



MANUFACTURED HOUSING CONSENSUS COMMITTEE

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MINUTES GENERAL SUBCOMMITTEE MEETING

February 11, 2015

Teleconference

MINUTES MANUFACTURED HOUSING CONSENSUS COMMITTEE (MHCC) GENERAL SUBCOMMITTEE MEETING

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Call to Order

MHCC General Subcommittee Chairman, Mark Mazz, called the meeting to order at 1:00 p.m. (Eastern). Demetress Stringfield from HUD called the roll and announced that a quorum was present. See Appendix A for a list of meeting attendees.

Opening Remarks

Pamela Beck Danner, Administrator of the Office of Manufactured Housing Programs and the Designated Federal Officer (DFO) for the Manufactured Housing Consensus Committee (MHCC), welcomed the General Subcommittee members and guests and introduced new MHCC members Jody Anderson, Chris Flannery, Robin Roy, and John Weldy and noted that Mark Mazz was reappointed as Chairman of the General Subcommittee. DFO Danner announced that this is a meeting of the MHCC General Subcommittee and that the meeting notice and tentative agenda was published in the January 13, 2015 Federal Register.

DFO Danner informed the participants of the general procedure to allow comments first from the General Subcommittee members, second from MHCC members, followed by public comment.

Address Multifamily Aspect of Manufactured Housing

Lane Pethel and Jason McJury from HUD provided some background (see Multifamily Housing Discussion Presentation by Lane Pethel, Appendix G from the December 2014 MHCC meeting minutes). Some of the designs that have come up are questionable with multiple kitchens or bathroom/bedrooms and look more like multifamily housing. Often these are used for dormitories or on farms for migrant workers. People are stretching the definition of what the HUD code says a dwelling unit is. As noted in the October 3, 2014 Memorandum:

§ 24 CFR 3280.2 states:

Manufactured home means ... 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling...

Dwelling unit means one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

§ 24 CFR 3282.8 (l) states:

Multifamily homes. Mobile homes designed and manufactured with more than one separate living area are not covered by the standards and these regulations.

Some of the houses appear to have more than one dwelling unit and it is worth discussing creating standards for these units. It also deals with the definition of "Family" which is a slippery slope to get into.

Chairman Mazz asked if the OGC could provide a 60 second summary of why the MHCC should be concerned with these examples, the ramifications of the use of these units, and how it deals with the Fair Housing Act. Unfortunately there was no one with the proper expertise on the conference call to answer his questions.

Ishbel Dickens stated that in Washington State, for the purposes of group homes, you can certainly have up to eight unrelated people living in the same single-family home. The main concern is that we may have these multifamily homes that may be outside of the HUD code, and maybe they should be included so that occupants would have the same protection a HUD code house offers.

Richard Weinert noted that in California, the terms used to describe a type of unit does not attempt to address the type of people or how many are living in a given space. Multi-unit definitions were confusing, so in the 90s they changed the term to multifamily. Many units have been created for California and they have been used for many different uses, and they build maybe 50 units a year.

DFO Danner asked Mr. Weinert about the egress for multifamily homes that then need to meet the egress and fire separation for the California code. He stated that what you see in 18001.7 is what you get. Anyone who is building a multifamily home first uses the Federal standard then once you get into dormitories and two or more unit houses you need fire separation walls. A different type of system for each one of those occupancies.

Mark Mazz – How is that fire separation done? In the field? In the plant?

Richard – In the plant, your walls that are between units must meet the federal requirements just like one built in the field.

Steve Anderson - For ingress/egress in title 40, how does that differ from the current HUD code?

Richard – It might be a little less restrictive. Would have to dig into the IRC to get a real answer. I could look it up if you want.

Manuel Santana stated that there are two issues: compliance with the current HUD standards; and how multifamily building will be built and if and how they can be included into the HUD code. It's obvious that a current HUD home is intended for single-family construction, but the difficulty is enforcing that "single-family" definition. The manufacturer may or may not know the final intent of the design. The topic should be, how would a manufacturer know that a certain element in a floor plan is going far outside what a single-family home should be? We need to define a single-family home.

Chairman Mazz asked for opinions from the General Subcommittee.

Steve Anderson – I looked at the California definition of multifamily unit and agreed with Mr. Santana, that the MHCC needs to look at the definition of single family and to decide where and how we draw the line.

Leo Poggione – This is a really important issue and there is a need for this as people are trying to circumvent HUD code, by pushing the limits of the definition. This is a life/safety issue. Adopting by reference if possible such as California did, would eliminate the need to continuously update the standards.

Rick Hanger – Colorado has taken measures to not use the HUD code. There is a process to get these units built to the IRC as commercial buildings. I am interested in expanding the HUD code because we want to get a high quality safe product.

Richard Weinert – I am willing to cooperate but don't really see this as a Federal issue. I think states should be left to decide how to implement these things. I think, like modular, the states should be left to decide on their own.

Michael Lubliner – I would like to have the opportunity to engage the labor guys in our state a little more. Washington has addressed this issue for farm worker housing and they have developed in a vacuum. The idea of preemption is a big deal, and would like to see if there is a way to create a preemptive standard but give states a way to be exempt from the Federal rule.

Dominic Frisina – I'm in agreement with James Demitrus' email – if we don't preempt these, they may be used in camps that move from state to state and may not be legal in both states. We need a Federal umbrella for these types of units.

Dave Tompos – There are two different issues: single or multifamily that follows IRC; and the issue that the HUD presentation gets into – the questionable units that are hybrids. It would be somewhat easy to provide some sort of guidelines to create duplexes or one or two dwelling units. Once you get into the R1 and R2 user groups, we are getting into the IRC which is exponentially complex, especially when you get into fire safety. Maybe we should take baby steps and start with a HUD two unit dwelling unit. There is an opportunity to do a two dwelling unit under the current HUD code.

Mark Mazz – There is an opportunity for growth to define these multi-unit buildings, I am concerned about fire safety of these buildings. There is concern about the use of fire rated wall due to the complete separation. Not sure how those could be implemented in manufactured homes.

Greg Scott – We are getting around some of these multifamily rules, but need to discuss this more in depth, because it will open up markets for the manufacturers.

Chris Flannery – We are really talking about two separate structures here: single-family dwelling, the occupancy is limited to 10; and multifamily units you have separations at property lines. Something the MHCC really needs to look into, probably a more cost effective use as a whole.

Following are the opinions of other MHCC members.

Jim Demitrus – The structure of the American family has changed so much over the last 50 years that maybe we should not define family, but rather define the dwelling unit. We may need some extra fire protection, and should maybe look at them as dwelling units. Regardless of the family, they need the same things.

Manuel Santana – Manufactured homes play a vital role in the country, and provide a necessary valuable housing resource. We need to obtain what is and isn't allowed in the scope of a single-family dwelling. Otherwise you will not have uniform enforcement.

Mark Weiss – If you look at the statute and look at the definition of manufactured home, it says that it will be used as a dwelling. It doesn't say anything about the number of families that will be living in it. The single-family limitation exceeds the statute and should not be enforceable. You should recommend to HUD that they change the enforcement practices.

Mark Mazz read from the *2015 IBC Definitions* (page 16):

CONGREGATE LIVING FACILITIES. A building or part thereof that contains *sleeping units* where residents share bathroom or kitchen facilities, or both.

We should not define single family as only having one kitchen since a dwelling unit in the IBC is also a hotel room. I wanted to get by the issue of having separate kitchens or bathrooms determining the number of families living there.

Steve Anderson – There are many states that refuse to accept the Federal regulations. States like California take definitive action, where others may not. In the HUD code you have to step in and make sure these homes are safe because these units are transferred across state lines.

Rick Hanger – Generally preemption is what the states try to enforce. But we are free to let each zone decide which jurisdictions they are willing to accept. I think that we have developed our own process, especially units for man camps. If local officials saw a HUD code house, they would be pretty suspicious.

The subcommittee went on to discuss the why the definition of a multiple dwelling unit would be beneficial due to the portability of manufactured housing across state lines and jurisdictional zones and began to offer various ideas to be included in the definition.

Motion to refer to a task force chaired by David Tompos to recommend definitions for dwelling unit, and how those definitions will be incorporated in the standard.

Motion: David Tompos Second: Steven Anderson

Meeting Vote: 7-0

The Task Force is: Dave Tompos Task Force Chair

Steve Anderson
Gregg Scott
Dominic Frisina
Rick Hanger
Chris Flannery

Motion to inform the entire General Subcommittee of the Task Force meeting.

Motion: Steven Anderson Second: Michael Lubliner

Meeting Vote: 7-0

Include Richard Potts and Mark Weiss and other Subcommittee Members.

DFO Danner noted that the next MHCC meeting will probably be June or July. Chairman Mazz would like to have another General Subcommittee meeting before the next full MHCC committee meeting.

Motion to adjourn the General Subcommittee meeting.

Motion: Steven Anderson Second: Chris Flannery

Meeting Vote: 7-0

The meeting was adjourned at 3:30 p.m.

**APPENDIX A:
Attendees**

General Subcommittee Meeting – Feb 11, 2015 – Teleconference

Subcommittee Members Present

1. Mark Mazz (Subcommittee Chair)
2. Steven Anderson
3. Michael Lubliner
4. Leo Poggione
5. Dominic Frisina
6. Greg Scott
7. Rick Hanger
8. Chris Flannery
9. David Tompos

Other MHCC Members Present

1. Richard Weinert (MHCC Chair)
2. Manual Santana
3. Ishbel Dickens
4. James Demitrus
5. Timothy Sheahan
6. John Weldy
7. Jody Anderson

HUD Supported Staff Present

1. Pamela Danner (DF)
2. Teresa Payne
3. Patricia McDuffie
4. Lane Pethel
5. Demetress Stringfield
6. Richard Mendlen
7. David Jacobs
8. Jeannette Hayes

Contract Staff

Kevin Kauffman – AO

Tanya Akers – AO

Jason McJury – IBTS

Other Attendees

1. Mark Weiss - MHARR
2. Mark Ezzo – Clayton Homes
3. Chuck Kurnik – National Renewable Energy Laboratory (DOE)

4. Richard Potts
5. Bob Gorleski - PFS