

**Manufactured Housing Consensus Committee
 Structure and Design Subcommittee
 10-18-11 Meeting
 DRAFT MINUTES
 Sheraton Suites, Alexandria, Virginia**

Structure and Design Roll Call	
Members	Attendance
Steven Anderson	Y
Ishbel Dickens	Y
Kevin Jewell	Y
Tim Sheahan	Y
Michael Wade	Y
Greg Scott	N
Jeff Legault	Y
Bill Stamer	Y
Frank Walter	Y
Richard Weinert	Y
David Tompos – Chair	Y
AO	
Robert Solomon	Y
Pat Toner	Y
Joe Nebbia	Y
HUD	
Jim Everett, DFO	Y
Rick Mendlen	Y
Vic Ferrante	Y
Guests	
Adam Rust, MHCC member	Y
Leo Poggione, MHCC member	Y
Manny Santana, MHCC member	Y
Theresa Desfosses, MHCC member	Y
Terry Nelson, MHCC member	Y
Mark Luttich, MHCC member	Y
Tim King, MHCC member	Y
Mike Lubliner, MHCC member	Y
Mark Weiss, MHARR	Y
Tina Smith, Maine manufacturer	Y
Tim Travers, NFPA	Y
Matt Dobson, VSI	Y
Marty Ahrens, NFPA	Y
Lois Starkey, MHI	Y

Highlights and Action Items:

- March minutes were approved (motion TS&D1 – unanimous)
- The Subcommittee recommended that the MHCC approve log 76 as modified (motion TS&D1A passed 8-2)

Discussion:

The Structure and Design Subcommittee was called to order at 9:38 a.m. Eastern Time.

The DFO gave welcome remarks.

MHCC Chair discussed the agenda.

There was some confusion over whether Mr. Rust was on the Subcommittee. It was clarified that he was not on the Subcommittee.

The group discussed the March minutes. Chair recommends remove Adam Rust from the minutes as a listed Subcommittee member.

Motion TS&D1: Mr. Anderson made a motion to approve the March minutes as amended. Mr. Sheahan seconded. Vote: Unanimous approval.

Log 76 is the sprinkler issue.

There was a suggestion that members of the public planning to speak to the full committee on the 19th could summarize their comments now.

Marty Ahrens, NFPA provided public comment on an NFPA report. She discussed methodology used and results of a study examining sprinkler and other fire related issues in Manufactured Housing compared to site built homes. She presented changes to the methodology and exceptions in the dataset, such as confined fires.

A Subcommittee member in the user category asked if confined fires were subtracted from both manufactured homes and site built homes. Answer – yes when comparing across sets.

There was clarification that non-confined fires can be “confined” to an object or origin or room of origin. These would be included in the report. There was further discussion of the definition of a confined fire.

Subcommittee members expressed some confusion over the “mobile home” definition and what’s included.

Ms. Ahrens indicated that the report did not contain detailed info about 2005-2009 split between pre- and post-HUD standard home – only 2% of fires in this time had the manufactured year.

There was a comment from an MHCC member in the producer category that if the data doesn't say pre- or post-HUD, it skews the results enough to not be a real report. Ms. Ahrens disagreed with this conclusion.

There was a question from an MHCC member in the producer category about the margin of error in the study. Response – it's not a statistical set. There is no control group available. They are estimates but they are close. The data can provide context.

There was a question from a Subcommittee member in the user category on the standard for reporting. Answer – it depends on the state. More and more the fire departments are documenting.

There was a question from a guest on size of municipalities in the sample – page 30 of the report indicates that responses are from about 10% and that is only in municipalities of 50,000 or more. Answer – and a representative sample of smaller communities – they are weighted.

There was a question from a subcommittee member in the producer category about whether it's reasonable to assume that fire deaths would continue to lower – following current trends. Answer – we would expect the trend to continue to follow the existing pattern.

There was clarification that the data would not indicate if the source of the fire was a wildfire.

There was a question from an MHCC member in the general interest category about whether changes in reporting could impact the data. Answer - NFPA used a multiplier to control for reporting changes.

There was clarification that civilian death numbers in the reports were estimates.

There was clarification that non-fire deaths are not included in this analysis.

There was a question on from a subcommittee member in the producer category on whether the analysis was performed by someone with a masters or doctorate in statistics? Answer – yes.

There were comments from several subcommittee members that the data plate would be a good place to collect the manufactured date in the future.

There was clarification that the American Housing survey separates homes into 1 family homes and 2-4 family homes. NFPA data groups 1 and 2 family homes together. The

data shows that deaths per 100K Manufactured Homes are higher than 1 or 2 family homes, but the risk of injury is lower.

Ms. Ahrens stated that the overall observation is how little difference there is between Manufactured Housing and other 1 and 2 family homes in the source of fires or area of origin.

There was clarification that the report from NFPA had been updated and that this update was available on the MHCC website.

The report indicated that manufactured homes were slightly less likely to have smoke alarms than 1 and 2 family homes. Only half Manufactured Homes had them in reported fires. It was clarified that NFPA did not know the percentage of these homes that were pre- and post-HUD standard.

Ms. Ahrens stated that the fire death risk in post-HUD standard Manufactured Homes is comparable to 1 and 2 family homes.

There was a comment from a Subcommittee member in the general interest category that post-HUD standard manufactured homes death rate is comparable to that of 1 and 2 family homes – however the current report shows a higher percentage. Answer – an errata was issued correcting that point.

The AO commented that the version including the errata is posted on the web.

There were several comments from Subcommittee members expressing concern about not receiving notices about updates to information on the website.

There was clarification that there was no easy way to look at factors in the data such as maintenance or quality in determining the cause of fires.

Mr. Tompos asked to make two points for the record:

1. The updated report shows that Manufactured Housing as the standard exists today are comparable to other 1 and 2 family homes.
2. Ask for verification that the report hasn't changed in that there are fewer fires in Manufactured homes than 1 and 2 family homes per 100K - that fewer fires also includes pre- and post-HUD standard homes.

A subcommittee member in the producer category also added that there were fewer injuries in Manufactured Homes.

It was clarified for the record that the errata sheet is linked on the website. The issue date for errata is October 14, 2011.

There was discussion of the fact that the sample also includes 1 and 2 family homes built before the HUD standard and that these homes were older and not built to the same standard as newer homes. There was further discussion that this was not a fair comparison due to the longer-standing existence of the uniform building code in the site built industry. There was further clarification that for site built homes, codes are adopted by states at different times and there is no one line where data could be separated for those homes.

The Subcommittee discussed the MHI proposal to add sprinkler to the standard so the manufacturer has an option if consumer requests it.

Motion S&D2: Mr. Anderson made a motion to recommend approval of the MHI proposal to the MHCC. Mr. Walter seconded.

Discussion:

There was a comment from a Subcommittee member in the user category that they would vote against the motion due to the fact that the current proposal states that sprinkler systems are not required.

There was a question from a Subcommittee member in the user category on whether the subcommittee had to send specific language or could it just make a recommendation and ask the full committee to discuss.

There was a comment from a Subcommittee member in the general interest category that the subcommittee is tasked to make a decision and that it needs to go yeah or nay on this proposal.

Amendment S&D2A: Mr. Anderson made an amendment to the motion to strike “fire sprinklers are not required by this subpart” and re-instate “where a state or local jurisdiction requires that a sprinkler system be installed for all detached single family dwellings.” Mr. Walter (seconded of the original motion agrees.)

Amended to read:

§3280.210 Fire Sprinkler Requirements.

(a) General. (1) When a manufacturer installs a fire sprinkler system or when a state or local authority having jurisdiction, requires that a fire sprinkler system be installed for all detached single-family dwellings, this section establishes the requirements for the installation of a fire sprinkler system in a manufactured home. (2) This section applies to both stand-alone and multipurpose sprinkler systems that do not include the use of antifreeze. (3) A back-flow preventer is not required to separate a stand-alone sprinkler system from the water distribution system.

There was a guest comment that this issue was tabled at the last meeting.

There was a comment from a Subcommittee member in the general interest category that the MHCC will need to take the issue off of the table before discussing it tomorrow but that the Subcommittee was free to discuss.

There was a comment from a Subcommittee member in the producer category that the language stating that sprinklers are not required is very important. There was discussion that without that language, preemption could be eroded and that manufacturers were happy to put sprinklers in if requested.

There was a comment from an MHCC member in the user category that from a consumer perspective, you would want a uniform process to ensure that the system is installed correctly, and for the reduction in costs after designs have been integrated.

The Subcommittee took a 10 minute break.

Amendment S&D2A1: Mr. Stamer offered a friendly amendment to the proposal to begin by saying “fire sprinkler systems are not required by this subpart” at the start. Mr. Walter seconded amendment.

Amended to read:

§3280.210 Fire Sprinkler Requirements.

(a) General. (1) Fire sprinklers systems are not required by this subpart. When a manufacturer installs a fire sprinkler system or when a state or local authority having jurisdiction, requires that a fire sprinkler system be installed for all detached single-family dwellings, this section establishes the requirements for the installation of a fire sprinkler system in a manufactured home. (2) This section applies to both stand-alone and multipurpose sprinkler systems that do not include the use of antifreeze. (3) A back-flow preventer is not required to separate a stand-alone sprinkler system from the water distribution system.

Amendment S&D2A2: Mr. Walter offered a friendly amendment to insert the words “; however, before “when a manufacturer” Mr. Anderson Seconded.

Amended to read:

§3280.210 Fire Sprinkler Requirements.

(a) General. (1) Fire sprinklers systems are not required by this subpart; however, when a manufacturer installs a fire sprinkler system or when a state or local authority having jurisdiction, requires that a fire sprinkler system be installed for all detached single-family dwellings, this section establishes the requirements for the installation of a fire sprinkler system in a manufactured home. (2) This section applies to both stand-alone and multipurpose sprinkler systems that do not include the use of antifreeze. (3) A back-flow preventer is not required to separate a stand-alone sprinkler system from the water distribution system.

MHI testified that the most important thing in this issue is to add strength to preemption. In addition having the language in the standard that works for Manufactured Housing is important so that local requirements don't have to be applied.

MHARR testified that safety means performance of the home so that there is not an unreasonable risk of injury or death. If there is not an unreasonable risk, then there is no foundation for federal safety standard. Current standards say they are designed to ensure reasonable fire safety. The problem here is that no one is claiming there is an unreasonable risk of injury or death in our homes. If you look at the data NFPA presented, all the trends are downward. MHARR expressed concern that HUD could take out the language on preemption if they don't like it, removing the safety net. The very fact that the standard is in there, even if conditional, that shows there is an unreasonable risk of death without sprinklers and people will use that in the courts to apply across the board. There are also potential liability issues.

Mr. Anderson called the question.

Vote on the call to question with 6 in favor.

Vote on Motion S&D2A to recommend approval as modified to the MHCC passes 8-2.

Section amended via motion S&D2A to read:

§3280.210 Fire Sprinkler Requirements.

(a) General. (1) Fire sprinklers systems are not required by this subpart; however, when a manufacturer installs a fire sprinkler system or when a state or local authority having jurisdiction, requires that a fire sprinkler system be installed for all detached single-family dwellings, this section establishes the requirements for the installation of a fire sprinkler system in a manufactured home. (2) This section applies to both stand-alone and multipurpose sprinkler systems that do not include the use of antifreeze. (3) A back-flow preventer is not required to separate a stand-alone sprinkler system from the water distribution system.

Reasoning on no votes was connected to a desire to push preemption, and to concerns over problems that have arisen since sprinklers were mandated in California.

There was a clarification from Mr. Travers that NFPA did not state that Manufactured Homes were safer than other 1 and 2 family homes. There was a response from a Subcommittee member in the general interest category that the NFPA report showed the risks were comparable.

Motion S&D3: Mr. Anderson motion to adjourn. Mr. Walter seconded. Vote: Unanimous. The Structure and Design Subcommittee adjourned at 12:06 pm. Eastern Time.