

Final Minutes
HUD Manufactured Housing Consensus Committee
Conference Call
July 16, 2008

1. Chairwoman Brenton called the meeting to order at 11:00 a.m. Mr. Solomon called the roll; a quorum was present. Ms. Brenton asked if there were any public comments. There were none. Ms. Brenton asked if there were any additions to agenda circulated July 16, 2008. There were none; the agenda was approved.
2. Mr. Gorman presented the Regulatory Enforcement Subcommittee revised draft (7/15/08 version) of the proposed On-Site rule. He noted that the Subcommittee recognized the need to process the draft quickly. He reported that there was considerable controversy regarding Section 609. The Subcommittee decided that it would be best to revert to the language that the MHCC originally submitted.

Mr. Matchneer indicated that there could be a full discussion of Section 609 in the preamble of the proposed rule and in the final rule. He noted because of the controversy he proposed removing Section 609 from the proposed rule but to present as an option in the preamble for public comment.

Mr. Ghorbani noted that at the June 2008 MHCC meeting he thought that there was agreement to accept the proposal by Mr. Roberts. He questioned why HUD came out with a new version. Mr. Lagano indicated that this draft is better than the draft from the June meeting. Mr. Berger indicated that he was not in favor of Mr. Roberts's proposal. Mr. McHale noted that what was being presented to the Committee is a Subcommittee proposal.

Mr. Weiss stated that if HUD were to publish anything regarding Section 609, it should be brought back to the MHCC for consideration for subsequent rule making. Mr. Solomon stated that the MHCC is a FACA Committee and under FACA the Department does not necessarily have to accept a Committee recommendation. Mr. Matchneer indicated that it was possible that Section 609 could be deleted from the preamble also. Mr. Ghorbani indicated that he would prefer that it not be included in the preamble. Mr. Matchneer stated that even if Section 609 were deleted from the proposed rule, it still had to go through Department clearance.

Mr. Roberts stated that Section 609 contained two concepts: HUD can utilize a PIA for On-Site completion inspection; and, a state could act as a 3rd party on behalf of HUD. He indicated that he would not want to see a final rule without seeing a draft first. Mr. Matchneer indicated that Section 609 could be treated in a separate rulemaking. The concept would be kept on the docket for the Regulatory Subcommittee to consider and come to consensus.

Mr. Weiss recommended that the Committee consider the 7/15/08 draft without Section 609 and have the Section 609 concept debated by the MHCC a later time.

He recommended that there be no mention of Section 609 in the preamble but that it be considered for separate rulemaking. Mr. Inks stated that that was a good solution. He noted that a good effort had been made but it was not successful. He recommended that the “stripped” rule go forward.

Mr. Weinert indicated he opposed states working for IPIAs. It is bad policy. Mr. Lubliner indicated that he opposed putting the concept in the hopper; states rights are important; a third option needs to be proposed.

Mr. McHale indicated that there needs to be full debate of the issue. The current process needs to be modernized. Mr. Gorman noted that the MHCC passed the original proposal three years ago. Mr. Weinert stated again that it was bad policy; it is inefficient and would add cost to the process. Mr. Vogt stated that states rights would be wiped out. Mr. Roberts stated the states currently were not precluded from acting as a third party for an IPIA. Mr. Gorman noted that it was part of the AC process now.

Mr. Lagano stated that Mr. Weiss’s proposal was a good compromise. It should be moved forward.

Mr. Ghorbani again questioned where the July 15 version came from. It was noted that the Work Group had reached consensus in Washington at the June 2008 meeting, HUD put the draft document in form and then the Regulatory Subcommittee discussed it on July 14. The version reviewed on July 14 was Mr. Roberts’ version that the Work Group agreed to. The July 15 draft is the result of the July 14 Regulatory Subcommittee conference call.

Mr. Matchneer stated that the Section 609 concept can be handled as a separate issue. The IPIA’s ability to select people would not be limited and the current practice would not be changed. Mr. Roberts stated that the IPIA may solicit a state to conduct an on-site inspection and a state may decline. Mr. Luttich stated that he has done inspections for an IPIA and been paid by the IPIA. Mr. Weinert indicated that he has been paid by a retailer. Mr. Matchneer recommended that the Committee vote out what has been agreed to so far. Mr. Gorman moved that the July 15 draft be accepted. Motion seconded. Ms. Nelson asked if Section 609 were not included how would it be addressed. Mr. Matchneer indicated that it would be put on the MHCC’s plate to be brought back to HUD as an MHCC proposal.

Mr. Ghorbani stated that there are additional items to be discussed. Mr. Weiss noted that “Accepted State Agency” should be deleted from 604(e) and (f). It was moved, seconded and carried to delete the term “Accepted State Agency.” Mr. Matchneer stated that it was an editorial change and would be taken care of. Mr. Weiss asked whether it was the intent of 606(c) and 606(d)(3)(i) to have two inspections. It is and it was noted that the inspections could be concurrent. Mr. Weinert indicated that it had not been clear in earlier draft so it had been clarified.

Mr. Roberts indicated that he is opposed to DAPIA qualification of inspectors. Mr. Gorman asked what is done under the AC process. Mr. Roberts indicated that there was no qualification process. Mr. Matchneer stated that it was proposed because the DAPIA is best situated to address out-of-factory issues of on-site quality. It was recommended that “or qualifications” be deleted in 604(d)(9) and in 605(c). It was noted that 606(c) and 606(d)(3)(i) were duplicate requirements. It was moved, seconded and carried that the requirement in 606(c) be deleted. Ms. Brenton asked how to apply the 10 day limit in 606(d)(1) if the house is not sold in that time frame. Mr. Braun noted that homes in his park have not been occupied for over four years. No action was taken on the question.

It was moved and seconded to accept the July 15 draft, as amended. Mr. Solomon conducted a roll call vote. The motion failed 9 affirmative, 5 negative.

Mr. Roberts moved that the July 8 draft be accepted with the changes accepted above. Motion seconded. Mr. Matchneer noted again that whatever is voted out still has to go through Department clearance. Mr. Roberts asked if OGC could put Section 609 back in. Mr. Matchneer stated that it was not how the process works. OGC could only review what the Department proposed. Mr. Roberts stated he had a number of changes to the July 8 draft; 604(f) “or” should be changed to “and”; “Accepted State Agency” should be deleted throughout; “6010” should be corrected to “610”. Other changes pertained to the deleted Section 609. Motion to accept the July 8 draft as amended failed, 7 Affirmative, 4 Negative, 4 Abstain

Mr. Gorman, who had to step away from the call when the vote on the July 15 draft was taken, returned to the call and was vehemently upset that his position on the draft was not accommodated. He noted that the Subcommittee had worked hard on the draft and he had been assured by Mr. Matchneer that his position would be noted if a vote was taken while he was away. Mr. Matchneer stated that was the case and he had been derelict in not making it known before the vote. Mr. Solomon called for a 10 minute recess.

The Committee reconvened. Ms. Brenton noted that two proposals had failed to receive the required 2/3 approval. Mr. Solomon explained that a member of the prevailing side (in this case those opposed) could request that the vote be reconsidered and re-voted. Mr. Berger, being on the prevailing side, moved that the vote be reopened, Mr. Lagano seconding. Motion carried. A motion to request that HUD ask for input on the Section 609 question in the preamble was made and subsequently withdrawn. Mr. Gorman moved that the July 15 draft, as amended, be approved. Motion seconded and carried, 11 Affirmative, 3 Negative.

Mr. Weiss stated that raising the question of Section 609 in the preamble would open a can of worms and recommended that it not be included as it could have unintended consequences.

3. Mr. Lubliner noted that at the last meeting the issue of the HUD budget had been raised. He requested that it be included on a future MHCC agenda. Mr. Ghorbani noted that in the past HUD had presented its budget for information. Mr. Roberts noted that HUD had done so on request. Mr. Lubliner noted that it would benefit HUD by having the MHCC discuss the budget. Mr. Matchneer stated that the budget was public information and he would discuss it at a future meeting. He provided a brief description of the Federal government budget process. However, he noted that the manufactured housing program funding depended on label sales. As industry sales decreased, HUD's revenue and, therefore, budget decreased. He will provide the AO with a link to the budget. Mr. Ghorbani noted that industry sales were down about 75%. Mr. Lubliner expressed a concern about how that affected HUD's ability to monitor IPIA performance. He noted that he is concerned about the effect on the consumer. Mr. Roberts noted that it was difficult to support HUD's program without knowing how they are funded. Ms. Brenton stated that HUD's budget will be on the agenda for the next meeting. Mr. Lubliner asked that it be an annual agenda item and include a discussion of HUD's needs and issues. He also requested the minutes include the above discussion.
4. Mr. Berger asked if a conference call for the CO TF could be scheduled in July or August. Mr. Solomon stated that he will check. Mr. Berger requested that the members be polled for availability. Mr. Gorman indicated that the dates to discuss PIA issues will have to be determined. Ms. Brenton asked whether a face-to-face meeting could be scheduled for November/December. Mr. Matchneer indicated that he did not see the funding for a meeting. Mr. Gorman indicated that the Tulsa Manufactured Home Show will be April 29 and 30. It is an opportunity to see current production. Mr. Lagano stated that the MHCC should keep to a six-month schedule, otherwise it gets too backlogged.
5. Ms. Brenton thanked the members for their participation and their time. The meeting was adjourned at 2:45 p.m.

**HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE
ATTENDANCE SHEET
TELECONFERENCE
Wednesday, July 16, 2008**

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

NAME	STATUS	ORGANIZATION	Attendance	
			Yes	No
Brenton, Susan	M	MHCA	X	
Berger, Jack	M	Berger Reconstruction	X	
Braun, Karl	M	NAMH – MHOAA	X	
Desfosses, Theresa	M	ME Manufactured Homes		X
Downs, Catherine	M	US Dept. of Transportation	X	
Farish, William	M	Fleetwood Homes		X
Ghorbani, Danny	M	MHARR	X	
Gorman, Doug	M	Home – Mart, Inc.	X	
Ink, Jeffrey	M	MHI	X	
Lagano, William J.	M	Commonwealth Consulting	X	
Lublimer, Michael	M	WAU Energy Program	X	
Luttich, Mark	M	NB SAA	X	
Major, Archie R.	M	Consultant		X
Matchneer, William III	NVM/DFO	HUD	X	
McHale, Jerome L.	M	FMHO of Florida	X	
Nelson, Terry	M	MHOA OF IL	X	
Roberts, Dana	M	Oregon Manufactured Homeowners Assoc.	X	
Solomon, Robert	AO	NFPA	X	
Stamer, William	M	Champion Homes	X	
Tomasbi, Nader	M	Liberty Homes		X
Toner, Pat	AO/SEC	NFPA	X	
Vogt, Randy	M	State of MN, Dept. of Admin. Building Codes		
Weinert, Richard	M	State of CA	X	
Zieman, Mike	M	RADCO		X

**HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE
TELECONFERENCE
Wednesday, July 16, 2008**

GUEST ATTENDANCE SHEET

Cordeo, Eleanor	HUD	X
Dickerson, Rhonda	HUD	X
Mendlen, Rick	HUD	X
Race, Peter	HUD	X
Tompos, Dave	NTA	X
Weiss, Mark	MHARR	X