

# **The Act of Improvement**

## **By George Porter**

Improvement is hard! The hard part is not finding something to improve upon, but the doing. It is the doing that causes change and sometimes people just can't stand it. Change can cause a person to ask themselves if any change at all is necessary or even really an improvement. You might want to try to tell yourself that in fact those changes are making things worse! Most of this stress is brought on by the process of change, the doing. As human beings we tend to focus a little more on the now than the future. What is usually left out of all this turbulence is the question, "What good things might happen if I make all these changes?"

The Manufactured Housing Improvement Act, signed into law on December 27, 2000 is the biggest change ever affecting the industry. What about the HUD Code in 1976? Well... it mostly affected manufacturers. They had to have inspectors, service records, and proof that their homes would perform like the new HUD building code said they had to. They needed engineers, designers, and lots of new people to keep track of all the new paperwork. Some factories had almost all this to begin with, most didn't. For some it was not too hard to comply, for others it was a true revolution. For a few it was just too much, they closed. I don't think any of them liked it much, but they didn't have a choice.

There were very few parts of the HUD Code that affected dealers and none that directly affected installers. Installation was left to the discretion of each state with no clear guidelines or help.

Some states did some something, most states didn't. For 24 years HUD had nothing to do with state installation programs but they had people everywhere in the manufacturers' plants. It sometimes seemed a little silly. For instance, according to federal law, a factory had to build a home to withstand at least wind zone 1, and, through extensive testing, they had to prove it to the federal government's engineers before it would ever get a HUD seal. The home could then be shipped to one of many states that simply didn't care if you anchored the home or not. Either these states had no installation standards or no enforcement or simply nobody was interested in being in charge of the industry at all. So what was the good of all this factory inspection, paperwork, and government oversight when, if you shipped it to the right state, all these standards and safeguards were literally left at the factory door. Well.... those days are over, or at least numbered.

The HUD Code now covers it all! While the original code affected hundreds of manufacturers, this addition to the code will affect tens of thousands of installers and dealers. This is the HUD Code for the rest of us and it is a lot more than a building code.

The installation of Manufactured Housing in this nation is going to be standardized. This doesn't mean that all homes will be installed the same everywhere but it does mean that all states will be enforcing the new (and the old) HUD rules the same. Basically if you have a 30 lb. roof load home from the factory you will have to give the home a 30 lb. roof load foundation. A wind zone 2 home will have to have anchors installed just as the factory manual says it needs. There will be exceptions for special engineering requirements such as flood zones, unusual terrain or climate.

Basically 98% of the installations nationwide should be straight forward, just do what the manufacturers manual says.

Here is a brief summary of the key points in the new code as it applies to installation.

Not less than 18 months after the appointments of members of the Consensus Committee are completed; the Committee will develop and submit to the Secretary proposed model standards. Such standards shall, to the maximum extent practicable, be consistent with the home designs approved by a DAPIA, and the designs and instructions provided by manufacturers. After receiving recommendations from the Consensus Committee, the Secretary will have another twelve months to develop and establish the model standards.

State installation programs, established pursuant to state law, must include standards that meet or exceed the protection provided by the model standards that will be developed by the HUD Secretary. HUD's standards must also, to the maximum extent practicable, be consistent with the home designs approved by a DAPIA, and the designs and instructions provided by manufacturers.

The Consensus Committee and the Secretary are required under the Act to consider whether proposed standards are reasonable for the particular geographic region, and to consider the probable effect of such standards on the cost of the homes.

State installation programs must include installation standards, training and licensing of installers, and an appropriate level of inspection and installation of the homes.

The act requires manufacturers to provide design and instructions that have been approved by a design approval primary inspection agency (DAPIA). Following the establishment of the model standards, a DAPIA may not approve designs unless they provide equal or greater protection than the model standards.

If any state does not enact a program under state law within five years of the enactment date of the Act (December 27, 2005), HUD will develop and administer such a program.

In states where the Secretary implements a program, the Secretary may contract with an agent for implementation, except that such agent shall not be a person or entity (other than a government), nor an affiliate or subsidiary of such a person or entity that has entered into a contract with the Secretary to implement any other regulatory program under this Act.

During the five-year period from the enactment date of the Act, no state or manufacturer may lower existing state or manufacturer's installation standards.

There is much more to this Act than installation but clearly the biggest change for the industry will be these rules. If we can get beyond the "doing" of this act we will be first class affordable housing nationwide in every sense of the word, and that's the good that will come of this change.