

**Draft Minutes**  
**HUD Manufactured Housing Consensus Committee**  
**Technical Structure and Design Subcommittee Meeting**  
**Sheraton Suites Alexandria**  
**Alexandria, Virginia**  
**Tuesday, March 8, 2011**

<b>Technical Structure and Design Subcommittee Roll Call</b>	
<b>Members</b>	<b>Attendance</b>
Steven Anderson	Y
Ishbel Dickens	Y
Kevin Jewell	Y
Tim Sheahan	Y
Michael Wade	N
Greg Scott	N
Jeff Legault	Y
Frank Walter	Y
Richard Weinert	Y
David Tompos - Chair	Y
Adam Rust	Y
Bill Stamer	N
<b>AO</b>	
Joe Nebbia	
<b>HUD</b>	
Liz Cocke – DFO	
Rick Mendlen	
<b>Guests</b>	
Mark Weiss, MHARR	
Lois Starky, MHI	
Mike Ziemer, Radco	
Bill Farish, Clayton	

Mr. Weiss asked why no notice of the subcommittee meetings was given to the public. He also asked, regarding the reassignment of the subcommittees, what was the basis and who participated.

DFO responded that the reassignment was the result of a review of new committee members, existing, and development of new subcommittee list. Criteria taken were those required by GAO.

Mr. Weiss asked who specifically was involved. DFO questioned how this information was relevant.

Mr. Weiss asked that this conversation be included in the minutes.

The Chair opened the meeting and asked how the Subcommittee wanted to deal with minutes from calls on 1/25 and 2/25.

**Mr. Jewell moved to table the minutes until next meeting and circulation of the minutes. Mr. Sheehan seconded. Vote – unanimous approval**

The Subcommittee discussed the topic of ground anchor test protocol. HUD passed out a proposal which was a redline of the MHI proposal.

HUD introduced the ground anchor proposal and gave history of the rule. Reason was that there was no agreement on ground anchor testing protocol. MHI has been working with an internal task force on this issue. They marked up a HUD proposal. HUD has taken that proposal and put it in code language and made some minor modifications, listed in the summary. The idea is to put this in the model installation standards. HUD discussed the changes in the new draft.

There was a suggestion that the Subcommittee take time to read it now if we are going to vote on it.

MHI expressed their support for the new draft which essentially captured the previous proposal in a different structure.

MHARR asked the basis of putting it in 3285?

There was a comment that the window to act on this proposal closes in April and a suggestion to study the document now, or have more subcommittee meetings on it.

There was discussion of how to handle special soil conditions. The answer was that special soil conditions would be outside of the test protocol and would need an engineered solution.

There was a comment from the public that the ground anchor manufacturers are in support of this approach.

There was discussion of the inspection requirements. 286 is installation standard. In 505 it outlines items that must be checked. It lists anchors. Right now there are no criteria – they can be installed with anchors but don't know if they are appropriate.

There was a question of whether cost would be an issue. Answer – not much change to current practice.

**Mr. Anderson moved that the Subcommittee recommend this proposal to the full MHCC for approval. Mr. Walter seconded.**

Discussion:

Justification: agreed to by most parties and examined by the Subcommittee. Standards currently reference nationally testing protocol, which don't exist. This formalizes an agreed standard.

**Vote: Unanimous approval.**

The group discussed the sprinkler issue.

MHI commented that the proposal has been reviewed by HUD and they have some comments. This would be a "where required" standard. MHI task force used the HUD proposal but added language for a prescriptive approach.

There was a comment that HUD withdrew its proposal and the MHI proposal was tabled. Existing fire safety provisions provide a reasonable standard. The opinion was given that if these things are going to be un-tabled it's up to the full committee to do so. Subcommittee can do research, but not advance.

There was a discussion on the minutes from the October meeting in which a motion was made to table (page 11) the discussion. There was clarification from a Subcommittee member that this motion, according to the minutes, was by the subcommittee, not the full committee, and therefore could be un-tabled. The AO commented that a correction has already been suggested on two occasions that the meeting minutes incorrectly suggested that the issue was tabled due to a pre-emption issue.

The Chair requested HUD's position on pre-emption. HUD responded that the issue is currently under review and the department hopes to have a position soon. They also commented that the Subcommittee can work in parallel.

There was a comment that this is not a cost issue, because it's a 'where required' standard and not mandated. It's where required by another jurisdiction. There was a Subcommittee comment that the current proposal allows NFPA 13D or the prescriptive section in the proposal. There was a suggestion that the two paths were not equivalent.

There was a question on why to use this instead of just 13D. Answer – local jurisdictions don't know how to apply 13D in a factory.

Anderson – has anyone costed out NFPA standard in MH. Looking at NFPA standard – why reinvent the wheel?

There was a comment that the statute requires consideration of cost for all standards. If the standard is adopted it might someday apply to all homes. 2<sup>nd</sup> issue is whether HUD can adopt a conditional standard. Safety is defined as protecting against unreasonable risk. Standard already references reasonable fire safety. To adopt they have to say the homes pose an unreasonable risk. There is liability issue – it will not be long before plaintiff's attorney claims that the standard should have applied to all homes.

There was a comment that plaintiff's issue exists now. There are jurisdictions that require it in new single family homes and states are acting on this issue. Ocean City is an example just last week. They require modular to have sprinklers and have decided HUD doesn't pre-empt them. There was further comment that the proposal removed items that can't be dealt with in the factory – this was the reason for the departure from 13D. They are essentially equivalent.

There was a comment that the California Standard could work for this.

**Mr. Anderson made a motion that the Subcommittee forward this proposal with the change that sprinklers be required on all manufactured homes. There was no Second.**

The Subcommittee took a break from 11:00-11:15 a.m.

There was a question on whether HUD could guarantee that an as needed standard wouldn't morph into a requirement. Answer – can't guarantee anything.

There was a suggestion to get expert testimony from industry, NFPA, fire marshalls etc.

There was a comment that the group doesn't need more time if the standard is "as required"

There was a discussion on cost, lives saved, and the ability to afford homes if costs are raised.

There was a comment that sprinklers should not be required and that it's only a short distance from "as required" to a full requirement.

There was a comment that NFPA is the AO and also an interested party. If they are going to present testimony there should be other testimony as well representing other views.

There was discussion on data on the overall fire safety of manufactured homes.

DFO – would ask that there be a balance of info provided to the subcommittee. Recommend that persons knowing research, printed info or individuals, if you would provide that info to the chair and the AO, HUD can sit down with AO and work out a balanced list of info providers. Consumers union, AARP, general interest, national fire organizations, etc.

**Mr. Anderson made a motion to table discussion until the Subcommittee has time to gather information and that the AO and DFO provide this Subcommittee with a list of info providers and that those providers present at next in-person or conference call meeting where we discuss the technical information provided. Mr. Walter seconded.**

Discussion:

There was a comment that the other question is whether a standard is needed at all.

HUD commented that the pre-emption issue does not stop the Subcommittee from acting. Any guidance the Subcommittee can give will be helpful.

There was discussion of insurance savings and whether they could balance the cost of sprinklers. There was a comment that initial inability to buy can eliminate any savings.

**Mr. Anderson moved to call the question.  
1 in favor. Call to question failed.**

There was a suggestion to have a conference call to identify what information to collect. There was another suggestion to ask the Chair to compile the list – the Chair agreed.

**Vote: 1 opposed – motion passes**

Mr. Weiss distributed information on sprinklers and legal authority to the Subcommittee.

The Wind Task Force presented its progress to the Subcommittee.

Mr. Farish presented a background on the work of the Task Force and updated the Subcommittee on its progress. wind task force working over 2 years on a proposal to update the entire wind standards. He described the cost of the change, using a preliminary economic analysis to be approximately \$2000 per home. There are 21 states that would now have at least wind zone 2. In those 21 states, if you total cost increases, we come up with a cost impact of \$1739 per home in those 21 states. If you divide it over the whole country it brings it down to \$1025 per home.

There was a question on whether the Task Force has data on the benefits of the new proposal. Answer – no, the original proposal did list benefits but they were general. The main thing is updating the standards, which is something the MHCC should look at to keep the standard relevant – some of it is PR. It's a question of perception.

There was a comment that the Task Force is close to a final mark-up on the proposal – waiting on wording for a few footnotes.

There was a suggestion that ASCE7 is a credible standard and it would be a waste of time to track down benefits.

The Chair commented that finishing up redline and cost is what the Subcommittee is looking for.

There was a comment that the Task Force will need at least two more conference calls.

**Mr. Tompos – other items on the log. Would like to have a conference call within next 60 days and go through the logs and get familiar. Recommend someone make a motion.**

**Mr. Walter moved that the Subcommittee have a conference call within 60 days and go through the logs. Mr. Anderson seconded.**

**Vote: unanimous.**

**Mr. Anderson made a motion to adjourn. Mr. Weinert seconded.**

**Vote: Unanimous**