

Manufactured Homes Commission
Minutes of Tuesday April. 20, 2021
Chicopee Library
449 Front Street
Chicopee Ma. 01013-3106
April 20, 2021 10:30am-12:30pm

Due to Covid-19 - meeting held via phone conference
857-327-9245 ID: 799 282 486#

CALL TO ORDER: 10:33 a.m.

In Attendance: Sandy Overlock, Jeff Hallahan, Kathy Zorotheos, Tracy Sharkey, Ethan Mascoop, Chris Jee & Ryan Ambrose Esq. from DHCD, Dan Less, Esq. from AG office

APPROVAL OF MINUTES

Motion to approve January 2021 minutes by: Jeff Hallahan

Second by: Tracy Sharkey

Discussion: none

All in favor: Unanimous

OLD BUSINESS:

None

NEW BUSINESS

Guest Michael Hennrety from HUD

Project Mgr last 6 yrs to help administer rules in states and bring them up to Massachusetts standards. He issues licenses and training, and updates manuals.

He can also travel to inspect manufactured home sites.

He is Program Mgr. for HUD contractors in 15 states.

He has a background in Finance and building manufactured homes.

Michael would like to see HUD, contractors, installers, Boards of Health, Building Depts all working together for an easier transition when it comes to installing cement pads and brand-new manufactured homes. Michael is willing to help in any way possible.

Issues with Hillcrest Rockland Mobile Home Park. Kasey Kidd's home was not rated for wind factor in that part of the state. Her home is falling apart.

Michael Hennerity with SEBA and a HUD contractor.

Michael assists HUD as a program director for MA that doesn't have a director. There were 90,000 homes inspected in 2020. He issues license, trains, reviews state programs and makes recommendations so HUD to make sure everything is ok.

Kasey Kidd's home had an unlicensed installer, and the home was not rated for the wind zone. Dan asked what the Commission needs is the interactions between HUD and the local authorities. What is Michael's role in MA? What does he do regarding installation? Tracy needs clarification on which entities are supposed to be doing what. Local officials are claiming it is not their jobs. We need to put notice out to building officials what their responsibilities are. Building departments are saying it is not their jurisdiction to enter the parks. This needs to stop.

Michael we all agree what the problem is, what is the solution? Michael explained how installation should work and as a HUD State what should be happening. It is not an opt in, it is an opt out if the State does not want to do.

HUD hired SEBA to administer this program. Every new home on their first installation must be installed by a licensed HUD installer. All new homes must have a 309 inspection. Michael is working on a training program for third party inspectors to do that and send forms to HUD. Local building inspectors or Board of Health should require that form before they issue an occupancy agreement. HUD has received several complaints in MA for lack of proper inspection. HUD can't force the locals to sign or give an occupancy certificate. A local building inspector could conduct the 309 and fill it out. Michael said yes but Dan replied they won't because they are not comfortable being trained. If locals won't inspect what options does the homeowner have to be sure the building was properly installed? Michael said there are 3rd party inspectors that will do this. NTA, PRA have inspection licenses for MA. and also International Code Council (ICC) is residential inspectors. It is \$395 for the inspection. These inspectors do not live in MA.

Sandy asked at what point are the park owners involved in this. Michael said when the home is bought in there is a separate form that says the home has to be installed properly. The dealer is supposed to have this disclosure for vendor that sells the home. The building inspector has to see a 309 form before they give an occupancy permit. There is list of 3rd party inspectors NTA uses to call and have people in MA doing inspections International Code Council (ICC) is one. Can Michael at some point provide us with a list of who is authorized to do the 309's. Michael said the list is published on the web site. Most homes come from the dealer putting it in a park. The building dept says before you can get an occupancy agreement, you have to have the 309 forms. If it comes from the dealer and not set up in a park the 309 must be followed. This is what should happen, if you went to Clayton homes and purchased a new home and have them deliver it to a community, they be responsible for making sure the HUD regs are met. The vendor is responsible for the 326866 disclosure papers and there is one that is usable by SEBA.

If you bought the home from the dealer and the price includes the installation both the dealer and owner are responsible for installation. If you hired someone else instead of the dealer to put the home on the slab then that person would be liable for the proper installation of the home. Sandy asked does the mobile home dealers tell the prospective buyer all this information. Is the town or city required to issue an occupancy permit? Michael said in some cases the towns are going to do what they want. HUD sent out letters when it first got started and has been to the National manufactured Housing meeting and communicated with them this policy. The problem is finding out who is in charge and keep them in the loop. A building department official should know this.

The ICC is trying to update their appendix E. If someone was to buy a home from a dealer, they should tell you that they have to disclose the inspection for HUD and they have to pay the inspection fee or tell the buyer they have to pay for it. HUD regs don't require the manufacturer of the home like (Clayton) to be responsible if they sell it to a dealer. The dealer is responsible for the HUD inspection. Do all Community owners selling the home should know the HUD codes and they are liable? If a park owner is selling the home, he has a responsibility to get a HUD inspector. The warranty doesn't start until the HUD inspection forms are filled out. It could be 3 years from the date home was put in if the forms have not been filled out. If there is an inspection and there is a problem, it's the person that sold the home that is responsible. The person that buys the home is protected under HUD regs

Champion and Clayton are both involved in setting the homes they are selling. They bring the homes in and have their own installers. Dan wanted to know if there is a point if a building inspector issues a permit and is not following the HUD regs. Michael said they have never gone after a local official. Tracy said we really need a policy from HUD stating their responsibility for making sure these are enforced. We need a gatekeeper to monitor this. Everyone is saying it is not their responsibility. If the local building inspector isn't licensed, they shouldn't be doing it. We need HUD to define the locals' jobs to do things like permits. If Modular homes have to meet the codes then manufactured homes should also. Tracy says MA codes instruct all these things to be done before a permit is issued. Why was the home at Hillcrest put in when it didn't meet the wind zone permitting? It was rated for a wind zone 1, Plymouth County is a wind zone 2. There is no way to make Kasey Kidds home a wind zone 2 permitted home. Michael said HUD code trumps all other codes. There is guidance for local inspectors, and they need to follow the rules in 3283 and 3286. Tracy wants this in writing the permitting structure. If HUD code says a wind zone is one thing and MA code says something else the HUD code prevails. Dan asked Michael if this in the HUD regs, Michael said yes 3586 and 3285 are the installation codes that need to be followed.

The issues are that the building inspectors are not taking responsibility for these inspections. They are saying it is not their responsibility. The Commission is only an advisory board, and we can't do anything Tracy stated. We need something in writing to inform these people. Michael said he would try to get something official. Michael said if these officials are going to do this, they must follow the rules, but no one can make them. The States need to make a mandate that they must follow these regulations and you do not issue an occupancy permit until then. We need something in writing from HUD. There is a problem throughout the country with the codes not being up to date to HUD codes Michael said. All the issues come back to lack of proper inspection. Michael says HUD gets a lot of complaints from MA. MA has better communication to the residents about the laws than other states. The HUD process isn't difficult if you read the laws Michael said. Ethan

wanted to know where the process works well. Michael said PA does very well; they are now a HUD State, AZ has a strong program. Because of the expense in MA there are more over 55 communities, and it is being utilized in MA. We need quality inspections. Ethan asked for a flow chart for how the process should work.

We need the order of the process for everyone to understand. Michael said they don't have it but shouldn't be hard to do. The State needs to mandate that all building departments be educated. The building officials are required to take a certain amount of education classes Michael said. Do this as an educational meeting mandatory Michael suggested. Jeff asked about the Kidd house the date installed Michael said around 2016 and falls after the requirements for the State to comply. May 2016 in MA was the enforcement law in effect. Jeff thought that HUD had a dispute resolution to wade through all of this. This is under that program with a different contractor and people can make resolutions there Michael said. They will use a moderator to find out where the responsibility lies. Tracy said we want to be more proactive than waiting for the dispute resolution program. With the Kidd case the dealer is supposed to give the buyer at the time of purchase a copy of the HUD regs. What is being presented by homeowners are not receiving any sign off on the inspection. The resident buys the home, and they are not given any forms saying that any inspection was done. No occupancy certificate or HUD verification no one knows who has the paperwork.

Michael said there is a requirement that a paper is given under code to the homeowner and dealer and anyone else that paid for the installation the homeowner should get a copy. The Park should have the 309-inspection paperwork. Insulation issues like the pillar or issues under the home HUD can make them fix it. Cabinets from factories that would not be an installation issue that would be a Dispute problem and are covered up to 3 years later. HUD will then look to see if a 309 was filed and make the park produce it Michael said. Kathy wanted to know if the website lists installers Michael said yes and this is the web-site manufacturedhousinginstallation.com. There are inspectors and installers on the list. This is also in a resident owned community these regulations have to be followed. Michael recommended we bring in all the building officials to get together in a meeting. The MMHA is Jeff's group he is President have them present also. Maybe we can get Jeff and the MMHA and work together to inform some of these communities what the steps are to resolve all confusion. Consensus was to get the MMHA, Building Inspectors organization, manufacturers, and State so HUD can do a presentation.

OPEN FORUM

Kasey Kidd Hillcrest Rockland said they need to follow the laws because families like her's get stuck in the middle and the building inspectors won't help. Kasey is trying to resolve her home being in the wrong wind zone.

Ava Hautala Liesurewoods Rockland wants to know about the homes that have been there and is required to have that 309 when she goes to sell her home. HUD does not have a data database for that, it's too much to keep track of Mike said. HUD regulations only pertain to new homes not used homes. HUD inspection forms only started in 2008.

Gina Liesurewoods Rockland this was particularly good to know what is happening. Michael said some banks are requiring a 309 inspection to take a loan for the home.

Dan asked about what happened before 2008 Michael said that is when the 235 form standard was adopted.

In 2008 building inspectors should have been looking for the 309 forma all was applicable.

Dan wants to meet with Tracy and do some training so we can be proactive.

Tracy wants to reiterate she wants something with a HUD letterhead with what she has requested.

She needs whatever Michael can provide and generalize what HUDs scope of responsibility is.

Michael said there was a memo that went out he asked for Tracy's email to send her what HUD has already put released and get a workshop together. Michael will get HUD to agree and bring some HUD officials.

Tracy and Michael said we could do a remote workshop.

More agenda item: update on the commission list Ethan is working on. Ethan has a team put together on it and has also been working with a geographic expert at Boston University (BU).

Propose establishing a subcommittee to help gather information. Dan said we can't do that unless it's an open meeting. Over the summer Ethan is going to finalize the list and has people at Boston University (BU) working on it.

Kathy and Ethan are to be reinstated and send information to Ryan.

MOTION TO ADJOURN at 11:50: Tracy Sharkey

Second: Jeff Hallahan

All in favor: Unanimous