

BOARD OF BUILDING REGULATIONS AND STANDARDS
Manufactured Buildings Study Group
Draft Meeting Minutes
February 15, 2019, @10 a.m.
Office of Public Safety and Inspections
1000 Washington Street Boston, MA
Room 1G

A meeting of the “Manufactured Buildings Study Group” took place on February 15, 2019, at the Office of Public Safety, Boston, MA. In attendance were Robert Anderson (Chief of Inspections – Building & Engineering), Cheryl Lavalley (BBRS) Chief Kevin Gallagher (BBRS), Dan Walsh, Charles Kilb, Cesar Lastra, and Dave Sullivan.

The meeting packet included discussing two documents which have “WORKING DRAFT” watermark. The document having black, green and purple font incorporates all the 780 CMR 110.R3 9th edition language identified by the black font and has some 780 CMR 110.R3 8th edition language identified by green font. For purposes of these meeting minutes, the document having black, green and purple font has been referred as Working Draft 1. The other document with the “WORKING DRAFT” watermark having only green font and line through the text includes 8th edition 780 CMR 110.R3 language which is not incorporated into the Working Draft 1 document referred to here as Working Draft 2.

Rob Anderson opened the February 15, 2019 meeting by taking roll call.

1. Chief Gallagher offered a motion to accept the January 25, 2019 meeting minutes. Cheryl Lavalley seconded. Unanimous vote.

2. Rob Anderson suggested walking through the Working Draft 1 document and focusing on the 8th edition language in the green font and decide whether that language should be carried forward. Chief Gallagher asked if the blended working draft document (Working Draft 1) represent staff recommendations. Rob Anderson said it needs to be develop further. Chief Gallagher asked if the Working Draft 1 included the proposed code changes the Study Group has been discussing. Dan Walsh indicated it does not have all of them because some of the proposed code changes the working group has conceptually agreed to move forward is captured in portions of the 8th edition language. Rob Anderson spoke about his review of the material and he went back through the 6th and 7th editions of 780 CMR 110.R3. This effort identified some of the historic protections do exist although some in a micro version.

Bill Christina asked if any thought to changing the name of the program has been contemplated.

Dan Walsh reviewed 110.R3.2 Scope and pointed out the 8th edition language in green font recognizes the Federal Manufactured Construction and Safety Standards are promulgated by the Department of Housing and Urban Development. The group consensus is to keep in the Working Draft 1 document. Next Dan Walsh reviewed 110.R3.1.4 which includes TPIA responsibilities and pointed out it includes the BBRS may suspend or revoke their authorization for cause. The consensus is to keep in the Working Draft 1 document but Chief Gallagher asked

staff to confirm it does not confuse municipal office functions. Next the term Approval was discussed, and consensus is to keep. The Recertified Manufactured Buildings definition was discussed next and Dan Walsh noted it includes relocatable units. Rob Anderson mentioned that a relocatable unit is not the same.

Catherin Christina said manufactured components in the 8th edition is not in the Working Draft 1 document and suggested the working group should start with the 8th edition manufactured buildings regulation language as the basis and move the 9th edition language into the 8th. Charles Kilb spoke about the process for moving updated code language through the Secretary of State's office requires showing the changes to the current regulation and this forces using the 9th edition language. Rob Anderson agrees with Catherine Christina about the 8th edition having some good provisions which should be carried forward and explained today's meeting is intended to identify specific 8th edition language to carry forward to a 10th edition. Tim FitzGerald suggested the Working Draft 1 document is well done but thinks it would benefit from spelling out where complaint paperwork should be filed. Rob Anderson said paperwork filings relates to process and today is intended to identify code language to carry forward. He also indicated that the Recertified Manufactured Building definition in the Working Draft 1 document should be carried forward with some changes.

Next the group reviewed the term State Administration Agencies being added to the definitions. Rob Anderson suggested bringing forward with some modifications and the group agreed. Next Dan Walsh reviewed 110.R3.2 Compliance Assurance Programs and 110.R3.2.5 Approval are part of manufactures compliance requirements from the 8th edition 110.R3. Chief Gallagher asked to hold and come back to before deciding. Next Dan Walsh explained 110.R3.3.1.1 has the Manufacturer's Data Plate information from the 8th edition and the study group has already decided to bring it forward. Rob Anderson pointed out that providing a data plate is an industry requirement and thinks it would be beneficial to check whether the information being requested in 110.R3.3.1.1 is consistent with industry requirements. William Solfisburg said the R3 regulation is unique to Massachusetts and thinks we should have something as good and does not allow things to get through. Rob Anderson explained his suggestion to check with industry was in the setting to the data plate. Catherine Christina said what is missing is the certification. She also said that standardized is subjective in the industry which give latitude to manufactures. Dan Walsh explained that the 9th edition 110.R3.3.2.1 Quality Assurance Manual requirements are in substance the same as the 8th edition 110.R3.10 compliance assurance program requirements. Chief Gallagher explained that he has learned over his time serving on the BBRS that the code is synchronized and taking out one section might impact another section of that code. He expressed wanting to get the code language right before sending it to the Board. Chief Gallagher then spoke about bringing on a consultant to look at the 8th and the 9th. Cheryl Lavalley expressed appreciation with the efforts and thinks progress is being made but is thinking a fresh set of eyes might be better. Rob Anderson followed up with the group is looking at and discussing quality assurance manual requirements and a side by side comparison shows each edition has the same requirements. Dan Walsh spoke about his process used to create the Working Draft 1 document. Rob Anderson said bringing on a consultant would need to be discussed internally. Chief Gallagher said he is having difficulty following the 9th edition quality assurance manual requirements and comparing to the 8th edition compliance assurance program requirements. Dan Walsh offered for the next meeting to create a document having the 9th edition 110.R3 Quality Assurance Manual requirements and

another having the 8th edition 110.R3 compliance assurance programs requirements so the group can do a side by side comparison.

Discussed next were 110.R3.3.2 and 110.R3.3.2.1 having to do with labels. Rob Anderson expressed keeping the 8th edition language. Catherine Christina suggested a quality assurance manual should be approved by the BBRs.

Next Dan Walsh explained 110.R3.3.4 attachment of labels has some terms with a line through because it supports a systems approach which is no longer used. This method allowed manufactures to file a system plan annually and then modify it during the manufacturing process without seeking a revision approval. Dan Walsh then reviewed 110.R3.3.2.2 through 110.R3.3.6. Chief Gallagher spoke about keeping the language but suggested changing approved building system language to specific project plan. Chief Gallagher asked if labels are issued in sequence. Rob Anderson explained labels are issued in series and noted the label requirements in the 8th edition 110.RR3 are not the same in the 9th edition but the Office of Public Safety issues labels so it controls the information on the labels. Bill Christina said third-party inspection agencies say they certify product and feels the label is critical because it goes to the product being correct. Catherine Christina said what each third-party inspector inspects is a huge issue. She said building inspectors have to inspect everything so third-party inspectors should have to inspect everything; third-party inspectors should not be allowed to only inspect a sampling of the product manufactured and Massachusetts should not allow third-party inspectors do perform less inspections than local building inspectors. Tim FitzGerald said third-party inspectors should be held to the same standards as local building inspectors. William Solfisburg suggested reading Superior Court case Hutton vs PFS. Chief Gallagher asked if each product received a label. Dan Walsh replied yes. Chief Gallagher asked how the office issues labels. Dan Walsh explained small quantity request are provided to manufactures and a third-party inspection agencies request bulk labels such as 50 at one time and in these instances the office is provided a report when the labels are used. Mr. Solfisburg asked if the office issued label as part of the 6th and 7th edition and asked if the next meeting could include a sample.

Dan Walsh spoke about 110.R3.4.2 registration requirements and the 8th edition 110.R3 requirements have been added below the 9th edition criteria. Rob Anderson spoke about some of the historic registration requirements are in the TPIA registration applications.

Dan Walsh described 110.R3.12 through 110.R3.13.2.3 provide procedures for approving TPIAs and this language is not in the 9th edition of R3. Chief Gallagher suggested adding language which prohibit TPIAs having indemnification clauses with manufactures. William Solfisburg said California has some language to consider. The consensus is to carry forward.

Next Dan Walsh explained section 110.R3.6 7.2 is 9th edition language and is the same as the 8th edition language. Bill Christina said the 9th edition language does not include requirement for each page to include engineer stamp. Discussed next were section 110.R3.14 and that it includes appeal procedures and section 110.R3.15 includes fees. Rob Anderson recommend carrying forward the appeals provisions and striking the fee provisions.

Rob Anderson spoke about the time remaining and asked the group about developing Working Draft 1 further by including today's study group comments and bringing back to the March 1

meeting. Bill Christina asked if the public could have some of the study group's paperwork at the next meeting.

Chief Gallagher asked if his draft-stop topic could be put on the agenda after the meeting minutes.

Catherine Christina said the study group started a year ago after their defective house was delivered to Massachusetts and has been offering some suggestions about changes to the program. Catherine Christina went on to say she discovered 8th edition had changed and thinks no one can explain how the changes came to be and thinks the next agenda should include the functions of the program manager when someone has an issue. She would like to discuss with the Study Group how the regulations are to be enforced. William Solfisburg said this needs to be understood. Bill Christina suggests checks and balances at the factory need to be escalated and the regulations need to get people not doing their job to do their job and believes 8th edition language is good but needs to be enforced.

Robert Anderson thinks the getting the regulations in order is the first objective and a second could be exploring changes to the process. Catherine Christina said while this process is going on people are receiving defective product making the situation an emergency. Chief Gallagher asked Catherine Christina how her allegation is documented. Charles Kilb suggested that conversations stay on policy issues and not to introduce specific projects.

Bill Bates said he works for Representative Ted Speliotis. His boss has an issue that Mr. and Mrs. Christina cannot get their house inspected. Charles Kilb replied saying the Department of Professional Licensure has had communication with Representative Speliotis's office about Mr. and Mrs. Christina's situation.

Robert Anderson motioned to adjourn, Chief Gallagher seconded. Unanimous.