



September 13, 2010

Regulations Division
Office of the General Counsel
Department of Housing and Urban Development
451 7th Street, S.W. Room 10276
Washington, D.C. 20410-0500

RE: RIN 2502-A171 (Docket No. FR-5221-p-01)
Manufactured Home Construction and Safety Standards

The Manufactured Housing Institute (MHI), a trade association representing all segments of the factory-built housing industry including manufacturers, lenders, community owners, retailers and state associations, appreciates the opportunity to comment on the Department of Housing and Urban Development's (HUD's) proposed rule to amend the Federal Manufactured Home Construction and Safety Standards (MHCSS) to adopt the second group of recommendations of the Manufactured Housing Consensus Committee (MHCC).

BACKGROUND

The proposed recommendations were adopted by the MHCC in 2003 in accordance with the Manufactured Home improvements Act of 2000, which specifically established the MHCC to develop proposed revisions to the MHCSS, and set forth specific procedures (43 U.S.C. 5403) for the MHCC process. In 2002, the MHCC began comprehensive revisions and updates to the construction and safety standards, and proposed revisions were divided into sets. On November 30, 2005 (70 FR 72024), the Department of Housing and Urban Development (HUD) published a final rule to revise the construction and safety standards based on the first set of recommendations. On, July 13, 2010, HUD published a proposed rule based on the second set of recommendations.

MHI is pleased that HUD has finally published this rule, which with the exception of minor editorial revisions, represents revisions that HUD and the MHCC have agreed upon.

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The Congress, in establishing the MHCSS did so in order to ensure that the MHCSS are updated in a timely manner, consistent with that of other consensus-based building code processes, and we hope that it will act in a timelier manner to publish a final rule for these proposed revisions. We are interested in working with the Department to determine if regulatory or statutory changes are necessary to ensure a timelier and consistent process for keeping the construction and safety standards updated.

GENERAL COMMENTS ON THE PROPOSED RULE:

Most of the proposed revisions will codify existing building practices or conform HUD standards to HUD interpretative bulletins or existing building codes, and will have a minimal cost impact to consumers. In the preamble to the proposed rule, HUD has identified only two standards that would have an economic impact on the production of manufactured homes; the requirement that shower and bath valves use anti-scald mixing valves and the increase in minimum insulation levels for cross-under ducts.

HUD has asked for comments on whether any of the other proposed changes would have an economic impact or impose additional costs on the production of manufactured housing. MHI believes that the proposed changes to prohibit the removal of the window sash for measuring egress openings on egress windows {3280.404 (C)(3)} will result in significant increases to consumers. The proposal will require manufactures to use a larger window in order to meet this new requirement and one large manufacturer estimates that the total cost to his company to upgrade window size will be \$500,000. This is a significant increase that will result in higher consumer costs.

Comments on Specific Provision of the Proposed Rule

Kitchen Cabinet Protection (§3280.204)

The proposed revision to allows a microwave oven to serve as the cabinet protection for fire safety without the current requirement for a metal hood, 3/8” air space, and 5/16” gypsum board. MHI supports this proposed revision, which will provide an alternative means of complying with current kitchen cabinet protection cabinet requirements and simplify and reduce materials and labor costs, while at the same time provide the necessary fire protection. MHI recommends, however, that this provision be clarified to specify an “Over the Range” microwave oven, as they are commonly referred to and specifically designed for that purpose. In addition, the proposed §3280.204(c)2 should be deleted, as it is redundant. This provision requires the microwave oven be “equivalent” in fire protection to the current metal range hood requirement in §3280.204(a). The proposed §3280.204(c)3 requires that the microwave oven be in conformance with Microwave Cooking Appliances, UL 923-2002, and any microwave oven meeting this UL standard would provide the “equivalent” protection. §3280.204(c)(3) would be renumbered to (c)(2) accordingly.

Heat Loss Certificate (§3280.510)

The proposed rule eliminates the current requirement to determine and report the optimal outdoor winter certification temperature for operating economy and energy conservation on the heating certificate. MHI agrees that the current requirement has been found to be too technical and is not often relied upon by consumers in determining sites for installing their homes. The standards should provide for the sizing of heating equipment to reflect the anticipated location. Current requirements result, in some instances, for the sizing of equipment to reflect the most extreme temperatures rather than the actual heating design temperature. For example, Brownsville, Texas has a heating design temperature of 40°F, whereas Wichita Falls, Texas has a design temperature of 12°F. Both of these locations are in Uo Zone I. This wide variance in temperature results in over-compensating in the design and provision of heating equipment, and results in energy efficiency as well as operating economy losses and consumer comfort.

Comfort Cooling Certificate and Information (§3280.511)

The proposed §3280.511(a)(1) provides language that must be included on the comfort cooling certificate for homes in which a central air conditioning system is provided by the home manufacturer. It also provides an alternative example certificate that contains language explaining the importance of orientation and exposure to the sun. MHI recommends that this alternative language be language that is required. The only difference between the required language and the example language is the narrative regarding sun exposure and orientation. This information is helpful to consumers in understanding how the temperature to which a home can be cooled will change depending upon the amount of exposure of windows to the sun's radiant heat. The same narrative language should also be added to Alternative 2 when the system is suitable for air conditioning.

Additionally, the Comfort Cooling Certificate examples express the required duct capacity in terms of BTUs/hour (British Thermal Units). MHI suggests that this calculation be expressed in terms of Cubic Feet per Minute (CFM) @ 0.3 SP (Static Pressure). By displaying the system in BTU/ HR has been interpreted to be the actual equipment size, and results in unnecessary and costly over sizing of the cooling and loss of operating efficiencies.

Instructions (§3280.711)

The proposed rule would require manufacturers to include appliance operating instructions in the homeowner's manual. However, the current §3280.709(a) requires the appliance instructions to be attached to each appliance. The proposed rule does not delete this requirement and therefore, would require manufactures to include the appliance instructions in two places. Since appliances come with only one set of instructions, MHI recommends that the existing §3280.709(a) requirement be deleted.

Circulating Systems (§3280.715)

The proposed rule requires Class 1 air ducts (fiberglass) to be no closer than 3 feet from the furnace bonnet or plenum and requires furnace supply plenums to be constructed of metal, extending at least 3 feet from the heat exchanger along the center line of the air flow. This proposed revision is contrary to a number of the instructions provided by furnace manufacturers and is not required by the International Residential Code (IRC) for single family site-built housing. This proposed revision, therefore, should be eliminated.

Disconnecting Means and Branch-Circuit Protective Equipment (§3280.804)

The proposed rule will prohibit the distribution panel board from being located in a clothes closet {§3280.804(f)}. While MHI understands the need to have the panel board accessible, we recommend that existing approved designs that allow closet access be “grandfathered-in” in order to minimize costly redesign of previously approved units.

CONCLUSION

MHI supports this proposed rule with the changes recommended above, and we urge HUD to expeditiously publish a final rule. As with any final rule that will require changes in designs and standards, we recommend that HUD provide at least 180 days to meet the new requirements.

Respectfully Submitted,



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Manufactured Housing Institute