



MANUFACTURED HOUSING CONSENSUS COMMITTEE

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To: MHCC
From: Kevin Kauffman, AO
Home Innovation Research Labs, 400 Prince George's Blvd, Upper Marlboro, MD 20774
Date: April 5, 2016
Subject: Final Results of MHCC Letter Ballot IV – Actions as taken at January 19-21, 2016 MHCC Meeting

Below are the final results from the letter ballot on actions as taken at the January 19-21, 2016 MHCC meeting which took place in Louisville, KY.

Ballot IV – Actions as taken at January 19-21, 2016 MHCC meeting

Voting Summary:

21 Members Eligible to Vote

19 Ballots Returned

2 Ballots Not Returned – James Demitrus, Mark Mazz

The number of votes required to pass an item with a 2/3rds majority is based on number of ballots returned. Abstention ballots are not included in the 2/3rds calculation. All items on this ballot received at least the required number of affirmative votes, thus all items passed. The committee members have been afforded an opportunity to change their votes based on circulation of the initial 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	Final Action
IV-1	87	3280.112	Disapprove	17	1	1	Disapprove
IV-2	115	3280.4(aa)(2)	Approve as Modified	18	0	1	Approve as Modified
IV-3	116	3280.4	Approve	18	0	1	Approve
IV-4	118	3280.4	Approve as Modified	17	1	1	Approve as Modified
IV-5	130	3280.105	Approve as Modified	18	0	1	Approve as Modified

Ballot Item No.	Log No.	Section	MHCC Meeting Action	Affirm	Negative	Abstain	Final Action
IV-6	131	3280.305	Approve	17	1	1	Approve
IV-7	132	3285.2	Approve as Modified	18	0	1	Approve as Modified
IV-8	133	3285.2	Approve as Modified	17	1	1	Approve as Modified
IV-9	134	3280.304	Approve	17	1	1	Approve
IV-10	136	3286.205(d)	Approve as Modified	17	1	1	Approve as Modified
IV-11	137	3286.207(d)	Approve as Modified	17	1	1	Approve as Modified
IV-12	138	3286.209(b)(8)(vi)	Approve as Modified	17	1	1	Approve as Modified
IV-13	139	3280.4	Approve as Modified	17	1	1	Approve as Modified

Action Items

Ballot Item No.	Description of MHCC Motion	Affirm with Comment	Negative	Abstain	Final Action
IV-14	Modify original addition of ANSI/ASHRAE 62.2-2010 to the 2013 version for Indoor Air Quality: Optional compliance with ASHRAE 62.2 (Log 25)	15	3	1	Approve
IV-15	Choosing Option B for SAA Funding Options	16	1	2	Approve
IV-16	Request HUD extend the transition period of the onsite rule to 12 months, instead of 6 months	17	0	2	Approve

All comments received are organized by Log Number and can be seen below.

Ballot Item IV-1: Log 87 - Section 3280.112

MHCC Meeting Action – Disapprove (17 Affirm, 1 Negative, and 1 Abstain)

Comment(s) Received – 2

Affirmative – N/A

Negative – 1

Tim O’Leary - All model codes except the MHCSS written since the 1970’s have required hallway widths to be 36”. In addition to the justification cited in Log Item #87, hallways must be 36” to accommodate emergency service personnel such as EMT’s and firefighters. Devices necessary to safely transport non-ambulatory people from within rooms off of hallways to emergency vehicles require at least 36”. These devices have been designed for this condition because 36” is what is required in almost all codes. In my discussions with first responders the comment I hear most often is that they are at serious risk of injury whenever they are called to a manufactured home because of the width of hallways. Access by a fully equipped firefighter is nearly impossible in these narrow but approved hallways. Also, transporting a non-ambulatory person from inside a room to a waiting ambulance must be done by carrying the person without benefit of transport equipment. Both of these conditions are preventable by increasing the minimum hallway width.

As has been repeatedly stated in many open meetings by the industry manufacturers group, purchasers of our homes are generally low income and elderly. They live in these homes because they can afford little else. These customers represent the most at risk portion of the population for health and safety because of their lifestyle and age. Continuing to allow narrow hallways increases their risk.

In the last meeting in Washington DC I heard testimony from an industry representative that suggested purchasers desire to have larger rooms and smaller hallways. As far as I am concerned, this is absurd reasoning. I would say that purchasers of these homes have neither the technical expertise nor knowledge of life safety consequences for them to make this decision. This is like saying unvented gas appliances should be allowed in homes because occupants want cheap heat. Try to remember that minimum standards and codes were first invented to stop the building-in of dangerous conditions and safeguard the lives of the naive and unknowledgeable that live in and visit the built environment. That task has not yet been disqualified from our mandate as Building Code and Standards writers.

As there are already hallways being built in homes, nothing need be added or changed other than the required width of the hallways so cost consideration would be moot.

This change would be the single most beneficial improvement to the MHCSS since it was first published in 1976. It saddens me to think that this body, with its breadth of knowledge, experience in the industry and concern for the customers that purchase our products would poo poo this improvement to the safety and health of our customers by voting to Disapprove this change.

I implore you all to reconsider your vote to not increase the minimum hallway width in otherwise qualified homes to 36”.

Abstain – 1

Myles Standish - As I am a new member who was unable to attend the meeting in January I do not feel that I am in a position to intelligently vote on these items.

Ballot Item IV-2: Log 115 - Section 3280.4(aa)(2)

MHCC Meeting Action – Approve as Modified (18 Affirm, 0 Negative, and 1 Abstain)

Comment(s) Received – 2

Affirmative – 1

Tim O’Leary - The Section cited here does not match the section explained in the Standards Change Document accompanying this ballot. I assume the section being referenced would be 3280.4(ff)(21). As written, the change being proposed states that all future changes to the referenced standards will be acceptable without consideration or review. The modification to the proposed change removes this allowance so I would approve the change. To curtail any future attempt to introduce this type of language to the standard and resolve many other of these same types of issues, perhaps we could consider a change to 24 CFR 3280.1 Scope. If the paragraph read,

“§3280.1 Scope and Intent

This standard covers all equipment and installations in the design, construction, transportation, fire safety, plumbing, heat-producing and electrical systems of manufactured homes which are to be designed as dwelling units. This standard seeks to ~~the maximum extent possible to~~ establish minimum performance requirements of homes being constructed. In certain instances, however, the use of specific minimum requirements is also necessary.”

By making these changes to this paragraph, the standard would establish a minimum from which homes must be built instead of a mandate standard to which homes must be built. Materials, Parts, designs and the rest that exceed the minimums would then be much more palatable to regulators as acceptably meeting the minimum standard. Since upgrades to reference specifications, standards, and codes are typically better than previous versions, building to them would typically exceed the minimum requirements. Further, the current method of approval involving alternate construction methods would be radically simplified. This change would therefore provide a simplified way to improve homes for the customer and reduce administrative cost to the industry.

A standards change suggestion is forthcoming.

Negative – N/A

Abstain – 1

Myles Standish - As I am a new member who was unable to attend the meeting in January I do not feel that I am in a position to intelligently vote on these items.

Ballot Item IV-3: Log 116 - Section 3280.4

MHCC Meeting Action – Approve (18 Affirm, 0 Negative, and 1 Abstain)

Comment(s) Received – 2

Affirmative – 1

Tim O’Leary - This would be Section: 3280.4(aa)(2) as stated in the accompanying documents. The log section written here should site the proper section and paragraph wherever possible. Since this is an upgrade to an existing code reference, I have no problem approving the change.

Negative – N/A

Abstain – 1

Myles Standish - As I am a new member who was unable to attend the meeting in January I do not feel that I am in a position to intelligently vote on these items.

Ballot Item IV-4: Log 118 - Section 3280.4

MHCC Meeting Action – Approve as Modified (17 Affirm, 1 Negative, and 1 Abstain)

Comment(s) Received – 2

Affirmative – N/A

Negative – 1

Tim O’Leary - This particular requested change is somewhat complex. It appears to be all new language adopting requirements for HVAC&R compressors that will have nothing to do with the home owner in almost all cases. These devices are typically component parts built into other pieces of equipment installed and maintained by professionals outside the manufactured home industry. There are rare occasions where these devices are serviced and maintained by the homeowner such as where professional service personnel are not affordable or available. Another problem I have with this issue is that the change does not specifically identify where in the standard the language would be changed. It cites the specific desired language but is nebulous about where it would be placed. For that reason, and because it something the industry has lived without for decades, I will not support its inclusion.

Abstain – 1

Myles Standish - As I am a new member who was unable to attend the meeting in January I do not feel that I am in a position to intelligently vote on these items.

Ballot Item IV-5: Log 130 - Section 3280.105

MHCC Meeting Action – Approve as Modified (18 Affirm, 0 Negative, and 1 Abstain)

Comment(s) Received – 2

Affirmative – 1

Tim O’Leary - OK with the change as modified.

Negative – N/A

Abstain – 1

Myles Standish - As I am a new member who was unable to attend the meeting in January I do not feel that I am in a position to intelligently vote on these items.

Ballot Item IV-6: Log 131 - Section 3280.305

MHCC Meeting Action – Approve (17 Affirm, 1 Negative, and 1 Abstain)

Comment(s) Received – 2

Affirmative – N/A

Negative – 1

Tim O’Leary - Could not find a Section: 3280.305(k) in the Standards documents I have so I must assume this is something that has been approved by the MHCC but not yet published in the federal register. Or perhaps it has been published in the federal register but has yet to have been included in the most recent version of the published Standard. I agree that attic spaces that are accessible and can be used for storage should be designed to accommodate added live loads placed on the bottom cord of trusses but I cannot in good conscience approve a change to something with which I am not familiar.

Abstain – 1

Myles Standish - As I am a new member who was unable to attend the meeting in January I do not feel that I am in a position to intelligently vote on these items.

Ballot Item IV-7: Log 132 - Section 3285.2

MHCC Meeting Action – Approve as Modified (18 Affirm, 0 Negative, and 1 Abstain)

Comment(s) Received – 2

Affirmative – 1

Tim O’Leary - OK with the change as modified but do not like some of the other existing language in this paragraph.

Negative – N/A

Abstain – 1

Myles Standish - As I am a new member who was unable to attend the meeting in January I do not feel that I am in a position to intelligently vote on these items.

Ballot Item IV-8: Log 133 - Section 3285.2

MHCC Meeting Action – Approve as Modified (17 Affirm, 1 Negative, and 1 Abstain)

Comment(s) Received – 2

Affirmative – N/A

Negative – 1

Tim O’Leary - I would agree with adding the designated language to the section at the point indicated but it does not need to be given a paragraph letter designation. (See Sections 3280.1, 3280.2 and 3280.3) It should be included as an explanation lead in sentence with an indent at the first word in the sentence. That way, it would be consistent with the rest of the standard in Subpart A and would not mess up the outline letter designations in the rest of this section. For that reason, I cannot approve this recommended change. Also, the Log line in the proposed change document references 3280.2. It should be referencing 3280.4 which is the appropriate section being proposed for change. And why does this note in the left hand column reference 3285.2?

Abstain – 1

Myles Standish - As I am a new member who was unable to attend the meeting in January I do not feel that I am in a position to intelligently vote on these items.

Ballot Item IV-9: Log 134 - Section 3280.304

MHCC Meeting Action – Disapprove (17 Affirm, 1 Negative, and 1 Abstain)

Comment(s) Received – 2

Affirmative – N/A

Negative – 1

Tim O’Leary - Cannot approve this recommended change without a date of publication being incorporated into the language. If adopted as drafted, there would be no reference as to the specific version of the standard. The language should include June 22, 2010. HUD should not approve an open ended code or standard reference.

Abstain – 1

Myles Standish - As I am a new member who was unable to attend the meeting in January I do not feel that I am in a position to intelligently vote on these items.

Ballot Item IV-10: Log 136 - Section 3286.205(d)

MHCC Meeting Action – Approve as Modified (17 Affirm, 1 Negative, and 1 Abstain)

Comment(s) Received – 2

Affirmative – N/A

Negative – 1

Tim O’Leary - The modified language specifies installers must carry, “Insurance and either a Surety Bond or irrevocable letter of credit that will cover...”. The explanation of the reason for

the change states, “General Liability Insurance.” If that is what is desired it should be stated that way in the body of the change. Just stating “Insurance” can have a wide range of meanings. In fact, just carrying General Liability Insurance is not specific enough either. General Liability Insurance policies for businesses in the construction industry are much different than those in other industries because the risks are different. If this section is going to be changed at all, it should also include a requirement for Contractors General Liability Insurance as well. Also, there should be some identifier as to the originator of the “irrevocable letter of credit.” Otherwise, Ralph’s cousin Billy Bob could write a letter and no one would be the wiser. Perhaps a reference to the letter coming from a reputable local financial institution or bonding agency should be incorporated. Not quite sure how these letter deals work but I am not comfortable with the language as written.

Abstain – 1

Myles Standish - As I am a new member who was unable to attend the meeting in January I do not feel that I am in a position to intelligently vote on these items.

[Ballot Item IV-11: Log 137 - Section 3286.207\(d\)](#)

MHCC Meeting Action – Approve as Modified (17 Affirm, 1 Negative, and 1 Abstain)

Comment(s) Received – 2

Affirmative – N/A

Negative – 1

Tim O’Leary - The copy I have of the 24 CFR 3286 Standard has different language than that written. My copy was published April 1, 2009. I can only assume that the language written in the requested change is the correct, current language. I like the change as it parallels the change requested in Log #136 however, I cannot see from what is written herein how the language as modified blends with the rest of the section as it was not included. For that reason, I must vote no on this log.

Abstain – 1

Myles Standish - As I am a new member who was unable to attend the meeting in January I do not feel that I am in a position to intelligently vote on these items.

[Ballot Item IV-12: Log 138 - Section 3286.209\(b\)\(8\)\(vi\)](#)

MHCC Meeting Action – Approve as Modified (17 Affirm, 1 Negative, and 1 Abstain)

Comment(s) Received – 2

Affirmative – N/A

Negative – 1

Tim O’Leary - Cannot approve this change unless Logs #136 and #137 are changed.

Abstain – 1

Myles Standish - As I am a new member who was unable to attend the meeting in January I do not feel that I am in a position to intelligently vote on these items.

Ballot Item IV-13: Log 139 - Section 3280.4

MHCC Meeting Action – Approve as Modified (17 Affirm, 1 Negative, and 1 Abstain)

Comment(s) Received – 2

Affirmative – N/A

Negative – 1

Tim O’Leary - Not certain about the chart. Are we supposed to be adopting a chart into Section 3280.4 or is the chart intended to show standards that need to be updated to a newer version? While I do appreciate the amount of work that has gone into this chart, I did find several mistakes regarding dates illustrated in the current MHCSS and found additional references to standards not listed in the CFR column. If we are to recommend updates to these standards, the committee responsible should glean the proper information that needs to be changed and present it to the entire MHCC at a face to face meeting. Because the information presented is not correct and is not complete, I cannot vote to Affirm whatever is being recommended for change.

There may be an easier way to make these changes. Perhaps we could list ALL specifications, standards and codes as suggested in 3280.4(a) broken down by the Table of Contents Subparts each entry to include the standard, specification or code name, reference number and date and a reference to the section(s) to which it applies. Then, in the body of the MHCSS, we need only identify the name of the standard with a reference to the appropriate 3280.4 paragraph. Then we could make periodic updates to 3280.4 when we have need to change versions without a huge administrative hassle.

Abstain – 1

Myles Standish - As I am a new member who was unable to attend the meeting in January I do not feel that I am in a position to intelligently vote on these items.

Ballot Item IV-14: Modify original addition of ANSI/ASHRAE 62.2-2010 to the 2013 version for Indoor Air Quality: Optional compliance with ASHRAE 62.2 (Log 25)

MHCC Meeting Action – Approve (15 Affirm, 3 Negative, and 1 Abstain)

Comment(s) Received – 5

Affirmative – 1

Tim O’Leary - Approved

Negative – 3

Joseph Anderson - The discussion on this Log started well before I joined the MHCC and information available about those previous discussions is pretty limited. Indoor air quality is important but the MH industry is way ahead of the site built industry and our products are much more consumer friendly on that issue. Additionally, if compliance is to be “optional” why even bother with the change.

Jeffrey Legault - ASHRAE 62.2 is not yet a part of the MHCSS. It seems inappropriate to revise a standard that has not yet made it into the full standard.

John Weldy - I have not seen log 25 and do not feel comfortable updating former committee proposals prior to their adoption into the regulations. Additionally, MHCSS is a building code regulation which outlines minimum legal requirements that must be met and are made up of mandatory provision; therefore it is not appropriate to introduce voluntary standards. Finally, it is my understanding the 2013 version of ASHRAE 62.2 as proposed contains significant changes, which cost and benefit impact should be provided prior to affirming.

Abstain – 1

Myles Standish - As I am a new member who was unable to attend the meeting in January I do not feel that I am in a position to intelligently vote on these items.

Ballot Item IV-15: Choosing Option B for SAA Funding Options

MHCC Meeting Action – Approve (16 Affirm, 1 Negative, and 2 Abstain)

Comment(s) Received – 4

Affirmative – 1

Rick Hanger - It is unfortunate for states that did not make the original SAA full approval date should remain in a position to be penalized for actions over a decade ago by previous staff/agency leadership. Colorado remains at the low end of the funding spectrum for this vital consumer service.

Negative – 1

Joseph Sadler - Although this item is best for most States I do not believe it is fair to certain States. Some States work involved and due to other reasons dating from the original rule in Part 3284, in my opinion, should receive a larger disbursement. For that reason I voted in the negative.

Abstain – 2

Tim O’Leary - Not sure what this is so I must abstain.

Myles Standish - As I am a new member who was unable to attend the meeting in January I do not feel that I am in a position to intelligently vote on these items.

Ballot Item IV-16: Request HUD extend the transition period of the onsite rule to 12 months, instead of 6 months

MHCC Meeting Action – Approve (17 Affirm, 0 Negative, and 2 Abstain)

Comment(s) Received – 3

Affirmative – 1

Rick Hanger - I fully support this extension. A pilot-type approach to this significant change to understand the paperwork and timing of these new requirements would lead to a better full roll-out once the bugs are worked out.

Negative – N/A

Abstain – 2

Tim O’Leary - Not sure what this is so I must abstain.

Myles Standish - As I am a new member who was unable to attend the meeting in January I do not feel that I am in a position to intelligently vote on these items.