



## MANUFACTURED HOUSING CONSENSUS COMMITTEE

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**To:** MHCC

**From:** Kevin Kauffman, AO  
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**Date:** November 16, 2018

**Subject:** Circulation of Final Results of MHCC Letter Ballot VI – Actions as taken at September 11-13, 2018 MHCC Meeting

Below are the final results from the letter ballot of actions as taken at the September 11-13, 2018 MHCC meeting which took place in Washington D.C.

[Ballot VI – Actions as taken at September 11-13, 2018 MHCC meeting](#)

**21 Members Eligible to Vote**

**20 Ballots Returned**

**1 Ballot Not Returned – Dominic Frisina**

The number of votes required to pass an item with a 2/3rds majority is based on number of ballots returned minus the number of abstentions. All items on this ballot received at least the required number of affirmative votes, thus all items passed. The committee members will be afforded an opportunity to change their votes based on circulation of the final voting results and comments received.

The final voting results are summarized in the table below.

Ballot Item No.	Log No.	Section	MHCC Meeting Action	Affirm	Negative	Abstain
VI-1	Log 152	§ 3280 Attic	Disapprove	20	0	0
VI-2	Log 153	§ 3282.416(a)(4) Oversight of notification and correction activities	Approve	19	0	1
VI-3	Log 154	§ 3280.607(b)(3)(i) Plumbing fixtures	Disapprove	19	1	0
VI-4	Log 159	§ 3280.1 Scope	Approve as Modified	20	0	0
VI-5	Log 160	§ 3280.2 Definitions	Approve as Modified	19	1	0
VI-6	Log 161	§ 3280.711 Instructions	Approve as Modified	19	1	0

<b>Ballot Item No.</b>	<b>Log No.</b>	<b>Section</b>	<b>MHCC Meeting Action</b>	<b>Affirm</b>	<b>Negative</b>	<b>Abstain</b>
VI-7	Log 162	§ 3280.211 Dwelling Unit Separation	Approve	20	0	0
VI-8	Log 170	§ 3280 Energy efficiency and affordability of manufactured housing	Disapprove	18	2	0
VI-9	Log 179	§ 3280.2, 3282.8, 3282.14, 3282.601, and 3285.903 Accessory structure	Approve as Modified	20	0	0
VI-10	Log 186	§ 3280.6 Serial number	Approve	20	0	0
VI-11	Log 199	§ 3280.4 Incorporation by reference	Approve	20	0	0
VI-12	Log 200	§ 3280.4 Incorporation by reference	Disapprove	19	1	0
VI-13	Log 201	§ 3280.304 Materials	Approve as Modified	20	0	0

<b>Ballot Item No.</b>	<b>DRC No.</b>	<b>Section</b>	<b>MHCC Meeting Action</b>	<b>Affirm with Comment</b>	<b>Negative</b>	<b>Abstain</b>
VI-14	DRC 9	FR6030-N-01 – 24 CFR part 3282.11	Reviewed and Considered – No Further Action Required	20	0	0
VI-15	DRC 10	FR6030-N-01 – Interpretive Bulletin	Reviewed and Considered – No Further Action Required	20	0	0
VI-16	DRC 12	FR6030-N-01 – Manufactured Housing Requirements	Reviewed and Considered – Refer Comment to HUD for Further Consideration	20	0	0
VI-17	DRC 24	FR6030-N-01 – 24 CFR Part 3282	Reviewed and Considered – No Further Action Required	20	0	0
VI-18	DRC 40	FR6075-N-01 – HUD Code Updates MHCC	Reviewed and Considered – No Further Action Required	20	0	0
VI-19	DRC 48	FR6075-N-01 – HUD Code Updates	Reviewed and Considered – No Further Action Required	20	0	0

<b>Ballot Item No.</b>	<b>DRC No.</b>	<b>Section</b>	<b>MHCC Meeting Action</b>	<b>Affirm with Comment</b>	<b>Negative</b>	<b>Abstain</b>
VI-20	DRC 58	FR6075-N-01 – HUD Code	Reviewed and Considered – No Further Action Required	20	0	0
VI-21	DRC 59	FR6075-N-01 – HUD Code	Reviewed and Considered – Refer Comment to HUD for Further Consideration	20	0	0
VI-22	DRC 119	FR6075-N-01 – Carport/Add-on Guidance	Reviewed and Considered – No Further Action Required	20	0	0
VI-23	DRC 120	FR6075-N-01 – Carport/Add-on Guidance	Reviewed and Considered – No Further Action Required	20	0	0
VI-24	DRC 121	FR6075-N-01 – Carport/Add-on Guidance	Reviewed and Considered – No Further Action Required	20	0	0
VI-25	DRC 122	FR6075-N-01 – Carports Garages	Reviewed and Considered – No Further Action Required	20	0	0
VI-26	DRC 125	FR6075-N-01 – Carport/Add-on Guidance	Reviewed and Considered – No Further Action Required	20	0	0
VI-27	DRC 270	FR6075-N-01 – Regulatory Benefits	Reviewed and Considered – No Further Action Required	20	0	0
VI-28	DRC 272	FR6075-N-01 – Regulatory Benefits	Reviewed and Considered – Reject Premise and Conclusion	20	0	0

<b>Ballot Item No.</b>	<b>Description of MHCC Motion</b>	<b>Affirm with Comment</b>	<b>Negative</b>	<b>Abstain</b>
VI-29	MHCC Recommends HUD rescind the guidance letter dated 5-10-2017, which expanded upon the 6-12-2014 guidance letter to include designs for carport ready homes.	20	0	0
VI-30	Add the Approved as Modified language from Log 179 to the third set of revisions to the MHCSS.	20	0	0
VI-31	MHCC strongly suggest HUD to adopt a 2-year cycle for updating and publishing a final rule on the Manufactured Housing Safety and Construction Standards.	20	0	0
VI-32	MHCC requests that HUD withdraw the proposed IB on Frost Free Foundation Issue until the MHCC takes action based on the Technical Systems Subcommittee	20	0	0

Ballot Item No.	Description of MHCC Motion	Affirm with Comment	Negative	Abstain
	recommendation on Frost Free Foundation Issue/Deregulation Comments.			
VI-33	Send a letter to the Secretary of HUD regarding DOE's request for information and content of the Proposed Rule. (Appendix H)**	20	0	0

**NOTE:** The following MHCC motions, which were approved at the meeting, have already been implemented due to their time sensitive nature. These motions are included in the ballot for reference only.

Ballot Item No.	Description of MHCC Motion
VI-34	MHCC to provide comments on the DOE Energy Conservation Standards for Manufactured Housing: Notice of Data Availability; Request for Information. (Appendix I)**
VI-35	MHCC requests HUD's PD&R to submit a document to the MHCC which includes comparable cost figures similar to EERE-2009-BT-BC-0021 [NODA Packages-Draft Results July 2018] by November 14, 2018. (Appendix J)**

\*\* The corresponding appendices can be found in the [MHCC September 11-13 Meeting Minutes](#).

All comments received are organized by Ballot Item No. and can be seen below.

### Ballot Item VI-3: Log 154 - Section § 3280.607(b)(3)(i) Plumbing fixtures

MHCC Meeting Action - Disapprove (19 Affirm, 1 Negative, and 0 Abstain)

#### Comment(s) Received – 2

##### Affirmative – 1

**Tim O'Leary** - I believe it is important to identify ANSI 117.1 as a code of reference for not only this log item but as a reference standard for all accessibility issues in our product. I voted to disapprove this item with the understanding that a new reference be incorporated into the MHCCS in compliance with federal law. As it stands now, I believe we are out of compliance with the rules for accessibility.

##### Negative – 1

**Joseph Sadler** - I believe if a consumer requests an accessible home, you should have a standard for the construction of such options. I would guess that the ADA would have a issue if this was not available. The ANSI A-117 Standard used in the ICC Codes seems the best avenue for how these accessible baths should be constructed.

##### Abstain – 0

## Ballot Item VI-5: Log 160 - Section § 3280.2 Definitions

MHCC Meeting Action - Approve as Modified (19 Affirm, 1 Negative, and 0 Abstain)

**Comment(s) Received – 1**

**Affirmative – 0**

**Negative – 1**

**Dave Anderson** - This proposed change in this log is redundant. A substantively identical change was approved by the MHCC already and is making its way through the process. Introducing the same change a second time with only cosmetically different language will create unnecessary confusion for no additional benefit.

**Abstain – 0**

## Ballot Item VI-6: Log 161 - Section § 3280.711 Instructions

MHCC Meeting Action - Approve as Modified (19 Affirm, 1 Negative, and 0 Abstain)

**Comment(s) Received – 1**

**Affirmative – 0**

**Negative – 1**

**Dave Anderson** - The rationale for the proposal to create an exception to fire-resistance rating in two-family units was that it created uniformity between the HUD Code and the International Residential Code. However, the proposal failed to introduce any evidence that it was equally appropriate for manufactured housing and site-built housing to have such an exception. The proposal simply assumes it to be true.

**Abstain – 0**

## Ballot Item VI-8: Log 170 - Section § 3280 Energy efficiency and affordability of manufactured housing

MHCC Meeting Action - Disapprove (18 Affirm, 2 Negative, and 0 Abstain)

**Comment(s) Received – 3**

**Affirmative – 1**

**Dave Anderson** - It is important to improve the energy efficiency and affordability of manufactured housing in both the short term (construction) and long term (operations). Achieving both will certainly require policy changes beyond those possible within the context of the HUD Code. Given that proposals we are dealing with relate only to the HUD Code, we should look for energy efficiency standards that balance short-term and long-term affordability, and provide information and alternatives for consumers.

**Negative – 2**

**Tim O’Leary** - I believe it to be important to incorporate the recommendations of the MH Working Group into the HUD standards as recommended by Mr. Roy. Improving the efficiency of our product is essential to our keeping up with changes in technology and our understanding of building science as has been done in the ICC codes. Except for a manufacturer’s lobbyist, the members of the MH Working Group are a who’s who of energy professionals from all over the United States. These professionals did

a magnificent job of defining the improvements that could be done cost effectively while maintaining affordability of the product. The MHCC was not given a copy of their report as stated in the body of the Log item that I assume would have detailed the specific language changes and improvements associated with the proposal. The log item states that these documents were sent to Home Innovation as part of the proposal. The MHCC members should have been given a copy of this document so we could have studied them and been ready to vote on the proposal. This appears to have been a bait and switch tactic played on us. If the MHCC members would have been given all the facts, perhaps the outcome would have been different.

**Joseph Sadler** - After reviewing data I had available, I revised my view on energy efficiency requirements. Although, I do not have the information, yet, that we have requested in the approved motions listed in Ballot Items VI-34 & VI-35, it would seem the cost for energy efficiency would be offset by the benefit to the consumer with regards to heating and cooling costs. The Energy Star program seems to support this conclusion. This should, at the very least, be an option for a consumer.

**Abstain – 0**

### Ballot Item VI-12: Log 200 - Section § 3280.4 Incorporation by reference

MHCC Meeting Action - Disapprove (19 Affirm, 1 Negative, and 0 Abstain)

**Comment(s) Received – 1**

**Affirmative – 0**

**Negative – 1**

**Tim O’Leary** - I see no reason to not do this. All we are doing is changing an address and eliminating an organization that does not exist. If the modified address is wrong, make it right.

**Abstain – 0**

### Ballot Item VI-18: DRC 40 - Section FR6075-N-01 – HUD Code Updates MHCC

MHCC Meeting Action - Reviewed and Considered – No Further Action Required (20 Affirm, 0 Negative, and 0 Abstain)

**Comment(s) Received – 1**

**Affirmative – 1**

**Dave Anderson** - It is important to improve the energy efficiency and affordability of manufactured housing in both the short term (construction) and long term (operations). Achieving both will certainly require policy changes beyond those possible within the context of the HUD Code. Given that proposals we are dealing with relate only to the HUD Code, we should look for energy efficiency standards that balance short-term and long-term affordability, and provide information and alternatives for consumers.

**Negative – 0**

**Abstain – 0**

## Ballot Item VI-19: DRC 48 - Section FR6075-N-01 – HUD Code Updates

MHCC Meeting Action - Reviewed and Considered – No Further Action Required (20 Affirm, 0 Negative, and 0 Abstain)

**Comment(s) Received – 1**

**Affirmative – 1**

**Dave Anderson** - It is important to improve the energy efficiency and affordability of manufactured housing in both the short term (construction) and long term (operations). Achieving both will certainly require policy changes beyond those possible within the context of the HUD Code. Given that proposals we are dealing with relate only to the HUD Code, we should look for energy efficiency standards that balance short-term and long-term affordability, and provide information and alternatives for consumers.

**Negative – 0**

**Abstain – 0**

## Ballot Item VI-21: DRC 59 - Section FR6075-N-01 – HUD Code

MHCC Meeting Action - Reviewed and Considered – Refer Comment to HUD for Further Consideration (20 Affirm, 0 Negative, and 0 Abstain)

**Comment(s) Received – 1**

**Affirmative – 1**

**Dave Anderson** - I agree that HUD should support improved productivity and innovation. I disagree with one part of the rationale for this proposal, specifically that existing HUD Code approved designs contribute to negative perceptions and stigmas related to manufactured housing. I think this is a rhetorical excess.

**Negative – 0**

**Abstain – 0**

## Ballot Item VI-33: Send a letter to the Secretary of HUD regarding DOE's request for information and content of the Proposed Rule. (Appendix H) \*\*

MHCC Meeting Action - 0 (20 Affirm, 0 Negative, and 0 Abstain)

**Comment(s) Received – 1**

**Affirmative – 1**

**Dave Anderson** - It is important to improve the energy efficiency and affordability of manufactured housing in both the short term (construction) and long term (operations). Achieving both will certainly require policy changes beyond those possible within the context of the HUD Code. Given that proposals we are dealing with relate only to the HUD Code, we should look for energy efficiency standards that balance short-term and long-term affordability, and provide information and alternatives for consumers.

**Negative – 0**

**Abstain – 0**