



U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BYLAWS

Manufactured Housing Consensus Committee *a federal advisory committee*

SECTION. 1. Purpose

The purpose of the Manufactured Housing Consensus Committee (Committee), a federal advisory committee subject to the Federal Advisory Committee Act (FACA) and established by the Manufactured Housing Improvement Act of 2000 (MHIA), is set forth in its Charter.

The purpose of these Bylaws is to provide procedural guidance for the conduct of the Committee's business and meetings.

SECTION. 2. Organization and Operation

- a. The Committee shall be organized and operate in accordance with the MHIA, the FACA, the Charter of the Committee and these Bylaws.
- b. The Committee adheres to procedures established by the American National Standards Institute.
- c. The Committee is overseen by a Designated Federal Official.
- d. The Committee officers include a Chairperson and a Vice Chairperson.

SECTION. 3. Administrative Support

Administrative, managerial, and technical support for the Committee is available from an Administering Organization (AO) – a recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction – which includes the following, to the extent provided by the Secretary:

- a. reasonable staff resources; and
- b. technical support to any of the interest categories, provided that
 - i. The resources and support are necessary to ensure the informed participation of the Committee members; and
 - ii. The costs are reasonable

SECTION. 4. Membership

a. Members

- i. The Committee shall have twenty-one (21) voting members appointed by the Secretary; and
- ii. One (1) nonvoting member appointed by the Secretary to represent the interests of the Secretary

b. Member Terms and Rotation

- i. Members serve at the pleasure of the Secretary or for a term of three (3) years, not to exceed two (2) consecutive terms.
- ii. A rotation of seven (7) members per annum shall be maintained where reasonably possible, except that this requirement shall not inhibit the Secretary's discretion to remove and appoint members.

c. Review of Membership

The Secretary shall review the Committee membership list annually by the criteria specified in MHIA, other applicable laws and regulations and such additional criteria as the Secretary may specify to ensure the character and integrity of the Committee. Members are expected to fulfill obligations of active participation. Where a member is in habitual default of these obligations, the Secretary may take appropriate action, including termination of membership.

d. Interest Categories

Committee membership shall consist of three (3) categories of voting members:

- i. Producers. Seven (7) producers or retailers of manufactured housing.
- ii. Users. Seven (7) persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.
- iii. General interest and public officials. Seven (7) general interest and public official members three of whom must be a representative of the Public Official Category.

e. Selection and Appointment of Members

- i. Member(s) may be selected and appointed upon review by the Secretary of qualifying information submitted to the AO.
- ii. The Secretary shall appoint the Chair and Vice-Chair of the Committee.
- iii. The nominations for members may be made at any time.
- iv. Appointment(s) of qualified candidates may be made as vacancies occur and/or at the discretion of the Secretary.

f. Membership Roster

- i. A current and accurate Committee roster shall be maintained and shall include the following:
 1. Title of the Committee and its designation;
 2. Scope of the Committee;
 3. Administering organization: name of organization, name of secretary, and address;
 4. Officers: chair; vice chair;
 5. Members: name, address, and business affiliation of individual member(s);
 6. Interest category of each member;
 7. Tally of interest categories: total of voting members and subtotals for each interest category; and
 8. For each subcommittee: title, chair, and names and addresses of all members.
- ii. The roster shall be distributed to Committee members, the HUD Committee Management Officer (CMO), and the DFO at least annually and upon any change in membership or member information.
- iii. The roster shall be made available in a publicly accessible web posting.

SECTION. 5. Subcommittees

- a. Subcommittees may be created to facilitate the Committee's work
 - i. A subcommittee should consist of the minimum number of members necessary to accomplish the assigned task.
 - ii. Subcommittees shall reflect the Committee's required balance of interests and prohibition against dominance as prescribed in the MHIA, to the extent reasonably possible within the size of the established subcommittee.
 - iii. The Secretary has exclusive authority to create subcommittees.
 - iv. The Secretary shall clearly state the size, scope, and duties of the subcommittee and that the subcommittee is not intended to constitute a FACA committee.
 - v. The Committee may propose the establishment of one or more subcommittees to the Secretary. The proposal shall include the information set forth in paragraph ii.
 - vi. Voting privileges shall be limited to MHCC members of a subcommittee.
 - vii. Subcommittees may report only to the Committee and shall not provide advice or work products directly to the agency.

b. Subcommittee Chairpersons and members of subcommittees

The Secretary shall appoint the chair and members of a subcommittee.

c. Annual review; continuation on the basis of need

- i. The Committee shall review the scope, duties, and membership of all subcommittees annually and recommend to the DFO those subcommittees that

- should be continued or discontinued.
- ii. Continuation of a subcommittee shall be based on demonstrated need of the Committee for advice and guidance on its subject matter. The Secretary, through the DFO, shall dispose of the recommendation.

d. Delivery of Subcommittee Recommendations

Subcommittees shall make recommendations only to the Committee.

SECTION. 6. Meetings

- a. Meetings of the Committee and its subcommittees, if any, shall be held only upon approval of the DFO.
- b. Meetings of the Committee and subcommittees shall be open to the public.
- c. Quorum
 - i. A majority of the voting members of the Committee shall constitute a quorum for conducting business at a meeting. If a quorum is not present, actions shall only be taken subject to subsequent confirmation by letter ballot or recorded vote at a future meeting.
 - ii. Notwithstanding the foregoing paragraph, the DFO shall ensure that the lawful requirements of balance of interests and prohibition against dominance shall be preserved.
- d. Conduct of Meetings
 - i. It is the Secretary's intent in appointing members to the Committee to promote balance of interests and prevent a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.
 - ii. Members shall conduct the business of the Committee in such a manner as shall ensure that all directly and materially-affected interests have the opportunity for fair and equitable participation without dominance by any single interest.

SECTION. 7. Voting

a. Single Vote

Each member of the Committee shall have one vote. Members may not vote by proxy.

b. Actions affecting Recommendations

A vote by two-thirds of the members present at a meeting shall be required to send a proposed revised standard forward to the Secretary, provided a fair balance of all three groups is present.

SECTION. 8. Letter Ballots

- a. Letter ballots may be used by the Committee as a procedure to facilitate the work of the Committee in an efficient, timely, accurate and fair manner. Letter ballots may be utilized by the Committee:
 - i. In the absence of a quorum at a duly called meeting;
 - ii. To present a matter to the Committee when exigent circumstances prevent convening a meeting;
 - iii. To validate voting results in the absence of a clear record of the vote taken.
- b. Letter Ballots

Each voting member shall reflect one of the following positions:

- i. Affirmative;
 - ii. Affirmative, with comment;
 - iii. Negative, with reasons (the reasons for a negative vote shall be given and, if possible, should include specific wording or actions that would resolve the objection);
 - iv. Abstain, with or without reasons.
 - c. Balloting
- Letter balloting shall be conducted electronically, except if a member is unable to reasonably obtain access to a means of receiving and sending electronic documents (fax or email) in which case the ballot shall be sent by priority mail with a provision for return of the ballot by similar means.
- d. Voting Period for Letter Ballots
 - i. The voting period for letter ballots shall end the earliest of fourteen (14) calendar days from the date of issue or upon receipt of votes from all eligible voters. An extension of time may be granted by the DFO upon a finding of exigent circumstances;
 - ii. Ballot results with comments and reasons for voting negative or abstaining shall be circulated to the Committee members for review within seven (7) working days of the close of the authorized balloting period;
 - iii. Disposition of views and objections;
 - iv. When the balloting has been closed, the AO shall forward the ballot tally to the chair of the Committee and the DFO.

SECTION. 9. Submittal of Proposed Changes to the MHCSS

- a. All Proposed Changes shall be submitted to the AO via an established process.
- b. Proposed Changes may be submitted to the AO by anyone at anytime.

- c. Proposed Changes shall be in the form of a proposed rule, including a cost benefit analysis consisting of the costs associated with the proposal and related benefits that would result from the change. To satisfy this requirement, each Proposed Change must:
 - i. Provide a clear, detailed narrative of the proposal and identify the existing Standards that will be affected by the proposal;
 - ii. Justify the recommendation as (i) reasonable and practical, (ii) meeting high standards of consumer protection consistent with the purposes of MHIA; and provide best estimates of the cost and economic effects on consumers of the proposal.
- d. A Proposed Change can be withdrawn by the submitter up to the point the proposal has been formally transmitted to the Committee (e.g., as part of a committee meeting agenda or through a ballot).
- e. Each duly authorized Proposed Change shall be submitted to HUD by the AO at the end of each two-year cycle.
- f. Each two-year cycle will consist of two years (calendar years);
- g. The deadline for submitting Proposed Changes for each two-year cycle shall be published in the Federal Register at least 45 days before the deadline.
- h. Those Proposed Changes submitted after the published deadline shall be held by the AO until the beginning of the next two-year cycle.
- i. At the discretion of the Committee Chair and the AO, a subcommittee or a committee member may submit a Proposed Change during the two-year cycle if that proposal is intended to specifically resolve an issue raised by another proposal submitted in accordance with the deadline for submitting proposals for that two-year cycle.

SECTION. 10. Communications

Formal correspondence of the Committee shall bear the heading “Manufactured Housing Consensus Committee.” Committee requests for action shall be sent to both the AO and HUD.

SECTION. 11. Certification of Financial Independence

Committee members in the “User” category and three designated members of the “General Interest/Public Official” category shall certify not less than annually and as a continuing prerequisite to membership on the Committee that there exists no significant financial interest between the certifier, or any member of the certifier’s immediate family, in any segment of the manufactured housing industry and, further, that there exists no material relationship between the certifier and any other person engaged in the manufactured housing industry.

The certification shall be made in a form and content provided by the Secretary.

SECTION. 12. Conflict of Laws and Parliamentary Procedures

- a. Conflicts between laws; interpretations

Issues arising from conflicts between various provisions in the authorities referred to in Section 2 or assertions of interpretations shall be resolved by the DFO.

- b. Application of Roberts Rules of Order

In all matters of parliamentary procedure, the Committee shall be governed by Roberts Rules of Order, except where any such action shall be governed by law, regulation, the Committee Charter, or these Bylaws.

SECTION. 13. Secretary

Wherever used in these Bylaws, the term Secretary shall mean the Secretary of the U.S. Department of Housing and Urban Development, the DFO, or such other person that the Secretary may designate.

SECTION. 14. Amendment of Bylaws

The Secretary shall have sole authority to amend these Bylaws.

ISSUED: March 1, 2011, Amended October 30, 2020