactured home installers [MHIA, Section 605(c)(3)(B)]; and 3) inspections of the installation of manufactured homes [MHIA, section 605(c)(3)(C)]. The last two aspects of the comprehensive installation program are subject to different rulemaking. Alabama's program has been in place since 1976 and has proven successful for the homeowner and the industry.

Throughout its development of the draft model installation standard, the MHCC used the MHIA's three elemental principles to serve as the foundation for its draft document. These state that the model installation standard would: 1) serve as the model installation standard that a state-based installation standard must meet or exceed; 2) serve as the model installation standard that a manufacturer's installation instructions for each home must meet or exceed; and 3) serve as the installation standards for installing homes in states where HUD is responsible for operating a comprehensive installation program because the state has elected not to do so.

Upon HUD publishing its proposed rule on April 26th, two highly contentious and extremely important issues became apparent. These issues were in direct opposition to the MHI and MHARR's established positions taken during the MHCC development of its draft model installation standard document for HUD consideration. These two issues involve the underlying circumstances of how the installation program would be codified and updated in future years and how HUD will intend to define/enforce the HUD model installation standard in default states.

Model Manufactured Home Installation Standard @ 24 CFR 3285

AMHI strongly believes and asks that the federal model installation standard not be codified under 24 CFR 3285, but instead should become subpart of 24 CFR 3280. By codifying the

installation standard under Part 3285, the MHCC will not be privy and involved (120-day comment period prior to publication) with any proposed change by HUD in the future. The MHCC is the entity Congress specifically assigned to develop the installation standard and AMHI is certain that Congress fully intended for the MHCC to be directly involved in its continued maintenance and updating. As currently proposed, HUD has to only provide the MHCC review period for construction and safety standards. In the definition for manufactured homes (page 21520), HUD has embraced the fact that Part 3285 is for installation standards and Part 3280 is construction and safety standards.

Construction/assembly of the home and installation of the home go hand-in-hand. There should be no distinction in the federal regulations at 24 CFR 3280. There should be no differentiation in the federal manufactured housing program between construction/assembly and installation. HUD will provide oversight for both components, so two separate documents (regulations) are not necessary for construction and installation.

Under the current 24 CFR 3282.14, the Alternate Construction (AC) process, as an extension of installation at the site, is used to ascertain that home installation conforms to local governing building code practices if the home, when completed, does not conform to the HUD Code. With respect to the model installation standard, this same process occurs with the only difference being that the home will conform to the HUD Code and its companion model installation standard once installed at the installation site. It seems illogical to have the federal mandate for homes not complying with the HUD Code to meet federal enforcement criteria and have homes that comply with the federal installation program outside of either the current construction (Part 3280) or enforcement regulations (Part 3282).

If there any questions concerning AMHI's comments, please contact me.

Sincerely,


Sherry Norris
Executive Director



Village Homes

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June 20, 2005

OFFICE OF GENERAL COUNSEL
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2005 JUN 21 A 10:33

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Regulations Division, Office of General Counsel, Room 10276
Department of Housing & Urban Development
451 Seventh Street, SW
Washington, DC 20410-0500

Regarding: 24CFR Parts 3280 and 3285
Docket Number: FR-4928-P-01; HUD-2005-006
RIN: 2502-A125 Model Manufactured Home Installation Standards

To Whom It May Concern:

My name is Dayne Rinehart, President of Village Homes in Augusta, Kansas. I have been in the Manufactured Housing Industry for since 1991 and have served on the Board of Directors of the Kansas Manufactured Housing Association since 1999. I also served on the committee that wrote Senate Bill 4 which was signed into law by Governor Sebelius earlier this year bringing Kansas into compliance with the 2000 Manufactured Housing Improvement Act.

I have had the opportunity to review Housing and Urban Development (HUD) proposed standards and have numerous areas of sincere concern. I have also had the opportunity to review the Manufacture Housing Institutes (MHI) summary pertaining to HUD's model manufactured home installation standards, and I feel that they have done an excellent job expressing what my concerns are also.

I sincerely encourage HUD to take MHI's summary into consideration before developing your final standard. I'm very concerned about how these new regulations will affect the affordability of our homes to our customers.

Sincerely,

Dayne Rinehart
President

MANUFACTURED HOUSING RESOURCES

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June 21, 2005

Regulations Division
Office of General Counsel
Room 10276
Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410-0500

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OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

2005 JUN 21 A 10: 34

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Re: Docket No. FR-4928-P-01; HUD-2005-0006
RIN Number 2502-AI25
Model Manufactured Home Installation Standards

Introduction

Manufactured Housing Resources (MHR) respectfully submits comments in response to the proposed rulemaking noticed in the *Federal Register* of April 26, 2005, (70 FR 21497 – 21559).

MHR is a consulting/ training company that specializes in the installation process for HUD Code homes nationwide.

General

While you may recognize that the format of this letter is based on a document from MHI, it is absolutely not the same in many places. Please review carefully.

Model Manufactured Home Installation Standard @ 24 CFR 3285

MHR asserts strongly that the federal model installation standard should not be codified under 24 CFR 3285, but instead should become subpart of 24 CFR 3280.

Construction/assembly of the home and installation of the home go hand-in-hand. There should be no distinction in the federal regulations at 24 CFR 3280. This is similar to other private sector building codes where the code contains the design and construction requirements for the residential home in addition to any installation criteria that must be followed to complete the home. There should be no differentiation in the federal manufactured housing program between construction/assembly and installation. HUD will provide oversight for both components, so two separate documents (regulations) are not necessary for construction and installation.

HUD Enforcement in Default States

On page 21500, the proposed rule describes, for the first time, what a default state will be under the installation program. Under the MHIA §623(c)(11), states have a 5-year window of opportunity to develop and implement their own state installation program through state

legislature. If a state determines that they neither have the manpower or the money to sustain a complete state installation program, then the state can cede its authority over to HUD, thus becoming a "default state". Essentially, a state has given up its right to establish and implement its own installation program.

HUD intends to permit a state or municipalities to establish more stringent requirements for the installation of HUD Code homes, as long as they meet/exceed the model standard. Any default state should be preempted from establishing more stringent requirements over and above what the model installation standard provides. States had a 5-year period beginning December 28, 2000 to enact an installation program that includes an installation standard. HUD would now permit any state or municipality to disregard the MHIA's provisions, wait and implement whatever they desire after the 5-year period ends, and circumvent the MHIA's requirements.

This essentially would permit "local jurisdictions" to enforce more stringent requirements for home installation over and above what HUD would enforce as the minimum requirements for default states. This could possibly be a way for local jurisdictions to "zone out" HUD Code homes in certain areas under their realm if they make installation requirements unreasonable for the community owner or individual tenant/homeowner to bear the initial cost. Local Jurisdictions do not pre-empt state law in the states that already have programs so why would HUD want such an arrangement for its' program? If this an attempt to limit the work that HUD must do then it will surly backfire because they will have to "police" all the local jurisdictions to be sure they don't violate the installation standards set forth in the manuals. HUD's default state installation standard should be preemptive, similar to its status on design and construction of homes under 24 CFR 3280.

HUD must also have a way of enforcing the licensing of installers in the default states to become part of the program. Toward that end MHR would offer the following suggestion:

There must be tracking of both the homes and installers within each affected state. This can be accomplished by a system of labels applied at the factories nationwide that states that:

"This home must be installed by a licensed installer after Jan. 1, 2006. Do not connect the electricity or any other utilities to this home until receiving that assurance. Depending on the Authority Having Jurisdiction, this may be a photocopy of the installers' license or a certified label from an authorized State or Federal agency permitting the connection. Utility connection without the installers' license/certificate will place the home in non-compliance with the Federal program and may void the manufacturers' warranty"

This permanent label or one with a similar effect should be placed in the electric distribution panel cover in every new home. Without a way to "tag" the homes, HUD or its subcontractor will have no way to track the homes going into a neighboring state and the installers in that state. Since it is a Federal mandate to always have licensed installers in every state, this should not cause problems anywhere in the nation.

Technical Concerns

There are a variety of technical concerns that MHR brings forward for comment. Some concerns arise because HUD has revised the original intent of the MHCC December 2003 draft standard or established new requirements for the initial placement of new manufactured homes. These

concerns are listed in two separate categories entitled Critical and Important Issues. Under each section, there is no attempt to provide any priority of importance except that these issues have been raised through MHR's review. HUD has solicited response by a number of questions relating to the model standard's content and the extent of its enforcement measures. Page number(s) will be referenced throughout along with actual section references where MHR's comments apply.

1. Critical Issues

- **Mortared Pier Configurations [page 21528-21529; 3285.306(b)-(c)]**

These sections for pier configurations over 36 inches in height require a mortared assembly unless otherwise specified in the manufacturer's instructions. This is completely opposite of what was submitted by the MHCC. The MHCC stated that mortar is not required for double-stacked piers unless required by the manufacturer. This requirement could conceivably cause unnecessary mortared piers if the manufacturer's manual is silent on whether mortar is required, and then the model installation standard would require mortar in all instances. This same concern also applies to one caption in Figure B to §3285.306.

In all likelihood, a pier greater than 80" in height will require a mortared assembly. However, that is something that may not be in the manufacturer's instructions since a registered design professional (PE) can determine support system design. This seemingly capricious requirement does nothing for the stability of the home, as the home is not attached to the pier in any case. The home sits on the pier without clamps and the anchor system holds it there. This may be necessary under certain FEMA requirements but this bonding serves no purpose in general use until the stack is extremely high, such as 80 inches or more. The last sentence of this section should be deleted as it serves no useful purpose and the PE design will specify whether mortar is required or not.

- **Placement of Footings in Freezing Climates [pages 21502, 21510 and 21512; 3285.312(c)]**

The MHCC draft model installation standard included insulated foundations as a method to not have pier footings extend to the frost line depth. This can be found in the MHCC draft model standard at Section 6.3.2.3. The basic intent was to include insulated skirting as an insulated foundation system, thus the reason the MHCC draft included a provision for cross-ventilation of the space under the home. In the proposed rule at §3285.312(c)(3), this statement was deleted and replaced with any system must be designed by a registered PE and conform to ASCE 32. This mandatory reference to ASCE 32 may effectively eliminate any type of insulated skirting system from being used to permit pier footings to be above the frost line.

The longest ground anchor produced is 6 feet long, and in many areas of the country, it may be next to impossible to install then in all soil classifications. There should be a reference to §3285.312(c), in which the approved alternate anchoring system may be included as part of a listed or labeled foundation support system (floating slab or insulated foundation).

Footnote 1 of 3285.310 Figure A requires all footings to extend below frost depth. This is contradictory to §3285.312(c), where insulated foundation systems may permit footings at grade in frost areas. The footnote should reference section §3285.312(c) for footing depths. This same comment also applies to Figure B.

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There have been long standing procedures for frost protected foundations for HUD Code homes. A Kentucky report is referenced in Enclosure I and attached to this letter for departmental review in determining whether it is necessary for all foundation systems in freezing climates to require conformance to ASCE 32.

Report: State of Kentucky, Fire Marshals office, Dept. of Manufactured Housing. Letter May 2005

As an alternative to making ASCE 32 an optional reference standard or revising §3285.312(c) to the original MHCC language submitted on December 2003, MHR would offer the following performance-based language as a substitute, **“Footings placed in freezing climates must be designed and installed using methods and practices that prevent the effects of frost heave in accordance with the manufactured home design and the requirements of the Manufactured Home Construction and Safety Standards (Part 3280).”**

- **Permanent Foundation Systems [21502, 21509 and 21511; 3285.314(a)]**
Section 3285.314 should state what is being referred to under this section. The described text of the proposed rule seems to be more in line with §3285.314(b). The first two sentences of this section are mainly commentary and provide no information on how or what to use when designing permanent foundation support systems for HUD Code homes. They should be deleted in their entirety. The first is in conflict with HUD’s preemption for default states to not require more stringent requirements than that contained in the model standard. The model standard should make no mention of anything concerning how mortgage lenders or others can establish financing eligibility requirements for permanent foundations. This is for the financial institutions to decide and this standard needs to stay focused on the MHIA’s premise, to provide a **model installation standard**. Financing options for the model standard are outside the scope of the MHIA and should be deleted.

The original MHCC recommendation stated the obvious. “Designs for permanent foundations (such as basements, crawl spaces, or load-bearing perimeter foundations) may be permitted to be obtained from the home manufacturer, or designed by a registered professional engineer or architect, and constructed in accordance with local building code requirements”. This is the proper performance-based language for any section on permanent foundations.

Should the department still not finalize the MHCC language, below is performance-based language that can be used as an alternate, **“The placement of a manufactured home on a permanent foundation must be in accordance with the state requirements, installed in accordance with their listing by a nationally recognized testing agency based on nationally recognized test protocol, or installation in accordance with the manufacturer’s approved permanent foundation installation instructions; and in all cases based on the home’s design and the load requirements of the Manufactured Home Construction and Safety Standards (Part 3280).”** This is performance-based language that the MHCC developed at its May 25, 2005 conference call. MHR agrees with this type of performance language in the original MHCC language submitted in December 2003 is not appropriate for federal regulations.

Permanent foundation requirements would be specific to the installation site in question, see page 21509. With an approved state-based installation program, the LAHJ will require the permanent foundation systems to meet the local governing building codes. This has been the case for years and there is no compelling reason to change the current path. HUD's enforcement of an installation program in default states should provide the same. The MHCC draft provided the mechanism to cover this topic. It stated that when a permanent foundation system is contemplated, the design would need to follow accepted engineering practice, be design by the manufacturer or professional engineer, and in conformance with local governing building codes. This would seem appropriate to re-insert this language in §3285.314 to alleviate the concern.

It is not appropriate for the model (minimum) standard to require that manufacturers provide DAPIA-approved designs for permanent foundations, see page 21509. This should be an option to the homeowner, if they so choose, but the manufacturer should only need to provide the design when selected.

- **Ground Anchoring Assembly Corrosion Protection Requirements [page 21512; 3285.402]**

HUD modified the MHCC draft standard with regard to galvanizing of ground anchors, anchor equipment and stabilizing plates. First of all, this section requires ground anchors to be zinc-coated in all instances. This deviates from the HUD Code in that it requires anchoring equipment to have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz/ft². This would preclude other forms of known corrosion protection from being used in lieu of galvanized anchors. Stainless steel, epoxy coatings, and even mill galvanizing are acceptable methods of corrosion protection in the site-building industry.

Secondly, not all ground anchor assemblies will require steel stabilizer plates, see §3285.402(b)(3)(ii). If a ground anchor assembly is tested to be listed or certified by the current MHCC Subcommittee/Installation ground anchor test protocol under consideration, *uses an ABS stabilizer plate*, and passes all failure criteria for a certain soil classification, can that listed or certified anchor assembly be used under this section?

- **All Hinged Roofs to be Applicable [page 21504 and 21512; 3285.801(f)]**

Hinged roofs are not subject to AC letters or On-Site Completion when only in Wind Zone I, limited to a 7:12 roof pitch and cannot have any flue penetration above the hinge. The model standard should be extended to cover any hinged roof regardless of wind zone, roof pitch or flue penetration. This is a normal construction sequence that is occurring more and more frequently for HUD Code home installations.

The manufacturer can provide installation instructions for hinged roofs that conform to the HUD Code. These instructions would require DAPIA approval. This is no different than providing installation instructions for marriage line/crossover connections, alternate ground anchor assembly spacing that meets/exceeds the model installation standard, or close-up details for multi-section homes.

This option of placing hinged roofs under the model installation standard would save considerable money with regard to IPIA inspection under the on-site completion rule, and considerable time under the AC letter process. This is not a new form of HUD Code assembly and it has been performed for years. Time has shown that industry can treat hinged roofs as installation set-up without departmental oversight.

On page 21504, this same suggestion for the model standard to cover all hinged roof applications is covered. A hinged roof should be treated as construction of the home's roof assembly and subject to the requirements of the HUD Code. Once these hinged roofs are placed, they would have to conform to the HUD Code. This would be evident for hinged roofs in all Wind Zones, and not just Wind Zone I as HUD has specified in the proposed rule. As long as a hinged roof, in any Wind Zone, under any condition complies with the HUD Code after installation, it should not be subject to either on-site completion or an AC letter. If the hinged roof after installation fails to meet the HUD Code, then AC letters should be required.

- Model Standard Should Include the Pocket Penetrometer [page 21508; 3285.202]**
 The various methods to determine soil bearing capacity and classification have been deleted in lieu of accepted engineering practice. One such method, the pocket penetrometer, is a common method to determine soil bearing capacity. It also is accepted in many states throughout the country as an appropriate method. It seems reasonable to permit the LAHJ to accept any method they feel is adequate. Therefore, it is suggested that §3285.202(a)(1) be modified to permit the LAHJ to accept any method as follows: "Soil tests. Soil tests that are in accordance with generally accepted engineering practice; a pocket penetrometer or other method acceptable to the LAHJ; or".

There have been tests/reports performed on a pocket penetrometer. The reports from the original manufacturer, Soiltest, are in Enclosure I and are attached to this letter for departmental review.

- Ground Anchor Test Protocol [page 21503; 3285.402(c)]**
 The MHCC Subcommittee/Installation is presently developing a test protocol for ground anchor assemblies. MHR believes that this is the appropriate group to take on the development of test protocol. HUD should wait until the MHCC has submitted their version of a ground anchor assembly test protocol before any attempts to develop one outside the MHCC or provide specific requirements for testing in the model standard.
- Proprietary Foundation System Test Protocol [page 21501 and 21509]**
 The MHCC Subcommittee/Installation is presently developing a test protocol for ground anchor assemblies. MHR believes that this is the appropriate group to take on the development of test protocol for proprietary foundation support systems. Until one can be developed and approved by HUD, industry should continue on its present track of having these systems approved by states with qualifying installation programs or HUD in default states using the same criteria that are being used to approve these systems at present. DAPIA approval would provide one method of approval since manufacturers may wish to include some type proprietary foundation system in their installation manuals.

The MHCC has been targeted to develop a test protocol for proprietary foundation systems, once the ground anchor assembly test protocol has been completed. There have already been two known proposals submitted to the MHCC for the test criteria (Tiedown Engineering). It would be best to delay providing any specific design considerations for proprietary systems in the proposed rule at this time. The model standard is the minimum acceptable requirements and the possible alternate foundation system requirement inclusion goes beyond the MHCC "one method of installation" principle.

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Any proprietary system can be evaluated by the manufacturer. If they so choose, they could elect to include any proprietary foundation system in the installation manual. If so, then DAPIA approval would be required. Ultimately, any alternate construction method or design should be approved by the state in accordance with local governing building codes or HUD in default states per the HUD Code.

It would be up to each state to determine the appropriate inspection level for proprietary foundation systems. By the MHIA, a state only has to perform inspection but no frequency is specified. A state could always require every proprietary system to be inspected, but it is there right to do it under the MHIA's premise. In default states, if HUD requires 100 percent inspection of home installations, every proprietary system would be inspected.

- **Complete Home Installation and Close-Up Assembly [page 21499 and 21500]**
The MHCC encouraged the inclusion of close-up activities in developing its draft model standard. The main emphasis was to provide the installer of the home with all the necessary information they would need to complete the home. The department has dwelled on the fact that inspection of the close-up activities will be required in all instances. However, that is not necessarily the case, especially for those states that have a self-certified installation program. In states enforcing their own installation program, they may not require 100 percent inspection for home installations. They may only require 50 percent or below, which is their right under the MHIA §605(c)(3)(C). The MHIA only states that inspection must be performed for a qualified state inspection program but it is silent on the frequency of inspections. In a default state that is administered by the department, 100 percent inspections of close-up activities could be required depending on what frequency of inspection will be required in default states under the remaining portion of the installation program.

How can the manufacturer be responsible for close-up work when the person installing the home may not be under contract with or under the supervision of that particular manufacturer? Manufacturers can only control the close-up activity when they use their own set-up crews to install homes (as some do). However, to make the manufacturer responsible for every one of their home's installations is not practical or possible without an extraordinary expense to hire third-party agencies to perform the inspections.

Close-up should be a part of the installation of the home and the responsibility of the installer or in some cases the retailer. Thus, close-up becomes part of the installation process of home completion. In many instances, the manufacturer has no control or oversight over the installer when contracted under the home's retailer, so the onus should fall on who contracts with the installer to set the home.

Requiring close-up inspections would add cost to the overall inspection process because it is doubtful that one inspection for the setting of the home, and additional inspection for close-up, could be completed at the same time. If some states have not had problems with home close-ups, then why should the model standard require it as a minimum? This is to be a minimum standard for installing the home, not a maximum. States should be encouraged to inspect close-ups, but it should not be a condition of acceptance of any state installation program. The MHIA does not specify the type of inspection that must be performed, only that inspection is provided. This could be the start of a laundry list of inspections the departments feels is necessary to properly install the home. It should be

up to each individual state to determine what they deem necessary for proper installation of the home.

A basic premise under the proposed rule is that manufacturers' installation instructions must meet/exceed the model standard. The instructions cannot take the home out of compliance with the HUD Code and must provide adequate instructions to properly complete the home. However, the MHIA is intended to provide relief from the most common complaints known to industry, improper set-up of the home. This is responsible for a majority of complaints that retailers and manufacturers receive. This is what the installation program is all about, to ensure the adequate installation of the home, or in other words, to be absolutely sure the installer has installed the home according to the manufacturer's installation instructions, or whatever requirements may apply. That is why the onus of complying with the model standard should fall onto the installer's shoulders. It is also why other parts of the installation program are specifically geared towards improving the training and licensing/certification of installers, see MHIA §605(c)(3)(B).

- **Implementation of Seismic Criteria [page 21500]**

The model standard should maintain the status quo with respect to any seismic safety criteria. As stated in the proposed rule, some states already are implementing seismic requirements for the installation of HUD Code homes. And this is how it should be. If a state wants to provide for seismic design or construction concerns specific to the foundation support system, then they should enact requirements through state legislation when attempting to implement a state installation program. In this manner, any state program would equal/exceed the HUD model standard with respect to foundation support system design. The model standard should be the minimum necessary requirements to properly install the home. Adding seismic criteria to the model standard might conflict with what some states are presently mandating that are working sufficiently. Since there are no HUD Code requirements for the home itself to consider seismic design, why should the model standard, as a baseline document, do otherwise?

2. Important Issues

- **Figures/Tables for Marriage Line Pier Supports [page 21510; 3285.310]**

The easiest manner to provide for the appropriate location and spacing of piers would be to reference the manufacturer's installation manual. However, HUD has mentioned several times about this type of circular reference being outside of the model standard's scope. Since each new home would have its own installation manual, these types of requirements would be provided in every instance, but they are model-specific. In addition, state-based installation standards may set their own requirements which may conflict with the minimum model standard. However, HUD will judge whether a state-based installation standard meets/exceeds the model standard, and HUD will use the model standard in default states. In any event, some minimum guidance should be given to installers and the existing figures represent the MHCC's attempt to provide that guidance.

- **ABS Stabilizer Plates [page 21512; 3285.402(b)(3)(ii)]**

Not all ground anchor assemblies will require steel stabilizer plates. If a ground anchor is tested and listed/certified by the current ground anchor test protocol under consideration, *uses an ABS stabilizer plate*, and passes all failure criteria for a certain soil classification, can that listed or certified anchor assembly be used under this section?

- **Alternate Design Requirements [page 21501, 21509 and 21511 – 21512]**
 The model standard appears to include the necessary design assumptions used to develop the tables and charts for piers, footings and anchor spacing requirements, see page 21501. Almost all design assumptions are covered by existing footnotes to the tables and charts. It might be worthwhile to consider supporting a concept to include a section within the model standard, where applicable, to list the design assumptions for such items as footings, piers and ground anchor spacing requirements. In this manner, the design assumptions would not be overlooked.

It is not entirely clear that manufacturers, or any other registered PE, may perform alternate designs as long as they meet or exceed the design assumptions provided in the model standard. While HUD states numerous times throughout the proposed rule (pages 21509 and 21511 – 21512) that the intent is provided, it would be advantageous to provide a section in the model standard under §3285.1 to specifically permit alternate materials and methods of construction that are not covered in the model standard to be used as long as the intended option conforms to the minimum requirements (design assumptions) included in the model standard, or even the HUD Code, which may apply in some instances.

The MHCC draft model standard was not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed in a model standard, provided such alternative had been approved by either the LAHJ or HUD contractor (in default states). If the alternate design satisfactorily meets or exceeds the model standard requirements, then why should it not be permitted as an approved alternate method of construction to the one method prescribed in the model standard for anchoring against wind? This would assist manufacturers who may decide to include other methods of home support and anchorage in their installation manuals.

MHR can see no reason why the manufacturers cannot comply with the model standard for their installation manuals. The ultimate goal of the MHCC was to provide a document that manufacturers could use as the baseline for their own manuals. They also would be permitted to insert special instructions (for assemblies or techniques) to accomplish alternate materials, components or assemblies outside the model standard's minimum requirements.

MHR was led to believe that the model standard could not have any appendices since they could be considered non-enforceable. This was a track the MHCC Subcommittee/Dispute Resolution, which while working on accessibility requirements for the HUD Code, was told appendices are not enforceable and any requirements would need to be included in the body of the code itself. Even if an appendix option were available, the prescriptive provisions in the tables for piers and ground anchor spacings need to be included in the body of the model standard for ease of use by the installer.

It will be up to the DAPIA to approve that the manufacturers' installation manual meets/exceeds the model installation standard by the MHIA §605(a). Whether a manufacturer follows the model standard format or their own format should not matter to the department. The basic intent is to be sure the manufacturer's manual conforms at least to the minimum installation requirements stipulated by the model standard.

- **ABS Footing Pad Approval [page 21510; 3285.312(a)(3)]**

2)

ABS footing pads are currently being approved and used. With qualifying state-based programs, the state should determine the appropriate criteria for ABS pad approval. Status quo with how these materials are presently being approved for use in home installation should be maintained until an actual nationally recognized material/testing standard is developed.

- **Flood Hazard Requirements [page 21520; 3285.101(d)(1)]**

The two methods indicated in §3285.101(d)(1) for flood hazard requirements should not be all inclusive. In most instances, the LAHJ will have the final word and should be able to eliminate unnecessary flood hazard criteria that may not be required for other types of residential housing. Also, the option should exist for the LAHJ to enforce what they feel is necessary. It is their right if the state has self-certified its program through HUD. This section basically should provide two options for flood hazard criteria: 1) per the LAHJ; or 2) per the NFIP regulations. The manner presently written makes both all inclusive no matter what the circumstance.

- **Model-Specific Home Plans [page 21508; 3285.2 and 21511; 3285.403]**

There is no need to require model-specific plan criteria for the model standard, see page 21508. If there are specialized criteria for a certain model home, then the manufacturer can provide that information in the installation manual that accompanies each new home. The model standard provides one method to install the home, whether it is footings/foundation support systems, ground anchor spacings, or utility crossovers/connections. Since the model standard is considered the minimum requirements, any specialized model home will contain the accompanying plans/specifications to complete the home installation. Thus, the DAPIA will already determine that the specialized manufacturer's manual has met or exceeded the model standard. Subpart G contains the minimum criteria necessary to complete the home.

This proposed rule would require manufacturers to provide an installation manual for all homes, as the proposed rule applies to the initial installation of the new home, see page 21511. The manufacturer may have installation criteria listed in the manual for the specific model home. Therefore, the best alternative might be to permit the mating line anchorage/connection to be determined by the manufacturer's installation manual. The manufacturer's manual will need DAPIA approval to ensure that it meets/exceeds to federal model standard. Checks and balances are present for mating line anchorage mechanisms. The federal model standard is to be a "minimum" standard and some reliance on manufacturers' proprietary designs in their installation manuals is necessary. The model standard should not attempt to provide installation requirements for every conceivable multi-section home available for purchase.

- **Minor Tears in Bottom Board Materials [page 21501 and 21523; 3285.204(c)(3)]**

It is true that excessive tears or voids can create additional moisture release into the space between the home's floor system and finished ground surface. The best avenue for the model standard would be to state that all tears and voids should be repaired. This existing text is left open to differing interpretations no matter who is overseeing the installation program (HUD or SAA). What would be considered a minor tear (2", 6" or 12") considering the overall area of the vapor retarder underneath the home? How can this type of regulation be consistently enforced by states with their own installation program or various HUD contractors that enforce programs in default states? This is probably one instance where a prescriptive requirement would be necessary, but the best alternative is to require all voids and tears to be repaired.

- 21
- **Site Preparation [page 21506; 3285.2]**
 There is no reason to require a professional engineer or architect to be consulted for site preparation if the manufacturer's manual does not cover it. Every manual that has been reviewed by MHR always contains some information with regard to site preparation. If by chance a manual does not, then the LAHJ can be looked to for any conforming requirements. This could be an added cost burden to individual homeowners or community owners. Installers already must determine soil bearing capacity and classification that relates to selecting the appropriate footings, pier configurations and ground anchor spacing.
 - **Manufacturers Installation Manual Standard Format [page 21501]**
 It will be up to the DAPIA to approve that the manufacturers' installation manual meets/exceeds the model installation standard by MHIA §605(a). Whether a manufacturer follows the model standard format or their own format should not matter to the department. The basic intent is to be sure the manufacturer's manual conforms at least to the minimum installation requirements stipulated by the model standard.
 - **Manufactured Home Piers [page 21509; 3285.303]**
 The proposed rule already specifies that manufactured home piers, other than concrete masonry units or steel jack stands, be listed and labeled for the required vertical loads and appropriate lateral loads. This appears to be a performance-based requirement. There does not seem to be any reason to begin a laundry list of the design conditions. HUD should maintain status quo until some nationally recognized material/testing protocol can be developed.
 - **Shim Use for Home Leveling Purposes [page 21509 and 21528; 3285.304(c)]**
 Items (1) through (3) are supposed to be independent of each other. The MHCC draft standard included "or" after each item so that they are optional requirements when it comes to using shims to fill gaps while leveling the home. The manner presented states that "any combination applies", but without the "or" between each item, it appears to make them all mandatory in every instance. One interpretation would be that if you use item (2), item (3) is also necessary since item (2) ends with "and" making both inclusive.
 - **Steel Reinforcement for Footings [page 21502; 3285.312(b)(1)(ii)]**
 There is no need to provide steel reinforcement specifications for cast-in-place footings in the model standard. This will be determined by either the manufacture or registered PE for the intended application. The model standard is a minimum standard to install HUD Code homes. If anything, LAHJs will require reinforced footings based on local requirements if necessary. If the manufacturer desires to provide alternate footings designs, this would be the appropriate time to analyze whether reinforced footings are necessary for a specialized foundation support system for specific pier loads.
 - **Site Preparation - Organic Material Removal [page 21508; 3285.201]**
 It may not always be necessary to remove of 6 inches of soil for placement of footings on undisturbed soil. The topsoil may be much thicker than that or may be none at all. It would be much better to require the removal of all organic material from under the home and footings.
 - **Drainage of Water Runoff [page 21501]**

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The model standard requires any water runoff from gutters and downspouts to be diverted away from the home. The HUD Code or the model installation standard does not specifically require gutters or downspouts for installation on every HUD Code home. If the producer/retailer does provide gutters and downspouts as an additional feature for the home, then the installer must ensure that adequate drainage is provided at the site.

- **Home Construction Items [page 21504]**

The MHCC specifically did not address some of the items mentioned in the proposed rule (frame bonding, panel boxes and feeder requirements). These should be considered part of the HUD Code that would need plant inspection or listing/labeling to ensure compliance. Since some of these items might be home model specific and it is best to leave these issues up to the manufacturers to determine how best to provide proper design, construction and installation requirements. Some of these issues are not a “one size fits all” type of condition. The “minimum” model standard cannot be expected to cover every conceivable condition.

- **Bay Window Inclusion [page 21512]**

The department has deleted the MHCC draft requirements for bay window installation under the model standard. Under §3285.801(f), the manufacturer would need to furnish installation instructions for the hinged roof so that the installer would know the necessary elements of field installation. Bay windows are in the same vein as they could fall under a “ship-loose” item. As long as the home is designed properly for the product attachment, the manufacturer provides DAPIA-approved installation instructions, and the installer can follow those instructions, bay windows should be covered under the model standard.

Criteria Considered Necessary for the Model Installation Standard

The model installation standard includes some criteria that are necessary for proper application and enforcement of the standard once finalized by final rulemaking. The four issues highlighted below may not have been discussed by the MHCC when it developed its draft model standard for HUD’s consideration. By the department suggesting their inclusion, the proposed rule would identify some important installation and enforcement criteria for providing the “minimum” requirements for 1) manufacturers’ installation manuals; and, 2) state-based installation standards.

1. **Applicability [page 21505 and 21518; 3285.1(a)]**

The proposed rule is applicable only to the initial installation of the new home. States could enact the model installation standard to apply to secondary moves if so desired. At present, the model standard covers only new installations and states are left open to determine what requirements are necessary for secondary moves. These requirements could take the form of enactment of criteria found in existing state installation standards or enactment of new installation standards through state law.

2. **Approval of Manuals and State Standards [page 21506 and 21518; 3285.1(a)(1) and 3285.2]**

HUD identifies that all manufacturers’ installation instructions will need to meet or exceed the model installation standard. DAPIAs will be responsible for determining whether a manufacturer’s manual fulfills this requirement. When it comes to existing

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state-based installation standards, HUD will determine whether the state requirements meet or exceed the model installation standard through state self-certification.

3. Installation Conforms to Data Plate [page 21520; 3285.102]

This will codify a regulation that spells out that one cannot install any manufactured home in a higher wind zone, snow load or thermal zone than the home's original design for its initial installation.

4. Alterations [page 21500, 21506 and 21507; 3285.3]

Alterations appear to relate to additions to the home after sale that may affect the compliance of the home with the HUD Code. This could be interpreted to cover such additions as awnings, carports, or attached garages. By the model standard stating that alterations cannot impart any load to the home unless the alteration is designed to do so, makes most of these types of alterations independent of the home itself, or self supporting. This would not permit a retailer to provide an attached carport or screened room/porch without consulting the manufacturer. Due to the Fall 2004 hurricane season in Florida, this would seem appropriate. This would curtail the practice of a retailer or community owner from attaching these add-on structures to the home without the manufacturer's knowledge and require an actual designed anchorage mechanism.

Conclusion

While the department's proposed rule is largely based on the MHCC December 2003 draft model standard, MHR felt it necessary to bring to the agency's attention several concerns.

This model standard proposed rule is one part of a comprehensive installation program that a state could use as a basis to develop their own state-based installation program. With the timely publication through the rulemaking process of the other two parts of the program (training/licensing or certification of installers and inspection of home placements), some states, who have delayed any enactment of an installation program through state legislature, should be able to begin their approval process.

If there any questions concerning the above comments, MHR will be happy to address them with the department staff.

Sincerely,

George Porter
President MHR

Attachment

21
Enclosure 1



Ernie Fletcher
Governor

Lajuana S. Wichter
Secretary

Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Office of Housing, Buildings, and Construction
101 Eco Hero Road, Suite 100
Frankfort, Kentucky 40601
Telephone: (502) 573 - 0365

May 12, 2005

George Porter
MHR Consulting

George:

Thanks for the update on the Model Manufactured Home Installation Standards; Proposed Rule published in the Federal Register dated April 26, 2005. I have reviewed most of it and just have a comment to make on the requirements for the footer depths in freezing climates.

As you know, Kentucky has been training, testing, and regulating installers of Manufactured Housing since 1991. We have developed some procedures that work very well for us and we would like for you to bring this to the attention of the MHCC and whoever else might be interested. The basis of the Kentucky program is to use the manufacturer's installation instructions for all new homes, ANSI A225.1 for all used homes if the manufacturer's instructions are not available, or the sealed instructions of a certified engineer. In areas with FEMA issues, then FEMA rules apply.

In an effort to reduce the cost to the consumer for a frost free foundation, we undertook in 1994 to allow a special procedure involving the frost depth for footings under manufactured homes located in Kentucky. The procedure has worked so well, we still use it today.

Basically the regulation found in 815 KAR 25:090 Section 2 (4) and (5), states:

" If a home has a perimeter barrier (skirting) the required frost depth for all footings under the home more than 24 inches from the perimeter of the home can be half of the required depth of 24 inches to be considered frost free. If the home does not have a perimeter barrier, then all footers must be to the required 24 inch frost depth."

As you can see, our frost depth throughout the State is 24 inches, so with proper skirting and site preparation, all the footers under the homes, by more than 24 inches from the perimeter, are considered frost free at the depth of 12 inches. From 1994 to 2004, Kentucky has imported almost 98,000 new homes and probably two or three times that amount in used homes. A conservative estimate of the total homes set in the State during

Kentucky
UNCOMMONWEALTH OF KENTUCKY
Equal Opportunity Employer M/F/D

2)

that time frame is 300,000 homes with the majority being multi-section homes. There have been no failures or complaints specific to this method of frost depth control.

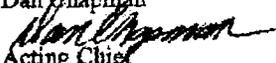
If each installation only saved two cubic yards of concrete in the footing system of each home, figuring \$60.00 per yard, our department has saved the citizens of Kentucky approximately \$17,000,000.00 over the course of the last ten years with no loss of housing performance from footer failure.

NEW HOME SHIPMENTS IN KENTUCKY (According to ITBS)

1994	10,300
1995	10,498
1996	11,762
1997	11,723
1998	11,630
1999	11,646
2000	8,432
2001	6,503
2002	5,933
2003	4,635
2004	4,708
TOTAL	97,700

We are proud to have taken this initiative on behalf of the citizens of the Commonwealth of Kentucky and through the experience of having no failures in footings at the frost depth requirements of the State; we would highly recommend this procedure to the rest of the nation. You may reach me at the above number if you need more information.

Dan Chapman



Acting Chief

Manufactured Housing
State Fire Marshal's Office
FM-103

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October 17, 1988

U. S. Department of Labor
OSHA
1961 Stout Street
Denver, CO 80294
Attn: EAS/jo

*To George Porter
Copy of letter for
your information
KSA
10/26/88*

Re: Pocket Penetrometer & Torvane

Dear Sir:

The Pocket Penetrometer and Torvane are rapid test devices which can be used to determine an approximate value of unconfined compressive strength and shear strength rapidly. The readings obtained with these devices may have an error of up to 15% or more depending on the way the instrument is used, and the number of readings of which the average is taken. An experienced technician might be able to get readings within $\pm 5\%$ if he carefully follows the instructions, takes several readings, and takes the average of only those that do not vary too much between them.

A new calibration graph for the CL-700 is enclosed; explanation of test conditions is also given on the opposite page. Note the spread of points on the graph and the description of the type of soils used in the tests. A measure of the percentage of sand or clay is not of much significance; such data are not available. Similar explanation is applicable to the Torvane also.

The most important idea we want to bring to the attention of the users of our rapid test devices such as CL-700 & CL-600A is that the values obtained by these devices should only be treated as approximate values, and the error of the values may be minimized by experienced users.

Very truly yours,
SOILTEST, INC.

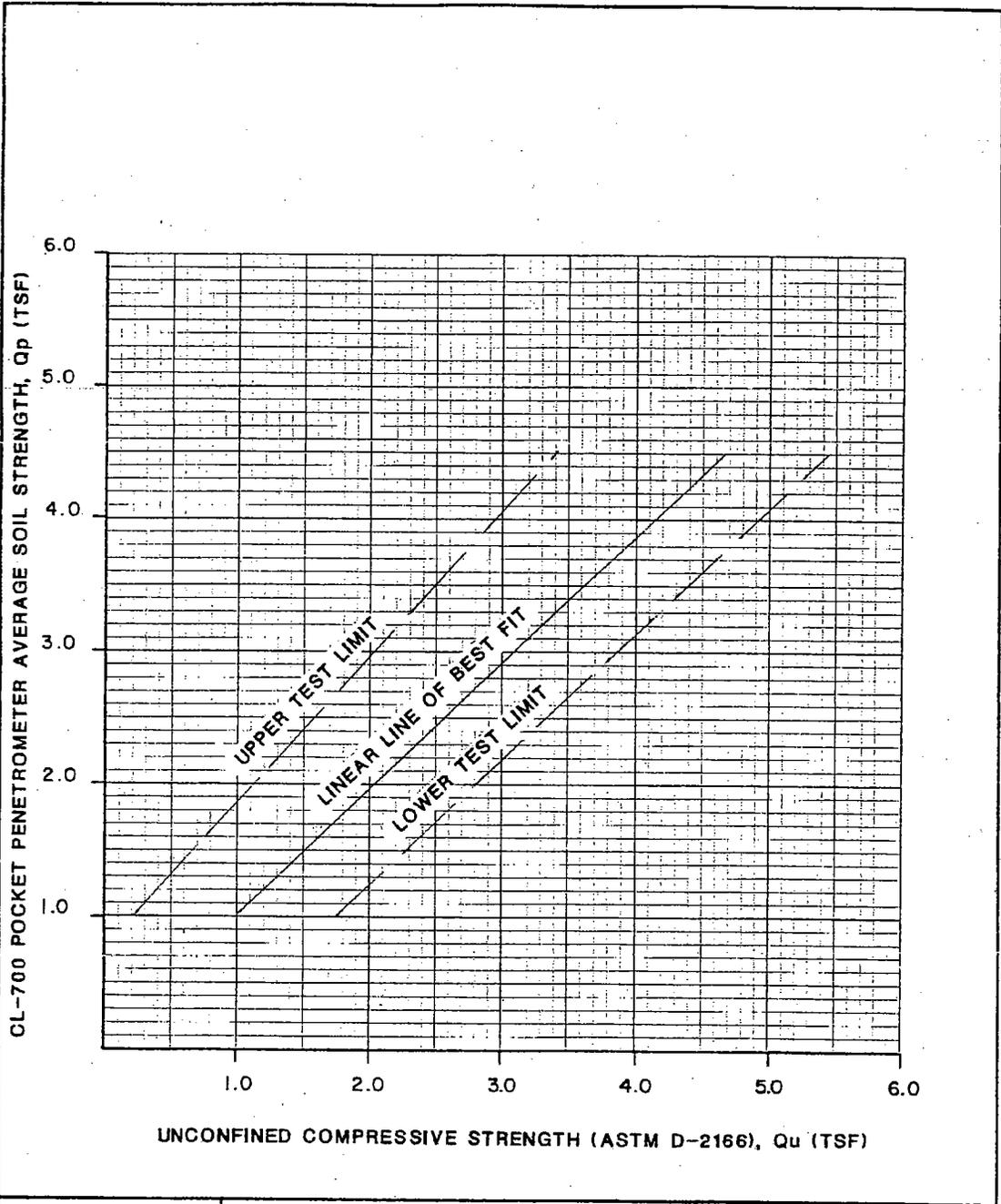
K.S. Anthony
K. S. Anthony
Technical Director

KSA:dmz

enclosure

SOILTEST, INC. • 86 Albrecht Drive • P.O. Box 8004 • Lake Bluff, Illinois 60044-8004 U.S.A.
Worldwide: (312) 295-9400 • Illinois: 1-800-942-3374 • Continental U.S.: 1-800-323-1242 • Telex: 687-1537 SOILT UW • FAX: (312) 295-9414
Materials Testing Division • Environmental Division • Agronomics Division

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 STS Consultants Ltd. Consulting Engineers	PROJECT/CLIENT	DRAWN BY	KKB
	CALIBRATION CURVE FOR SOILTEST MODEL CL-700 POCKET PENETROMETER	CHECKED BY	6-88
		APPROVED BY	MGF
	SCALE	FIGURE NO	
	STS DRAWING NO		25432

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This curve was obtained by plotting unconfined compressive strength values obtained from tests performed in accordance with ASTM D-2166 (horizontal axis), and the corresponding values obtained by pocket penetrometer readings on the same soil samples (vertical axis).

A total of 32 sets of data was utilized for development of this curve. The tests were performed on low to medium plasticity silty clay soils, with little to trace amounts of sand and trace amounts of gravel. The water content of these soils ranged from 13% to 27%, and was usually within 15% to 18%. The unit dry weight of the samples ranged from 97 pounds per cubic foot (pcf) to 133 pcf, and was usually in the range of 114 pcf to 125 pcf. The unconfined compressive strength values ranged from 0.8 to 4.5 tons per square foot (tsf).

Linear Regression is the statistical method utilized to find the straight line that best fit the data pairs used for the calibration curve. The linear equation

$$Q_u = 0.956 Q_p + 0.07$$

was obtained,

where: Q_u is the unconfined compressive strength obtained in accordance with ASTM D-2166, in tsf,

Q_p is the average soil strength reading obtained using Soiltest Model CL-700 Pocket Penetrometer, in tsf.

The correlation coefficient, r , an indicator of how closely the data plotted fits a straight line was determined to be $r = 0.963$.

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Materials Testing Division • Environmental Division • Agronomics Division



SUN COMMUNITIES, INC.

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June 27, 2005
(comment due date)

Regulations Division
Office of General Counsel
Room 10276
Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410-0500

Re: Docket No. FR-4928-P-01; HUD-2005-0006
RIN Number 2502-AI25
Model Manufactured Home Installation Standards

RECEIVED
2005 JUN 27 A 10: 34
OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

Introduction

Sun Communities, Inc. (SUN) respectfully submits comments in response to the proposed rulemaking noticed in the *Federal Register* of April 26, 2005, (70 FR 21497 – 21559).

SUN is a member of the Manufactured Housing Institute (MHI) and is a real estate investment trust (REIT) that currently owns and operates a portfolio of 134 communities comprising 46,800 developed manufactured & RV sites and approximately 7,300 sites suitable for development mainly in the Midwest and Southeast United States.

General Comments

The Manufactured Housing Consensus Committee (MHCC) was the organization that provided the department with a draft model installation standard on December 18, 2003. The MHCC was directed by the Manufactured Housing Improvement Act of 2000 [MHIA, section 605(b)(1)] to perform this activity as part of the department's development of a comprehensive installation program for the entire country.

Under the MHIA, there are three basic components for the comprehensive installation program. These are: 1) development of a model installation standard [MHIA, sections 605(a) and 605(c)(3)(A)]; 2) training and licensing/certification of manufactured home installers [MHIA, Section 605(c)(3)(B)]; and 3) inspections of the installation of manufactured homes [MHIA, section 605(c)(3)(C)]. The last two aspects of the comprehensive installation program are subject to different rulemaking and no further comments will be provided.

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Throughout its development of the draft model installation standard, the MHCC used the MHIA's three elemental principles to serve as the foundation for its draft document. These are that the model installation standard would: 1) serve as the model installation standard that a state-based installation standard must meet or exceed; 2) serve as the model installation standard that a manufacturer's installation instructions for each home must meet or exceed; and 3) serve as the installation standards for installing homes in states where HUD is responsible for operating a comprehensive installation program because the state has elected not to do so.

Upon HUD publishing its proposed rule on April 26th, two highly contentious and extremely important issues became readily apparent. These issues were in direct opposition to the MHI established positions taken during the MHCC development of its draft model installation standard document for HUD consideration. These two issues involve the underlying circumstances of how the installation program will be codified and updated in future years to come, and how HUD will intend to define/enforce the HUD model installation standard in default states.

Model Manufactured Home Installation Standard @ 24 CFR 3285

SUN asserts strongly that the federal model installation standard should not be codified under 24 CFR 3285, but instead should become subpart of 24 CFR 3280. By codifying the installation standard under Part 3285, the MHCC will not be privy and involved (120-day comment period prior to publication) with any proposed change by HUD in the future. The MHCC is the entity Congress specifically assigned to develop the installation standard and SUN is certain that Congress fully intended for the MHCC to be directly involved in its continued maintenance and updating. As currently proposed, HUD has to only provide the MHCC review period for construction and safety standards. In the definition for manufactured home (page 21520), HUD has embraced the fact that Part 3285 is for installation standards and Part 3280 is construction and safety standards.

Construction/assembly of the home and installation of the home go hand-in-hand. There should be no distinction in the federal regulations at 24 CFR 3280. This is similar to other private sector building codes where the code contains the design and construction requirements for the residential home in addition to any installation criteria that must be followed to complete the home. There should be no differentiation in the federal manufactured housing program between construction/assembly and installation. HUD will provide oversight for both components, so two separate documents (regulations) are not necessary for construction and installation.

Under the current 24 CFR 3282.14, the Alternate Construction (AC) process, as an extension of installation at the site, is used to ascertain that home installation conforms to local governing building code practices if the home, when completed, does not conform to the HUD Code. With respect to the model installation standard, this same process occurs with the only difference being that the home will conform to the HUD Code and its companion model installation standard once installed at the installation site. It seems illogical to have the federal mandate for homes not complying with the HUD Code to meet federal enforcement criteria and have homes that comply with the federal installation program outside of either the current construction (Part 3280) or enforcement regulations (Part 3282).

Critical Concerns

There are a number of critical concerns that SUN brings forward for comment. Some concerns arise because HUD has revised the original intent of the MHCC December 2003 draft standard or established new requirements for the initial placement of new manufactured homes.

HUD has solicited response by a number of questions relating to the model standard's content and the extent of its enforcement measures. Page number(s) will be referenced throughout along with actual section references where SUN's comments apply.

1. Critical Issues

- **Mortared Pier Configurations [page 21528-21529; 3285.306(b)-(c)]**
These sections for pier configurations over 36 inches in height require a mortared assembly unless otherwise specified in the manufacturer's instructions. This is completely opposite of what was submitted by the MHCC. The MHCC stated that mortar is not required for double-stacked piers unless required by the manufacturer. This requirement could conceivably cause unnecessary mortared piers if the manufacturer's manual is silent on whether mortar is required, and then the model installation standard would require mortar in all instances. This same concern also applies to one caption in Figure B to §3285.306.

In all likelihood, a pier greater than 80" in height will require a mortared assembly. However, that is something that may not be in the manufacturer's instructions since a registered design professional (PE) can determine support system design. The last sentence of this section should be deleted as it serves no useful purpose and the PE design will specify whether mortar is required or not.

- **Placement of Footings in Freezing Climates [pages 21502, 21510 and 21512; 3285.312(c)]**
The MHCC draft model installation standard included insulated foundations as a method to not have pier footings extend to the frost line depth. This can be found in the MHCC draft model standard at Section 6.3.2.3. The basic intent was to include insulated skirtings as an insulated foundation system, thus the reason the MHCC draft included a provision for cross-ventilation of the space under the home. In the proposed rule at §3285.312(c)(3), this statement was deleted and replaced with any system must be designed by a registered PE and conform to ASCE 32. This mandatory reference to ASCE 32 may effectively eliminate any type of insulated skirting system from being used to permit pier footings to be above the frost line.

By requiring a PE design (acceptable), and to make any system subject to ASCE 32 requirements (not acceptable), essentially eliminates insulated skirting materials from ever being used. ASCE 32 is for foundation systems composed of a basement, a slab, or a crawl space with a perimeter foundation wall. Insulated skirtings, with typical piers and footings, may not be applicable to ASCE 32. There is no problem with ASCE 32 being used as an optional reference standard, but

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HUD made it mandatory in all instances, thus requiring a permanent-type foundation for every home should you not want to go to frost depth with pier footings. Also, if using §3285.312(c)(2), for slab systems, ASCE 32 is also required for conformance. ASCE 32 will require vertical and horizontal insulation materials below grade.

Under §3285.404, it is possible for ground anchors not to be installed below frost line. The model standard permits footings to be located above frost line by §3285.312(c). One can use a floating slab or insulated foundation system and have footings above frost line. If the footings which bear the vertical loads can be above frost line, then why would the anchoring system not be able to do the same? The longest ground anchor produced is 6 feet long, and in many areas of the country, it may be next to impossible to install then in all soil classifications. There should be a reference to §3285.312(c), in which the approved alternate anchoring system may be included as part of a listed or labeled foundation support system (floating slab or insulated foundation).

Footnote 1 of 3285.310 Figure A requires all footings to extend below frost depth. This is contradictory to §3285.312(c), where insulated foundation systems may permit footings at grade in frost areas. The footnote should reference section §3285.312(c) for footing depths. This same comment also applies to Figure B.

There have been tests/reports performed on frost protected foundations for HUD Code homes and skirting materials. They are:

- .1 Manufactured Home Foundations Design for Seasonally Frozen Ground, Progressive Engineering, Incorporated (PEI), Goshen, IN, June 14, 1996.
2. OH MHA: Manufactured Home Movement – Lancaster, OH, PEI, July 2000 – 2001.
3. OH MHA: Manufactured Home Movement – Circleville, OH, PEI, November 2000 – 2001.
4. OH MHA: Manufactured Home Movement – Circleville, OH, PEI, September 2000 – 2001.

As an alternative to making ASCE 32 an optional reference standard or revising §3285.312(c) to the original MHCC language submitted on December 2003, SUN would offer the following performance-based language as a substitute, "Footings placed in freezing climates must be designed and installed using methods and practices that prevent the effects of frost heave in accordance with the manufactured home design and the requirements of the Manufactured Home Construction and Safety Standards (Part 3280)."

- **Permanent Foundation Systems [21502, 21509 and 21511; 3285.314(a)]**
Section 3285.314 should state what is being referred to under this section. The described text of the proposed rule seems to be more in line with §3285.314(b). The first two sentences of this section are mainly commentary and provide no information on how or what to use when designing permanent foundation support systems for HUD Code homes. They should be deleted in their entirety. The first is in conflict with HUD's preemption for default states to not require more stringent requirements than that

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contained in the model standard. The model standard should make no mention of anything concerning how mortgage lenders or others can establish financing eligibility requirements for permanent foundations. This is for the financial institutions to decide and this standard needs to stay focused on the MHIA's premise, to provide a **model installation standard**. Financing options for the model standard are outside the scope of the MHIA and should be deleted.

The original MHCC recommendation stated the obvious. "Designs for permanent foundations

(such as basements, crawl spaces, or load-bearing perimeter foundations) may be permitted to be obtained from the home manufacturer, or designed by a registered professional engineer or architect, and constructed in accordance with local building code requirements". This is the proper performance-based language for any section on permanent foundations.

Should the department still not finalize the MHCC language, below is performance-based language that can be used as an alternate, "The placement of a manufactured home on a permanent foundation must be in accordance with the state requirements, installed in accordance with their listing by a nationally recognized testing agency based on nationally recognized test protocol, or installation in accordance with the manufacturer's approved permanent foundation installation instructions; and in all cases based on the home's design and the load requirements of the Manufactured Home Construction and Safety Standards (Part 3280)." This is performance-based language that the MHCC developed at its May 25, 2005 conference call.

Permanent foundation requirements would be specific to the installation site in question, see page 21509. With an approved state-based installation program, the LAHJ will require the permanent foundation systems to meet the local governing building codes. This has been the case for years and there is no compelling reason to change the current path. HUD's enforcement of an installation program in default states should provide the same. The MHCC draft provided the mechanism to cover this topic. It stated that when a permanent foundation system is contemplated, the design would need to follow accepted engineering practice, be design by the manufacturer or professional engineer, and in conformance with local governing building codes. This would seem appropriate to re-insert this language in §3285.314 to alleviate the concern.

- **All Hinged Roofs to be Applicable [page 21504 and 21512; 3285.801(f)]**
Hinged roofs are not subject to AC letters or On-Site Completion when only in Wind Zone I, limited to a 7:12 roof pitch and cannot have any flue penetration above the hinge. The model standard should be extended to cover any hinged roof regardless of wind zone, roof pitch or flue penetration. This is a normal construction sequence that is occurring more and more frequently for HUD Code home installations.

The manufacturer can provide installation instructions for hinged roofs that conform to the HUD Code. These instructions would require DAPIA approval. This is no different

than providing installation instructions for marriage line/crossover connections, alternate ground anchor assembly spacing that meets/exceeds the model installation standard, or close-up details for multi-section homes.

This option of placing hinged roofs under the model installation standard would save considerable money with regard to IPIA inspection under the on-site completion rule, and considerable time under the AC letter process. This is not a new form of HUD Code assembly and it has been performed for years. Time has shown that industry can treat hinged roofs as installation set-up without departmental oversight.

On page 21504, this same suggestion for the model standard to cover all hinged roof applications is covered. A hinged roof should be treated as construction of the home's roof assembly and subject to the requirements of the HUD Code. Once these hinged roofs are placed, they would have to conform to the HUD Code. This would be evident for hinged roofs in all Wind Zones, and not just Wind Zone I as HUD has specified in the proposed rule. As long as a hinged roof, in any Wind Zone, under any condition complies with the HUD Code after installation, it should not be subject to either on-site completion or an AC letter. If the hinged roof after installation fails to meet the HUD Code, then AC letters should be required.

- **Model Standard Should Include the Pocket Penetrometer [page 21508; 3285.202]**
 The various methods to determine soil bearing capacity and classification have been deleted in lieu of accepted engineering practice. One such method, the pocket penetrometer, is a common method to determine soil bearing capacity. It also is accepted in many states throughout the country as an appropriate method. It seems reasonable to permit the LAHJ to accept any method they feel is adequate. Therefore, it is suggested that §3285.202(a)(1) be modified to permit the LAHJ to accept any method as follows: “Soil tests. Soil tests that are in accordance with generally accepted engineering practice; a pocket penetrometer or other method acceptable to the LAHJ; or”.
- **Complete Home Installation and Close-Up Assembly [page 21499 and 21500]**
 The MHCC encouraged the inclusion of close-up activities in developing its draft model standard. The main emphasis was to provide the installer of the home with all the necessary information they would need to complete the home. The department has dwelled on the fact that inspection of the close-up activities will be required in all instances. However, that is not necessarily the case, especially for those states that have a self-certified installation program. In states enforcing their own installation program, they may not require 100 percent inspection for home installations. They may only require 50 percent or below, which is their right under the MHIA §605(c)(3)(C). The MHIA only states that inspection must be performed for a qualified state inspection program but it is silent on the frequency of inspections. In a default state that is administered by the department, 100 percent inspections of close-up activities could be required depending on what frequency of inspection will be required in default states under the remaining portion of the installation program.

How can the manufacturer be responsible for close-up work when the person installing the home may not be under contract with or under the supervision of that particular manufacturer? Manufacturers can only control the close-up activity when they use their own set-up crews to install homes (as some do). However, to make the manufacturer responsible for every one of their home's installations is not practical or possible without an extraordinary expense to hire third-party agencies to perform the inspections.

Close-up should be a part of the installation of the home and the responsibility of the installer or in some cases the retailer. Thus, close-up becomes part of the installation process of home completion. In many instances, the manufacturer has no control or oversight over the installer when contracted under the home's retailer, so the onus should fall on who contracts with the installer to set the home.

Requiring close-up inspections would add cost to the overall inspection process because it is doubtful that one inspection for the setting of the home, and additional inspection for close-up, could be completed at the same time. If some states have not had problems with home close-ups, then why should the model standard require it as a minimum? This is to be a minimum standard for installing the home, not a maximum. States should be encouraged to inspect close-ups, but it should not be a condition of acceptance of any state installation program. The MHIA does not specify the type of inspection that must be performed, only that inspection is provided. This could be the start of a laundry list of inspections the departments feels is necessary to properly install the home. It should be up to each individual state to determine what they deem necessary for proper installation of the home.

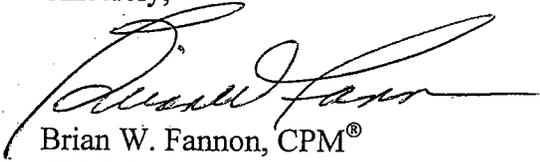
- **Figures/Tables for Marriage Line Pier Supports [page 21510; 3285.310]**
The easiest manner to provide for the appropriate location and spacing of piers would be to reference the manufacturer's installation manual. However, HUD has mentioned several times about this type of circular reference being outside of the model standard's scope. Since each new home would have its own installation manual, these types of requirements would be provided in every instance, but they are model-specific. In addition, state-based installation standards may set their own requirements which may conflict with the minimum model standard. However, HUD will judge whether a state-based installation standard meets/exceeds the model standard, and HUD will use the model standard in default states. In any event, some minimum guidance should be given to installers and the existing figures represent the MHCC's attempt to provide that guidance.
- **ABS Footing Pad Approval [page 21510; 3285.312(a)(3)]**
ABS footing pads are currently being approved and used. With qualifying state-based programs, the state should determine the appropriate criteria for ABS pad approval. MHI assumes ABS pads are tested for compressive strength as a minimum. Status quo with how these materials are presently being approved for use in home installation should be maintained until an actual nationally recognized material/testing standard is developed.

- **Minor Tears in Bottom Board Materials [page 21501 and 21523; 3285.204(c)(3)]**
 It is true that excessive tears or voids can create additional moisture release into the space between the home's floor system and finished ground surface. The best avenue for the model standard would be to state that all tears and voids should be repaired. This existing text is left open to differing interpretations no matter who is overseeing the installation program (HUD or SAA). What would be considered a minor tear (2", 6" or 12") considering the overall area of the vapor retarder underneath the home? How can this type of regulation be consistently enforced by states with their own installation program or various HUD contractors that enforce programs in default states? This is probably one instance where a prescriptive requirement would be necessary, but the best alternative is to require all voids and tears to be repaired.
- **Site Preparation [page 21506; 3285.2]**
 There is no reason to require a professional engineer or architect to be consulted for site preparation if the manufacturer's manual does not cover it. Every manual that has been reviewed by MHI always contains some information with regard to site preparation. If by chance a manual does not, then the LAHJ can be looked to for any conforming requirements. This will be added cost burden to individual homeowners or community owners. Installers already must determine soil bearing capacity and classification that relates to selecting the appropriate footings, pier configurations and ground anchor spacing.
- **Site Preparation - Organic Material Removal [page 21508; 3285.201]**
 It may not always be necessary to remove of 6 inches of soil for placement of footings on undisturbed soil. The MHCC draft standard left this open to determine the extent of ground clearance for proper foundation support system set-up. Also, it is possible that manufacturer's manuals, or a state installation program, may require removal of a minimum thickness of soil for proper footing placement. This could present conflicts if the manual or state standard specify a thickness of organic material that does not meet or exceed the model standard. This issue is better left to LAHJ to decide.
- **Drainage of Water Runoff [page 21501]**
 The model standard requires any water runoff from gutters and downspouts to be diverted away from the home. The HUD Code or the model installation standard does not specifically require gutters or downspouts for installation on every HUD Code home. If the producer/retailer does provide gutters and downspouts as an additional feature for the home, then the installer must ensure that adequate drainage is provided at the site.
- **Moisture Build-Up Laundry List [page 21521; 3285.203(a)]**
 There is extra verbiage in this section that is not necessarily due to moisture build up under the home. These are the "dampness in the home, buckling of walls or floors and problems with the operation of doors and windows". Even though this is original MHCC language, is it really necessary to provide a laundry list of what might occur without proper drainage? These are sometimes caused by other means such as moisture infiltration through the home's envelope, by improper setting of the home, or inadequately prepared piers/footing. These examples have nothing to with drainage

under the home. It is best to adhere to what is usually evident rather than providing a descriptive laundry list.

If there any questions concerning the above comments, SUN will be happy to address them with the department staff.

Sincerely,



Brian W. Fannon, CPM®
Chief Operating Officer

BWF/sg



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June 20, 2005

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Department of Housing and Urban Development
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OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

Re: Docket No. FR-4928-P-01; HUD-2005-0006
RIN Number 2502-AI25
Model Manufactured Home Installation Standards

Introduction

The New York Manufactured Housing Association, Inc. (NYMHA) respectfully submits comments in response to the proposed rulemaking noticed in the *Federal Register* of April 26, 2005, (70 FR 21497 – 21559).

NYMHA is a non-profit trade association representing all segments of the manufactured housing industry, including: manufactured home producers; suppliers; retailers; community developers, owners and managers; insurers; transporters; financial service providers and others interested in the factory-built housing industry in New York State. New York State ranks at 21st in HUD Code new manufactured home shipments and has one major producer in the state.

General Comments

The HUD Construction Code is a performance-based code that allows for the use of new products, innovative designs and new materials to meet or exceed the code. The installation standards as proposed are prescriptive in nature and should be performance driven. If they are not performance driven, it will not only be cumbersome to change the regulations, it will not allow for improvement and growth in techniques and regional design improvements. There are many areas of the proposed regulations that could be pointed to and the Manufactured Housing Consensus Committee (MHCC) was concerned with this issue in their recommendations and draft model installation standard on December 18, 2003. The MHCC was directed by the Manufactured Housing Improvement Act of 2000 [MHIA, section 605(b)(1)] to perform this activity as part of the department's development of a comprehensive installation program for the entire country.

Under the MHIA, there are three basic components for the comprehensive installation program. These are: 1) development of a model installation standard [MHIA, sections 605(a) and 605(c)(3)(A)]; 2) training and licensing/certification of manufactured home installers [MHIA, Section 605(c)(3)(B)]; and 3) inspections of the installation of manufactured homes [MHIA, section 605(c)(3)(C)]. The last two aspects of the comprehensive installation program are subject to different rulemaking and no further comments will be provided.

Throughout its development of the draft model installation standard, the MHCC used the MHIA's three elemental principles to serve as the foundation for its draft document. These are that the model installation standard would: 1) serve as the model installation standard that a state-based installation standard must meet or exceed; 2) serve as the model installation standard that a manufacturer's installation instructions for each home must meet or exceed; and 3) serve as the installation standards for installing homes in states where HUD is responsible for operating a comprehensive installation program because the state has elected not to do so.

Upon HUD publishing its proposed rule on April 26th, two highly contentious and extremely important issues became readily apparent. These issues were in direct opposition to the industry established positions taken during the MHCC development of its draft model installation standard document for HUD consideration. These two issues involve the underlying circumstances of how the installation program will be codified and updated in future years to come, and how HUD will intend to define/enforce the HUD model installation standard in default states.

Model Manufactured Home Installation Standard @ 24 CFR 3285

NYMHA asserts strongly that the federal model installation standard should not be codified under 24 CFR 3285, but instead should become subpart of 24 CFR 3280. By codifying the installation standard under Part 3285, the MHCC will not be privy and involved (120-day comment period prior to publication) with any proposed change by HUD in the future. The MHCC is the entity Congress specifically assigned to develop the installation standard and the industry is certain that Congress fully intended for the MHCC to be directly involved in its continued maintenance and updating. As currently proposed, HUD has only provided the MHCC review period for construction and safety standards. In the definition for manufactured home (page 21520), HUD has embraced the fact that Part 3285 is for installation standards and Part 3280 is construction and safety standards.

Construction/assembly of the home and installation of the home go hand-in-hand. There should be no distinction in the federal regulations at 24 CFR 3280. This is similar to other private sector building codes where the code contains the design and construction requirements for the residential home in addition to any installation criteria that must be followed to complete the home. There should be no differentiation in the federal manufactured housing program between construction/assembly and installation. HUD will provide oversight for both components, so two separate documents (regulations) are not necessary for construction and installation.

Under the current 24 CFR 3282.14, the Alternate Construction (AC) process, as an extension of installation at the site, is used to ascertain that home installation conforms to local governing building code practices if the home, when completed, does not conform to the HUD Code. With respect to the model installation standard, this same process occurs with the only difference being that the home will conform to the HUD Code and its companion model installation standard once installed at the installation site. It seems illogical to have the federal mandate for homes not complying with the HUD Code to meet federal enforcement criteria and have homes that comply with the federal installation program outside of the either the current construction (Part 3280) or enforcement regulations (Part 3282).

HUD Enforcement in Default States

On page 21500, the proposed rule describes, for the first time, what a default state will be under the installation program. Under the MHIA §623(c)(11), states have a 5-year window of opportunity to develop and implement their own state installation program through state legislature. If a state determines that they neither have the manpower or the money to sustain a complete state installation program, then the state can cede its authority over to HUD, thus becoming a "default state". Essentially, a state has given up its right to establish and implement its own installation program.

HUD intends to permit a state or municipalities to establish more stringent requirements for the installation of HUD Code homes, as long as they meet/exceed the model standard. Any default state should be preempted from establishing more stringent requirements over and above what the model installation standard provides.

States had a 5-year period beginning December 28, 2000 to enact an installation program that includes an installation standard. HUD would now permit any state or municipality to disregard the MHIA's provisions, wait and implement whatever they desire after the 5-year period ends, and circumvent the MHIA's requirements.

This essentially would permit "local jurisdictions" to enforce more stringent requirements for home installation over and above what HUD would enforce as the minimum requirements for default states. This could possibly be a way for local jurisdictions to "zone out" HUD Code homes in certain areas under their realm if they make installation requirements unreasonable for the community owner or individual tenant/homeowner to bear the initial cost. HUD's default state installation standard should be preemptive, similar to its status on design and construction of homes under 24 CFR 3280.

Technical Concerns

There are a variety of technical concerns that NYMHA brings forward for comment. Some concerns arise because HUD has revised the original intent of the MHCC December 2003 draft standard or established new requirements for the initial placement of new manufactured homes. These concerns are listed in two separate categories entitled Critical and Important Issues. Under each section, there is no attempt to provide any priority of importance except that these issues have been raised through NYMHA's review and comments received from its membership.

HUD has solicited response by a number of questions relating to the model standard's content and the extent of its enforcement measures. Page number(s) will be referenced throughout along with actual section references where NYMHA's comments apply.

1. Critical Issues

- **Mortared Pier Configurations [page 21528-21529; 3285.306(b)-(c)]**

These sections for pier configurations over 36 inches in height require a mortared assembly unless otherwise specified in the manufacturer's instructions. This is completely opposite of what was submitted by the MHCC. The MHCC stated that mortar is not required for double-stacked piers unless required by the manufacturer. This requirement could conceivably cause unnecessary mortared piers if the manufacturer's manual is silent on whether mortar is required, and then the model installation standard would require mortar in all instances. This same concern also applies to one caption in Figure B to §3285.306.

In all likelihood, a pier greater than 80" in height will require a mortared assembly. However, that is something that may not be in the manufacturer's instructions since a registered design professional (PE) can determine support system design. The last sentence of this section should be deleted as it serves no useful purpose and the PE design will specify whether mortar is required or not.

- **Placement of Footings in Freezing Climates [pages 21502, 21510 and 21512; 3285.312(c)]**

The MHCC draft model installation standard included insulated foundations as a method to not have pier footings extend to the frost line depth. This can be found in the MHCC draft model standard at Section 6.3.2.3. The basic intent was to include insulated skirtings as an insulated foundation system, thus the reason the MHCC draft included a provision for cross-ventilation of the space under the home. In the proposed rule at §3285.312(c)(3), this statement was deleted and replaced with any system must be designed by a registered PE and conform to ASCE 32. This mandatory reference to ASCE 32 may effectively eliminate any type of insulated skirting system from being used to permit pier footings to be above the frost line.

By requiring a PE design (acceptable), and to make any system subject to ASCE 32 requirements (not acceptable), essentially eliminates insulated skirting materials from ever being used. ASCE 32 is for

foundation systems composed of a basement, a slab, or a crawl space with a perimeter foundation wall. Insulated skirtings, with typical piers and footings, may not be applicable to ASCE 32. There is no problem with ASCE 32 being used as an optional reference standard, but

HUD made it mandatory in all instances, thus requiring a permanent-type foundation for every home should you not want to go to frost depth with pier footings. There are many acceptable methods of meeting frost concerns other than going below the frost line.

Also, if using §3285.312(c)(2), for slab systems, ASCE 32 is also required for conformance. ASCE 32 will require vertical and horizontal insulation materials below grade. Many industry members do insulate floating slab systems in freezing climates but the affect of the more stringent ASCE 32 requirement needs to be addressed.

Under §3285.404, it is possible for ground anchors not to be installed below frost line. The model standard permits footings to be located above frost line by §3285.312(c). One can use a floating slab or insulated foundation system and have footings above frost line. If the footings that bear the vertical loads can be above frost line, then why would the anchoring system not be able to do the same? The longest ground anchor produced is 6 feet long, and in many areas of the country, it may be next to impossible to install then in all soil classifications. There should be a reference to §3285.312(c), in which the approved alternate anchoring system may be included as part of a listed or labeled foundation support system (floating slab or insulated foundation).

Footnote 1 of 3285.310 Figure A requires all footings to extend below frost depth. This is contradictory to §3285.312(c), where insulated foundation systems may permit footings at grade in frost areas. The footnote should reference section §3285.312(c) for footing depths. This same comment also applies to Figure B.

There have been tests/reports performed on frost-protected foundations for HUD Code homes and skirting materials. The reports referenced at Enclosure I are attached to this letter for departmental review in determining whether it is necessary for all foundation systems in freezing climates to require conformance to ASCE 32.

- .1 Manufactured Home Foundations Design for Seasonally Frozen Ground, Progressive Engineering, Incorporated (PEI), Goshen, IN, June 14, 1996.
2. OH MHA: Manufactured Home Movement – Lancaster, OH, PEI, July 2000 – 2001.
3. OH MHA: Manufactured Home Movement – Circleville, OH, PEI, November 2000 – 2001.
4. OH MHA: Manufactured Home Movement – Circleville, OH, PEI, September 2000 – 2001.

As an alternative to making ASCE 32 an optional reference standard or revising §3285.312(c) to the original MHCC language submitted on December 2003, NYMHA would offer the following performance-based language as a substitute, "Footings placed in freezing climates must be designed and installed using methods and practices that prevent the effects of frost heave in accordance with the manufactured home design and the requirements of the Manufactured Home Construction and Safety Standards (Part 3280)."

- **Permanent Foundation Systems [21502, 21509 and 21511; 3285.314(a)]**

Section 3285.314 should state what is being referred to under this section. The described text of the proposed rule seems to be more in line with §3285.314(b). The first two sentences of this section are mainly commentary and provide no information on how or what to use when designing permanent foundation support systems for HUD Code homes. They should be deleted in their entirety. The first is in conflict with HUD's preemption for default states to not require more stringent requirements than that contained in the model standard. The model standard should make no mention of anything concerning how mortgage lenders or others can establish financing eligibility requirements for permanent

foundations. This is for the financial institutions to decide and this standard needs to stay focused on the MHIA's premise, to provide a **model installation standard**. Financing options for the model standard are outside the scope of the MHIA and should be deleted.

The original MHCC recommendation stated the obvious. "Designs for permanent foundations (such as basements, crawl spaces, or load-bearing perimeter foundations) may be permitted to be obtained from the home manufacturer, or designed by a registered professional engineer or architect, and constructed in accordance with local building code requirements". This is the proper performance-based language for any section on permanent foundations.

Should the department still not finalize the MHCC language, below is performance-based language that can be used as an alternate, "The placement of a manufactured home on a permanent foundation must be in accordance with the state requirements, installed in accordance with their listing by a nationally recognized testing agency based on nationally recognized test protocol, or installation in accordance with the manufacturer's approved permanent foundation installation instructions; and in all cases based on the home's design and the load requirements of the Manufactured Home Construction and Safety Standards (Part 3280)." This is performance-based language that the MHCC developed at its May 25, 2005 conference call. NYMHA agrees with this type of performance language if the original MHCC language submitted in December 2003 is not appropriate for federal regulations.

Permanent foundation requirements would be specific to the installation site in question, see page 21509. With an approved state-based installation program, the LAHJ will require the permanent foundation systems to meet the local governing building codes. This has been the case for years and there is no compelling reason to change the current path. HUD's enforcement of an installation program in default states should provide the same. The MHCC draft provided the mechanism to cover this topic. It stated that when a permanent foundation system is contemplated, the design would need to follow accepted engineering practice, be design by the manufacturer or professional engineer, and in conformance with local governing building codes. This would seem appropriate to re-insert this language in §3285.314 to alleviate the concern.

It is not appropriate for the model (minimum) standard to require that manufacturers provide DAPIA-approved designs for permanent foundations, see page 21509. This should be an option to the homeowner, if they so choose, but the manufacturer should only need to provide the design when selected. The industry has encouraged manufacturers to provide permanent foundations designs for homes and it is hoped that the model standard will do the same. But to make it mandatory in every instance is overkill, especially when a large majority of HUD Code homes will follow the conventional installation method of piers with ground anchor assemblies. There are many smaller manufactured home producers that do not have engineering staff available to perform this task. These companies use outside engineering consultants to provide their design packages. This would be an added extra cost to these small producers for complying with a requirement that their buyers may not even wish to consider.

- **Ground Anchoring Assembly Corrosion Protection Requirements [page 21512; 3285.402]**
HUD modified the MHCC draft standard with regard to galvanizing of ground anchors, anchor equipment and stabilizing plates. First of all, this section requires ground anchors to be zinc-coated in all instances. This deviates from the HUD Code in that it requires anchoring equipment to have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz/ft². This would preclude other forms of known corrosion protection from being used in lieu of galvanized anchors. Stainless steel, epoxy coatings, and even mill galvanizing are acceptable methods of corrosion protection in the site-building industry.

Secondly, the problem is that imported (foreign) anchors are less expensive than USA-made ground anchors with the same type of zinc galvanizing. Has the economics of requiring all zinc-coated anchors been identified? Product suppliers say this passage would require ground anchors to be more expensive than their foreign counterparts.

Thirdly, not all ground anchor assemblies will require steel stabilizer plates; see §3285.402(b)(3)(ii). If a ground anchor assembly is tested to be listed or certified by the current MHCC Subcommittee/Installation ground anchor test protocol under consideration, *uses an ABS stabilizer plate*, and passes all failure criteria for a certain soil classification, can that listed or certified anchor assembly be used under this section?

- **All Hinged Roofs to be Applicable [page 21504 and 21512; 3285.801(f)]**

Hinged roofs are not subject to AC letters or On-Site Completion when only in Wind Zone I, limited to a 7:12 roof pitch and cannot have any flue penetration above the hinge. The model standard should be extended to cover any hinged roof regardless of wind zone, roof pitch or flue penetration. This is a normal construction sequence that is occurring more and more frequently for HUD Code home installations.

The manufacturer can provide installation instructions for hinged roofs that conform to the HUD Code. These instructions would require DAPIA approval. This is no different than providing installation instructions for marriage line/crossover connections, alternate ground anchor assembly spacing that meets/exceeds the model installation standard, or close-up details for multi-section homes.

This option of placing hinged roofs under the model installation standard would save considerable money with regard to IPIA inspection under the on-site completion rule, and considerable time under the AC letter process. This is not a new form of HUD Code assembly and it has been performed for years. Time has shown that industry can treat hinged roofs as installation set-up without departmental oversight.

On page 21504, this same suggestion for the model standard to cover all hinged roof applications is covered. A hinged roof should be treated as construction of the home's roof assembly and subject to the requirements of the HUD Code. Once these hinged roofs are placed, they would have to conform to the HUD Code. This would be evident for hinged roofs in all Wind Zones, and not just Wind Zone I as HUD has specified in the proposed rule. As long as a hinged roof, in any Wind Zone, under any condition complies with the HUD Code after installation, it should not be subject to either on-site completion or an AC letter. If the hinged roof after installation fails to meet the HUD Code, then AC letters should be required.

- **Model Standard Should Include the Pocket Penetrometer [page 21508; 3285.202]**

The various methods to determine soil bearing capacity and classification have been deleted in lieu of accepted engineering practice. One such method, the pocket penetrometer, is a common method to determine soil-bearing capacity. It also is accepted in many states throughout the country as an appropriate method. It seems reasonable to permit the LAHJ to accept any method they feel is adequate. Therefore, it is suggested that §3285.202(a)(1) be modified to permit the LAHJ to accept any method as follows: "*Soil tests. Soil tests that are in accordance with generally accepted engineering practice; a pocket penetrometer or other method acceptable to the LAHJ; or*".

- **Ground Anchor Test Protocol [page 21503; 3285.402(c)]**

The MHCC Subcommittee/Installation is presently developing a test protocol for ground anchor assemblies. HUD should wait until the MHCC has submitted their version of a ground anchor assembly test protocol before any attempts to develop one outside the MHCC or provide specific requirements for testing in the model standard.

- **Proprietary Foundation System Test Protocol [page 21501 and 21509]**

The MHCC Subcommittee/Installation is presently developing a test protocol for ground anchor assemblies. Until one can be developed and approved by HUD, industry should continue on its present track of having these systems approved by states with qualifying installation programs or HUD in default states using the same criteria that are being used to approve these systems at present. DAPIA approval would provide one method of approval since manufacturers may wish to include some type proprietary foundation system in their installation manuals.

The MHCC has been targeted to develop a test protocol for proprietary foundation systems, once the ground anchor assembly test protocol has been completed. There have already been two known proposals submitted to the MHCC for the test criteria (Tiedown Engineering). It would be best to delay providing any specific design considerations for proprietary systems in the proposed rule at this time. The model standard is the minimum acceptable requirements and the possible alternate foundation system requirement inclusion goes beyond the MHCC "one method of installation" principle.

The manufacturer can evaluate any proprietary system. If they so choose, they could elect to include any proprietary foundation system in the installation manual. If so, then DAPIA approval would be required. Ultimately, any alternate construction method or design should be approved by the state in accordance with local governing building codes or HUD in default states per the HUD Code.

It would be up to each state to determine the appropriate inspection level for proprietary foundation systems. By the MHIA, a state only has to perform inspection but no frequency is specified. A state could always require every proprietary system to be inspected, but it is there right to do it under the MHIA's premise. In default states, if HUD requires 100 percent inspection of home installations, every proprietary system would be inspected.

- **Complete Home Installation and Close-Up Assembly [page 21499 and 21500]**

The MHCC encouraged the inclusion of close-up activities in developing its draft model standard. The main emphasis was to provide the installer of the home with all the necessary information they would need to complete the home. The department has dwelled on the fact that inspection of the close-up activities will be required in all instances. However, that is not necessarily the case, especially for those states that have a self-certified installation program. In states enforcing their own installation program, they may not require 100 percent inspection for home installations. They may only require 50 percent or below, which is their right under the MHIA §605(c)(3)(C). The MHIA only states that inspection must be performed for a qualified state inspection program but it is silent on the frequency of inspections. In a default state that is administered by the department, 100 percent inspections of close-up activities could be required depending on what frequency of inspection will be required in default states under the remaining portion of the installation program.

How can the manufacturer be responsible for close-up work when the person installing the home may not be under contract with or under the supervision of that particular manufacturer? Manufacturers can only control the close-up activity when they use their own set-up crews to install homes (as some do). However, to make the manufacturer responsible for every one of their home's installations is not practical or possible without an extraordinary expense to hire third-party agencies to perform the inspections.

Close-up should be a part of the installation of the home and the responsibility of the installer or in some cases the retailer. Thus, close-up becomes part of the installation process of home completion. In many instances, the manufacturer has no control or oversight over the installer when contracted under the home's retailer, so the onus should fall on who contracts with the installer to set the home.

New York State requires a building permit for the installation of a manufactured home, a series of inspections and upon completion a Certificate of Occupancy be issued on every home sited in the state. Not all states have building code enforcement or the ability to do inspections.

Requiring close-up inspections would add cost to the overall inspection process because it is doubtful that one inspection for the setting of the home, and additional inspection for close-up, could be completed at the same time. If some states have not had problems with home close-ups, then why should the model standard require it as a minimum? This is to be a minimum standard for installing the home, not a maximum. States should be encouraged to inspect close-ups, but it should not be a condition of acceptance of any state installation program. The MHIA does not specify the type of inspection that must be performed, only that inspection is provided. This could be the start of a laundry list of inspections the departments feels is necessary to properly install the home. It should be up to each individual state to determine what they deem necessary for proper installation of the home.

A basic premise under the proposed rule is that manufacturers' installation instructions must meet/exceed the model standard. The instructions cannot take the home out of compliance with the HUD Code and must provide adequate instructions to properly complete the home. However, the MHIA is intended to provide relief from the most common complaints known to industry, improper set-up of the home. This is responsible for a majority of complaints that retailers and manufacturers receive. This is what the installation program is all about, to ensure the adequate installation of the home, or in other words, to be absolutely sure the installer has installed the home according to the manufacturer's installation instructions, or whatever requirements may apply. That is why the onus of complying with the model standard should fall onto the installer's shoulders. It is also why other parts of the installation program are specifically geared towards improving the training and licensing/certification of installers, see MHIA §605(c)(3)(B).

- **Implementation of Seismic Criteria [page 21500]**

The model standard should maintain the status quo with respect to any seismic safety criteria. As stated in the proposed rule, some states already are implementing seismic requirements for the installation of HUD Code homes. And this is how it should be. If a state wants to provide for seismic design or construction concerns specific to the foundation support system, then they should enact requirements through state legislation when attempting to implement a state installation program. In this manner, any state program would equal/exceed the HUD model standard with respect to foundation support system design. The model standard should be the minimum necessary requirements to properly install the home. Adding seismic criteria to the model standard might conflict with what some states are presently mandating that are working sufficiently. Since there are no HUD Code requirements for the home itself to consider seismic design, why should the model standard, as a baseline document, do otherwise?

2. Important Issues

- **Figures/Tables for Marriage Line Pier Supports [page 21510; 3285.310]**

The easiest manner to provide for the appropriate location and spacing of piers would be to reference the manufacturer's installation manual. However, HUD has mentioned several times about this type of circular reference being outside of the model standard's scope. Since each new home would have its own installation manual, these types of requirements would be provided in every instance, but they are model-specific. In addition, state-based installation standards may set their own requirements that may conflict with the minimum model standard. However, HUD will judge whether a state-based installation standard meets/exceeds the model standard, and HUD will use the model standard in default states. In any event, some minimum guidance should be given to installers and the existing figures represent the MHCC's attempt to provide that guidance.

- **ABS Stabilizer Plates [page 21512; 3285.402(b)(3)(ii)]**

Not all ground anchor assemblies will require steel stabilizer plates. If a ground anchor is tested and listed/certified by the current ground anchor test protocol under consideration, *uses an ABS stabilizer plate*, and passes all failure criteria for a certain soil classification, can that listed or certified anchor assembly be used under this section?

- **Alternate Design Requirements [page 21501, 21509 and 21511 – 21512]**

The model standard appears to include the necessary design assumptions used to develop the tables and charts for piers, footings and anchor spacing requirements, see page 21501. Almost all design assumptions are covered by existing footnotes to the tables and charts. It might be worthwhile to consider supporting a concept to include a section within the model standard, where applicable, to list the design assumptions for such items as footings, piers and ground anchor spacing requirements. In this manner, the design assumptions would not be overlooked.

It is not entirely clear that manufacturers, or any other registered PE, may perform alternate designs as long as they meet or exceed the design assumptions provided in the model standard. While HUD states numerous times throughout the proposed rule (pages 21509 and 21511 – 21512) that the intent is provided, it would be advantageous to provide a section in the model standard under §3285.1 to specifically permit alternate materials and methods of construction that are not covered in the model standard to be used as long as the intended option conforms to the minimum requirements (design assumptions) included in the model standard, or even the HUD Code, which may apply in some instances.

The MHCC draft model standard was not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed in a model standard, provided such alternative had been approved by either the LAHJ or HUD contractor (in default states). If the alternate design satisfactorily meets or exceeds the model standard requirements, then why should it not be permitted as an approved alternate method of construction to the one method prescribed in the model standard for anchoring against wind? This would assist manufacturers who may decide to include other methods of home support and anchorage in their installation manuals.

The ultimate goal of the MHCC was to provide a document that manufacturers could use as the baseline for their own manuals. They also would be permitted to insert special instructions (for assemblies or techniques) to accomplish alternate materials, components or assemblies outside the model standard's minimum requirements.

It will be up to the DAPIA to approve that the manufacturers' installation manual meets/exceeds the model installation standard by the MHIA §605(a). Whether a manufacturer follows the model standard format or their own format should not matter to the department. The basic intent is to be sure the manufacturer's manual conforms at least to the minimum installation requirements stipulated by the model standard.

- **ABS Footing Pad Approval [page 21510; 3285.312(a)(3)]**

ABS footing pads are currently being approved and used. With qualifying state-based programs, the state should determine the appropriate criteria for ABS pad approval. The industry assumes ABS pads are tested for compressive strength as a minimum. Status quo with how these materials are presently being approved for use in home installation should be maintained until an actual nationally recognized material/testing standard is developed.

- **Flood Hazard Requirements [page 21520; 3285.101(d)(1)]**

The two methods indicated in §3285.101(d)(1) for flood hazard requirements should not be all inclusive. In most instances, the LAHJ will have the final word and should be able to eliminate unnecessary flood hazard criteria that may not be required for other types of residential housing. Also, the option should exist for the LAHJ to enforce what they feel is necessary. It is their right if the state has self-certified its program through HUD. This section basically should provide two options for flood hazard criteria: 1) per the LAHJ; or 2) per the NFIP regulations. The manner presently written makes both all-inclusive no matter what the circumstance.

- **Model-Specific Home Plans [page 21508; 3285.2 and 21511; 3285.403]**

There is no need to require model-specific plan criteria for the model standard, see page 21508. If there are specialized criteria for a certain model home, then the manufacturer can provide that information in the installation manual that accompanies each new home. The model standard provides one method to install the home, whether it is footings/foundation support systems, ground anchor spacings, or utility crossovers/connections. Since the model standard is considered the minimum requirements, any specialized model home will contain the accompanying plans/specifications to complete the home installation. Thus, the DAPIA will already determine that the specialized manufacturer's manual has met or exceeded the model standard. Subpart G contains the minimum criteria necessary to complete the home.

This proposed rule would require manufacturers to provide an installation manual for all homes, as the proposed rule applies to the initial installation of the new home, see page 21511. The manufacturer may have installation criteria listed in the manual for the specific model home. Therefore, the best alternative might be to permit the mating line anchorage/connection to be determined by the manufacturer's installation manual. The manufacturer's manual will need DAPIA approval to ensure that it meets/exceeds to federal model standard. Checks and balances are present for mating line anchorage mechanisms. The federal model standard is to be a "minimum" standard and some reliance on manufacturers' proprietary designs in their installation manuals is necessary. The model standard should not attempt to provide installation requirements for every conceivable multi-section home available for purchase.

- **Minor Tears in Bottom Board Materials [page 21501 and 21523; 3285.204(c)(3)]**

It is true that excessive tears or voids can create additional moisture release into the space between the homes floor system and finished ground surface. The best avenue for the model standard would be to state that all tears and voids should be repaired. This existing text is left open to differing interpretations no matter who is overseeing the installation program (HUD or SAA). What would be considered a minor tear (2", 6" or 12") considering the overall area of the vapor retarder underneath the home? How can this type of regulation be consistently enforced by states with their own installation program or various HUD contractors that enforce programs in default states? This is probably one instance where a prescriptive requirement would be necessary, but the best alternative is to require all voids and tears to be repaired.

- **Site Preparation [page 21506; 3285.2]**

There is no reason to require a professional engineer or architect to be consulted for site preparation if the manufacturer's manual does not cover it. Every manual always contains some information with regard to site preparation. If by chance a manual does not, then the LAHJ can be looked to for any conforming requirements. This could be an added cost burden to individual homeowners or community owners. Installers already must determine soil bearing capacity and classification that relates to selecting the appropriate footings, pier configurations and ground anchor spacing.

- **Manufacturers Installation Manual Standard Format [page 21501]**
It will be up to the DAPIA to approve that the manufacturers' installation manual meets/exceeds the model installation standard by MHIA §605(a). Whether a manufacturer follows the model standard format or their own format should not matter to the department. The basic intent is to be sure the manufacturer's manual conforms at least to the minimum installation requirements stipulated by the model standard.
- **Manufactured Home Piers [page 21509; 3285.303]**
The proposed rule already specifies that manufactured home piers, other than concrete masonry units or steel jack stands, be listed and labeled for the required vertical loads and appropriate lateral loads. This appears to be a performance-based requirement. There does not seem to be any reason to begin a laundry list of the design conditions. HUD should maintain status quo until some nationally recognized material/testing protocol could be developed.
- **Shim Use for Home Leveling Purposes [page 21509 and 21528; 3285.304(c)]**
Items (1) through (3) are supposed to be independent of each other. The MHCC draft standard included "or" after each item so that they are optional requirements when it comes to using shims to fill gaps while leveling the home. The manner presented states that "any combination applies", but without the "or" between each item, it appears to make them all mandatory in every instance. One interpretation would be that if you use item (2), item (3) is also necessary since item (2) ends with "and" making both inclusive.
- **Steel Reinforcement for Footings [page 21502; 3285.312(b)(1)(ii)]**
There is no need to provide steel reinforcement specifications for cast-in-place footings in the model standard. Either the manufacturer or registered PE for the intended application will determine this. The model standard is a minimum standard to install HUD Code homes. If anything, LAHJs will require reinforced footings based on local requirements if necessary. If the manufacturer desires to provide alternate footings designs, this would be the appropriate time to analyze whether reinforced footings are necessary for a specialized foundation support system for specific pier loads.
- **Site Preparation - Organic Material Removal [page 21508; 3285.201]**
It may not always be necessary to remove of 6 inches of soil for placement of footings on undisturbed soil. The MHCC draft standard left this open to determine the extent of ground clearance for proper foundation support system set-up. Also, it is possible that manufacturer's manuals, or a state installation program, may require removal of a minimum thickness of soil for proper footing placement. This could present conflicts if the manual or state standard specify a thickness of organic material that does not meet or exceed the model standard. This issue is better left to LAHJ to decide.
- **Drainage of Water Runoff [page 21501]**
The model standard requires any water runoff from gutters and downspouts to be diverted away from the home. The HUD Code or the model installation standard does not specifically require gutters or downspouts for installation on every HUD Code home. If the producer/retailer does provide gutters and downspouts as an additional feature for the home, then the installer must ensure that adequate drainage is provided at the site.
- **Moisture Build-Up Laundry List [page 21521; 3285.203(a)]**
There is extra verbiage in this section that is not necessarily due to moisture build up under the home. These are the "dampness in the home, buckling of walls or floors and problems with the operation of doors and windows". Even though this is original MHCC language, is it really necessary to provide a laundry list of what might occur without proper drainage? These are sometimes caused by other means such as moisture infiltration through the home's envelope, by improper setting of the home, or inadequately prepared piers/footing. These examples have nothing to do with drainage under the home. It is best to adhere to what is usually evident rather than providing a descriptive laundry list.

- **Home Construction Items [page 21504]**
The MHCC specifically did not address some of the items mentioned in the proposed rule (frame bonding, panel boxes and feeder requirements). These should be considered part of the HUD Code that would need plant inspection or listing/labeling to ensure compliance. Since some of these items might be home model specific and it is best to leave these issues up to manufacturers to determine how best to provide proper design, construction and installation requirements. Some of these issues are not a “one size fits all” type of condition. The “minimum” model standard cannot be expected to cover every conceivable condition.
- **Bay Window Inclusion [page 21512]**
The department has deleted the MHCC draft requirements for bay window installation under the model standard. Under §3285.801(f), the manufacturer would need to furnish installation instructions for the hinged roof so that the installer would know the necessary elements of field installation. Bay windows are in the same vein as they could fall under a “ship-loose” item. As long as the home is designed properly for the product attachment, the manufacturer provides DAPIA-approved installation instructions, and the installer can follow those instructions, bay windows should be covered under the model standard.

Criteria Considered Necessary for the Model Installation Standard

The model installation standard includes some criteria that are necessary for proper application and enforcement of the standard once finalized by final rulemaking. The four issues highlighted below may not have been discussed by the MHCC when it developed its draft model standard for HUD’s consideration. By the department suggesting their inclusion, the proposed rule would identify some important installation and enforcement criteria for providing the “minimum” requirements for 1) manufacturers’ installation manuals; and, 2) state-based installation standards.

1. **Applicability [page 21505 and 21518; 3285.1(a)]**
The proposed rule is applicable only to the initial installation of the new home. States could enact the model installation standard to apply to secondary moves if so desired. At present, the model standard covers only new installations and states are left open to determine what requirements are necessary for secondary moves. These requirements could take the form of enactment of criteria found in existing state installation standards or enactment of new installation standards through state law.
2. **Approval of Manuals and State Standards [page 21506 and 21518; 3285.1(a)(1) and 3285.2]**
HUD identifies that all manufacturers’ installation instructions will need to meet or exceed the model installation standard. DAPIAs will be responsible for determining whether a manufacturer’s manual fulfills this requirement. When it comes to existing state-based installation standards, HUD will determine whether the state requirements meet or exceed the model installation standard through state self-certification.
3. **Installation Conforms to Data Plate [page 21520; 3285.102]**
This will codify a regulation that spells out that one cannot install any manufactured home in a higher wind zone, snow load or thermal zone than the home’s original design for its initial installation. MHI receives this question on occasion for used home sales. New §3285.102 can provide HUD guidance on future industry inquiries of this nature.
4. **Alterations [page 21500, 21506 and 21507; 3285.3]**
Alterations appear to relate to additions to the home after sale that may affect the compliance of the home with the HUD Code. This could be interpreted to cover such additions as awnings, carports, or attached garages. By the model standard stating that alterations cannot impart any load to the home unless the alteration is designed to do so, makes most of these types of alterations independent of the

home itself, or self supporting. This would not permit a retailer to provide an attached carport or screened room/porch without consulting the manufacturer. Due to the Fall 2004 hurricane season in Florida, this would seem appropriate. This would curtail the practice of a retailer or community owner from attaching these add-on structures to the home without the manufacturer's knowledge and require an actual designed anchorage mechanism.

Conclusion

HUD should be applauded for publishing the proposed rule for development of the model manufactured home installation standard. While the department's proposed rule is largely based on the MHCC December 2003 draft model standard, NYMHA felt it necessary to bring to the agency's attention several concerns. This model standard proposed rule is one part of a comprehensive installation program that a state could use as a basis to develop their own state-based installation program. With the timely publication through the rulemaking process of the other two parts of the program (training/licensing or certification of installers and inspection of home placements), some states, which have delayed any enactment of an installation program through state legislature, should be able to begin their approval process.

If there any questions concerning the above comments, NYMHA will be happy to address them with the department staff.

Sincerely,



Nancy H. Geer
Executive Director



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Regulations Division
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Department of Housing and Urban Development
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Washington, D.C., 20410-0500

Re: Federal Register of April 26, 2005
Volume 70, Number 79,
Pages 21497-21559
Model Manufactured Home Installation Standards; Proposed Rule

To Whom It May Concern:

The International Code Council, Inc. (ICC) appreciates the opportunity to submit comments to HUD on the proposed rule that would establish new Model Manufactured Home Installation Standards for the installation of new manufactured homes and would include standards for the completion of certain aspects necessary to join all sections of multi-section homes.

ICC is a private, not-for-profit organization whose mission is to provide the highest quality codes, standards, products, and services for all concerned with the safety and performance of the built environment. The members of ICC include building and fire code officials and inspectors, and others intimately involved in the development and enforcement of building construction regulations at the federal, state and local levels of government, as well as those affected by the codes such as the trades. With committees of volunteers and a staff of more than 300, the ICC, a 40,000-member association dedicated to building safety, develops the codes used to construct residential and commercial buildings, including homes and schools. The majority of U.S. cities, counties, states and federal agencies that adopt codes choose building safety and fire prevention codes developed by the ICC. Currently, the International Residential Code (IRC) is used in 45 states, the International Building Code (IBC) is used in 45 states and by most federal agencies that enforce building codes. Federal agencies such as the U.S. General Services

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Administration, U.S. Department of State, U.S. Department of Defense, National Park Service, U.S. Forest Service, Architect of the Capitol and the U.S. Veterans Administration have found it desirable to use the IBC in order to accomplish their agency mission with excellent results. Following are our comments on the proposed rule:

General Comments

In reviewing this proposed rule there is reference made to an upcoming separate rulemaking by HUD dealing with establishment of an installation program and associated inspections. It is difficult to comment on this proposed rule without seeing these other regulations that are forthcoming. This seems analogous to publishing a building code full of technical requirements and indicating enforcement, conformity assessment, etc. issues would be dealt with at a later time.

We find it difficult to understand how this proposed rule will work with state and local codes and code enforcement programs. HUD regulates the design and construction of the manufactured home (the box) and through those regulations the box is approved at the national level and shipped to a site. State and local government have no control over the design and construction of the box (and it appears there is some minor completion of the box on site such as joining multiple sections, installing manufacturer supplied cross over ducts and pipes, etc.).

Who controls the installation of the box on the site? Currently, state and local government have control through zoning and building, mechanical, plumbing, fuel gas, etc. codes, whether on a permanent site built foundation or on a manufactured home "set up". In short what is done in the factory or comes with the home from the factory is under the HUD code and what is done on site with respect to installation is under state or local code. This is for new installations of new boxes. For modifications to existing boxes we believe that state or local code applies to those modifications. For new installations of existing previously installed boxes we also believe state or local code applies.

The proposed rule, "model installation standards" (MIS) is, to some degree, analogous to a model code such as the IRC. The difference is that the HUD MIS is essentially a mandatory minimum standard that must be followed for all installations. Where there is no state or local code then the installation is governed by the MIS and the installer of the box is responsible for compliance with the MIS. There is no mention in the rules concerning enforcement or penalties associated with non-compliance. Where there is a state or local code, that code must be determined to meet or exceed the MIS. If it does, the state or local code is accepted and it can continue to be implemented and enforced as it has been in the past (e.g. the installer pulls a permit, gets inspected and gets approval from the state or local agency responsible). The obvious intent of the proposed rule is to ensure some minimum level of performance associated with installations in areas with no codes or limited codes.

We urge HUD to consider the following questions when it issues the proposed rules for the manufactured homes installation program and associated inspections:

- Who decides if a state or local code meets or exceeds the MIS and what is the basis for the comparison?
- Is the comparison simply on technical matters or will it also include administrative and enforcement issues? (e.g. more rigorous enforcement of a less standard may provide for better performance than little enforcement of a more rigorous standard)
- Apparently site-built permanent foundations are not within the scope of the rule. So in areas with a state or local code, such installations can continue without addressing HUD installation issues and where there is no state or local code the status quo is maintained?
- The MIS apply to new home installations. Are new installations of existing homes covered and if not, why?
- The MIS apply to site installed appliances and equipment, conversions of certain equipment, etc. Certainly items shipped with the new home and intended for installation as part of the set up should be covered as if they were installed in the factory and subject to HUD rules. For items that do not fall within that scope, such as an add-on air conditioner, wood stove, etc. that would typically come under the authority of state or local code officials, how can HUD include them in the MIS? In so doing, it appears HUD has increased the scope of the comparative work that a state or local must do to show their codes meet or exceed the MIS.
- With respect to add-ons, such as an air conditioner, when does a new home/new installation covered by the MIS become an existing home/existing installation that is not subject to the MIS but is subject to state and local codes? 1 day, 1 week, 1 month?

In summary, consider multiple homes side by side in a community. Site built homes are constructed to state and/or local codes, modular homes are constructed to state and/or local codes, and manufactured homes are constructed to the HUD code plus an installation per the more stringent of the MIS or state or local code. We recommend that the construction and installation standards, as well as their implementation and enforcement, be comparable. This is for new homes and new installations. Consider the increased complexity of scenarios for repairs, additions, relocation, etc. associated with existing homes. We believe additional confusion will occur unless the rules can be made to clearly fit within the existing state and local regulatory infrastructure.

Specific Comments

- 21499 first column, it is noted that manufacturers must include installation instructions with each new home that provide protection that equals or exceeds the MIS. Such instructions would be DAPIA approved. It also

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- indicates that states that want to operate an installation program must adopt installation standards that are at least equal to the MIS. In supplying a home with installation instructions in a state with a state program it is very likely those instructions will not coincide with the state regulations. Obviously if there are multiple state programs then the installation instructions could easily comply with the MIS but differ from any or all state rules. How will this discrepancy be addressed and what will take precedence, the state rules or the DAPIA approved installation instructions meeting the MIS?
- 21499 second column indicates that a state with a state program will provide for close up inspections. What if a state has no close up inspection program, will HUD do that? Will the lack of such an inspection (maybe it would be at the local level and not the state level) cause an otherwise acceptable state program to be deemed as not meeting the MIS equivalency test?
 - 21499 second column, reference is made to an upcoming separate rulemaking by HUD dealing with establishment of an installation program and associated inspections. It is difficult to provide logical comment on the proposed rule in question without seeing these other regulations that are forthcoming. They go hand in hand.
 - 21500 first column, it is noted again that states choosing to operate a program will be addressed in a subsequent proposed rulemaking. This complicates things and makes it much more difficult for a state to comment on these proposed rules. How can one comment on technical issues when the rules associated with their implementation by a state are not available? It is noted that if states do not establish standards with an equal level of protection to the MIS they will not have qualifying programs. It also indicates that in such states HUD will regulate and enforce installations. How will HUD do that and with what resources. Will this action be such that states with programs may discontinue their programs to save money and in so doing leave enforcement up to HUD? In so doing will the effect of this rule then be a lesser degree of protection for residents?
 - 21500 third column, the MIS should address seismic safety. Seismic loads are considered for site-built and modular homes and manufactured housing installations should be no different, especially when they can be elevated 6 feet or higher above grade. Are the MIS design loads different than or comparable to the IRC design loads? This should be researched and addressed. The MIS cover site evaluation of soil. Why not just have state and local agencies cover this issue and use the IRC as the referenced backup instead of writing duplicative and possibly conflicting criteria in the MIS? This also raises a huge question – the issue of the MIS compared to state and local codes can be considered today at a static point. How will all this be addressed over time as the MIS change and state and local codes change, all on different timelines?
 - 21501 first column, mentions the space under the home. This is essentially no different than a crawl space and it would seem on that basis more logical to reference the IRC than putting different provisions in 24 CFR under HUD.

and assuming LAHJ requirements vary, how can any meaningful installation instruction cover the installation with respect to utilities? At best the installation instruction will say "for utility connection requirements consult with the serving utilities". Do we really need a HUD regulation on home installations and associated processes and procedures to convey this message to installers and residents?

- 21516, first column, HUD requests comments on the effort associated with checking installation instructions. It is assumed that installation instructions would vary by manufacturer and specific model. As such the suggested number of respondents (which is assumed to be manufacturers) and responses per respondent (which is assumed to be models) seems very low. The hours per response (which is assumed to be to review each set of installation instructions seems high unless it considers back and forth communication, review and review of issues between HUD and the manufacturer). Certainly the collection of installation instructions will have practical utility but HUD's estimate of level of effort to collect and assess the information is likely low. It is important to point out that if HUD does not intend to take action to ensure the installation instructions conform to the MIS and are effectively satisfied in the field then there is no real need to collect this information. HUD also asks if the proposed rule imposes a mandate on state or local government. However, the proposed rule does not indicate how it would impact federal agencies such as the National Park Service, FEMA or DoD Services who are purchasers and installers of manufactured housing for federal purposes. Since the proposed rule does not address the regulations establishing an installation program it is impossible to determine if this rule, as part of a larger program, imposes any mandates on state or local government.
- 21516, second column, HUD states the rule does not impose substantial direct compliance costs on state and local government. Without the proposed rule covering the installation program it is difficult to see how such a statement can be made. Even the proposed rule, in establishing a MIS that states must meet or exceed, will impose an additional burden on states by having to do comparative studies of their rules and the MIS and then engage in communication and deliberation with HUD on their acceptability. This is not something the states have to do now, and as such having to deal with this issue is an additional burden that will take time and resources.
- 21517, first column, again HUD mentions an upcoming installation program establishing procedural and enforcement regulations. As the MIS criteria are tied directly to these regulations it is impossible to provide complete and meaningful comment on the MIS rule without being able to concurrently review and comment on the other regulations.
- 3285.1 (a) (refers to section numbers in the proposed rule), covers "applicable states". What is an applicable state? No definition is given and one can only assume it means states where there is no approved state program. Without knowing if a state program that exists now is OK or not,

how can a state know if it is an "applicable state" and in that context develop meaningful comment on the proposed rule?

- 3285.1 (a) (1), says states that choose to do their own program must implement standards that meet or exceed the MIS. This appears to be preemptive in nature, when previously in the proposed rule notice HUD talked about not preempting states and not imposing additional burdens on the states. Who determines if a state program meets or exceeds, by what litmus test, what procedures, etc.?
- 3285.1 (a) (2), says in applicable states the MIS serve as the minimum standards for home installations. Who will do the enforcement, how will the MIS be enforced, what penalties are there for non-compliance, etc.?
- 3285.1 (b), says the MIS should not be construed to relieve manufacturers and others from complying with applicable codes, ordinances, and regulations. If the state or local does not meet or exceed the MIS then it would seem the MIS would apply. This provision would appear to require conformance with those codes anyway. For instance the only thing a locality might impose on homes is conservative provisions in flood hazard areas. As proposed the MIS would apply but then that local regulation with respect to flooding would preempt the MIS related to flooding? If this is the intent then the situation will not likely be either MIS as a foundation or a state rule that meets or exceeds all of MIS but a mix-match of intermediate scenarios each time there is a state or local rule covering anything related to a home installation.
- 3285.1 (c), refers to states with approved installation programs. How are they approved, on what basis, what is the process, how is approval maintained over time as the state programs evolve on a different schedule than the MIS rule, etc.? It further says in states without an approved program HUD will implement and enforce the MIS. How, what is the process, will HUD do that even if a locality has a program for installations, etc.?
- 3285.1 (d), indicates that homes on permanent site-built foundations with certain manufacturer certification are not subject to the proposed rule. So a home installation in a locality with an installation standard will be preempted and covered by the MIS rule but the provisions in that locality applicable to a site-built "permanent" foundation would still apply. This apparently recognizes that site-built permanent foundations under state and local codes are OK (this assumes all localities have such codes) and those same state and local codes for non-permanent foundations are not getting the job done and HUD needs to step in. This does not make sense unless there is a significant difference between permanent and non-permanent foundation requirements and their administration and enforcement.
- 3285.2, requires installers to follow the DAPIA approved manufacturers installation instructions for aspects covered by the MIS. This assumes that in spite of the instructions, which are assumed to track with the MIS, that state or local codes in "non-applicable states" would apply regardless of the installation instructions. This kind of renders the instructions moot in such

devices as defined in the rule, then the rule needs to be clear that the snow loading issue applies to those installations that are not on permanent site built foundations. If the intent is to cover permanent site built foundations then the comment above concerning their not being within the scope of the rules applies.

- 3285.401 (a) refers to leveling. It is noted that the issue of leveling does not appear to be covered in the rule. The rule should define leveling and provide a metric by which the degree to which a home is level can be measured and expressed. Without this the issue of leveling will be subjective and not capable of being uniformly enforced. The rule also requires connection to a permanent foundation, a term not defined and as previously noted not within the scope of the rule.
- 3285.401 (b) refers to the design of alternative foundations using the design loads of the FMHCSS. In the case where a home installation is subject to state and local code such installation would be subject to the design loads applicable and as adopted by the state or local government. Are the FMHCSS design loads generally the same or comparable to those at the state or local level? If not and they are generally less then one could argue the MIS would not provide equivalent protection. Of interest, if the home were on a site built permanent foundation it would not be covered under the MIS and be subject to state and local code while that same home placed on a non-site built foundation would be covered by the MIS and possibly have lesser protection against wind where the state or local design conditions and FMHCSS differ.
- 3285.402 does not appear to address the capacity of ground anchors in wet or saturated soil. In areas subject to increased moisture and storms it is very likely that a significant wind event will occur when the soil is saturated or when there is a flooding condition around the home. The lack of specific test standards and protocols in the rule increases the probability that while all anchors will be determined to satisfy the load capacity specified in the rule that the actual performance of different anchors under the same conditions will vary greatly. This affects the ground anchor spacing provided in the rule because it is based on an assumed anchor capacity stated in the rule that is verified pursuant to "a nationally recognized protocol".
- 3285.402 (b) (3) (ii) insert "be" between must and zinc.
- 3285.405 refers to installations of homes in certain wind zones. Are those wind zones readily comparable to the wind loading provided in state and local codes? How will a comparison of the MIS and state and local codes be performed with respect to this issue?
- 3285.406 requires the installation to be capable of resisting the loads associated with the design flood and wind events. It is not clear from the rule if those are to be considered separate events or the associated loads combined. Flooding and wind can and do occur simultaneously and their loading must be considered in the aggregate. For instance scour associated with flooding will affect the forces on the support system and anchors.

- reference the IRC and manufacturer instructions with respect to such add-ons.
- 3285.503 (2) provides criteria for heat pumps. No sizing? No provisions when installed in conjunction with an existing furnace? No reference to the installation instructions. As noted above for air conditioning equipment, the rule should refer to the minimum standards that would apply to such equipment if installed in a home, manufactured or site built. Those criteria are found in the IRC.
 - 3285.503 (3) although not common, what about evaporative coolers that are not roof mounted? As previously noted the rule should simply refer to the IRC in the absence of state or local codes. With respect to (1), (2) and (3), the parent subsection (a) refers to equipment not provided and installed by the home manufacturer. In applying to new home installations, as stated in the scope of the rule, one assumes these equipment provisions (air conditioning, heat pump, and evaporative cooler) apply to new installations when initially installed. Is that a correct assumption, as it is not really clear in the rules when such add-ons would not be covered by the MIS. Do the MIS apply when associated with the initial installation? One week after installation? One month after installation? One year after installation? This needs to be clarified. As previously noted the lack of consistency on the issue of cooling equipment add-ons with respect to technical requirements and administration of the rules between manufactured homes on non-permanent or permanent foundations, modular housing and site built homes, whether new, slightly new and getting add-ons or somewhat older and getting add-ons needs to be addressed.
 - 3285.503 (b) applies to fireplace and wood stove chimney and air inlet "add-ons". What about the installation of the wood stove or fireplace itself. Can't that be an add-on and should the installation not also be covered as discussed above for cooling equipment add-ons.
 - 3285.503 (c) covers venting of heat producing appliances. There are no criteria for sizing of the vents or their materials or supporting structure. As written a dryer vent could be used to vent a wood stove as long as the vent carried the products of combustion to the exterior of the home. It is recommended that the MIS refer to the IRC and IFGC to address venting of heat producing appliances.
 - 3285.503 (d) what about location of exhausts with respect to the BFE?
 - 3285.504 (a) how is a skirting material determined to be weather resistant? To ensure intended performance, uniformity and repeatability some standard should be referenced by which a skirting material can be deemed to be weather resistant.
 - 328.505 covers crawl space ventilation. The provisions are intended to mirror Section R408 of the IRC but miss some important criteria. For instance the rule does not address operable louvers. Why not reference the IRC directly instead of creating duplicative provisions that due to the rulemaking process

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June 23, 2005

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OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

RE: Docket No. FR-4928-P-01; HUD- 2005-2006
RIN Number 2502-A125
Model Manufactured Home Installations Standards

To whom it may concern,

The Mississippi Manufactured Housing Association (MMHA) represents all segments of the manufactured housing industry in Mississippi. We submit the following comments in regard to the referenced docket number.

3285 vs 3280

MMHA strongly opposes the federal model installation standard being codified under 24 CFR 3285, and supports it being codified as subpart of 24 CFR 3280. By codifying the installation standard under Part 3285, the MHCC will not be privy and involved (120- day comment period to publication) with any proposed change by HUD in the future. The MHCC is the entity Congress specifically assigned to develop the installation standard and MMHA is certain that Congress fully intended for the MHCC to be directly involved in its continued maintenance and updating. As currently proposed, HUD has to only provide the MHCC review period for construction and safety standards. In the definition for manufactured home (page 21520), HUD has embraced the fact that Part 3285 is for installation standards and Part 3280 is construction and safety standards. Placing the installation standards into a separate part also raises issues concerning preemption which is a great concern to us.

Default States

On page 21500, the proposed rule describes, for the first time, what a default state will be under the installation program. Under the MHIA 623 (c) (11), states have a 5 year window of opportunity to develop and implement their own state installation program through state legislature. If a state determines that they neither have the manpower or the money to sustain a

complete state installation program, then the state can cede its authority over to HUD, thus becoming a "default state." This state has then given up its right to establish and implement its own installation program.

HUD intends to permit a state or municipalities to establish more stringent requirements for the installation of HUD Code homes, as long as they meet/exceed the model standard. Any default state should be preempted from establishing more stringent requirements over and above what the model installation standard provides. As stated above, states had 5 years to enact an installation program that includes an installation standard. HUD would now permit any state or municipality to disregard the MHIA's provisions, wait and implement whatever they desire after the 5 year period ends, and circumvent the MHIA's requirements. This would permit "local jurisdictions" to enforce more stringent requirements for home installation over and above what HUD would enforce as the minimum requirements for default states. This could possibly be a way for local authorities to zone out HUD Code homes in certain areas under their realm if they make installation requirements unreasonable for the community owner or individual tenant/homeowner to bear the initial cost. HUD's default state installation standard should be preemptive, similar to its status on design and construction of homes under 24 CFR 3280.

Mortared Pier Configurations

Pier configurations over 36" in height should not require mortared assemblies unless manufacturer's manual specifies otherwise. The MHCC stated that mortar is not required for doubled-stacked piers unless required by the manufacturer.

21528/3/3285.306 (b) 21529/2/3285.306 (c)

Placement of footings in freezing climates

Placement of footings in freezing climates (below frost line) with exceptions for floating slabs and insulated foundation systems designed per ASCE 32 needs revisions to allow more realistic performance-based language.

21502 /2/ 4 21506 /2/ 6 21506 /3/ 8 21510 /3/ 5 21512 /2/ 2

Permanent Foundations

MMHA supports the MHCC language: "Designs for permanent foundations (such as basements, crawl spaces, or load-bearing perimeter foundations) may be permitted to be obtained from the home manufacturer, or designed by a registered professional engineer or architect, and constructed in accordance with local building code requirements." This is the proper performance-based language for any section on permanent foundations.

21502/ 3/ 2 21509/ 1 / 4 21509/ 1 / 5 21511/ 1 / 4

Anchoring equipment

All anchoring equipment (ground anchors, straps, stabilizer plates, etc.) should not be required to be zinc-coated and be permitted to use equivalent corrosion protection as stipulated in HUD Code section 3280.306 (g).

21512 / 1/ 1 anchors 21512 /1/4 stabilizer plates

Hinged Roofs

All hinged roofs (regardless of wind zone location, roof pitch, and heating vent/roof penetrations) should be applicable under the model installation standard.

21504 / 3 / 2

21512/ 3 / 5

Penetrometer

The pocket penetrometer should be included as an acceptable method to determine soil bearing capacity. 21508/ 3 / 1

Ground anchor assembly

The model standard should not include requirements for a nationally recognized ground anchor assembly test protocol (the MHCC Subcommittee/Installation is presently developing such a test protocol for HUD's consideration).

21501/ 3 / 2

21503/ 1 / 1

Other comments:

** HUD should not provide a nationally recognized test protocol to list/certify proprietary foundation support systems, and permit the MHCC to develop such a test protocol.

21509/ 2 / 3

**Complete home installations, including close-up assembly, should be the responsibility of the retailer/installer and not the manufactured home producer.

21499 / 2 / 3

21499/ 3 / 2

21499/ 3 / 3

21500/ 1 / 4

**Maintain status quo with regard to the model standard implementing any seismic criteria for home installation as this is better left to individual states to determine.

21500/ 2 / 5

** Model standard should permit the use of ABS stabilizer plates that have been listed or certified by a national recognized testing protocol.

21512/ 1 / 4

**Clarification is needed on the issue concerning if the manufacturers, or other PEs, may perform alternate designs for materials, components, or assemblies, as long as they follow the basic design assumptions provided by the model standard.

21501/ 2 / 2

21501/ 3 / 6

21506/ 2 / 5

21509/ 2 / 2

**There is no need to require model-specific home plan criteria, such as appropriate utility connections or mating line anchorage requirements, for every conceivable single- or multi-section home available (must be some reliance on the manufacturer's installation manual for model-specific home designs as the model standard is the minimum necessary requirements.

21058/ 1 / 3

21511 / 3 / 2

**There is no reason for the model standard requiring a professional engineer or architect to be consulted for site preparation if the manufacturer's manual does not cover this pre-installation

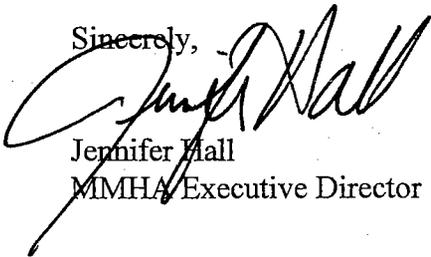
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consideration (could substantially raise the cost of site preparation for the retailer/installer).
21506/ 2 /2

**The manufacturer does not necessarily have to revise its installation manual to be consistent with the model standard format (as long as DAPIA approves that the manual equals or exceeds the model standard, the format should not matter).
21501/ 2/ 2

We hope you will consider the above recommendations made by MMHA and others submitted by other industry experts, as well as other state associations, which will allow the manufactured housing industry to continue to provide quality, safe, and affordable homes to thousands of citizens across our country.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Hall", written over the typed name and title.

Jennifer Hall
MMHA Executive Director



Manufactured Housing Association for Regulatory Reform

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June 24, 2005

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OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

Re: Docket No. FR-4928-P-01
HUD-2005-0006
RIN 2502-A125
Model Manufactured Home Installation Standards

Dear Sir or Madam:

The following comments are submitted on behalf of the Manufactured Housing Association for Regulatory Reform ("MHARR"). MHARR is a national trade association representing the views and interests of producers of manufactured housing subject to federal regulation pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 ("Act"). Founded in 1985, MHARR is the nation's only organization comprised exclusively of manufactured housing producers. While MHARR represents both privately and publicly-held producers across all geographical regions of the United States, the majority of its members are small to medium-sized enterprises that are significantly impacted by regulatory compliance costs. MHARR's principal mission, therefore, is to advocate reasonable, cost-effective standards and enforcement that do not impair the fundamental affordability of manufactured housing to retail purchasers. This requires a reasonable balance between affordability and proper consumer protection.

I. INTRODUCTION

As an advocate of affordable manufactured housing, MHARR has long supported the adoption of reasonable manufactured housing installation standards and programs on a state-by-state basis. As participants in a competitive housing market, MHARR's members know that proper installation is essential to the ultimate performance of a home and to consumer satisfaction. Because installation conditions can vary, however, MHARR has historically favored installation regulation at the state level, where authorities can more readily respond to

the challenges presented by climate, geography and geology, among other factors. As a result, MHARR -- together with other organizations -- has worked over the years to promote the adoption of appropriate state installation programs. Notwithstanding this preference, MHARR understands the need for appropriate installation regulation in all states and thus supported the inclusion of a mandate for a model federal standard for "default" states in the Manufactured Housing Improvement Act of 2000 ("2000 Act"). The question that must be addressed now, though, is whether HUD's proposed model installation standards and related procedures are "appropriate," given the enumerated purposes and national housing policy objectives of the 2000 Act.

MHARR's comments regarding the proposed rule can be divided into two categories -- (i) those dealing with legal or procedural issues; and (ii) those dealing with technical or practical issues. As the following discussion demonstrates, MHARR's objections regarding technical-practical issues affect relatively narrow aspects of the proposed rule. By contrast, its legal-procedural objections go to the fundamental nature of installation regulation as mandated by the 2000 Act and the proper relationship between federal and state authority over installation. If manufacturers are ultimately to support HUD's final rule, however, it will be necessary to resolve all of these issues.

II. LEGAL AND PROCEDURAL COMMENTS

A. Federal Preemption

HUD states in the proposed rule that it plans to codify the model federal installation standards "in a new part 3285 of title 24 of the Code of Federal Regulations." See, 70 Federal Register No. 79 (April 26, 2005) at 21499, col. 1. This codification would place the Model Installation Standards ("MIS") in a section of title 24 that would be separate and distinct from all of the other Federal Manufactured Home Construction and Safety Standards ("MHCSS") adopted under authority of the Act, which are currently codified at 24 C.F.R. 3280. HUD justifies this codification -- which could have profound legal implications if adopted -- on two grounds. First, HUD states that the separate codification is necessary "to avoid confusion between construction and installation and to assist in assigning clear lines of responsibility among the parties involved for construction versus installation issues." Second, and more important, HUD asserts a distinction between construction and installation based upon the structure of the 2000 Act:

"... the Act makes a clear distinction between the Federal Manufactured Home Construction and Safety Standards (MHCSS) and the Model Installation Standards. Section 604 of the Act (42 U.S.C. 5403) sets forth specific provisions, including preemption, which are applicable only to the MHCSS. The act sets forth provisions applicable only to manufactured home installation and the Model Installation Standards in section 605 (42 U.S.C. 5404)."

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Id. (Emphasis added). From this recitation, it is clear that HUD views the separate codification of the Model Installation Standards, apart from the MHCSS, as more than a mere administrative convenience. Rather, it views the MIS as being legally and substantively distinct from the MHCSS and, therefore, not subject to provisions of the Act that address the MHCSS, including federal preemption. MHARR believes that this represents a misinterpretation of the Act that could seriously undermine its broader purposes and objectives. In particular, localities in default states must be preempted from adopting installation standards varying from the MIS.

Federal preemption is a critical component of the 1974 Act. Congress, in adopting the Act, recognized that a patchwork of varying state and local standards for manufactured housing would harm both the industry and consumers in that it would, among other things: (i) interfere with the interstate shipment and siting of manufactured homes; (ii) undermine the affordability of manufactured homes by forcing manufacturers to customize specifications and designs for homes based upon a multitude of standards; (iii) offer states and localities a pretext for discriminatory restrictions against manufactured housing; and (iv) deny consumers a consistent minimum standard of safety and durability. As a result, Congress expressly provided in the Act that federal standards adopted pursuant to the authority of the Act would preempt non-identical state or local standards addressing the same aspect of manufactured home performance. The Act, as originally adopted, thus stated:

“Whenever a Federal manufactured home construction and safety standard established under this title is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any manufactured home covered, any standard regarding construction or safety applicable to the same aspect of performance of such manufactured home which is not identical to the Federal manufactured home construction and safety standard.”

When the Act was amended in 2000, however, Congress added language to the end of this original provision, specifically broadening its reach. It also added language specifically referencing installation:

“Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated under this section nor the Federal superintendence of the manufactured housing industry as established by this title. Subject to section 605, there is reserved to each State the right to establish standards for the stabilizing and support systems of manufactured homes sited within that State ... and the

right to enforce compliance with such standards, except that such standards shall be consistent with the purposes of this title and shall be consistent with the design of the manufacturer.”

See, 42 U.S.C. 5403(d) (emphasis added).

The 2000 amendment to the Act broadens the scope of federal preemption in three distinct ways. First, the original preemption language was limited to the preemption of non-identical state or local “standards” regarding construction or safety. In the 2000 Act, this proscription is broadened to “State or local requirements or standards.” Insofar as every word of a statute must be accorded its plain and ordinary meaning under the canons of statutory construction, the Act now preempts not only state and local construction or safety standards, but also state or local “requirements” that are not necessarily, of themselves, construction or safety “standards.” Second, the 2000 Act expressly expands the legal basis for federal preemption. Under the original Act, the sole basis for federal preemption was a conflict between non-identical state and federal standards regulating the same aspect of “manufactured housing performance.” Under the 2000 Act, this basis for preemption is retained, but a second basis, preserving the uniformity of both federal regulation and “Federal superintendence of the manufactured housing industry,” is added. Thus, a conflict regarding a specific aspect of manufactured housing performance is no longer needed for a state or local “requirement” of any type to be preempted. Rather, HUD is specifically instructed by the Act to protect the “uniformity and comprehensiveness” of the standards adopted pursuant to section 604 (i.e., the MHCSS standards) against “disparate” state or local standards or requirements, and also to preserve the federal “superintendence” of the industry against disparate state or local standards or requirements. This mandate is a direct reflection and reiteration of Congress’ original concern that not only federal regulation in itself, but the national housing policies and objectives underlying the Act not be undermined by a myriad of differing state and local mandates¹. Third, the 2000 amendment expressly instructs HUD to construe all of these powers “broadly and liberally” in order to effectuate Congress’ purposes.

Based on just this portion of the 2000 amendment, HUD’s plan to allow localities in default states to adopt their own installation standards,² because the MIS is supposedly not preemptive, is simply unsupportable. Even if HUD were correct that Congress did not intend the MIS to be part of the MHCSS (which it manifestly did not), the MIS, when adopted in final

¹ Indeed, with this broad “federal superintendence” mandate, which was previously set forth only in HUD’s Procedural and Enforcement Regulations at 24 C.F.R. 3282.11(d), Congress can arguably be said to have occupied the field of manufactured housing regulation, subject only to the specific grants of state authority set forth in the Act.

² See, 70 Federal Register No. 79 (April 26, 2005) at 21500, col. 1: “In states that do not choose to operate an installation program, ... the state or municipalities also may establish more stringent requirements, so long as the requirements provide protection that equals or exceeds the protection provided by the Model Installation Standards.”

form, will become part of HUD's federal "superintendence" of the manufactured housing industry. The final MIS will be the product of the consensus process defined by the Act and will reflect the national housing policy objectives of the Act. Given the centrality of installation to the federal superintendence of the industry, HUD would be required by this language to preempt differing local standards or requirements. Such differing standards would undermine the uniformity of installation in default states and would undermine the purposes of the Act insofar as such standards or requirements would not necessarily reflect the national housing policy objectives of the Act.

The scope of federal preemption in relation to installation – and further confirmation that the MIS is, in fact, preemptive in default states – is set forth in the last sentence of the 2000 Act's amendment to the preemption section of the Act. That sentence "reserves" to each state, "subject to section 605," the right to establish standards for the "stabiliz[ation] and support of manufactured homes sited within that state."³ This language makes it clear that the federal MIS, which would otherwise be preemptive nationwide in all states, does not preempt state installation standards and programs that qualify for HUD acceptance pursuant to the requirements of section 605(c)(3). Congress thus expressly exempts compliant state installation standards and programs from the preemptive effect of section 604 (d). Obviously, no such exemption would be required if installation were not part of the preemptive reach of the Act. Significantly, though, there is no similar "savings" provision for local installation standards or requirements in default states. Consequently, HUD's proposal to allow localities in default states to establish variant installation standards in excess of the MIS is inconsistent with the Act and should be deleted.⁴ Very simply, under the structure of the 2000 Act, a state either (i) adopts a compliant state-law installation program including proper installation standards as provided by section 605(c)(3) by the statutory deadline; or (ii) the state is in default, and the MIS and federal installation program apply and preempt all other state or local installation standards or activities in accordance with section 604(d). There is no other way to ensure that the uniformity and purposes of the Act are not undermined.

³ I.e., installation standards. The 2000 Act defines "installation standards" to mean "reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems."

⁴ It should also be noted that HUD's proposal to allow state governments in default states to adopt "more stringent requirements" is similarly flawed. Section 605(c)(3) of the 2000 Act sets out criteria for the Secretary's approval of state installation programs. These criteria include installation standards that meet or exceed the MIS or approved manufacturer instructions, provisions for the training and licensing of installers and inspection procedures. In such states, the state installation standards would be enforced within the context of a state installation program and there would be no direct federal involvement, either as to the substance of the standards or their enforcement. If, however, default states were able to adopt their own standards without a qualifying installation program, and instead rely on federal enforcement, there would be no incentive whatsoever for states to adopt a compliant installation program, contrary to Congress' clear intent to foster state installation programs.

Accordingly, section 3285(a)(2) should be modified to state: "In states that do not choose to operate their own installation program for manufactured homes, these Model Installation Standards serve as the preemptive standards for manufactured home installations." Similarly, section 3285(c)(2) should be revised to state: "In states without an approved installation program, the Secretary will implement and enforce these Model Installation Standards as preemptive standards." The second sentence of the current section should be deleted.

B. Codification and Future Jurisdiction of the MHCC

In the 2000 Act, Congress established a consensus process for the adoption and revision of standards and regulations for the federal program. This consensus process, which is designed to resemble similar processes used to develop standards for all other types of residential housing, replaced a system under which proposed standards and regulations were developed, amended, interpreted and promulgated exclusively by HUD. The central component of this consensus process – and the key program reform implemented by the 2000 Act – is the Manufactured Housing Consensus Committee ("MHCC"). Under the 2000 Act, the MHCC has authority to:

"(i) provide periodic recommendations to the Secretary to adopt, revise and interpret the Federal manufactured housing construction and safety standards ...; [and] (ii) [to] provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring..."

See, 42 U.S.C. 5403(a)(3)(A)(i) and (ii). Consequently, if HUD is correct in its assertion that the MIS is legally distinct from the MHCSS and that the MIS can and should be codified separately from the MHCSS, the MHCC, arguably, would have no continuing jurisdiction with respect to the amendment or further development of the MIS. Again, though, this interpretation of the 2000 Act is misplaced. A separate codification of the MIS is not legally mandated, nor is it desirable from a perspective of administrative convenience and efficiency.

HUD's principal argument that installation is legally distinct from construction and safety standards relies upon the structure of the 2000 Act. Specifically, HUD points out that provisions relating to installation standards are set forth in section 605 of the Act, while provisions relating to the MHCSS are set forth in section 604. The substance of the 2000 Act, however, makes it clear that the federal Model Installation Standards are – and were intended by Congress to be – a subset of the federal Manufactured Home Construction and Safety Standards that would be subject to the jurisdiction and authority of the MHCC.

At the outset, section 605 expressly vested the MHCC with authority and jurisdiction to design and develop the federal Model Installation Standards in the first place. Section 605(b)(1) thus states:

“Not later than 18 months after the date on which the initial appointments of all the members of the consensus committee are completed, the consensus committee shall develop and submit to the Secretary proposed model manufactured home installation standards, which shall, to the maximum extent practicable, take into account the factors described in section 604(e)....”

And the MHCC did, in fact, submit proposed installation standards to HUD, which now form the basis for the proposed rule.

Under well-settled rules of statutory construction, all the sections and provisions of an enactment must be read and construed together to achieve a consistent interpretation, if possible. Given the fact that the section of the Act which specifically addresses the jurisdiction of the MHCC – section 604(a)(3)(A) -- states that the Committee has the authority to develop, revise and interpret (i) “manufactured home construction and safety standards” and (ii) “procedural and enforcement regulations,” the only consistent reading of the section 604 jurisdictional grant and the section 605 (b)(1) mandate to develop model federal installation standards, is that Congress viewed the installation standards as being a type of manufactured home construction and safety standard. This reading is far more consistent with basic logic and rationality than HUD’s tortured construction, which necessarily assumes that Congress, in section 605, gave the MHCC an extraordinary grant of authority beyond section 604(a)(3)(A) to develop and submit installation standards that it would have no future authority to revise, interpret, or address in any way.

This construction is also supported by a consistent reading of the relevant definitions set forth in section 603 of the Act. In section 603(7), “Federal manufactured home construction and safety standard” is defined as a “reasonable standard for the construction, design and performance of a manufactured home.”(Emphasis added). “Installation standards,” in turn, are defined at section 603(19) as “reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilizing, support or anchoring systems.” (Emphasis added). The term “construction” as used in section 603(7) is also a defined term. Section 603(1) defines “manufactured home construction” as “all activities relating to the assembly and manufacture of a manufactured home....”

While MHARR agrees with HUD that installation is distinct from “construction” as that term is defined and, therefore, is distinct from the “assembly” of the home, installation inevitably relates to the “performance” of the home as such. Quite simply, an improperly installed manufactured home will not perform as intended by either the manufacturer or the consumer. Proper installation also necessarily relates to the “quality, durability and safety” of the home. Consequently, there is nothing contained in the definitions of “construction and safety standards” and “installation standards” which would require them to be mutually exclusive. To the

contrary, the definitions indicate that installation standards are a type of construction and safety standard pertaining to the performance of the home.⁵

A consistent construction of all sections of the Act indicates that installation standards are, properly, a specific, defined type of manufactured home construction and safety standard. As such the MIS need not and should not be codified separately from the other Manufactured Home Construction and Safety Standards. There is, however, as HUD asserts, a valid reason for separating installation standards from the other requirements of the MHCCS pertaining to assembly of the home. Specifically, the lines of accountability and responsibility for installation are different from those for construction and assembly of the home. The best approach to this issue – one that would properly preserve both federal preemption and the continuing jurisdiction of the MHCC, while recognizing the valid distinction between the lines of responsibility for construction and assembly on the one hand and installation on the other -- would be to include the MIS as a separate subpart of Part 3280. While some technical adjustments might be necessary to accomplish this incorporation, given the differing lines of accountability that HUD describes, this approach is the only one that would be consistent with the Act.

In summary, MHARR opposes any approach to the MIS that would allow either “default” states or localities in default states to establish or maintain installation standards in excess of the MIS. Similarly, MHARR opposes any codification of the MIS or subsequent installation program rule that would remove either from the continuing jurisdiction of the MHCC.⁶

C. Title of the Standard

Section 605(c)(2)(B) of the Act makes it clear that the federal MIS and federal installation program (which HUD has stated will be the subject of a future rulemaking) are to be implemented only in states that do not have a compliant state program and state installation standard. Section 605(c)(2)(B) states, in relevant part:

“Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the installation program established under subparagraph (A) in each State that does not have an installation program established by State law that meets the requirements of paragraph (3).”

⁵ As the MHCC notes in its own comments regarding this proposed rule, all other housing construction codes include foundations as part of the construction standards for the home.

⁶ MHARR would also note, as a minor procedural matter, that section 3285.5 should be amended to delete the phrase “Canal Zone” from the definition of “state.” The Panama Canal Zone has not been under United States control or jurisdiction for nearly 30 years.

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Section 605(c)(3)(A), in turn, requires a compliant state installation program to include “installation standards that, in the determination of the Secretary, provide protection to the residents of manufactured homes that equals or exceeds the protection provided to those residents by” either the MIS or approved manufacturer designs. In order to avoid confusion, the title of both the final rule and the part or subpart under which the MIS is codified, should reflect the fact that the MIS can be implemented by HUD only in default states, and the term “default state” should be defined. Accordingly, MHARR would suggest that the final rule and final part or subpart be titled: “Model Manufactured Home Installation Standards for Use in Default States and the Evaluation of State Installation Standards.” The term “default state,” in turn, should be defined as follows: “‘Default state’ means any state that does not have a manufactured home installation program established pursuant to state law, which complies with the requirements of section 605(c)(3) of this title.” The use of such specific terminology will help to prevent conflicts and misunderstandings regarding the proper scope and applicability of state authority versus federal authority.

D. Home “Close-Up”

The preamble to HUD’s proposed rule solicits comments regarding the “close-up” of multi-section homes – specifically whether such work at the installation site should be addressed under the installation standards or under the MHCSS. While MHARR, for the reasons set forth above, believes that the installation standards should be a subpart of the MHCSS codified at Part 3280, HUD’s inquiry, nevertheless, remains relevant.

MHARR agrees with the MHCC (as set forth in its own comments) that the close-up of multi-section homes should be addressed by the installation standards (as incorporated within 24 C.F.R. 3280) and not the MHCSS standards governing the factory construction process. Quite simply, a clear distinction and delineation should be maintained between work performed in the manufacturer’s factory to construct the home and work performed to install the home at the purchaser’s home site. While the manufacturer exercises direct control and authority over employees who construct the home at the manufacturing facility and, therefore, can and should reasonably be expected to assume regulatory responsibility for their actions, the same does not generally hold true for close-up, which is typically done by persons or entities who have no legal relationship with the manufacturer. Regulatory responsibility for close-up, accordingly, should be with the installer, who either performs or directly oversees such work. Since close-up is an integral part of the installation at the home at the home-site, separate from the factory construction process, that activity should be regulated as part of the installation standards.

III. TECHNICAL COMMENTS

MHARR offers the following technical comments with respect to the specific cited sections of the proposed rule.

A. Section 3285.2 – Primacy of Manufacturer Instructions

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Proposed section 3285.2 would implement the requirement set forth in section 605(a) of the Act, that a manufacturer provide DAPIA-approved installation instructions for each of its homes. Section 605(a) states:

“A manufacturer shall provide with each manufactured home, design and instructions for the installation of the manufactured home that have been approved by a design approval primary inspection agency. After establishment of model standards under section (b)(2), a design approval primary inspection agency may not give such approval unless a design and instruction provides equal or greater protection than the protection provided under such model standards.”

Section 605(b)(1)(B) further requires that the federal MIS, to the “greatest extent possible,” “be consistent with, among other things, “the designs and instructions for the installation of manufactured homes provided by manufacturers.” Similarly, section 605(c)(3)(A) requires that state installation standards, in order to be approved by the Secretary, provide protection to residents that equals or exceeds either (i) the federal MIS, or (ii) the manufacturer’s DAPIA-approved installation instructions, so long as those instructions themselves, provide protection to residents that equals or exceeds that provided by the federal MIS.

Under this formulation, the manufacturer’s DAPIA-approved instructions are controlling, so long as they meet the threshold standard of providing “protection” that equals or exceeds the federal MIS. HUD’s proposed rule acknowledges this point in section 3285.2, where it states that “installers must follow the DAPIA-approved manufacturer’s installation instructions for those aspects covered by these Model Installation Standards.” (Emphasis added). This is a legally correct construction of the Act, as far as it goes, but the mandate of the Act goes further. Significantly, the “protection” standard, set forth in the Act, is itself a performance standard, that does not require a complete overlap between the manufacturer’s instructions and either the federal MIS or a state standard. As long as the manufacturer’s instructions, as a whole, provide equal or greater protection than the federal MIS – which they would have to do in order to be approved – the instructions are controlling for issues not addressed by the MIS or applicable state standard. Thus, section 3285.2 should make it clear that installers must follow the manufacturer’s DAPIA-approved instructions as to aspects of installation not covered by either the federal MIS or an approved state installation standard. This concept was addressed by section 1.1.1 of the standard proposed by the MHCC. This concept should be restored in the final rule.⁷

⁷ MHARR thus agrees with MHCC Comment 3, to amend proposed section 3285.1, to the following extent: “The manufacturer’s installation instructions shall apply under any of the following conditions where they do not take the home out of compliance with the Federal Manufactured Housing Construction and Safety Standards: (1) to items not covered by this standard; or (2) where the manufacturer’s approved installation instructions provide a specific method of performing a specific operation or assembly.”

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B. “Acceptable Engineering Practice”

Multiple sections of the proposed standards⁸ refer to designs prepared by a registered professional engineer or architect in accordance with “acceptable engineering practice.” As noted by the MHCC in its own comments, however, this terminology could be misconstrued to refer to techniques and criteria that while appropriate for site-built homes, modular homes or even commercial construction, would not be suitable for manufactured housing with its unique emphasis on affordability. Accordingly, each such section should be modified to state: “... must be prepared by the manufacturer or by a registered professional engineer or a registered architect in accordance with the manufacturer’s home design and the Federal Manufactured Home Construction and Safety Standards.”

C. Section 3285.202 – Penetrometer Use

Section 3285.202(a) requires that “the soil classification and bearing capacity” be determined “before the foundation is constructed.” The proposal, in turn, provides three permissible methods by which these factors can be determined: (i) by soil tests “in accordance with generally accepted engineering practice;” (ii) by “soil records” on file with the local jurisdiction, or (iii) for certain soils, by consultation with a registered professional engineer, registered professional geologist, or a registered architect. A widely used method of determination, however, is not listed – i.e. through the use of a penetrometer.

These devices are readily available at reasonable cost, are easy to use, and are referenced by nearly every current manufacturer installation manual. Furthermore, they can be used to test the soil at the exact home site, which provides information superior to general soil “records” maintained by local jurisdictions. These devices have been in use for many years, and based on information provided by installation experts, have not resulted in any failures. While the use of this device would arguably be permissible under section 3285.202(a)(1)’s reference to tests that are in accordance with generally accepted engineering practice, the standard should leave no room for doubt or confusion – or future need for interpretative clarification of this issue. Accordingly, section 3285.202(a)(1) should be modified to state: “Soil tests, including but not limited to the use of a penetrometer, that are in accordance with generally accepted engineering practice.”

D. Tables 1, 2 and 3 (Section 3285.303) and Figure C to 3285.312

Engineers employed by MHARR manufacturers have noted deficiencies and inconsistencies in these tables. Specifically, tables 1, 2 and 3 should be modified to delete the current references to “16 in. x 16 in. Concrete Footing Layouts.” In addition, Figure C to section 3285.312 should be deleted. These changes would allow the utilization of loads to select the necessary and appropriate footings in accordance with note 1 to section 3285.312, and would eliminate inconsistencies currently incorporated into the tables. Further, footing configurations

⁸ Specifically, sections 301(d)(2), 306(c), 309, 310(c), 312(c)(1), 312(c)(2), 314(b), 401(b), 402(b)(2) and 402(c).

1-6 are designed to use 8 x 16 piers. This evaluation does not consider the use of 16 x 16 piers, which do not require 8 inch-thick footings. This is overly conservative in its assumptions and would not be cost-effective in many instances. Therefore, this deletion and simplification is essential.

E. Figure A to Section 3285.306

The current figure refers to "2" x 8" x 16" steel or hardwood caps." It is not practical or sound engineering practice to use 2 x 8 x 16-inch steel. First, 2" steel is not readily available. Second, and more important, steel caps of this size can easily crack the "blocks" specified in the figure. Consequently, this section should be modified to state: "2" x 8" x 1" hardwood caps or ½" steel caps." This would accomplish the intended purpose of the rule while providing manufacturers with a reasonable set of alternatives.

F. Section 3285.309 – Elevated Homes

This section contains both a technical flaw and a conceptual flaw. First, since tie-downs and piers are designed up to 67 inches in height, the reference to one-fourth of the home is not necessary. This section should simply begin with: "when a home is installed more than 67 inches above the top of the footing" More important is the requirement that home stabilization be designed by a registered professional engineer. This mandate could be interpreted to require stabilization designs and drawings by local engineers – who may or may not have any specific knowledge of manufactured housing. Similarly, this language could be construed as excluding the development of elevated set instructions by the manufacturer. There is no rational reason, however, to prohibit manufacturer development of such designs and instructions in preference to registered engineers who may (and likely would) be less familiar with the home than the manufacturer. Indeed, the same reasoning applies to similar provisions regarding basement sets and permanent foundations. Consequently, this section should be modified in accordance with comment III B, above

G. Figures A and B to Section 3285.310 and Section 3285.312(c) – Frost Line

Both Figures A and B to section 3285.310 require that the "bottom of footings extend below frost depth." This is inconsistent with section 3285.312, which states that "Footings placed in freezing climates must be placed below the frost line depth for the site unless an insulated foundation or monolithic slab is used...." (Emphasis added). The figures should thus make it clear that alternatives are, in fact, permitted by the substantive standard. More important, though, the Department should reconsider this prescriptive mandate in its entirety.

Installation experts who have examined this requirement say that it is unnecessary with respect to footings under the middle area of the home. For locations more than two feet from the perimeter of the home, frost line depth should only be ½ of those required for perimeter footings, because temperatures under the home are not low enough to cause severe soil frost-line conditions. Indeed, this practice has been used successfully in the state of Kentucky for the past ten years with significant cost-savings for homeowners. By contrast, a uniform sub-frost line

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requirement for all footings, as proposed by HUD, can double the cost of a foundation. HUD should avoid this unnecessary expense.

H. Section 3285.312(b)(i) – Compressive Strength of Blocks

Section 3285.312(b)(i) requires that load-bearing concrete masonry units, without reinforcement, have at least a “28 day compressive strength of 4,000.00 pounds per square inch [psi].” The blocks currently used by the industry are 1,200 psi air entrained concrete masonry units. At the outset, the standard does not explain why the 1,200 psi blocks are not of sufficient strength. Second, since the blocks above these are of the 1,200 variety, there appears to be no engineering reason for the bottom portion to be so heavy. Third, our inquiries have indicated that 4,000 psi concrete masonry units are simply not available. Consequently, HUD should reconsider this requirement, and set a 1,200 psi standard for all blocking. The same revision should be made to Figure C to section 3285.312.

I. Section 3285.314(a) – Permanent Foundations

This section would allow localities in all states to establish code requirements for permanent foundations that meet or exceed the level of protection offered by the MIS. For reasons set forth elsewhere in these comments, MHARR opposes provisions, such as this, which would permit a myriad of different and potentially conflicting local standards. Instead, this section should be modified as suggested by the MHCC, in its comments, to state: “The placement of a manufactured home on a permanent foundation must be in accordance with applicable state requirements, installed in accordance with their listing by a nationally-recognized testing agency based on a nationally-recognized testing protocol or installed in accordance with the manufacturer’s approved permanent foundation installation instructions and, in all cases, based on the home’s design and the load requirements of the Federal Manufactured Home Construction and Safety Standards.”

J. Section 3285.402(b)(2) – Longitudinal Anchoring

Section 3285.402(b)(2) requires that homes located in Wind Zones 2 and 3 have “longitudinal ground anchors installed on the ends of the ... transportable sections.” It further states that “a registered professional engineer or registered architect must design alternative longitudinal anchoring methods in accordance with acceptable engineering practice.” This mandate would appear to prohibit pan bracing systems that are in widespread use today. MHARR is not aware of any critical failures of such systems. Therefore, again, the standard is overly prescriptive and should be modified to permit pan bracing and other systems unless there is data indicating that such systems are insufficient.

K. Section 3285.505(d) – Crawlspace Ventilation

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The word "metal" should be deleted. Again, this is unnecessarily prescriptive. Eliminating the word "metal" will allow other materials to be used in accordance with sound construction practice.

L. Section 3285.801(e) – Mate-Line Gasket Material

Section 3285.801(e) should be modified to allow installers or homeowners to provide mate-line gasket materials in addition to the manufacturer, so long as those materials comply with the manufacturer's instructions.

M. Section 3285.801(f) – Hinged Roofs

This section addresses matters regulated pursuant to the MHCSS contained in part 3280. The short-hand references to those standards, in this section, could cause confusion and unintended discrepancies. If any reference is necessary here at all, it should be limited to the first sentence of paragraph (f). Those affected by sections 3280.305 and/or 307 can then look there for further guidance.

N. Figure to Section 3285.803

The reference to "one full-sized panel no less than 16 in. nor larger than 32 in." should be deleted. Panel sizes can, consistent with sound construction practice, vary, while still providing proper performance. This is an unnecessarily prescriptive requirement that will limit future innovation.

O. Section 3285.804(b) – Bottom Board Repair

This section currently requires that "Any splits or tears must be resealed with tape or patches specifically designed for repairs of the bottom board." This is unnecessarily prescriptive. Instead, it should be modified to state that such splits or tears shall be resealed "in accordance with the manufacturer's installation instructions."

IV. CONCLUSION

While the adoption of a federal Model Installation Standard will represent a substantial step forward for the manufactured housing industry and consumers, it is essential that the final standard be both properly conceived and properly implemented. From the perspective of MHARR's members, it is critical that the standard be preemptive in default states in order to prevent a myriad of differing standards and the utilization of non-conforming installation criteria as a means of excluding affordable manufactured housing from communities or entire regions. In addition, the continuing jurisdiction of the MHCC is crucial if the standard is to keep pace with technology and the reasonable needs of both consumers and the industry. Beyond these legal issues, the standards have certain discrete flaws that need to be addressed. More important, however, is the concept of the primacy of manufacturer instructions. These DAPIA and HUD-approved instructions, which must provide protection equal or greater than the federal MIS must

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be permitted for all installation issues deemed relevant by the manufacturer, whether covered by the federal MIS or not. Similarly, manufacturers should be able to provide instructions as to all installation issues, such as elevated sets, without the necessity of obtaining drawings from a registered architect or engineer.

Although MHARR is disappointed that the proposed rule contains so many changes to the standard recommended by the MHCC, following full compliance with the consensus process mandated by the Act, MHARR believes that the adoption of the foregoing suggestions will substantially improve the proposal, such that MHARR could support a properly modified final rule.

MHARR looks forward to working with both HUD and the MHCC to complete this important effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Danny D. Ghorbani". The signature is fluid and cursive, with a large initial "D" and a long horizontal flourish at the end.

Danny D. Ghorbani
President
Manufactured Housing Association for Regulatory Reform

cc: Hon. Richard Shelby, Chairman, Senate Banking Committee
Hon. Wayne Allard, Chairman, Senate Housing Subcommittee
Hon. Michael Oxley, Chairman, House Financial Services Committee
Hon. Robert Ney, Chairman, House Housing Subcommittee
Dr. John Graham, Administrator, Office of Information and Regulatory
Affairs, Office of Management and Budget



MINNESOTA MANUFACTURED HOUSING ASSOCIATION

Opening doors to better living.

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June 21, 2005

RE: Docket No. FR-4928-P-01
HUD-2005-0006
RIN 2502-A125
Model Manufactured Home
Installation Standard

Regulations Division
Office of General Counsel
Room 10276
Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410

To Whom It May Concern:

I am writing on behalf of the 400 members of the Minnesota Manufactured Housing Association (MMHA) to offer comments on the Department's Proposed Rule related to Model Manufactured Home Installation Standards.

The MMHA was formed in 1951 and represents nearly 400 businesses, including manufactured home builders, installers, model home sales centers, land lease communities, banks, lenders, and mortgage companies, developers, and suppliers to the manufactured home industry. The Association works to promote quality housing that is affordable, encourages a level playing field in the public policy arena and educates its members on new home building technologies and best industry practices. It sponsors seminars and workshops, assists members with local zoning and building code concerns; provides updates on state and federal law changes, new regulations, and offers continuing education opportunities for licensed residential building contractors and real estate brokers. Over 200,000 Minnesotan's reside in a manufactured home.

Briefly, today's manufactured homes are the nation's leading provider of non-subsidized affordable housing and account for nearly 15 percent of all new single-family homes sold in Minnesota. The industry in Minnesota employs 3,000 workers at 1,500 mostly small businesses, and has an economic impact of approximately \$500 million on the state's economy. Well over eighty-five percent of the nearly 2000 new manufactured homes sold in the state last year were affixed to real property and financed with conforming mortgages.

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For those homebuyers unable to afford their own lot, the remaining 20 percent of the new manufactured homes were placed in a land lease manufactured home community.

Manufactured homes are meeting an important need for affordable housing not only in Minnesota, but also throughout the nation. As a result, more and more people are recognizing the advantages today's manufactured homes have to offer. Manufactured homes are often times the lowest rung on the homeownership ladder as a viable option for workforce housing. For thousands of Minnesotans, particularly lower-income people and underserved populations, manufactured housing represents the difference between joining the ranks of those realizing the American dream of homeownership and remaining perpetual renters. It was most encouraging when the Congress broadened the language in the Manufactured Housing Improvement Act of 2000 to include in the "Purposes" part a focus on retaining the affordability of manufactured homes, "(1) to protect the quality . . . and affordability of manufactured homes; (2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans; . . . (4) to encourage innovative and cost-effective construction techniques for manufactured homes; . . . and (8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement."

One of the critical elements that set the Manufactured Home Construction and Safety Standards apart from other recognized residential building codes is its being a "performance based" code, allowing factory-builders to take advantage of new construction technologies and design innovations in a timely manner to more cost efficiently meet the required outcomes of the code. In this regard, the MMHA has several concerns with the Proposed Rule.

On page 21529 and 21530 for figures "A" and "B" of 3285.306; the figures indicate that a 2-inch thick steel or hardwood cap may be used. It is not clear to the MMHA where an installer would obtain a 2-inch steel cap? The wording should indicate a 2-inch thick hardwood or 1/2 inch steel cap may be used.

On page 21536, under proposed rule change 3285.312 (c) (3), the suggested wording, "with acceptable engineering practice ~~and~~ or ASCE/SEI 32-01." The way the section is currently drafted it would require all engineered designs to follow the ASCE standard and does not allow for other types of designs and foundation systems. Making this change would be consistent with all other aspects of the manufactured home insofar as allowing for a performance-based standard for the installation of the home.

On pages 21528-21529; 3285.306(b)-(c) Mortared Pier Configurations; these sections for pier configurations over 36 inches in height require a mortared assembly unless otherwise specified in the manufacturer's instructions. This is completely opposite of what was submitted by the MHCC. The MHCC stated that mortar is not required for double-stacked piers unless required by the manufacturer. This requirement could conceivably cause unnecessary mortared piers if the manufacturer's manual is silent on whether mortar is required, and then the model installation standard would require mortar in all instances.

There should be a reference to §3285.312(c), in which the approved alternate anchoring system may be included as part of a listed or labeled foundation support system (floating slab or insulated foundation). Footnote 1 of 3285.310 Figure A requires all footings to extend below frost depth.

This is contradictory to §3285.312(c), where insulated foundation systems may permit footings at grade in frost areas. The footnote should reference section §3285.312(c) for footing depths. This same comment also applies to Figure B.

Section 3285.314 should state what is being referred to under this section. The described text of the proposed rule seems to be more in line with §3285.314(b). The first two sentences of this section are mainly commentary and provide no information on how or what to use when designing permanent foundation support systems for HUD Code homes. They should be deleted in their entirety. The first is in conflict with HUD's preemption for default states to not require more stringent requirements than that contained in the model standard. The model standard should make no mention of anything concerning how mortgage lenders or others can establish financing eligibility requirements for permanent foundations. This is for the financial institutions to decide and this standard needs to stay focused on the MHIA's premise, to provide a model installation standard. Financing options for the model standard are outside the scope of the MHIA and should be deleted.

The original MHCC recommendation stated the obvious. "Designs for permanent foundations (such as basements, crawl spaces, or load-bearing perimeter foundations) may be permitted to be obtained from the home manufacturer, or designed by a registered professional engineer or architect, and constructed in accordance with local building code requirements". This is the proper performance-based language for any section on permanent foundations.

Permanent foundation requirements would be specific to the installation site in question, see page 21509. With an approved state-based installation program, the LAHJ will require the permanent foundation systems to meet the local governing building codes. This has been the case for years and there is no compelling reason to change the current path. HUD's enforcement of an installation program in default states should provide the same. The MHCC draft provided the mechanism to cover this topic. It stated that when a permanent foundation system is contemplated, the design would need to follow accepted engineering practice, be designed by the manufacturer or professional engineer, and in conformance with local governing building codes. This would seem appropriate to re-insert this language in §3285.314 to alleviate the concern.

With Minnesota having a significant depth to its frost line, by not allowing for engineered designs will have the consequence of adding thousands of dollars in costs to the purchase price of homes sited in manufactured home land-lease communities.

The digging required for the installation of below frost footings or a frost-free foundation meeting the ASCE/SEI 32-01 standard will require the homeowner to also pay for the costs of relocating any underground infrastructure such as gas lines, water and sewer lines, or electrical service whenever a home's frost-free foundation system intersects the infrastructure. As drafted, the Proposed Rule would result in a substantial economic burden to the 1,200 Minnesota businesses licensed as manufactured home parks.

The additional cost to a homebuyer for frost-free foundation system built to the ASCE/SEI 32-01 standard for a 1,500 square foot manufactured home in Minnesota would be at least \$3,000 for a below-frost pier system and at least \$6,000 for a concrete floating slab. There would also be the additional costs resulting from either the relocation of, or damage and disruption to, the underground utility infrastructure such as water and sewer lines, electric supply lines, cable and telephone lines. Many of Minnesota's 1,200 land-lease communities were built in the 1950's and 1960's when no documentation or schematics of the infrastructure was required. Approximately 50,000 land-lease manufactured home sites fall under the compliance of the Proposed Rule. Additionally, Minnesota Statute 327.20 subd.1 (3) establishes minimum set-back requirements for each manufactured home and enables municipalities to impose their own more stringent requirements as a condition of approving the development, thus manufactured home land-lease communities do not have any flexibility in being able to shift a home even a few inches on a lot to avoid the intersection of the frost-free foundation system with the existing infrastructure.

The introduction of frost-free foundation systems to manufactured home communities will require state mandated lease agreements to be modified to reflect who the responsible party will be if a home's concrete slab needs to be removed for emergency repairs or maintenance work to the park's infrastructure beneath the home. Since many of the State's land lease communities were developed pre-1980, there are not individual shut-off valves for each home site so that whenever a new frost-free foundation system is installed, the entire property will be without water/sewer service during the work done at one home site. Most of Minnesota's 1,200 manufactured home communities are small businesses, struggling to keep their vacancies low; they will likely amend their existing lease agreements and application criteria to only allow pre-owned manufactured homes that do not have to comply with the new Proposed Standard for prescriptive frost-free foundations. An unintended consequence of the Proposed Standard as drafted would be to reduce the already short supply of home sites for prospective buyers of new manufactured homes.

On page 21512; 3285.402; HUD modified the MHCC draft standard with regard to galvanizing of ground anchors, anchor equipment and stabilizing plates. This section requires ground anchors to be zinc-coated in all instances. This deviates from the HUD Code in that it requires anchoring equipment to have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz/ft². This would preclude other forms of known corrosion protection from being used in lieu of galvanized anchors. Stainless steel, epoxy coatings, and even mill galvanizing are acceptable methods of corrosion protection in the site-building industry.

Therefore, it is suggested that §3285.202(a)(1) be modified to permit the LAHJ to accept any method as follows: "*Soil tests.* Soil tests that are in accordance with generally accepted engineering practice; a pocket penetrometer or other method acceptable to the LAHJ; or".

On page 21506; 3285.2; Site Preparation; there is no reason to require a professional engineer or architect to be consulted for site preparation if the manufacturer's manual does not cover it. Every manual that has been reviewed by the industry's national association and the MMHA always contains some information with regard to site preparation. It is also covered in Minnesota's Chapter 1350 Manufactured Home Installation Rules. If by chance a manual does not, then the LAHJ can be looked to for any conforming requirements. This would be an added cost burden to individual homeowners or manufactured home community owners. Installers already must determine soil bearing capacity and classification that relates to selecting the appropriate footings, pier configurations and ground anchor spacing.

On page 21505 and 21518; 3285.1(a); Applicability-The proposed rule is applicable only to the initial installation of the new home. States could enact the model installation standard to apply to secondary moves if so desired. At present, the model standard covers only new installations and states are left open to determine what requirements are necessary for secondary moves. These requirements could take the form of enactment of criteria found in existing state installation standards, enactment of new installation standards through state law or compliance with local requirements. The MMHA believes this is important and that it should be retained in the Final Rule.

On page 21504 and 21512; 3285.801(f); All Hinged Roofs to be Applicable Hinged roofs are not subject to AC letters or On-Site Completion when only in Wind Zone I, limited to a 7:12 roof pitch and cannot have any flue penetration above the hinge. The model standard should be extended to cover any hinged roof regardless of wind zone, roof pitch or flue penetration. This is a normal construction sequence that is occurring more and more frequently for HUD Code home installations. The manufacturer can provide installation instructions for hinged roofs that conform to the HUD Code. These instructions would require DAPIA approval. This is no different than providing installation instructions for marriage line/crossover connections, alternate ground anchor assembly spacing that meets/exceeds the model installation standard, or close-up details for multi-section homes.

The option of placing hinged roofs under the model installation standard would save considerable money with regard to IPIA inspection under the on-site completion rule, and considerable time under the AC letter process. This is not a new form of HUD Code assembly and it has been performed for years. Time has shown that industry can treat hinged roofs as installation set-up without departmental oversight.

On page 21504, this same suggestion for the model standard to cover all hinged roof applications is covered. A hinged roof should be treated as construction of the home's roof assembly and subject to the requirements of the HUD Code. Once these hinged roofs are placed, they would have to conform to the HUD Code.

This would be evident for hinged roofs in all Wind Zones, and not just Wind Zone I as HUD has specified in the proposed rule. As long as a hinged roof, in any Wind Zone, under any condition complies with the HUD Code after installation, it should not be subject to either on-site completion or an AC letter. If the hinged roof after installation fails to meet the HUD Code, then AC letters should be required.

On page 21499 and 21500; Complete Home Installation and Close-Up Assembly. The MHCC encouraged the inclusion of close-up activities in developing its draft model standard. The main emphasis was to provide the installer of the home with all the necessary information they would need to complete the home.

We understand that HUD has labored on the fact that inspection of the close-up activities will be required in all instances. However, that is not necessarily the case, especially for states like Minnesota that have a self-certified installation program. In states enforcing their own installation program, they may not require 100 percent inspection for home installations. They may only require 50 percent or below, which is their right under the MHIA §605(c)(3)(C). The MHIA only states that inspection must be performed for a qualified state inspection program but it is silent on the frequency of inspections. In a default state that is administered by the department, 100 percent inspections of close-up activities could be required depending on what frequency of inspection will be required in default states under the remaining portion of the installation program.

How can the manufacturer be responsible for close-up work when the person installing the home may not be under contract with or under the supervision of that particular manufacturer? Manufacturers can only control the close-up activity when they use their own set-up crews to install homes (as some do). However, to make the manufacturer responsible for every one of their home's installations is not practical or possible without an extraordinary expense to hire third-party agencies to perform the inspections.

Close-up should be a part of the installation of the home and the responsibility of the installer or in some cases the retailer. Thus, close-up becomes part of the installation process of home completion. In many instances, the manufacturer has no control or oversight over the installer when contracted under the home's retailer, so the onus should fall on who contracts with the installer to set the home.

Requiring close-up inspections would add cost to the overall inspection process because it is doubtful that one inspection for the setting of the home, and additional inspection for close-up, could be completed at the same time. If Minnesota has not had problems with home close-ups, then why should the model standard require it as a minimum? This is to be a minimum standard for installing the home, not a maximum. The MHIA does not specify the type of inspection that must be performed, only that inspection is provided. This could be the start of a laundry list of inspections the Department feels is necessary to properly install the home. It should be up to each individual state to determine what they deem necessary for proper installation of the home.

A basic premise under the Proposed Rule is that manufacturers' installation instructions must meet/exceed the model standard. The instructions cannot take the home out of compliance with the HUD Code and must provide adequate instructions to properly complete the home. However, the MHIA is intended to provide relief from the most common complaints known to industry, improper set-up of the home. This is responsible for a majority of complaints that retailers and manufacturers receive. It is why other parts of the installation program are specifically geared towards improving the training and licensing/certification of installers, see MHIA §605(c)(3)(B).

The MMHA believes that a workable model installation standard can serve the industry well by bringing more uniformity to installation standards in like climates and provide a higher-level of consumer satisfaction. It is important the Final Rule be balanced to reflect the continuity of performance based standards from the construction of the home to the installation standards of the home, thus encouraging innovations and marketplace cost savings in meeting the required outcomes of the model installation standard. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Mark Brunner". The signature is written in a cursive, flowing style.

Mark Brunner
Executive Vice President
Minnesota Manufactured Housing Association

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Regulations Division
Office of the General Counsel
Room 10276
Department of Housing and Urban Development
451 Seventh Street SW
Washington DC 20410-0500

Re: Docket No. FR-4928-P-01; HUD-2005-0006
RIN Number 2502-AI25
Model Manufactured Home Installation Standards

OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

2005 JUN 27 A 11:45

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Florida Mobile Home Supply, Inc. hereby submits comments in response to the proposed rulemaking noticed in the Federal Register of April 26, 2005, (70FR 21497-21559). Our company is a 30 year member of the industry and we supply hundreds of industry businesses with installation materials in multiple states in the Southeast.

The Manufactured Home Consensus Committee (MHCC) provided the Department with a draft model installation standard in December of 2003. The Department has now published the above rule based on those recommendations. As a veteran industry member, accustomed to working with the standards in many states it is clear to us that HUD is not following the spirit of the Manufactured Home Improvement Act of 2000 (MHIA).

The following critical issues are incorporated within the proposed rule in such a manner that serious damage may be done to the cause of affordable housing nationwide.

- The Model Standard should be codified as a subpart to 24 CFR 3280 not 24 CFR 3285 as proposed. If left in its current form the MHCC will have no part in the update of these proposed rules and that clearly is not what Congress proposed in the MHIA.
- The model standards should be preemptive in the default states and not subject to more restrictive requirements by local government and municipalities. This is simply a way to allow municipalities to regulate out affordable housing.
- Pier configurations over 36" should not be required to be mortared unless required by the manufacturer. Each home is different and the each installation site is different and the manufacturer's engineering should drive the foundation requirements, not a federal rule.
- The Rule should not allow local governments to impose requirements for homes on permanent foundations that exceed the model standard.
- The pocket penetrometer should be included as an acceptable method in determining soil bearing capacity. This method is used to in most states that have successful installation programs and therefore should be acceptable to HUD in the default states.

- The model standard should not include a requirement for a nationally recognized ground anchor assembly test protocol as the MHCC is presently developing such a protocol and this would again diminish the Congressional intended activities of the MHCC.
- The model standard should also not include a test protocol for foundation support systems and permit the MHCC to develop such a protocol. Once again, this is a severe diminishment of the responsibilities of the MHCC.
- The complete home installation, including the close-up assembly should be the responsibility of the retailer or installer not the manufacturer. Why do we need licensed installers if we are going to just going to hold the manufacturer responsible for everything.
- Model standards should approve the use of ABS stabilizer plates and ABS footing pads.
- Steel reinforcement specifications for cast in place concrete footing should not be included in the model standard. They are best specified by the manufacturer's engineering.

These are our main objections to the proposed rule and we urge the Department to review the comments of the Manufactured Housing Institute for a detailed explanation of these problem areas. Our comments are made in the spirit of cooperation and wanting to assist the Department in forwarding the Administration's goal of increased affordable housing nationwide.

Sincerely,



Ken Cashin
President



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EXECUTIVE OFFICE

June 24, 2005

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Regulations Division
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Washington, DC 20410-0500

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2005 JUN 27 A 11: 45
OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

Ladies and Gentleman:

*Re: Docket No. FR-4928-P-01; HUD-2005-0006
RIN Number 2502-AI25
Model Manufactured Home Installation Standards*

Wick Building Systems, Inc., ("Wick") respectfully submits comments in response to the Model Manufactured Home Installation Standards, Proposed Rule, ("Model Installation Standards") noticed in the *Federal Register* on April 26, 2005, (70 FR 21497 – 21559).

General Comments

In making its comments, Wick understands that, under the Manufactured Housing Improvement Act ("MHIA") the Model Installation Standards would: (1) serve as the model installation standard that a state-basis installation standard must meet or exceed; (2) serve as the model installation standard that a manufacturer's installation instructions for each home must meet or exceed; and (3) serve as the installation standards for installing homes in states where the Department of Housing and Urban Development (HUD) is responsible for operating a comprehensive installation program because the state has elected not to do so. Further, that the proposed Model Installation Standards are based, in part, on the proposed installation standards of the Manufactured Housing Consensus Committee ("MHCC"). With this in mind, Wick makes the following specific comments to the proposed rules.

Model Manufactured Home Installation Standard @ 24 CFR 3285

Wick asserts that the Model Installation Standards should not be codified under 24 CFR 3285, but instead should become subpart of 24 CFR 3280. By codifying the Model Installation Standards under Part 3285, the MHCC will not be privy and involved with any proposed change by HUD in the future (120-day comment period prior to publication). The MHCC is the entity Congress specifically assigned to develop the Model Installation Standards, and Wick is confident that Congress intended for the MHCC to be directly involved in its continued maintenance and updating. As currently proposed, HUD has to only provide the MHCC review period for construction and safety standards.

Construction/assembly of the home and installation of the home go hand-in-hand. There should be no distinction in the federal regulations at 24 CFR 3280. This is similar to other private sector building codes where the code contains the design and construction requirements for the residential home in addition to any installation criteria that must be followed to complete the

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home. There should be no differentiation in the federal manufactured housing program between construction/assembly and installation. HUD will provide oversight for both components, so two separate documents (regulations) are not necessary for construction and installation.

HUD Enforcement in Default States

On page 21500, the proposed rule describes what a default state will be under the installation program. Under the MHIA, states have a 5-year window of opportunity to develop and implement their own state installation program through state legislature. If a state determines that they neither have the manpower or the money to sustain a complete state installation program, then the state can cede its authority over to HUD, thus becoming a "default state". Essentially, a state has given up its right to establish and implement its own installation program.

HUD intends to permit a state or municipalities to establish more stringent requirements for the installation of HUD Code homes, as long as they meet/exceed the Model Installation Standards. Any default state should be preempted from establishing more stringent requirements over and above what the model installation standard provides. States had a 5-year period beginning December 28, 2000 to enact an installation program that includes an installation standard. HUD would now permit any state or municipality to disregard the MHIA's provisions, wait and implement whatever they desire after the 5-year period ends, and circumvent the MHIA's requirements.

This essentially would permit "local jurisdictions" to enforce more stringent requirements for home installation over and above what HUD would enforce as the minimum requirements for default states. This could possibly be a way for local jurisdictions to "zone out" HUD Code homes in certain areas under their realm if they make installation requirements unreasonable for the community owner or individual tenant/homeowner to bear the initial cost. HUD's default state installation standard should be preemptive, similar to its status on design and construction of homes under 24 CFR 3280.

Technical & Other Concerns

There are a variety of concerns that Wick brings forward for comment. Some concerns arise because HUD has revised the original intent of the MHCC December 2003 draft standard or established new requirements for the initial placement of new manufactured homes. These concerns are listed below. Wick has made no attempt to provide any sort of priority of importance for each concern address.

1. **Mortared Pier Configurations [page 21528-21529; 3285.306(b)-(c)]**
The sections for pier configurations over 36 inches in height require a mortared assembly unless otherwise specified in the manufacturer's instructions. This requirement could conceivably cause unnecessary mortared piers if the manufacturer's manual is silent on whether mortar is required, and then the model installation standard would require mortar in all instances. In all likelihood, a pier greater than 80" in height will require a mortared assembly. However, that is something that may not be in the manufacturer's instructions since a registered design professional (PE) can determine support system design. The last sentence of this section should be deleted as it serves no useful purpose and the PE design

will specify whether mortar is required or not. This same concern also applies to one caption in Figure B to §3285.306.

2. Placement of Footings in Freezing Climates [pages 21502, 21510 and 21512; 3285.312(c)]

When older homes are to be replaced in existing parks with newer, safer, more modern homes, the prevailing footing/foundation design becomes a serious consideration. For this reason, the MHCC draft model installation standard included insulated foundations as a method to not have to completely re-do the existing foundation system to extend pier footings to the frost line depth. This can be found in the MHCC draft model standard at Section 6.3.2.3. The basic intent was to include insulated skirting as an insulated foundation system, thus the reason the MHCC draft included a provision for cross-ventilation of the space under the home. In the proposed rule at §3285.312(c)(3), this statement was deleted and replaced with any system must be designed by a registered PE and conform to ASCE 32. It would appear that this mandatory reference to ASCE 32 may effectively eliminate any type of insulated skirting system from being used to permit pier footings to be above the frost line. Without a viable option to provide an insulated foundation system under replacement homes in existing parks, many consumers, who would benefit from living in newer homes, could be denied that benefit.

Requiring a PE to design an insulated foundation system is a good idea, but to make that system subject to ASCE 32 requirements, essentially eliminates insulated skirting designs from ever being used. ASCE 32 is for foundation systems composed of a basement, a slab, or a crawl space with a perimeter foundation wall. Insulated skirting, with typical piers and footings, may not be applicable to ASCE 32. There is no problem with ASCE 32 being used as an **optional** reference standard, but HUD made it mandatory in all instances, thus requiring a permanent-type foundation for every home should you not want to go to frost depth with pier footings. Also, if using §3285.312(c)(2), for slab systems, ASCE 32 is also required for conformance. ASCE 32 will require vertical and horizontal insulation materials below grade. The affect of the more stringent ASCE 32 requirement needs to be addressed.

Under §3285.404, it is possible for ground anchors not to be installed below frost line. The model standard permits footings to be located above frost line by §3285.312(c). One can use a floating slab or insulated foundation system and have footings above frost line. If the footings which bear the vertical loads can be above frost line, then why would the anchoring system not be able to do the same? The longest ground anchor produced is 6 feet long, and in many areas of the country, it may be next to impossible to install then in all soil classifications. There should be a reference to §3285.312(c), in which the approved alternate anchoring system may be included as part of a listed or labeled foundation support system (floating slab or insulated foundation).

Footnote 1 of 3285.310 Figure A requires all footings to extend below frost depth. This is contradictory to §3285.312(c), where insulated foundation systems may permit footings at grade in frost areas. The footnote should reference section §3285.312(c) for footing depths. This same comment also applies to Figure B.

There have been tests/reports performed on frost protected foundations for HUD Code homes and skirting materials. Several of these reports are referenced below for HUD's

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review in determining whether it is necessary for all foundation systems in freezing climates to require conformance to ASCE 32.

1. Manufactured Home Foundations Design for Seasonally Frozen Ground, Progressive Engineering, Incorporated (PEI), Goshen, IN, June 14, 1996.
2. OH MHA: Manufactured Home Movement – Lancaster, OH, PEI, July 2000 – 2001.
3. OH MHA: Manufactured Home Movement – Circleville, OH, PEI, November 2000 – 2001.
4. OH MHA: Manufactured Home Movement – Circleville, OH, PEI, September 2000 – 2001.

As an alternative to making ASCE 32 an optional reference standard or revising §3285.312(c) to the original MHCC language submitted on December 2003, Wick would offer the following performance-based language as a substitute, **“Footings placed in freezing climates must be designed and installed using methods and practices that prevent the effects of frost heave in accordance with the manufactured home design and the requirements of the Manufactured Home Construction and Safety Standards (Part 3280).”**

3. Ground Anchoring Assembly Corrosion Protection Requirements [page 21512; 3285.402]

Not all ground anchor assemblies will require steel stabilizer plates, see §3285.402(b)(3)(ii). If a ground anchor assembly is tested to be listed or certified by the current MHCC Subcommittee/Installation ground anchor test protocol under consideration, *uses an ABS stabilizer plate*, and passes all failure criteria for a certain soil classification, can that listed or certified anchor assembly be used under this section?

4. Ground Anchor Test Protocol [page 21503; 3285.402(c)]

Wick understands that the MHCC is presently developing a test protocol for ground anchor assemblies. Wick believes that this is the appropriate group to take on the development of test protocol. HUD should wait until the MHCC has submitted their version of a ground anchor assembly test protocol before any attempts to develop one outside the MHCC or provide specific requirements for testing in the Model Installation Standards.

5. Proprietary Foundation System Test Protocol [page 21501 and 21509]

Wick understands the MHCC has been targeted to develop a test protocol for proprietary foundation systems, once the ground anchor assembly test protocol has been completed. There have already been two known proposals submitted to the MHCC for the test criteria (Tie Down Engineering). It would be best to delay providing any specific design considerations for proprietary systems in the proposed rule at this time. The Model Installation Standards is the minimum acceptable requirements and the possible alternate foundation system requirement inclusion goes beyond the MHCC “one method of installation” principle.

Any proprietary system can be evaluated by the manufacturer. If they so choose, they could elect to include any proprietary foundation system in the installation manual. If so, then DAPIA approval would be required. Ultimately, any alternate construction method or

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design should be approved by the state in accordance with local governing building codes or HUD in default states per the HUD Code.

It would be up to each state to determine the appropriate inspection level for proprietary foundation systems. By the MHIA, a state only has to perform inspection but no frequency is specified. A state could always require every proprietary system to be inspected, but it is there right to do it under the MHIA's premise. In default states, if HUD requires 100 percent inspection of home installations, every proprietary system would be inspected.

6. Complete Home Installation and Close-Up Assembly [page 21499 and 21500]

The MHCC encouraged the inclusion of close-up activities in developing its draft model standard. The main emphasis was to provide the installer of the home with all the necessary information they would need to complete the home. The department has dwelled on the fact that inspection of the close-up activities will be required in all instances. However, that is not necessarily the case, especially for those states that have a self-certified installation program. In states enforcing their own installation program, they may not require 100 percent inspection for home installations. They may only require 50 percent or below, which is their right under the MHIA §605(c)(3)(C). The MHIA only states that inspection must be performed for a qualified state inspection program but it is silent on the frequency of inspections. In a default state that is administered by the department, 100 percent inspections of close-up activities could be required depending on what frequency of inspection will be required in default states under the remaining portion of the installation program.

How can the manufacturer be responsible for close-up work when the person installing the home may not be under contract with or under the supervision of that particular manufacturer? Manufacturers can only control the close-up activity when they use their own set-up crews to install homes (as some do). However, to make the manufacturer responsible for every one of their home's installations is not practical or possible without an extraordinary expense to hire third-party agencies to perform the inspections.

Close-up should be a part of the installation of the home and the responsibility of the installer or in some cases the retailer. Thus, close-up becomes part of the installation process of home completion. In many instances, the manufacturer has no control or oversight over the installer when contracted under the home's retailer, so the onus should fall on who contracts with the installer to set the home.

A basic premise under the proposed rule is that manufacturers' installation instructions must meet/exceed the Model Installation Standards. The instructions cannot take the home out of compliance with the HUD Code and must provide adequate instructions to properly complete the home. However, the MHIA is intended to provide relief from the most common complaints known to industry, improper set-up of the home. This is responsible for a majority of complaints that retailers and manufacturers receive. This is what the installation program is all about, to ensure the adequate installation of the home, or in other words, to be absolutely sure the installer has installed the home according to the manufacturer's installation instructions, or whatever requirements may apply. That is why the onus of complying with the Model Installation Standards should fall onto the installer's shoulders. It is also why other parts of the installation program are specifically geared

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towards improving the training and licensing/certification of installers, see MHIA §605(c)(3)(B).

7. **Alternate Design Requirements [page 21501, 21509 and 21511 – 21512]**

The Model Installation Standards appears to include the necessary design assumptions used to develop the tables and charts for piers, footings and anchor spacing requirements, see page 21501. Almost all design assumptions are covered by existing footnotes to the tables and charts. It might be worthwhile to consider supporting a concept to include a section within the Model Installation Standards, where applicable, to list the design assumptions for such items as footings, piers and ground anchor spacing requirements. In this manner, the design assumptions would not be overlooked.

It is not entirely clear that manufacturers, or any other registered PE, may perform alternate designs as long as they meet or exceed the design assumptions provided in the Model Installation Standards. While HUD states numerous times throughout the proposed rule (pages 21509 and 21511 – 21512) that the intent is provided, **it would be advantageous to provide a section in the Model Installation Standards under §3285.1 to specifically permit alternate materials and methods of construction** that are not covered in the Model Installation Standards to be used as long as the intended option conforms to the minimum requirements (design assumptions) included in the Model Installation Standards, or even the HUD Code, which may apply in some instances.

The MHCC draft Model Installation Standards was not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed in the Model Installation Standards, provided such alternative had been approved by either the Local Authority Having Jurisdiction (“LAHJ”) or HUD contractor (in default states). If the alternate design satisfactorily meets or exceeds the Model Installation Standards requirements, then why should it not be permitted as an approved alternate method of construction to the one method prescribed in the Model Installation Standards for anchoring against wind? This would assist manufacturers who may decide to include other methods of home support and anchorage in their installation manuals.

We see no reason why the manufacturers cannot comply with the Model Installation Standards for their installation manuals. The ultimate goal of the MHCC was to provide a document that manufacturers could use as the baseline for their own manuals. They also would be permitted to insert special instructions (for assemblies or techniques) to accomplish alternate materials, components or assemblies outside the Model Installation Standards’ minimum requirements.

Wick was led to believe that the Model Installation Standards could not have any appendices since they could be considered non-enforceable. This was a track the MHCC Subcommittee/Dispute Resolution, which while working on accessibility requirements for the HUD Code, was told appendices are not enforceable and any requirements would need to be included in the body of the code itself. Even if an appendix option were available, the prescriptive provisions in the tables for piers and ground anchor spacings need to be included in the body of the Model Installation Standards for ease of use by the installer.

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It will be up to the DAPIA to approve that the manufacturers' installation manual meets/exceeds the model installation standard by the MHIA §605(a). Whether a manufacturer follows the Model Installation Standards format or their own format should not matter to the department. The basic intent is to be sure the manufacturer's manual conforms at least to the minimum installation requirements stipulated by the Model Installation Standards.

8. ABS Footing Pad Approval [page 21510; 3285.312(a)(3)]

ABS footing pads are currently being approved and used. With qualifying state-based programs, the state should determine the appropriate criteria for ABS pad approval. Wick assumes ABS pads are tested for compressive strength as a minimum. Status quo with how these materials are presently being approved for use in home installation should be maintained until an actual nationally recognized material/testing standard is developed.

9. Model-Specific Home Plans [page 21508; 3285.2 and 21511; 3285.403]

There is no need to require model-specific plan criteria for the Model Installation Standards, see page 21508. If there are specialized criteria for a certain model home, then the manufacturer can provide that information in the installation manual that accompanies each new home. The Model Installation Standards provides one method to install the home, whether it is footings/foundation support systems, ground anchor spacings, or utility crossovers/connections. Since the Model Installation Standards is considered the minimum requirements, any specialized model home will contain the accompanying plans/specifications to complete the home installation. Thus, the DAPIA will already determine that the specialized manufacturer's manual has met or exceeded the Model Installation Standards. Subpart G contains the minimum criteria necessary to complete the home.

This proposed rule would require manufacturers to provide an installation manual for all homes, as the proposed rule applies to the initial installation of the new home, see page 21511. The manufacturer may have installation criteria listed in the manual for the specific model home. Therefore, the best alternative might be to permit the mating line anchorage/connection to be determined by the manufacturer's installation manual. The manufacturer's manual will need DAPIA approval to ensure that it meets/exceeds to federal Model Installation Standards. Checks and balances are present for mating line anchorage mechanisms. The federal Model Installation Standards is to be a "minimum" standard and some reliance on manufacturers' proprietary designs in their installation manuals is necessary. The Model Installation Standards should not attempt to provide installation requirements for every conceivable multi-section home available for purchase.

10. Minor Tears in Bottom Board Materials [page 21501 and 21523; 3285.204(c)(3)]

It is true that excessive tears or voids can create additional moisture release into the space between the home's floor system and finished ground surface. The best avenue for the Model Installation Standards would be to state that all tears and voids should be repaired. This existing text is left open to differing interpretations no matter who is overseeing the installation program (HUD or SAA). What would be considered a minor tear (2", 6" or 12") considering the overall area of the vapor retarder underneath the home? How can this type of regulation be consistently enforced by states with their own installation program or various HUD contractors that enforce programs in default states? This is probably one

instance where a prescriptive requirement would be necessary, but the best alternative is to require all voids and tears to be repaired.

11. Manufacturers Installation Manual Standard Format [page 21501]

It will be up to the DAPIA to approve that the manufacturers' installation manual meets/exceeds the model installation standard by MHIA §605(a). Whether a manufacturer follows the Model Installation Standards format or their own format should not matter to the department. The basic intent is to be sure the manufacturer's manual conforms at least to the minimum installation requirements stipulated by the Model Installation Standards.

12. Manufactured Home Piers [page 21509; 3285.303]

The proposed rule already specifies that manufactured home piers, other than concrete masonry units or steel jack stands, be listed and labeled for the required vertical loads and appropriate lateral loads. This appears to be a performance-based requirement. There does not seem to be any reason to begin a laundry list of the design conditions. Wick feels HUD should maintain status quo until some nationally recognized material/testing protocol can be developed.

13. Shim Use for Home Leveling Purposes [page 21509 and 21528; 3285.304(c)]

Wick does not agree with the specifications provided for pier Caps under 3285.304(b)(2) in that dimensional lumber is not the appropriate specification. Wood caps should be of **hardwood** at least 2 inches nominal thickness. Furthermore, that the minimum 2" thickness for steel caps is excessive. Either 5/16" or 3/8" plate would be adequate and certainly more likely to be used. In addition, 3285.304(c)(2) should indicate that shims, when required, should be **used in pairs and installed in opposing directions**.

The above specifications should be added to *Figure A to Sec. 3285.306 – Typical Footing and Pier Installation, Single Concrete Block*, and to *Figure B to Sec. 3285.306 – Typical Footing and Pier Installation, Double concrete Block*. (However, both *Figure A and Figure B* indicate that caps should be hardwood in the detail notes). Finally, the inset to *Figure B* should be modified by rotating the direction of the I-beam and caps so that it appears running in the same direction as the main detail figure.

14. Steel Reinforcement for Footings [page 21502; 3285.312(b)(1)(ii)]

There is no need to provide steel reinforcement specifications for cast-in-place footings in the Model Installation Standards. This will be determined by either the manufacturer or registered PE for the intended application. The Model Installation Standards is a minimum standard to install HUD Code homes. If anything, LAHJs will require reinforced footings based on local requirements if necessary. If the manufacturer desires to provide alternate footings designs, this would be the appropriate time to analyze whether reinforced footings are necessary for a specialized foundation support system for specific pier loads.

15. Drainage of Water Runoff [page 21501]

The Model Installation Standards requires any water runoff from gutters and downspouts to be diverted away from the home. The HUD Code or the model installation standard does not specifically require gutters or downspouts for installation on every HUD Code home. If the producer/retailer does provide gutters and downspouts as an additional feature for the home, then the installer must ensure that adequate drainage is provided at the site.

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16. Moisture Build-Up Laundry List [page 21521; 3285.203(a)]

Wick does not believe it necessary or prudent to provide such an exhaustive and descriptive list of what may be "possible" without proper drainage. Moreover, the list of possible problems may be caused by many other moisture sources, not just improper drainage. Wick feels that this is unnecessary language.

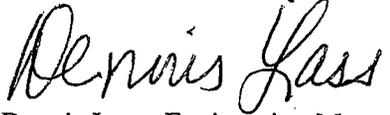
17. Home Construction Items [page 21504]

The MHCC specifically did not address some of the items mentioned in the proposed rule (frame bonding, panel boxes and feeder requirements). These should be considered part of the HUD Code that would need plant inspection or listing/labeling to ensure compliance. Since some of these items might be home model specific, Wick feels these issues should be left up to manufacturers to determine how best to provide proper design, construction and installation requirements. Some of these issues are not a "one size fits all" type of condition. The "minimum" Model Installation Standards cannot be expected to cover every conceivable condition or situation.

If there any questions concerning the above comments, Wick will be happy to address them with the department staff.

Thank you very much for your consideration.

Sincerely,
WICK BUILDING SYSTEMS, INC.


Dennis Lass, Engineering Manager 

DL/mef

Cc: Harris Berg, General Manager
Thomas Palecek, Assistant General Manager
Mary E. Frost, Consumer Affairs Manager



Cavalier Homes, Inc.™

June 27, 2005

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451 Seventh Street, SW
Washington, DC 20410-0500

RE: Docket No. FR-4928-P-01; HUD-2005-0006
RIN Number 2502-AI25
Model Manufactured Home Installation Standards

OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

2005 JUN 27 A 11: 45

RECEIVED

Dear Sir/Madam:

The following comments are submitted on behalf of Cavalier Homes, Inc ("Cavalier") in response to the proposed rulemaking noticed in the *Federal Register* of April 26, 2005, (70 FR 21497-21559). Cavalier designs, manufactures, markets and finances a wide range of high quality homes with a focus on the low to medium priced manufactured housing market. Cavalier currently operates six manufacturing facilities. The Company markets its homes through a network of approximately 370 independent dealer locations over an 18-state region and ranked sixth in national market share. As of April 2, 2005 the company had 1675 employees. As has been widely discussed and publicized, the manufactured housing industry has been severely impacted by a variety of negative factors. The Manufactured Housing Institute (MHI) has reported that wholesale shipments were down 60% cumulatively from January 1, 1999 through December 31, 2004. Cavalier has not been immune from this downturn but has taken aggressive steps to reduce capacity and overhead costs such that it is positioned as one of the larger manufacturers still providing affordable housing to its customers.

The comments that Cavalier is submitting regarding the proposed rule can be divided into two categories (i) legal or procedural issues; and (ii) technical or practical issues. Comments relating to the legal and procedural issues are of critical importance to Cavalier. Comments relating to technical issues deal with an assortment of interpretation and practical application issues

I. LEGAL AND PROCEDURAL COMMENTS

In spite of the difficulties of the past five years Cavalier has been active, along with other industry members, with the formulation and advancement of the Manufactured Housing Improvement Act of 2000 ("2000 Act"). This participation was undertaken with the belief that this legislation would provide necessary change to the National Manufactured Housing Construction and Safety Standards Act of 1974 ("1974 Act") that would ultimately improve both the affordability and consumer satisfaction with respect to manufactured housing. Our belief was founded in no small part by those elements of the 2000 Act that required the formation of the Manufactured Housing Consensus Committee ("MHCC") and the requirement that the MHCC develop a comprehensive manufactured housing installation standard for the

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entire country. Cavalier is well versed in the style, structure and intent of the 2000 Act and in particular with those aspects involving installation, the role of HUD and that of the MHCC. In our opinion the above Model Installation Standards ("MIS") deviate significantly from what was intended and what was enacted.

The current HUD proposal contemplates that the MIS will be codified under section 3285 rather than section 3280. By doing so the MIS will end up being separate and distinct from all other Federal Manufactured Home Construction and Safety Standards ("MHCSS"). We cannot understand any premise that would separate construction from installation for three very important reasons. First, construction and installation are not mutually exclusive of each other and must be viewed together from the design phase through the point of habitation of the home. There is no argument that can be made that would support the suggestion that construction standards do not impact installation requirements or vice versa. Second, by placing the MIS in a different section any future governance involving installation would be left to the sole discretion of HUD. The MHCC was specifically assigned by the 2000 Act to develop the installation standard. Surely the very entity Congress would entrust for the creation of the standard should have significant subsequent involvement in the continuing maintenance of that very standard. We believe that this was the intent of Congress when passing this legislation. Third, by taking MIS out of section 3280, installations will not be subject to federal preemption. This premise would unfairly subject consumers and manufacturers to the whims of local jurisdictions to enact more stringent requirements than the MIS. The installations standard should be preemptive, no different that the preemption given to the MHCSS under section 3280.

II. TECHNICAL COMMENTS

A. Section 3285.2 – Primacy of Manufacturer Instructions

Proposed section 3285.2 would implement the requirement set forth in section 605(a) of the Act, that a manufacturer provide DAPIA-approved installation instructions for each of its homes. Section 605(a) states:

"A manufacturer shall provide with each manufactured home, design and instructions for the installation of the manufactured home that have been approved by a design approval primary inspection agency. After establishment of model standards under section (b)(2), a design approval primary inspection agency may not give such approval unless a design and instruction provides equal or greater protection than the protection provided under such model standards."

Section 605(b)(1)(B) further requires that the federal MIS, to the "greatest extent possible," "be consistent with, among other things, "the designs and instructions for the installation of manufactured homes provided by manufacturers." Similarly, section 605(c)(3)(A) requires that state installation standards, in order to be approved by the Secretary, provide protection to residents that equals or exceeds either (i) the federal MIS, or (ii) the manufacturer's DAPIA-approved installation instructions, so long as those instructions themselves, provide protection to residents that equals or exceeds that provided by the federal MIS.

Under this formulation, the manufacturer's DAPIA-approved instructions are controlling, so long as they meet the threshold standard of providing "protection" that equals or exceeds the federal MIS. HUD's proposed rule acknowledges this point in section 3285.2, where it states "installers must follow the DAPIA-approved manufacturer's installation instructions for those aspects covered by these Model Installation Standards." (Emphasis added). This is a legally correct construction of the Act, as far as it goes, but the mandate of the Act goes further. Significantly, the "protection" standard, set forth in the Act,

is itself a performance standard, that does not require a complete overlap between the manufacturer's instructions and either the federal MIS or a state standard. As long as the manufacturer's instructions, as a whole, provide equal or greater protection than the federal MIS – which they would have to do in order to be approved – the instructions are controlling for issues not addressed by the MIS or applicable state standard. Thus, section 3285.2 should make it clear that installers must follow the manufacturer's DAPIA-approved instructions as to aspects of installation not covered by either the federal MIS or an approved state installation standard. This concept was addressed by section 1.1.1 of the standard proposed by the MHCC. This concept should be restored in the final rule.

B. “Acceptable Engineering Practice”

Multiple sections of the proposed standards refer to designs prepared by a registered professional engineer or architect in accordance with “acceptable engineering practice.” As noted by the MHCC in its own comments, however, this terminology could be misconstrued to refer to techniques and criteria that while appropriate for site-built homes, modular homes or even commercial construction, would not be suitable for manufactured housing with its unique emphasis on affordability. Accordingly, each such section should be modified to state: “... must be prepared by the manufacturer or by a registered professional engineer or a registered architect in accordance with the manufacturer's home design and the Federal Manufactured Home Construction and Safety Standards.”

C. Section 3285.202 – Penetrometer Use

Section 3285.202(a) requires that “the soil classification and bearing capacity” be determined “before the foundation is constructed.” The proposal, in turn, provides three permissible methods by which these factors can be determined: (i) by soil tests “in accordance with generally accepted engineering practice;” (ii) by “soil records” on file with the local jurisdiction, or (iii) for certain soils, by consultation with a registered professional engineer, registered professional geologist, or a registered architect. A widely used method of determination, however, is not listed – i.e. through the use of a penetrometer.

These devices are readily available at reasonable cost, are easy to use, and are referenced by nearly every current manufacturer installation manual. Furthermore, they can be used to test the soil at the exact home site, which provides information superior to general soil “records” maintained by local jurisdictions. These devices have been in use for many years, and based on information provided by installation experts, have not resulted in any failures. While the use of this device would arguably be permissible under section 3285.202(a)(1)'s reference to tests that are in accordance with generally accepted engineering practice, the standard should leave no room for doubt or confusion – or future need for interpretative clarification of this issue. Accordingly, section 3285.202(a)(1) should be modified to state: “Soil tests, including but not limited to the use of a penetrometer, that are in accordance with generally accepted engineering practice.”

D. Section 3285.204 (a) – Ground Moisture Control

This section states “If the space under the home is to be enclosed with skirting or other material, a vapor retarder that keeps ground moisture out of the home must be installed except in arid regions with dry soil conditions.” We are of the firm belief that one of the essential components of a proper installation is site preparation that does not allow water or moisture to collect beneath the home. Once the site is properly graded such that any natural drainage is diverted around and away from the home a vapor retarder/barrier under the home can only be counter productive in the event water or moisture is introduced by other means. A leaking pipe or condensation from a leaking HVAC duct may introduce water/moisture that will only

pool and collect rather than being wicked into the ground. This section assumes that the only purpose of a vapor retarder/barrier is to restrict the upward movement of ground moisture but does not contemplate the negative long-term consequences of other sources of water/moisture introduced beneath the home. Proper site preparation is the key to controlling ground moisture and any requirement for a vapor retarder/barrier is not in the best interests of the consumer.

Should the vapor retarder/barrier ultimately be required despite our objections then specific criteria should be developed to define "arid regions with dry soil condition". Wind, thermal and roof load zones are all currently defined in geographic terms, as should this requirement.

E. Tables 1, 2 and 3 (Section 3285.303) and Figure C to 3285.312

Engineers employed by several manufacturers have noted deficiencies and inconsistencies in these tables. Specifically, tables 1, 2 and 3 should be modified to delete the current references to "16 in. x 16 in. Concrete Footing Layouts." In addition, Figure C to section 3285.312 should be deleted. These changes would allow the utilization of loads to select the necessary and appropriate footings in accordance with note 1 to section 3285.312, and would eliminate inconsistencies currently incorporated into the tables. Further, footing configurations 1-6 are designed to use 8 x 16 piers. This evaluation does not consider the use of 16 x 16 piers, which do not require 8 inch-thick footings. This is overly conservative in its assumptions and would not be cost-effective in many instances. Therefore, this deletion and simplification is essential.

F. Figure A to Section 3285.306

The current figure refers to "2" x 8" x 16" steel or hardwood caps." It is not practical or sound engineering practice to use 2 x 8 x 16-inch steel. First, 2" steel is not readily available. Second, and more important, steel caps of this size can easily crack the "blocks" specified in the figure. Consequently, this section should be modified to state: "2" x 8" x 1" hardwood caps or 1/2" steel caps." This would accomplish the intended purpose of the rule while providing manufacturers with a reasonable set of alternatives.

G. Section 3285.309 – Elevated Homes

This section contains both a technical flaw and a conceptual flaw. First, since tie-downs and piers are designed up to 67 inches in height, the reference to one-fourth of the home is not necessary. This section should simply begin with: "when a home is installed more than 67 inches above the top of the footing" More important is the requirement that home stabilization be designed by a registered professional engineer. This mandate could be interpreted to require stabilization designs and drawings by local engineers – who may or may not have any specific knowledge of manufactured housing. Similarly, this language could be construed as excluding the development of elevated set instructions by the manufacturer. There is no rational reason, however, to prohibit manufacturer development of such designs and instructions in preference to registered engineers who may (and likely would) be less familiar with the home than the manufacturer. Indeed, the same reasoning applies to similar provisions regarding basement sets and permanent foundations. Consequently, this section should be modified in accordance with comment III B, above.

H. Figures A and B to Section 3285.310 and Section 3285.312(c) – Frost Line

Both Figures A and B to section 3285.310 require that the "bottom of footings extend below frost depth." This is inconsistent with section 3285.312, which states "Footings placed in freezing climates must

be placed below the frost line depth for the site unless an insulated foundation or monolithic slab is used....” (Emphasis added). The figures should thus make it clear that alternatives are, in fact, permitted by the substantive standard. More important, though, the Department should reconsider this prescriptive mandate in its entirety.

Installation experts who have examined this requirement say that it is unnecessary with respect to footings under the middle area of the home. For locations more than two feet from the perimeter of the home, frost line depth should only be ½ of those required for perimeter footings, because temperatures under the home are not low enough to cause severe soil frost-line conditions. Indeed, this practice has been used successfully in the state of Kentucky for the past ten years with significant cost-savings for homeowners. By contrast, a uniform sub-frost line requirement for all footings, as proposed by HUD, can double the cost of a foundation. HUD should avoid this unnecessary expense.

I. Section 3285.312(b)(i) – Compressive Strength of Blocks

Section 3285.312(b)(i) requires that load-bearing concrete masonry units, without reinforcement, have at least a “28 day compressive strength of 4,000.00 pounds per square inch [psi].” The blocks currently used by the industry are 1,200 psi air entrained concrete masonry units. At the outset, the standard does not explain why the 1,200 psi blocks are not of sufficient strength. Second, since the blocks above these are of the 1,200 variety, there appears to be no engineering reason for the bottom portion to be so heavy. Third, our inquiries have indicated that 4,000 psi concrete masonry units are simply not available. Consequently, HUD should reconsider this requirement, and set a 1,200 psi standard for all blocking. The same revision should be made to Figure C to section 3285.312.

J. Section 3285.314(a) – Permanent Foundations

This section would allow localities in all states to establish code requirements for permanent foundations that meet or exceed the level of protection offered by the MIS. For reasons set forth elsewhere in these comments, Cavalier opposes provisions, such as this, which would permit a myriad of different and potentially conflicting local standards. Instead, this section should be modified as suggested by the MHCC, in its comments, to state: “The placement of a manufactured home on a permanent foundation must be in accordance with applicable state requirements, installed in accordance with their listing by a nationally-recognized testing agency based on a nationally-recognized testing protocol or installed in accordance with the manufacturer’s approved permanent foundation installation instructions and, in all cases, based on the home’s design and the load requirements of the Federal Manufactured Home Construction and Safety Standards.”

K. Section 3285.401 (c) Anchoring Instructions

This section states “All anchoring and foundation systems must be capable of meeting the loads required by part 3280, subpart D of this chapter, that the home was designed to withstand as shown on the home’s data plate.” Many dealers located in or near wind zones II and III typically purchase homes for stock that meet the worse case wind zone requirement even though they may ultimately sell these homes into a lesser wind zone location. The difference between the cost to anchor a home in wind zone II and III is significant when compared to the cost to anchor in wind zone I. Obviously a consumer could voluntarily choose to pay more but forcing a dealer and ultimately a consumer to pay for an anchoring system that is not relevant to the sited location is simply wrong.

L. Section 3285.402(b)(2) – Longitudinal Anchoring

Section 3285.402(b)(2) requires that homes located in Wind Zones 2 and 3 have “longitudinal ground anchors installed on the ends of the ... transportable sections.” It further states, “a registered professional engineer or registered architect must design alternative longitudinal anchoring methods in accordance with acceptable engineering practice.” This mandate would appear to prohibit pan-bracing systems that are in widespread use today. Cavalier is not aware of any critical failures of such systems.

Therefore, again, the standard is overly prescriptive and should be modified to permit pan bracing and other systems unless there is data indicating that such systems are insufficient.

M. Section 3285.505(d) – Crawlspace Ventilation

The word “metal” should be deleted. Again, this is unnecessarily prescriptive. Eliminating the word “metal” will allow other materials to be used in accordance with sound construction practice.

N. Section 3285.801(e) – Mate-Line Gasket Material

Section 3285.801(e) should be modified to allow installers or homeowners to provide mate-line gasket materials in addition to the manufacturer, so long as those materials comply with the manufacturer’s instructions.

O. Section 3285.801(f) – Hinged Roofs

Hinged roofs are not subject to AC letters or on-site completion when in wind zone I, limited to a 7:12 roof pitch and not having any flue penetration above the hinge line. The MIS should be extended to cover any hinged roof regardless of wind zone, roof pitch or flue penetration. This is a normal construction process that is occurring more and more frequently for HUD code installations.

We can provide installation instructions for hinged roofs that conform to the HUD code. These instructions would require DAPIA approval. This is no different than providing installation instructions for marriage line/crossover connections, alternate ground anchor assembly spacing that meets or exceeds the model installation standard, or close-up details for multi-section homes.

The option of placing hinged roofs under the model installation standard would save considerable money with regard to IPIA inspection under the on-site completion rule and considerable time under the AC letter process. This is not new form of HUD code assembly and has been performed for years. Time has shown that the industry can handle hinged roofs as installation set-up without HUD oversight.

P. Figure to Section 3285.803

The reference to “one full-sized panel no less than 16 in. nor larger than 32 in.” should be deleted. Panel sizes can, consistent with sound construction practice, vary, while still providing proper performance. This is an unnecessarily prescriptive requirement that will limit future innovation.

Page 7
June 27, 2005

Q. Section 3285.804(b) – Bottom Board Repair

This section currently requires that “Any splits or tears must be resealed with tape or patches specifically designed for repairs of the bottom board.” This is unnecessarily prescriptive. Instead, it should be modified to state that such splits or tears shall be resealed “in accordance with the manufacturer’s installation instructions.”

Cavalier looks forward to working with both HUD and MHCC to complete this very important effort.

Sincerely,

CAVALIER HOMES, INC.



David A. Roberson
Chief Executive Officer

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HAM LAKE, MN. 55304
763-434-5400**

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Regulations Division
Office of General Counsel
Room 10276
Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC. 20410-0500

June 21, 2005

RE: Docket No. FR-4928-P-01; HUD-2005-0006
Rin number 2502-A125
Model Manufactured Home Installation Standard.

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2005 JUN 21 A 10:32
OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

We have been in the Manufactured Housing Industry for over 30 years and wish to remain in the business of providing affordable housing for the general population.

The state of Minnesota has implemented its own installation program and we have worked with it successfully for many years. We have been able to work with the State and LAHJ on our set up issues, while still complying with the manufactures installation manuals.

There are a few issues we feel are of critical concern involving the April 26th Federal Register.

Placement in Freezing Climates-page 21510 3285.312.

In Minnesota we have been installing Manufactured Homes, using above the frost line set up techniques in compliance with the State and the manufacturers for over 30 years. We work with the manufacturer and their DAPIA to ensure the lot is prepped, skirted, and set up per the manufactures installation manual.

HUD is now imposing an Installation Standard that would require that a home placed in one of those Manufactured Home Communities now be placed on a footing below the frost line of at least 42 inches or on a monolithic slab or insulated foundation above the frost line provided they are designed by a professional engineer or architect and conform to the nationally recognized consensus standard, SEI/ASCE 32-01 and acceptable engineering practice. This can easily add \$4,000 to \$8,000 and possibly more in some cases. HUD was instructed by the Act to "facilitate the availability of affordable manufactured homes and to increase home ownership for all Americans". This does not coincide with increasing availability and affordability. If you force more expense on the consumer instead of giving them the option to pick his choice and cost when buying, this would be defeating the purpose of affordable housing.

Regulatory Flexibility Act. HUD has conducted a material and labor cost impact analysis for this rule. The numbers given in that analysis are not consistent with Minnesota and other freezing climate states. We feel it would have a significant economic impact on our Community and all consumers desiring to place a home in our community.

Page 21500 you also state, "Seismic safety has not been addressed in this proposed rule primarily because seismic safety is not a required consideration in the construction of manufactured homes under the preemptive Manufactured Home Construction and Safety Standards (24 CFR part 3280). Why wouldn't the freezing climate be addressed the same way? The state would still have authority to implement and enforce, plus the manufacture and it DAIPA would be able to authorize their required set up instructions in the respective installation manual.

In Summary: Each manufacturer's DAIPA must approve their installation manual so that it meets or exceeds the Model Minimum installation requirements. Therefore, if a manufacture desires to have their homes placed in an existing manufactured home community, with out frost footings or a monolithic slab, they must have DAPIA approval and instructions as to installation procedures in their installation manuals to be in compliance. This Model Standard proposed rule is one part of a comprehensive installation program that each State could use as a basis to develop it's own installation program.

Thank You,



Donald E. Osborne, President
Flamingo Terrace Mobile Home Park



421 Hart Lane * Nashville, TN 37216 * 615-226-6453 * (Fax) 615-228-1301

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June 20, 2005

Regulations Division
Office of General Counsel
Room 10276
Department of Housing and Urban Development
451 Seventh St. SW
Washington, DC 20410-0500

RECEIVED
2005 JUN 27 A 10:32
OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

To Whom It May Concern:

I am writing to express our company's view on some of the standards being considered on ground anchor assembly corrosion protection requirements and ground anchor tests for HUD homes.

Corrosion protection, like zinc and galvanized coatings, should be used in Florida due to the corrosive elements present in the soil and air. The remaining states do not face the same elements that exist in Florida. Requiring a zinc or galvanized coating in these states should not be considered as a standard. The elements that exist in these states can be deterred with a simple paint coating for protection. Requiring a zinc or galvanized coating increases the cost of anchoring a home, and ultimately the homeowner will suffer by paying a higher cost due to this unnecessary standard. Another argument that I would like to make is that Home Pride, Inc. has never received a complaint or inquiry related to corrosion on any of its products.

Proposed changes to ground anchor tests should not be considered. The current tests requirements have been in place for many years and history has shown the requirements have worked well. When anchors fail it is not because the tests requirements have not been strong enough. They fail when the installation instructions for the product are not followed or the home installation manual instructions for installation of anchors are not followed. Changing the testing requirements would force all manufactures to re-engineer and test their products. Again, this would result in higher cost to anchor a home and the homeowner will suffer by paying these higher costs for products already proven to work when installed properly.

Thank you for allowing our company to express our concern on these issues. If you would like to discuss these issues further please feel free to contact me at 615-226-6453 or at aoliphant@blevinsinc.com.

Sincerely,

Andy Oliphant
Director of Operations



IOWA
MANUFACTURED
HOUSING
ASSOCIATION

33

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June 21, 2005

Regulations Division
Office of General Counsel
Room 10276
Department of Housing & Urban Development
451 Seventh Street, SW
Washington, DC 20410-0500

RECEIVED
2005 JUN 27 A 10:33
OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

Dear Sir or Madam:

On behalf of the Iowa Manufactured Housing Association, I'm writing to you concerning proposed rule, 24 CFR Parts 3280 and 3285, Docket No. FR-4928-P-01; HUD-2005-0006.

The Iowa Manufactured Housing Association was created in 1947 and represents the interests of manufacturers, retailers, installers, community owners, and other service industries doing business with our industry.

Our association is an affiliate of the Manufactured Housing Institute (MHI). Our members have reviewed MHI's comments on this proposed rule and concur with their findings.

I want to comment on a few items of particular interest to the industry in Iowa. We believe there is a need for consistency in how homes are installed in a state. Iowa has 953 cities. Most are not large enough to have a building code and inspection program. Therefore, for the past almost thirty years, manufactured homes, as well as modular homes, have been the only homes which are always built to a building code and which have been inspected in the factory. Many of the homes are inspected upon installation. For site built homes in non-building code cities, there is no uniform building procedure and no inspection.

We want to keep this uniform system in our state. With respect to the training of installers, it doesn't make much sense to us to have a program wherein a larger city would have the right to impose a different set of requirements on the installation of our homes. Our retailers and installers work a large market area and would be subjected to numerous different standards, if local governments are allowed to be more stringent than a state's standards. Our statutes and administrative rules call for the state program to be followed in all cities and counties in the state.

In our northern climate, we are eager to be allowed to use as many alternative installation systems as possible, so long as a registered Iowa engineer approves such an alternative system. The HUD based construction code has been a performance code over the years and has been amenable to the adoption of new technologies. We would regret seeing the installation format be so stringent as to disallow perfectly acceptable installations alternatives. For example, we do not like the reference to the ASCE 32-01

design criteria. This is a limiting feature. Allow any system outlined by the manufacturer that meets or exceeds the federal model. Also allow any installation system, approved by a registered engineer in a state, which accommodates the load of the home and provides for protection from frost heave in the northern climates like Iowa.

We appreciate your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Kelly", with a long horizontal flourish extending to the right.

Joe Kelly

Executive Vice President



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June 24, 2005

Regulations Division
Office of General Counsel
Room 10276
Department of Housing & Urban Development
451 Seventh Street, SW
Washington, DC 20410-0500

RECEIVED
2005 JUN 27 P 12: 52
OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

Re: Docket No. FR-4928-P-01
HUD-2005-0006
RIN 2502-A125
Model Manufactured Home Installation Standards

To Whom It May Concern:

The following comments are submitted on behalf of the members of Georgia Manufactured Housing Association (GMHA).

GMHA is a not-for-profit state trade association representing all segments of the manufactured housing industry, including: manufactured home producers; material suppliers; retailers; service suppliers; manufactured home installers; community owners, managers and developers; transporters; and, financial service companies. Established in 1957, GMHA is one of the nation's oldest manufactured home trade associations. The state of Georgia is ranked as one of the leading producers of manufactured homes.

24 CFR 3285 vs. 24 CFR 3280

Congress directed the Manufactured Housing Consensus Committee to develop manufactured home installation standards. It is therefore apparent, that Congress fully intended for the MHCC to be directly involved in the maintenance, revisions and updates to the standards.

The proposal to codify the model installation standards under 24 CFR 3285 will severely limit and basically prohibit the MHCC from involvement in any future proposed changes prior to their publication.

Therefore, GMHA strongly objects to the model installation standards being codified under 24 CFR 3285. Instead, the standards should become a part of 24 CFR 3280.

Subpart C – Site Preparation

The U. S. Geological Survey has determined that the lowest frost penetration ever recorded in the state of Georgia was 4.6 inches in the northern most part of the state. Our state installation standards require that a minimum of 2” of soil be removed on homes installed in the southern part of the state and 4” in the northern portion. A requirement that 6” of soil be removed under load bearing footings is excessive.

3285.204 Ground Moisture Control

(c) Requiring the “entire area under the home” to be covered with the vapor retarder could result in serious problems. Inherently some moisture will collect under the home and must have an escape route. To provide for collected moisture to escape, this section should be changed to “90% of the area under the home” is to be covered.

(3) Due to the inevitable different interpretations, the terms “minor voids or tears” should be removed. The above recommended change in 3285.204 (c) will address this issue.

3285.303 Piers

It appears the tables are based on 16’ wide homes. GMHA recommends that the tables be eliminated or at the least, adjusted to reflect the installation of 12’ and 14’ wide homes. To install 12’ and 14’ wide homes under the proposed tables would double the homeowner’s installation costs, while resulting in no appreciable benefit.

3285.312 (c) (1) Footings – Placement in freezing climates

The proposed requirement should be changed to clarify that only the base of the footings must be below the frost line.

Figure C 3285-312 Footing Configuration Layout Designs

The layout designs are obviously for 16’ wide homes and do not take in consideration the additional and unnecessary costs to install 12’ and 14’ wide homes. Further, it appears that the allowable pier loads used in the calculations underestimate the actual load capabilities. We strongly recommend that these designs and calculations be reevaluated to determine the true costs for 12’, 14’ and 16’ wide homes and the benefits received.

3285.402 (a) (1) Ground anchor installations

There is no justification to the proposed requirement for zinc-coated anchors. The current requirement [3280.306(g)] allowing a coating equivalent of 0.30 coating of zinc is totally sufficient. The additional costs that would be incurred by zinc-coated anchors would more than double the costs without any appreciable benefit.

3285.803 (c) Interior close-up

If polyvinyl acetate adhesive (PVA) is used to secure wall-paneling, serious damage to the home will occur if the paneling must be removed, such as for being transported to another site. This proposed requirement is illogical.

Subpart J

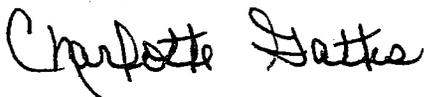
Although these proposals are listed as "Recommendations", there is little doubt that they will be interpreted as mandatory. A number of the proposals are already within the local jurisdiction's authority and it is not necessary for them to be included in the manufactured home installation standards. Further, it is our opinion that many of the issues addressed in this section are outside HUD's authority.

Conclusion

While the GMHA members support the concept behind the model manufactured home installation standards, we urge the department to carefully consider the costs involved in each requirement and the ultimate benefit to the consumer. Further, it is vital that the department take into account the varying climates throughout the country when determining the final requirements.

Thank you for the opportunity to submit our comments on the Model Manufactured Home Installation Standards, Proposed Rule.

Sincerely,



Charlotte Gattis
President
Georgia Manufactured Housing Association

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2005 JUN 27 P 1:30

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GFA

MANAGEMENT, INC.

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317-888-7156

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17 June 2005

TO: Regulation Division, Office of General Counsel
Department of Housing & Urban Development
451 Seventh Street, SW Room # 10276
Washington, DC 20410-0500

FROM: George Allen, CPM & MHM*1
Consultant to the Factory - built Housing Industry &
Land - lease Community Real Estate Asset Class

SUBJ: **A Land - lease (*nee* manufactured home) Community
Owner's Comments on HUD's Model Manufactured Home
Installation Standards**

REF: a) Docket No. FR-4928-P-01; HUD-2005-0006
RIN Number 2502-A125 Model Manufactured Home
Installation Standards

ENCL: 1) 16th annual Allen Report ('Who's Who Among Portfolio
Owners/Operators of Land - lease Communities in North
America')
2) Allen Survey (of Operating Statistics) VI
3) copy of letter, dated May 12, 2005, from Acting Chief of
Kentucky's Manufactured Housing division of the State
Fire Marshall's Office commenting on HUD's proposed rule
re: requirements for footer depths in freezing climates

INTRODUCTION

I am the owner of a mid - sized land - lease (*nee* manufactured home) community ('LLCommunity') located in Canton, Illinois, and 25 year management consultant to the factory - built housing industry & LL Community asset class. Accordingly, I submit the following observations and comments, in response to HUD's proposed rule - making, as observed in the *Federal Register* of April 26, 2005, (70 FR 21497-21559). See reference a.

I have owned and fee - managed LLCommunities throughout the United States since 1978. And in my ongoing role as international consultant to the

real estate asset class, I've conducted the majority of its' statistical research (see *16th annual Allen Report & Allen Survey VI* attached as enclosures # 1 & 2) during the past two decades, and have written all its' textbooks - 'in print' and widely used today:

- *Development, Marketing & Operation of Manufactured Home Communities*, Allen, Alley & Hicks; J. Wiley & Sons, NY, 1994
- *How to Find, Buy, Manage & Sell a Manufactured Home Community*, George Allen; J. Wiley & Sons, NY, 1996 & 1998.
- *Land - lease Community Management*, George Allen; PMN Publishing, IN, continuously in print since 1988; 5th edition released 6/2005.

Furthermore, I am a *founding* board member, and continue to be an active, dues - paying member of all three national trade advocacy associations serving the asset class in the United States & Canada:

- National Communities Council ('NCC') of the Manufactured Housing Institute ('MHI')
- Manufactured Housing Communities Council ('MHCC') of the Urban Land Institute ('ULI')
- Canadian Association of Land - lease Communities ('CALC')

Finally, many of the 500 portfolio owners/operators of LLCommunities in North America, subscribe to one or both our firm's proprietary newsletters, the *Allen Letter* and the *Allen CONFIDENTIAL!*, or read my columns each month (for the past 20 years) in the *Manufactured Home Merchandiser* magazine and or *The Journal*.

Bottom line? I've devoted my career to this real estate asset class and have as informed an opinion about what's Good or Bad for this income property type as anyone 'in the business' today! Therefore, it is my opinion, that parts of HUD's proposed Model Manufactured Home Installation Standards are not only bad, but have the very real potential to wreak catastrophic harm on the manufactured housing industry in general, and LLCommunity asset class in particular!

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GENERAL COMMENTS

Only because I'm unable to improve on remarks expressed, in the following two paragraphs quoted from the DRAFT copy of MHI's comment letter, they're used here as an apt introduction to my observations and opinions:

The Manufactured Housing Consensus Committee ('MHCC') was (sic) is the organization that provided the department with a draft model installation standard on December 18, 2003. The MHCC was directed by the Manufactured Housing Improvement Act of 2000 to perform this activity as part of the department's development of a comprehensive installation program for the entire country.

Under the MHIA, there are three basic components for the comprehensive installation program. These are: 1) development of a model installation standard; 2) training and licensing/certification of manufactured home installers; and 3) inspections of the installation of manufactured homes.

Throughout its' development of the draft model installation standard, the MHCC used MHIA's three elemental principles to serve as the foundation for its' draft document: These are that the model installation standard would: 1) serve as the model installation standard that a state - based installation standard must meet or exceed; 2) serve as the model installation standard that a manufacturer's installation standards for each home must meet or exceed; and 3) serve as the installation standards for installing homes in states where HUD is responsible for operating a comprehensive installation program because the state has elected not to do so.

Given all that, HUD's April 26th publication of its' proposed rule (see reference a.), introduced *at least* three highly important and potentially catastrophic issues affecting the manufactured housing industry ('MHIndustry') in general, the LLCcommunity asset class in particular! And, said issues are in contradiction to MHIndustry positions articulated during MHCC's development of its' draft model installation standard document submitted for HUD consideration. To wit:

SPECIFIC COMMENTS

ISSUE # 1. Proposed federal Model Manufactured Home Installation Standard should become subpart of 24 CFR 3280, not codified under 24 CFR 3285! Why? If said standard is codified under Part 3285, MHCC would no longer have to be intimately involved in *future rule changes* proposed by

HUD (e.g. 120 day comment period prior to publication), effectively circumventing intent of MHIA to involve MHCC in ongoing maintenance and updating of the federal code. Why is HUD attempting to make this 'end run' around the very council put in place by Congress to help it do its' regulatory job?

ISSUE # 2. HUD enforcement of the Model Manufactured Home Installation Standard, in *default states*, should *not* give these legislative bodies the potential ability to establish more stringent requirements for the installation of HUD code homes - as long as they meet or exceed said model standard. *To do so*, would add to already existent and burdensome local regulatory barriers to all forms of affordable housing! Said 'local regulatory barriers to all forms of affordable housing' are already a severe national housing challenge, first documented in HUD's *Report of the Advisory Commission on Regulatory Barriers to Affordable Housing* in 1991, a.k.a. 'The NIMBY Report', and recently revisited and reaffirmed (As the on going problem that it is!) in '*Why Not In Our Community?*', subtitled 'Removing barriers to Affordable Housing', published by HUD earlier this year! So why is HUD knowingly adding to the very national problem it perennially documents and rails against? Furthermore, to implement this rule change as offered, (i.e. giving local regulatory bodies the ability to 'stonewall' against manufactured housing) effectively compromises the federally pre - emptive nature of HUD code manufactured housing!

ISSUE # 3. Placement of footings in freezing climates. (pages 21502, 21510 & 21512; 3285.312c). This proposal *alone* wields the potential to eventually end the valuable history and practice of siting affordable HUD code manufactured housing in land - lease and subdivision communities! Many folk who live in LLCommunities cannot afford the \$150,000.00 homes characteristic of most local housing markets these days! Why is HUD even thinking of pricing us (LLCommunity owners/operators) 'out of the market', through the design and construction of all footers to go below the frost line, unless a monolithic slab designed to ASCE 32 is used? Rather, couch this rule in performance - based language instead of as presently proposed. Far better wording would be: "**Footings placed in freezing climates must be designed and installed using methods and practices that prevent the effects of frost heave in accordance with the manufactured home design and requirements of the Manufactured Home Construction and Safety Standards.**" For additional evidence to this end, read enclosure # 3 from Kentucky's Fire Marshall's office describing cost effective frost depth control, over many years, in that state..

SUMMARY

The MHCC was established by the MHIA to update and improve the Manufactured Home Construction and Safety Standards. In the spirit of cooperation and finally getting some credible work done - since the act was approved in the year 2000, HUD should reconsider adopting the MHCC's proposed rule changes as submitted *way back in December of 2003*. At the very least, take the above three issues to heart and not take the nefarious steps towards crippling our nation's only form of truly affordable housing, HUD code manufactured housing!

End Notes:

1. Certified Property Manager member of the Institute of Real Estate Management (IREM) & Manufactured Housing Manager

Copies:

Senator Evan Bayh
Congressman Dan Burton

Nathan Smith, chairman, chairman of the NCC/MHI
Randy Rowe, chairman of the MHCC/ULI

Deanna Fields, manufactured housing association executive

Subscribers, *the Allen CONFIDENTIAL!*

16th annual ALLEN REPORT, Who's Who among Land-Lease (*nee* Manufactured Home) Community Owners / Operators throughout North America!

By George Allen, CPM & MHM
 Consultant to the Factory - built Housing
 Industry & Land - lease Community Real
 Estate Asset Class

Year 2005 marks the debut of a new era in housing and real estate investment, the **Decade (2005 - 2015) of Factory - built Housing & the Land - lease Community!** Year 2005 also evinces the 16th consecutive year of research, publication and distribution of the ALLEN REPORT, the veritable *'Who's Who among land - lease community owners/operators in North America'*.

The 'new decade' title supplants the moniker used to describe the previous ten years: Decade (1995 - 2005) of Manufactured Housing & the Manufactured Home Community. Why the change? **Two reasons:** As annual shipment volume of HUD code manufactured homes continues to decline (*except for inclusion of 'modular units' produced by MHI members & a one time hurricane - prompted hiccup in FEMA orders*) to a 40 year nadir, other types of factory - built housing have picked up the slack. *1 And, given the variety of housing types (*e.g. modular homes, 'park homes', RVs for a season, even stick - built homes*) now frequently sited within the heretofore unique income - producing property type, the new label is more appropriate, hence: **Decade (2005 - 2015) of Factory - built Housing & the Land - lease Community!**

Special Note. A clear and recent indicator of real estate investor confidence in the desirability and viability of the land - lease ('L-L') community asset class has been the dozen new firms formed during 2004 to grow portfolios comprised of this property type! Dubbed the *Daring Dozen*, these firms were first identified in the November issue of the *Allen Letter* and their growth will be tracked from year - to - year! To subscribe to the *Allen Letter*, call

(877)MFD-HSNG or 633-4764 (*Your # for all things factory - built housing & the L-L community!*). A list of the *Daring Dozen* appears elsewhere in this report.

The 16th annual ALLEN REPORT again illustrates the land - lease community, while adversely affected by repossessed homes and very scarce chattel financing (for the 4th year in a row) remains dynamic and profitable! Proof? In addition to the debut of the *Daring Dozen*, described in the previous paragraph, this property type continues to enjoy a solid 'seller's market', relative to marketing and pricing of well - located, A & B classified institutional grade L-L communities! And there's a 'trickle - down effect' of premium prices for premier properties that oft manifests itself in higher - than - justifiable 'asking prices' (even in 'offers to purchase') for much smaller, less - well - located, lower quality L-L communities.

Two 'qualifiers' are relevant to this and previous ALLEN REPORTS. While this is a census of nearly 25 percent of the 500 known U.S./Canadian land - lease community portfolio owners/operators, and a rough barometer of their profitability potential, via average national physical occupancy and operating expense ratio statistics, the ALLEN REPORT is *not* necessarily representative of the far larger number of smaller L-L communities owned or managed by single property investors. Some benchmark statistics contained herein are likely buoyed by skilled professional property managers who 'know how' to use income from rental homes and contract sales on - site (e.g. 13,316 of such units are included in this year's survey, for an average of 205 per each of 20 reporting owners/operators, after ARC's 8,800 contract sales/rental units were separated out from the calculation), as well as a plethora of 'alternative income to rent' ('AITR') measures to maximize cash flow in the manufactured

housing industry's stagnant at best, new home production environment. *2

This 16th annual ALLEN REPORT highlights key property portfolio information submitted by 120 owners/operators of land - lease communities located throughout the U.S. and Canada; or to state it another way, of the 500+/- known L-L community portfolio owners/operators polled, nearly 25 percent replied with usable, and for the most part, signature - verified statistical data for this year's report! Why fewer firms listed this year? In part, due to continued consolidation of investment property holdings, especially by Young Wealth Builders acquiring middle tier properties (e.g. 100 - 200 rental homesites/property) to accumulate the critical mass necessary to maybe take their portfolio 'public', if and when timing is right. *3 An example of consolidation occurred in early 2004, as Affordable Residential Communities ('ARC') launched their IPO ('initial public offering'), boosting the total number of L-L community rental homesites controlled by five public companies (i.e. REITs or 'real estate investment trusts') by a whopping 87.5 percent! See chart elsewhere in this report, and the article, 'The Investment Everyone Wants!' in MHI's *Modern Home* magazine. For a reprint of this article, call 877 number cited earlier. Final reason for slightly fewer firms included in this year's report has to do with qualified respondents not submitting completed portfolio profile questionnaires before deadline.

To be included in the annual ALLEN REPORT, respondents must own and or fee manage a minimum of 500 rental homesites or five land - lease communities! Sole proprietors, limited and general partnerships, private and public corporations, and five REITs were surveyed. The 16th annual ALLEN REPORT showcases 19 new reporting owners/operators, while 15 have been deleted due to mergers, liq-

uations, and other reasons.

The 120 firms and sole proprietors listed this year own or operate 2,782 land - lease communities comprised of 629,079 rental homesites! *4 The ten largest owners/operators control 1184 properties, or just 2.4 percent of the approximately 50,000

L-L communities nationwide, but 42.6 percent of properties reported by 120 owners/operators ranked in this year's ALLEN REPORT! Furthermore, these **Top 10 firms** control 351,747 rental homesites, where their average - sized land - lease community numbers 297 rental homesites.*5 The five REITs now control 744 L-L communities, *more than double the number reported just last year!*

It is helpful to recall that only 6.5 percent of the 50,000 land - lease communities are larger than 200 rental homesites per property; however, 'institutional investment grade' in size. That focused perspective enlarges the percentages just cited. Now the **Top 10 firms** (including the three largest REITs) property inventory share jumps from 2.4 percent to 36.4 percent of this high grade stock! And the REITs national property inventory share of the overall investment grade property inventory is at 23 percent!

Overall, the average ALLEN REPORT respondent owns/operates (i.e. fee managers) 23 land - lease communities, with an average size of 226 rental homesites per property. The largest public owner of L-L communities is Sam Zell's Chicago - based Equity Lifestyle Properties, Inc. ('ELS'), *nee* Manufactured Home Communities, Inc. ('MHC'), a long - favored REIT among Wall Street analysts and investors. The largest privately - owned portfolio of land - lease communities is, also Chicago - based, Hometown America, LLC. This firm is headed by Richard Cline and Barry McCabe.

Portfolio owners/operators featured in this year's ALLEN REPORT have headquarters in 30 states and several provinces! **Michigan, for the first time in 16 years, displaces California as 'home to the most land - lease community owners/operators', with 22 firms, followed closely by California with 21.** Illinois is home to 14 owners/operators; Florida 7; Indiana 6; and Arizona 5. Chicago and its' suburbs, leads the U.S. as 'city headquarters' for largest number, at 25+/-, of portfolio owners/operators! For example: ELS, Inc., Hometown America, Continental Communities, Zeman MHC, Capital First Realty, American MHCommunities, Jennings Realty,

Real Estate Investment Partners, DWG, and at least a dozen more firms not listed in this year's report. *6

Land - lease community national advocacy and representation has improved markedly since the historic meeting on August 31, 1993 in Indianapolis, IN., when 18 L-L community owners/operators (many of whom continue to lead firms ranked in this year's ALLEN REPORT) convened to form the **Industry Steering Committee (ISC)**, predecessor to today's **National Communities Council (NCC)** a quasi - division of the Manufactured Housing Institute ('MHI'). During 2004, two additional national L-L community - focused trade groups were formed:

- **Canadian Association of Land - lease Communities ('CALC')**
- **Manufactured Housing Communities Council ('MHCC')** of the Urban Land Institute ('ULI').

And major L-L community portfolio owners/operators continue to gather each year for their **International Networking Roundtable (INR)**. The 13th annual INR, held during Fall of 2004 in San Diego, CA., attracted 180 of the industry's key players and their favored lenders. *7

Property management professionalism is playing an increasingly important role among profit and resident relations conscious owners/operators of land - lease communities! At the executive and regional asset management levels, Institute of Real Estate Management's prestigious **Certified Property Manager ('CPM')** membership designation is now a near - minimum credential for new hires. And during 2004, the **Manufactured Housing Manager ('MHM')** professional property management certification designation, designed specifically for L-L community owners and managers, and based on the text *Manufactured Home Community Management*, became the most frequently - encountered designation on - site, with 400 MHMs trained and certified to date! The **Accredited Community Manager ('ACM')** and **Professional Housing Consultant ('PHC')** designations for L-L community managers and MHRetail salescenter staff, respectively, continues to be offered by Arlington, VA. - based MHI. And in Canada, the **Manufactured Housing Consultant ('MHC')** designation is offered by the Canadian Manufactured Housing Institute ('CMHI') for MHRetailers. *8 For the past several years, individuals have been honored as

Manufactured Housing Manager - Masters, for specific and noteworthy personal contributions to the advancement of manufactured housing and L-L communities! **Year 2005 recipients** of this singular honor are

- **Randy Rowe**, founder and chairman of Green Courte Partners, headquartered in Lake Forest, IL., and co - founder of the ISC, NCC & MHCC during the past twelve years.
- **James Brothers**, L-L community owner and co - founder of the Canadian Association of Land - lease Communities, in Strathroy, ON.

Previous recipients of **MHM-Master** honors include: Laurence Allen, MAI; George Porter; Margaret Allen; David Alley & Edward Hicks.

Of the 120 responding owners/operators, 20 firms are engaged in some third - party fee - management of land - lease communities. Only two of the 20 function exclusively as fee managers. There has always been far fewer fee - management firms working this asset class, than in other multifamily rental property types - like conventional or subsidized apartment communities. This is because fee management is cost effective (i.e. reasonably profitable for management firms) only when client properties are large enough (again, think economy of scale) to support third party supervision. One solution is to fee - manage a portfolio of several smaller properties, hopefully all within a fairly small market area, for an owner who no longer wants the day - to - day responsibilities of leasing, collecting rent, enforcing rules, and paying bills.

Physical Occupancy, Operating Expense Ratios & Annual Turnover. This year, 65 land - lease community owners/operators reported a 90.9 or 91 percent average national physical occupancy of rental homesites, virtually unchanged from last year. This is a likely consequence of more and more owners/operators selling 'resale homes' on contract and, occasionally, having rental homes on - site, to offset vacancy created by the plethora of 'repo' units since 1998. The average national operating expense ratio ('OER') reported by these same owners/operators is 40.9 percent during 2004. While up 'a little' from 2003 the OER is still a whale-of-a-lot-better than just about any other real estate asset class! And frankly, as this is a national average figure, know that the OER for larger (e.g. 200+ site) L-L communities can often

times be half that amount. Experienced real estate investors have long known how every favorable L-L community OERs are compared to other multifamily rental property types, e.g. conventional garden style apartments @ 55 percent OER. Why the significant difference? Annual turnover of residents (i.e. lessees) and nature related operating expenses. Annual turnover among residents of garden - style apartments oft hovers near 60 percent; whereas manufactured homes *per se* are at only 5 percent (too large & expensive to move) and L-L community homeowner/site renter turnover is near 10 percent (i.e. mostly due to equity interest they have in their residences). So, advertising, leasing, maintenance make - ready (e.g. carpet cleaning, painting, appliance servicing, etc.) of vacant units, required to address consequences of 60 percent turnover, while very expensive for apartment investors, is virtually nonexistent where L-L communities are concerned... considering homeowner/renters are responsible for care and maintenance of 'their homes' inside and out, even cutting grass on the rental homesite. Plus, there are generally fewer structural improvements (i.e. buildings and amenities) to maintain on - site in a L-L community, than with most apartment communities.

Development and expansion during the year 2004. Eight owners & operators report they built seven new land - lease communities with a total 1026 rental homesites, an average of 146 sites/property. And 18 owners/operators reported building 816 new rental homesites in 18 existing L-L communities, for an average of 45 new sites/community. Since the 120 sole proprietors and firms listed in this year's ALLEN REPORT comprise 25 percent of known portfolio owners/operators, its' *possible* there were *four times* those numbers of new and expansion rental homesites under construction during 2004.

Land - lease community classification and income capitalization rates. Have you used the ABClassification System for Land - lease Communities yet? The standard form facilitates ranking this property type into appropriate A, B, C or D quality classifications. Then, coupling that knowledge with the income capitalization rates ('cap rates') published in Allen Survey VI, users (real estate appraisers and brokers, property owners and lenders) have a practical, easy - to - use tool for calculating property value from the income - producing perspective (vs. market & replacement approaches to value). To request a copy of the

ABClassification form 'Cap Rates', use 877 number cited earlier....

A word or two about the HUD code manufactured housing industry at large. But first, a singular honor! As in years past, in 2005 we honor someone whose 'notable personal leadership and career dedication, to manufactured housing & the land - lease community asset class, as an individual - *aside from trade association membership or political influence*, rises head and shoulders above his peers!' This year's honoree is:

Gub Mix, MHIndustry Person of the Year 2005!

For more than a quarter century Gub has been actively involved in the MHBusiness as a retailer, sales manager and community developer. Since 1984, his firm, **Manufactured Housing Services**, has provided professional association management services to MHBusinessmen and women in Idaho, Utah, Nevada and Arizona. In 1991 he debuted the MHIndustry's first national trade show, now known as the annual **Manufactured Housing Congress**, held in Las Vegas, NV. Gub enjoys a positive national reputation for well - written, constructively - critical views expressed in the **Soapbox** column of his tri - state association newsletter.

Past MHIndustry Persons of the Year honors have gone to Howard Walker, John H. Diffendal & Art Havener, Danny Ghorbanni, and the 18 founding members of the aforementioned Industry Steering Committee. At the beginning of year 2000, Don Carlson, publisher of *Automated Builder* magazine, was not only honored as **MHIndustry Person of the Year**, but was **Factory - built Housing's Man of the 20th Century!** as well.

It remains to be seen whether the year 2005 will be the turnaround point for an increase in annual shipments of HUD code manufactured homes! **Year 2004** figures, at this writing are not yet in; but when viewed *without* the Florida hurricanes - induced hiccup in production of new homes for FEMA, *and without* the ill - advised inclusion of 'modular units' produced by traditional HUD code home manufacturers, year end shipment estimate offered by MHI in mid - December put the 2004 total near **128,000 HUD code homes** - yet another 40 year nadir for our segment of the factory - built housing industry. **The future?** Depends on whether conventional housing mortgage interest rates remain low or rise; avail-

ability of chattel (i.e. personal property) financing for new and resale homes in L-L communities; what type and size HUD code homes our manufacturers produce, i.e. continue to 'escape upwards' in competition with site - built homes or return to their economical, affordable housing roots; and, whether our salaried and elected leadership in Washington, DC. works effectively together (i.e. MHI and/or - *versus* MHARR) in our behalf or otherwise. For example: Despite having two national manufactured housing advocacy groups based in Washington, DC, we continue to wait for full implementation of the **Manufactured Housing Improvement Act of 2000** ('MHIA@2000') - *after four long years!* *9

Appreciation & Dedication. This ALLEN REPORT is gratefully dedicated to the *perennially faithful cadre of financial supporters* who make it possible, year after year, to research and distribute it, along with the Allen Survey, Lenders' Registry, CPM advertising cost comparison report, 'Who Ya Gonna Call?' list of national consultants, and several other seminal reports. These financial supporters include patron firms, consulting clients, Mystery Shopping customers, *Allen Letter & the Allen CONFIDENTIAL!* newsletter subscribers; book purchasers; annual INR participants and sponsors; FOCUS Group teams; and now, more than 400 MHMs owning and managing L-L communities throughout the U.S. and Canada! **Thank You All! GFA**

Disclaimer. The accuracy of statistics and data appearing in the 16th annual ALLEN REPORT is entirely dependent on input provided by survey respondents! Efforts are indeed made to verify said information, by signature and telephone inquiry. The author accepts no responsibility for sorting - out properties owned by more than one firm but listed herein, nor for the inclusion of all qualified owners/operators in the survey pool To this end, if your L-L community portfolio qualifies for inclusion in the report, but is not listed, call or write to ensure your data is considered for next year's report: Call (317)888-7156 or GFA c/o Box # 47024 Indianapolis, IN. 46247, or e-mail: Gallen@manufactured-housing.net

- Endnotes on last page...

2004 Rank	Firm Name	State or Province	# Sites Owned/Managed	# Comms. Owned/Managed	# States or Provinces	2003 Rank
1	Equity Lifestyle Properties* ^{1,2,3}	IL	82,292/0	215/0	25	3
2	Affordable Residential Communities* ²	CO	67,336/757	329/8	29	2
3	Hometown America	IL	54,127/0	134/0	9	1
4	Sun Communities* ²	MI	45,000/938	134/2	18	4
5	CMH Parks, Inc.	TN	23,476/0	88/0	11	5
6	Lautree, Ltd.	MI	22,063/0	57/0	10	6
7	RHF Properties, Inc.	MI	17,560/0	72/0	15	10
8	UNIPROP	MI	14,300/0	39/0	12	7
9	Continental Communities	IL	12,052/0	41/0	13	9
10	Bessie & Casenhiser, Inc.	CA	1,189/10,657	11/54	3	15
11	Zenith REIT	IL	11,500/0	43/0	3	13
12	Commonwealth RE Services	WA	510/11,000	3/84	2	11
13	Kingsley Management	UT	5,575/225	34/2	8	12
14	Choice Properties	MI	7,976/0	39/0	4	17
15	Fellen Investments	CA	7,539/0	30/0	12	18
16	J&H Asset PM	CA	365/7,100	5/69	4	19
17	Century Realty Funds	FL	7,200/0	22/0	1	20
18	Heritage Financial	IN	6,968/0	42/0	6	23
19	Capital Pkgs. Realty	IL	6,935/0	19/0	4	21
20	American Landlease* ²	FL	6,815/0	29/0	3	14
21	Burnham Properties	NY	5,518/150	46/1	15	16
22	United Mobile Home	NJ	6,269/0	27/0	5	25
23	Colorado RE Investments	CO	5,913/211	32/2	9	22
24	Kentland Corporation	MI	6,000/0	20/0	2	27
25	Parkbridge Communities* ¹	(CN)	5,232/0	19/0	2	28
26	Asset Development Group	WI	5,936/0	55/0	3	26
27	Joel Feldman	CT	5,020/0	72/0	3	NR
28	Kort & Scott	CA	4,866/0	25/0	5	30
29	5005 Team Properties	MN	4,114/589	20/9	9	31
30	Texas Professionals	TX	800/3,800	5/12	2	NR
31	Newby Management	FL	9/4,464	0/29	4	35
32	Park Advisors	MN	4,204/0	26/0	12	32
33	Rivestone Communities	MI	4,200/0	32/0	2	NR
34	Investment Property Group	CA	4,115/0	39/0	2	38
35	Richard Kellam Associates	VA	4,000/0	11/0	7	34

2004 Rank	Firm Name	State or Province	# Sites Owned/Managed	# Comms. Owned/Managed	# States or Provinces	2003 Rank
36	Blair Group	FL	3,749/0	5/0	1	32
37	Rudgate Communities	MI	3,595/0	6/0	1	36
38	Brockside Communities	MI	3,585/0	9/0	7	37
39	Chesapeake MH	MD	3,247/0	12/0	3	41
40	NTP PM LLC	AZ	0/3,245	0/24	1	55
41	Evans Management Co.*4	CA	320/2,810	3/22	2	42
42	SSK Communities	KY	3,015/0	12/0	3	40
43	Tunnell Co.	DE	3,000/0	7/0	1	39
44	HCA Management Co.*4	CA	2,687/0	12/0	4	43
45	Parkbridge Investments	MI	2,497/141	29/2	3	46
46	Homer & Associates	KS	2,519/0	7/0	3	44
47	West Coast MH Parks*4	CA	44/2,501	1/25	5	45
48	Somer Communities	FL	2,315/0	11/0	1	48
49	American MHCommunities	IL	2,286/0	16/0	3	51
50	The Franklin Group	ME	2,257/0	8/0	1	NR
51	A.L.S. Properties	MN	2,255/0	11/0	3	49
52	Denmark Management	MI	2,242/0	19/0	2	105
53	Hanover Group	IN	1,334/802	8/2	2	50
54	Equity Concept	CA	1,171/1,999	1/7	3	52
55	Park Management	AZ	2,100/0	11/0	3	53
56	Berkakis Development	MI	2,057/0	8/0	2	NR
57	Jennings Realty	IL	2,040/0	4/0	1	54
58	The Lewis Company	ME	2,003/0	6/0	1	56
59	Laguna Asset Management	CA	1,505/433	10/3	2	NR
60	REMCO Properties	PA	1,891/0	9/0	1	58
61	QCA Management	CA	1,851/0	9/0	6	60
62	Harvey J. Miller	CA	1,817/0	7/0	4	61
63	Holiday Parks	OH	1,805/0	7/0	4	61
64	Western MHC Management	CA	1,800/0	10/0	1	86
65	Al Larson	IL	1,773/0	6/0	4	NR
66	Lansdowne Equity Ventures	(CN)	1,714/0	13/0	2	64
67	Familia, Ltd.	CO	1,700/0	8/0	5	65
68	Property Management, Inc.	PA	1,683/0	16/0	1	67
69	Apollo Properties	AZ	1,577/0	10/0	1	68
70	Investors Realty	DE	1,460/104	11/1	1	69

2004 Rank	35 Firm Name	State or Province	# Sites Owned/Managed	# Comms. Owned/Managed	# States or Provinces	2003 Rank
71	Pegasus Group	CA	1,529/0	5/0	5	71
72	Investment Builders	CA	1,443/0	8/0	3	72
73	Cobrons Realty	IN	1,425/0	8/0	1	73
74	Riverstone Communities	MI	1,395/0	13/0	2	NR
75	Park Management Specialties	OH	1,356/0	7/0	1	74
76	Ashwood Communities	WI	1,343/0	10/0	2	75
77	Real Estate Investment Partner	IL	1,305/0	9/0	3	77
78	Hames MHCCommunitis	IA	1,304/0	5/0	1	NR
79	The Temple Company	CA	1,235/0	3/0	2	79
80	McDay Group* ⁴	CA	1,200/0	3/0	2	78
81	Homewood Company	MS	1,180/0	8/0	1	81
82	KAUFECO, Inc.	MA	1,180/0	7/0	3	82
83	American Home Communities	TX	1,158/0	12/0	5	83
84	Germano Management	MI	1,152/0	3/0	1	84
85	U.S. Park Investments	AZ	1,067/0	15/0	2	93
86	D.W.G. Corporation	IL	1,047/0	1/0	1	NR
87	PLJ, Inc.	MI	1,000/0	11/0	1	NR
88	Cambridge Investments	MI	985/0	6/0	2	NR
89	Parkside Holdings	OH	967/0	4/0	1	38
90	Propvest, Ltd.	NC	948/0	5/0	2	89
91	Kiboga Enterprises* ⁴	CA	842/0	2/0	3	90
92	Great Parks Homes	CT	931/0	10/0	3	NR
93	Leary Management	FL	925/0	1/0	1	92
94	Riley Homes* ⁴	IL	883/0	6/0	1	95
95	Square Lake Group* ⁴	MI	878/0	5/0	3	96
96	Richards & Associates	CA	853/0	6/0	1	97
97	Enterprise Est.	MI	873/0	5/0	3	96
98	Lighthouse Home Center	IN	815/0	5/0	2	99
99	Charter Associates	PA	800/0	5/0	3	100
100	Vintage Real Estate	IN	784/0	7/0	3	101
101	Community Management	MI	775/0	4/0	1	91
102	Steenburg Communities	WI	770/0	13/0	1	NR
103	Harslaw Asset Group	TX	740/0	4/0	1	91
104	K. Billings Properties* ⁴	CA	723/0	6/0	2	103
105	Missouri Modular* ⁴	MO	697/0	2/0	1	106

2004 Rank	35 Firm Name	State or Province	# Sites Owned/Managed	# Comms. Owned/Managed	# States or Provinces	2003 Rank
106	Green Courte Real Estate	IL	638/0	4/0	1	NR
107	Fox Chase, Inc.	OH	629/0	4/0	1	109
108	NKS Group	AZ	595/0	2/0	1	104
109	Redbud Estates	IN	579/0	1/0	1	110
110	Woodlands MHC Communities	MI	571/0	2/0	1	NR
111	Merlander	CA	540/0	5/0	2	108
112	Silver Enterprises**4	NJ	531/0	2/0	1	114
113	Barrington Management	IN	529/0	4/0	2	187
114	James H. Kelley	FL	525/0	1/0	1	NR
115	Hometown Communities	IA	523/0	2/0	1	NR
116	Wolfe & Associates**	MI	522/0	3/0	2	116
117	Cowan Enterprises*4	CO	517/0	4/0	1	117
118	Act III Investments	IN	512/0	8/0	1	118
119	Progressive Rentals	NE	498/0	6/0	1	NR
120	Lakeland Investments**4	WA	413/15	5/1	1	127

Listing Received Too Late to Include in Calculations:

108	Sierra Communities	FL	624/0	8/0	3	126
-----	--------------------	----	-------	-----	---	-----

Endnotes to 2004 Ranking List:

- 1) formerly MHC, Inc.
- 2) Real Estate Investment Trust or REIT
- 3) + 57 campgrounds & 17,911 sites
- 4) based on previous year's data.

NR = 'not previously ranked'

ALLEN REPORT prepared by
George Allen, CPM & MHM
with assistance from
Susan McCarty of Community Investor
& Carolyn Allen of PMN Publishing*10

The 'Daring Dozen'

- Athena Real Estate, Dallas, TX.
- BaseCamp Capital, Denver, CO.
- Creekside Communities, Troy, MI.
- CWS Capital Partners, Denver, CO.
- Great Value Homes, Bayside, WI.
- GreenCourte Partners, Lake Forest, IL.
- Helfand Capital Partners, Chicago, IL.
- Highline Realty Partners, Greenwood Village, CO.
- Keystone Communities, Dallas, TX.
- MUREX, Sanibel, FL.
- Southwest Communities, Plano, TX.
- State Street Capital, Chicago, IL.

**RENTAL HOMESITE COUNT AMONG LAND-LEASE COMMUNITY
REAL ESTATE INVESTMENT TRUSTS (REITs)**

Year	ELS* ⁶ (MHC)	Chateau	Sun	United	American Landlease	ARC ⁵	Total	Annual Difference
2004	82,292	N/A	45,938	6,269	6,815	68,093	209,407	87.5%
2003	50,807	N/A* ³	45,914	6,129	8,853	N/R	111,703* ⁴	-38.7%
2002	44,838	78,027	45,147	5,908	8,050	N/R	181,970	-1.0%
2001	47,250	79,599* ²	44,851	5,979	5,667	N/R	183,366	9.0%
2000	48,240	61,813	46,085	5,759	6,300	N/R	168,197	-1.3%
1999	54,282	59,656	42,500	5,694	8,220	N/R	170,352	4.8%
1998	53,391	59,455	38,159	5,615	5,930	N/R	162,541	20.6%
1997	46,693	50,009* ¹	32,700	5,272	N/R	N/R	134,674	18.9%
1996	28,187	20,003	30,295	5,234	N/R	N/R	113,327	17.0%
1995	26,237	19,594	18,000	4,850	N/R	N/R	96,591	9.0%
1994	28,407	15,689	13,500	4,623	N/R	N/R	88,450	37.8%
1993	14,700	15,261	9,036	5,050	N/R	N/R	64,189	17.8%

Endnotes:

N/R = no report that year N/A = not or no longer applicable

1) in 1997

3) Chateau acquired by Hometown America in 2003

5) ARC 'goes public' @ early 2004

2) Chateau acquires CWS in 2001

4) Without loss of Chateau's site count, remaining four REIT's grow in size by 7.5% during 2003.

6) ELS = new name for MHC @ 11/04

End Notes.

1. The present precipitous slide began in 1998 when HUD code manufactured housing industry shipped 372,843 new homes! Best estimate, for 2004, as this 16th annual ALLEN REPORT goes to press is only 128,000 homes - *without the aforementioned inclusions*; 139,809 with addition of modular & FEMA units - according to MHI's *Quarterly Economic Report* Vol 4, No. 2., p. 1.

2. Key reasons why land - lease communities are often viewed as being 'recession proof'. Another reason is the generally low cost of resale manufactured housing *and* low monthly site rent in many such properties throughout the U.S. and Canada. For example; smaller, rural Midwest and Southeast L-L communities still charge less than \$100.00/month site rent.

3. Property size tiers? While opinions vary, generally accepted as being 5 to 75 or 100 rental homesites = 'Mom & Pop' or small investor category; 75 or 100 to 200 sites = 'Young Wealth Builder' category; and 200+ sites = 'institutional investment grade properties' enjoying an economy of scale pursuant to such size, & capable of supporting a geographically - decentralized portfolio operations from a central property management and administrative headquarters.

4. Rental Homesites & sites is correct vernacular for use with this real estate asset class. Lots, spaces, pads, stalls and other slang variations sometimes appear in the trade and public press. And as was pointed

out earlier, land - lease community is the complete, accurate and timely moniker for this income property type. As a related aside; 16,314 RV sites, owned by 30 different firms, are included in this year's ALLEN REPORT portfolio site count totals (However, that total doesn't include 17,911 newly - acquired campground sites @ ELS), averaging 544 RV sites per reporting L-L community owner/operator).

5. 50,000 land - lease communities in North America and only 2,782 covered by this annual census of portfolio owners/operators? Considering that in the dozen or so states where this property type is licensed, as few as 2, 3 or 4 manufactured homes on a single parcel of real estate constitutes a land - lease community, it's easy to understand why 85 percent of all 50,000 land - lease communities number *fewer* than 100 rental homesites apiece in size, and but 15 percent are larger than 100 sites! Best estimates put 200+ site land - lease communities at about 6.5 percent of the total inventory. So, fewer than 15 percent of the total inventory of this asset class is generally going to be of lively interest (due to lack of economy of scale on the part of smaller - than - 100 - sites properties) to portfolio - building real estate investors, and accordingly, included in the annual ALLEN REPORT. I estimate this year's report includes at least 75 percent of the aforementioned investment grade (200+ site) land - lease communities.

6. Direct U.S. mail contact with the principals of all 500 major land - lease commu-

nity portfolio firms is possible, for a fee, by telephoning the 877 number cited earlier in this report.

7. National Communities Council. Mike O'Brien @ (703)558-0652.

Canadian Association of Land - lease Communities. Jim Brothers @ (579)245-3300

Manufactured Housing Communities Council. Paul Zlotoff @ (248)645-9220

8. Institute of Real Estate Management for information about their CPM program for individuals and AMO ('Accredited Management Organization') designation for professional property management companies. (312)329-6000.

PMN Publishing for information about the MHM program. (877)MFD-HSNG or 633-4764. This is the only professional property management certification program taught by a Certified Property Manager and L-L community owner/operator!

Manufactured Housing Institute (MHI) for information about their ACM & PHC programs. (703)558-0653.

9. Manufactured Housing Association for Regulatory Reform ('MHARR') (202)783-4087. Danny Ghorbanni

MHI @ (703)558-0400. Chris Stinebert

10. Bx # 47024, Indianapolis, IN 46247



Allen Survey VI, 'Cap Rates' for A,B,C,&D grade Manufactured Home Communities

Nowhere else will you find this timely and useful information! Just as society has moved into the 21st Century, income property statistics-gathering, property quality classification, and investment sophistication has finally come to the manufactured home landlease community (a.k.a. MHCommunity) real estate asset class.

Here you'll learn of current Income Capitalization Rates (a.k.a. 'cap rates') and ranges relative to A, B, C & D grade (a.k.a. ABC Classification System) MHCommunities throughout North America; also, Internal Rate of Return, market rent & operational expense change percentages. This valuable and helpful information, coupled with data from the 14th annual Allen Report (a.k.a. 'who's Who Among Manufactured Home Community Owners/Operators')*1, provides would-be investors, MHCommunity owners, CPMs & CCIMs, as well as Wall Street stock analysts, 'most of what they need to know' about the only homegrown and potentially most profitable, multifamily rental property opportunity in the U.S. today!*2

This year's survey of investors owning manufactured home land lease communities included a sample of investors who own 243 communities with a total of 61,285 home sites with an average community size of 252 home sites. Participating companies are located in Arizona, California, Delaware, Florida, Indiana and Michigan, but have communities throughout the United States. The communities owned and managed by these investors have a median rent

\$284, with a range of \$195 to \$326 per month. The occupancies are a median of 96% with a range of 75% to 99%. The operating expense ratios before reserves for replacements are a median of 38% with a range of 30% to 44%. Below is a chart summarizing these characteristics.

Summary Statistics-Allen Investment Survey		Characteristics
Number of Properties		243
Number of Homesites		61,285
Average Rent		\$271
Average Occupancy		93.85%
Average Expense Ratio		36.54%

Source: Allen Investment Survey 2003

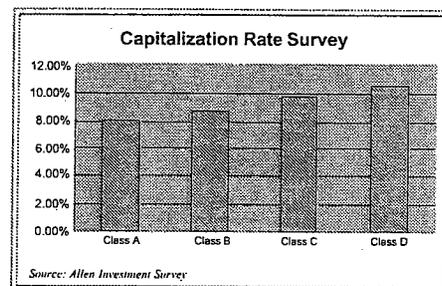
The survey responses indicated typical overall capitalization rates of 8.38% (median) with a range of 7.5% to 10%. The internal rate of return on a free and clear basis was a median of 15% and a range of 10% to 20%. The anticipated growth rate in rents in their communities was 3% with a range of 2% to 10%. The anticipated growth rate in operating expenses was also 3% with a range of .1% to 4.55%. Below is a chart summarizing these survey results.

Summary Statistics-Allen Investment Survey			
	Median	Low	High
Capitalization Rate	8.38%	7.50%	10.00%
Internal Rate of Return	15.00%	10.00%	22.00%
Market Rent Change	3.00%	2.00%	10.00%
Expense Change	3.00%	1.00%	4.55%

Source: Allen Investment Survey 2003

The investors were also surveyed regarding capitalization rates by community type or classification. The

results were a median overall capitalization rate for class A communities of 8% with a range of 6% to 8.5%. For class B communities the median was 8.7% with a median of 8% to 10%. For class C communities the median was 9.74% with a range of 9% to 13%. For class D communities the median was 10.5% with a range of 10% to 13%. Below is a graph summarizing these survey results.



This survey also addressed replacement reserves. The respondents were asked if replacement reserves were included in the net operating income when they determined an overall capitalization rate. 70% indicated that they included a replacement reserve in the overall rate calculation and 30% did not. The respondents were also asked how much a typical replacement reserve was on a per home-site basis. The median response was \$50 per home-site with a range of \$25 to \$150.

In order to further understand the basis for the capitalization rates in this survey respondents were asked what net operating income their capitalization rates were typically based upon. 70% of the respondents based their capitalization rates on the previous years actual income and expenses, 60% of the respondents based



Commonwealth of Kentucky
Environmental and Public Protection Cabinet
 Office of Housing, Buildings, and Construction
 101 Sea Hero Road, Suite 100
 Frankfort, Kentucky 40601
 Telephone: (502) 573-0365

May 12, 2005

George Porter
 MHR Consulting

George:

Thanks for the update on the Model Manufactured Home Installation Standards, Proposed Rule published in the Federal Register dated April 26, 2005. I have reviewed most of it and just have a comment to make on the requirements for the footer depths in freezing climates.

As you know, Kentucky has been training, testing, and regulating installers of Manufactured Housing since 1991. We have developed some procedures that work very well for us and we would like for you to bring this to the attention of the MHCC and whoever else might be interested. The basis of the Kentucky program is to use the manufacturer's installation instructions for all new homes, ANSI A225.1 for all used homes if the manufacturer's instructions are not available, or the sealed instructions of a certified engineer. In areas with FEMA issues, then FEMA rules apply.

In an effort to reduce the cost to the consumer for a frost free foundation, we undertook in 1994 to allow a special procedure involving the frost depth for footings under manufactured homes located in Kentucky. The procedure has worked so well, we still use it today.

Basically the regulation found in §15 KAR 25:090 Section 2 (4) and (5), states:

"If a home has a perimeter barrier (skirting) the required frost depth for all footings under the home more than 24 inches from the perimeter of the home can be half of the required depth of 24 inches to be considered frost free. If the home does not have a perimeter barrier, then all footers must be to the required 24 inch frost depth."

As you can see, our frost depth throughout the State is 24 inches, so with proper skirting and site preparation, all the footers under the homes, by more than 24 inches from the perimeter, are considered frost free at the depth of 12 inches. From 1994 to 2004, Kentucky has imported almost 98,000 new homes and probably two or three times that amount in used homes. A conservative estimate of the total homes set in the State during

that time frame is 300,000 homes with the majority being multi-section homes. There have been no failures or complaints specific to this method of frost depth control.

If each installation only saved two cubic yards of concrete in the footing system of each home, figuring \$60.00 per yard, our department has saved the citizens of Kentucky approximately \$17,000,000.00 over the course of the last ten years with no loss of housing performance from footer failure.

NEW HOME SHIPMENTS IN KENTUCKY (According to IIBS)

1994	10,300
1995	10,498
1996	11,762
1997	11,723
1998	11,530
1999	11,646
2000	8,432
2001	6,503
2002	5,933
2003	4,633
2004	4,708
TOTAL	97,700

We are proud to have taken this initiative on behalf of the citizens of the Commonwealth of Kentucky and through the experience of having no failures in footings at the frost depth requirements of the State, we would highly recommend this procedure to the rest of the nation. You may reach me at the above number if you need more information.

Dan Chapman

 Acting Chief
 Manufactured Housing
 State Fire Marshal's Office
 FM-103

The Investment Everyone Wants

State of Today's Manufactured Home Land-lease Community Market

By George Allen

During the past 17 years, 17 of the 25 largest manufactured home community owners have disappeared from the manufactured housing scene, through name change, merger and consolidation.

Most of the eight remaining major manufactured home land-lease community owners now operate larger property portfolios, having acquired the realty assets of those that have exited the business (see sidebar, *Current Major Land-Lease Community Owners*).

According to 16th annual *Allen Report*, in 2004 there were 500 real estate entities. These are defined as sole proprietors, partnerships, corporations and Real Estate Investment Trusts (REITs) owning or managing a minimum of five manufactured home communities or 500 rental homesites. These organizations had an average portfolio size of approximately 27 land-lease communities with 200-plus sites per property.

Manufactured home community owners fall in roughly three categories: small "Mom and Pop" investors, young wealth-builders acquiring multiple realty assets, and owners of one or more large "institutional grade" properties financed with private or public capital.*4

MEGA-CONSOLIDATION

One recent example of a mega-consolidation was that of Hometown America LLC and Chateau Communities Inc.

Following a management buyout during summer of 2003, Chicago-based Hometown America LLC, with its 43 properties, negotiated with Chateau Communities Inc. (a real estate investment trust, or REIT, traded on the New York Stock Exchange) to acquire its realty assets – creating an historically large portfolio of 258 communities.

Before year end, however, 91 of these properties were placed under a "special management agreement" with Denver-based Affordable Residential Communities (ARC). The final transfer of ownership was contingent on that firm's (ultimately successful) initial public offering (IPO) of stock, pursuant to becoming a REIT in early 2004.

Another 23 of Hometown's recently-acquired communities are under contract with RHP Properties, etc. This leaves Hometown America with a dozen or so "greenfield" (i.e. raw land zoned for land-lease community development) properties to sell in order to achieve its end goal of a stabilized portfolio of 130 communities, with approximately 53,000 rental homesites in select markets across the U.S.*5

OTHER TRENDS IN ACQUISITION

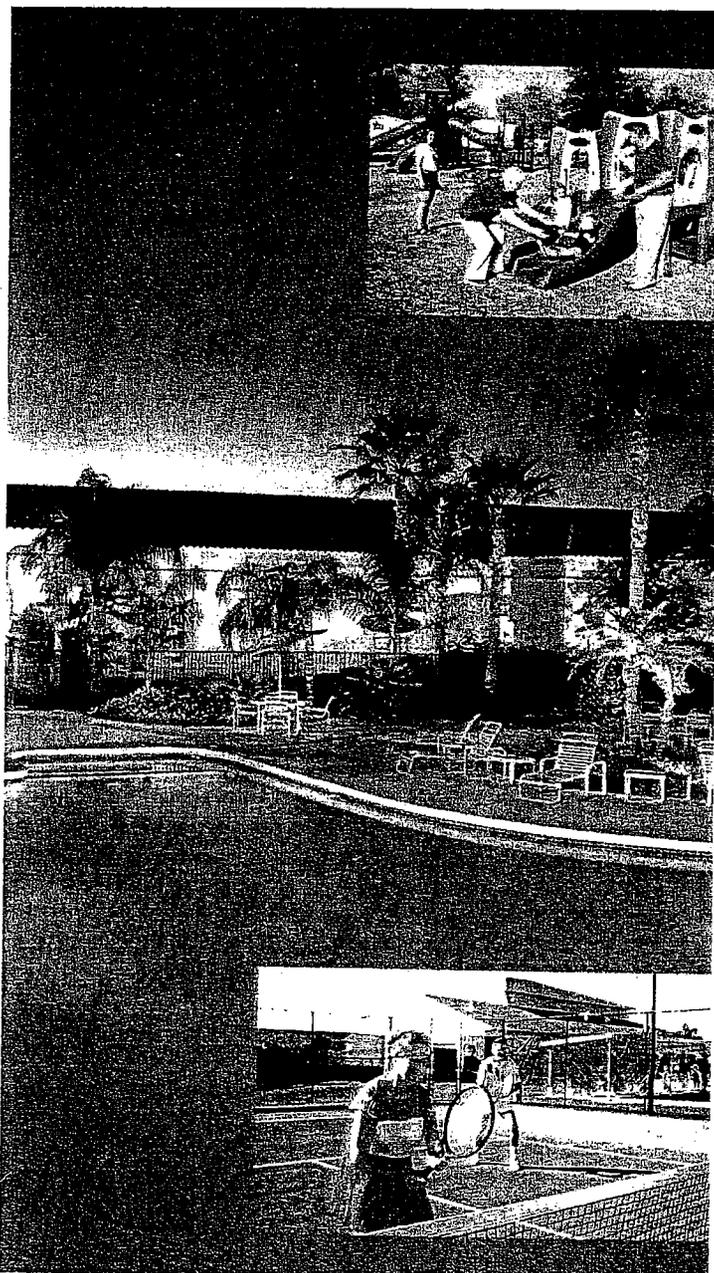
Aside from this historic merger, several trends seem to be shaping up in this specialty real estate asset class.

Following find a list of broad generalities:

- Consolidation continues unabated.
- It's solidly a seller's market. As a rule, when there are high barriers to entry for any business type, demand usually outpaces sup-

ply. For example, it is difficult to obtain zoning for manufactured housing community development and there are relatively few communities throughout North America. In fact, there are an estimated 50,000 manufactured home communities throughout North America, with approximately 85 percent of these numbering fewer than 100 rental homesites per property.

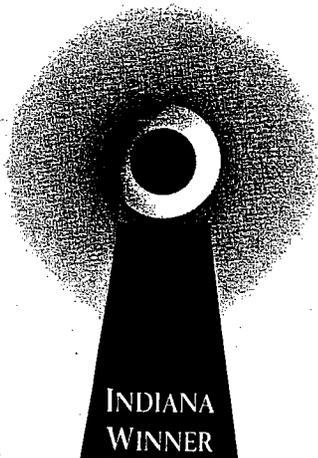
- Property values continue to rise. According to the *Allen Survey VI*, income capitalization rate for "A-grade" manufactured home communities dropped slightly, between 2002 and 2003, from 8.1 percent to 8 percent. This downward trend increases values.



INDIANAPOLIS BUSINESS JOURNAL®

AUGUST 14-20, 2000 VOL. 21 NO. 22 © IBJ CORP.

GFA MANAGEMENT, INC.



GEORGE ALLEN entered the manufactured housing industry reluctantly. As an asset manager in 1978, his assignment was to take four ailing trailer parks and turn them around. "After initial shock and disappointment with the assignment, I quickly saw the potential," Allen said. "I knew I could make my mark." He did, and four years later founded GFA Management, Inc. as a fee-management firm, and soon purchased his first mobile home community.

Six years later, Allen became a full-time management consultant, business writer and publisher to the manufactured housing industry. Over the next 20 years, he identified opportunities, made appropriate investments and created innovative

measures to position manufactured housing as a viable, quality and affordable shelter alternative.

"After selling off our first property in 1988, I probably could've retired," Allen said. "Instead I chose to give back to the industry." The manufactured housing industry had several challenges that Allen set out to address. Trailer parks and mobile home communities had long suffered from a poor public image. Also, there were no real estate statistics relative to the property type and there was a complete lack of professional management resources, such as how-to books, trade periodicals and networking opportunities.

In 1988, Allen decided to parlay

his success into the consulting and publishing business. "I decided I could now take the time to write the material, research the statistics and publish the results," he said. His first self-published paperback, "Mobilehome Park Management," sold out within six months. "The Allen Report," an international who's who in the asset class has been published annually since 1990 in "Manufactured Home Merchandiser." A monthly newsletter debuted in 1991. Additional books followed, as well as organizing of investor groups, steering committees and additional statistics and surveys.

Allen continues to own and fee-manage manufactured home communities. "I feel that's a very important part of my credibility," he said. "By continuing to manage properties, I keep in close touch with the issues of the industry."

Every innovative solution created by GFA Management, from the books to the statistical studies, continues today. This year the company created regional focus groups and is considering the formation of a not-for-profit think tank, to identify and address larger issues of HUD-code manufactured housing, marketing and production, community development and operations. ■

The Blue Chip Enterprise Awards 2000

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Robert L. Ehrlich, Jr.
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LT. GOVERNOR

Victor L. Hoskins
SECRETARY

Shawn S. Karimian
DEPUTY SECRETARY

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June 23, 2005

Office of General Counsel
Room 10276
Department of Housing and Urban Development
451, Seventh Street, SW
Washington D.C. 20410-0500

Re: Model Manufactured Home Installation Standards; Proposed Rule-Comments

Dear Sir/Madam:

In reference to the proposed rule 24 CFR Parts 3280 and 3285 Model Manufactured Home installation Standards, following are our comments (in bold and italics).

(A) *The material in the proposed rule is excessive to review and comment within the provided time frame.*

(B) *In the proposed rule, various HUD questions are not easily identifiable.*

(C) Comments on "Summary of HUD's Model Manufactured Home Installation Standards" (Re: Page 21499)

(a) Comments on the distinction between standards for the construction and assembly of manufactured homes and standards for the installation of manufactured homes established by the proposed rule

Activities covered by both the Construction Standards and the Installation Standards should be listed.

(b) Comments on the State and local governments presently treating close-up activities

Maryland regulations require the manufacturer of the manufactured home to include an installation manual. Materials not included in the manufacturer's installation manual for all the installation activities including close-up activities must be provided.

MARYLAND CODES ADMINISTRATION
Division of Credit Assurance

100 Community Place
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FAX 410-987-8902
TTY/RELAY 711 or 1-800-735-2258
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(D) Following Comments are applicable to all Subparts: Subpart A through Subpart J

Wherever in the proposed Installation Standards it is indicated that the designs, details, plans, test data etc. must be certified and/or approved by a registered engineer or by a registered architect; they must also be approved by the DAPLA.

(E) Subpart A Comments

For the states that do not choose to enforce the program, the state or local jurisdiction is allowed to establish more stringent requirements.

What authority will determine that a particular requirement is more or less stringent, HUD, the state, the local jurisdiction or DAPLA?

(F) Subpart B Comments

(a) Section 3285.101 (c)

Installer determining for location of the manufactured home in the flood hazard area may be too late if sales contract is already signed.

(b) Section 3285.102(a)

The wind zone map in part 3280 needs to be changed for coastal areas of Maryland, needs to refer Section 6 of ASCE7.

(G) Subpart C Comments

(a) Section 3285.201

Correct the sentence as follows:

-----must be removed in areas where footings are to be placed *and from the location of the home.*

(b) Section 3285.203(b)

Add following to the sentence:

After removal of the organic material and debris, the home site must be graded-----

(c) Section 3285.204

Remove section 3285.204 (c) (3)

(H) Subpart D Comments

(a) ***The type of mortar (e.g. type M or S) should be indicated when the concrete block piers are required to use mortar.***

(b) ***When a manufactured home is located in an area subject to frost heave, the bottom of footings and load-carrying portion of the ground anchors shall extend below the frost line or as per the requirements established by the local authority having jurisdiction.***

(I) Subpart E comments

(a) Section 3285.402

The specifications for tie-down straps and ground anchors and locations of ground anchors must be approved by the DAPIA and the local jurisdictional authority.

(b) Section 3285.405

Correct the following:

Change from "manufacture's" to "manufacturer's"

(J) Subpart F comments

(a) Section 3285.505(b)

Add following words in the sentence:

Ventilation openings must be placed as high as practicable *above the ground.*

(K) Subpart G comments

(a) Section 3285.603(d)

Add the word "in" to the sentence to read as follows:

The freeze protection must be designed *in* accordance with the requirements of section 3280.603 of this chapter.

(b) Section 3285.606(a)

Correct the sentence by removing following words from the sentence:

"metal plumber's tape"

(c) Figure A and Figure B to Section 3285.606

Remove concrete block support as an approved support from the figures.

(L) Subpart J comments

(a) Section 3285.902

Add following sentence:

Inform and contact the LAHJ before moving manufactured home to the site or location.

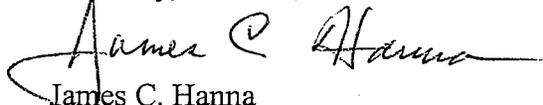
(b) Section 3285.903(c)(3)

Add the word "must" to read as follows:

-----manufacturer installation instructions or ***must*** be designed by a registered professional engineer or----- and required by the LAHJ.

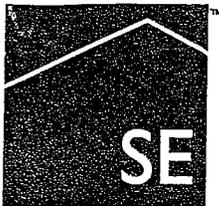
If you have any questions, please do not hesitate to call us.

Sincerely,



James C. Hanna

Director, Maryland Codes Administration



homes

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May 20, 2005

Regulations Division
Office of General Counsel
Room 10276
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410-0500

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OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

RE: Docket # FR-4928-P-01
HUD -2005-0006
RIN 2502-A125
Model Manufactured Home Installation Standards (MIS)

Dear Sir or Madam:

After having reviewed the above referenced document and the DRAFT response by MHARR, I offer the following comments.

With respect to the Legal and Procedural Comments offered by MHARR, I must agree with the arguments posed by MHARR based upon their expertise as to the sequence of events which established the need for an Installation Standards and their understanding of the jurisdiction of the MHCC. Therefore, I offer no further comment with respect to the Legal and Procedural issues of the proposed MIS.

However, with respect to the technical or practical issues of the MIS, I offer the following comments not withstanding those offered by MHARR.

1. 3285.5 Definitions. (Crossovers). This definition does not include such items as may be present as thermostat wires, telephone wires, television cable, door bells etc. I suggest adding wording such as "but not limited to" after the word include.
2. 3285.204(b) - States "A minimum of six millimeter polyethylene sheeting", this is certainly a typographical error. Six millimeter polyethylene would be .039" thick as opposed to six mil polyethylene as intended which would be .006" thick.
3. 3285.204(c)(3) - I wonder if "minor voids or tears" should be defined or limited.
4. 3285.304(b)(2) and (c)(1) - the word "hardwood" should be used when addressing wood shims.
5. 3285.305(a) and (b) - 12 inches minimum should be maintained beneath the lowest member of the main frame and the soil under 100% of the home. Service and inspection of more areas of the home than only "the area of utility connections" requires at least this dimension.
6. 3285.306(a)(3) - should be worded as on Figure A to 3285.306 "Open cells are placed vertically on footing."

Southern Energy Homes, Inc.

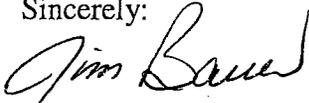
144 Corporate Way • P.O. Box 390 • Addison, AL 35540

Tel 256 747 8589 • Fax 256 747 8586 • Toll Free 866 896 2737 • Web www.sehomes.com

7. 3285.311(b) – is this a typographical error? Should the wording be as presented, or should it be “Other perimeter supports required, must be in accordance . . .”?
8. Heading to Figure B to 3285.312 – Typical Blocking Diagram for Single Multi-section Home.
9. On the three tables, Tables 1, 2 and 3 for 3285.402, I see that the information listed is applicable to 12 wide and 24 wide, same for 14/28 and 16/32 however for 18 wide there is no reference to 36 wide is this intentional or in error?
10. On the same tables as listed for item #9 above, note 1 below the tables referenced 90” sidewall height. Will there be tables for other sidewall heights such as 84”, 96” and 108” which industry standards?
11. With respect to information given on these tables and the accompanying illustrations, my engineers tell me and I tend to concur, the “second beam method” is not a viable option due to potential damage of HVAC ducts, plumbing and etc. in the floor. Or, if the “second beam method” is used, a caution should be added to the tables to warn against damage to ducts and plumbing.
12. 3285.505(d) does not consider perforated vinyl for crawlspace ventilation. Is this intentional, if so many installations would be severely altered.
13. 3285.605(a) – the wording proposed is “... a regulator may be installed” should this not be “...a regulator must be installed”?
14. 3285.802 – shouldn’t the wording be “... fastener lengths must be increased to require provide adequate penetration...”?
15. The MHARR draft already addressed the reference of 16” to 32” panel dimensions in Figure to 3258.803. What is the rational?

It is apparent to me that these proposed installation standards are quite vague with respect to areas other than blocking and anchoring. There should be some statement in this standard whereby any area not specifically addressed in the MIS should be enforced according to the manufacturer’s installation instructions.

Sincerely:



Jim Bauer
Director of Quality Assurance and Code Conformance
SEhomes, Inc.



OHIO MANUFACTURED HOMES ASSOCIATION
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June 21, 2005

Scott Switzer, Chair
Regulations Division
Room 10276
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.D. 20410-0500

RECEIVED
2005 JUN 21 P 2:37
OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

In regards to: Docket No. FR-4928-P-01
HUD 2005-0006
RIN 2502-A-125
Model Manufactured Home Installation Standards

Dear Mr. Switzer:

The Ohio Manufactured Homes Association (OMHA) would like to submit the following comments and suggestions for review regarding HUD's recently proposed rulemaking for the federal model installation standard. As Ohio's only manufactured housing trade association, we represent the interests and welfare of all divisions/sections in our industry area. Three specific areas of concern follow:

1. Pre-emption

As interpreted from the Manufactured Housing Improvement Act of 2000, it has been OMHA's understanding that each state has been sanctioned the authority to design specific regulations to guide the licensing, education, and enforcement of developed installation standards of manufactured homes throughout each state. States which fail to create such regulations, or fail to meet minimum standards established by HUD would thus default to the federal standards instituted by HUD. Furthermore, OMHA has found this rule to strictly read that standards empowered in a state, whether by HUD or by that state, will be preemptive in that state. Allowing localities in default states to conceptualize individual installation standards would clearly violate this expressed preemption. In doing so, it is OMHA's fear that the multiple standards generated would undermine the industry instead of assisting it. Outcomes would ultimately result in

greater cost to all involved parties as homes would require a profusion of models and customizations to accommodate all standards, siting, and shipping requirements. Additionally, consumers would thus be denied any reliable minimum safety and resiliency standards, and would more frequently find themselves struggling against biased and unfounded limitations as to where they may place their homes.

2. Codification of Installation

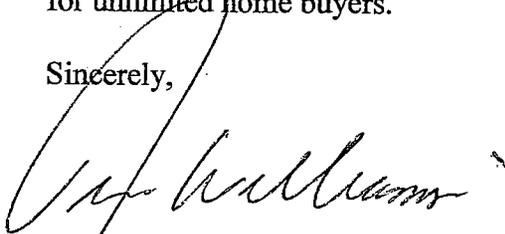
It is OMHA's position that it is not in the best interest of the manufactured housing industry for the Model Installation Standard to be codified separately from other Manufactured Home Construction and Safety Standards. Such specification would not only be redundant but could also lead to the rise of issues misconstruing and in contest with preemption. In addition, the exclusion of the Manufactured Housing Consensus Committee would establish an unreasonable and damaging detachment from one of HUD's most vital resources and connections to the manufactured housing industry. Furthermore, it makes little sense to disengage the committee when it was essentially created to govern over such standards in the first place.

3. Concrete Pads/ABS Pads

OMHA is concerned with the national pursuit to increase concrete pad requirements by an additional 1,000 psi. As it is in Ohio, the traditional minimum of 3,000 psi has been tremendously successful in protecting and supporting manufactured housing, especially when supplemented by a properly designed and installed home skirting system. In fact, a recent study conducted in cooperation with the Ohio Department of Health concluded that of eight base support systems it tested over a four year period, including concrete and ABS pads, not one base support system for manufactured homes demonstrated movement greater than a single quarter inch. There is simply no need to make standards more rigorous. Moreover, the increased requirement from 3,000 to 4,000 psi for concrete pads would superfluously increase cost for manufactured housing consumers and thus have the potential to substantially exclude many from the home buying process.

In summary, OMHA invites HUD to consider the above referenced concerns and recommendations when making final decisions regarding the federal model installation standard. It is our hope that such consideration will lead to the very best decisions which will in turn facilitate the accessibility of desirable and affordable manufactured housing for unlimited home buyers.

Sincerely,



Tim Williams
Executive Vice President
Ohio Manufactured Homes Association

C.C. Manufactured Homes Institute
Manufactured Housing Association for Regulatory Reform
Ohio Manufactured Homes Association Board of Directors



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June 22, 2005

Regulations Division
Office of General Counsel
Room 10276
Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410-0500

RECEIVED
2005 JUN 27 P 2:37
OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

Re: Docket No. FR-4928-P-01; HUD-2005-0006
RIN Number 2502-AI25
Model Manufactured Home Installation Standards

Introduction

The Western Manufactured Housing Communities Association respectfully submits comments in response to the proposed rulemaking noticed in the *Federal Register* of April 26, 2005, (70 FR 21497 - 21559).

WMA is the largest statewide trade association representing owners of manufactured housing communities in California. WMA is a non-profit trade association.

WMA would like to focus our comments on the following three issues:

- Model Manufactured Home Installation Standard @ 24 CFR 3285
- HUD Enforcement in Default States
- Placement of Footings in Freezing Climates [pages 21502, 21510 and 21512; 3285.312(c)]

Model Manufactured Home Installation Standard @ 24 CFR 3285

WMA suggest that the federal model installation standard should not be codified under 24 CFR 3285, but instead should become subpart of 24 CFR 3280. By codifying the installation standard under Part 3285, the Manufactured Housing Consensus Committee (MHCC) will not be privy and involved (120-day comment period prior to publication) with any proposed change by HUD in the future. The MHCC is the entity Congress specifically assigned to develop the installation standard and WMA is certain that Congress fully intended for the MHCC to be directly involved in its continued maintenance and updating. As currently proposed, HUD has to only provide the MHCC review period for construction and safety standards. In the definition for manufactured home (page 21520), HUD has embraced the fact that Part 3285 is for installation standards and Part 3280 is construction and safety standards.

Construction/assembly of the home and installation of the home go hand-in-hand. There should be no distinction in the federal regulations at 24 CFR 3280. This is similar to other private sector building codes where the code contains the design and construction requirements for the residential home in addition to any installation criteria that must be followed to complete the home. There should be no differentiation in the federal manufactured housing program between construction/assembly and installation. HUD will provide oversight for both components, so two separate documents (regulations) are not necessary for construction and installation.

Under the current 24 CFR 3282.14, the Alternate Construction (AC) process, as an extension of installation at the site, is used to ascertain that home installation conforms to local governing building code practices if the home, when completed, does not conform to the HUD Code. With respect to the model installation standard, this same process occurs with the only difference being that the home will conform to the HUD Code and its companion model installation standard once installed at the installation site. It seems illogical to have the federal mandate for homes not complying with the HUD Code to meet federal enforcement criteria and have homes that comply with the federal installation program outside of the either the current construction (Part 3280) or enforcement regulations (Part 3282).

HUD Enforcement in Default States

While California will not be a default state for purposes of the installation regulations, we nonetheless feel it is important to raise the issue of HUD enforcement in default states. On page 21500, the proposed rule describes, for the first time, what a default state will be under the installation program. Under the MHIA §623(c)(11), states have a 5-year window of opportunity to develop and implement their own state installation program through state legislature. If a state determines that they neither have the manpower or the money to sustain a complete state installation program, then the state can cede its authority over to HUD, thus becoming a "default state". Essentially, a state has given up its right to establish and implement its own installation program.

HUD intends to permit a state or municipalities to establish more stringent requirements for the installation of HUD Code homes, as long as they meet/exceed the model standard. Any default state should be preempted from establishing more stringent requirements over and above what the model installation standard provides. States had a 5-year period beginning December 28, 2000 to enact an installation program that includes an installation standard. HUD would now permit any state or municipality to disregard the MHIA's provisions, wait and implement whatever they desire after the 5-year period ends, and circumvent the MHIA's requirements.

This essentially would permit "local jurisdictions" to enforce more stringent requirements for home installation over and above what HUD would enforce as the minimum requirements for default states. This could possibly be a way for local jurisdictions to "zone out" HUD Code homes in certain areas under their realm if they make installation requirements unreasonable for the community owner or individual tenant/homeowner to bear the initial cost. HUD's default state installation standard should be preemptive, similar to its status on design and construction of homes under 24 CFR 3280.

Placement of Footings in Freezing Climates [pages 21502, 21510 and 21512; 3285.312(c)]

While California is not home to many areas of freezing climates, we do have several areas where snow is on the ground for many months and thus we may be impacted by the proposed rule. We urge HUD to reconsider the proposed rule regarding the footings in freezing climates because it will drastically increase the cost of each home and is truly unnecessary. The MHCC draft model installation standard included insulated foundations as a method to not have pier footings extend to the frost line depth. This can be found in the MHCC draft model standard at Section 6.3.2.3. The basic intent was to include insulated skirting as an insulated foundation system, thus the reason the MHCC draft included a provision for cross-ventilation of the space under the home. In the proposed rule at §3285.312(c)(3), this statement was deleted and replaced with any system must be designed by a registered PE and conform to ASCE 32. This mandatory reference to ASCE 32 may effectively eliminate any type of insulated skirting system from being used to permit pier footings to be above the frost line.

Footnote 1 of 3285.310 Figure A requires all footings to extend below frost depth. This is contradictory to §3285.312(c), where insulated foundation systems may permit footings at grade in frost areas. The footnote should reference section §3285.312(c) for footing depths. This same comment also applies to Figure B.

As an alternative to making ASCE 32 an optional reference standard or revising §3285.312(c) to the original MHCC language submitted on December 2003, WMA urges HUD to adopt the following language instead:

“Footings placed in freezing climates must be designed and installed using methods and practices that prevent the effects of frost heave in accordance with the manufactured home design and the requirements of the Manufactured Home Construction and Safety Standards (Part 3280).”

If HUD has any questions regarding our comments, WMA would be happy to discuss them.

Sincerely,



Sheila Dey
Executive Director,
Western Manufactured Housing Communities Association



DEPARTMENT OF COMMUNITY
& ECONOMIC DEVELOPMENT

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June 17, 2005

Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 Seventh Street, S.W.
Room 10276
Washington, DC 20410-0500

Re: Docket No: FR-4928-P-01

RECEIVED
2005 JUN 27 P 2:37
OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

Dear Sir or Madam:

Please accept the following as comments on the proposed rule of the Manufactured Home Installation Standards. It is important to note that these comments were written after significant discussion with retailers and businesses that install manufactured homes throughout the Commonwealth of Pennsylvania. These comments focus on the overall approach to, and composition of, these proposed standards rather than the technical provisions. It is the opinion of this office that should this proposed rule become final in its present form, it will have a significant negative impact on the future of the manufactured housing program.

The success of the manufactured housing program since inception can be attributed to the Manufactured Home Construction and Safety Standards being crafted as a performance-based building code. This performance-based building code has encouraged manufacturers to be innovative with the designs of their homes, while providing flexibility so that manufacturers can design and construct complying homes that are not only affordable but perform in each geographical region of the country. Equally important, the performance nature of these standards allows the construction and design of the homes to conform with changes in technology and market place without the need for repeated updates to the building code. The proposed installation standards are comprised solely of prescriptive requirements. This approach discourages innovation in design, fails to reflect changes in the market place and is patterned after outdated installation methods that do not address the most common practices employed to install manufactured homes throughout the Mid-Atlantic States and will result in unnecessary increased costs to the consumer.

Our comments are centered on four significant areas:

1. Performance versus Prescriptive Building Code
2. The definition of Manufactured Home Construction
3. The definition and role of the Installer
4. Affordability

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Regulations Division

June 17, 2005

Page 2 of 6

Performance versus Prescriptive Building Codes

The Manufactured Home Construction and Safety Standards, being a performance-based building code, focuses on outcomes rather than process. How each manufacturer achieves these outcomes is dependant upon the home being an integrated structure that is capable of sustaining and transmitting the design loads specified in the code. Each manufacturer may elect to utilize differing construction methods to reach compliance. To assure the techniques employed on site to install the home are compatible with the home as delivered from the factory, coordination between the installation requirements and the manufacturers' designs are critical. In Pennsylvania we require the home manufacturer to provide approved details for the proper installation of every new manufactured home. As a result the outcome of the complete home construction, including installation, is assured compliance with the design loads of the Manufactured Home Construction and Safety Standards. For example, should we find that a home is failing, we know that either the home was not completed and installed consistent with the manufacturer's approved design, or that the design was in error. The outcome is clear, the floor of a properly completed manufactured home will not deflect more than L/240, will resist wind loads as defined in Wind Zone 1, the exterior coverings will resist wind, rain, snow and rodents, the windows and doors will operate properly, and so on. By installing a home consistent with designs provided by the home manufacturer, the final outcome is not in doubt.

In making our evaluation of the Model Manufactured Home Installation Standards, it became apparent that the compatibility of the installation standard with the proprietary design of each manufactured home is not being addressed. There is no assurance that the proposed standard will assure a properly performing and compliant home. To better illustrate the need for compatibility, we looked at the ICC Performance Code for Buildings and Facilities, 2001. This code at Sec. 103.3.1.1 states the following:

"On projects where more than one design professional is hired individually without having responsibility to one single design professional in charge, code officials have encountered cases where design documents were not coordinated and other cases where multiple design professionals worked toward different objectives. This process resulted in design documents that required substantial revisions before plans could be approved to comply with the minimum standard of prescriptive codes. This lead to systems that were not compatible, and construction, operational and maintenance problems resulted". (Emphasis Added)

In performance-based design code, failure to coordinate designs is not acceptable, and steps must be taken on the front end of a project to ensure that all design work is coordinated and meets the code and design objectives.

Not only does the Model Manufactured Home Installation Standards fail to coordinate with the manufacturer's approved designs for the home, but this proposed standard repeatedly directs the

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June 17, 2005
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installer to seek the services of a professional engineer or registered architect. Nowhere is coordination with the manufacturer discussed. As engineers or architects are not regulated in the manufactured housing program, responsibility will be fractured, and as a result, the level of protection that the program regulations afforded the consumers is significantly reduced. When problems and failures result from improper installation or foundation designs provided by engineers and architects that operate outside of the Manufactured Home Procedural and Enforcement Regulations, the program regulators will be unable to address the problem.

Additionally in the ICC Performance Code for Buildings and Facilities, Sec. 103.3.6 Review and Approval, the following statement is made: "*Performance-based design goes far beyond the traditional design perception that document submittals are automatically acceptable and require little or no review when signed and sealed by a design professional. Registration and a license to practice engineering do not constitute acceptable qualifications to undertake a performance-based design.*" Again, this Model Manufactured Home Installation Standards directs installers to hire outside engineers or architects for any type of installation that does not match the outdated pier and pyramid footing approach provided in the model. The proposed Manufactured Home Installation Standard should be modified to require designs for the aspects of manufactured home construction that occur on site to be reviewed for compatibility with the manufacturer's designs that were developed to comply with the performance-based Manufactured Home Construction and Safety Standards.

To the detriment of the manufactured housing program this proposed prescriptive standard does succeed in shifting responsibility for the proper performance of manufactured homes away from well established and regulated parties to manufactured home installers and professional engineers and registered architects, none of which are regulated under this program.

Manufactured Home Construction

The proposed standard attempts to draw a distinction between construction activities covered under the Manufactured Home Construction and Safety Standards and those activities covered by the Model Manufactured Home Installation Standards. However the definition of *Manufactured Home Construction* as defined in the Manufactured Home Construction and Safety Standards Act, Sec. 603(1) has been ignored.

"*Manufactured Home Construction* means **all activities** related to the assembly and manufacture of a manufactured home including but not limited to those relating to durability, quality and safety". (Emphasis Added)

The proposed Model Manufactured Home Installation Standards limit this definition by implying that any activities that are conducted at the home site do not relate to durability, quality and safety. This narrow approach undermines the protection afforded consumers and attempts to limit the definition contrary to the Manufactured Housing Construction and Safety Act. Activities such as foundation design, construction and anchoring the home to protect against wind storm are related to assembly and are critical to the durability, quality and safety of the manufactured home. To suggest that installation activities are not considered manufactured housing construction would be akin to saying that each transportable section of a multi-section home is in compliance with the construction standards and would provide safe, quality durable housing without benefit of site conducted or installation activities.

One stand-alone section of a multi-section home complies with very few of the construction standards; therefore many of the activities described in the Model Manufactured Home Installation Standards should not be separated out but rather are already addressed and should remain a part of the Manufactured Home Construction and Safety Standards. To further support this position that the activities identified in the model installation standard are a part of construction, one can refer to the 2003 International Residential Code, Section AE201 which defines "Manufactured Home Installation" as "Construction which is required for the installation of the manufactured home, including construction of the foundation system..." (Emphasis Added)

Installer

One of the most glaring omissions in the model standard is the failure to identify or define manufactured home installers. We have great concern that such a prescriptive installation standard was drafted that redistributes construction responsibilities to a party that is undefined. In reading the proposed installation standard, one could infer that there is one single installer performing all needed installation activities at the home site. However it is rare to find single parties performing all activities addressed in this model installation standard. In almost every case, multiple persons or entities are involved in the task of installation. Failing to define the manufactured home installer further fractures responsibilities and erodes the protections as described above. To propose a standard to be followed by "installers" without identifying who is the installer, is incongruous at best.

To protect the quality, durability and safety of a manufactured home, a single party must take responsibility for the overall performance of the home. The model installation standards as drafted splinter the responsibility for the overall performance of manufactured homes among manufacturers, retailers, installers, professional engineers and registered architects. Many activities, such as systems testing, that directly speak to these critical elements would become the responsibility of an undefined, unregulated party: the installer. The responsibility of design of the foundation system has been shifted from the manufacturer of the home and can now be assigned to professional engineers and registered architects with no requirement to coordinate the

Regulations Division
June 17, 2005
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foundation design with the home design. This will lead to unnecessary costs incurred by the homeowner, and a greater propensity for finger pointing and blame shifting when problems occur.

The home manufacturer as the benefactor of federal preemption, should remain the primary responsible party for designing the entire home, including the foundation and performing all systems testing. The failure to require coordination for on-site construction (installation) activities and designs with the manufacturer not only undermines the program attributes, but further distances the designers of the home from the consumer while placing additional burden on a yet to be defined party: the installer.

Affordability

The proposed installation standards would negatively impact the affordability of a manufactured home to the consumer in at least four ways.

The model standard was patterned after outdated installation procedures that are never used in the Mid-Atlantic States. Consumers will have to bear the additional cost of contracting with a professional engineer or registered architect to design a foundation for their manufactured home. We appreciate the fact that there are certain design considerations that are site specific such as soil bearing capacity and frost depth; however the manufacturers today provide charts and minimums that may be selected for the specific site condition. This practice protects affordability while assuring the home's performance.

The model standard assumes that the typical home being installed is a 16' wide unit with a 12" eave. Manufactured homes that are 16' wide and placed on piers represent less than 4% of manufactured home production in Pennsylvania. Utilizing this proposed standard when installing 12' wide and more commonly 14' wide manufactured homes, will result in overbuilt and more costly foundations that provide no additional benefit to the consumer. Approximately one half of all manufactured homes sited in Pennsylvania are placed on full perimeter masonry foundations, and the trend is continuing in this direction. We find it perplexing that an installation standard would be drafted that fails to represent the typical manufactured home placement, except to direct contracting with outside engineers and architects for foundation design. Failure to address the immediate and future needs of market place makes for a flawed standard that will levy additional engineering costs on the consumer.

Based on discussions with several manufactured home retailers across the state of Pennsylvania, it is evident that the responsibilities levied upon whoever is determined to be the installer, are driving many retailers and installation firms away from manufactured housing and into the modular housing industry. Fewer retail outlets and fewer installation firms will reduce competition and again have a negative impact on affordability.

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Regulations Division
June 17, 2005
Page 6 of 6

Over recent years, we have seen a move toward more innovative designs in manufactured homes that result in cost saving and performance enhancing features being incorporated into the homes. For example, some manufacturers have redesigned their floor systems to eliminate certain perimeter piers. The prescriptive requirement that any opening on the side wall or marriage wall four foot wide or larger will negate any incentive for the manufacturers to continue to develop this type of innovative designs, again resulting in additional cost to the consumer.

Conclusion

The Proposed Manufactured Home Installation Standards should not be advanced in their present form. It appears that the primary intent of the Model Manufactured Home Installation Standards is to limit the manufacturer's responsibility at the expense of the retailers, installers, consumers and the public. It is unfortunate that the parties most impacted by this proposed rule, manufactured home installers, were not adequately represented in the discussions that helped shape this document and are the least likely to submit comments to HUD.

Revised Model Manufactured Home Installation Standards should be drafted consistent with the purpose of the Manufactured Home Construction and Safety Standards Act. That would require standards that are performance-based, protect the quality, durability, safety and affordability of manufactured homes, encourage innovative and cost-effective construction techniques and protect the public interest by maintaining responsibility for manufactured homes with the parties that are regulated under the existing regulations.

Sincerely,



Mark A. Conte, Chief
Housing Standards Division
Pennsylvania Department of Community & Economic Development



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Regulations Division
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Washington, DC 20410-0500

41

RECEIVED
2005 JUN 21 P 2: 37
OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

RE: Docket Number FR-4928-P-01: HUD 2005-0006 RIN 2502-A125
Model Manufactured Home Installation Standards

Dear Sirs,

As a major producer of manufactured homes, Skyline appreciates the opportunity to provide comments on the proposed Manufactured Home Installation Standards.

Skyline concurs with the comments and responses provided by the Manufactured Housing Institute. However we believe, the following issues are so important that we must also comment on them.

I. Supplementary Information

- A. Skyline believes that the model installation standards should be subject to a 120-day review and comment period by the MHCC. If the installation standards need to be codified as part of 24 CER 3280 or 3282 to qualify for the 120-day review by the MHCC, then we believe that it should be done. Additionally, since the satisfactory performance of the home depends upon proper design, construction and set-up, we do not believe that separate documents are warranted.
- B. Manufactures cannot directly control the performance of installers as they provide close-up activities on a home. Installation is usually performed by the retailers staff or by a contractor. Close-up should be included in the installation manual. It should remain the responsibility of the dealer and the personnel he utilizes for set-up, as it is now. Close-up personnel should be included as part of the total installation program including training, licensing, bonding and inspections. Generally, 100 percent inspection of close-up should not be required.
- C. Under the proposed rule, in states which do not choose to operate an installation program, the state or municipality may establish more stringent requirements, so long as the requirements provide protection that equals or exceeds the protection provided by the Model Installation Standards. This would permit communities to effectively "zone-out" manufactured homes by making installation so difficult and expensive that it would not be done. Default states must be preempted from establishing more stringent requirements than those required by the Model Installation Standards.
- D. The proposed Model Installation Standards would require that footings be placed below the frost line depth unless a professional engineer or architect properly designs an insulated foundation or slab-type foundation in accordance with a nationally recognized design standard for frost-protected shallow foundations. The proposed standards do not recognize that not all soils are frost heave susceptible. Homes placed on soils which have been proven to be non-susceptible to frost heave either by analysis or through indisputable historical evidence should not require footings be placed below the frost line.

II. Part 3285-Model Manufactured Home Installation Standards

3285.203 Drainage Change as indicated

(a) Purpose

Drainage must be provided to direct surface water away from the home. That prevents water build-up under the home, skirting or settling of the foundation, dampness in the home, damage to siding and bottom board, buckling of walls and floors and problems with the operation of doors and windows.

BRINGING AMERICA HOME. BRINGING AMERICA FUN.

Reason: A long laundry list of problems associated with high moisture content in a home is unnecessary. The high moisture content could be the result of many sources and may not be preventable (i.e. Flood, hurricane, etc.)

Tables 1, 2 and 3 to 3285.303

These tables in conjunction with 3585.32 are unnecessarily confusing. We believe these tables should be simplified by deleting references to the 16" x 16" footing pyramids and retaining only the "load" column. The 16" x 16" footing pyramids are applicable only to the relatively small areas of the country which do not have freezing climate. Loading information presented by the tables 3285.303 should be combined with 3285.312(e) to provide information applicable through out the country.

Figure A to § 3285.306 Typical Footing and Pier Installation, Single Concrete Block

Change note as indicated: 2" x 8" x 16" steel or hardwood caps, or minimum 4" x 8" x 16" concrete cap or other ~~listed~~ approved materials.

Reasons: 2" x 8" x 16" steel caps are impractical. We are aware of no "listed" material for this purpose.

Figure B to § 3285.306 Typical Footing and Pier Installation, Double Concrete Block

Change note: Single concrete or hardwood cap(s) or other ~~listed~~ approved materials,

Reason: No material "listed" for this purpose.

3285.310 Pier Location and Spacing

Add the following:

- (b) Mate-line and column pier supports must be in accordance with this subpart and consistent with Figures A through C of this section or located and sized to withstand the loads provided by the home manufacturer for the specific home.

Reason: Many manufacturers, including Skyline, provide pier-point drawings for each multi-sectional home. These drawings provide the required location of centerline supports and the developed loads. Pier-point drawings permit an installer to correctly located and size the footings prior to receipt of the home.

Figure A to § 3285.310 Typical Mate-line Column Pier and Mating Wall Support When Frame Only \Blocking is Required.

Note: 1 Add

- 1. For frost heave susceptible soils, bottom of footings must extend below frost depth.

Reason: Clearly indicated that requirements meant only for soils subject to frost heave.

Figure B to § 3285.310

Note: 1 Add

- 1. For frost heave susceptible soils.

Reason: Same as Figure A

3285.311 Required Perimeter Supports

Add the following:

- (a) Pier or other means of supports must be placed

Reason: Support of the floor can be provided through other means such as additional outriggers or floor joists.

- (b) Other perimeter supports ~~must~~ may be required

Reason: Same as (a)

Add paragraph (c) Perimeter support in accordance with manufacturer's installation instructions may be required for roof loads in excess of 40 psf.

Reason: Recognize that certain mountainous areas have specified snow loads in excess of 40 psf.

3285.312 (b) (1) (i) Change requirement for precast concrete pad from 4000 psi to 3000 psi

Reason: 4000 psi concrete pads not readily available

Figure A to § 3285.312 Typical Blocking Diagram for Single Section Homes

Change note 4 as indicated:

Note 4 Place piers or other means of perimeter support at both sides of entry doors; at any

Reason: Recognize that other means exist for providing the required support.

Figure B to § 3285.312 Typical Blocking Diagram for Single Multi-Section Home

Change requirement

Marriage wall pier and footing support shall be sized according to tables 2 and 3 of paragraph 3285.303 and figures A and B of Paragraph 3285.310 or sized in accordance with loads provided by home manufacturer.

Reason: Recognize loads may be provided by home manufacturer.

Note 4: Place piers or other means of perimeter support on both sides of entry doors, at any

3285.312 (b)(3)(ii) ABS Footing

Change: ABS footing pads must be approved, ~~listed or labeled~~ for the required load capacity.

Reason: No standard for "listing" or labeling has been established.

3285.312 (c) (i) Placement in Freezing Climates

Add the following:

- (1) Conventional footings. Footings placed in freezing climates on frost heave susceptible soil must be placed below the frost depth

Reason: Recognize that not all soils are frost heave susceptible.

3285.312(c)(2) Monolithic Slab Systems

Delete ASCE / SE1 32-01 as follows:

- (i) When properly designed by a registered professional engineer or registered architect in accordance with acceptable engineering practice, ~~and ASCE / SE1 32-01~~ a monolithic slab is permitted above the frost line.

Reason: There are other acceptable methods than ASCE 32. ASCE 32 will require vertical and horizontal insulation below grade with floating slab systems in freezing climates. Re-enforced concrete slabs can be properly designed which can be placed above the frost line.

3285.312(c)(3) Insulated Foundations

Delete ASCE / SE1 32-01 as follows:

When properly designed by a registered engineer or registered architect in accordance with acceptable engineering practice ~~and ASCE / SE1 32-01~~, an insulated foundations is permitted above the frost line.

Reason: ASCE 32 is not the only acceptable engineering method and would eliminate insulated skirting.

Figure C to § 3285.312 Footing Configuration Layout Designs

Change Note 3

 $F_c' = 3000$ psi min.

Reason: 4000 psi material not readily available

3285.402(b) Table 1, Table 2, and Table 3 Maximum Diagonal Tie-down Strap Spacing, Wind Zone I, Wind Zone II

Add: 75.5" I-beam spacing to charts

Reason: Homes are currently constructed with 75.5" I-beam spacing

Change note 6, Table 1, Note 7 Tables 2 and 3, second sentence

Table based upon the minimum height between the ground and the bottom of the floor joist being must be 18 inches.**3285.505 Crawl Space Ventilation**

Change wording:

- (d) Ventilation openings must be covered for their height and width with a perforated metal rodent resistant covering.

Reason: The words "for their height and width" provide no added meanings to the requirement. Delete "metal" as other equivalent materials are available.

Figure A to § 3285.801

Add to window note:

Windows installed with j-rail or brick mold around it

Reason: Many windows equipped with brick hold which serves same purpose as j-rail.

Revise 2nd sentence at note 2 by deleting footers.

All siding, starter trim fasteners and vents will be shipped loose

Reason: Fasteners generally provided by installers compatible with their installation equipment.

3285.801 Exterior Close-Up

- (j) Holes in the roof made in transit or setup must be sealed with exterior sealant, utilizing approved methods and materials.

Reasons: Holes in the roof could vary in size and various roofing materials could have been used.

3285.801(f) Hinged Roofs and Eaves

Delete complete paragraph after second sentence including (1), (2), and (3).

Generally, hinged roof homes are not subject to such special requirements as long as:

- (1) ~~The homes are designed to be located in Wind Zone I and~~
- (2) ~~The completed hinged roof pitch is less than 7 on 12, and~~
- (3) ~~Fuel burning appliance flue penetrations are not above the house.~~

Reason: Deleted information should be contained in 3280 Standards rather than 3285.

3285.803 Interior Close-UpRevise (b) ~~Only~~ interior close up items.....

Reason: Other items may be placed within home, examples:
shingles, exterior siding etc;

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Figure to § 3285.803 Installation of Field Applied Panels

Revise panel size, note to be as follows: One full-sized panel 48 in. or less in width no less than 16 in. nor larger than 32 in.

Reason: 48 inch panel provides "factory- edge".

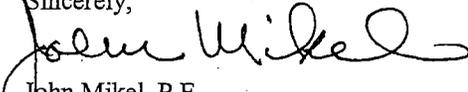
Figure to §3285.803 Center of Double Section Home

Delete in entirety

Reason: Provides no additional useful information.

We thank you for the opportunity to review the proposed Manufactured Home Installation Manual. We believe our comments have merit and will provide aid in achieving our goal of better installation of manufactured homes.

Sincerely,



John Mikel, P.E.
Chief Engineer

MOBILHOME MINNESOTA, INC.

6100 HIGHWAY 101

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952-445-5131

Regulations Division
Office of General Counsel
Room 10276
Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410-0500

42

Re: Docket No. FR-4928-P-01; HUD-2005-0006
RIN Number 2502-A125
Model Manufactured Home Installation Standard

OFFICE OF GENERAL COUNSEL
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I have been in the Manufactured Housing Industry for the past 33 years and hope to remain for some years to come. I have been involved in the manufacturing, park development and ownership, subdivision development, retail and lending aspects of the industry.

HUD was required by statute to establish Model Manufactured Home Installation Standards through the National Manufactured Housing Construction and Safety Standards Act of 1974. We all acknowledge that proper installation of the product, the home, is a very important part of the industry. The State of Minnesota has implemented its own installation program and we have worked with it successfully for a number of years. We have been able to work with the State and LAHJ on our set up issues, while still complying with the manufactures installation manuals.

I will now address a couple of issues from the April 26th Federal Register which are of critical concern. Number 1 –Placement in Freezing Climates-page 21510 3285.312.

Here in Minnesota we have been installing homes in Manufactured Housing Communities using above frost line set up techniques in compliance with the State and also with the manufactures for at least 35 years. This has been accomplished by working with the manufacturer and their DAPIA to ensure the lot is prepped, skirted and set up per the manufactures installation manual.

HUD is now imposing an Installation Standard that would require that a home placed in one of those Manufactured Home Communities now be placed on a footing below the frost line of at least 42 inches or on a monolithic slab or insulated foundation above the frost line provided they are designed by a professional

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engineer or architect and conform to the nationally recognized consensus standard, SEI/ASCE 32-01 and acceptable engineering practice. If this can be accomplished, and I don't believe it can, this still adds \$5,000.00 to \$7,000.00 and possibly more in some cases to the set up costs.

My question is WHY?? Why should a consumer be forced to add \$5,000.00 to \$7,000.00 for this type of footing if he does not want to? Tearing up an existing pad in an existing park to comply with a HUD Model Standard that is not in existence currently. The language of the Act as set forth in 3285.1 of the proposed rule, the Model Installation Standard, is to establish Minimum levels of protection to residents of Manufactured Homes. Furthermore HUD was instructed by the Act to "facilitate the availability of affordable manufactured homes and to increase home ownership for all Americans." How can we increase the availability if we have added thousands of dollars as a now forced cost as opposed to an option for the consumer to pick his choice and cost when buying? Any consumer desiring to place a manufactured home in an existing manufactured community would now be forced to comply with this Standard. HUD was to adopt a Minimum Standard, not a Maximum Standard.

This now leads to the Regulatory Flexibility Act. Supposedly HUD has conducted a material and labor cost impact analysis for this rule. I do not see how adding thousands of dollars to the in park set up, as we will be required to do in Minnesota and other freezing climate states, has been taken into consideration when HUD arrives at a \$133.00 to \$151.00 cost increase. On page 21517 of the Federal Register, "The Secretary, in accordance with the Regulatory Flexibility Act [5 U.S.C. 605[b], has reviewed and approved this proposed rule and in so doing certifies that the rule would not have a significant economic impact on a substantial number of small entities." I question if the Secretary in the Certification has taken into consideration the consumer or the individual park owner that is now faced with this increase. I am sure these "entities" feel this will be a Significant Impact, especially since they have NO say in it as it will be a HUD Minimum Standard. This would have an impact on all existing Manufactured Home Communities and all consumers desiring to place a home in those communities, that should be a significant number.

Page 21500 you also state, "Seismic safety has not been addressed in this proposed rule primarily because seismic safety is not a required consideration in the construction of manufactured homes under the preemptive Manufactured Home Construction and Safety Standards {24 CFR part 3280}. Why shouldn't the freezing climate be addressed the same way? The state would still have authority to implement and enforce, plus the manufacture and its DAIPA would be able to authorize their required set up instructions in the respective installation manual.

There are a number of issues to address if HUD is to include frost line footings in the proposed rule:

- 1}. If in an existing manufactured home community who is responsible for installing the frost depth footings, who is responsible for removal of the frost depth footings when the home is moved.
- 2}. Who is to bear the cost; the consumer, the park owner or the retailer as the manufacture certainly will not.
- 3}. Realize that these footings will be home specific as the placement of footings will depend on the individual home and or manufacture and can not be used on the next home to be placed on the site as the size of the home may be different let alone the location of doors, windows and archways as these will be required to have frost footings also or have the monolithic slab designed for them.
- 4}. This will eliminate a consumer being able to place a home in a park with the possibility of moving it, without incurring the added frost line cost of thousands of dollars, TWICE.
- 5}. FEMA would also not be able to use the manufactured home in freezing climates with out incurring the same additional cost for a short term emergency housing need.

It is not appropriate for the Model {Minimum} Standard to require frost line footings or a monolithic slab, this should be an option to the homeowner, to have a foundation of choice. To make it mandatory is overkill.

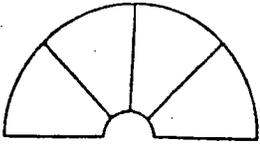
In summary: For the Manufactures—Each manufacturer's DAIPA must approve their installation manual so that it meets or exceeds the Model Minimum installation requirements. Therefore if a manufacture desires to have their homes placed in an existing manufactured home community, with out frost footings or a monolithic slab, they must have DAIPA approval and instructions as to how in their installation manual to be in compliance.

For the State---This Model Standard proposed rule is one part of a comprehensive installation program that each State could use as a basis to develop it's own installation program.

Thanking You In Advance



Reed A. Beckler, President
Mobilhome Minnesota, Inc.



Creative Housing, Inc.

Contractor ID#4285

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June 21, 2005

43

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Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410-0500

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2005 JUN 28 A 10:37
OFFICE OF GENERAL COUNSEL
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Re: Docket No. FR-4928-P-01; HUD-2005-0006
RIN Number 2502-A125
Model Manufactured Home Installation Standard

We have been active in the Manufactured Housing Industry for almost 30 years. Since 1985 we have owned and operated up to three retail manufactured home sales centers in Southern Minnesota. Many of our homes are sited throughout southern Minnesota, both on private sites and in land/lease communities.

We all agree that proper installation of the home is important. However, it is not realistic to expect that all homes, including those sited in land/lease communities include a footing below the frost line. In Minnesota that is a minimum of 42 inches (more in Northern Minnesota). The additional cost would add \$2,500 to \$5,000 (possibly more depending on site conditions) to every in park set-up.

This will also create a problem for park owners when homes are moved off a site and they need to bring a new home in. Who pays to remove the old foundation so the new home can be sited. It is highly unlikely that the foundation for the new home will match that of the previous home. These costs will also be added to the cost of our homes either directly or indirectly (lot rent increases).

The manufactured housing industry has always been considered affordable housing. This proposal will diminish affordability considerably. We also have to consider current owners of manufactured homes that purchased affordable homes at a time when our industry was doing well. These people will want to sell and/or upgrade their homes at some point. The market for sales in land/lease communities is currently down with most of the communities in our area having several open lots. Your proposal will only lower demand and possibly create more repossessions.

More repossessions and slower sales of pre-owned homes will only serve to further depress the manufactured housing industry. We seem to be creating a viscous cycle that will not end until the manufactured housing industry ceases to exist as we know it today.

We are not suggesting that installation requirements are not important, but we need to apply them fairly. Requirements that minimally affect the cost in the southern states may have a significant cost in the northern states. Exceptions need to be made for land/lease communities because the added expense will make our product less affordable and the land/lease community (park) obsolete.

Perhaps the best solution is to let the states along with the manufacturers, mandate set up requirements to meet the needs of their residents. This will help prevent unfair hardship on manufacturers, dealers, park owners, and manufactured home owners in certain regions.

Thank you for your attention to this matter.

Sincerely,
CREATIVE HOUSING, INC.

Larry & Cathy Hesse
Owners/Managers

COUNTRYSIDE HOMES OF MANKATO, INC.

CONTRACTOR # 0005343

20783 Foley Road • Mankato, MN 56001 • 507-387-4139

June 21, 2005

44

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Perhaps the best solution is to let the states along with the manufacturers, mandate set up requirements to meet the needs of their residents. This will help prevent unfair hardship on manufacturers, dealers, park owners, and manufactured home owners in certain regions.

Thank you for your attention to this matter.

Sincerely,
COUNTRYSIDE HOMES OF MANKATO, INC.

Larry & Cathy Hesse
Owners/Managers

BUILDING CODES & STANDARDS DIVISION

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June 7, 2005

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45

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HUD RULES DOCKET CLERK

Re: Docket No. FR-4928-P-01
HUD-2005-0006
RIN 2502-A125
Model Manufactured Home Installation Standards, 24 CFR Parts 3280 & 3285

Dear Sir or Madam,

The State of Minnesota, Building Codes and Standards Division (MSBCSD) submit the following comments in response to proposed Model Installation Standards. The Minnesota Building Codes and Standards Division, is a fully approved State Administrative Agency (SAA) for the HUD manufactured housing program. Minnesota has had and enforced a state installation program since September of 1974. The Minnesota installation program applies to new and used manufactured homes sited within the state of Minnesota and is enforced local certified Building Officials and this division throughout the state of Minnesota.

A major concern to MSBCSD is that the Model Installation Standard remains as a separate standard (CFR3285). HUD in the default non-SAA states will use the Model Installation Standards as the guideline for minimum installation requirements of manufactured homes. However, some states that already have installation programs or in states that have no state jurisdiction some cities/municipalities may wish to adopt the Model Installation Standard. It would be difficult for a state or city/municipality to adopt the Model Installation Standard if it is not a stand-alone section as proposed for CFR 3285. Some groups or persons are recommending that the Model Installation Standard be totally incorporated into CFR 3280, Manufactured Home Construction and Safety Standards. Construction and Safety Standards, CFR 3280, is a preemptive standard that no state or political sub-division may change. "The Act of 2000", section 605, clearly states that a state or manufacturer may use more stringent requirements than the Model Installation Standard, thus the Model Installation Standard is not preemptive as is CFR 3280 Construction and Safety Standards are as outlined in CFR 3282. The states and cities/municipalities need to have the Model Installation Standard remain separate so it may be adopted and amended as necessary by a state or city/municipality for climatic, seismic, or soil conditions specific to a state or city/municipality. Combining a preemptive and non-preemptive standard in to one may also cause problems for civil courts having jurisdiction in determining was is or is not preemptive and the civil courts could determine that neither is what the law intended and find that the rules have no basis for determinations.

On page 21502, HUD asked the question, "When desired or required, should the Model Installation Standards provide minimum steel reinforcement specifications for cast-in-place footings?" Yes, minimum requirements for steel

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reinforcement should be included because of area of footing, depth of footing, and loads imposed on footings it is important to include reinforcing requirements to prevent cracking and breaking of footings for support piers.

On page 21503, section titled "scope" (as per first bullet) the proposed HUD Model Installation Standard in default states would be applicable only to the first or initial installation of new manufactured homes. The use of these standards for any other manufactured home installation would be subject to state or local law. States that do have installation standards or wish to adopt the Model Installation Standard and include used manufactured homes in the requirements is one more reason that the Model Installation Standard should be a separate section such as CFR 3285, allowing states or cities/municipalities to amend the standard to include used manufactured homes that are relocated. As for HUD in default states not requiring relocated used manufactured homes from meeting a minimum installation standard, this appears to create a large void for the consumer public that wish to buy affordable used manufactured housing and expect that their purchase should also be safe and durable.

On page 21517 under proposed change to CFR 3280.306 (b)(2)(iv) that ground anchors should be installed to their full depth. Remove the word *should* and replace with *shall*. When ground anchors are tested they are tested when installed at full depth and the word shall is consistent with the testing.

On pages 21529 and 21530 for figures "A" and "B" of 3285.306, the figures indicate that a 2-inch thick steel or hardwood cap may be used. Where would an installer obtain a 2-inch steel cap? The wording should indicate a 2-inch thick hardwood or 1/2-inch steel cap may be used.

On page 21536 under proposed rule change 3285.312 (c) (3), suggest wording, "with acceptable engineering practice ~~and~~ or ASCE/SEI 32-01." The way section is currently worded it would require any engineered designs to follow ASCE standard and does not allow for other types of design.

On page 21547 under proposed section 3285.505 (d), it indicates that ventilation openings in the crawlspace must be covered with perforated metal coverings. This appears to limit material that is used for ventilation opening coverings and not allow other products available on the market such as a vinyl/plastic covering. Suggest the wording be changed ~~perorated metal coverings~~ resistant to decay.

On page 21554 under proposed section 3285.802 (c), it indicates that gaps between structural elements in the mate-line of multi-section homes must not exceed 1.5 inches. The mate-line wall is load-bearing wall in the center of the home, which is carrying approximately 1/2 of the total roof design load. What is the allowable 1.5-inch gap based on for structural design?

The Minnesota Building Codes and Standards Division believes that consideration of the above comments would improve on the proposed Model Installation Standard for manufactured housing.

Yours truly,
BUILDING CODES AND STANDARDS DIVISION



Thomas R. Joachim
State Building Official



Randy E. Vogt
MNSAA Designate





A. L. S. Properties

5501 Lakeland Avenue North, Crystal, MN 55429-3171

(763) 535-2840 Fax (763) 535-2842

Alvan L. Schrader, Owner

MANUFACTURED HOUSING COMMUNITIES

- CENTENNIAL SQUARE
BLAINE, MN
- STONEBROOK SOUTH
BRAINERD, MN
- WINDSOR COURT
KASSON, MN
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6/20/05

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REAL ESTATE DIVISION MEMBER MLS

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- CRYSTAL, MN

TRAPP ROAD BUILDING

- EAGAN, MN

SCHRADER FARMS

- NORTHFIELD, MN

SCHRADER VENTURE CORP.

- CRYSTAL, MN

RE: Model Manufactured Home Installation Standards
Docket # FR.-4928-P-01; HUD-2005-0006
RIN #2502-A125

General Counsel Representative:

This letter is submitted as comment on the above referenced proposed Installation Standards. I have been involved in all aspects of the manufactured home industry in Minnesota, Wisconsin and South Dakota for over thirty-five years. In general it is my position that regular updates of the installation and manufacturing process of manufactured homes is a necessary evolution as building materials and products have gotten larger and more sophisticated. However, one area that I feel does not require change is the way we place homes in manufactured housing communities. Particularly the new code sections that will require a frost-free foundation in freezing climate states.

As an owner of eleven manufactured housing communities I have not encountered difficulties with above grade pier installations on properly prepared homesites with decent soils. The new standards will significantly impair the affordability of our product, which has become the primary purchase point for manufactured housing community living. The placement described by the new standards will add approximately \$4-6,000 to the cost of the home for the consumer and for no real added benefit. There is also some controversy as to whether that amount can be financed. Is it part of the security for the lender? I don't see either the homeowner or the lender removing the improvement if they vacate and the pier locations need to be placed for the design of each home making them unavailable for the next home installation.

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Many of our parks were not designed with frost-free piers or slabs in mind. Trenching, slabs or pier placement at 42" frost depth would not be possible due to the utility locations under the home and the inability to access the many utility lines for service. The State of Minnesota is an SAA state and industry and administration have worked together to maintain a high quality of installation and mitigate any potential consumer issues.

Our community placements need to maintain affordability for our customers and the new standards will significantly reduce the marketability of our product in communities. The economic impact is significant and is greatly understated in your review materials. A number of somewhere in the range of \$150 is used for comparison. Our costs for the installation of a slab or frost depth piers is \$4-6,000 per home. The frost depth in Minnesota is 42-60 inches. \$150 doesn't get you one pier. Most multi-section homes have between 45-60 piers. \$6,000 is 12% of a fifty thousand dollar purchase. Obviously the percentage gets higher and more untenable when dealing with less expensive home

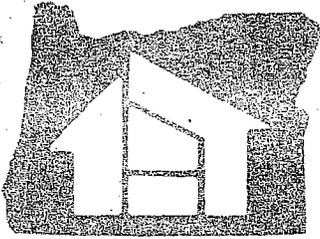
The new standard for frost depth foundation will also deter replacement of older homes in communities. A seller of an older home will most likely sell the home in the community rather than move the home to a new location where new piers will be required. Community owners will also balk at upgrading homes when piers are cost prohibitive. I know that we don't use the term "mobile home" any more, but isn't one of the attractions of this product type the fact that the home can be relocated. The new installation requirements make mobility unfeasible. In addition, the new foundation requirements make installations from November 1 to April 15 not feasible and essentially put us out of business during the winter months.

Our industry is in a crisis the likes of which we have not seen before. New home shipments are at historic lows. No new community development is occurring and market rate financing is not available. More restrictive installation standards do not help the industry and does not assist in HUD's core value of promoting our affordable housing answer. Your new frost depth installation requirements for community placements will have a significant disparate impact on our industry and are not necessary. I respectfully request that the installation standard for community placement of manufactured homes remain as set forth in the existing installation standards.

Respectfully submitted,



Alvan L. Schrader
Principal



OREGON MANUFACTURED HOUSING ASSOCIATION

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June 21, 2005

47

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Re: Docket No. FR-4929-p-01
HUD -2005-0006
RIN 2502-A125
Model Manufactured Home Installation Standards

Dear Sir or Madam:

On behalf of the Oregon Manufactured Housing Association, I am submitting the following comments for your consideration.

My comments are broken down into two categories: Broad Procedural / Legal Comments and Technical Comments:

I. PROCEDURAL AND LEGAL COMMENTS

A. GENERAL COMMENT: The Installation Standards should be considered manufactured home construction and safety standards and be included as a subpart of 24 CFR 3280, Manufactured Housing Construction and Safety Standards. The Installation Standards should not be adopted as a separate part – (i.e. 3285) and should not be considered separate from the manufactured housing construction and safety standards as contained in the proposed rule.

Manufactured housing should treat installation of the home on its foundation in the same manner and have the installation standards be considered part of the manufactured home construction and safety standards.

The proposed rule considers installation standards separate and distinct from the Manufactured Housing Construction and Safety Standards-24 CFR Part 3280 and consequently preemption would not apply.

The unintended consequence of this would permit individual jurisdictions in default states to impose additional regulations, over and above those specified in these federal installation standards. This can easily result in multiple levels of quality, design features and safety being provided in multiple jurisdictions (town, city, county) in a default state.

Local jurisdictions could use their regulations to discriminate against manufactured housing by imposing standards that could not be met.

Further, HUD would need to determine how to monitor their individual levels of performance.

B. P. 21499 SUMMARY – Column 1 last paragraph: HUD is soliciting comments on the distinction between construction and assembly of Manufactured Homes and the installation of Manufactured Homes and specifically how close-up of multi-wide manufactured homes should be treated.

COMMENTS: The concept of “close-up” for multi-wide manufactured homes needs to be considered as part of the Installation Standards that should be a subpart under the Construction Standards covering the process of installing the home on its foundation. Another subpart should cover producing the home in the factory.

A clear delineation between the manufacturing process and the installation process covering work activities facilitating the placement of the home for use and occupancy by the consumer must be clearly maintained. It is unreasonable to expect and/or hold the manufacturer totally responsible for the close-up work that will be performed by another entity that is not under the control of, or have a contractual relationship with, the manufacturer.

The exception would be for those circumstances where the manufacturer authorizes or licenses an agent to serve in a role on behalf of the manufacturer to complete work that normally would have been done in the factory except for the real possibility of transportation damage to the home when it travels to the building lot.

C. P. 21518 Subpart A General. 3285.1 Administration. The following concepts recommended by the MHCC should be added back into the proposed rule as follow:

“The manufacturer’s installation instructions shall apply under any of the following conditions where they do not take the home out of compliance with the federal Manufactured Housing Construction and Safety Standards:

- (1) To items not covered by this standard;
- (2) Where the manufacturer’s approved installation instructions provide a specific method of performing a specific operation or assembly;
- (3) Where the manufacturers approved installation instructions exceed this standard.”

This concept is embedded in Section 605(a) of the MHIA of 2000 that states in part: “A manufacturer shall provide with each manufactured home, design and instructions for the installation of the manufactured home that have been approved by a design approval primary inspection agency...a design approval agency may not give such approval unless a design and instructions provides equal or greater protection than the protection provided under such model standards.”

As currently proposed by the Department, it would appear that an installer could have their hands tied if any of the three conditions noted above are present. Further, local jurisdictions could reject the manufacturer’s design and installation instructions in the default states and substitute their own requirements.

The draft installation standard submitted by the MHCC to the Department on 18 December 2003 contained such scoping language. (See MHCC Draft Standard at § 1.1, Scope) The MHCC wanted to address issues such as home specific, or installation specific procedures or circumstances that would necessitate some level of over-ride to the model installation standards. Such departures from the proposed standard could only be applied if one or more of the limited conditions were present.

While the proposed installation standard is very comprehensive it is also performance based and the manufacturer needs to have the flexibility to cover field installation circumstances that were not contemplated by the standard or to require specific designs and instructions providing the same or greater level of performance as that contemplated in the installation standards. As required by the law, a DAPIA approved set of design and installation instructions must still be filed and made available to the homeowner and installer.

D.	P. 21523	3285.301 (d) (2).
	P. 21523	3285.301(d)(2)
	P. 21529	3285.306 (c)
	P. 21533	3285.310 (c)
	P. 21536	3285.312(c)(1)
	P. 21536	3285.312(c)(2)
	P. 21538	3285.314 (b)
	P. 21539	3285.401(b)
	P. 21540	3285.402(b)(2)
	P. 21543	3285.402(c)

In all of the noted Sections above revise the language to read: "... Must be prepared by the manufacturer or by a registered professional engineer or a registered architect in accordance with the manufacture's home design and the Manufactured Home Construction and Safety Standards (3280)."

As proposed by the department, "acceptable engineering practice" can be broadly interpreted. This might range from techniques that are appropriate for site built homes, modular homes or even small footprint commercial buildings. Designs intended for the proper installation of a manufactured home should be based on specific, manufactured home criteria and the manufacturer's design for that home.

As proposed, the language suggested by the Department has 4 problems:

1. First, the statement seems to require manufacturer's staff to be registered PE' s or architects for all aspects of the design;
2. Unless the PE or Architect is familiar with the design and construction of manufactured homes they may apply "acceptable engineering criteria for site built residential construction" to manufactured homes;
3. Registered in what state? State of manufacture or installation?; and

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4. Requiring PE's or architects to do as much as the proposed installation standards seems to require for every installation rather than having the manufacturer provide this information drives up the cost of the installation significantly with no obvious benefit.

E. P. 21538. 3285.314(a). Delete (a) in its entirety and replace with: "The placement of a manufactured home on a permanent foundation must be in accordance with state requirements, installed in accordance with their listing by a national recognized testing agency based on a nationally recognized testing protocol or installed in accordance with the manufacturer's approved permanent foundation installation instructions and in all cases, based on the home's design and the load requirements of the Manufactured Home Construction and Safety Standards (3280)."

The changes recommended in this Section will help to insure that the default states set a criterion for all jurisdictions in that state that will establish minimum performance levels for permanent foundation systems. As noted in an earlier comment, allowing locally controlled (city or county) and regulated permanent foundation systems will lead to myriad of options. A state specified regulation will preclude such potential issues.

In addition, the change also offers precise guidance to both the manufacturer and the installer. Specifically, the permanent foundation must be one that has been evaluated by a nationally recognized testing laboratory or one that has been specifically engineered by the manufacturer. Further, the language imposes a condition that will be specific to the actual home design and that relates to the design load requirements of the installation standards.

The proposed language in these comments would delete the language in the proposed rule concerning what lenders may or may not accept. What lenders do is really up to the lenders and should not be a part of the Installation Standards being adopted by the Department as required by the MHIA of 2000.

II. TECHNICAL COMMENTS:

A. pg. 21506: The proposed rule dropped out provisions for finishing the home such as the need to use vapor barrier paint if required by the manufacturer and / or how to finish tape and texture.

COMMENTS: The proposed description of close up is too narrow and leaves out the reality that more goes on as part of close up of the home than just the connection of utilities and sealing of the units at the mate line. The model proposed installation standards submitted by the MHCC to the Department understood this and offered the proposed language that needs to be added to these rules.

B. pg. 21518, third column under 3285.3: After "or its foundation delete: without design by a registered professional engineer or registered architect or being and insert "and must be" in front of expressly.

COMMENTS: The manufacturer is responsible for the portion of the home's construction that could have been done in the factory. If alterations are being made to that portion of the home, the manufacturer needs to approve those alterations in order to make sure the home still meets the construction standards.

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C. pg 21520 under 3285.202 (a) (1): "After Soil tests." Delete the rest of the sentence and insert MHCC model installation standards recommendation "A pocket penetrometer or method acceptable to the Secretary shall be permitted to be used."

COMMENTS: The MHCC model installation standards presented to the Department proposed the use of pocket penetrometers. Pocket penetrometers are allowed by other construction codes and are in common use through out the United States for determining the soil bearing capacity of residential building lots when the conditions under 3285.202 (1)(b) are not present. Requiring engineering only drives up the cost of installation.

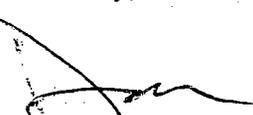
D. pg 21536 under 3285.312(c) (2) and (3) and under 3285.312 (c) (3): Delete and in insert "or".

COMMENTS: For monolithic slab systems and insulated foundations there should be two ways to obtain approval which is what the MHCC proposed in the model installation standards presented to the Department. Use the manufacturer, engineer or architect or follow a recognized national standard; you do not need to do both. To do so would needlessly drive up the cost of installation.

III. CONCLUSION

It is essential that the Department address the Procedural and Legal problems contained in the proposed rules so there is a federal model installation standard that holds installers accountable for the work they perform. To continue with the assumptions in the proposed rules would do tremendous harm to the industry and will not help consumer get the problems with their homes fixed.

Sincerely,



Don Miner
Executive Director

STEVEN OEHLENSCHLAGER
President



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Minnesota Contractor's License 20063848
Minnesota Installer's License 20055733

06/21/05

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Regulations Division
Office of General Counsel
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2005 JUN 28 A 10: 37

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RE-Docket NO. FR-4928-P-10:HUD 2005-0006
RIN Number 2502-A125
Model Manufactured Home Installation Standard

I have been in the Manufactured Home industry for 10 years. Most of my experience has been, in retailing, in rural communities. As a Minnesota retail dealer and a Minnesota Licensed installer we have taken pride in our record of proper installation and service, to our customers.

Minnesota previously implemented its own installation program, which has been aggressively administered, by the Building Codes Division, of the Minnesota Department of Commerce. HUD was required by statute to establish Model Manufactured Home Installation Standards. Proper installation, of the homes we sell, is an important part of the delivery. I believe issues from the 4/26th Federal Register need to be addressed.

The placement, of homes, in freezing climates-page 21510 3285.312, HUD is imposing a standard, on existing manufactured homes which will render many homes valueless. Placing a home produced, in 1977, (an arbitrary choice), may make no economic sense. The installation of this product, on a permanent foundation, may cost more than the dwelling itself. A home which could be placed, under current situations, in a ground set and be affordable, now becomes too expensive for the consumer to consider. This also means the seller is effectively being stolen from, in his resale position.

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The geographical area we live in has a state code depth of 60", for frost free footings. The insistence, that all HUD labeled homes maintain this footing depth, is unrealistic. Many of the locations, where manufactured homes are placed, in Minnesota, are in lake areas where water tables are potentially always an issue. The only alternative for these locations is an engineered slab which typically adds \$7-10,000, to the installation costs. For a used home, this is not value added but a loss, since cost is a factor in many of the used manufactured home.

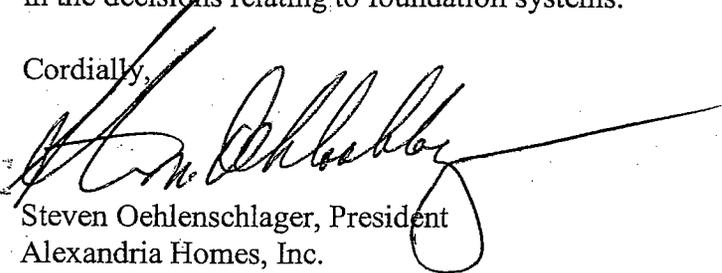
The main purpose, of manufactured housing, has been to provide affordable housing alternatives. The addition of a mandatory foundation system, to (ALL HUD) homes, which adds a minimum cost, of \$1100 for a single to \$10,000 or more for a sectional, to the sale of each home, does nothing to promote manufactured housing, as an affordable housing alternative. Financing programs already discriminate against manufactured house, in terms, of interest rates and available lenders. Adding increasing costs along with higher interest rates result, in the disenfranchisement, of many potential owners, who may be credit worthy at lower payment levels.

Since each foundation system is specific, to a particular manufacturer and each individual home, each product change, or move creates a whole new set of costs which may harm a seller, purchaser, lender or retailer. These costs especially do financial damage, where a used home is going to be used on a relatively short term basis. None of these costs are recoverable or are of permanent value added, if the home location is changed.

Manufactured home communities also provide major concerns since many do not have the proper infrastructure, for the new changes. The incredible costs associated with these changes may add hundreds of dollars, to park rental or thousands of dollars, to the purchase cost, of the homes. The above reasons should indicate some of the negatives and costs, if a mandatory set of frost free footing applications are initiated.

I would summarize that most of this legislation is overkill for many situations. DAPIAs, along with the manufacturers and each state should have some over riding discrimination, in the decisions relating to foundation systems.

Cordially,



Steven Oehlenschlager, President
Alexandria Homes, Inc.



June 22, 2005

Regulations Division Office of General Counsel
Room 10276
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Washington, DC 20410-0500

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2005 JUN 28 A 10: 31

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RE: Docket #FR-4928-P-01; HUD-2005-0006
RIN #2502-AI25
Model Manufactured Home Installation Standards

To Whom It May Concern:

I am writing to you as President of American Land Lease, a manufactured housing Real Estate Investment Trust (REIT), as well as President of ALL Homes Corp., a taxable REIT subsidiary of American Land Lease and a retailer/installer of manufactured homes.

We support the manufactured home entities' comments submitted to the Department regarding the proposed rule cited. Of particular note, it is our concern with the installation standards regarding placement of footings in freezing climates. Our specific concerns are outlined below:

- **Placement of Footings in Freezing Climates [pages 21502, 21510 and 21512; 3285.312(c)]**

The MHCC draft model installation standard included insulated foundations as a method to not have pier footings extend to the frost line depth. This can be found in the MHCC draft model standard at Section 6.3.2.3. The basic intent was to include insulated skirtings as an insulated foundation system, thus the reason the MHCC draft included a provision for cross-ventilation of the space under the home. In the proposed rule at §3285.312(c)(3), this statement was deleted and replaced with any system must be designed by a registered PE and conform to ASCE 32. This mandatory reference to ASCE 32 may effectively eliminate any type of insulated skirting system from being used to permit pier footings to be above the frost line.

By requiring a PE design (acceptable), and to make any system subject to ASCE 32 requirements (not acceptable), essentially eliminates insulated skirting materials from ever being used. ASCE 32 is for foundation systems composed of a basement, a slab, or a crawl space with a perimeter foundation wall. Insulated skirtings, with typical piers and footings, may not be applicable to ASCE 32. There is no problem with ASCE 32 being

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used as an **optional** reference standard, but HUD made it mandatory in all instances, thus requiring a permanent-type foundation for every home should you not want to go to frost depth with pier footings. This is just MHI's interpretation of §3285.312(c).

Also, if using §3285.312(c)(2), for slab systems, ASCE 32 is also required for conformance. ASCE 32 will require vertical and horizontal insulation materials below grade. Many MHI members do insulate floating slab systems in freezing climates but the affect of the more stringent ASCE 32 requirement needs to be addressed.

Under §3285.404, it is possible for ground anchors not to be installed below frost line. The model standard permits footings to be located above frost line by §3285.312(c). One can use a floating slab or insulated foundation system and have footings above frost line. If the footings which bear the vertical loads can be above frost line, then why would the anchoring system not be able to do the same? The longest ground anchor produced is 6 feet long, and in many areas of the country, it may be next to impossible to install then in all soil classifications. There should be a reference to §3285.312(c), in which the approved alternate anchoring system may be included as part of a listed or labeled foundation support system (floating slab or insulated foundation).

Footnote 1 of 3285.310 Figure A requires all footings to extend below frost depth. This is contradictory to §3285.312(c), where insulated foundation systems may permit footings at grade in frost areas. The footnote should reference section §3285.312(c) for footing depths. This same comment also applies to Figure B.

There have been tests/reports performed on frost protected foundations for HUD Code homes and skirting materials. The reports referenced at Enclosure I are attached to this letter for departmental review in determining whether it is necessary for all foundation systems in freezing climates to require conformance to ASCE 32.

1. Manufactured Home Foundations Design for Seasonally Frozen Ground, Progressive Engineering, Incorporated (PEI), Goshen, IN, June 14, 1996.
2. OH MHA: Manufactured Home Movement – Lancaster, OH, PEI, July 2000 – 2001.
3. OH MHA: Manufactured Home Movement – Circleville, OH, PEI, November 2000 – 2001.
4. OH MHA: Manufactured Home Movement – Circleville, OH, PEI, September 2000 – 2001.

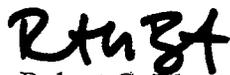
As an alternative to making ASCE 32 an optional reference standard or revising §3285.312(c) to the original MHCC language submitted on December 2003, MHI would offer the following performance-based language as a substitute, “Footings placed in freezing climates must be designed and installed using methods and practices that prevent the effects of frost heave in accordance with the manufactured home design and the requirements of the Manufactured Home Construction and Safety Standards (Part 3280).”

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We also endorse all the other issues that have been outlined in the MHI response, and we ask that our focus on the ground anchoring assembly be noted by the Department.

Questions regarding these comments can be addressed by contacting the undersigned.

Sincerely,



Robert G. Blatz
President and
Chief Operating Officer

RGB/kck

cc: Michael O'Brien, MHI



State of Idaho
DIVISION OF BUILDING SAFETY
ADMINISTRATION

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Governor
DAVE MUNROE
Administrator

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June 21, 2005

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2005 JUN 28 A 10: 31

Regulations Division
Office of General Counsel, Room 10276
Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410-0500

RE: Idaho Comments Regarding Proposed Model Manufactured Home Installation Standards (Docket No. FR-4928-P-01; HUD-2005-0006)

On behalf of the Idaho Division of Building Safety and the Idaho Manufactured Housing Installation Committee, I am enclosing the following comments regarding the Department of Housing and Urban Development's proposed rule to establish new Model Manufactured Home Installation Standards as required by the Manufactured Housing Improvement Act of 2000:

1. Section 3285.2 seems to imply that installers must only follow the DAPIA-approved manufacturer's installation instructions regardless of existing state programs that have established installation standards for installers to follow. If the intent of the new standards is to provide both uniform and user-friendly installation standards nationwide, it would make more sense to clarify section 3285.2 to say that "Installers must follow the DAPIA-approved manufacturer's installation instructions for those aspects not otherwise covered by these model or state adopted installation standards." Installers in the state of Idaho have been trained for several years how to follow the Idaho prescriptive installation standard for all installations and need only refer to the DAPIA-approved manufacturer's installation instructions for alternative methods for marriage line ridge beam connection systems, locations of and loadings for ridge beam column supports and also to FEMA's requirements for installing and anchoring manufactured homes in designated flood areas.

Manufacturer's DAPIA-approved instructions, for Idaho installations, also establish installation criteria for unique installation aspects such as hinged rafters, perimeter floor frames, two story applications, hinged eaves, add-on roofs, marriage-line anchorage tie-downs as well as any other aspects covered within a HUD AC approval letter.

If adopted as proposed, the model installation standards could be interpreted by manufacturers and HUD to totally preempt or invalidate existing state prescribed manufactured home installation standards.

2. Section 3285.203(b). This section should be either deleted or otherwise reworded to either provide an exemption for homes sited within manufactured home rental communities or to require drainage away from the home instead of "from under" the home. This requirement, as proposed, would be impossible to enforce within rental communities which are typically developed without crowned home pads or drainage swales between adjoining home pads.
3. Section 3285.203(c). Manufactured home communities typically have lots which only provide for 5 foot side yards around homes. This proposed requirement for drainage away from the home foundation for the first 10 feet would be impossible to enforce in most rental manufactured home communities and as such should be reworded to require drainage from the home foundation for the first 5 feet.
4. Section 3285.204(b) should be clarified to specify black six mill polyethylene sheeting or its equivalent to prevent vegetation growth which can occur beneath clear sheeting at locations where daylight penetrates perimeter enclosures at vent locations.
5. Section 3285.204(c)(2) seems to be in conflict with 3285.204(c)(1) in that it would not require the ground cover to be placed over foundation pier pads or concrete runners under the home. Homes with enclosed crawl areas should have vapor retarders placed either beneath or over all concrete pads or runners to limit gaps from occurring around numerous concrete pier pads and runners.
6. Section 3285.204(c)(3). Minor voids and tears should be repaired. This proposal would allow installers to install vapor retarders which will either be ineffective or otherwise perform in an unacceptable manner.
7. Section 3285.306(b). The proposal to require mortar for concrete block frame support piers between 36 to 80 inches high and corner piers over three blocks high may be overly restrictive. This requirement may be more appropriate for frame and corner piers from 48 to 80 inches high.
8. Figure A to Section 3285.306. Pier caps should allow 1¼" x 8" x 16" plywood and 2" x 8" x 16" lumber materials. The reference to 2" x 8" x 16" steel should be deleted.

9. Section 3285.312(c). The proposal to require footings placed in freezing climates to be placed below the frost line depth for the site unless an insulated foundation designed by a registered professional engineer or architect or a monolithic slab is used would impose excessive cost burdens on those persons who desire to install homes in rental communities.

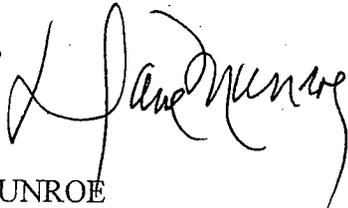
Many manufactured home rental community owners will not allow below grade foundations or monolithic slabs to be installed. Insulated skirting materials (non-engineered types) should be permitted in rental communities.

10. Section 3285.402(b)(2). Why is longitudinal anchoring required for manufactured homes in wind zone 1 locations? What is the justification for this requirement? This proposed requirement should be reconsidered.
11. Page 21509. As to the HUD question about manufacturers who design their manufactured homes for installation on perimeter or permanent foundations, should it be required for them to provide DAPIA-approved installation instructions for perimeter and/or permanent foundations as well as for the pier, footing and anchor systems?

Idaho's comment – DAPIA-approved installation instructions should not be required for manufacturers who design their manufactured homes to be installed on perimeter or permanent foundations in accordance with either engineered plans or to state-established standards for permanent foundations.

Thank you for the opportunity to comment on the HUD proposed Manufactured Home Installation Standards.

Sincerely,



DAVE MUNROE
Administrator

DM/JR/eh

C: Idaho Manufactured Housing Board
Idaho Manufactured Housing Installation Committee
Gub Mix, IMHA Executive Director



Indiana Manufactured Housing Association Recreation Vehicle Indiana Council, Inc.

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June 20, 2005

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Room 10276
U.S. Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410-0500

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2005 JUN 28 A 10: 37
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The Indiana Manufactured Housing Association would like to offer comment on 70 FR 21517-21559, HUD proposed Model Manufactured Home Installation Standards.

The State of Indiana has been developing and implementing an installer training and licensing program since the passage of the Manufactured Home Improvement Act of 2000. Indiana has also established installation standards for manufactured homes throughout the state through the Indiana Residential Code and the Indiana Department of Health MH Community Licensing Regulations. The State of Indiana, with the cooperation and assistance of the Indiana Manufactured Housing Association, has met the mandates established through the MH Improvement Act of 2000.

There are currently 1,233 licensed, operating manufactured home land-lease communities within Indiana. These communities have been providing a safe, affordable homes for the citizens of Indiana, in some cases for over fifty years. Indiana land-lease communities have, over their entire existence, allowed manufactured homes to be supported upon concrete block piers resting on either concrete 'ribbons' or on concrete pads under the home. This system of structural load transfer to the soil beneath the home has provided a successful and affordable performance alternative to supports embedded within the soil provided proper skirting and flexible utility connections were properly installed.

The new HUD proposed installation standard, as written, would mandate that any new home or relocated used home, installed would be required to utilize supports embedded in the soil to a depth established by HUD at the federal level. This proposal is flawed in several ways:

- A. The current support system is, and has been for many years, satisfactorily and affordably performing to serve the homeowners and their homes.
- B. The various State agencies within Indiana that have, for over fifty years, licensed and regulated manufactured home installations have a much more extensive and exhaustive knowledge of the physical conditions within the State of Indiana than does HUD.
- C. For HUD to mandate the additional expense of the installation of new foundations in an existing manufactured home land-lease community without justification, represents a clear and direct conflict with the stated purpose of the Manufactured Home Improvement Act of 2000 to provide affordable housing for the consuming public.

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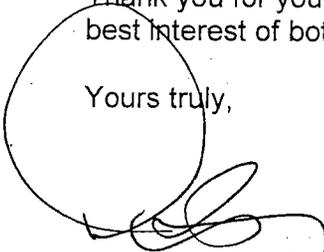
June 20, 2005
Page 2 of 2

The manufactured home industry began in Indiana over a half a century ago. It continues to contribute to the economies of both the State of Indiana and to that of the entire nation. Our industry and our state have, and continue, to provide safe affordable homes to our customers, the home buying public. Should these unsubstantiated changes proposed by HUD become law without revision, a major source of affordable housing will be lost to the consumer.

It is our request that the provisions of the proposed HUD standards requiring supports installed to or below frost depth, be limited to apply only to those homes permanently installed as appurtenances real estate. Homes installed upon leased land should be allowed continue to be installed in the same successful manner as they have been for the last fifty years.

Thank you for your consideration of our comments. These comments are made in the best interest of both our industry and of our customers.

Yours truly,



Dennis Harney
Executive Director



**ASSET DEVELOPMENT
GROUP INC.**

June 23, 2005

Regulations Division
Office of General Counsel
Room 10276
Department of Housing & Urban Affairs
451 Seventh St, SW
Washington, DC 20410-0500

52

OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

2005 JUN 28 A 10: 38

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Docket No. FR-4928-P-01 changes to 24 CFR 3280 and CFR 3285

To whom it may concern,

Asset Development Group, Inc. was started in 1983 and incorporated in 1996. We specialize in the acquisition, development and management of manufactured housing communities. We currently manage 55 manufactured home communities, with nearly 6,000 home sites in three states. In addition, the firm is also involved in multi-family, residential, and commercial real estate management. We submit the following comments in regard to the referenced docket number.

3285 vs. 3280 – The Alliance is concerned that enumerating the installation standards as part 3285 and not as a part of 3280. The Act provides for their creation. Placing the installation standards into a separate part raises issues of preemption and MHCC oversight.

Certified Installer – 3285.902(b) uses the term “certified installer.” The term “installer” is used 35 times in the document and this is the only use of the term “certified” as a modifier. The word is unneeded.

Close-up – In response to the question posed in the notice, the Alliance believes that close-up procedures are properly a part of the installation standards. Installers and not manufacturers are in control of the home generally at the installation site and directing these procedures to the installer better protects consumers.

Code References – There is no need to reference nationally recognized codes that are not applicable to manufactured home installation. This includes NFPA 255 and ANSI 119.5.

Frost Protection -- The code as written is very limiting in our opinion as to frost protection methods. Alliance members report very good long-term experience with concrete runners under a properly skirted home. A study by Progressive Engineering performed in Green Bay, WI showed that frost penetration under a skirted home diminished significantly from the raw ground surrounding the home mitigating the need to dig piers or other supports to the frost depth shown on frost line maps. The Alliance recommends that the LAHJ should be provided with maximum flexibility to permit frost protection methods shown to provide equivalent protection of below the frost line piers.

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Department of Housing & Urban Affairs
June 23, 2005
Page 2

Ground Anchor Strapping – The code at 3285.503 provides for zinc coating and only permits the use of straps. The language should mirror the provisions of 3280, which permit equivalent performance for both corrosion resistance and holding power.

Hinged Roofs – Hinged roofs are a normal completion process no more or less important than connection of floor sections, therefore it is our opinion that hinged roofs should be included in this installation rule and not subject to AC letter or other more bureaucratic processes. The Department should limit to the extent possible the need for AC letters to unusual construction methods or processes. In fact, the Alliance recommends that the hinged roof provision should be strengthened to permit under this provision a limited roof penetration for a flue stack provided the penetration point is marked by the manufacturer.

Implementation by HUD – We feel it is important for these standards or their state adopted counterparts to be the only federal installation standard recognized by HUD. Currently, HUD's FHA Title II program references the Permanent Installation Guide for Manufactured Housing which was developed by the University of Illinois (HUD -7584, Office of PD&R). We recommend that any references by HUD in any housing program use only the Model Installation Standard adopted under 3285 or its state equivalent.

Installation Alteration - The notice states the following: "*Installation Alteration*" – HUD did not include this definition proposed by the MHCC because not all alterations are within HUD's scope of authority to regulate. However, HUD attempted to retain the MHCC's intent by adding § 3285.3 to the proposed rule..." The section referenced could not be found in the proposed rule. Assuming the section was 3285.903, we are concerned that the language of this section implies that local building codes would be applicable to alterations which may or may not be true. A more specific statement is needed.

Logical Order of Provisions - The standard will be used by persons who would expect the document to be laid out in some logical order which it is not. Footings and permanent foundations come near the end of Subpart D. An installer would assume that footings would be followed by piers, configuration and clearances not the other way around.

Monolithic slab systems – We believe that this section should be amended to permit as an alternative to ASCE 32-01 a design criterion approved by the applicable state for other residential dwellings. The present language mandates ASCE 32-01 which could result in the state enforcing two design criteria for monolithic slabs. ASCE's criteria are just one possible alternative to slab construction.

Mortared Piers – The requirement for mortared piers above 36 inches is inconsistent with normal practices and is unneeded unless required by the DAPIA approved design. See 3285.306

Optional Appliances – The placement of the word "must" in 3285.503 could lead to confusion. These appliances are "optional" but the language could be read so that they are mandatory. Read carefully the exact language of the draft: *When not provided and installed*



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by the home manufacturer, comfort cooling systems must be installed according to the appliance manufacturer installation instructions." This language should instead read: Comfort cooling systems installed by someone other than the home manufacturer, must be done according to the appliance manufacturer installation instructions."

Permanent Foundations – 3285.314 provides that the model standards shall not limit state or local governments from imposing requirements for placement of manufactured homes on permanent foundations. This wording implies that a pier foundation with below frost line design is not a "permanent foundation." This nomenclature has implications for financing of manufactured homes and could deny thousands of Americans access to conventional financing. The standard should provide that "nothing in these model installation standards precludes states or local authorities in states without a statewide building code from adopting standards for crawlspace, basement, all-wood foundations or other typical non-pier foundations."

Pier Loading Tables – It is not clear that a manufacturer could vary from these tables. A code official may well enforce these tables as the only options. The solution is to modify the table names to include language indicating they are nominal tables. A footnote is likely to be ignored.

Preemption – We believe that the Act is crystal clear that the installation standards once enacted for a state by a state or by HUD for a default state will be preemptive in that state.

Regulatory Flexibility Statement – The statement provides that the increased cost imposed by the rule is between \$133 and \$151. This statement is unsubstantiated. Comments from Alliance members estimate substantially higher amounts compared to standard industry practices in current use. Frost protection provisions alone in the proposed rule will add substantially more costs if insulated skirting on well drained, compacted gravel sites are replaced with below the frost line bored piers.

Required Perimeter Supports – As described perimeter supports must be in accordance with Tables 1, 2 or 3 of 3285.303. The language will lead inspectors to assume that perimeter supports are always needed when in fact the DAPIA approved design may or may not call for perimeter supports. The language should be modified to provide that if the manufacturer's design calls for perimeter supports than they shall be done in accordance with the tables or comparable table supplied by the manufacturer. The typical blocking diagram for perimeter blocking shows the pier partially outside of the home's footprint. Perimeter blocks are at the edge not outside the footprint. This drawing will confuse new inspectors. (See 3285.311 and 3285.312)

Soil Tests – The Alliance believes it is a major fault in the proposed standard not to be specific as to what is an acceptable soil test method. While a pocket penetrometer is not a precise method at any individual location, multiple readings over an installation site have proven to be workable for the task at hand. Many states already have approved this device for installers who generally are familiar with its use. More sophisticated test methods will add cost for consumers that are unwarranted given the general and not absolute precision



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Department of Housing & Urban Affairs
June 23, 2005
Page 4

needed for this purpose. The penetrometer provides a reading that is rounded to the next highest 1,000 pound reading which provides a sufficient safety factor in our opinion.

Subpart J – Most of subpart J which is titled “Recommendations for Manufacturer Installation Instructions” do not relate to or are poorly worded regarding the content of manufacturer instructions. We recommend that this subpart be reconsidered. 3285.901 (a) and (b); 3285.902 and 3285.903 properly seem to belong in subpart B. 3285.904 could be in 3285.203 and 3285.905 could be consolidated at 3285.602.

Tears and Voids in Vapor Barrier – It would be difficult to quantify the number or size of unavoidable tears and voids created in vapor barriers due to the movement of the home, people and equipment over the installed barrier. The code as drafted provides that minor tears and voids need not be repaired. Disputes between installers and code officials over what is a “minor tear or void” will like result from this generalized language. We suggest the difficulties in repairing these defects are specifically true around piers and not in open spaces under the home. An improvement to the standard could be to provide that “Minor tears and voids at pier locations or other support or penetration points need not be repaired.”

Water Supply Shutoff – We believe the language should also provide that the shutoff value be accessible and clearly identifiable.

In conclusion, without these modifications the improvements as proposed would have serious economic effects on the manufactured housing community industry in Wisconsin and throughout the country.

Thank you for your consideration.

Very truly yours,
ASSET DEVELOPMENT GROUP, INC.


James A. Reitzner
President

JAR/svv





MICHIGAN MANUFACTURED HOUSING ASSOCIATION

Division of Michigan Manufactured Housing, RV and Campground Association

2222 Association Drive • Okemos, Michigan 48864-5978 • (517) 349-3300 • 1-800-422-6478
FAX (517) 349-3543 • www.michhome.org

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June 21, 2005

Regulations Division
Office of General Counsel
Room 10276
Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410-0500

RECEIVED
2005 JUN 28 A 10 38
OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

Re: Docket No. FR-4928-P-OI; HUD-2005-0006
RIN Number 2502-AI25
Model Manufactured Home Installation Standards

After following the progress of the Manufactured Housing Consensus Committee (MHCC) recommendations to HUD, the MMHA has several concerns about how final draft rules promulgated by HUD. The MHCC input gives HUD an insider's view of problems in the field and how to make industry change that will be effective and long lasting. In light of this advice from the MHCC it is important that HUD not overlook the impact of that advice

Michigan adopted a comprehensive installation standard seven years ago. We license installer /Servicers, retailers, and communities. Many of the practices mandated by the 2000 act and subsequent MHCC recommendations have been and continue to be a part of business as usual in Michigan. It is hoped that HUD will create rules that are complementary to our State efforts and will create an installation standard that is cost efficient, and effective. Below is a list of concerns we feel HUD should take into consideration from the MHCC

Our concerns are:

The MHCC is the entity Congress specifically assigned to develop the installation standard and Congress fully intended for the MHCC to be directly involved in its continued maintenance and updating. As currently proposed, HUD has to only provide the MHCC review period for construction and safety standards. The Federal model installation standard should not be codified under 24 CFR 3285, but instead should become subpart of 24 CFR 3280. By codifying the installation standard under Part 3285, the MHCC will not be part of any proposed change by HUD in the future. In the definition for manufactured home (page 21520), HUD has embraced the fact that Part 3285 is for installation standards and Part 3280 is construction and safety standards.

Installation of the home should be under the control and responsibility of installer to meet the HUD code. Rules should be HUD required through manufacturer installation instructions. Michigan has building

The Michigan Manufactured Housing Association is committed to making manufactured housing a naturally considered housing option

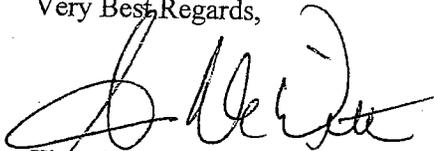
inspection state wide on site built, modular, and installation of manufactured housing. In Michigan, local inspection always defaults to the manufacturer's recommendation as they are warranting the home. Inspection could be completed by the local building inspector to meet the HUD requirement. Current Alternate Construction (AC) process tries to bring any process not finished in the factory to be completed in the field to the prevailing state code. It is our hope that rules for alternate construction could be HUD code mandated and preempt local codes. In addition all hinged roofs should fall within the installation guide lines. The manufacturer can provide installation instructions for hinged roofs that conform to the HUD Code. These instructions would require DAPIA approval. This is no different than providing installation instructions for marriage line/crossover connections, alternate ground anchor assembly spacing that meets/exceeds the model installation standard or close-up details for multi-section homes. This option of placing hinged roofs under the model installation standard would save considerable money with regard to IPIA inspection under the on-site completion rule, and considerable time under the AC letter process. Safety and affordability would be assured.

The MHCC recommendations should be followed on Pocket Penetrometer [page 21508; 3285.202] Ground Anchor Test Protocol [page 21503; 3285.402(c) and Proprietary Foundation System Test Protocol [page 21501 and 21509] when those protocols are completed by the Consensus Committee.

And last, it is important for these standards or their state adopted counterparts to be the only federal installation standard recognized by HUD. Currently, HUD's FHA Title II program references the Permanent Installation Guide for Manufactured Housing which was developed by the University of Illinois (HUD -7584, Office of PD&R). We recommend that any references by HUD in any housing program use only the Model Installation Standard adopted under 3285 or its state equivalent. If you have questions or would like further comments please contact Robert Eppelheimer at our office.

Thank you in advance for reviewing and considering our concerns.

Very Best Regards,



Timothy J. DeWitt
Executive Director



Manufactured Housing Industry of Arizona

June 22, 2005

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Regulations Division - Office of General Counsel - Room 10276
Department of Housing and Urban Affairs
451 Seventh Street, S.W.
Washington, D.C. 20410-0500

OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

2005 JUN 28 A 10:38

RECEIVED

Re: Docket No. FR-4928-P-01, Hud-2005-006, RIN 2502-A125
Model Manufacture Home Installation Standards

Dear Sir or Madam:

The Manufactured Housing Industry of Arizona (MHIA) is submitting the following comments to HUD's proposed Installation Standards Rule, Section 3285. MHIA is a state trade association that represents the interests of every segment of the manufactured housing industry in Arizona. Arizona has had a strong state-based installation program for over 20 years and is very experienced in installation issues.

This letter includes comments that concern Arizonans and not necessarily other states. Therefore we did not comment (at this time) on concerns that may affect other states (e.g. like the preemptive nature of the model installation standard). For the record, MHIA concurs with comments from MHI and MHARR on the model Installation Standards. And we urge HUD to take a strong position on the preemptive nature of the Construction Standards pursuant to the MH Improvement Act of 2000. Our rationale for this policy position is based on the following principles: Local governments should be allowed to use their zoning authority to establish reasonable regulations governing health, safety, and *aesthetic issues* related to housing. However local governments should not be allowed to use their zoning authority to preclude the placement of HUD Code homes *based solely on the fact that they are built to the national MH Construction and Safety Standards*. It is our position that allowing local governments to continue discriminating against HUD code homes is inappropriate and inconsistent with the intent of Congress. The MH Improvement Act of 2000 gives HUD and our industry an opportunity to send a message to local governments that our homes are not inferior to those built to the IBC-IRC (or other locally enforced building codes). It also gives us an opportunity to send a message to local governments that continuing to discriminate against HUD Code homes *based on construction standards* will be considered in violation of federal law. We need *your help* and hereby offer *our help* in getting this issue resolved in the right way.

COMMENTS

Section 3285.1a "provides requirements for the initial installation of new manufactured homes", yet there is no definition for installation under 3285.5. It goes on to state what installation is not--"work necessary to join all sections of a multi-section home, such work as work identified in Subparts G, H, and I, is not considered assembly or construction of the home..." Stating that the initial installation is not assembly without a clear definition of installation is misleading. Webster's definition of assembly is "the fitting together of manufactured parts into a complete machine, structure, or unit".

The Standards dictate that the two halves of a manufactured home don't constitute a manufactured home until they are mated and all loads are transferred to the ground. In the absence of a definition for installation, this would more closely fit Webster's definition with reference to the complete structure.

The Standards dictate that the two halves of a manufactured home don't constitute a manufactured home until they are mated and all loads are transferred to the ground. In the absence of a definition for installation, this would more closely fit Webster's definition with reference to the complete structure.

Further, since the 2000 MH Act requires states to have licensing requirements for manufactured home installers, it would hold that there should be a definition for installer. Although the final licensing requirements would fall to the states, there should be a broad-based definition of installer within 3285 or at least within 3282. At the very least, HUD should have a definition that ties to the definition for installation (see above).

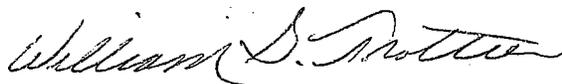
Section 3285.202 allows for three methods for providing soil compaction. One of these allows for "soil test that are in accordance with generally accepted engineering practice". This would seem to allow HUD flexibility to permit new technologies and methods for determining soil bearing capacities. However, it is unclear whether this allows for the use of penetrometers. These instruments are accepted within most of the current manufacturers' installation manuals, are relatively low-cost and are easy to use. They are a good determinate of soil bearing capacity when used properly and the correct number of measurements are taken. Soil tests as well as defaulting to the "worst case" (1,000-1,500psf) for soil capacity can add hundreds of dollars to an installation. HUD should add the use of penetrometers to this section.

Section 3285.312 requires cmu's to have at least a 28 day compressive strength of 4,000 psi. The industry standard of practice currently is 28 day compressive strength of 1,200 psi. The 4,000 psi cmu's aren't currently available and would add an unnecessary increase to the cost of the installation. What is the basis for the increase? This unexplained positioning of a materials requirement causes us great concern. Adding on unnecessary costs to the installation of manufactured homes diminishes the affordability of manufactured housing for many Arizonans. Any increased requirements should be justified with regard to life-safety, quality or the durability of the home before becoming part of the installation requirements. Keeping this requirement tends to move the industry away from a performance-based and towards a prescriptive-based code.

Throughout the standards there are references to registered professional engineers or registered architects. Experience has shown us that some out-of-state engineers - who knew nothing of the conditions in Arizona - designed foundation systems that failed. We suggest that if the installation plans are to deviate from the manufacturers' installation standards or the installation standards set forth in 3285, then the engineer or architect should be registered in the state where the home is to be installed. This is current law in Arizona and other states. We do not want Federal Standards to conflict with our existing state laws.

In conclusion, MHIA feels that the proposed Installation Standards require some significant modifications before being adopted as rule. Further, as evidence by the changed requirement for CMU's, we are concerned about issues of increased costs to installations without substantiation. We find that this diminishes the affordability component of the MH 2000 Act and would be significant to the citizens of Arizona trying to buy manufactured homes.

Sincerely,



William Trotter
MHIA Executive Director

BOB RILEY
GOVERNOR



JIM SLOAN
ADMINISTRATOR

ALABAMA MANUFACTURED HOUSING COMMISSION

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June 22, 2005

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Regulations Division
Office of General Counsel, Room 10276
Department of Housing and Urban Development
451 Seventh Street SW
Washington, DC 20410-0500

OFFICE OF GENERAL COUNSEL
HUD RULES BOOKLET CLERK

2005 JUN 28 A 10:38

RECEIVED

Dear Sir/Madam:

Re: Comments on Model Installation Standards

First, we would like to express our appreciation to HUD and MHCC for all of the dedicated efforts and hard work that has gone into the development of the Model Installation Standards. Our comments are in no way intended to be critical of any aspect of the great work that has gone into these efforts.

Comment 1: We have and continue to maintain the opinion that the installation of a home is at least as important as the construction of the home. This should be considered in all of our efforts to provide safe, durable, and affordable manufactured housing to our fellow citizens.

Comment 2: Alabama has an installation program in which we inspect 100% of the homes that are setup/installed. This program has proven to be beneficial in reducing valid consumer complaints throughout the state. Consumers and the industry benefit greatly from installation inspections. Our inspectors do review close up activities during these inspections; however, we are currently reviewing our procedures to ensure inspectors always have the opportunity to look at close up activities before the home is closed up. For the most part, the Model Installation Standards proposed in this rule would work well with our current installation program.

Comment 3: We do not agree with codifying the Model Installation Standards in a new part of the federal regulations separate from 3280.

Rationale: (1) Proper installation is essential for a home to perform correctly, (2) to separate the two will likely result in homes failing to perform as they should for consumers, (3) any home constructed to greater standards than is required by 3280 will not perform nearly as well as a home that barely meets the MHCCS unless it is properly installed, (4) the industry can build the best

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HUD
June 22, 2005
Page 2

home possible and, if not installed properly, it will not perform well and it will be unsafe for consumers to occupy, and (5) when we analyze the non-conformances found on consumer complaints, the majority of the failures are related directly to poor installation to include close up work.

Comment 4: In 3285.5 the definition of local authority having jurisdiction (LAHJ) should not reference any level below "state". The current language would lead levels of government below the state to think you sanction their regulation of the program on their own. It also encourages additional fees to be placed on manufactured homes at every level, which will make manufactured housing more expensive for the consumer.

Comment 5: In 3285.204(c)(3) paragraph (3) should be eliminated. A vapor barrier that is torn should not be acceptable. The interpretation of minor voids or tears would be open ended to suit the installer.

Comment 6: Under Section 3285.310(c) we suggest a period at the end of the word ends and delete the remainder of the sentence.

Rationale: To specify 120" center to center, which equates to 10' on center, is not necessary and may be interpreted by some to mean that it is the standard.

Comment 7: In 3285.314(a) paragraph (a) should be eliminated. This is unnecessary language that will (1) lead to further restrictions on the placement of manufactured homes and (2) could restrict the availability of financing.

Once the rule becomes final, it should be a standard for all states and be preemptive. This will eliminate confusion, place everyone on a level playing field, and be fair and impartial.

We commend those at HUD, MHCC, and others who have worked so diligently and in good faith to develop a model installation standard. We anticipate that the overall result of this effort will produce better and safer manufactured homes for all consumers.

Sincerely,


Jim Sloan

JBS/lkt



Featuring Friendship & Schult Homes

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6/22/05

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Regulations Division
Office of General Counsel
Room 10276
Department of Housing & Urban Development
451 Seventh Street SW
Washington, D.C. 20410-0500

Re: Docket # FR-4928-P-01; HUD-2005-2006
RIN # 2502-A125
Model Manufactured Home Installation Standard

RECEIVED
2005 JUN 28 A 10:38
OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

Our company has been retailing manufactured homes since 1973.

In Minnesota we have been installing homes in manufactured home parks in compliance with State and manufacturers according to the regulation of the State and set up manuals of manufacturers. The site has to be prepared for the size of the home to be placed, according to DAPIA.

HUD is now imposing an installations standard that would require that a home be placed on piers that extend below the frost line 42" or a slab or insulated foundation above the frost line provided they are designed by a professional engineer and conform to SEI / ASCE 32-01 and acceptable engineering practice. This will add anywhere from \$6,000 - \$7,500 to the set up costs.

The whole idea of our industry is to provide affordable housing for every American. This has been working but to add more costs is to leave thousands of Americans still living in apartments!

This extra cost of set up will have to be repeated every time a home is moved in or out of a community. The size of the home, doors, bay windows, etc. will all determine removing and replacement of a different size foundation, again spending \$6,000 - \$7,500 to the new set up costs.

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This will be a huge burden on all Americans trying to raise their standard of living. I question the reason behind this standard if, for example, a consumer moves into a park to move out again three years later, would incur the cost of \$6,000 - \$7,500, twice!

At the very least this should be an option, not made mandatory.

Thanks for listening.

Sincerely,

Gary Koznick, President
A-1 Homes, Inc.



Mike Solle, Vice President
A-1 Homes, Inc.



BONNER & BORHART LLP

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John F. Bonner, I
Direct Dial No. 612-344-122

June 22, 2005

Regulations Division
Office of General Counsel
Room 10276
Department of Housing and Urban Development
451 7th Street S.W.
Washington, D.C. 20410-0500

57

Re: **Docket No. FR-4928-P-01; HUD-2005-00006**
RIN Number 2502-A125
Model Manufactured Home Installation Standard

RECEIVED
2005 JUN 28 A 10:38
OFFICE OF GENERAL COUNSEL
HUD:RULES DOCKET CLERK

Dear Sir or Madam:

I am an attorney who has practiced law in the manufactured housing area since approximately 1976. I represent many manufactured home communities, several dealers, and, from time to time, owners of manufactured homes. I am also a park owner. I own outright and through partnerships several manufactured home communities in the state of Minnesota. I am currently involved in a park expansion. Additionally, I have represented manufactured home lenders, both large and small.

I wish to address the model manufactured home installation standard mentioned in the April 26, 2005, Federal Register regarding the issue of: Placement in Freezing Climates (Page 21510 3285.312).

The installation standard requires that a home placed in a manufactured home community be placed on a frost free footing (below the frost line of at least 42 inches) or on a slab or insulated foundation above the frost line if designed by a professional engineer or architect. It is my understanding, based upon discussions with manufactured home retailers, installers, and sub-contractors that the cost of the installation will range from between \$5,000 to \$10,000.

Over the many years of representation of manufactured home communities - some of them the largest communities in the state of Minnesota - I have experienced only one (1) consumer complaint involving the set up of a manufactured home which related in any respect to damage caused by frost heave. Homes are placed and re-placed on lots where the soils have been

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Regulations Division
June 22, 2005
Page 2

compacted to the point of stability over many years. As a result, there tends to be very little, if any, soil movement within manufactured home communities. I understand in speaking with my clients that a certain amount of settlement is natural whether the home is placed on an unimproved lot, frost footings or a concrete slab. As a result, some adjustments are necessary simply as a result of ordinary settling and shifting of the home. These are issues which retailers regularly and competently handle. To my knowledge, HUD has not been presented with any substantial evidence which indicates that homes are installed within manufactured home communities on unstable soils. As a result, the additional burden of this expense seems to be contrary to the objective of facilitating the availability of affordable manufactured housing.

I question the Secretary's determination as expressed on page 21517 of the Federal Register that: "The Secretary, in accordance with the Regulatory Flexibility Act 5USC605(b), has reviewed and approved this proposed ruling and in so doing certifies that the rule would not have a significant economic impact on a substantial number of small entities." The addition of \$5,000 to \$10,000 in cost to a market which includes moderate income consumers would, I can assure you, have a very substantial impact. This is not an expense that would add value to the consumer's home. It is also not an expense that individuals whose housing needs are classified as "affordable" can bear. By increasing the installation cost, the Secretary creates a significant barrier to entry to this market for a consumer and hence, eliminates prospective buyers. The elimination of a portion of the marketplace will have a significant impact on manufactured home retailers, both large and small. Similarly, owners of manufactured home communities - large and small - would be similarly impacted. I own one community with 32 lots. It is my hope to ultimately add 24 homes. By adding between \$5,000 to \$10,000 to the sale of each home, the rule will add between \$125,000 to \$250,000 of additional cost without any demonstrable benefit.

The cost is one which is left to be borne by either the consumer, the retailer, or the manufactured home community owner. Both the community owner and the retailer can, to some degree, shift the burden of this cost. As a result, it inevitably falls on the shoulders of the consumer.

Over time, homes will be moved and removed from communities. Footings placed on a lot will not be capable of being used with a replacement home. As a result, the cost - escalating at least with inflationary pressures - will need to be paid every time a home is removed from a community.

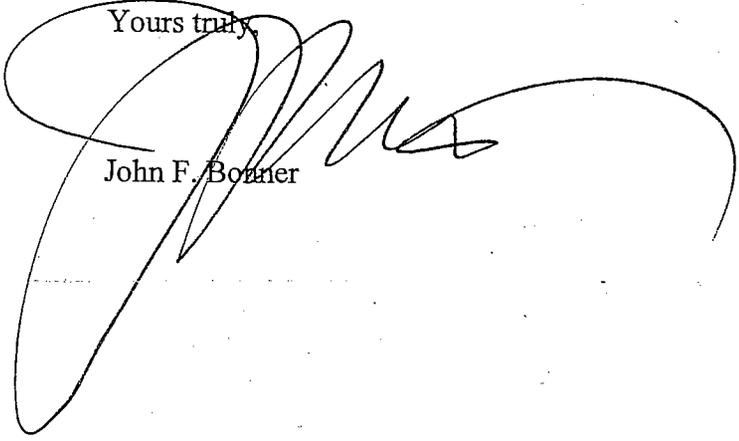
In conclusion, there seems to be no factual basis for the rule, and its enactment would significantly impact the ability of individuals to afford manufactured housing and for parks and retailers to furnish it.

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Regulations Division
June 22, 2005
Page 3

I would be pleased to respond to any inquiries. Thank you for your consideration.

Yours truly,



John F. Bonner

JFB/syb



June 23, 2004

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Re: Docket No. FR-4928-P-01
HUD-2005-0006
RIN 2502-A125
Model Manufactured Home
Installation Standard

Regulations Division
Office of the General Counsel
Room 10276
Department of Housing and Urban Development
451 Seventh Street SW
Washington, DC 20410

OFFICE OF GENERAL COUNSEL
HUD RULES DOCKET CLERK

2005 JUN 28 A 10: 38

RECEIVED

To Whom It May Concern:

I am writing this letter as an owner of a contractor, builder, and retailer of manufactured homes. I wish to express my concerns on the Departments Proposed Rule relating to Model Manufactured Home Installation Standards.

My understanding of the proposed rule applies only to installations in manufactured home parks where the home owner leases the land on which their home is situated. While my company does not own such a facility we do sell and install many homes in these facilities. The proposed rule would require the homeowner to incur significant cost to comply with the rule. In many cases the upgrading of housing would not be possible because of the size of the lot on which the home would be placed or because of significant infrastructure that could not be relocated or because of the cost of relocation of the existing water, sewer and gas lines.

Many of our customers are first time home buyers with limited financial resources and this proposed rule will result in delaying the purchase of affordable housing. I do not believe that is what is desired by this proposed rule change.

I have enclosed a copy of a letter written by Mark Brunner, Executive Vice President of the Minnesota Manufactured Housing Association which provides in great detail other concerns with the proposed rule.

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Your consideration of my comments and the attached letter will be greatly appreciated.

Yours truly,

A handwritten signature in black ink, appearing to read "William J. Gravelle". The signature is fluid and cursive, with a large initial "W" and "J".

William J. Gravelle, CEO
Miller Creek Homes, Inc
Dba Bullyan Homes

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Print on Company Letterhead

Draft

June 21, 2005

RE: Docket No. FR-4928-P-01
HUD-2005-0006
RIN 2502-A125
Model Manufactured Home
Installation Standard

Regulations Division
Office of General Counsel
Room 10276
Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410

To Whom It May Concern:

I am writing on behalf of the 400 members of the Minnesota Manufactured Housing Association (MMHA) to offer comments on the Department's Proposed Rule related to Model Manufactured Home Installation Standards.

The MMHA was formed in 1951 and represents nearly 400 businesses, including manufactured home builders, installers, model home sales centers, land lease communities, banks, lenders, and mortgage companies, developers, and suppliers to the manufactured home industry. The Association works to promote quality housing that is affordable, encourages a level playing field in the public policy arena and educates its members on new home building technologies and best industry practices. It sponsors seminars and workshops, assists members with local zoning and building code concerns; provides updates on state and federal law changes, new regulations, and offers continuing education opportunities for licensed residential building contractors and real estate brokers. Over 200,000 Minnesotans reside in a manufactured home.

Briefly, today's manufactured homes are the nation's leading provider of non-subsidized affordable housing and account for nearly 15 percent of all new single-family homes sold in Minnesota. The industry in Minnesota employs 3,000 workers at 1,500 mostly small businesses, and has an economic impact of approximately \$500 million on the state's economy. Well over eighty-five percent of the nearly 2000 new manufactured homes sold in the state last year were affixed to real property and financed with conforming mortgages. For those homebuyers unable to afford their own lot, the remaining 20 percent of the new manufactured homes were placed in a land lease manufactured home community.

Manufactured homes are meeting an important need for affordable housing not only in Minnesota, but also throughout the nation. As a result, more and more people are recognizing the advantages today's manufactured homes have to offer. Manufactured

homes are often times the lowest rung on the homeownership ladder as a viable option for workforce housing. For thousands of Minnesotans, particularly lower-income people and underserved populations, manufactured housing represents the difference between joining the ranks of those realizing the American dream of homeownership and remaining perpetual renters. It was most encouraging when the Congress broadened the language in the Manufactured Housing Improvement Act of 2000 to include in the "Purposes" part a focus on retaining the affordability of manufactured homes, "(1) to protect the quality . . . and affordability of manufactured homes; (2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans; . . . (4) to encourage innovative and cost-effective construction techniques for manufactured homes; . . . and (8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement."

One of the critical elements that set the Manufactured Home Construction and Safety Standards a part from other recognized residential building codes is its being a "performance based" code, allowing factory-builders to take advantage of new construction technologies and design innovations in a timely manner to more cost efficiently meet the required outcomes of the code. In this regard, the MMHA has several concerns with the Proposed Rule.

On page 21529 and 21530 for figures "A" and "B" of 3285.306; the figures indicate that a 2-inch thick steel or hardwood cap may be used. It is not clear to the MMHA where an installer would obtain a 2-inch steel cap? The wording should indicate a 2-inch thick hardwood or 1/2 inch steel cap may be used.

On page 21536, under proposed rule change 3285.312 (c) (3), the suggested wording, "with acceptable engineering practice ~~and~~ or ASCE/SEI 32-01." The way the section is currently drafted it would require all engineered designs to follow the ASCE standard and does not allow for other types of designs and foundation systems. Making this change would be consistent with all other aspects of the manufactured home insofar as allowing for a performance-based standard for the installation of the home.

On pages 21528-21529; 3285.306(b)-(c) Mortared Pier Configurations; these sections for pier configurations over 36 inches in height require a mortared assembly unless otherwise specified in the manufacturer's instructions. This is completely opposite of what was submitted by the MHCC. The MHCC stated that mortar is not required for double-stacked piers unless required by the manufacturer. This requirement could conceivably cause unnecessary mortared piers if the manufacturer's manual is silent on whether mortar is required, and then the model installation standard would require mortar in all instances. This same concern also applies to one caption in Figure B to §3285.306. In all likelihood, a pier greater than 80" in height will require a mortared assembly. However, that is something that may not be in the manufacturer's instructions since a registered design professional (PE) can determine support system design. The last sentence of this section should be deleted as it serves no useful purpose and the PE design will specify whether mortar is required or not.

On pages 21502, 21510 and 21512; 3285.312(c) Placement of Footings in Freezing Climates; The MHCC draft model installation standard included insulated foundations as a method to not have pier footings extend to the frost line depth. This can be found in the MHCC draft model standard at Section 6.3.2.3. The basic intent was to include insulated skirting as an insulated foundation system, thus the reason the MHCC draft included a provision for cross-ventilation of the space under the home. In the proposed rule at §3285.312(c)(3), this statement was deleted and replaced with any system must be designed by a registered PE and conform to ASCE 32. This mandatory reference to ASCE 32 may effectively eliminate any type of insulated skirting system from being used to permit pier footings to be above the frost line.

By requiring a PE design (acceptable), and to make any system subject to ASCE 32 requirements (not acceptable), essentially eliminates insulated skirting materials from ever being used. ASCE 32 is for foundation systems composed of a basement, a slab, or a crawl space with a perimeter foundation wall. Insulated skirting, with typical piers and footings, may not be applicable to ASCE 32. There is no problem with ASCE 32 being used as an optional reference standard. Also, if using §3285.312(c)(2), for slab systems, ASCE 32 is also required for conformance. ASCE 32 will require vertical and horizontal insulation materials below grade. There is no rational reason, however, to prohibit the manufacturer's development of such designs and instructions in preference to registered engineers who may be less familiar with the home than is the manufacturer. The reasoning applies to similar provisions regarding basement sets and permanent foundations. We believe that this section should be modified to state:

".....must be designed by the manufacturer or by a registered professional engineer....."

As an alternative to making the ASCE 32 an optional reference standard or revising §3285.312(c) to the original MHCC language submitted on December 2003, the MMHA would support the following performance-based language as a substitute, "Footings or foundation systems placed in freezing climates must be designed and installed using methods and practices that prevent the effects of frost heave in accordance with the manufactured home design and the requirements of the Manufactured Home Construction and Safety Standards (Part 3280)."

Under §3285.404, it is possible for ground anchors not to be installed below frost line. The model standard permits footings to be located above frost line by §3285.312(c). One can use a floating slab or insulated foundation system and have footings above frost line. If the footings which bear the vertical loads can be above frost line, then why would the anchoring system not be able to do the same? The longest ground anchor produced is 6 feet long, and in many areas of the country, it may be next to impossible to install them in all soil classifications. There should be a reference to §3285.312(c), in which the approved alternate anchoring system may be included as part of a listed or labeled foundation support system (floating slab or insulated foundation). Footnote 1 of 3285.310 Figure A requires all footings to extend below frost depth. This is contradictory to §3285.312(c), where insulated foundation systems may permit footings at grade in frost areas. The footnote should reference section §3285.312(c) for footing depths. This same comment also applies to Figure B. Section 3285.314 should state what is being referred to under this section. The described text of the proposed rule seems to be more in line with §3285.314(b). The first two sentences of this section are mainly commentary and provide no information

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on how or what to use when designing permanent foundation support systems for HUD Code homes. They should be deleted in their entirety. The first is in conflict with HUD's preemption for default states to not require more stringent requirements than that contained in the model standard. The model standard should make no mention of anything concerning how mortgage lenders or others can establish financing eligibility requirements for permanent foundations. This is for the financial institutions to decide and this standard needs to stay focused on the MHIA's premise, to provide a model installation standard. Financing options for the model standard are outside the scope of the MHIA and should be deleted.

The original MHCC recommendation stated the obvious. "Designs for permanent foundations (such as basements, crawl spaces, or load-bearing perimeter foundations) may be permitted to be obtained from the home manufacturer, or designed by a registered professional engineer or architect, and constructed in accordance with local building code requirements". This is the proper performance-based language for any section on permanent foundations.

Permanent foundation requirements would be specific to the installation site in question, see page 21509. With an approved state-based installation program, the LAHJ will require the permanent foundation systems to meet the local governing building codes. This has been the case for years and there is no compelling reason to change the current path. HUD's enforcement of an installation program in default states should provide the same. The MHCC draft provided the mechanism to cover this topic. It stated that when a permanent foundation system is contemplated, the design would need to follow accepted engineering practice, be designed by the manufacturer or professional engineer, and in conformance with local governing building codes. This would seem appropriate to re-insert this language in §3285.314 to alleviate the concern.

With Minnesota having a significant depth to its frost line, by not allowing for engineered designs will have the consequence of adding thousands of dollars in costs to the purchase price of homes sited in manufactured home land-lease communities. The digging required for the installation of below frost footings or a frost-free foundation meeting the ASCE/SEI 32-01 standard will require the homeowner to also pay for the costs of relocating any underground infrastructure such as gas lines, water and sewer lines, or electrical service whenever a home's frost-free foundation system intersects the infrastructure. As drafted, the Proposed Rule would result in a substantial economic burden to the 1,200 Minnesota businesses licensed as manufactured home parks. The additional cost to a homebuyer for frost-free foundation system built to the ASCE/SEI 32-01 standard for a 1,500 square foot manufactured home in Minnesota would be at least \$3,000 for a below-frost pier system and at least \$6,000 for a concrete floating slab. There would also be the additional costs resulting from either the relocation of, or damage and disruption to, the underground utility infrastructure such as water and sewer lines, electric supply lines, cable and telephone lines. Many of Minnesota's 1,200 land-lease communities were built in the 1950's and 1960's when no documentation or schematics of the infrastructure was required. Approximately 50,000 land-lease manufactured home sites fall under the compliance of the Proposed Rule. Additionally, Minnesota Statute 327.20 subd.1 (3) establishes minimum set-back requirements for

each manufactured home and enables municipalities to impose their own more stringent requirements as a condition of approving the development, thus manufactured home land-lease communities do not have any flexibility in being able to shift a home even a few inches on a lot to avoid the intersection of the frost-free foundation system with the existing infrastructure.

The introduction of frost-free foundation systems to manufactured home communities will require state mandated lease agreements to be modified to reflect who the responsible party will be if a home's concrete slab needs to be removed for emergency repairs or maintenance work to the park's infrastructure beneath the home. Since many of the State's land lease communities were developed pre-1980, there are not individual shut-off valves for each home site so that whenever a new frost-free foundation system is installed, the entire property will be without water/sewer service during the work done at one home site. Most of Minnesota's 1,200 manufactured home communities are small businesses, struggling to keep their vacancies low; they will likely amend their existing lease agreements and application criteria to only allow pre-owned manufactured homes that do not have to comply with the new Proposed Standard for prescriptive frost-free foundations. An unintended consequence of the Proposed Standard as drafted would be to reduce the already short supply of home sites for prospective buyers of new manufactured homes.

On page 21512; 3285.402; HUD modified the MHCC draft standard with regard to galvanizing of ground anchors, anchor equipment and stabilizing plates. This section requires ground anchors to be zinc-coated in all instances. This deviates from the HUD Code in that it requires anchoring equipment to have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz/ft². This would preclude other forms of known corrosion protection from being used in lieu of galvanized anchors. Stainless steel, epoxy coatings, and even mill galvanizing are acceptable methods of corrosion protection in the site-building industry. Secondly, the problem is that imported (foreign) anchors are less expensive than USA-made ground anchors with the same type of zinc galvanizing. We ask the question of HUD if the economics of requiring all zinc-coated anchors has been identified? MMHA member product suppliers state that adoption would require ground anchors to be more expensive than their foreign counter parts. Finally, not all ground anchor assemblies will require steel stabilizer plates, see §3285.402(b)(3)(ii). If a ground anchor assembly is tested to be listed or certified by the current MHCC Subcommittee/Installation ground anchor test protocol under consideration, *uses an ABS stabilizer plate*, and passes all failure criteria for a certain soil classification, can that listed or certified anchor assembly be used under this section?

On page 2147 under proposed section 3285.505 (d); it indicates that ventilation openings in the crawlspace must be covered with perforated metal coverings. This appears to limit material that is used for ventilation opening coverings and not allow other suitable material available in the marketplace such as vinyl or plastic covering. We suggest the draft language be changed: perforated metal coverings resistant to decay.

Regarding the codification of the proposed installation standard under 24 CFR 3280; the MMHA strongly believes that the proposed federal model installation standard should

not be codified under 24 CFR 3285, but instead should become subpart of 24 CFR 3280. By codifying the installation standard under Part 3285, the MHCC will not be privy and involved (120-day comment period prior to publication) with any proposed change by HUD in the future. The MHCC is the entity Congress specifically assigned to develop the installation standard and MHI is certain that Congress fully intended for the MHCC to be directly involved in its continued maintenance and updating. As currently proposed, HUD has to only provide the MHCC review period for construction and safety standards. In the definition for manufactured home (page 21520), HUD has embraced the fact that Part 3285 is for installation standards and Part 3280 is construction and safety standards. The construction/assembly of the home and installation of the home go hand-in-hand. There should be no distinction in the federal regulations at 24 CFR 3280. This is similar to other private sector building codes where the code contains the design and construction requirements for the residential home in addition to any installation criteria that must be followed to complete the home. There should be no differentiation in the federal manufactured housing program between construction/assembly and installation. HUD will provide oversight for both components, so two separate documents (regulations) are not necessary for construction and installation.

On page 21508; 3285.202; the model installation standard should include the pocket penetrometer. The various methods to determine soil bearing capacity and classification have been deleted in lieu of accepted engineering practice. One such method, the pocket penetrometer, is a common method to determine soil-bearing capacity. It also is accepted in many states throughout the country as an appropriate method. It seems reasonable to permit the LAHJ to accept any method they feel is adequate. Therefore, it is suggested that §3285.202(a)(1) be modified to permit the LAHJ to accept any method as follows: "*Soil tests.* Soil tests that are in accordance with generally accepted engineering practice; a pocket penetrometer or other method acceptable to the LAHJ; or".

On page 21506; 3285.2; Site Preparation; there is no reason to require a professional engineer or architect to be consulted for site preparation if the manufacturer's manual does not cover it. Every manual that has been reviewed by the industry's national association and the MMHA always contains some information with regard to site preparation. It is also covered in Minnesota's Chapter 1350 Manufactured Home Installation Rules. If by chance a manual does not, then the LAHJ can be looked to for any conforming requirements. This would be an added cost burden to individual homeowners or manufactured home community owners. Installers already must determine soil bearing capacity and classification that relates to selecting the appropriate footings, pier configurations and ground anchor spacing.

On page 21505 and 21518; 3285.1(a); Applicability-The proposed rule is applicable only to the initial installation of the new home. States could enact the model installation standard to apply to secondary moves if so desired. At present, the model standard covers only new installations and states are left open to determine what requirements are necessary for secondary moves. These requirements could take the form of enactment of criteria found in existing state installation standards, enactment of new

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installation standards through state law or compliance with local requirements. The MMHA believes this is important and that it should be retained in the Final Rule.

The MMHA believes that a workable model installation standard can serve the industry well by bringing more uniformity to installation standards in like climates and provide a higher-level of consumer satisfaction. It is important the Final Rule be balanced to reflect the continuity of performance based standards from the construction of the home to the installation standards of the home, thus encouraging innovations and marketplace cost savings in meeting the required outcomes of the model installation standard. Thank you.

Sincerely,

Draft

Mark Brunner
Executive Vice President
Minnesota Manufactured Housing Association



Department of Housing and
Community Development

Division of Building and Fire Regulation

State Building Code Administrative Office
Statewide Building Code
Industrialized Building Code
Manufactured Housing

June 22, 2005

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Regulations Division
Office of General Counsel
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Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410-0500

2005 JUN 28 A 10:39
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RECEIVED

**Subject: Docket Number FR-4928-P-01
HUD-2005-0006
RIN 2502-A125
Model Manufactured Home Installation Standards**

Dear Sir or Madam:

The Virginia Department of Housing and Community Development, State Building Code Administrative Office (SBCAO), is submitting comments in response to the proposed Model Installation Standards (Standards) published in the Federal Register, Volume 70, Number 79 on Tuesday, April 26, 2005. The SBCAO is a fully approved State Administrative Agency (SAA) in the HUD manufactured housing program.

The Commonwealth of Virginia has regulated the installation of manufactured homes through the Virginia Uniform Statewide Building Code (USBC) since the mid 1970's. The USBC is a mandatory code enforced without amendments by all local governments in Virginia. The USBC requires that all manufactured homes, both new and used, must be installed according to the manufacturer's instructions. If the manufacturer's instructions are not available, or specific site conditions are such that the manufacturer's instructions cannot be followed, the USBC allows the use of the ANSI A225.1 Standard or engineered installation designs specific to the home and location to be used. The local inspectors generally check the footings, piers and anchoring systems of the homes along with utility connections made during the set up of the homes. They also check for proper design loads/zones and fastening of the sections of multi-section homes after set up. The SAA generally handles complaints regarding close up work after completion of the home on site, sometimes with the assistance of local inspectors. States and local inspectors should be able to use the Model Installation Standards as the guideline for used homes.

As a second general comment, the SBCAO strongly supports the Model Installation Standard remaining as a stand-alone document or standard as CFR 3285. This office opposes the efforts of some individuals or groups to have the Model Installation Standard included as part of the Manufactured Home Construction and Safety Standards (CFR 3280). The MHLA of 2000 clearly stated that the manufacturers or states could have more stringent standards than HUD's Model Installation Standard, meaning that the HUD Model Installation Standards are not preemptive standards. Therefore, such non-preemptive standards should not be included or merged with the preemptive standards in CFR 3280. The Model Installation Standard must remain as a stand-alone document that may be amended by any manufacturer for its use or amended and adopted by any state, or local government in the absence of a state program, for the state or local government's installation program.

The following comments are referenced to the specific section of the proposed standard and may also address questions asked by HUD in the summary of the standards:

- In section 3285.4, ASHRAE is the American Society of Heating **Refrigerating** (not Refrigeration) and Air Conditioning Engineers.
- In section 3285.5, Definitions, the definition of *crossovers* should be amended to include **heating and cooling ducting**, not just heat ducting.
- In section 3285.306(a) the horizontal offset from top to bottom is limited to one-half inch on piers less than 36 inches in height. No limit is stated in 3285.306(b) for piers over 36 inches in height. The Standards should address offsets in piers over 36 inches in height as well and should address the maximum tilt of piers from vertical for piers of any height.
- Figure A to §3285.306 shows 2" x 8" x 16" steel or hardwood caps. The steel caps should probably be one-half inch thick, not two inches thick.
- In section 3285.306(b) and in Figure B to §3285.306 the Standards state, "Mortar is required unless specified otherwise." This would indicate that dry stacked block piers would no longer be accepted unless the manufacturer allowed them in its installation instructions. To do so, it appears that the manufacturer would be required by §3285.1(a)(3) to prove that the dry stacked block piers would provide protection that equals or exceeds the protection provided by the Model Standards. Would this section also mean that the manufacturer would have to verify the equivalency of dry stacked block piers with surface bonding?
- In section 3285.312(b)(1) the word **must** should be deleted from the first line so that it reads, "Footings are permitted...." In the same section, the word **and** between item number (i) and item number (ii) should be changed to **or**. The section allows concrete footings to be either precast or poured-in-place. It does not require concrete footings to be both.
- Section 3285.314 addresses "permanent foundations." There is no definition of permanent foundation in the Standards. Without such a definition, how does one determine whether the proposed foundation is a permanent foundation or not, and whether such proposed permanent foundation is adequate? Retailers and state and local code officials have encountered problems for years in determining what was

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or was not a permanent foundation. HUD's "Permanent Foundation Guideline" that was developed outside of the Manufactured Housing Division has added to this problem. Now that HUD is proposing Model Installation Standards, the Standards should include a clear definition of what constitutes a permanent foundation and the requirements for such a foundation that can serve as the model for states, manufacturers, local governments and financial institutions.

- In section 3285.402(b)(3)(ii) the word **be** should be inserted on line 5 of the section to read "...plates must **be** zinc-coated..."
- Section 3285.404 requires that ground anchor augers be installed below the frost line in frost-susceptible soil locations. Some auger manufacturers indicate the auger must not be used below the water table. If the water table in the area is above the frost depth, how will the installer address the frost depth requirement and the water table issue?
- Section 3285.406 should be reworded to read, "In flood hazard areas, the piers, anchoring, and support systems must be capable of resisting **all combined** loads associated with design flood and wind events." This is particularly important in geographic areas susceptible to hurricanes where the homes will be subjected to high winds and saturated soil simultaneously. The scouring effects of both wind and water forces also needs to be addressed, in particular for the anchoring and support system components.
- Section 3285.503(a) should also include a reference to the LAHJ and local or state code requirements. The appliance manufacturer's instructions may not address all requirements that would be included in local or state codes enforced by the LAHJ.
- Section 3285.503(a)(1)(i) states that site-installed air conditioning equipment must be "sized to **closely match** the home's heat gain..." What does **closely match** mean? Does the equipment have to be the next largest size unit over the home's calculated heat gain? Can you install a unit of less size than the home's calculated heat gain because that unit is more **closely matched** to the calculated heat gain than the next largest unit that is over the calculated heat gain?
- Section 3285.505(d) states that ventilation openings must be covered with "a perforated metal covering." What about the use of perforated vinyl skirting for vents or screen used over vent openings? This provision needs to be amended to include other acceptable materials.
- Section 3285.603 refers to "normal occupancy" in two places. Exactly what is "normal occupancy" and what would constitute "abnormal occupancy" when the section would not apply?
- Section 3285.802(c) states, "Gaps between the structural elements ... along the mate-line of multi-section homes must not exceed 1 ½ inches and must be shimmed with dimensional lumber." Does this mean that any gap between the sections must be shimmed, no matter how small, and that no gap whether it's shimmed or not could exceed 1 ½ inches? Or, does this section mean that only gaps exceeding 1 ½ inches have to be shimmed? This section needs to be clear.
- The Figure to §3285.803 (on page 21555 of the Federal Register) states, "One full-sized panel no less than 16 inches nor larger than 32 inches" over the center of a double section home. If typical panels are 48 inches in width, how do you have a "full size" panel over 16" but less than 32" in width?

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- The figure on page 21556 of the Federal Register is not titled, other than “Center of double-section home,” nor does it refer to a section of the Model Installation Standards. The figure is placed after the Figure to §3285.803, which addresses interior close up work. The figure on page 21556 appears to address exterior close up work and should be titled and moved to the Figures to §3285.801. The figure on page 21556 should probably become Figure B to §3285.801 and the current Figure B be re-designated as Figure C. Also, the bottom of the figure shows a section of panel as “Field applied Plant applied.” The words **Plant applied** should be deleted since the section of the panel that covers the center of the double-section home is probably field applied, not plant applied. Under few if any circumstances would the panel be both field applied and plant applied as shown on the current figure.
- Section 3285.901(c) states that the manufacturer’s installation instructions must “strongly recommend the following cautions to installers....” without listing any further information in section 3285.901. If the reference to the “following cautions” means the recommendations found or listed in Subpart J, the statement should be moved to paragraph (a) of 3285.901 and be re-worded to refer to all of the cautions contained in Subpart J. There are cautions or recommendations in paragraphs (a) and (b) that are as important as the remaining sections of Subpart J.

The Model Installation Standards do not define or include provisions for the installer of the manufactured home. Hopefully, this omission will be addressed in the Manufactured Home Installation **Program** yet to be published or to be published “shortly” by HUD. If not, the Standards may need to be re-visited to include more requirements for installers.

Staff in the Virginia State Building Code Administrative Office, as the SAA in Virginia, would ask consideration of the corrections and recommendations contained in this response to the Federal Register publication. We believe these comments, if considered, will result in an improved Model Installation Standard.

Sincerely,



Curtis L. McIver
State Building Code Administrator
SAA Administrator