

FINAL MINUTES
Approved by Teleconference on June 26, 2014

MANUFACTURED HOUSING CONSENSUS COMMITTEE
OCTOBER 23-25, 2012
HILTON HOTEL
ARLINGTON, VIRGINIA

TUESDAY, OCTOBER 23, 2012

CALL TO ORDER AND ADMINISTRATIVE

Chairman Weinert called the meeting to order at 9:05 a.m.

FACA Announcements

Mr. Czauski announced that he is the Designated Federal Officer (DFO) for this meeting. He noted that this is a meeting of the Manufactured Housing Consensus Committee (MHCC), a Federal Advisory Committee. Notice of the meeting had been published in the October 4, 2012 Federal Register. He noted that three time periods have been set aside for public comments, one on each day of the meeting. He stated that Mr. Weinert is Chair for the meeting; Mr. Solomon is representing the Administering Organization (AO). (See Attendance List in Enclosure 1)

Mr. Toner called the roll; a quorum was present. Mr. Solomon noted that Ms. Dickens and Mr. Stamer sent regrets. Guests were asked to introduce themselves.

Chairman Weinert asked members and guests to introduce themselves and give a brief description of their interest in the Committee.

ADMINISTRATIVE ANNOUNCEMENTS

Mr. Czauski noted that there have been administrative personnel changes in the HUD Office of Manufactured Housing. Mr. Frank Vetrano is Acting Deputy Assistant Secretary and Ms. Cynthia Smith is Associate Deputy Assistant Secretary.

Mr. Czauski noted that the purpose of the Committee is to recommend to the HUD Secretary changes to the Manufactured Housing Program. He noted that the MHCC agenda, the Subcommittee agendas and the meeting docket have items to be addressed and he hoped that all would be.

Mr. Solomon indicated the sound of the fire alarm and the location of the fire exits. He requested members and guests turn off their cell phones or put them on vibrate. He asked that side conversations be kept to a minimum. He asked the guests to sign the guest list. He noted that there can be no recording of the discussions unless approved by the DFO or AO. He stated that discussion is limited to MHCC members, noting that there are three public comment periods. If there are many people wishing to make comments, the comment time of each speaker may need to be limited.

He reminded members of the provided meals and meal allowances.

Report from the HUD Manufactured Housing Program Office

Mr. Czauski reported that he had testified before the House of Representatives' Financial Services Committee's Subcommittee on Insurance, Housing and Community Opportunity regarding implementation of MHIA 2000. He noted that the hearing is available on line.

Ms. Desfosses asked Mr. Czauski if any consideration has been given to appointing a non-career Administrator for the Manufactured Housing program. Mr. Czauski indicated that a decision has not been made at this time. He also noted that HUD's view is that the statute does not mandate a non-career Administrator. The question was not raised in the hearing.

Mr. Czauski noted that at the previously mentioned hearing, the discussion from the House Committee noted that between 120-130 recommendations have been submitted to HUD in 2004-2009. Mr. Czauski stated that he was unaware of 120 recommendations that were reportedly not acted upon. He indicated that some recommendations encompassed several individual recommendations. He categorized recommendations into three types: those published in the Federal Register; those submitted to HUD and being reviewed by HUD; and, those being considered by the MHCC at a meeting.

Mr. Czauski discussed the process of voting on recommendations and the need for any recommendation to be submitted in proper format of proposed rule and include economic analysis. Mr. Czauski stated that, in the future, recommendations to HUD should be in the proper format and include the economic analysis. Mr. Czauski encouraged the MHCC and Subcommittees to work to address all items on their agenda during this meeting.

Mr. Solomon noted that there are 20-30 items on the docket which are pending and have been forwarded in the docket for the Subcommittees for review. The Subcommittees will then make recommendations to the full MHCC to adopt, reject or further study. He is not aware of any recommendations to HUD since the last meeting.

Mr. Weinert noted that the fire sprinkler provision had been passed by the MHCC at the October 2011 meeting but had not been submitted to HUD as there had been no MHCC meeting or conference call since that meeting for formal approval of the minutes of that meeting. He inquired about the status of the 2nd and 3rd set of standards.

Mr. Mendlen noted that the 2nd set of standards has been published as a proposed rule and is being worked on as a final rule – it's in departmental clearance. Subpart I am also in department clearance as a final rule. A working draft for the 3rd set of standards,

the Ground Anchor Test Protocol Proposed Rule and for the On Site Completion rule has been prepared.

Mr. Walter asked why actions approved at the October 2011 meeting had not been submitted to HUD. Mr. Solomon noted that when the Committee bylaws were changed to allow voice votes on standard changes to be submitted to the Secretary the official record of that vote is the minutes from that meeting. He noted that under the prior process of conducting a letter ballot on each proposed change, it was not necessary to wait for approval of minutes.

Mr. Walter noted that the bylaws were given to HUD staff by the GSA. Mr. Solomon indicated that the change permitting voice votes was developed by the Committee in 2007. Mr. Czauski stated that the intention is to have the MHCC meet quarterly, face-to-face or by conference call, unfortunately, various obstacles prevented that from happening over the past year. He stated everyone agrees that the MHCC needs to get back on a quarterly track.

Ms. Desfosses stated that, in light of this past experience, the Committee should go back to the letter ballot process. Mr. Weinert noted that while the letter ballot process introduces a delay, it affords members the opportunity to read other members comments and minority views and perhaps reconsider their vote. Mr. Solomon noted that the subject would be revisited in more detail during the Thursday session.

The Committee recessed at 9:50 a.m., to review the October 2011 minutes.

The Committee reconvened at 10:15 a.m.

Approval of Minutes

Mr. Anderson moved, Mr. Walter seconding, that the October 19-21, 2011 MHCC minutes be approved. The following corrections were noted:

- p.6 (9/135) Wind Task Force, line 6- ASC 7 should be ASCE 7-05;
- p.11 (14/135) Log 63, lines 2, 3, & 5 – DOE should be NIST;
- p.5 (8/135) Mark Weiss, line 2 – insert “NFPA” between “the” and “data;”
- p.5 (8/135) Mark Weiss, line 2– add “showing the lower incidence of fires, fewer injuries in manufactured housing and a fire death rate comparable to other homes
- p.5 (8/135) Marty Ahrens, line 8 - it was noted that the “Errata” was not attached to the minutes. (The Errata was posted on the website)

The above corrections being noted the minutes were approved unanimously

Review of the Agenda

Chairman Weinert reviewed the agenda. He noted that the Subcommittees are meeting sequentially. Since Mr. Demetrus has not yet been appointed to a Subcommittee Mr.

Weinert indicated that he was welcome to sit in on all of the Subcommittee meetings and then make his preferences known to HUD and the AO. Subcommittee appointments need to be made by the Secretary.

Mr. Solomon apologized for the lateness of the agenda. He noted that the agenda has a different construction and invited feedback.

PUBLIC COMMENT PERIOD #1

Mark Weiss, MHARR

Mr. Weiss indicated that he had three issues to raise at this point in the meeting. He will defer his comments on ASHRAE standards until the Systems Subcommittee meeting. He noted that HUD had correctly noted in an August 12, 2012 letter to the city of Richland, MS, that the local standards for manufactured housing were preempted by the HUD standards because they were not identical to the HUD standards. However, he noted that the letter also referenced two documents issued in 1997 that were superseded by the MHIA 2000. Referencing those two documents was inappropriate, especially the internal guidance statement, they were based on a narrow interpretation. In the MHIA 2000 statute Congress instructed HUD to view preemption broadly and liberally. Both MHARR and MHI have requested that the 1997 internal guidance document be withdrawn.

Regarding the sprinkler proposal, he noted that a number of months ago MHARR had written to the Secretary to reject the proposal. The current HUD standards provide protection against unreasonable risk. He again asks HUD to reject the proposal.

Regarding the On-Site rule, he stated that HUD needs to act promptly; it is two years since the MHCC submitted the rule to HUD. There are inconsistencies in the way on-Site inspections are being handled now. There needs to be a consistent rule and enforcement in place.

Lois Starkey, MHI

Ms. Starkey noted that MHI had given testimony at both Congressional hearings. MHI had called for appointment of a non-career administrator and noted that there were two other vacancies to be filled. MHI also asked about the status of MHCC recommendations to the Secretary, particularly the 3rd set of standards. She stated that MHI's position on sprinklers is that there should be a voluntary standard; it would promote uniformity and lead to cost savings.

Regarding design standards for southern pine lumber, Ms. Starkey noted that HUD had notified manufacturers and PIAs that HUD would adopt the new Southern Pine Inspection Bureau design values, effective at the end of the year. She noted that HUD had not done rule-making on the change nor was the discussion of the change on the agenda for this meeting. HUD should have considered bringing the change to the MHCC.

Ms. Starkey reported that the MHI Technical Committee is working on several minor changes to be submitted to the MHCC next year; one is for 3280.204 on decorative wood covers for range hoods. She noted that DOE will be publishing energy standards next year; MHI hopes to have jurisdiction of energy issues for manufactured homes be transferred to HUD.

Regarding the pilot QA program instituted two years ago, MHI would like to have the MHCC review the program. It needs to have more transparency, pass/fail criteria and be codified.

Matt Dobson, Vinyl Siding Institute

Mr. Dobson represents the vinyl siding, polypropylene siding, and insulated siding industry. He noted that he has a proposal to require vinyl siding to be certified that will be discussed at this meeting. He stated that the IRC and IBC require vinyl siding to be certified. In 2012 the IBC required certification of polypropylene siding; the IRC is working on it. He described some of the parameters required in the ASTM standards for the products, in particular the prohibition of lead stabilizers. In response to a question, Mr. Dobson indicated that about 95% of vinyl siding and 50% of polypropylene siding is certified.

RECESS

The Committee recessed at 11:00 a.m. for Subcommittee meetings.

WEDNESDAY, OCTOBER 24, 2012

RECONVENE MHCC MEETING

Chairman Weinert called the MHCC to order at 9:05 a.m. Mr. Czauski stated that there were no new FACA announcements.

The Committee recessed at 9:10 a.m. for Subcommittee meetings.

RECONVENE MHCC MEETING

Chairman Weinert called the MHCC to order at 10:15 a.m. He showed a brief time-lapse video of a modular building project over a 2-3 month time span to show what factory-built housing can do.

Mr. Weinert noted that several issues need to be addressed. The Committee is supposed to review the standards every two years. He noted that a call for proposals had not been issued in December 2011 as the plan called for. Originally the Planning and Prioritization Subcommittee would have reviewed proposals and recommended which Subcommittee should handle the proposal. The Planning and Prioritization Subcommittee has been disbanded. A return to the process for confirming Committee actions by letter ballot should be reviewed; and, tenure of Committee members. There has been an almost complete turnover in membership and history is lost and continuity suffers.

The Committee recessed at 10:40 a.m. for continuation of Subcommittee meetings.

The Committee reconvened at 1:10 p.m.

PUBLIC COMMENT PERIOD #2

Richard Jennison, President and CEO of MHI, stated that MHI pledges its support for the MHCC. MHI will continue to bring items forward to the MHCC.

SUBCOMMITTEE REPORTS

Structure and Design Subcommittee

Mr. Tompos reported that the Structure and Design Subcommittee will be recommending action on the items on the Proposal Tracking Sheet.

Log 36 – The Subcommittee recommends that the Wind Task Force be dissolved and that Log 36 be rejected as the costs outweigh the benefits. It also recommends that the reference to ASCE 7 standard be updated to ASCE 7-05 but to leave the pressures and tables intact.

Motion made and seconded to reject Log 36. carried 13 affirmative, no negatives.

Motion made and seconded to dissolve the Wind Task Force. Motion carried 15 affirmative, no negatives.

Motion made and seconded to update the reference to ASCE 7 to ASCE 7-05 but to leave the pressures and tables intact. Mr. Walter stated that it is inconsistent to update the reference but to leave the pressures and tables unchanged. He is opposed to the recommendation. Mr. Tompos noted that some values are increased and some values are decreased in the standard. Mr. Santana stated that there is a lack of evidence that the existing tables are inadequate. It was noted that HUD has not received any requests from counties to upgrade the wind zones. Mr. Mendlen indicated that HUD would probably be comfortable with the changes as they did not reduce the design requirements for Wind Zone II or Wind Zone III.

Motion carried 16 affirmative, 1 negative.

Log 37 – The Subcommittee recommends that Log 37 be rejected based on the action on Log 36.

Motion made and seconded to reject Log 37. Motion carried, 16 affirmative, 0 negative, 1 abstention.

Log 56 – The Subcommittee recommends that Log 56 be accepted to adopt the reference standard ANSI A208.2-2002 on Medium Density Fiberboard for Interior Applications.

Motion made and seconded to add ANSI A208.2 to the reference standards. Motion carried 16 affirmative, 1 abstention.

Log 73 – The Subcommittee recommends that Log 73 updating the reference to ANSI A208.1-1999 to ANSI A208.1 2009 be accepted.

Motion made and seconded to update to ANSI A208.1 – 2009. There was a question about whether that affected the HUD requirement on formaldehyde. Mr. Mendlen noted that the HUD requirement superseded the ANSI requirement. Motion carried 17 affirmative, 0 negatives.

Log 77 - The Subcommittee recommends that log 77 be accepted as proposed. Mr. Tompos noted that there had been discussion about the ambiguity of the term “accepted engineering practices” but the Subcommittee agreed to leave the language in.

Motion made and seconded to accept log 77. Motion carried, 17 affirmative, 0 negatives.

Log 79 - The Subcommittee recommends that Log 79 adding ASTM D3679-09a and ASTM D7254-07 to 3280. 304be accepted. Motion made, seconded and carried, 17 affirmative, 0 negatives, 0 abstentions.

Log 80 - The Subcommittee recommends that log 80 adding small scale formaldehyde test to 3280.408 be tabled awaiting more information and EPA's pending regulations. Motion made, seconded and carried 18 affirmative, 0 negatives.

Log 1(3285) - The Subcommittee recommends that log 1 be tabled until the additional information on file at NFPA is reviewed by the Subcommittee.

Motion made, seconded and carried to table log1, 16 affirmative, 2 abstentions. (Mr. King subsequently changed his abstention to affirmative)

Log 3(3285) - The Subcommittee recommends that Log 3 be rejected based on the previous action on Log 76.

Motion made, seconded and carried, 17 affirmative, 0 negatives.

Log 4 - The Subcommittee recommends that Log 4 be rejected as it is a duplicate of Log 2

Motion made, seconded and carried, 16 affirmative, no negatives.

The Structural and Design Subcommittee concluded its report.

Regulatory Enforcement Subcommittee

Mr. Wade reported that the Subcommittee had acted on a number of items on the Proposal Tracking Sheet.

Log 1(3282) The Subcommittee recommends that Log 1 be rejected. It is outside the purview of the MHCC. Mr. Anderson, the proponent of the proposal, stated that the MHCC does have the authority; it has a large amount of authority that it does not use. He spoke of an instance where a community did not have the electrical service or water needed for newer homes. Mr. Walter expressed a concern for the homeowner but noted that the MHA 1974 and the MHIA 2000 did not give HUD authority over infrastructure. Mr. Lubliner suggested that NFPA 501a could apply. Mr. Czauski supported Mr. Walter's comment.

Motion made and seconded to reject Log 1(3282). Motion to reject carried 13 affirmative, 2 negative, 2 abstentions.

Mr. Wade reported that the Subcommittee had a lengthy discussion regarding the changes to NDS-2001 devaluing the design values for Southern Yellow Pine. The Subcommittee recommends that the MHCC advise the Secretary that if the Secretary feels it's necessary to adopt the changes to NDS 2001, including the addenda, the Secretary should act under Section 604(b)(5) of the Act (Authority to Act and Emergency).

Mr. Santana moved that the recommendation be accepted; Mr. Anderson seconded. Motion carried 14 affirmative, 2 opposed.

Mr. Tompos moved that the MHCC recommend to HUD that they hold off on the implementation of the NDS addendum until it's presented to the Committee or until it's presented through Subpart I or as an emergency rule. Mr. Wade seconded. Motion amended to change "hold off" to "delay"; motion seconded and carried 15 affirmative, 2 negative. Motion made to delete "until it's presented through Subpart I or" and add "issued". Motion seconded and carried 15 affirmative, 2 negative. A motion to insert "no more than 60 days" after "delay" failed for lack of a second.

Motion, as amended, carried 15 affirmative, 2 negative.

The Regulatory Enforcement Subcommittee concluded its report.

The MHCC recessed at 2:35 p.m. for the Systems Subcommittee to review and approve the minutes of its April 16, 2012 conference call.

The MHCC reconvened at 3:00 p.m.

Systems Subcommittee Report

Mr. Luttich reported that the Systems Subcommittee has recommendations to accept in principle Logs 25, 30, and, 59 dealing with ASHRAE 62.2. The Subcommittee modifications are to:

- 1) Adjust the climate zones to the HUD zones, as needed;
- 2) Indicate that the jurisdiction with authority is HUD; and,
- 3) Specify that the performance of the system is tested in the plant at a frequency that the manufacturer feels is appropriate.

Mr. Lubliner noted that he has been on the 62.2 Committee. The standard has been widely accepted, although not in the IECC. It is in the California Residential Code and Maryland and Washington codes. It was noted that the HUD zones are different than the 62.2 zones; 62.2 does not specify testing rates; and, 62.2 does not address the authority having jurisdiction. It was noted that the HUD code is more stringent than the building codes. The HUD code requires openable areas and mechanical ventilation. It was noted that there are enough similarities between the HUD code and 62.2 that it would be easier to tweak the HUD code than adopt 62.2. Mr. Anderson quoted a 2011 HHS and HUD report "Safety and Structures in Manufactured Housing" that stated manufacturers can improve indoor air quality using ASHRAE62.2. Mr. Freeborne noted that the IRC has a requirement for whole house ventilation.

Mr. Walter noted that Logs 25 and 30 add a section (d) to 3280.103 requiring compliance with 62.2; Log 59 modifies 3280.103(b). Mr. Lubliner suggested that the proposed new 3280.103(d) be added as an alternative.

Mr. Luttich moved that that Log 25 be approved in principle with the addition of "(d) as an option to 3280.103(b) and 3280.103(c), the manufactured home shall be permitted to comply with ANSI/ASHRAE Standard 62.2 – 2010, Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings". Motion seconded. An amendment to delete the maximum CFM was withdrawn.

Motion carried 15 affirmative, 0 negatives.

Log 30 – was approved in principle as it was the same as Log 25; 16 affirmative, 0 negative

Log 59 — was approved in principle; see action on Log 25; 15 affirmative, 0 negative, 1 abstention.

Log 33 – was approved in principle; see action on Log 25; 17 affirmative, 1 negative.

Mr. Santana moved that 3280.103(b) be revised to strike "nor more than 90 CFM. Mr. Lubliner seconded. Mr. Lubliner noted that the limitation was based on a triple wide home, not intended as a limit for larger homes. Mr. King suggested that this change should be put to the Subcommittee. It was noted that this is a good change because it eliminates the need for an AC letter.

Motion carried 15 affirmative, 0 negatives.

Log 20 – The Subcommittee recommends that Log 20 be accepted in principle by updating the NFRC 100 standard to the 2002 edition but not updating the AAMA standards edition date, the latter being handled in prior MHCC recommendations to HUD.

Motion made and seconded to update the NFRC 100 reference to the 2002 edition.
Motion carried 15 affirmative, 1 negative, 1 abstention.

Log 14 - The Subcommittee recommends that Log 14 be rejected as unnecessary given the action on Log 20.

Motion made and seconded to reject Log 14. A question was raised whether flashing is required by AAMA 1701.2. It was noted that some manufacturers are sealing, insulating, and taping windows. It was noted that manuals from one manufacturer of manufactured homes and of modular homes differ in that the manual for modular homes requires flashing; the manual on manufactured homes does not.

Motion to reject Log 14 carried 13 affirmative, 2 negative, 1 abstention.

The Systems Subcommittee concluded its report.

The MHCC recessed for the day at 4:30 p.m. until 9:00 a.m. October 25, 2012

THURSDAY, OCTOBER 25, 2012

MHCC Reconvenes

Chairman Weinert reconvened the Committee at 9:05a.m. Mr. Toner called the roll; a quorum was present. There were no new FACA announcements.

With the permission of the Chairman, Mr. Weiss, regarding the previous discussion on flashing, read 3280.403(c) – “ All primary windows and sliding glass doors shall be installed in a manner which allows proper operation and provides protection against the elements (see § 3280.307)”; “3280.307 - Resistance to elements and use ... (b) Joints between dissimilar materials and joints between exterior coverings and frames of openings shall be protected with a compatible sealant suitable to resist infiltration of air or water.” He suggested that adding “or flashing” after “sealant” would address the issue.

Mr. Walter recommended that the issue be sent to the Structure and Design Subcommittee for the next meeting. Mr. Lubliner noted that Log 63 dealing with air leakage control had been tabled awaiting action by DOE. Mr. Weinert expressed a concern about the use of the term “resist”. It was noted that NFPA 501 has a definition for weather resistant barriers. Mr. Walter cautioned against over-reliance on NFPA 501.

Mr. Luttich moved that 3280.307(b) be sent to the Structure and Design Subcommittee for consideration. Motion seconded and carried 15 affirmative, 1 negative...

Public Comment #3

Steve Anderson, MHCC Member

Mr. Anderson requested that accessibility to water heaters be addressed by the Systems Subcommittee. He noted that some home's water heaters are only accessible from underneath the unit, some are through a screw-in panel whereas site built home's water heaters are usually in a closet. Chairman Weinert recommended Mr. Anderson submit a proposed change using the MHCC proposal form. Mr. Legault noted that the Standard is vague on the subject. Mr. Anderson noted that he had previously submitted a change on ball valves for water supply lines which hasn't been addressed. He will resubmit that also.

Mr. Lubliner suggested that a Task Group be established to look at a number of plumbing related issues including water use efficiency and efficacy. Chairman noted that the proper procedure is to submit proposals and then send to the appropriate Subcommittee.

Mr. Walter moved that the Chairman refer issues related to accessibility of plumbing appliances to the Systems Subcommittee. Motion seconded by Mr. Anderson.

Motion carried 9 affirmative, 7 negative.

Mark Weiss, MHARR,

Mr. Weiss stated for the record that he objected to not being allowed to speak during discussion by the Full MHCC, especially on changes made on the fly. He stated that it is absurd the MHI and MHARR, who represent a group of people who are directly affected, are not allowed to participate in discussions except during Public Comment Periods. The Public Comment Period is not adequate. He stated that the restrictions are inconsistent with Congress's goal to reduce the number of complaints.

Lois Starkey, MHI

Ms. Starkey requested that MHCC actions and deliberations be made available in a timely manner. It has not been clear what has been or is before HUD; the public does not see transmittals for months. She noted that MHI relies on members that are on the Committee but that is not always sufficient.

Mr. Walter noted that the bylaws permit a limited number of non-MHCC members to participate on the Subcommittees but voting is restricted to MHCC members. Mr. Weinert noted that participation had gotten out of hand and the pendulum has swung the other way.

Mr. Santana appreciates the need for term limits but turnover of the membership creates problems.

Mr. Walter expressed the need for timely updates to the Proposal Tracking Report.

Mr. Poggione asked how MHI and MHARR could be allowed to participate in the discussions of the Full Committee but not vote.

Mr. Czauski noted that the agenda is reviewed and public comment periods are clearly identified; comments made during the public comment period can be discussed during the main consideration.

Mr. Anderson stated that, as a consumer member, he is concerned about the appearance of dominance by industry and he would vehemently oppose any change. The number of voices can influence the discussions.

Mr. Wade moved that the MHCC recommend to the Secretary that language be included in the bylaws that will allow interested parties to be members of Subcommittees; Mr. Scott seconded.

Mr. Czauski stated that the restrictions on lobbyists are part of the FACA rules.

Mr. Santana noted that Associations are able to bring very valuable resources to the MHCC. Mr. Anderson noted that they have been doing that so he does not see any difference.

Mr. Czauski noted that the Subcommittees are required to be balanced by statute. Mr. Weiss noted that the balance is obtained by the voting rights.

Motion carried 10 affirmative, 6 negative.

Votes/Recommendations to HUD on Proposed Changes.

Chairman Weinert asked Mr. Solomon to review the procedures for new proposals or recommendations.

Mr. Solomon reviewed the process. The original bylaws were approved by the Committee in 2002. In 2007 an MHCC Task Group was asked to review the bylaws. One change to the bylaws permitted voice vote approval of changes to be submitted to the Secretary. A letter ballot could be done on request. The prior process required a letter ballot and recirculation of the letter ballot results along with members' comments or explanation of their negatives. The entire ballot package was sent to the Secretary. The 2007 change made approval of the minutes the vehicle for affirming the Committee's recommendation. It also eliminated the opportunity for written "minority opinions". Prior to the 2007 change the process worked reasonably well. Mr. Solomon recommended that the Committee make the letter ballot mandatory; a voice vote at a meeting would still be conducted but shortly after the meeting a letter ballot would be distributed.

Mr. Walter moved that the MHCC ask the Secretary to revise the bylaws section 7 and section 8 to make compulsory the requirement for letter ballots to affirm actions by the Committee at meetings that would revise 3280, 3282 and 3285. Mr. Demitrus seconded. There was a question whether a letter ballot was requested on fire sprinklers. Mr. Solomon indicated that the request was voted down. Mr. Lubliner noted that the proposals passed in 2009 on CO detectors and on duct testing still haven't been published.

Motion to restore the letter ballot carried unanimously.

Mr. Santana asked if non-3280, 3282 and 3285 actions would have to wait for the minutes. The answer is yes.

Mr. Solomon stated that he will work with Chairman Weinert and DFO Czauski to get requests for proposals published in the Federal Register.

Mr. Solomon noted that earlier Mr. Czauski stated that the MHIA 2000 required that proposals being submitted to the Secretary be in Federal register format as a proposed rule, including a preamble and an economic analysis. Mr. Czauski stated that the requirement is not discretionary, it's in the statute. There needs to be an effort to meet the statute's requirements. He noted that doing an economic analysis does not mean that it has to be prepared by economists. He stated that he will work with Mr. Solomon and Mr. Weinert to make it work.

The Committee recessed from 10:46 a.m. to 11:15 a.m.

The Committee reconvened at 11:15 a.m.

New Business

Mr. Scott stated that he didn't see the need for AC letters for hinged roofs in wind zone 1 where there are no penetrations. Mr. Wade read the part of 3285.801(f) that applied to hinged roofs and eaves. Mr. Scott noted that at one time construction of this type of roofs was new but now everyone does them. Mr. Weinert noted that HUD's mind set is the unit is not completed before it leaves the factory and is not comfortable with applying a label until the unit is completely assembled. Mr. Poggione noted that a hinged roof is fairly simple and there should be no need for an AC letter. Mr. Santana noted that there are two issues: the cut-off between manufacturing and installation, and, the interpretation of the current three criteria in 3285.801(f). Mr. Weinert noted that the exceptions do not eliminate inspections.

Mr. Scott moved that the MHCC recommend to HUD that an AC letter is not necessary for wind zone 1, non-penetrated through the hinge, for a hinged roof. Motion seconded. Mr. Weinert recommended that a proposal be submitted to the MHCC.

Mr. Czauski noted that the AC process is laid out in the regulations. He noted that 90% of the applications do not contain all the information needed. He stated that the regulations are clear when an AC letter is required and when it is not. A unit is only labeled when it meets the standard. Letters get delayed when inspections are not completed. He did state that HUD would look at how the rule is being interpreted and implemented. Mr. Tompos noted that he does not require an AC letter if it meets the three criteria unless it has a ridge box assembly.

Mr. Santana stated that the standard does not need to be changed; the issue is one of interpretation. Mr. Weinert asked if an Interpretative Bulletin is needed, if so it must come to the Committee. Mr. King noted that over 15,000 permits have been issued with more than half with hinged roof with no complaints. He stated that this is not new technology. Mr. Czauski indicated that if a manufacturer has a problem with interpretation he could call HUD.

Mr. Santana moved to amend the motion to recommend that HUD not request AC letters for hinged roof applications for units that comply with 3285.801(f) until there is some kind of notice or interpretation as to what would be required to have an AC. Mr. Lubliner seconded. Mr. Czauski noted that the recommendation should contain the justification. It was noted that the justification is that there is no official reason for requiring an AC letter; there are no failures, no danger to the public.

Motion to amend carried 12 affirmative, 2 negative. Amended motion carried 12 affirmative, 2 negative.

Mr. Anderson noted that there seems to be inequality in SAA programs, they need to be equalized. Mr. Weinert noted that the SAAs work on behalf of HUD to monitor compliance with the standards, not installation. Mr. Czauski noted that HUD meets with the SAAs. Installation is on HUD's radar.

Mr. Lubliner raised a question about listing of electric water heaters. Water heaters have to be labeled for use in manufactured housing. The intent was to label gas water heaters but it is being applied to all water heaters. It is limiting consumer choice for no apparent safety reason. It was noted that all water heaters and furnaces have to be listed for manufactured housing. Mr. Weinert suggested Mr. Lubliner submit a proposal to exempt electric water heaters.

Mr. Walter asked where the MHCC is in the code cycle, and, has everything that has been submitted to the AO been sent to the Committee. Mr. Solomon stated that everything has been. He noted that the last time a notice was published requesting proposals was December 2010. Mr. Czauski and Mr. Solomon agreed to work together on preparing the next notice. Mr. Czauski noted that the two year cycle is an attempt to stimulate interest from the public.

Mr. Santana noted that the 3-year term limit is not long enough. The Committee loses continuity and knowledge. He thinks 5 years would be better. It was noted that the term

limit was introduced with the bylaw change in 2007. Ms. Nelson concurred with the longer term and also more than one meeting a year would be better. Mr. Poggione supported a longer term, 4 or 5 years. He also noted that anyone can apply for membership on the MHCC. Mr. Solomon will send out the list of the current terms.

Future meetings/Conference Calls

Mr. Czauski noted that the past year has been difficult for scheduling. He asked that the Chairman and Subcommittee Chairman contact him and Mr. Solomon if they want a meeting or conference call. The preference is to have a meeting or conference call every quarter; it depends on the agenda items. Ideally there would be two face-to-face meetings a year. He noted that a great deal of items was handled at this meeting.

Mr. Solomon cautioned the Committee about scheduling conference calls in February or March because the AO contract is up in January. HUD is expected to issue an RFP which will take time. He also noted that vacancies will need to be addressed.

Mr. Tompos stated that the Structure and Design Subcommittee should have a conference call before the end of the year. The AO will poll for possible call dates.

Ms. Nelson asked that all MHCC members be notified when there is a Subcommittee conference call.

Mr. King noted that having a meeting with the opportunity to visit a manufacturer is beneficial. Mr. Santana noted that meeting other than in the Washington, D.C. should be considered. Mr. Czauski stated that he is open to all suggestions, including meeting with SAAs. It was noted that one or two month notice would be helpful.

Adjournment

There was a motion to adjourn. Motion seconded and approved unanimously.

The meeting adjourned at 1:00 p.m.