

Final Minutes  
HUD Manufactured Housing Consensus Committee  
Radisson Hotel, Alexandria, VA  
August 20-22, 2003

1. Chairman Roberts called the meeting to order at 8:00 a.m. Mr. Solomon called the roll; a quorum was present. Mr. Roberts welcomed Mr. Matchneer back. Mr. Matchneer stated that it was nice to be back. He noted that he had kept track of the progress being made while he was out.

Mr. Roberts indicated that the agenda will be somewhat flexible to accommodate Subcommittee needs and members travel plans. The agenda was approved.

Mr. Ghorbani asked that the minutes of the May 28-30, 2003 meeting be corrected to indicate that Ms. Cocke, in the discussion of "informed voting and full discussion" (p.4, 5/28-30 minutes), stated that "per Counsel's advice, FACA requires full discussion by the Committee before a decision and that a letter ballot, absent such a discussion would not be considered sufficient". Mr. Ghorbani requested that a copy of the relevant portion of FACA be sent to the members of the MHCC. Messrs. Gorman and Zieman asked that attendance record be corrected to indicate their attendance on 5/29 and 5/30 respectively. The minutes were approved as corrected.

Mr. Roberts asked that members review the MHIA2000, in particular the purpose of the Act and the MHCC, to be prepared for the discussion of HUD's position as stated in the July 17, 2003 and July 25, 2003 Federal Register notices.

2. Commissioner Weicher noted that he was glad to have Mr. Matchneer back. He thanked Ms. Cocke for filling in as Acting DFO, Mr. Roberts and the Subcommittee chairs for their leadership and members and Mr. Solomon for their time and hard work. He noted that the contract with the AO has been extended for another option period. He indicated that HUD was pleased to receive the comments on the on-site completion rule and looked forward to receiving the proposals for an installation standard and comments on the dispute resolution procedure. He noted that the rejection of the two MHCC proposals were on legal grounds that the proposals exceeded the authority of the MHCC and were not statement of HUD policy on the issues. He wished the Committee a productive meeting.

The Committee recessed at 9:00 a.m. for Subcommittee meetings. The Committee reconvened at 1:00 p.m.

3. Mr. Emanuel Levy, Director of the Manufactured Housing Research Alliance, made a presentation on the work of the Alliance. Messrs. Walter and Stinebert noted that the MHI is supportive of the Alliance's activities; Mr. Ghorbani noted MHARR is also. Mr. Levy noted that the basic criteria for an Alliance research project are common interest and national importance. He noted that a project is underway on installation practices, training, certification and testing and that Messrs. Farish, Walter, and Porter are on the oversight group. Mr. Levy noted that the Alliance does not conduct research for regulatory purposes but rather provides research that others may use. Mr. Roberts, noting that HUD has to have an installation program including training in place in 2½

years, asked how much information would be available to the MHCC. Mr. Walter expressed a hope that the Alliance and the MHCC could work together.

Mr. Ghorbani distributed copies of an article he wrote in *The Journal* regarding research conducted by HUD. The article laid out the MHRAA position on the legislative restraints on the scope and funding of HUD research, particularly in the area of standards. He expressed a concern about HUD PD&R research on manufactured housing. Ms. Cocke noted that manufactured housing program office is in regular contact with PD&R. She noted that when HUD does research funded by label fees, it is through PD&R. Mr. Ghorbani noted that the MHRA receives no research funding from HUD. Ms. Cocke noted that HUD is required by law to put HUD research out for bid. Mr. Roberts noted that there is no consumer or regulator representation on MHRA programs. He also noted that the MHRA project on installation might not be available in time for the 2005 deadline.

Mr. Weinert noted that his staff could benefit from the MHRA research reports. Mr. Levy said that the reports are in the public domain. Ms. Cocke asked that additional copies of the MHRA handouts be placed on the MHCC website.

Mr. Roberts thanked Mr. Levy for an informative presentation.

The Committee recessed at 2:00 p.m. for additional Subcommittee meetings.

Thursday, August 21, 2003

4. The Committee reconvened at 8:00 a.m. Mr. Roberts noted that the Planning and Prioritization Subcommittee would not be meeting. The Subcommittee has received nine proposals for consideration, most of which appear to be standards related.

The Committee recessed at 8:30 a.m. for additional Subcommittee meetings.

5. The Committee reconvened at 1:00 p.m.
6. Mr. Roberts opened a discussion of HUD's position on its rejection of the MHCC's consumer complaint proposal and the land use preemption proposal by distributing copies of sections of the MHIA 2000, Rule 3282, and Section 3535(d) of the HUD administrative provisions. Regarding the consumer complaint proposal, he noted that Sec. 602 (b)(5) of the MHIA 2000 stated that one of the purposes of the Act is "to protect residents ... " and that the purpose of the preemption proposal was to prevent discrimination against manufactured homes where similar site-built homes were permitted.

Mr. Ghorbani expressed disappointment that HUD rejected the proposals on a legal basis without expressing its views on the substance of the proposals.

Mr. Roberts distributed a list he prepared on the reasons HUD gave for the rejection. He noted that the discussions in the Installation Subcommittee with Mr. Matchneer and Mr. Race suggested that HUD felt that the MHCC was limited to standards development. Mr. Matchneer stated that

MHCC activity was not limited to standards. He noted that the rejections were not based on the authority of the MHCC but on the lack of authority of HUD to issue rules on the subject of the proposals. Mr. Race noted that there are statutory limits on what HUD can do.

Mr. Race indicated that there was great concern on HUD's part about infringing on land owners' property rights. Mr. Stinebert indicated that the rejection of the preemption proposal is hurtful to the use of manufactured homes. Mr. Vogt noted that the rejection also did not help states in ruling in this area. Mr. Braun noted that Nevada has legislation to permit manufactured homes where site-built homes are permitted provided the manufactured home is compatible with the size and appearance of the site-built homes.

Mr. Roberts noted that the discussions with HUD over the prior 1½ days were very productive. Mr. Portz expressed a hope that those attitudes will be carried forward for future discussions. Mr. Matchneer noted that although HUD staff may express an opinion on an issue, it may not be regarded as HUD's final position as only the HUD Secretary can determine that. He did note that the success of the MHCC is a priority of the HUD manufactured housing program. Ms. Cocke noted that the Department and the MHCC were continuing to learn to work with each other and that additional progress will be made with full, open and detailed discussions of issues before the Committee.

The Committee recessed at 2:15 p.m. for additional Subcommittee meetings.

Friday, August 22, 2003

7. The committee reconvened at 8:00 a.m.

Mr. Roberts invited public comments. There were none.

8. Mr. Zieman reported that the Standards Subcommittee had reviewed the updates to NFPA 501. He distributed the list of items approved by the Subcommittee for submission to the MHCC for consideration. He thanked Mr. Farish for preparing the summary. He noted that the proposal addresses two-story construction and single-family attached homes.

Mr. Ghorbani questioned item 16 ROP (NEW) regarding sprinklers. Mr. Weinert stated that the issue should have a full discussion by the MHCC. Mr. Ghorbani moved that 16 ROP (NEW) be deleted, motion seconded. Mr. Tomasbi noted that the provision is not required for two-story site-built residential construction. Mr. Portz noted that requirements for manufactured homes should be the same as for site-built homes. Mr. Bryant suggested that the 35' limitation be changed. He also noted that HUD currently allows the NFPA 13D option to exceed the travel distance. Mr. Vogt noted that other construction details should be looked at if the travel distance is changed. Mr. Tomasbi noted that, with the portability of units, this provision might be a problem. Ms. Cocke asked the AO to look into this question.

Motion to delete this provision passed 10-5

Mr. Tomasbi questioned the use of R-8 insulation in 43 ROC. Mr. Zieman noted that it is required in the Pacific Northwest. Mr. Vogt noted that the Energy Star program requires it.

Mr. Zieman noted that the changes proposed on stairways in the 3-page handout are 98% of the way through the NFPA process. It was noted that Mr. Pauls has routinely objected to this provision at code hearings.

Ms. Cocke suggested HUD make a list of obsolete items in 3280. Mr. Ghorbani recommended that the Planning and Prioritization subcommittee give priority to the proposals from HUD.

Mr. Zieman moved that the changes, as amended, be submitted for letter ballot. Motion seconded and approved unanimously.

Mr. Zieman inquired about the status of the proposed changes previously approved by the MHCC. Mr. Solomon noted that the contract to put the proposals in Federal Register language has just been signed. Danner and Associates are working on the top 20. He recommended the Mr. Zieman, Danner and Associates and himself meet briefly to review the status. Mr. Weinert requested that the status of all activities be posted regularly on the website. Mr. Race noted that the MHIA 2000 has tight deadlines for HUD to act on proposals.

9. Mr. Portz reported that the Installation Subcommittee is making progress on the installation standard. He asked for a brief recess so that the subcommittee could address a few open issues.

The committee recessed at 9:00 a.m.

10. The committee reconvened at 9:30 a.m.

11. Mr. Portz continued his report on the Installation Subcommittee. He reported that an Editorial Work Group, chaired by Mr. Leven, has been appointed to edit the draft. Mr. Leven distributed copies of a memo to Mr. Matchneer summarizing what the Subcommittee heard as HUD's concerns about the Committee proposals. He asked Mr. Matchneer to review the memo and clarify what issues are to be addressed. The Editorial Work Group will also draft a preamble for the proposed installation standard.

Mr. Portz noted that there is a difference of opinion as to when the 18-month clock started, 6/7/02 or 8/14/02. He requested that the DFO obtain an answer from HUD counsel.

Mr. Portz reviewed the timeline for developing a document for full MHCC discussion and approval for letter ballot. Mr. Roberts set a conference call of the MHCC for 1:00 p.m., EDT, October 8, 2003 to discuss the proposed installation standard. It was recommended that the subsequent letter ballot be a segmented ballot.

12. Ms. Brenton reported on the Dispute Resolution Subcommittee. She noted that Mr. McHale was not able to attend as he was recovering from surgery. She distributed a draft letter to HUD regarding the dispute resolution program ANPR. She moved that the letter be approved for transmittal to HUD. Motion seconded. Mr. Matchneer noted that the letter will be accepted by HUD and placed in the docket. Mr. Ghorbani asked whether the MHCC would receive a draft of a

proposed rule for 120-day review. Mr. Matchneer indicated that it would. Motion to send the letter to HUD approved unanimously.

13. Mr. Ghorbani moved that the consideration of Subpart I which had been tabled in a previous meeting be placed on the agenda for the next meeting. Motion seconded and approved 14 –1
14. Mr. Roberts noted that the next meeting is set for December 9-11 in Phoenix. He suggested a plant tour be included if it can be arranged. The Committee agreed. Mr. Nunn recommended that the Regulatory and Enforcement Subcommittee review the 1997 statement by HUD on preemption. Ms. Brenton so moved. Motion seconded and approved.
15. The winter meeting was set for February 24-26, 2004, in the Washington area. The meeting adjourned at 11:30 a.m.

**HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE****ATTENDANCE  
August 20-22, 2003  
Alexandria, VA**

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

NAME	STATUS	ORGANIZATION	8/20/03	8/21/03	8/22/03
Roberts, Dana C.	M	Oregon Bldg. Codes	X	X	X
Leven, Charles	M	AARP	X	X	X
Toner, Hugh Patrick	Sec	Secretary	X	X	X
Berger, Jack D.	M	Berger Reconstruction	X	X	X
Braun, Karl	M	NAMH – MHOAA	X	X	X
Brenton, Susan	M	AZ Association of Manufactured Home Owners	X	X	X
Bryant, C. Edgar	M	Champion Enterprises	X	X	X
Farish, William C.	M	Fleetwood Homes	X	X	X
Ghorbani, Danny D.	M	MHARR	X	X	X
Gilson, Earl A.	M	Olympic Area 03-A Agency on Aging	X	X	X
Gorman, Doug	M	Home – Mart, Inc.	X		X
LaMont, Ronald Vincent	M	Alpine Engineering Products	X	X	X
Portz, Bryan R.	M	Chase Manhattan Mortgage Corp.		X	X
Tomasbi, Nader	M	Liberty Homes, Inc.	X	X	X
Vogt, Randy E.	M	State of MN – Dept. of Administration	X	X	X
Walter, Frank	M	MHI	X	X	X
Weinert, Richard	M	State of CA	X	X	X
Zieman, Mike	M	RADCO	X	X	
Matchneer, William W.	NVM	HUD	X	X	X
Solomon, Robert	AO	NFPA	X	X	X

**HUD MANUFACTURED HOUSING CONSENSUS COMMITTEE**

**ATTENDANCE**  
**August 20-22, 2003**  
**Alexandria, VA**

<b><u>ABSENT</u></b>					
McHale, Jerome	M	Federation of Manufactured Home Owners of Florida, Inc.			
Youse, Alan J.	M	AARP			

***HUD MANUFACTURED HOUSING CONSENSUS  
COMMITTEE***

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**GUEST ATTENDANCE  
August 20-22, 2003  
Alexandria, VA**

<b><u>NAME</u></b>	<b><u>ORGANIZATION</u></b>
Mike Blanford	HUD
Elizabeth Cocke	HUD
Pamela Danner	Danner & Associates
John Davis	Institute for Building Technology and Safety
Henry DeLima	DeLima Associates
Rhonda Dickerson	HUD
Elsie Draughn	HUD
Chris Early	U.S. Department of Energy
Andrew Kochera	AARP
Richard Kuchnicki	International Code Council
Lon Larson	Oliver TEC
Jason C. McJury	HUD
Shawn McKee	HUD
Richard Mendlen	HUD/Manufactured Housing Program
Drondaire L. Miller	HUD
Mark A. Nunn	MHI
Lane Pethel	HUD
George Porter	Manufactured Housing Resources
Frank Quigley	HUD
Peter Race	HUD
Boone Smith Morris	TieDown Engineering
Katie Spear	Brickfield, Buschette, Ritts & Stone, PC
Chris Stinebert	MHI
Angelo Wallace	HUD